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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Tuesday, September 8, 2009

The Senate met at 2 p.m. and was called to order by the Honorable THOMAS R. CARPER, a Senator from the State of Delaware.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O merciful Lord, we thank You for the refreshment and accomplishments of our time away and for Your clear, shining inward light that directs our steps. May the Members of this body feel Your peace and power today. Restrain wandering thoughts and break in pieces those temptations that lead them away from Your will. Lord, join our Senators to Yourself with an inseparable bond of love, for You alone truly satisfy. Grant that their love may abound more and more in knowledge and depth of insight, so that they may be able to discern what is best, and may be pure and blameless when they stand before You.

Lord, this is the first time in nearly 50 years that the Senate will convene without Senator EDWARD KENNEDY as one of its Members. Thank You for his life and legacy.

We pray in Your sovereign name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable THOMAS R. CARPER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 8, 2009.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable THOMAS R. CARPER, a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARPER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 4:30 this afternoon, and Senators will be allowed to speak therein for up to 10 minutes each.

Following morning business, the Senate will resume consideration of S. 1023, the Travel Promotion Act, with the time until 5:30 equally divided and controlled between the two leaders or their designees. I designate Senator DORGAN to control the time on our side.

At 5:30, the Senate will proceed to a cloture vote on the Dorgan amendment No. 1347, which was provided for in an agreement reached prior to the recess. If cloture is invoked, upon the use or yielding back of the debate time, the Dorgan amendment will be agreed to and the Senate will proceed to vote on passage of the bill, as amended. That vote is expected to occur tomorrow.

### MOVING AMERICA FORWARD

Mr. REID. Mr. President, I welcome my colleagues back to the Senate after an August work period that saw passionate and profound sadness across our country. Each of us has heard from our constituents over the past few weeks. In Nevada, I heard from citizens across my State who are ready for us to pick up where we left off. They are ready for us to get back to the hard work of legislating. They are ready for us to move forward on one of the most

critical issues of our time and the life's cause of our late colleague, Senator TED KENNEDY, making it easier to afford a healthy life in America.

MOMENT OF SILENCE IN HONOR OF THE LATE  
SENATOR EDWARD M. KENNEDY

I ask unanimous consent that the Senate now observe a moment of silence in memory of our friend and departed colleague, the late Senator EDWARD KENNEDY.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

[Moment of silence.]

Mr. REID. Mr. President, I have to acknowledge that as I came into the Chamber this afternoon, I came upon Senator KENNEDY's desk, which is covered with the traditional black velvet, with the flowers and his favorite poem on the desk. I read the poem and a tear came to my eye.

I cherish the time that I can spend with the people of Nevada when I go home and talk with them and learn from them. The people in Nevada care about the volatility of our turbulent economy.

Nevadans see as clearly as anyone in America that we are going forward. In fact, we are getting back on our feet after long years of neglect. They watched as Wall Street went wild, foreclosures reached record highs, and jobs vanished into thin air. But thanks to the leadership of President Obama, the hard work of the Congress, and the unwavering determination of our constituents, they now are seeing these wounds beginning to heal.

This Senate has risen to the challenges we inherited. In the face of unprecedented conditions, we responded with the most significant collection of accomplishments in recent history. We are proud of our important efforts to revive our economy, strengthen our national security, protect our environment, demand accountability, and promote equality and ensure progress.

In the first months of this year, we passed an economic recovery plan that is creating jobs as we speak, strengthening the middle class, and investing in our future. Just last week, the Wall Street Journal acknowledged that the

plan we passed is helping us recover from the recession faster than expected.

We also put people ahead of big business by protecting credit card users, cracking down on mortgage scams, and rooting out corporate fraud.

We helped millions of children stay healthy by making it easier for them to get the care they need; that is, the CHIP program, Children's Health Insurance Program, and by making it harder for tobacco companies to prey on our kids.

We made it easier for Americans to serve their country like our heroes of generations past, and we protected our public lands for generations to come.

We passed overdue appropriations bills, new appropriations bills, and an honest, responsible budget that makes sound investments in every part of our country.

This Congress also made history by pursuing justice and ensuring equality for every single American. We stood up for those who are victims of violence because of race, ethnicity, sexual orientation, and for those who are targets of discrimination in the workplace because of gender or background—Lilly Ledbetter.

The Senate confirmed President Obama's outstanding nominee for the Supreme Court, Sonia Sotomayor will become the first Hispanic and only the third woman to sit on the highest bench in the land. I think tomorrow the first argument she will participate in will take place.

This is an impressive record for any Congress. I am particularly proud that we have accomplished all of this in little more than 6 months.

How did we get there? We did each of these critical things because we found ourselves in exceptional circumstances. We faced daunting tests and unparalleled problems.

As in any emergency, it is important to understand how we got here. I am not interested in looking backward to place blame on others or pointing fingers. But it is important to learn from past mistakes so we don't repeat them. As I see it, there are two primary reasons we found ourselves in such a deep hole. The first is that for far too long we have put off today's problems until tomorrow. Second is that too many focus only on where we differ, not where we agree. We no longer have the luxury of doing either. Only by working together—not as Democrats or Republicans but as Americans, not as partisans but as partners—can we put the jobless back to work, make sure everyone can afford to stay healthy, and create a new clean energy economy for this new century.

Health care. Learning those two lessons—that we can no longer put off today's problems until tomorrow and that we cannot afford to focus only on where we disagree—will be the dif-

ference between reforming health insurance in a meaningful way or letting the status quo and scare tactics hold us back.

Thanks to Chairman BAUCUS and Senator DODD, we have made progress toward passing comprehensive health reform. Four out of five congressional committees responsible for this issue have reported bills, and we will soon see the same from the Finance Committee.

While many important choices remain, we are as committed as ever to a plan that will protect what works, fix what doesn't, and help the middle class get ahead. We will stabilize health insurance for those who have it and secure it for those who do not. We will keep the insurance industry honest and lower costs to ensure that every American can afford to stay healthy. And we are determined to pass a good, bipartisan bill this year.

I have listened to hard-working Nevadans across my State who know the difference between fact and fiction. They know the difference between the misinformation spread by opponents of progress and the reality that our vision of reform means patients and their doctors should be the only ones making decisions about their medical care. Those decisions belong to the people, not to the insurance industry or to government bureaucrats.

The American people know our vision of reform means keeping insurance companies honest and not letting them deny you care because you have a pre-existing condition. The way things are now, if you have anything from heart disease to high cholesterol to hay fever, you might be out of luck. That is not right.

They know our vision of reform means not allowing health insurance companies to drop your coverage if you become seriously ill. It means ensuring that if you change or lose your job, you will have affordable options to cover your family.

They know we are fighting for reform that will make quality, affordable care available to every single American citizen.

It is easy to focus only on the part of the road we have yet to go, but it is essential to remember the great distance we have traveled to get to this point, and the common ground we already share.

We have heard a lot from opponents of progress. One of their main arguments is that they think we cannot afford health insurance reform. My response is simply this: We cannot afford not to make it easier to live a healthy life in America.

The American people have rejected those who pretend things are fine the way they are. They know that unless we get this done, they could lose their health care, and so much more along with it. They know America has no place for those who hope for failure.

Inaction is not an option. We have already seen what happens when we do nothing. Over the past 8 years of inaction, the costs of health care rose to record levels and the number of Americans who cannot afford insurance has done the same.

For the millions of families who file foreclosure because they cannot afford both their house and their health care, not acting is not an option.

For the millions of Americans who file for bankruptcy because their medical bills grow higher and higher, not acting is not an option.

For the millions of Americans who skip doctor visits or treatments they need to stay healthy or who never fill the prescriptions their doctor gives them because health care is simply too expensive, not acting is not an option.

Our health care system is not healthy. Americans' physical health and America's fiscal health are at stake, and not acting is not an option. We have to work in good faith. This past April, I sent my Republican counterpart a letter outlining our priorities for the health care debate. I wrote, of course, that Democrats are committed to lowering health care costs, expanding access, and improving the quality of care. I said in that letter we looked forward to a dialog about how to prevent disease, reduce health disparities, and encourage early detection and effective treatments that save lives.

But in the letter of more than 4 months ago, I also said that in order to help struggling Americans, we cannot drown in distractions and distortions.

I made clear bipartisanship depended on Republicans demonstrating a sincere interest in legislating, offering concrete and constructive proposals, and working together in our common interest rather than against each other and against the interests of the American people.

I stand by that assessment as strongly today as I did this spring, 4 months ago. It is painfully clear to everyone who heard this debate's disturbing turns and dishonest tactics that, more than ever, we now need people willing to work together in good faith.

Today is the first day since January 2, 1953, that a man named Kennedy does not have a desk on the floor of the Senate or in the Oval Office at the White House.

When I think of all the groundbreaking progress we have made over those 56½ years—in civil rights, education, health care, America's global leadership—I know we have no choice but to keep going. Now is no time to let up.

Tomorrow night, the President of the United States will stand on the other side of the Capitol and tell a joint session of Congress his vision for the health care debate that is ensuing. He will do that, and then over the coming weeks and months, we will contemplate and think about what he said.

It is not insignificant that President Obama will be speaking to such a gathering. We will come together in a joint session because we share a joint future and a joint destiny. We are all in this together—Republicans, Democrats, and Independents, every American citizen and each of their representatives here, Members of Congress, Senators, and the President of the United States.

Senator TED KENNEDY said last December, just months ago:

We know the future will outlast all of us, but I believe that all of us will live on in the future we make.

This is a historic moment. This is our time to shape our future. We stand closer to real health insurance reform than ever before. We are closer than ever to getting this right. We will not give up. We will not bet on failure. We will not let fear obscure the facts. We will not let the priorities of the partisan overpower those of the people.

We have goal lines ahead of us. I say to the Presiding Officer, a member of the Finance Committee, we have to do everything we can to join together to do health care reform that is meaningful to this country. I think I speak for everyone in Nevada and I think I speak for everyone on this side of the aisle and I am confident my friend, the distinguished Republican leader, agrees with me.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### SENATOR TED KENNEDY

Mr. McCONNELL. Mr. President, the Senate grieves the loss of one of its giants and one of our great friends. All of us were, of course, moved by the many tributes that have poured in since Senator KENNEDY's passing. We will make time later in the week for Senators, including myself, to deliver tributes of our own on the Senate floor.

#### HEALTH CARE REFORM

Mr. McCONNELL. Mr. President, I previously had an opportunity to welcome my friend, the majority leader, back and welcome all our other colleagues from an active month in August. I know we always enjoy spending this time with our constituents and hearing their particular concerns. This year, most of us got an earful, and I hope the experience has an effect on our work as we move forward.

Health care reform is clearly a critical issue for many Americans, and I think we have an obligation to show them we have been listening closely to their concerns.

At this point, there should be no doubt about where the American peo-

ple stand: The status quo is not acceptable but neither are any of the proposals we have seen from the White House or the Democrats in Congress so far.

The White House has attempted to retool its message on health care many times. It should be clear by now that the problem is not the sales pitch. The problem is what they are selling.

Over the past several weeks, I have visited with a lot of doctors, nurses, seniors, hospital workers, small business men and women and a whole lot of other citizens across Kentucky and, for that matter, throughout the country. None of them would call our current health care system perfect. But all of them are worried about so-called reforms that would undermine the things they like about the American health care system.

The American people are asking us to start over. They want reforms, but they want the right reforms, not some grand scheme that increases the national debt, expands the Federal Government, raises taxes, cuts seniors' benefits, and forces Americans off the plans they currently have and like. They want reforms that work within the system we have.

We have a lot of work to do in the weeks ahead, but these past few weeks have given us all something valuable. They have given us real clarity about the direction Americans want us to take and, as importantly, the direction they do not want us to take. Now it is our turn to show them we have been listening and to act.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I believe I have 15 minutes, and I would ask the Chair to let me know when 2 minutes remains.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### LISTENING TO THE PRESIDENT

Mr. ALEXANDER. Mr. President, we have two speeches by the President of the United States today and tomorrow. The speech today is to the schoolchildren of America, and the one tomorrow night is to us—to a joint session of Congress and to the country.

For the last several days, there has been a small uproar about the President's speech to schoolchildren. In some ways, that is very understandable. The country is very wary right now of more Washington takeovers. We

have seen takeovers of banks and insurance companies and car companies and student loans and even farm ponds and health care, and all of a sudden some people may have thought the President was intending to take over the classrooms of America as well. That was compounded by the fact that the early lesson plans—probably drawn up by someone either in the White House or the Department of Education—made the speech seem more about the President than about the children and inviting the children to help the President fulfill his goal of the way he wants to transform America.

Well, all that has been changed. The lesson plan has been altered. The President has released a copy of his speech. I read it this morning in Tennessee on my way coming up. It is a good speech. It is about the importance of studying and education. It is about how the President grew up, which is an inspiring story, as is the case with almost all of our Presidents.

So I am glad the President has spoken to the schoolchildren of this country. Of course, the President of the United States ought to be able to speak to the schoolchildren of America. President Reagan did it. Not long after he was elected, he talked about how our country was founded. When I was Education Secretary in 1991, the first President Bush did it. He talked primarily about drugs, with a warning about the dangers of drug use. Presidents should speak to our students, but, of course, parents and teachers should decide whether the children hear the speech and in what context they hear it.

Tomorrow night, when the President addresses the country, no one has to listen to him, except those of us, perhaps, who volunteered to serve in the Congress. We will be here. Millions will listen out of respect to the office, but some could turn off their televisions, some could just read about it, some could listen to the commentators talk about it, and some could watch it on the Web. Children have a different situation. They are captive in their classrooms and they are inexperienced, so we rely on parents and teachers to use their good judgment to decide whether any speech is appropriate for children to hear and in what context.

If I were a teacher, I would jump at the chance to take advantage of this speech. I believe I would put up a picture of Reagan and one of FDR and one of Abraham Lincoln, and I would talk about the Presidency and I would talk about how he is the agenda setter and how the President's election—this President and other Presidents—represents the unique American characteristic that anything is possible for any American of any background. I would point out that there is a Congress as well and the Congress often disagrees with the President. And then

I would put up a picture of the leader of North Korea, and I would say: There is the dear leader of North Korea. If you criticize him, you go to jail. If you criticize the President of the United States, you have a constitutional right to do that.

I believe we need more teaching of U.S. history and civics in our classrooms so our children can grow up to learn what it means to be an American. The lowest scores high school seniors have in America are not in math, they are not in science, they are in U.S. history. So we ought to take advantage of opportunities for children to learn about history and about civics, but parents and teachers ought to be in charge of it. They should decide in what context it is done, and I hope a great many have taken advantage of that and will take advantage of that.

There is a second speech, tomorrow night, which the country is looking forward to, and that is about health care. Here are my hopes for that speech.

First, respectfully, I would say to the President, I hope he says: My fellow Americans, let's start over. It is obvious we need health care reform, but it is also obvious that most Americans, or at least a majority, aren't comfortable with the direction in which we are going. So since this affects 17 or 18 percent of our economy, since it affects the 250 million Americans who have health insurance, let's start over. This has gone from being an issue to being something personal, or as we say in Tennessee, they have gone from preaching to meddling. That is why at the town meetings, which would normally attract 30 people, we have had a thousand people show up, because their health is at issue and they want to know what is going on. So it is a very healthy thing for people to show up and ask questions, and I hope that the President has heard the American people and that we start over.

Next, I hope the President says: We will start with cost—the cost to you, Mr. and Miss American, the cost to your government. Health care costs too much for you to buy your policy, and it is about to bankrupt the government unless we do something about it. So that is where we will start.

Third, I hope the President will say: One of the lessons I think we have learned—not just during the last several months while I have been President—if I were President Obama—but in President Bush's time and before that is that we don't do comprehensive very well. We found that out in immigration. We had a bipartisan effort here on immigration. We tried hard to solve a problem only the Congress can solve, and we failed. By the time it came up for a vote, it just fell around our necks. We have tried it with health care. We have tried to bite off the whole thing at once, and I think it is more than we

can chew. We have been trying it with economy-wide cap and trade for climate change, and it looks as if we are biting off more than we can chew there as well. That should be no big surprise. This is a huge country—300 million people—an economy that produces 25 percent of all the wealth in the world, so diverse that if we were to put ourselves all in one room, it would explode, which is why it is such a good reason we have such a big country.

So I hope the President will say we don't do comprehensive well. We have heard the American people, so let's see if we can agree on a few things. Let's go step by step in the right direction, which is one good way to get where you want to go—step by step to re-earn the trust of the American people, starting with health care.

I can think of some things on which I believe we have bipartisan agreement in the Senate which would make a difference: Small business health insurance—allow small businesses to pool their resources. It has been estimated that you could offer insurance to a million more workers at a lower cost. That is one thing. Make it possible for people not to lose their insurance. If they are able to buy insurance, make it possible for them to buy insurance if they have a preexisting health condition—we could probably do that. Allow people to buy insurance across State lines. The Presiding Officer and I were both Governors. We are jealously protective of States' responsibilities and rights. But maybe we need to allow insurance to be bought more often across State lines to make it available to more people and less expensive. Junk lawsuits against doctors—that increases the cost of health care from 1 percent to 10 percent, depending on whom you believe. But we could take that step. It is an important step in the right direction. As far as those who are uninsured, about 20 percent of those who are uninsured are already eligible for existing programs. We could see if we could find ways to help them sign up for programs that already exist. Step by step in the right direction will help us get where we need to go in health care. Step by step will re-earn the trust of the American people.

Fourth, I would hope the President would say: Let's do this in a bipartisan way. There is some talk of just ramming this through the Senate with a bare majority of votes. I hope that doesn't happen. It would be bad for the country and it would be bad for the majority party, if I may say so. The reason it would be bad for the country is it would be a bad bill.

The way our rules work, the Parliamentarian, who is a very wise individual, would end up writing the health care bill because he would have to make all these decisions about what was germane and about what fit in the bill. For example, he might have to

say: Well, you can't put a provision about preexisting conditions in the bill under the Senate rules. All you can vote on is whether to raise taxes or cut Medicare. Now, that would be a very unappetizing vote, I would think, for many Members of the Senate, and it would be a very bad health care bill, which would cause me to think that such an unappetizing vote would be bad medicine for those who insisted on ramming it through. But it would be bad medicine for another reason. It would be thumbing our nose at the people of America who have been trying to say to us over the last several weeks: Whoa. Slow down. This is my health care you are talking about. Let's make sure we do this right. Start over, and let's take it step by step.

Health care is not the only issue. Health care is the entry into a larger issue, which is too many takeovers, too much debt, too many czars, and the American people would like for us to settle down and deal with this issue. Some of the people have said over the last few weeks that the American people didn't know what they were talking about; that they thought there weren't any real issues out there. I am afraid that is wrong. When you have the Mayo Clinic and the Democratic Governors and the Congressional Budget Office telling you that you are headed in the wrong direction, maybe you are. When you read about a new trillion-dollar debt added to a debt that is already going to double in the next 4 or 5 years, maybe you are going in the wrong direction. When the New York Times editorial says the new program is going to be paid for about half by cuts in Medicare, that is a serious issue for the 40 million people on Medicare.

There are 177 million people with employer insurance, and they worry they might lose that employer insurance. People are worried that they might be dumped, if they are low-income, into a government program that already exists called Medicaid, which 40 percent of the doctors won't serve because they are underpaid, or they are worried they might be dumped into a new government program, if they are middle income, and they might not want to be dumped into a government program. There is worry, especially among older Americans, because someone might say: You are 70 years old and you can't have a hip replacement. And there are employers who in a recession aren't interested in paying more of an employer tax. And the Democratic Governors and the Republican Governors have said: Don't send us more costs for Medicaid or we won't be able to afford it here. We will have to raise taxes. And Federal taxes would go up.

Those are real issues. Those aren't made-up issues. Those are all part of the bills that are making their way through Congress, and that is why people are saying: Whoa.

Finally, I hope President Obama will say: I am the President. I am the agenda setter. I am going to take charge of this debate.

The President and his team are very smart. We admire them very much. But in some ways, it reminds me of a Harvard Law Review meeting, with everyone sitting around the room thinking of very bright ideas and nobody getting anything done. When you are dealing with a big and complex issue such as health care, the President needs to clear the decks, set the agenda, tell us what to do, and sit down with the Democratic leader and the Republican leader and say: What can we do? And then the President, I respectfully suggest, needs to say—as President Eisenhower did half a century ago when he said, “I shall go to Korea”—that health care is the issue. I am the President, here is what I think we should do, and I am going to stay on this issue until it is done. Now, a Governor knows—and most Presidents know—that if they say that and do that and stick to it for as long as it takes, they can very usually wear everybody else out. The President may not get exactly what he wants. Of course, he probably won't. But there might be improvements to the bill. When the Democratic majority in Tennessee used to improve my proposals, I could either attack them or say: You have improved my proposals. I usually said: You have improved my proposals, gave them credit, and went on to the next issue.

So people all over America are alarmed, some are even scared about Washington takeovers, debt doubling and tripling, and I suggest the right course for us is for the President to say: Let's start over with health care. Let's go step by step to re-earn the trust of the American people. Careful steps in the right direction are a very good way to get where we want to go, and I hope he tells us exactly what those steps should be.

I made a statement at the 75th anniversary of the Great Smoky Mountains National Park last Wednesday. It is our most visited national park. Secretary Salazar was there. He did a beautiful job, only exceeded by Dolly Parton, who was there and who made all the rest of us completely irrelevant by her performance. But to have that great park for 75 years in the Eastern United States, where 9 million people visit—three times as many visiting our great western parks—is a great advantage for our country. I am grateful to the Secretary for coming, and I ask unanimous consent to have printed in the RECORD a copy of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF U.S. SENATOR LAMAR ALEXANDER AT THE 75TH ANNIVERSARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK  
NEWFOUND GAP, TENN.—U.S. Senator Lamar Alexander (R-Tenn.) delivered the

following remarks here today at the 75th Anniversary of the Great Smoky Mountains National Park:

“Governors Bredesen and Perdue, Secretary Salazar, Dolly Parton, my colleagues in Congress, fellow friends of the Smokies, in 1934 a ranger wrote a memo identifying the wildlife he had found in this new park. There were 100 black bears. Today there are 1,600. There were 315 wild turkeys then. The other day I saw 21 outside my home two miles from the park boundary. 75 years ago there were 12 whitetail deer in Tennessee and six in North Carolina. Today they're everywhere. Then there were no peregrine falcons, no river otters, no elk in the Great Smokies, but they are all here today.

“25 years ago, as Governor, I spoke at the 50th anniversary. There was no law then controlling acid rain and no organization called ‘Friends of the Smokies.’ Today, acid rain laws are working and the ‘Friends’ have contributed \$28 million.

“So what should we hope for as we look to the 100th anniversary? I hope we have finished cleaning the air so that, instead of seeing smog, we can always see the blue haze about which the Cherokee sang; and that we will have done more to celebrate the way of life of families who lived here; that we will have become better students of the remarkable environmental diversity here—more different kinds of trees than in all of Europe, new species discovered every year; that we do a better job of creating picturesque entrances and encouraging conservation easements along the park boundaries to protect the wildlife and the magnificent views. And I hope there are more private contributions and federal dollars to protect and maintain one of the dozen most visited places in the world.

“India has its Taj Mahal, Italy has its art, England its history, but we have the Great American Outdoors. Ken Burns says our national Parks are ‘America's Best Idea.’ Well, then the Great Smokies must be the very best idea of all because so many more people come here.

“Just as remarkable, I believe, is how we who live here feel about the park. We feel like we own it because our families did. We love it because we grew up hiking here or adopted it as home. And we are proud we gave this park to the country for others to enjoy.

“The psalmist wrote, ‘I will lift up mine eyes unto the hills.’ There are 151 cemeteries in the Great Smokies, usually on a hilltop, closer to God. The headstones face east because, as mountaineers will tell you, ‘You don't want to have your back to Jesus when he comes again.’

“There was a reverential feeling among the thousands who came to Cades Cove on a beautiful Sunday afternoon in June to hear fiddles imitate bagpipes as the Knoxville Symphony played ‘Amazing Grace.’ At the 50th anniversary, I tried to explain that feeling this way: ‘These mountains . . . (Blount County) . . . my home . . . are where I enjoy being, where I swap people for nature and feel closer to God . . . when I am here, it helps get the rest of my life in a little better order.’

“That is why I celebrate the 75th anniversary of the Great Smoky Mountains National Park.”

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of

morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois is recognized.

#### JUSTICE SOTOMAYOR

Mr. DURBIN. Mr. President, 45 minutes ago exactly, history was made in America just across the street, not far from the steps of the Senate. If you go to those steps at this moment and look directly to the east, you will see the U.S. Supreme Court building. At 2 o'clock eastern time in that building the 111th Justice appointed to the U.S. Supreme Court received her official investiture. It was a moment of great historic significance because the elevation of Sonia Sotomayor to serve on the U.S. Supreme Court marks the first time in our history that a person of Hispanic descent will serve on the highest Court of our land. In the course of our history, with 111 Supreme Court Justices, if my memory serves, only four have not been White males—two African Americans, two women, and now Justice Sotomayor.

The ceremony was very short. The President of the United States was there, the Vice President, a number of Members of Congress, and of course the other eight Supreme Court Justices and the retiring Justice Souter. There was a very stately, dignified, gracious presence as the Court was convened. After Eric Holder, the Attorney General, read the commission which authorizes the investiture of Justice Sotomayor, the oath was administered to her by the Chief Justice of the Supreme Court, John Roberts. The entire ceremony took 4 minutes. One of the Senators standing next to me, MEL MARTINEZ, who will retire from the Senate this week, said it would have taken longer if they had television cameras here. Those of us who serve in the Senate and served in the House know of what he speaks.

But the fact is, in that 4-minute period of time a page was turned in American history. We are offering an opportunity now for a person to serve on the Supreme Court—immensely qualified, a person with a great background in her life and her achievement to serve on the highest Court of the land.

Across America, in neighborhoods and towns and communities and schools, perhaps a child will look up and, when they learn of the appointment and ascension of Sonia Sotomayor to the Supreme Court, realize that the great promise of America continues, that this still is a land of opportunity, and that door to opportunity was opened a little wider just across the street at the U.S. Supreme Court about 45 minutes ago.

## RESPECTING THE PRESIDENTIAL OFFICE

Mr. DURBIN. Mr. President, earlier today the President of the United States went back to school. He went to a local high school in the DC area to give a speech. It turned out that this speech became controversial.

I thought about that over the weekend because my wife and I went down to Mount Vernon, in Virginia, to the home of George Washington. It was a trip I promised my wife because the first time we went down there when I was a college student and drove down there in my little VW bug back in the 1960s, I got there to find out I did not have enough money for admission so we had to turn around and leave. I always told her: Loretta, we are going to get back down here someday. It took a few years, but we made it.

Touring the grounds there as well as the education and learning center, learning a little bit more about our first President, you realize what an opportunity he had to define the institution of the Presidency. One of the first things they asked of George Washington, the first President, was: What do we call you? Your Excellency? Your Highness? He said: Just call me Mr. President.

His decision at that moment created a tradition, not just a formal tradition of how we address the President of the United States, but, more importantly, a tradition of how we view the President of the United States. He is not royalty nor is he to be treated as royalty. He is to be treated as another American, but one who at this moment in time, by the will of the American people, serves in the highest office in the land. So George Washington established a standard, a standard of respect but not awe, when it comes to the office of President.

I thought of that over the years. In my lifetime there have been Presidents I genuinely admired, their politics and personalities, and others I was more critical of, but I always believed the office deserved respect whoever occupies that office. If you believe in this form of government and you believe in this Nation, the election to that office at the least—at the least—should gather the respect that each American owes to the office.

This President announced he wanted to speak to the schoolchildren of America today on what is roughly the first day of school across our Nation. He was not the first President to make that suggestion. President Ronald Reagan offered a speech to the schoolchildren of America; President George Herbert Walker Bush the same. I can't recall any controversy associated with the addresses by either of those previous Presidents, but for reasons I cannot understand, critics came forward criticizing President Obama for wanting to speak to our schoolchildren. Even in

my home State of Illinois, the President's home State, some school districts made a conscious decision that they would not broadcast or make available the President's speech. Others allowed children to opt out if their parents didn't want them to hear the President's speech.

I think that is unfortunate. It is unfortunate and I am happy to say there are those of both political parties who said that. Senator LAMAR ALEXANDER, from Tennessee, a Republican, was just on the floor—a former Secretary of Education, former Presidential candidate. He spoke out and said of course the President should be allowed to speak to schoolchildren across America. Laura Bush, the former First Lady, said that this morning. Others have said the same.

I think they understand two things: first, respect for the institution of the Presidency, and, second, the fact that the President speaking may have some impact on young people across America. The President gave his speech. I hope his critics have been silenced because, as a parent and now as a grandparent, as I read his speech I would like every kid in America to hear it. He explained his own background and the tough times he went through growing up, the sacrifices made by his single mom, the fact that his father left at an early age, the fact that education became an important part of their lives even as they traveled around the world.

Barack, now President Obama, used to tell the story here in the Senate of his mother waking him up early in the morning when he lived overseas and saying: Let's get ready for school. When he would whine and cry about 5:30 in the morning and he is doing homework, his mom would say: It's no picnic for me either, buddy. She was a parent who cared, a mother who cared, and he a son who profited and benefited from her caring.

When I read his speech and elements of it today, I am glad the President spoke these words to the students of Virginia, and those school districts that decided their children should not hear this ought to stop and reflect on whether that was the right decision. When the President says:

But at the end of the day, the circumstances of your life—what you look like, where you come from, how much money you have, what you've got going on at home—that's no excuse for neglecting your homework or having a bad attitude. That's no excuse for talking back to your teacher, or cutting class, or dropping out of school. That's no excuse for not trying. Where you are right now doesn't have to determine where you'll end up.

The President said:

No one's written your destiny for you. Here in America, you write your own destiny. You make your own future.

He talked to these students not only about doing their homework and reading, getting involved in extracurricular

activities, volunteering in their community, deciding to

... stand up for kids who are being teased or bullied because of who they are or how they look, because you believe, like I do, that all kids deserve a safe environment to study and learn.

The President went on to say:

No one is born being good at things. You become good at things through hard work.

And then he said:

And even when you're struggling, even when you're discouraged, and you feel like other people have given up on you—don't ever give up on yourself. Because when you give up on yourself, you give up on your country.

The story of America isn't about people who quit when things got tough. It's about people who kept going, who tried harder, who loved their country too much to do anything less than their best.

That speech by President Obama to the schoolchildren of America was a positive thing. It was a good thing. Some said it was a way to promote his socialist agenda, it was political propaganda. I find nothing political about these comments. This is good advice to any child, any student across this country, and I am glad the President took this opportunity to use whatever influence he has over these young people to guide them in the right path as they start out in their school year.

## HEALTH CARE REFORM

Mr. DURBIN. Mr. President, the last issue I wish to address for a moment is the August recess. August is a blazing hot month in the Midwest, with high temperatures and high humidity—though they were tempered a little this year, a little cooler than usual, a little wetter than is usual, but we had our hot days. But the hottest days were reserved for the political scene because in town meetings across the Midwest and across the Nation many times tempers flared, people were upset, there was shoving and shouting going on at these town meetings. If you have been on the political scene you know there are moments when the emotions of the American people are raised to a high fever pitch. Fortunately for us, the reason for this interest was genuine. We are talking about an issue, the changing of the health care system in America, which literally affects every person in our country. It is rare that we would tackle an issue that is that all embracing, that touches everybody. It is understandable that people have legitimate questions about what it means to their lives.

I found the same thing in Illinois. I traveled around the State. I met with doctors and nurses and hospital administrators, small business people, average folks, patients struggling with illness and disease, those who had been turned down by health insurance companies, even people coming up to me in restaurants and folks at the airport

talking to me about their life's experience when it came to health care. It is an issue we all share in common and an issue we all care about.

But, sadly, there was an organized effort to disrupt many of these town meetings. These were not people who wanted to express their opposition to any pending legislation so much as to end the meeting, to try to raise their voices above all others and to stop the dialog that is so important as part of this. I don't think that point of view prevailed at the end of the day.

There are still legitimate, tough questions on health care reform, questions that will have to be answered directly and honestly as we proceed in this debate. But there is no question in my mind that the majority of the American people understand that we need to make some changes in our health care system.

There are some things that are very troubling. The cost of health insurance is going up three times faster than the wages of working Americans. We know what this means. It will reach a point where more and more of your take-home pay will pay for health insurance which sadly will not provide as much coverage next year as it did this year. We also know that sometimes the people who have health insurance find out it is not there when they need it.

I ran into that. I had a gentleman in Quincy, IL, at one of my meetings the other day. He and his wife both lost their jobs. For 19 years he had been at the local bank, with health insurance, and he lost his job. Because he and his wife had a special needs child, they paid the COBRA premium. If you understand how this works, once you have lost a job you can keep your health insurance if you will pay the employer and employee portions. Even though we have made that more reasonable in cost, it is still very expensive, but because of the special needs child he decided he and his wife had to dip into their savings to keep the health insurance coverage for their kids and the family, even while they are unemployed.

Sadly, during this period of time of unemployment his son fell down the stairs and needed brain surgery. They shipped him across the river into Iowa where he was successfully operated on. That is the good news here. The father kept looking for a job, only to learn that the insurance company was going to deny their claim for this brain surgery. It would have been extremely expensive if the insurance company failed to pay. But now this man, unemployed, looking for a job, with a son who does have those special needs and a wife who is trying to find substitute teaching jobs to help out, has to spend a good part of his day fighting with the insurance company over whether his son is going to be covered for that emergency surgery.

It is not rare. In fact, it is too common that the average person, when they need the coverage of health insurance, finds out that they are in a battle, not with their doctor, a battle with someone who works for a health insurance company who says no.

That has to change. One of the things I hope both sides agree on, Republican and Democratic, is that people should not be denied health insurance coverage because of a preexisting condition. You should not be denied health insurance coverage when it turns out you are sick and you need it. You should also be able to take your health insurance from one job to another. You should not have a cap on the total amount of coverage in your lifetime. Your children should not be high and dry at 23 when they have to pay for their own health insurance or they are completely unprotected. These are things most people agree should be part of health insurance reform and I hope we can make it part of a common bipartisan effort when we talk about this issue.

There is another issue and it is one that I will address as I talk about this issue later in the week, and I think it is a fundamental issue of social justice, that 47 million Americans today have no health insurance. We have about 300 million people in our country. About 100 million of them are under some sort of government health plan—Medicaid for the poor and disabled; Medicare for those in advanced years, which I am soon approaching; people covered by veterans' health care, and those who are covered in other forms, by children's health insurance programs.

So take the 100 million under government health programs aside, and in the remaining 200 million people in America, about 1 out of 4 has no health insurance. They are not the poorest people in America because the poorest people in America have Medicaid. They are not the fortunate like those of us who already have health insurance. They are people who get up and go to work every single day and have no health insurance.

I met plenty of them as I traveled around the State of Illinois. I do not understand—I do understand, but I certainly sympathize with the situation where you wake up in the morning and look at those children in that bed as a father and realize they are one accident or one diagnosis away from a medical catastrophe that could threaten their lives and wipe out your savings. That is what people without health insurance face every single day.

So in addition to the cost, in addition to whether the health insurance is there when you need it, is the fundamental question about whether if everybody in America should be drawn in under the protection of health insurance. I believe they should. The people without health insurance, when they

reach a critical time in their lives and are desperate, show up at a hospital, and our hospitals treat them and pass along the expense of treating them to everyone else.

It would be far better in America for us to provide coverage and protection for everyone and to help those in the lowest income categories pay for that protection. I think that is fundamentally just. It is American. It is good, sound policy so that this have and have-not situation would not apply to circumstances of life and death, which is the way it does today.

Finally, we have to find a way to change this health care system when it comes to incentives. Currently, we have something called fee for service, which means if a doctor or hospital comes up with a new procedure or a new service, they are paid more. It creates an extra incentive to do more than may be necessary. We have to change that. And I think we can. We have to try to stress preventive care and wellness. We do not do enough of that, instead of just in rescue care and sickness, which is the hallmark of our current system.

Preventive care and wellness means having access to clinics and primary care providers across the United States. And I want to salute the Association of Family Physicians. They have joined me in every town in my State. They fully support this. They understand that health care reform is essential if families are going to have a fighting chance for good health care.

Well, those are the basics in the debate. There are all sorts of separate questions about a public option and individual mandates and many other issues with which we are going to have to wrestle. Senator ALEXANDER of Tennessee, whom I mentioned earlier in my comments, said a moment or two ago: Well, it is time for us to start over when it comes to the health care debate and engage both sides of the aisle in the debate.

I would say to Senator ALEXANDER: We have spent a lot of time learning a lot of things about the health care challenges in America and how to reach them, the way to deal with them. We have kept the door open for those on the other side of the aisle who are willing to come forward and discuss it. Some have said, no; they are not interested for a variety of reasons. Today, to date, only three have stepped into the bipartisan conversation, three Republican Senators. I hope more will. It would be healthy and positive.

The worst thing we can do is to walk away from this issue, to say that because some town meetings were disrupted or some people have strong emotional feelings about this issue we need to walk away from it, because the current health care system in America is unsustainable. It is too expensive. We spend twice as much per person for

health care in America as any nation on Earth. Although there are positive things to point to in terms of our health care in our country, some countries spending far less, and get much better results in many areas. We can do better.

Secondly, who would oppose health insurance reform? I would hope everyone understands that at the end of the day what needs to be done should be done on a bipartisan basis. I hope there are those who feel we should create opportunities for those who are uninsured to have basic health insurance protection.

Those who criticize the cost of health care reform overlook the obvious: If we do not help low-income families and individuals in America pay for health insurance, they will not have it. If they do not have that coverage, we will be right where we are today, with one-fourth of those not covered by government plans having no health insurance protection whatsoever.

We need to change the system to focus on prevention and wellness. That means encouraging more primary care physicians and health care professionals to reach out to families in communities across Illinois and across the Nation. If we do not do something about this, I am not sure we can sustain the system much longer.

Just a few years ago, one out of three people filing for bankruptcy in America did so because of medical costs—one out of three. Today it is two out of three. Two out of every three personal bankruptcies are over medical costs. Listen to this: 78 percent of the people filing for bankruptcy because of medical costs, 78 percent of them have health insurance. It is not very good. It does not protect them when they need it. It leaves them high and dry when major medical bills come through.

So those who are watching this debate saying: I am sorry people do not have health insurance, I am sorry some people are complaining, but I am OK, I am covered, they should pause and reflect for a moment that many of the people in bankruptcy court today facing bankruptcy and the loss of virtually all of their assets are people who also had health insurance and were also in the belief and security—

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The Senator's time has expired.

Mr. DURBIN. Let me conclude by saying that we have a chance in the coming weeks, after the President's speech tomorrow night, to come together on a bipartisan basis. I hope Republicans and Democrats who listen carefully at home understand that despite the anger and the temper and the emotions that we cannot leave the current system as it is. If we do not make a positive change, it is unsustainable.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

#### TRAVEL PROMOTION ACT

Mr. DEMINT. Mr. President, if you were like me, you probably held a number of townhalls. I know a number of our colleagues over the holidays did. I saw a number of them on television and saw the many thousands of Americans who came to townhalls, as they did to mine, who were very concerned about the direction of our country.

Frankly, in South Carolina, I had several thousand people come to different townhall meetings, all with a very similar point of view. They thought this government had gotten too big, was spending too much money, or taxing too much and taking over too much of our economy.

A lot of people were very concerned, not just about health care. I cannot agree with the Senator. There are many things we need to do, but the last thing we should do is have this government take it over. There are many things we can do to make sure people get more insured. But the people who came to my townhalls and across the country in many other townhalls were not just concerned about one issue. They looked back over the last year, over a Republican and Democratic President, to see two failed stimulus bills, two bailouts—which many believe were unconstitutional—the proposed takeover of the energy and health care industries, and the actual takeover of banks and insurance companies and carmakers.

People are fed up. The Federal Government is simply too big. The debts we are looking at now for ourselves and our children and our grandchildren are truly unsustainable. People do not know where the money is coming from. They wonder what we are thinking about.

The amazing thing is, after what we saw over the break, the genuine outrage and concern by the American people, the very first item of business we are going to vote on in this Senate today after the August break is to vote to start another government program, to spend \$400 million, to increase taxes, to get the Federal Government involved in another private sector business.

What did we learn over our summer vacation? If we vote to pass this bill, we obviously learned very little. What I am talking about is the Travel Promotion Act. Many of you here in the gallery and around the country think I am probably making this up; that after what we saw across America we would actually have the nerve to bring up a bill that forms a new government-sponsored enterprise, a la Fannie Mae and Freddie Mac, and it is going to be a government-sponsored enterprise that promotes travel and tourism in America. I guess we can call it Fannie Travel.

Well, now, let me tell you a little bit about the idea because the idea is that

travel and tourism in America is a very important industry, which it is. It is the No. 1 industry in South Carolina. It is actually one of the most prosperous. That is the main reason we do not want the Federal Government to get involved.

But the idea is, that we are going to charge a \$10 fee for everyone who comes to visit America in order to pay for this advertising program that will promote America to people all over the world. All these fees would be pooled, and they would be matched by some of the major tourism industries such as Disney, and we would have a government-sponsored enterprise that is promoting tourism.

But they are saying it will not cost Americans anything because this is a tax on foreigners coming to this country. But I have a letter in my office from the European Union and other allies of this country that says this is violating the agreements we have with them, and if we do this they are going to add a similar fee to Americans visiting their country. We are going to start a war with some of our friends. It will ultimately end up costing Americans money. It will create another government entity.

Folks, it is not a crisis. This is not one of those emergencies that we have to do "this week." Why, when we have all of this debt, would we create another program with another tax that this Federal Government is going to run? Maybe it is Fannie Travel, maybe it is Cash for Tourism, but, folks, the problem with tourism in America is not that people do not know we are here. The problem is we have one of the most notoriously unfriendly customs and immigration services in the world. We also are one of the most difficult countries to get a visa for.

I have a major international employer back in my home State who regularly needs to bring people from other parts of the world to train American workers. But they cannot get visas, so they send American workers to other countries to get the training they need because it is so much trouble to get the visas to get them here.

Major industries have trade shows outside of this country because they cannot get the visas for customers coming in looking at our products. The problem is not that people do not know we are here, it is that the government involvement that is already involved with tourism and travel in our country is not doing a good job.

When you have problems with the quality of your product, the last thing you do is raise your prices and increase advertising, which is what we are talking about doing with this bill. The first thing we need to do is make sure we have the most friendly and efficient customs system in the world and that people who want to come to our country can get a visa and a very quick

background check so that we know the people who are coming here are safe.

But we are not going to solve those problems with hundreds of millions of dollars of advertising from a new government agency that is run by major corporate sponsors in our country. Tourism is too important to turn over to the government.

A lot of people around the country are concerned, as they look at what we are spending and the level of debt we are creating, that we are ignoring the constitutional principles we swore an oath to, and they are going to ask us when we vote on this bill: Where in the Constitution of the United States do we find the authority to run travel promotion?

Major tourism companies such as Disney are not having trouble. In fact, I think Disney reported a \$4 billion profit from last year, and they bought Marvel Comics for \$4 billion. Certainly, our economy has put a strain on tourism, but the Federal Government is the last entity that needs to try to bail them out. We don't have any money. We are going to have to borrow money or tax someone to create this new government program.

This is a debate that gets back to what does the Constitution allow us to do? One can't read the Constitution without seeing some very severe limits on what is expected of the Federal Government. Certainly, the bailout and cash for clunkers and this new travel and tourism agency they are starting has nothing to do with our constitutional functions.

We have over \$11 trillion in debt already. We are projecting to almost double that over the next 10 years with what we already have on the books. With Social Security and Medicare alone, the unfunded liability out many years is like \$100 trillion. We have no idea where we are going to get all this money. How can we even discuss starting a new government entity when the ones we have started are at the heart of our economic problems. One can't understand our economy without seeing that Fannie Mae and Freddie Mac played a key role in bringing the worldwide economy to its knees. We don't have to look back but 1 month to see what the last government program we created in cash for clunkers did. It was going to be a \$1 billion, 6-month promotion to sell a lot of cars. We were out of money in 1 week, and we voted to pass another \$2 billion. A couple weeks later, they canceled the program. We can't run the travel and promotion industry from Washington, DC.

I have to draw a very difficult conclusion. Any of my fellow Senators who vote for this either don't understand the severity of our economic and fiscal problems or they don't care. They certainly didn't hear the millions of Americans speaking over the August break and telling us they want us to

get back to the business of a constitutional form of government and stop trying to win votes by bringing home the bacon—wasteful spending, earmarks, and new government programs, all the false, empty promises based on government solutions.

I encourage colleagues, let us get the rest of the year started off in a reasonable way. Let's talk about how to fix health care. Let's talk about how to create jobs. For heaven's sake, let's not create a new government program as the first vote we take in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### HEALTH CARE REFORM

Mr. MCCAIN. Mr. President, today Congress returns from the August recess. Perhaps one of the most important issues of recent times affecting one-sixth of America's gross domestic product and rising to as much as one-fifth, the issue of health care and health care reform, will be front and center, including a highly unusual appearance tomorrow night before a joint session of Congress by the President. The last time such a joint session of Congress was called for, aside from the regular one, was by former President Bush concerning the events surrounding the attacks on the United States of 9/11.

During the recess, I had, similar to all my colleagues, a very busy schedule of meetings addressing various issues, including travel to Iraq and Afghanistan. That visit will be the subject of other statements on the floor. But in Arizona, I hosted townhall meetings with my constituents. I also attended meetings and forums with health care providers in Missouri, North Carolina, and Florida so I could, along with my colleagues, better understand America's thoughts and ideas on reforming our Nation's health care system. I have no doubt there is a peaceful revolution going on out in America. I have not seen, in the years I have been a Member of Congress, such anger and dissatisfaction with the way the Congress and we in Washington are doing business. We all know the President's approval numbers continue to fall.

The unruly and sometimes disruptive behavior at townhall meetings has been an exhibit of the anger and dissatisfaction Americans feel. I would like to make it clear that I think the townhall meetings should be conducted with respect. They should be conducted in a way that is an American tradition, that all Americans can be heard from as well as their elected representatives. But there is no doubt people attended townhall meetings that never before in their lives have been engaged in any debate in America. There is something going on out there. I certainly got the message. I hope the majority of my colleagues did as well.

It is more clear to me that we have to reform the way health care is provided, but we have to do it in the right way, without a government takeover of the health care system. The problem with health care is not the quality of health care. The problem with health care in America is the cost of health care and almost double-digit inflation that takes place annually which deprives more and more Americans of their ability to acquire and keep health insurance.

Among other places I visited recently, one of them was a place called M.D. Anderson, a cancer treatment facility in Houston, TX. There were patients there from 90 countries around the world. Why? Because it is the highest quality health care.

The fundamental difference we have here between those of us who want to reform health care to reduce the cost and maintain the quality is the argument from the President and the other side of the aisle that they want a government option. They refuse to address the issue of medical malpractice reform. They refuse to allow someone to go across State lines and acquire the health insurance of their choice, and they continue to allow practices to go on that breed fraud, abuse, and waste in Medicare, which are well documented to the tune of hundreds of billions of dollars a year.

We must reform health care. We can't do it with a government solution that is advocated by the other side. That is why we have been unable to reach agreement—because we have two fundamental philosophical differences between ourselves and those who want to have a government option, who want to have greater and greater intervention in the health care system.

On the way over I read this:

Washington (AP)—A top senator is calling for fines of up to \$3,800 on families who fail to get medical insurance after a health care overhaul goes into effect.

Do we want to do that to the American people, a \$3,800 fine? That is why we also need to step back and examine the 600-page bill passed through the HELP Committee, without a financing provision, the 1,000 pages or so bill passed through the House before they left, and figure out what else we have added in this bill.

Why are Americans angry and upset? They are angry and upset because of this, because we spent \$787 billion on the stimulus, which is \$1.1 trillion with interest; \$700 billion on TARP; \$410 billion with 9,000 earmarks in it on the Omnibus appropriations bill; \$3.5 trillion on the budget resolution; \$83 billion to bail out the auto companies; \$33 billion to expand the Children's Health Insurance Program; and a \$1 to \$2 trillion cost associated with the HELP Committee's plan that went through the HELP Committee, according to the Congressional Budget Office, which

would not bend the curve, according to the Congressional Budget Office.

What have we gotten for all this? We have gone to 9.7 percent unemployment. We have gone to 9.7 percent unemployment in this country, after the President and all his economic advisers said that if we pass this stimulus bill, unemployment will be a maximum of 8 percent. As they say: You can look it up. It is now at 9.7 percent. The public debt is \$11.7 trillion. Sometime in October, we are going to have to increase the Federal debt limit which is going to go beyond \$12.1 trillion.

We are all responsible for what we say. In 2006, the current President spoke in opposition to raising the debt limit to \$9 trillion saying:

Washington is shifting the burden of bad choices today on to the backs of our children and grandchildren. America has a debt problem and a failure of leadership.

That was from the then-Senator from Illinois, now President of the United States. Where did we go? Where did we go from 11 to 12 and now, of course, a few weeks ago, a small rounding error, the 10-year deficit was raised \$7 to \$9 trillion, just a \$2 trillion rounding error. That is what the American people are worried about, the commission of generational theft on our children and grandchildren. No one in the administration has a plan for bringing the budget back into balance. I think the American people at least deserve it.

Yesterday the President spoke in front of union allies in a partisan, campaign-style speech, where he questioned the motives of those who raise concerns about too much government control over our health care economy and instead wrongly criticized our side for having no ideas of our own. We have plenty of ideas. None of them have been considered in the HELP Committee or by the Senate or by the House of Representatives. The HELP Committee bill was written only by the Democrats. There was no input from this side of the aisle. Every meaningful amendment proposed was rejected, including malpractice reform. How can we possibly look the American people in the face and say: We are going to bring down the cost of health care without medical malpractice reform.

Ask any physician and they will tell you physicians are required to practice defensive medicine because of the fear of being sued. Unnecessary tests and procedures are performed time after time after time. I was in Miami at the Palmetto Hospital, a fine institution. I asked one of the surgeons: How can you afford your health insurance premiums? He said: We don't keep insurance anymore. We can't afford it. We will probably not get sued because they know we only have so much in assets.

Now we are putting physicians and care providers in a position where they basically cannot afford, nor can they

get, malpractice insurance because the premiums are so high, and they are targets for the trial lawyers.

We have a number of alternatives. Most of them are market based. Most of them have to do with preserving the quality of health care yet bringing down the cost, which should be our goal. Why don't we have insurance reforms to improve access? That means someone can go across State lines. If a citizen of Arizona wants to go to North Dakota and get health insurance there, why can't they? Why can't that family do that? Why can't they? They cannot today.

Why is it we cannot reform medical malpractice? Let's have tax reforms. Let's have incentives to purchase insurance either in the form of tax credits for families in America or—or—why don't we give the same tax treatment to families that businesses get in the provision of health insurance? Why don't we have real competition in any State? Why don't we set up the risk pools that are necessary to ensure those who were previously uninsurable or for those with "preexisting conditions"? Let's set up those risk pools. Yes, that will take some taxpayer dollars.

Why don't we allow the insurance companies to compete so they can provide insurance, so we can provide affordable and available health care to all Americans? Why don't we look at cost reductions? Why don't we look at incentives for wellness and fitness? One of the most famous corporations in America recently is Safeway. We have heard from their CEO. They reward people financially for wellness and fitness. And—guess what—their costs for health care have gone down because there are incentives to do so.

Here is a small idea: Why don't we see what the school lunch program is in our local schools? Why don't we see what the physical education requirements are in our local school districts? Why don't parents do that? I was appalled, and I am sure my colleagues and all Americans were, to see recently there is one State in America where one-third of the population suffers from obesity. We know what obesity does to health care costs, not to mention the lives of individuals.

Why don't we also look at what has been tried and done before: an outcome treatment of patients. A patient has diabetes. You pay that provider for 6 months or a year or 2 years and say: OK, here is the amount of money, and if you keep that patient well, you will receive a reward at the end of that treatment period, rather than to pay for every single test and procedure.

My friends, there are cases of abuse of Medicare that stretch into the hundreds of billions of dollars. We have to go after these people who abuse health care, Medicare, and Medicaid.

And a practical question: Suppose we adopted what passed through the HELP

Committee and through the House. There are dramatic increases in State Medicaid payments. What States can afford the additional burden of Medicaid that is envisioned by this legislation? Not many. Not many, my friends.

So we do have legitimate, workable, doable, viable alternatives to the government option. When the President of the United States stands up and says we do not, he either is not paying attention to what we are saying—which has been one of the big problems with this debate—or he willfully ignores the fact there are solutions we can move forward with to reduce health care costs in America and preserve the quality.

I wish to make a comment about the so-called co-op approach. My friends, you can call it the government option. You can call it a co-op. You can call it a banana. But the fact is, it is government intervention into the free marketplace, which will lead to crowding out, which over time will lead to government control of health care in America.

A co-op can exist today. They do not have to wait for legislation. They can exist today. Yet very few do. If there was a pressing need for more co-ops, wouldn't more of them have been created? Under the co-op approach, the Federal Government would design, fund, and foster their creation. But let's not kid ourselves. Creating a new, massive government plan designed in Washington is still Washington involvement in health care. And if we did not learn any lessons from the Fannie Mae and Freddie Mac co-ops, nobody has been paying attention.

Let me talk about the "trigger" for a second. The trigger in the bill would implement the public option only if private insurance companies failed to meet certain benchmarks, such as lowering overall health spending or shrinking the number of the uninsured.

The Wall Street Journal stated yesterday:

Liberals should love the idea because a trigger isn't a substantive concession; it merely ensures that the public option will arrive eventually, instead of immediately. Democrats will tweak the tests so that private insurers can't possibly meet them, mainly by imposing new regulations and other costly burdens.

Additionally, this trigger appears to blatantly and patently violate the Constitution's delegation of lawmaking powers to Congress and not the executive branch. We must decide whether to implement a "government option" or not. I vote to not do so and oppose any suggestion that abdicates my duties as a lawmaker and allows the executive branch to create a "government option" based on a trigger.

Mr. President, I ask unanimous consent that the Wall Street Journal column entitled "Whoa, Trigger"—a good name—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 8, 2009]

WHOA, TRIGGER

President Obama has decided that another oration will rejuvenate his health-care agenda—despite having given 27 speeches entirely on health care, and another 92 in which it figured prominently. We'll see how tomorrow night's Congressional appeal works out, but the important maneuvers are taking place in the cloak rooms, as the White House tries to staple together a majority.

The latest political gimmick is the notion of a "trigger" for the public option: A new government program for the middle class would only come on line if private insurance companies fail to meet certain benchmarks, such as lowering overall health spending or shrinking the number of the uninsured. This is supposed to appeal to Maine Republican Olympia Snowe, who could end up as ObamaCare's 60th Senator, while still appeasing the single-payer left.

Liberals should love the idea because a trigger isn't a substantive concession; it merely ensures that the public option will arrive eventually, instead of immediately. Democrats will goose the tests so that private insurers can't possibly meet them, mainly by imposing new regulations and other costly burdens.

Keep in mind that every version of ObamaCare now under consideration essentially turns all private insurers into subsidiaries of Congress. All coverage will be strictly regulated down to the fine print, and politics will dictate the level of benefits as well as premiums, deductibles and copays. Under the House bill, a "health choices commissioner" will have the final say, no doubt with Democrats Henry Waxman and Pete Stark at his elbow, if not another part of his anatomy.

The same bill also rewrites the 1974 federal law known as Erisa that lets large and mid-sized employers offer insurance with little regulation. Many businesses—including Safeway, General Mills and Marriott—are finding innovative ways to drive down spending, largely with worker incentives to live healthier and be more sensitive to the costs of care. Many Democrats call this discriminatory.

In the individual insurance market, Democrats intend to outlaw medical underwriting: Everyone must be charged the same rate or close to it for the same policies, regardless of health status or history. But this "community rating" tends to price younger and low-risk consumers out of the market. In a 2006 NBER paper, Bradley Herring of John Hopkins and Mark Pauly of the University of Pennsylvania found that community rating results in an overall increase in the uninsured in the individual market, maybe as high as 7.4%. For that reason, 35 states have no community rating at all, and another six allow very wide variations.

The larger reality is that private insurance won't be less expensive until overall health-care costs go down. Democrats may be confused on this point because government, which paid nearly 47 cents of every medical dollar in 2007, simply sets lower prices when Congress feels like it. On average, doctors and hospitals are forced to accept 20% to 30% less for their services in Medicare. That's another reason insurers wouldn't meet a trigger's thresholds, given that providers shift costs onto private under-65 patients to make up government shortfalls.

Conceivably insurers could make their products more affordable by cracking down on treatments and refusing payment more often, much as HMOs held down spending in the 1990s. But both patients and doctors hated this "managed care"—and in any case, Democrats would find a new rationale for the public option in the inevitable voter outcry about private "rationing."

It's true that there was a trigger in the Medicare prescription drug benefit and the world didn't end. But recall the dynamics in 2003: The GOP decided that private stand-alone or Medicare Advantage plans should manage the benefit. As a concession to Democrats, they agreed to trigger a "public option" for drugs—in which the government would have bought them directly, with its typical "negotiating" tactics—if seniors didn't have more than two plans in a given region.

Today, there are 1,689 stand-alone and 2,099 Advantage plans, and on average seniors have 50 to choose from—and costs in 2007 were \$26 billion lower than expected. For all its problems, the Medicare drug plan created more choice for seniors and more competition among providers to offer packages that they found most attractive, holding down costs. In short, it created the incentives for multiple "private options."

ObamaCare doesn't bother with incentives, instead merely increasing government command and control of private insurance while making it more expensive in the process. That's why a trigger will inevitably lead to the public option, and also why ObamaCare will make all of our current health problems worse.

Mr. MCCAIN. So, Mr. President, let me summarize. I come back from this recess—and I see my colleague also from Arizona in the Chamber—both of us come back, as a lot of my colleagues do, in the face of extreme unease, anger, and frustration on the part of the American people, not just over the issue of health care but over the issue, as I pointed out, of this massive spending and debt and deficit we have laid on future generations of Americans.

They want us to act in their interests. So wouldn't it be appropriate for the President, tomorrow night, if I may be so bold, to say: My friends and colleagues, the citizens have spoken. They want us to sit down together, and they want us to do what is doable. They want us to fix this cost escalation of health care in America, which is making it less and less affordable to all Americans. But the message we have gotten is, they are very skeptical about "government-run health care" or a "government option."

When the President says: If you like your health insurance policy, you can keep it, that is not true either. It is not true either. Because if you had a government option, and it looked more attractive to your employer, and your employer decided to select the government option rather than the health insurance policy you now have, then you cannot keep it. So it is simply not true that under the government option, if you like your health insurance policy, you can keep it.

But the real point is, why don't we sit down—which we did not do; we did

not do that at the beginning of this process—why don't we sit down with the smartest people on both sides of the aisle and say: OK, what can we get gone? What can we get done here together and go to the American people and say we are going to make significant progress in eliminating this problem of out-of-control costs in health care in America.

I recall when I first came to the Congress of the United States—and it was pretty partisan then—Ronald Reagan had only been elected a couple years before that time, and Social Security was about to go broke. Social Security was going broke, and two old Irishmen—Tip O'Neill, a liberal Democrat from Massachusetts, and the conservative from California—sat down together and said: OK, we are going to sit together. We are going to fix Social Security. And they did. There American people were not only proud and grateful but they benefited.

Let's go back to square one. Let's sit down together and get this issue resolved.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican whip is recognized.

#### ORDER OF PROCEDURE

Mr. KYL. Mr. President, I ask unanimous consent to speak in morning business for not to exceed 15 minutes.

Mr. DORGAN. Mr. President, will the Senator yield for a unanimous consent request?

Mr. KYL. Yes.

Mr. DORGAN. Mr. President, I would make a request that Senator WHITEHOUSE be recognized following the presentation by the Senator from Arizona, that I be recognized following Senator WHITEHOUSE, and Senator INHOFE be recognized following my presentation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Thank you, Mr. President. I thank my colleague.

#### REMEMBERING SENATOR EDWARD KENNEDY

Mr. KYL. Mr. President, I want to speak to the same issue my colleague Senator MCCAIN spoke to in a couple minutes. But first I wish to make some brief comments about two of our colleagues who will no longer be with us—of course, our friend and colleague, Senator KENNEDY, and Senator MARTINEZ.

Let me, first of all, speak to Senator KENNEDY's departure from this body due to his untimely death.

During his five decades of public service, Senator KENNEDY served with diligence, tireless passion, and, of course, vigor—the word that immediately evokes the Kennedy spirit.

Because of who he was, he could have gotten by without a lot of hard work.

But that was not his way. He believed deeply, so he worked hard—as hard as any Senator I have known.

One thing that has been commented on by many who worked with Senator KENNEDY was his willingness to compromise. I have characterized Senator KENNEDY as a legislator's legislator, often a results-oriented pragmatist, who knew that clashes between the two parties are inevitable and, in fact, an integral part of our political system, and that it was important to reach across the aisle if you wanted to get things done. He believed that people with dramatically different points of view could usually find some common ground.

While Senator KENNEDY and I did not share a perspective on very many issues, and he was always ready to make an ideological or political point, my colleagues and I appreciated his efforts to actually legislate as well. His dedication, his hard work, humor, and high spirit will always be remembered. My wife Caryll and I extend our thoughts and prayers to his family.

#### TRIBUTE TO SENATOR MEL MARTINEZ

Mr. KYL. Mr. President, I also want to say a couple words about our colleague MEL MARTINEZ from Florida who will be leaving the Senate on this coming Thursday. He has been an admirable public servant, both in this body and as Secretary of Housing and Urban Development. To each position he brought his considerable talent and devoted himself to solving problems in a practical, thoughtful, and bipartisan way.

Senator MARTINEZ never sought the limelight; he simply wanted to make a difference. He was disappointed, I know, that he was unable to move immigration reform forward. But we will try to apply what he has taught us about that issue. His positive influence here in Washington will be greatly missed.

A farewell to Senator MARTINEZ would not be complete without a note about his compelling life story and about his wife Kitty. As a Cuban emigre who came to America with few ties, Senator MARTINEZ represents one of the most inspiring aspects of American life: that talent and hard work unlock the door to great success. He has not forgotten those who helped him, just as all of us will not forget him. His wife Kitty has, likewise, made many friends in Washington and will also be missed.

Although I know he will not need it, I wish him all the best in his future endeavors, and I know he will remain an important voice in our party and on issues important to all Americans.

#### HEALTH CARE

Mr. KYL. Mr. President, my colleague, Senator MCCAIN, has spoken to

the issue that is on the minds of all Americans today and which the Senate and House of Representatives will again take up as we return from the August recess; that is, how to deal with the issues that confront us in the delivery of health care today without doing damage to the care and the coverage that most Americans have and believe serves them well.

The approach I heard from my constituents over the recess was very similar to what Senator MCCAIN has spoken about, which should not seem to be a big coincidence since we represent the same State. On one occasion we called about 50,000 Arizonans, had them on the telephone for about an hour and a half, and asked for their views, and gave our thoughts in response to their questions.

What I have been struck by is the consistency of the views that have been expressed in the various forums I had around the State, consistent with the townhall meetings Senator MCCAIN had right in the heart of the Phoenix metropolitan area, views people expressed to me in every location, from the doctor's office I went to, to people meeting with me in my office, to folks at church. The message seems to be pretty much the same. And I think Senator MCCAIN articulated it well when he characterized it as anxiety and concern.

One of my colleagues said he denoted in his constituents, in these townhall meetings, real fear. I think that is true. Because even though we know there are some things that need to be done to improve health care delivery in this country, most people, according to surveys, have insurance and believe what they have serves them very well or at least well. Our goal, therefore, is to try to solve the specific problems that exist without doing harm to the system that treats the others.

As I said, a lot of our constituents were very fearful that they were going to have to pay much more in taxes; that their debt burden as a part of what this entire country owes would be increased significantly because of the costs of the health care reforms that have been proposed; that they wouldn't be able to keep the insurance they have even if they like it; that the way they receive care—the advice they get from their doctor about what their family's needs are—would not necessarily be respected if the government has a large role in deciding what to pay for and what not to pay for; and generally that the government's continued takeover piece by piece of the American economy would not serve individual Americans well. To be sure, they agreed that some health care costs are growing too fast and need to be controlled and that there are some Americans who don't have health coverage and really don't have a way to get it without public health. Those are the two key areas in

which they recognize there is a role for government to play in reform.

But they also wonder why certain problems are not being tackled—the problem, for example, of what one characterized as “jackpot justice,” where trial lawyers bring lawsuits and sometimes get big rewards but frequently simply settle the cases, and the net result is that the medical profession in this country—doctors primarily but hospitals and others—spend an enormous amount of money, estimated to be at least \$100 billion a year, on what is called the practice of defensive medicine; that is to say, doing things—ordering tests, referring patients to other physicians and so on—all of which are really unnecessary for the care and treatment of the patient but which will protect the doctor in the event there is a claim of medical malpractice. This happens because the lawyers involved get so-called expert witnesses who come to court and tell the jury that the standard of care in the community is that if the child falls down on the playground and gets a bump on the head, you order a CAT scan. It doesn't matter whether or not from the physician's observations he can see that the child really, if the parents just watch him carefully that evening, should be just fine; no, to protect himself or herself against medical liability or malpractice claims, they order a CAT scan or some other kind of test. The net result of that, as I said, is an expense of over \$100 billion a year in unnecessary medical tests and procedures. The cost of those items, of course, is passed on to all the rest of us.

Another estimate is that 10 percent of every health care dollar is spent on the premiums physicians spend for their malpractice insurance. As lawyers, some of us know you have to pay some money for malpractice insurance before you can start work on January 1. That is fair. But how about \$200,000 in medical malpractice premiums for a neurosurgeon, for example. That is an awful lot of money if you are an OB-GYN, for example. This estimate of 10 percent of health care dollars spent on premiums means that if we could reduce the incidence of malpractice claims, we could reduce that premium cost, the physicians wouldn't have to pass it on to the insurance companies, who wouldn't have to pass it on to us, and again, our health care could be cheaper.

So because of premium costs and because of the practice of defensive medicine, this jackpot justice system has not served us well.

One would think that if we are interested in controlling costs, if we are making insurance more affordable for small businesses—for big businesses, for that matter—for their employees, and for us as individuals, and if we want to encourage more physicians to

stay in practice, then what we would do is tackle this problem. Is there one word about medical malpractice reform in any of the bills, the bill that came out of the HELP Committee in the Senate, the bill currently pending in the Finance Committee, or the bill that came out of the House of Representatives? The answer is no, not a word about medical malpractice reform. Why? Well, Howard Dean, the former Democratic Governor of Vermont and Democratic National Committee chairman, was very honest about this on August 17 at a townhall meeting with Representative MORAN in Virginia. He was asked that question, and he said: When you write a big bill, you don't want to take on too many special interests, and the people who wrote this bill simply didn't want to take on the trial lawyers, and, he said, that is the truth. It is the truth.

The reality is that the President is going to ask everybody else to sacrifice. For example, seniors are going to have to take a \$400 billion to \$500 billion cut in Medicare, which will mean less care for them. If small businesses are going to have to pay a tax on every one of their employees in order to make sure they get covered with insurance; if the pharmaceutical companies are going to have to pony up—I have forgotten how many hundreds of billions of dollars it was for more drugs for seniors, for example; if everybody else is going to have to sacrifice, why didn't we ask the poor trial lawyers to give up just a little bit here? We are not saying malpractice claims couldn't be filed. That is the way doctors and hospitals and others are kept honest. When you make a mistake, you are going to have to pay for it. But we can make sure the system works to prevent the kind of jackpot justice I spoke about.

There are at least five different kinds of medical malpractice reforms that have worked. One was offered by Senator ENZI in the HELP Committee; it is called health courts. The State of Texas and the State of Arizona have both adopted certain kinds of medical malpractice reforms. In Arizona, it has begun to work. In Texas, something like 7,000 doctors have moved into the State, with premiums being reduced by either 21 or 23 percent. In other words, medical malpractice costs can be reduced to provide care, and by reducing that cost, people's premiums can be cut, and that will make insurance more affordable and more people will be able to get it.

My point here is simply to say this: What we found as we talked to our constituents was a fear that in order to solve two or three very discrete problems, there were people here in Washington who wanted to remake the whole system, throw out what we have, and impose on it a new regulatory regime. Whether there is a government

option or government insurance plan is only part of the issue. The problem is that there is government control of everybody irrespective of that, and people are concerned as a result that their care will be rationed, that taxes will go up, and that, in fact, their premiums will go up.

How could that be if we are going to try to make care less expensive? I will give one example. I talked to people who are relatively young and relatively healthy, and they are very aware that if they are put in the same pool with everybody else, with the people who are sicker and older, they are all put into one pot and you can't discriminate on the basis of health condition—and we do believe people with preexisting conditions should be able to get insurance—then, naturally, the people who are younger and healthier are going to be paying more for their insurance than they would if they were in a category all by themselves, and that is what the actuarial data shows us. So it might make insurance more affordable for somebody who is older and sicker, but it will definitely raise the cost of insurance for those who are younger and healthier. There have to be ways to avoid that perverse result. There are, in fact, and Senator MCCAIN talked about a couple of those that I will mention in just a moment.

There ought to be a way to ensure that everyone in this country can get affordable, quality health insurance without taxing all employers, especially small businesses—the very entities we are counting on to bring us out of this recession. We know that almost all of the jobs created in this country in the last 2 or 3 years were created by small business. Large businesses lost—in fact, we have lost about 3 million jobs in this country. In this recession, 3 million jobs have been lost. How are those jobs going to come back? It is going to be through small business. That is where over 80 percent of the jobs are created, and that is where they will be re-created to get us out of this recession. Why, when we are in the middle of this recession, would we want to tax people to say: If you want to hire somebody, it is going to cost you X amount. Why don't we give them an incentive to hire more people, not give them a disincentive through taxation. Why would we raise the taxes of all businesses, including, by the way, raising taxes on insurance? Insurance companies are fun to pick on, I grant. But does the insurance company just pass the cost of that tax that is going to be imposed on it to its premium holders? Of course. There is no free lunch. We end up paying the taxes. As everybody knows, corporations don't pay taxes, people do.

The net result is that when people are concerned about the economy, No. 1, about our rising debt, about the potential they are going to be taxed, and

about the need to re-create jobs, what they are telling us and what they told me when I was back home is: Solve those problems first. When you get that solved, then if you still want to look at health care, go ahead and do that. But in the process of doing that, don't throw the baby out with the bathwater. Don't try to throw out a system that works for most people. If you have a specific problem, target solutions to that problem. You could cover the 12 million people who can't afford insurance and who need to get it today, you could buy them all insurance with the savings you get with malpractice reform. Why don't we do that? The jackpot justice system is a problem in and of itself, and we have a problem because some people can't afford insurance and we need to help them get it. The money we save from one can help pay for insurance for the other. Why not do that? We don't need to change the entire system of health in this country in order to do that.

Since everyone knows Medicare is in trouble, why would we get it in further trouble by cutting it by \$500 billion, and instead applying that savings back in to help make Medicare solvent, provide coverage for people with that money when, in fact, you could get the money elsewhere.

That is what people are concerned about. They see some problems, but they see a solution that does not fit the problems, and they are afraid of it because it is too big, it is too much. People are trying to do it too fast. In fact, one asked why were they trying to rush this bill through before the end of August when it doesn't even take effect in most aspects until the year 2013. Good question. It has been a good thing that the American people have had a chance to consider this, that we have had a chance to read it and we have had a chance to talk about it.

Here is the bottom line. Republicans have a lot of alternatives. Senator MCCAIN talked about them: the malpractice reform; getting rid of the waste, fraud, and abuse in programs such as Medicare; selling insurance across State lines; providing association health plans so that small businesses can compete with the insurance companies in the same way the big businesses compete. These are ideas that can discretely be put into place to solve specific problems, and at the end of the day we will have achieved two things: We will have reduced the cost of health care premiums and the cost of health care for everybody, not just a few, and at the same time we will have been able to, with that savings, provide coverage for people who need it and cannot get it. To do that, it is not necessary to scrap everything we have and create a whole new system where the government takes over health care just as it has insurance and banking and automobiles and everything else.

So that is what I am hearing from my constituents, and I hope, as we are reengaged in this debate, we will do the one fundamental thing our Founding Fathers had in mind when they set up the kind of system we have here, and that is that we will listen to our constituents, never forgetting they are our bosses and we work for them.

I thank the Chair.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, why are we working so hard on health care reform right now? Well, one reason is because the present system is out of control and unsustainable. This is the cost curve of our national health expenditures. In 2009, it hit \$2.5 trillion, and it is going to continue to go up to the point where right now it is estimated that in the year 2016—which is not too far from where we are right now—in the year 2016, a standard family policy on average in Rhode Island will cost that family \$26,000 a year. A middle-class family in Rhode Island cannot afford \$26,000 a year just for health insurance. Something urgent has to be done.

During the 8 years of the Bush administration, it probably increased by nearly \$1 trillion, and nothing got done. Our friends on the other side of the aisle were happy as clams with that state of affairs. Now, in the first year of the Obama administration, with more progress made on health care than at any time since back when the Clintons tried it, we hear once again the catcalls and the criticisms from our colleagues—anything to stand in the way of progress. But that is why it is so important. We simply can't afford not to do so when we look at the risks our country faces economically.

There has been some criticism of the stimulus bill, the Economic Recovery and Reinvestment Act. This is it right here: \$0.8 trillion. From all the noise on the other side of this Chamber, one would think this dwarfed, shadowed the fiscal health of the Republic, but, in fact, it is a tiny little sliver compared to the debt that was run up during the Bush administration. We see that \$8.9 trillion is the difference between what the nonpartisan CBO projected when President Bush took office from President Clinton and when President Bush left us when he was done—\$8.9 trillion. This doesn't even count the Bush hangover of all the spending President Obama has had to do to help save the banks, to help save the financial system, and to help save the American auto industry.

He campaigned on none of that. None of us wanted to do that. When catas-

trophe asserted itself, we had to respond. The catastrophe took place not on President Obama's watch but beforehand. He has led this effort to put out the fires. The big risk is the \$38 trillion in unfunded liability for Medicare alone. That is part of that climbing cost picture that is driving us out of control.

Of that, the Lewin Group—a pretty respected group around these parts for their opinions on health care—says the excess costs in the health care system add about \$1 trillion a year: \$151 billion for excess costs for incentives to over-use services; \$519 billion for excess costs from poor care management and lifestyle factors; \$135 billion a year for excess costs due to competition and regulatory factors; \$203 billion a year from excess costs due to transactional inefficiencies.

We can reform this health care system in a way that improves the quality of care, while addressing this \$1 trillion in excess costs, which, according to George Bush's former Treasury Secretary, Paul O'Neil, who ran the Pittsburgh Regional Health Initiative and knows something about health care, is associated with "process failures."

Process failures can be corrected. One of the ways you can correct them is with a competitive public option. We have had a lock in the main middle market of health care by the private insurance market for all these years. This is what we are left with—\$1 trillion in waste from process failures. Obviously, they failed at the job. They have catastrophically, indisputably failed.

All we ask is to put a public option in side by side to compete with them—in the same way a public option in workers' compensation insurance competes in Senator McCain's home State of Arizona with the private insurance providers in workers' compensation. I don't hear complaints from him about the business community and the workers' compensation.

In the home State of Senator ENSIGN, Nevada, there is actually a single-payer public option for workers' compensation health insurance, and his employers seem absolutely fine with it. So it is not as if it is some strange, bizarre idea out on the fringes; it is a way of doing business in some of the home States of the opponents of this.

Our colleagues and their predecessors in this Chamber opposed Medicare when it was first proposed. Now it is probably the most popular program in the country. We have seen them in this Chamber fighting against children's health insurance. It was only thanks to our beloved colleague, Senator KENNEDY, coming back from his sick bed to cast the tie-breaking vote, that we actually were able to win that against Republican opposition.

The ideas they have seem, to me, to be abject failures. One is to continue

the lock for private health insurance companies so they are the only place you can get coverage, unless you are old enough for Medicare or you qualify for Medicaid or you are in the military. That is clearly not a sign of success.

As Senator MCCAIN indicated, it would be good to be able to cross State lines and buy insurance from out-of-State insurance companies. Yes, look how well that turned out for us with the credit card industry. We just had to pass legislation, thanks to Chairman DODD, to rein in the abuse and practices of the credit card industry because you can go to practically unregulated States and get credit cards that don't have basic consumer protections.

We don't want to see that in health insurance. We want careful, thoughtful local regulation of health insurance. We have 100,000 people who are killed every year by medical errors—and who knows how many injured—and the solution our friends across the aisle see is to take away the damages that the worst injured Americans are entitled to. That is how the reform they proposed in the HELP Committee works. It cuts damages, caps them, meaning it only would affect the people for whom the damages are the highest, who are harmed the worst, who would disproportionately be women because of the way it was organized, focusing on economic damages. So if you take a system where you kill 100,000 Americans every year because of medical errors—and injure who knows how many more—and your solution to the problem is to put the cost of it entirely on the backs of the worst victims of that error and injury, I think that is a mistake.

We would prefer, as Democrats—and I think as rational people—to reduce the incidence of malpractice and error, reduce the errors of malpractice claims by reducing the incidence of malpractice and error. We put enormous effort in this bill into putting structures into place to allow that to happen.

In terms of the real fear people heard when they went back home, it was a little disingenuous when that fear was whipped up by our colleagues with false statements about death panels in the legislation, how this was socialized medicine, and how a bureaucrat would jump in between you and your doctor if the bill passed. That is patently false. It spread like wildfire. Who wouldn't be afraid of those things? Now they observe there is real fear out there. I also had the opportunity to travel around my State during this break, similar to many colleagues, and I sat down with my constituents and heard what they had to say about health care reform. I sat down with hospital executives; pediatricians; OB/GYNs; family physicians; critical care doctors; the State medical society; health insurers; CVS, the pharmaceutical chain that makes

its home in Rhode Island; the Rhode Island MS chapter; business community leaders; members of our Rhode Island quality institute, which is reforming health care at the State level and it gives great leadership to our country right now; and with members of all walks of life who have come together and are working tirelessly to help build our State's information technology infrastructure.

I learned a great deal from those individuals and institutions. I learned a great deal also at two community dinners I held in West Warwick and in Johnston, RI, where hundreds of Rhode Islanders came out to join me and our senior Senator JACK REED, not only for spaghetti and meatballs—and they were good. I think I might be the only Senator to introduce meatballs into the townhall formula, and it worked fine. They were for a serious, civil, and constructive debate on the state of our current health care system. It brought out some stories I wish to share quickly this afternoon.

The first story is about Christine, who is a wife and mother, from Coventry, RI. Her family's struggle to maintain health insurance has left her and her husband with very difficult choices and few options. In 2007, Christine was diagnosed with multiple sclerosis. Shortly thereafter, she lost her job. She was shifting the family's coverage to her husband's employer, when her husband was laid off as well. That left Christine and her husband and their 6-year-old son with no health insurance. Still reeling from those bits of bad news, Christine and her husband were faced with decisions no one should be forced to make. Without medical insurance, with no affordable options for health coverage because of Christine's preexisting condition, they faced a choice now of leaving their home—think about that. You have a 6-year-old son who might lose his home—or paying for health insurance. At the moment, they cannot see a way to manage both.

As Christine told me:

I don't want any handouts. Unfortunately, life has handed me and my family a difficult path, and right now my family needs a little help. We should not have to make a decision between our health and our financial stability.

Until her husband finds a job, Christine says that every day they hold their breath and pray nothing will happen because that is all our broken health care system now has to offer them.

I also met Anna from Johnston, RI, who shared the story of her sister Tina. As is the story of so many today, Tina's husband lost his job. Their only option for health insurance was through COBRA. At \$1,500 a month, on top of mortgage and car payments and groceries, Tina knew, financially, this coverage was unsustainable. Finally, she had to give it up.

Shortly after dropping coverage, Tina began to lose weight. Anna explained that, at first, she thought her sister's weight loss was a reaction to the stress of the family's financial situation. But then the weight loss continued, and they realized something was seriously wrong. Despite urging from her family, Tina resisted going to the doctor because she was afraid the medical bills would make a very difficult financial situation unbearable.

Eventually, Tina felt so sick they called the ambulance, and she was taken to the hospital. Tina died 3 days later of a heart attack, complicated by bone cancer and diabetes. When Anna talked to the doctor who treated Tina, they asked the family why Tina had avoided coming to the hospital for so long because, with proper early intervention, her sister's conditions would have been treatable.

Anna told me she understands people get sick and die, but the manner in which her sister passed away was tragic because it didn't have to happen.

Over the August recess, I also heard from Rhode Islanders through the health care storyboard I ran on my Web site. Two of the stories are remarkable.

The first is from Ken, a recent Rhode Island College graduate from Greenville. He worked hard, dreaming he would be the first in his family to achieve a college degree. A year after graduation, Ken has that college degree, but he cannot find a full-time job with health insurance benefits. In this difficult economy, he works two part-time jobs at minimum wage, and he has no health benefits.

Ken wasn't looking to make a six-figure salary after graduation, but he was looking to be able to get by. On his current income, he has difficulty making ends meet with his day-to-day expenses, and he says it will take years to pay off his student loans at this rate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WHITEHOUSE. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Ken is having a hard time making ends meet with his day-to-day expenses, and it will take years to pay off his student loans. On such a limited income and in this situation, health insurance is simply not an option for Ken.

Ken is discouraged and frustrated. Despite his hard work and achievement, he knows that at any moment he is one sickness or injury away from thousands of dollars in debt or ruined credit that would affect his chances for a prosperous future. He has worked for everything he has earned, but health care costs are so high he is scared about his future, if nothing is done to fix our health care system.

Last is Beth, a small business owner in Providence. She and her husband have two full-time and two part-time employees. They find themselves at the whim of insurance companies. Because they don't have the bargaining power to negotiate the terms of their health insurance package, they have seen 41 percent increases in their insurance rates for 2 years in a row.

Beth told me the cost of health insurance is breaking the backs of small entrepreneurs, those critical drivers of innovation and building blocks of our Nation's economy. She doesn't understand how or why anyone would start their own business under the deep financial burdens imposed on small business by our current health insurance system.

Beth also cannot afford health insurance coverage for her twin 3-year-old girls. Beth admits she is terrified about what might happen to them without the safety net that health coverage offers. She urges us to work quickly toward reform so others do not have to struggle with the same fear and frustration as her family.

The Senate has been working hard on health reform legislation since the very beginning of this year. The process is trying and tiring and extremely complex. As we turn up the heat even more the next few weeks and become mired in the intense process of drafting a final bill and getting it to the floor, I urge my colleagues to remember health care reform is not about the interest groups, it is not about parliamentary procedures, it is not about secret meetings, and it is not about CBO scores. Reforming our health care system in America is about Christine and Tina and Beth and Ken and thousands like them in every one of our States across the country. And it means injecting some fairness and some reason into a system that has punished the sick, rewarded the greedy, and discouraged those who try to do the right thing.

For me, these stories reinforce the urgency of what we need to get done in the Senate. I am fully committed to completing this task, as I know the Presiding Officer is, and I look forward to getting it done over the next few weeks.

In closing, let me just say this is the first time I have spoken on the Senate floor since our colleague, Senator KENNEDY, has left us. His desk is three down from me. I don't know if the camera shows it now, but there is a black drape over it and some flowers and a copy of Robert Frost's "The Road Less Traveled." I know this poem meant a lot to him, and he certainly meant a lot to me as a very gracious mentor with vast experience who could easily have ignored a new colleague. But he took an interest, and I will never forget his kindness to me.

We all will miss his booming voice. He could fill this Chamber with his

voice. We will miss his rollicking good humor. No one enjoyed life and enjoyed his colleagues more than the senior Senator from Massachusetts. We will miss his masterful legislative skills as we try to work our way through the obstructions the other side will be throwing up against progress on health care reform. His wise voice and counsel will be missed.

Finally, we will miss his lion's heart. He knew when the fight was right, he knew when it was worth fighting for, and he was in it to win it.

TED, God bless you. We miss you.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me follow on the remarks of my colleague from Rhode Island as he discussed briefly at the end of his remarks the loss of our colleague and friend, Senator TED KENNEDY.

The desk that is now cloaked in black and adorned with flowers is a desk that was once occupied by Senator John F. Kennedy, then occupied by Senator Robert Kennedy, and for many years occupied by Senator TED KENNEDY.

He was an extraordinary friend to all of us, a remarkable legislator. This is not a case of the Senate just losing one Senator. He was such a much larger presence than that in the public life of our country and particularly in the workings of this Congress.

My thoughts and prayers have been with TED KENNEDY and his family over these many months as he has battled brain cancer. Now, since his death, we have all reflected on what he meant to us and to this country.

Today it seems inappropriate to take the floor of the Senate without at least acknowledging the absence of our friend, TED KENNEDY, and to send our prayers to his family.

#### WASTE, FRAUD, AND ABUSE IN PUBLIC SPENDING

Mr. DORGAN. Mr. President, when Senator KENNEDY would come to the floor with a booming voice, full of passion about an issue, it was an extraordinary thing to watch and to listen to. He had that kind of passion. I do want to say there are a lot of things for us to be passionate about. One of the things I have talked about on the floor of the Senate is the waste, fraud and abuse in public spending. All of us believe in investing in programs that work to try to help make life better in this country and advance the interests of this country. But it makes me furious to see the kinds of things I see from time to time that represent waste, fraud, and abuse

and unbelievable incompetence. Let me describe just one.

We know this not because of some extraordinary work by this body. We know this because of some extraordinary work by C.J. Chivers and Eric Schmitt at the New York Times because they wrote a story about it.

Let me tell you the story, and I am sure it will make every American as angry as it makes me. This is a picture of Efraim Diveroli, a 22-year-old CEO of a firm awarded \$300 million in U.S. contracts to provide armaments, bullets, and guns to the Afghan fighters. That is right. A 22-year-old man using a shell corporation established by his father, working out of a building with an unmarked door in Miami, got \$300 million in contracts from the Department of Defense. He was a CEO. By the way, there is no evidence of any other employees except him and his vice president. Yes, his vice president was older, 25 years old and a massage therapist.

Let me say that again. The Department of Defense gave \$300 million in contracts to a 22-year-old CEO of a company—a company that was run by a 22-year-old CEO—and a 25-year-old vice president massage therapist.

Why do I tell you this today? Because a new story just recently described the fact that Mr. Diveroli pled guilty to a fraud conspiracy charge relating to the \$300 million in U.S. contracts. He faces up to 5 years in prison.

I have spoken about this man and this circumstance probably three or four times on the floor of the Senate to ask the question: How on Earth could this have happened?

Let me just show, if I might, what this was about. This was about products. No, not staplers or reams of paper. These were killer products, ammunition; ammunition that was supposed to be provided to the Afghan fighters. As it turns out, ammunition that spills out of boxes. Here are some other examples.

In this chart, these are bullets, 40-year-old, Chinese-made cartridges they found somewhere in the world and sent them over to Afghanistan and the Afghan fighters.

Here we can see spilling out of boxes 42-year-old Chinese ammunition that was delivered in Afghanistan from these two folks.

The 22-year-old CEO with whom both the Defense Department and the State Department did business, by the way had previous contracts with the State Department. They were unsatisfactory, and despite that, he got \$300 million in contracts from the Defense Department. This photograph is from 2007. That is when he got the \$300 million in defense contracts. This photograph happens to be a police photograph because he was arrested for assaulting a parking lot attendant. At the time, he was found to have had a forged driver's

license which made him out to be 4 years older than he really was. He said he forged the license and didn't need it any longer now that he is 21 because he only wanted to buy alcohol in the first place.

They ran the company, AEY—the 22- and 25-year-olds getting \$300 million in defense contracts after they had gotten contracts with the State Department and judged to be unsatisfactory—out of a building in Miami. It was an unmarked door in a Miami Beach building. That is all you could see. The only evidence that exists suggests that this was a company with just two people.

Mr. Packouz, the 25-year-old massage therapist, has also pled guilty. So both have now pled guilty. I have shown examples of the arms they were supposed to have procured for the Afghan fighters, and when they were delivered, the Afghan fighters called them “junk”—junk—stuff that was made in the 1960s in China.

The way they purchased this so-called junk violated U.S. law in the first place. The New York Times originally published this story. That is when I saw it. That is when I came to the floor of the Senate and asked a very simple question: How did this happen? How on Earth could this have happened? Who is minding the store? If the Army had made the slightest effort to look into the backgrounds of Mr. Diveroli and Mr. Packouz, they never would have granted contracts to them.

The award was made in January 2007 by the Army Sustainment Command. On May 7, 2008, I met with Army LTG William Mortensen to find out why on Earth they gave contracts in this circumstance. Mr. Mortensen was a three-star general, Deputy Commander of the Army Materiel Command, which commanded authority over the Army Sustainment Command. They had awarded this contract. General Mortensen has since retired. He was completely unapologetic about this, by the way. He said the Army contracts were with companies, not individuals, and on paper the Diveroli company looked just fine.

Of course it didn't because they had not looked at the paper. Had they looked at the State Department with which that company previously contracted, they would have found out this is nobody with whom to contract. He told me nobody in the Army had thought to look through the background of Mr. Diveroli and Mr. Packouz, even though this was a company which consisted, as we know, of just two people. He told me, under similar circumstances, the Army would probably make the same decision again and give contracts to such people again. Then he told me if Mr. Diveroli and Mr. Packouz were acquitted, the Army would go back to doing business with them.

If General Mortensen had wanted to know a little bit about with whom they

were doing business to the tune of hundreds of millions of dollars he could have gone to MySpace. Mr. Diveroli had a page on MySpace. He describes himself as a super nice guy. He said on MySpace:

I had problems in high school so I was forced to I work and probably grew up way too fast.

He said:

Basically I'm just chilling with my boys.

And he likes to go clubbing and see movies.

He could have checked, of course, more than MySpace.

He could have checked perhaps a criminal record and found he had been charged with domestic violence and with drunk driving. He could have Googled his name and discovered the vice president, in addition to being a massage therapist, was a professional song writer.

With these kinds of backgrounds, I am just wondering, where is there accountability? Where is the accountability? I understand that because two enterprising reporters for the New York Times broke this story, and we probably would not know it now because this did not come from oversight hearings, it did not come from a Truman committee we should have in this Chamber investigating these things, but it was enterprising reporting that did this. I understand that. So because of that, we have a couple of people charged criminally.

The question I ask is, where is the accountability in the Department of Defense for deciding they are going to move \$300 million through the hands of these two? Who did that? Who is responsible? Were they asked to account for it and to answer for it to the American taxpayers and the government for which they worked?

The answer is no, and that is what is wrong, and it is why I come to the Senate floor to recite this again. There is some good news. Finally, we have criminal charges that have been adjudicated, and the fact is, two people have pled guilty. But will this be happening today somewhere in the Pentagon? Will it? Did it happen with water that was sent by a contractor to all the military bases in Iraq, the non-potable water that has more contamination than raw water from the Euphrates River? Did it happen there? The Army said no. The inspector general, at my request, investigated and said, yes, it did happen.

I can go on at length about dozens and dozens of similar circumstances. The question is, who is accountable for the spending of this money? Who has been made to be accountable? Who had to answer for it?

I ask the Secretary of Defense and others: Is there somebody made accountable for this situation? I understand there is criminal accountability for these two people. But is there ac-

countability for the people who decided to employ them, despite all the evidence that this made no sense for our country?

I ask that question for a very important reason. We are going to have a debate about Afghanistan. I have very strong feelings about that issue as well. What we are seeing now is more and more contracting being done in Afghanistan just as the ratcheting up of contracts occurred in Iraq. More and more and more contracting. Who is minding the store? What kind of oversight can we expect? Or will we a week from now, a month from now, or a year from now read another story by a couple of good reporters who dug it out to say something happened that is unbelievable and the American people got defrauded to the tune of millions of dollars or, in this case, hundreds of millions of dollars.

All of us have responsibility at this point to make accountable those who allowed this sort of thing to happen and not just in this case. I have done 20 hearings now as chairman of the Policy Committee, which have helped to unearth a great amount of evidence of waste, fraud and abuse.

Well, I know my colleague in Oklahoma is patiently waiting, and I wish to give him an opportunity to speak. I only want to say this. This is a conclusion with criminal charges and guilty pleas with respect to this issue, which I think is a metaphor for a much larger set of problems that we in the Congress and in the administration have a responsibility to address and to address soon. This issue of big Federal budget deficits is very real. They are unsustainable and dangerous. One of the ways to deal with them is to tighten our belts and start cutting spending where spending is being wasted. This was an unbelievable waste of the taxpayers' money, and my hat is off to the reporters who discovered it. I have been following it now for a couple years on the floor of the Senate, and at least I am able to say guilty pleas have been received.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been here this afternoon and hope to get a little more time than we are getting. Right now we are into the final debate on the vote that will take place at 5:30. The Senator from Nevada, Senator ENSIGN, has agreed to let me have 10 minutes, so I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, could we point out that we are to go to the bill at 4:30. I discussed with my colleague that we have 30 minutes on each side on the bill, and if we could go to the bill and then have my colleague

speak on that portion of the bill, I think that would be the right approach.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

#### ISSUES FACING THE SENATE

Mr. INHOFE. I thank the Chair.

Well, first of all, I had a few stories I was going to tell about my very good friend who is deceased now, Senator KENNEDY, and if there is time before my time expires I will get into that. I have a feeling more will take place on that tomorrow or later on tonight.

Let me mention one thing because I think it is so fresh on our minds now, having come back from the August recess. I did my town meetings in smaller communities in Oklahoma. I was in Stigler, Coweta, Chickasha, Grove, Woodward, Guymon, McAlester, and Lawton. I did this because so many times smaller communities are left out, and I wanted to know what kind of response they had. I made the comment when I was in Grove, OK, that the very institutions that have historically set America aside from the rest of the world are the ones that seem to be under attack by this administration. I am talking about free enterprise, talking about the fact of little government, big people, and all these things.

Since the junior Senator from Oklahoma, Mr. COBURN, is one of the two medical doctors in the Senate, I decided to talk about the other issues. My fear is this: There was concern about socialized medicine. Everyone is concerned about what this President wants to do with the health issues in America, but we are forgetting there are other very serious issues. So I covered these, as opposed to the health problems, because these are things we are going to be dealing with in the Senate in the next few days or weeks, and they are very significant.

One of them is the cap-and-trade issue that we have talked about at some length, and I will get into that in a minute; the other is the closing of Guantanamo Bay Naval Station, or Gitmo as it is known to most people, and the other is what has happened to our military. So let me, real briefly, get into these areas. These are three areas where I will be providing leadership. These are the areas of specialty I have and I am very much concerned about.

First of all, I positioned myself in Afghanistan in February, when Secretary of Defense Gates came out with his announcement as to the portion of the President's budget dealing with defense because I knew I was going to be opposed to it, and I thought that would give me a national forum, and it did. I was concerned about such things as the F-22. Right now, the only fifth-generation fighter we have is the F-22. Initially, we were going to have 750 of

them. We now have 187, and the President, in his budget, stopped it right there. He didn't say terminate, but I will use the word "terminate," because when you suspend something for an undetermined period of time, I think it is terminated.

At the same time that happened, we know that China is now working on their J-12s and Russia on their PAK-FAs. These are fifth-generation fighters they are going to be using to export to countries that could be potential enemies of ours. I have looked at the C-17 program—stopping that program—the future combat system. We haven't had in America a transition in ground capability in quite some time—about 60 years. So we have been working on the future combat system. That system has been terminated.

I think the one that probably has the greatest danger on the lives of Americans could probably be the system we had negotiated with the Parliaments of Poland and the Czech Republic. The Czech Republic was asked if they would agree to have a radar system to see any kind of incoming missile which might have been coming from Iran, and they agreed to do that. Then Poland agreed to have an interception capability that would knock down such a missile coming from Iran. I don't think there is anyone in America who doesn't realize that Iran is going to have their nuclear capability and delivery systems just as soon as they can. For the sake of Western Europe and the Eastern United States, I think it is critical we put ourselves in a position to have that capability. Well, he stopped that. So we will be talking about that for quite some time.

Gitmo. I think most people realize now that Guantanamo Bay is an asset we have had since 1903. It has all kinds of capabilities. It is the only place in the world you can put terrorist detainees where you can have a facility built for them—some seven degrees of security. We have a system there where we use military tribunals. I will never understand why President Obama is obsessed with bringing these detainees into the United States either for trial or for incarceration. For a trial, it would be the worst plan in the world because, by definition, a terrorist trains people to become terrorists. We don't need to have terrorists in our prison system teaching other people how to become terrorists.

Some of the places the President talked about sending them included my State, at Fort Sill. We will talk about that maybe some other time. But I do think, when we see just a matter of days ago, the release of Mohammed Jawad from Gitmo, nobody knows—or at least I don't know, and I should know, being the second-ranking member on the Armed Services Committee—why he would be released. We also know Mullah Zakir, who was kill-

ing American marines in the Helmand Province for quite some period of time, was released and is now back. He went into Gitmo in 2006, they released him in 2008, and he is back. Now we have received evidence that is conclusive that he is fighting on the side of the Taliban. So you can't turn these guys loose.

The third area I was concentrating on is one I will go back to 8 years ago. Redemption is kind of good for the soul, I think, because 8 years ago I was looking at the science on the notion that manmade gases—anthropogenic gases, CO<sub>2</sub>, methane—caused global warming. It was something everybody believed. Until I looked into the science, frankly, I believed it too. Now we see the science is not there. I made the statement 8 years ago that perhaps those liberals—mostly from Hollywood and that type of mentality—who want us to believe in the notion that manmade gases cause global warming is the most significant hoax ever perpetrated on the American people. I think now there are a lot fewer people today who are upset with the statement I made 8 years ago than there were then. This is something that is critical.

I wish to conclude with that, but first of all I wish to mention that there is a document that is too long to put in the RECORD. It is some 65 pages. I will have it on my Web site. This is a brave paper done by Robert P. Smith. He has a Ph.D., he is a petroleum engineer, and he talks about the energy crisis and what we can do in the United States to resolve that energy crisis—such commonsense things as continuing to conserve, to continue to support the free market, to oppose the cap-and-trade taxes—which I will talk about in a second—to oppose the alternative energy subsidies because we have to continue to develop and to supply energy for America while we are developing the technologies, so we need to continue coal-powered generation. We need to fast-track oil and gas exploration and use natural gas wisely. It includes nuclear plants.

I would suggest to anyone who is interested in getting into the best piece I have seen on this subject to go to my Web site—[inhofe.senate.gov](http://inhofe.senate.gov)—and we have a lot of that information on this. But he does have only 3 pages out of the 65 pages detailing the idea that global warming is caused by manmade gases, and I think it is done in a way that is very understandable by people who are not necessarily scientists or don't have a background in it. So I strongly recommend this document—called "Energy: Present and Future," by Robert P. Smith—to the reading list of the American people or anyone who is concerned about that issue.

Lastly, prior to the Republicans losing the majority in the Senate, I was the chairman of the Environment and Public Works Committee. That chair-

man is now Senator BARBARA BOXER. She took over the committee from my leadership.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. INHOFE. I was given an additional 5 minutes from our side, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair. I will conclude with this.

During the time that all the hearings—over 30 hearings—that Senator BOXER has had on the subject of global warming were taking place—and it was not just the Republicans but a total turnaround—the Democrats started to look into this and realized the Democrats, as a party—who always supported cap-and-trade systems, such as the 2003 bill and the 2005 bill and the 2008 bill—are now looking at it and they are cutting to the chase. I will give a few quotes here. These are all quotes from Democrats.

President Obama said: Electricity prices would necessarily skyrocket. Democratic Representative JOHN DINGELL from Michigan said: Cap and trade is a tax and a great big one. Democratic Representative PETE DEFazio said: A cap and trade system is prone to market manipulation and speculation without any guarantee of meaningful GHG emission reductions.

The best is from my good friend from North Dakota, Senator BYRON DORGAN, when he said about cap and trade: The Wall Street crowd can't wait to sink their teeth into a new trillion-dollar trading market in which hedge funds and investment banks would trade and speculate on carbon credits and securities. I totally agree with my good friend, Democratic Senator BYRON DORGAN.

Democratic Senator CANTWELL from Washington: A cap and trade program might allow Wall Street to distort a carbon market for its own profits.

We learned, of course, from Lisa Jackson, who is the new Administrator of the Environmental Protection Agency, when I asked her this question in a public hearing. I said: If we should pass the Markey bill in the Senate and it gets signed into law, will this reduce carbon emissions in the world?

She said: No.

Logically, obviously, she is right. If we drive our jobs overseas to places such as China and India, where they have no intention of having any kind of emission requirements, then that would have the effect of increasing, not decreasing, the amount of emissions in the air.

Senator KERRY said: There is no way the United States of America acting alone can solve this problem. So we have to have China; we have to have India.

I say we are not going to have China and India.

Senator McCASKILL said: If we go too far with this cap and trade, then all we are going to do is chase more jobs to China and India, where they have been putting up coal-fired plants every 10 minutes.

Not quite true. I would say to my good friend, Senator McCASKILL, it is about two coal-fired generation plants that are built every week in China. We haven't done one in 12 years here. So we know what their intentions are.

So we have had all these hearings, and we have recognized that things have changed now. You look at the groups now, and you have the agricultural community, the American Farm Bureau, and a vast majority of the agricultural groups who oppose it. The GAO says it will send our jobs to China and India. The very eloquent chairman of the National Black Chamber of Commerce did a great job of testifying before our committee and said it would destroy over 2 million jobs. The EPA and the EIA—that is the Energy Information Agency—said it would not reduce our dependence on foreign oil. The EPA said it will do nothing to reduce global temperatures. So when all is said and done, the American people will reject it. We are sure a lot further now.

I have to say this: This was a breath of fresh air, to listen to the American people standing up at these townhall meetings all around the country. In my 12 or 14 meetings I had in my State of Oklahoma, people know the right thing is going to happen. We are here to make that happen.

With that, I thank the Senator from Nevada for allowing me to have 15 minutes of his time, and I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### TRAVEL PROMOTION ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate resumes consideration of S. 1023, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1023) to establish a nonprofit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

Pending:

Reid (for Dorgan/Rockefeller) amendment No. 1347, of a perfecting nature.

Reid amendment No. 1348 (to amendment No. 1347), to change the enactment date.

Reid amendment No. 1349 (to the language proposed to be stricken by amendment No. 1347), to change the enactment date.

Reid amendment No. 1350 (to amendment No. 1349), of a perfecting nature.

Reid motion to commit the bill to the Committee on Commerce, Science, and Transportation, with instructions.

Reid amendment No. 1351 (to the instructions on the motion to recommit), to change the enactment date.

Reid amendment No. 1352 (to amendment No. 1351), of a perfecting nature.

Reid amendment No. 1353 (to amendment No. 1352), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be divided or controlled between the leaders or their designees.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I want to begin the discussion, then I believe my colleague, Senator ENSIGN, who has worked hard on this legislation, will follow. Then Senator KLOBUCHAR who also has played a significant role in this will follow with comments. If others arrive, of course we want them to be able to involve themselves in the debate.

At a time when there is so much discussion about partisanship and how things don't work so well, this legislation, the cloture motion we vote on at 5:30 today, is bipartisan. Unlike some other discussions about partisanship, this is bipartisan. This legislation is called the Travel Promotion Act of 2009. It has 53 cosponsors. There are many Democrats and Republicans cosponsoring this legislation.

Just today the U.S. Chamber of Commerce sent a letter to all Members of Congress saying they strongly support this legislation. The Chamber urges Members to support the legislation and to vote for cloture.

Let me talk just for a moment about what this is. First of all, at a time when we need jobs, this is about jobs. At a time when we need to find ways to address budget deficits, this is one piece of legislation that is not going to cost money. In fact, the Congressional Budget Office scores it as actually a \$425 million reduction in deficits over a 10-year period. Let me say again, it is pretty unusual. It is bipartisan, doesn't cost money—actually saves money—and addresses one of the most critical areas of our need, and that is jobs.

What is the Travel Promotion Act and why the concern? Let me describe it this way. We all know travel and promoting travel and tourism is job creating. It creates jobs in many areas—yes, hotels and gas stations and restaurants and tourist attractions, but with visitors just traveling across our country means people are spending money. It creates a lot of jobs.

Let me talk especially about the issue of international or foreign travel to the United States. Did you know foreign travel is up very dramatically in this world? There is a great deal of foreign travel—56 million more overseas trips were taken in 2008 than were taken in 2000. So in 8 years the number of overseas trips increased by 56 million people. But at the same time, overseas travel to the United States has decreased. We had 634,000 fewer for-

eign visitors to the United States. It means a lot of people are traveling, but since the year 2000 we have had a loss in our share of international tourists.

Why is that important? Because when overseas travelers come to this country, on average they spend about \$4,500. That supports a lot of jobs and a lot of businesses in this country. So why do we have 600,000-plus fewer visitors to the United States? In 2001, after the terrorist attack against our country, we tightened visa requirements and so on. The Iraq war occurred. There was a lot of concern by people that maybe the United States didn't want them to come. They have tightened visa requirements.

All of a sudden we discover that more people are traveling overseas, but they are not traveling here. Incidentally, the tourism that is happening internationally is not accidental. Most other countries are very aggressively going after the international traveler, saying: Come to our country.

Let me go through a list of just a few of those. Here is a big travel promotion campaign that talks about "Come to Australia. Arrived looking for an experience to remember, departed with an adventure we'll never forget."

The country of Ireland saying: "Come to Ireland. Go where Ireland takes you."

The list goes on. Virtually every country is saying we want foreign tourists to come to our country. "Sweet secrets from Japan." Come and visit Japan.

We have all seen these. All of these countries are very aggressive. Come to France. I can't read the French piece down here, but I know what it says. It says come to France. Come here, be a part of what we are doing.

Belgium, here is the Belgian approach: "Where fun is always in fashion. Visit Belgium."

Finally, India. "One special reason to visit India in 2009. Any time is a good time to visit the land of the Taj, but there is no time like now."

Virtually every country is saying: Come to our country; come visit us. But we are not, and we propose that we do promote our country because it will create a lot of jobs. Just as important, when people come here and experience what this country is about, they leave with a wonderful impression about what America is.

So what we have put together is a piece of legislation that is bipartisan. It is funded by and large with an entry-exit fee—that is imposed by most other countries, by the way—a \$10 fee on visa waiver countries, the people who come from those countries who visit our country. It is a minimal fee compared to what many other countries are charging. We establish with that fee a corporation for travel promotion, an independent nonprofit corporation governed by an 11-member board of directors appointed by the Secretary of

Commerce. It sets up this travel promotion fund financed by a public-private matching program.

In short, this is a very simple proposition. It will not only create a lot of new jobs in this country at a time when we desperately need new jobs by saying to foreign travelers come to our country, be a part of what America has to offer you, come see our wonderful country, experience what America is about, we know when they come to this country they have an unbelievably good impression of what they have just seen—the greatest democracy on the face of this planet by far, and they experience the magic and wonders of this country.

What we are saying to them is, at a time when travel around the world is up, that is visitors to other countries, and ours is down, let's solve this problem and let's do it without breaking the bank. In fact, this will not cost money; this will save money. Let's do it by working in a bipartisan way on one of the significant problems we face in America, and that is the loss of jobs.

In case someone thinks perhaps there are just a few of us who think this is a good idea, here are a few examples of others who think this is a great idea. The Dallas Morning News:

The travel promotion act is a sensible first step toward putting the welcome mat back on America's doorstep.

What a wonderful way to put it.  
The Los Angeles Times:

Considering the U.S. spends hundreds of millions of dollars on public diplomacy with dubious results and nearly nothing on promoting tourism, it might do well to invest a little money in wooing travelers.

Sacramento Bee:

This country needs to reclaim its stand as a global magnet for visitors even in this post-9/11 climate—and Congress can help by passing the Travel Promotion Act by the end of this year.

Duluth News Tribune:

Ideas to bolster economic recovery without plunging the Nation any deeper into debt would be welcomed by taxpayers from coast to coast.

The Detroit Free Press:

Doesn't it make sense to encourage, at no cost to taxpayers, foreign visitors to come here and leave us some money? There is no good reason not to pass this bill.

I needn't go on. This is not rocket science. This is something our country should do. If, in fact, in a smaller and smaller world, more and more people are traveling, then why should fewer people travel to the United States of America? This ought to be one of the great destination places on the entire planet. I expect and hope most people want to come to this country and see what America has to offer. But I think post-9/11 what we have done with visas and so on, which we are now correcting and have corrected by and large—longer waiting times, we have made them shorter and so on—I think there

was a notion out there somehow that the welcome mat doesn't exist. We are changing that. Republicans and Democrats can work together to change that. This legislation is good legislation, and I hope my colleagues will join me today in voting for cloture and moving this bill as soon as possible through the Senate, through the House, and to the President for signature.

When we do, those people who have had to come home to say to their spouse: Honey, I have lost my job—some of those millions of people, are going to be able to come home someday and say: I have a new job. There is some new activity going on in our State. I have a new job that relates to the substantial increase in international tourism to the United States.

That will be a good thing for our country. So as the principal author, along with Senator ENSIGN, of this legislation—and let me say also the chair of the Tourism Subcommittee, Senator KLOBUCHAR—I am pleased to be able to work together with my colleagues to get this legislation completed today.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, first let me thank the coauthor of this legislation, Senator DORGAN, for his leadership on recognizing how important this legislation is to our country, especially at this critical time when our country need jobs. All of us who just went back to our home States realize there are a lot of people who are truly hurting out there. It is not just people who have already lost their jobs, but there are a lot of people who are afraid they are going to lose their jobs.

There are people who are afraid to invest to create jobs. I would say the number one emotion I heard during the August recess was that of fear. It is fear of what is going to happen in this country. I think Senator DORGAN eloquently put it that this bill is about jobs. It is about creating jobs without adding to the Federal debt.

Another thing I heard throughout the State of Nevada is that people are very concerned about Federal spending and the deficits this year we are facing. This looming Federal debt that people believe is a threat to the future of the United States. This bipartisan bill helps create jobs without adding to the deficit. The bill is paid for through contributions from the private sector plus \$10 entry fee into the United States. Countries are able to participate in what is called a visa waiver program. It is cheaper for those countries who participate in the visa waiver program because \$10 is actually cheaper than if you were to get a full visa. Most countries charge more than \$10 for such a program; the \$10 entry fee will not deter people from coming to the United States. As a matter of fact, the money

is going to let people know that the United States is open for business.

I am obviously from a tourist-driven State. We spend a lot of money advertising, whether it is Las Vegas, Reno or Lake Tahoe, we spend a lot of money advertising to other places, including internationally. Nevada does a lot of advertising. The Las Vegas Convention Authority and private businesses advertise because it works.

What we are saying in this bill is, let's do it as a country. Let us show how many amazing places there are to see. Let's tell the rest of the world about it.

You know the old saying: If you build it they will come? We already have built it, or God built it with our natural resources we have, but you have to let them know they are welcome and it is easy to travel to the United States. That is what this legislation will do.

Plus, when you tell them about the United States, it will paint a mental picture in their minds when they are thinking about where to spend their next holiday or vacation. They say: You know what, I just saw that ad. It is kind of in the back of my mind. I always wanted to go to the United States.

Maybe they want to see some of our national wonders, whether it is Yosemite, Yellowstone, the Grand Canyon, Alaska, or Hawaii. Nevada has Lake Tahoe, one of the most beautiful Alpine lakes in the entire world. I would argue it is the most beautiful Alpine lake in the entire world.

There are so many places to see that are manmade in this country. Washington, DC is one of the most incredible cities in the world. If we tell people about it, and they come and learn about our history and our democracy, they may get a better view of the people and of the Government of the United States. The statistics are clear. People who visit the United States have a much more favorable view of the United States. There are plenty of other places to see, whether it is going to see the amazing culture of New York City or some of the other amazing cities, such as Chicago.

My hometown of Las Vegas is a world-class destination with some of the most amazing restaurants and entertainment on the planet. There are great beaches in California and on the East Coast. There are some of the most amazing golf destinations, whether it is Hilton Head, SC, or the Monterey Peninsula in California.

The United States has some amazing places to see. If we tell people about it, they will come in greater numbers. The studies are fairly significant on this. If you spend money to bring people, they will come. And when they come, they will bring their money.

Senator DORGAN talked about the average visitor who comes from overseas comes from a long ways away; not just

Canada or Mexico. When they come from a long way away, they spend, on average, \$4,500 in the United States. If we can attract some of those 58 million new visitors who are traveling worldwide now since the year 2000, even a small piece of that number, it is going to create tens of thousands of jobs in the United States. Who around here does not think we need jobs? The unemployment rate of Clark County, NV, which is where Las Vegas is located, is 14 percent now.

Tourism, when you total it all together, is the number one industry in the United States. We ought to do something to promote it. That is why this legislation, I believe, is so important. This country is crying out for bipartisanship. This bill does not add to the deficit. That is why this bill makes so much sense at this time in our country's history.

Over the next couple of days, we are going to be debating this bill. Tonight is a procedural vote to get on the bill. I believe all Senators should support it. When we get on the bill, we will have a lot more to say about it, a lot more examples of why this is good legislation.

I appreciate the work that has been done. I will yield the floor to allow the Subcommittee Chairwoman to speak, Senator KLOBUCHAR. She has done great work on this bill. We appreciate her support as well. This is a bipartisan piece of legislation that this country needs right now. Our country needs anything that is going to create jobs and not add to the deficit.

I yield the floor and I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I yield 10 minutes of our time to Senator KLOBUCHAR.

The PRESIDING OFFICER. The Senator is recognized.

Ms. KLOBUCHAR. Mr. President, as the Senator from Nevada was discussing, all of us were home in the last month. I heard a lot about health care and I know we will be having an extensive debate and doing some very important work in this area. I heard a lot about the economy.

Well, this bill is about an industry that one out of every eight Americans is employed in—one out of every eight Americans. And if there is something we know we can do, which we know we can do in this bill to help promote more jobs in this country without costing taxpayers any money, this is the time to do it.

I first thank Senator DORGAN from North Dakota for his tireless work for years on this bill. I was listening as Senator ENSIGN went through all of the wonders of Nevada. And we all know there is some great tourism there. But he failed to mention Teddy Roosevelt Park in North Dakota, a place I have been visited myself. And, of course, I hope many people have come to the

Mall of America in Minnesota as well as a lot of our beautiful forests and lakes.

Every State has something to be proud of when it comes to travel. Today we have the opportunity to help this industry with the Travel Promotion Act. We should not let it go to waste. As was mentioned, I am the Chair of the Commerce Subcommittee that deals with tourism. But I also come from a State that values common sense. And supporting legislation that will create jobs, generate spending, and reduce the deficit, all at no cost to the taxpayer, is the definition of common sense.

Look at the numbers. This bill is expected to bring in 1.6 million new international visitors each year—1.6 million. And you know how much they spend? They spend \$4,500, on average, when they come here. You can do the math: some 1.6 million new visitors times \$4,500 every single year in this country. In fact, some economists expect the bill to generate \$4 billion in new spending and \$321 million in new Federal tax revenue.

It is estimated to create 40,000 new jobs. The Congressional Budget Office estimates that this bill will reduce the budget deficit by \$425 million over the next 10 years. Remember those numbers: \$4,500 per person for every new visitor; 1.6 million new people every year coming to our country; \$4 billion in new spending, 40,000 new jobs. Costs to the taxpayer: zero.

During these tough economic times, how could we not pass this bill right now when we know it would do so much good? This past summer I visited, along with my family, many areas in our State and we did tourism hearings and various events around this bill.

In Northern Minnesota, I will be honest, at first I thought: Well, they want tourism, it is a big industry in our State, but do they care about this bill. That is when I found out that they do care about this bill. Because so many visitors traditionally have come down from Canada. And some of the barriers in getting the visas processed, and the barriers at the border have affected tourism up in northern Minnesota, in places such as Grand Marais and International Falls, and Bemidji, and the Brainerd Lakes area, home of the statue of Paul Bunyan and Babe the Blue Ox.

Minnesota shares this border with Canada. I was very surprised at how much interest there was in getting this bill passed. They understand that we want to promote our country internationally, like other countries which Senator DORGAN and Senator ENSIGN have pointed out have done for so long. But they also want to make it easier to process these visas.

As you know, this problem started way before the economy started having trouble. It occurred after 9/11 where,

for very good reasons, there were some tighter visa requirements put in place. The problem is, we have gotten so behind that a lot of people who are living in, say, France think: Well, am I going to go to America where it is maybe going to take months to process my visa? Maybe I will go over to England or maybe I will go to Japan. And so we need to speed up that process.

We know that tourism creates good jobs that cannot be outsourced. It increases sales for local businesses and it brings in tax revenue for local and State economies. One of my favorite examples is Duluth. It is not Las Vegas but listen to this story. Duluth is a port city that was hit hard by recessions of the 1970s and the early 1980s.

My dad is from northern Minnesota. We would go up there a lot. I could see how much that community was hurting during that time. At one point it was so bad that they put a famous billboard on the edge of town that said: Will the last one out please turn off the lights.

Well, the lights are still on in Duluth; they are as bright as ever. A lot has to do with the promotion of tourism. The city has transformed itself on the beautiful shores of Lake Superior into a popular tourist destination, welcoming nearly 4 million visitors each year with an annual economic impact of over \$700 million.

We know that the tourism industry is feeling the effects of the economic downturn. On top of that, as I mentioned, the United States has seen its decline in the tourism industry in the past decade. As we see here, the U.S. share of the world travel market has decreased by nearly 20 percent, costing us hundreds of thousands of jobs and billions of dollars in revenue.

When a traveler decides to go somewhere else besides the United States, there is a ripple effect throughout our economy. You think about the hotels, of course; you think about the airlines. But you know who else you should be thinking about? You should be thinking about that person who is working making beds in the hotel or the waitress who is working in the restaurant where people would stop by on their drive or you think about the florist who is getting those flowers ready for the business conference. These are all jobs, those are all jobs in this economy.

Last year nearly 200,000 travel-related jobs were lost, and the Commerce Department predicts that we will lose another 247,000 jobs this year. We can do something about this. We can bring in more travelers, we can create more jobs, and we can boost our economy. That is why we need to pass the Travel Promotion Act.

First, this bill will create the Corporation for Travel Promotion, a public-private partnership to promote the United States as an international travel destination, and finally establish a coordinated national tourism program.

Senator DORGAN has some amazing blowups of some of the work that you have seen in other countries. Just look. Indonesia has its own tourism program. The Bahamas entice people to go there; Scotland, Taiwan, South Korea; Australia with their kangaroo. What do we have right now? Nothing. Individual cities are going out there, places such as New York, places such as Las Vegas. It is not so easy for some small resorts in Minnesota or North Dakota or Vermont or New Hampshire to do that.

But this is the chance where we can actually promote our country internationally. And we are in major competition for international travel, but we are not competing. In 2005, Greece spent more than \$150 million on travel promotion; France spent \$63 million. That is what we are up against. It is time for the United States to catch up to the rest of the world. It is time for us to play on an even playing field.

Second, the bill will establish the Office of Travel Promotion in the Department of Commerce to work with the Corporation for Travel Promotion and the Secretaries of State and Homeland Security to make sure that international visitors are processed efficiently. It is time to cut through the redtape so we can get the people who are going to these countries to come to our country.

We have always been a country that has opened our arms to people who want to come and visit. We have been proud of that, because we know that it does not only have an economic benefit, it has also a diplomatic benefit. People who visit the United States are 74 percent more likely to have a favorable opinion of our country than those who have not visited.

As we enter a new era in our international relations, travel can play an important role in building bridges between Americans and people from across the globe.

Finally, as I mentioned earlier, this legislation will not cost taxpayers a dime. I say to Senator DORGAN, it is a very good way to begin this session, to begin it by looking at something that is paid for by combination of private sector contributions and a small fee on international travelers, non-U.S. taxpayers, who are entering the United States. This is commonsense legislation.

When you think about the positive ripple effect that will happen as more international visitors visit our country, it will increase sales for businesses ranging from airlines to hotels, to those little flower shops. It will increase revenues in our local economy, and it will increase jobs.

The United States is home to some of the world's wonders. And the Travel Promotion Act will give us the tools we need to promote the United States as a premiere travel destination.

As Chair of the Commerce Subcommittee that includes tourism, I have seen how important tourism is to communities, both small and large across our country. We have the opportunity to boost travel and boost our economy. We cannot let that go to waste.

I am glad we are debating this bill today. I am looking forward to this vote and the days that we have here to focus on this. But I urge my colleagues to support this. They have been home. They know people are crying out for jobs. They know this is something at no cost to the taxpayers, bipartisan support, which will help to get us there. Let's get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. There is 8 minutes, 15 seconds.

Mr. DORGAN. Mr. President, first, let me thank Senator KLOBUCHAR for her work, and Senator ENSIGN. I think they have said what needs to be said.

If 48 million more people are now traveling internationally, foreign travelers moving around the world, 48 million more, but 600,000 fewer are traveling in the United States as foreign travelers, then something is wrong and we need to fix it.

I want to market this country to foreign travelers, to say: Come to all of America. Yes, come to see the Statue of Liberty, and come to see New York City and its vibrancy, and the Empire State Building, and Las Vegas, and Universal Studios in Los Angeles, and the Golden Gate Bridge. And in my State, the Pembina Gorge, the Red River Valley, and the Badlands.

I would love to have foreign tourists come to experience the history and the culture the values of all of our country. I have told the story before on the floor of the Senate about Theodore Roosevelt. Theodore Roosevelt was in his home in New York when on the same day, on different floors of his home, his mother died and his wife died. In his diary for that day, there is a big mark. It is just an X for that day. He lost both his wife and his mother. Same day, different floors of his house.

A broken spirit, he went to what was then North Dakota and began to ranch in the Badlands of North Dakota, in what is now the Theodore Roosevelt National Park.

I would love to encourage foreign tourists to come to the heartland of America, the northern Great Plains, and see what restored the spirit of Theodore Roosevelt. What a great way to understand and see the history and the culture and values of this country. Isn't it interesting and alarming that 48 million more people are traveling around the world as foreign tourists and 600,000 fewer are traveling in the

United States? The United States, which should be the premier destination for travel of anywhere on this Earth, and yet we have 633,000 fewer foreign travelers than we had 9 years ago. There is something not connected here. We propose to connect it with something that is bipartisan, something that doesn't cost money but something that reduces the Federal budget deficit, something that creates jobs when we have lost so many, to be able to do that working together, to say: Here is something on which we can agree. Here is something we think would boost America's economic strength, here is something we believe would contribute to building new jobs, and, most importantly for me, here is something that when people come to our country and leave, it will allow them to leave America with a positive impression about what this country is, who the American people are, what they believe, what they practice. This is a remarkable place. To come here and then leave here after having visited America is to experience one of the great travel opportunities on this planet.

When we look at a problem and see that something is not working right, the question is, How do we fix it? I have said so often before, but I will say it again—because I know we have had some discussion today in opposition to this that I think mischaracterizes it—Mark Twain, when asked if he would engage in a debate, said: Of course, as long as I can take the negative side.

They said: We haven't even told you the subject.

He said: It doesn't matter. The negative side will take no preparation at all.

So it is with legislation. It is so much easier with no preparation to come and say: I am opposed to this; I don't support this; this won't work. The fact is, this is a problem that hurts this country. Losing our share of international tourism at a time when more people are traveling around the world, finding fewer people traveling to our country, that is a problem. We can fix it in a way that doesn't spend more, doesn't increase the Federal budget deficit, but attracts more people to this country and creates more jobs. What a remarkable piece of legislation that is a good investment in the future.

We have a lot to be proud of in this country, all of us. We take it for granted every day because we wake up in this country, but, boy, do we have a lot to be proud of. We want to show it off to foreign visitors.

Since 9/11, I understand there has been a notion somehow that it is harder to come to America. It is more hassle. What we want to say is: That is done. It is not a hassle. We invite you to come here. Come here and be a part of our experience.

Here is what we see in the Sidney Morning Herald: "Coming to America

Isn't Easy"; in the *Guardian*, United Kingdom: "America—more hassle than it's worth?"; the *Sunday Times* of London: "Travel to America? No thanks." These are all 2008 headlines. We want to say: This country has a welcome mat out for you. Come here. Experience what we have to experience in America. We invite you to be a part of our experience. We want you to come to the United States when you are considering traveling internationally.

That is what this legislation is about. This is not complicated. It is the right thing to do. It is the reason there are so many Democrats and Republicans who have joined together in something we think will strengthen the country.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to make a couple other points before the vote.

Some folks have questioned why we need the Travel Promotion Act. They say that tourism will take care of itself and that this is not a role for the Federal Government. One of the reasons I remember for years why I wanted to go to Australia was because they advertised in the United States. The advertisements talked about the various places, whether it was the Great Barrier Reef, some of the sites of Sydney, Australia, or the gorgeous beaches they have. The United States and our resources here are so vast for people to come and see, I think to not tell folks of the world what we have here or to remind them of what we have is a disservice to our country. If we remind them, whether by brochures, internet advertising, television advertising, or whatever the advertising media we choose, we will attract people here.

There is no question that a lot of folks would love to visit the United States. It may just take a little spark to get them to realize that is someplace they want to go. I have thought about that. Hey, let's take the kids. Let's go to America. Let's see some of the incredible sites. We have heard about the Grand Canyon. We have heard about some of the national parks. Let's go to Washington, DC, and see the Capitol, that beacon of democracy throughout the world. Let's remind folks of the types of things we have here in New York City.

When people come here, not only will they bring their money and create jobs, but I believe, very importantly, people will come away from America with a different attitude about our country. They will come away talking about an America that is different than what they get told about in their news media. If you are in Europe and other places, their news media is not necessarily kind to the United States. When people come here and meet

Americans, they see our places that we have and learn some of the history of our country. They come away with a different attitude. That is important today when America needs friends in the world. I believe this legislation is important not only for the jobs it will create but for America's image in the world. This legislation really is needed at this point.

In 1996, we eliminated a Federal program that was basically about promoting travel to the United States. We have had private programs and we have had public programs. None of them worked very well on their own—privately, because they couldn't get the funding necessary; on a public side, it was because the government doesn't run those things very well.

This is a public-private partnership that I believe can work. That is the reason I support this. It is the reason I think a public-private partnership, where some of the public funding is matched with private expertise, can bring more tourists to the United States.

Senator KLOBUCHAR mentioned that 1.6 to 1.8 million new visitors will come to the United States because of this legislation. That creates many jobs. That brings a lot of revenue. That also creates a lot more people who have visited here and will go back to their countries and talk positively about the United States. I believe in our country, and I believe in the goodness of our country. When people are exposed to that goodness, I believe they will go home and talk about the goodness of the country and the goodness of the people in the United States.

Mr. DORGAN. Will the Senator yield for a question?

Mr. ENSIGN. I am happy to yield.

Mr. DORGAN. I should also mention that Senator REID, along with Senator ENSIGN, has played a significant role in working on this legislation. That is very important to mention. Obviously, both come from a State that relies a great deal on tourism. My State's tourism industry is second in the State. It plays a very large role in every State, even though most of us don't have a traditional tourist destination city like Las Vegas, for example.

Early on Senators talked about how companies advertise because advertising works. It is the case that companies advertise only on behalf of their company. I just described circumstances of aggressive efforts for countries to advertise on behalf of their countries saying: Come to Italy, experience what Italy has to offer. Come to France. Come to India. The countries are very aggressive in saying: If you are thinking of traveling around this planet, take a look at this; come to see the Eiffel Tower.

Our country is not doing that. We are not involved in trying to reach out to people to say: You are welcome in this

country. We have so much to offer, so much for you to see. We want you to come here and experience it, to understand it.

This legislation creates a public-private partnership in which our country will advertise to the world and say: Come to America. Isn't that the case with respect to advertising of companies versus countries?

Mr. ENSIGN. My friend is correct. It is absolutely the case. It has been proven time and time again. These countries wouldn't continue to spend the money if it wasn't working. Certainly, companies wouldn't continue to spend the money if it wasn't working to bring more people, for instance, to Las Vegas. The individual companies, as well as the Convention and Visitors Authority, spend a lot of money to bring people to Las Vegas. Most Americans have heard the slogans: What happens in Vegas stays in Vegas. That became a very famous slogan. But it is the sights, the sounds, the smells, everything together that attracts people to come.

If tourists come to the Grand Canyon, most people will also go to California, Las Vegas, New York City or someplace else. When folks come from overseas, they usually don't just visit one place, they visit several places. If we attract people using some of the iconic places we have in the United States, other places around the country will benefit. That is why a national advertising campaign is very important for the country.

Mr. DORGAN. If the Senator will yield further, the fact is, we have lost a lot of jobs in the deepest recession since the Great Depression. All of us are striving to find ways to put people back to work. There is not going to be some Big Bang theory by which everyone goes back to work. We can do this incrementally. We need manufacturing to be restored. We need tourism, a significant job creator. A lot of people don't understand that it is not some big hotel that benefits from tourism. In most cases, it is a small business someplace struggling to make a living. It is a lot of small businesses, rental car companies, and so on. That is why we have such faith that if we do what we say we can do in this legislation, we will put a lot of people back to work.

Ms. KLOBUCHAR. Will the Senator yield for a question?

Mr. ENSIGN. Yes.

Ms. KLOBUCHAR. As Senator DORGAN was discussing, it seems to me that the people don't always think about the ripple effect. I know Nevada has suffered because of some of the economic downturn with tourism. Could the Senator talk a little bit about what he has seen in terms of other businesses that have lost business when we don't promote tourism the way we are supposed to? I think that is something people don't think about. They think

about the big airlines, the big hotels, but they don't think about the ripple effect on some of the other jobs that matter.

Mr. ENSIGN. Tourism is such a huge part of our economy today. For instance, somebody who cleans hotel rooms is out of a job, they don't have that money to go down to a fast-food restaurant or go to a store to buy clothes. They have to tighten their belts. Many people also work for tips.

Those tips have gone down, that ripple effect has happened through the American economy today. Nevada has felt it probably more than any other.

But there is no question of the ripple effect. It affects restaurants. I am a veterinarian; it affects the veterinary business. It affects dentists. It affects the construction industry. It is almost like a negative ripple effect when those jobs are being lost in the tourism industry. What we are trying to with this legislation is to create a positive ripple effect where we actually create tourism jobs that will then help to create other jobs in other sectors. So I think that is a great question on the ripple effect with the tourism industry.

Mr. DORGAN. Mr. President, let me mention again the U.S. Chamber of Commerce has sent out a letter today in strong support of this legislation precisely because of the job-creating nature of this legislation.

Mr. ENSIGN. Mr. President, I yield the floor, and I guess all time has expired.

The PRESIDING OFFICER. All time has expired.

#### CLOTURE MOTION

Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on amendment No. 1347 is agreed to, the motion to reconsider is agreed to, and the Senate will vote on the motion to invoke cloture, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Dorgan amendment, No. 1347, to S. 1023, the Travel Promotion Act of 2009.

Harry Reid, Byron L. Dorgan, Barbara Boxer, Ron Wyden, Mark Begich, Evan Bayh, Charles Schumer, Max Baucus, Jon Tester, Patty Murray, Jack Reed, Amy Klobuchar, Patrick Leahy, Barbara Mikulski, Robert Menendez, Jeff Bingaman, Joseph Lieberman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on amendment No. 1347, offered by the Senator from Nevada, Mr. REID, for Mr. DORGAN, to S. 1023, the Travel Promotion Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 271 Leg.]

#### YEAS—80

Akaka	Feinstein	Murkowski
Alexander	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Graham	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Inouye	Rockefeller
Bond	Isakson	Sanders
Boxer	Johanns	Schumer
Brown	Johnson	Shaheen
Burr	Kaufman	Shelby
Byrd	Kerry	Snowe
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Thune
Chambliss	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Lincoln	Voinovich
Corker	Lugar	Warner
Dodd	Martinez	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wicker
Ensign	Merkley	Wyden
Feingold	Mikulski	

#### NAYS—19

Barrasso	DeMint	McCain
Brownback	Enzi	McConnell
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Coburn	Hutchison	Sessions
Cornyn	Inhofe	
Crapo	Kyl	

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 19. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to commit fails.

#### CONGRATULATING SENATOR LAUTENBERG

Mr. REID. Mr. President, our colleague FRANK LAUTENBERG has given so much to his country. FRANK's parents settled as poor immigrants from Eastern Europe. If there were ever an example of someone who has come from the most basic circumstances to a man of wealth, a man of stature, it is FRANK LAUTENBERG. He has done it all. He fought bravely in World War II, put himself through Columbia University with the GI Bill of Rights, after having earned that with his service to our country in World War II.

As I have mentioned, he had great success in business. He has a mind that is very insightful, and he sees the big picture. He was one of the first to succeed in a business that now a lot of people are succeeding in, but he was one of the first there.

After having done so well in the great free enterprise system, he decided to turn to public service, and he was elected by the State of New Jersey to the U.S. Senate. He left the Senate in 2000 but came back when the State asked him to serve again. We needed

FRANK LAUTENBERG. He came back, and he has served with such remarkable stature since then.

When I first came to the Senate, I had the good fortune to serve with him on the Environment and Public Works Committee. His love of the matters within the jurisdiction of that committee is significant. He legislates with his heart, but it is always backed up with his brilliant mind. He has been chairman of the Budget Committee.

Just weeks ago, he set the record for casting the most votes by any U.S. Senator in the history of the State of New Jersey. Like any great legislator, Senator LAUTENBERG is best understood not by the number of times he has said "yea" or "nay" but what those laws say about his commitment to the people of New Jersey and all Americans.

He was a leader in establishing the threshold of drunk driving, saving countless lives. His work has helped to clean up toxic sites in communities across his State and our country. It has kept our drinking water clean and made our buildings more energy efficient.

The thing that I personally will always look at FRANK LAUTENBERG for having done is taking care of one of my children. One of my boys was allergic to tobacco smoke. When we would fly across the country, they had those artificial barriers where you could not smoke past a line. But it didn't matter because the smoke went everywhere. On every trip, my boy was miserable; it made him sick. Because of FRANK LAUTENBERG, millions of Americans are now protected from secondhand smoke. He wrote the law banning smoking on airplanes.

In addition to his being such a good friend, I commend and applaud the people of New Jersey for sending this good man to the Senate. He is someone who is deserving of all the accolades being given to him. I am proud to have known him.

The PRESIDING OFFICER (Mr. TESTER). The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I wish to say briefly that we are incredibly proud in New Jersey that FRANK LAUTENBERG is our Senator. It is not just the number of votes he cast, it is what he has stood up for. Senator LAUTENBERG has been known as standing up for New Jerseyans first, but he has also stood up for the Nation, millions of people, since he passed the ban on smoking on airlines and what he has done with Superfund sites and what he has done on domestic violence abusers, who can no longer possess a gun, which means people are alive today as a result of Senator LAUTENBERG's work in New Jersey and across the Nation. The landmark legislation he has participated in over his career in the Senate is exemplary.

I wanted to join in the tribute because it is not just his number of votes, it is the type of effect he has had on the lives of people in New Jersey and across the country.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the majority leader for his kind remarks and for the leadership he has provided for all of us. I never dreamed I would be here this long. I had 30 years in business before I got to this place.

HARRY REID mentioned twice something about wealth. The wealth I acquired by being in this place—by being able to say to my country that I have had a chance to give back for the wonderfully good fortune that has occurred in the lives of myself, my children, my parents—if they could see this. My mother was critical when I ran for the Senate. She expressed a little disappointment. I said, “Mom, how can that be?” She said, “Because I thought you would be running for President.” In any event, my dad would not have believed it, but he would have encouraged it nevertheless.

I thank my colleagues on both sides of the aisle for the patience sometimes that I exhaust on my friends, and I thank particularly my friend and colleague, BOB MENENDEZ, with whom I had the pleasure of serving while he was in leadership in the House, and especially since he has been here in the Senate, with the important responsibilities we have.

It is a good day, and I am glad to be back here to get on with the people's business. I thank you all for your patience and friendship, and particularly our majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRAVEL PROMOTION ACT

Mr. REID. Mr. President, I am very grateful we have moved forward on a very important bill for the country—the Travel Promotion Act. I commend and applaud Senator DORGAN for his good work on the legislation. It is extremely important. He was a real advocate, as he is on issues which he sinks his teeth into.

Travel and tourism generate \$1 trillion in the economy every year. Whether it is the State of Minnesota, Nevada—you can pick any of the States—tourism is the No. 1, 2, or 3 most important driving economic factor in the States. This year, tourism will create 40,000 new jobs. The bill will also cut

the deficit by \$425 million over the next 10 years. That is significant. We would be taking the strategies that have made Las Vegas such a success and bringing them to our entire Nation's tourism industry.

Nevada's tourism has been hit hard by the slowing worldwide economy, and when tourism in Nevada hurts, the entire State suffers. Hard-working people have lost their jobs. The State's budget has taken a major hit. Because that budget is largely funded by tourism, funding for vital programs in our State is at risk.

Nevada is not alone. Tourism is one of the top industries in every State. That is why this bill is so important. It is an opportunity to not only give American tourism a boost, but it is one of the many ways we are working to create jobs and help our economy rebuild.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LABOR DAY

Mr. BROWN. Mr. President, over the last few months, I have stood in the Chamber and read letters sent to me by Ohioans from all over my State, stories explaining how health insurance costs are threatening the economic stability of middle-class families. These stories reflect the many challenges facing our Nation's middle class and facing my State's workers.

The fight for health insurance reform is part of a larger effort to put our Nation on a new, progressive path that invests in our labor force, honors our industrial and manufacturing traditions, and helps rebuild our middle class.

Yesterday, I joined President Obama in Cincinnati at the largest Labor Day picnic in the country to honor the achievement and contribution of the American worker. Labor Day is an important American tradition that also recognizes the courage of generations of workers and activists who demanded a standard of living deserving of all Americans.

In Ohio, the tradition of Labor Day began in 1890, when Cleveland's first African-American lawyer and Ohio's first African-American State senator, John Patterson Green, introduced “Labor Day in Ohio” to celebrate the contribution of workers. The bill passed the general assembly on April 28, 1890, 4 years before Congress declared Labor Day a national holiday. It is easy to surmise that Labor Day began in Ohio. As the “father of Labor Day in Ohio,” John Patterson Green,

who befriended captains of industry, civil rights pioneers, and sitting Presidents alike, exemplifies how simple recognition can give powerful meaning to working men and women.

Yesterday, in Cincinnati, during the Nation's largest Labor Day picnic, the President spoke to thousands of workers gathered in support of policies that put American workers, and business, first. The President reminded us that:

Much of what we take for granted—the 40-hour work week, the minimum wage, health insurance, paid leave, pensions, Social Security, Medicare—all bear the union label. So even if you're not a union member, every American owes something to America's labor movement.

At Labor Day events across the State, workers and their families, friends, and neighbors gathered together, regardless of profession—electricians, communications workers, steelworkers, teachers, truckdrivers, and laborers—to celebrate all working men and women. That is what Labor Day is. The celebrations brought together the families of union brothers and sisters who fight for each other.

That is what the labor movement is about—to recognize and speak out for health care that works for workers. That is why this Labor Day is ever more meaningful.

I recently—before Labor Day—visited Open M, a free health clinic in Akron, where I met Christine, who runs a small gift basket delivery business by herself but cannot afford health insurance. Fourteen years ago, while working, Christine was seriously injured in a car accident, leaving her with multiple knee surgeries, foot and back problems, and a cane to help her walk. She had to pay these expenses out of her pocket, draining her savings and compromising her economic security.

Last week, I spoke at the Center for Working Class Studies at Youngstown State University, one of the Nation's first and certainly one of the Nation's premier academic programs devoted to the many phases of the American worker—the factory worker in Lordstown or the home care nurse in Niles, the teacher in Youngstown or the truckdriver in Boardman. The center tells the story of working-class communities to a nation that it helped build.

Ohioans from across the Mahoning Valley showed up and listened while others told the story of working-class families struggling with the crushing costs of health care.

John from Champion, OH, described how his sick nephew lacks health insurance and cannot afford the neurologist he is supposed to see. He said that if health reform doesn't pass soon, his nephew probably won't live long enough to receive the care he so desperately needs.

Michelle from Youngstown asked the question at the root of all of the struggles that define the progressive labor

movement. In her early thirties, she is one of the nearly 50 million Americans who are uninsured. She asked:

Isn't health reform a moral issue, where people in need and deserve care should have access to it?

The question of morality—whether coal miners' lives should be protected or food safety should be essential or the right to fair wages should be absolute—has long defined the labor movement's progressive mission.

The passing of Senator KENNEDY, a champion of the American worker, reminds all of us what government can, and should, do on behalf of American workers.

The history of our Nation shows that our workers helped transition our Nation from one industry to the next, driving innovation and creating economic prosperity for workers, communities, and industries, creating the middle class.

The history of our Nation shows that those who worked hard and played by the rules had something to show for it—a secure and good-paying job that supported their family and gave meaning to their community.

But today the American worker is confronted with economic challenges that threaten to undermine our economic security. Workers from Lorain to Wilmington, from Xenia to Zanesville, deserve a government that does more and does better for them.

Today President Obama and many in Congress are working to ensure workers be justly rewarded for their labor. As Ohioans understand, manufacturing recognizes the value of an honest day's pay for an honest day's work. We know that manufacturing is a ticket to the middle class. We know a strong middle class makes a stronger nation. That is why Americans deserve a manufacturing policy that works for them.

Manufacturing accounts for more than 10 percent of our entire economy and nearly three-fourths of our Nation's industrial research and development. Manufacturing jobs pay 20 percent more on average than service jobs. For every massive auto plant you see driving from east to west along the Ohio Turnpike, from Youngstown past Toledo, there are dozens of manufacturers making component parts and services for emerging industries in clean energy, aerospace, and biotechnology.

I applaud the administration's decision to tap Ron Bloom to direct a national strategy which will help manufacturers transition to the 21st century economy. It is not an easy task. It is one that requires hard work and progressive vision.

But in no uncertain terms, our Nation must establish a national policy to once again invest in our most important American asset—the American worker.

In the Economic Policy Subcommittee that I chair, we have looked

at the elements of a national manufacturing strategy—investing in innovation, strengthening our component parts supply line, connecting workers with jobs in emerging industries, improving assistance for distressed communities, and revamping how our Nation does trade.

Done right, we can reinvest in our workers' capacity to build the next generation of technologies and rebuild our next generation of middle-class families.

Done right, we can create new industry, and we can create good-paying jobs and secure jobs.

Done right, we can ensure the future of our Nation's global economic competitiveness.

Let us honor the story of the American worker who built this country, who sustains our middle class by reinvesting in them. Labor Day is a time to honor a movement that respects the dignity of work and reflects the decency and dedication of our workers.

This year's Labor Day comes at a historic time in the progressive labor movement's ongoing march toward economic security and a new era of productivity for our Nation.

Along with a national manufacturing policy, health insurance reform must be part of this Nation's legacy of giving meaning to workers and giving hope to the middle class.

The vote on health insurance reform will be, next to my vote in opposition to the Iraq war 6 years ago as a Member of the House of Representatives, the most important vote I cast in this Chamber. I hope at this time next year I will be reading the stories of Ohio workers who live with the health care they deserve and the dignity they have earned.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RENO HIGH SCHOOL 130TH ANNIVERSARY

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 130th anniversary of Reno High School. Located in Washoe County, NV, Reno

High School is the first and oldest high school in the city.

Until 1879, all Reno students went to school in a one-room building. That year they moved into a building officially named Central School, which gave high school-aged students their own floors. Though the school accommodated students from elementary through high school, it was often referred to as Reno High School throughout the community. In 1912, Reno's high school students moved into their own building and this school was properly dedicated as Reno High School.

I would like to take a moment to celebrate and cherish the rich history of Reno High School. It serves as a wonderful example of how a school can succeed through the hard work of its community members. Over the course of its history, Reno High School has educated thousands of bright individuals, cultivating their talent, and providing them with a nurturing environment in which to grow.

Notable alumni include U.S. Treasury Secretary Eva Adams, Pulitzer Prize winners Ann Telnaes and Warren LeRude, and Nevada State senator Bill Raggio. Its ranks also include a long list of local leaders who have made the Reno High School Alumni Association a robust organization, which now boasts the beautiful Link Piazza Alumni Center on campus. This freestanding building, completed in 2000, houses memorabilia dating back to Reno's earliest academic beginnings.

This school year begins by bringing students and alumni together in numerous events acknowledging the school's heritage. Festivities will honor the school's legacy by looking at the past, the present, and the great memories in between. I am confident that Reno High School will continue to be a beacon of academic excellence in the State of Nevada, as it has been during the last 130 years.

I ask my colleagues to join me in offering our heartfelt congratulations to the faculty, staff, students, families, and proud alumni of Reno High School. The leadership, dedication, and enthusiasm you possess and share with the community help continue the school's legacy and make Nevada a better place to live.

#### NOMINATION OF CARMEN R. NAZARIO

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, do not object to proceeding to the nomination of Carmen R. Nazario to be Assistant Secretary for Family Support of the Department of Health and Human Services, Calendar No. 304, dated September 8, 2009.

REMEMBERING SENATOR EDWARD  
M. KENNEDY

Mr. FEINGOLD. Mr. President, today I rise to bid farewell to TED KENNEDY, a man who spent so many hours on this floor. It was here that he engaged in the cause that shaped his life, and now shapes our memories his commitment to everyday people in their pursuit of the American dream.

It is hard for me, as it is for all my colleagues, to imagine this place without TED KENNEDY. To serve here with him was a great honor. At the age of 14, I was already wearing a TED KENNEDY for President button. Then when I arrived here, this man, this lion of the Senate, was so friendly and funny and generous. He helped to teach me the ropes in the Senate, and I felt so fortunate to know him as a person, not just to admire him from afar.

He and his family are one of the reasons I stand here today. His work in the Senate, his brother John's call for a new generation to serve their country, and his brother Bobby's call for social justice all these inspired me to run for office to in some way serve my country as Senator KENNEDY and his family had. One of the greatest honors of my life was winning the Profiles in Courage Award with Senator MCCAIN, and being recognized by members of the Kennedy family for our work on campaign finance reform.

Having Senator KENNEDY there that day was part of what made that such an honor. There was no one else like him; he was truly one of a kind. Who else could be such a fierce advocate, and at the same time such a skilled negotiator? Who else could engage in such heated debate, but still count so many of us, on both sides of the aisle, as devoted friends? No one but TED KENNEDY could do that.

His qualities were legendary he was the hardest worker, he was the quickest debater, and he was the guy who lit up a room with his warmth and wit. It was all there in one extraordinary man, who became one of the greatest United States Senators in our Nation's history. Even putting aside TED's legendary personal qualities, his legislative record speaks volumes about how effective he was. It is a record for the ages, with hundreds of his legislative efforts becoming law.

His achievements in civil rights, education, health care, and workers' rights speak to the absolute commitment he had to the people he saw who struggled to live the American dream; the dedicated people who are the lifeblood of this country, but who struggle—especially in times like these—when they lose their job, or their health insurance or their home. In TED KENNEDY, those Americans found their champion, and we thank him for everything he achieved on their behalf.

I admired so many things TED KENNEDY did, but most of all I was inspired

by his work on civil rights. His commitment, through his 47 years in the Senate, to the cause of equality for every American, was perhaps his greatest achievement of all. In his very first speech on the Senate floor, just 4 months after his brother John's assassination, he called for the passage of the Civil Rights Act of 1964. He played a key role in the Voting Rights Act of 1965, was the chief sponsor of the Voting Rights Amendments Act of 1982, and just a few years ago was a key cosponsor of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. He was one of the chief cosponsors of the Americans with Disabilities Act of 1990, the chief sponsor of the Civil Rights Restoration Act of 1988, and a key proponent of the Civil Rights Act of 1991. And the list goes on, Mr. President. There simply is no doubt that he was the most important legislative architect of the expansion of civil rights in the last half century. I am committed to helping to continue that work here in the Senate in his memory.

TED was also someone who suffered many personal tragedies, but he bore those burdens with a quiet dignity that came from his tremendous inner strength. You couldn't know him without being awed by that strength, and sensing it whenever he entered the room, or when he took up an issue. When he spoke, his words echoed not just in this Chamber, but across the country and around the world. This was a man who could change the momentum on a bill or an issue just through his own personal will. He was a powerful person determined to help the powerless in our society, and we loved him for it.

I think "beloved" is the best word to describe how we felt about him here in the Senate, and how so many Americans felt about him around the country. We are grateful that he lived to achieve so much, and to inspire so many.

And now we wish, as he did when he laid his brother Robert Kennedy to rest, that "what he wished for others will someday come to pass for all the world." And now we pledge, as he did at the Democratic Convention in 1980, that "the work goes on, the cause endures, the hope still lives and the dream shall never die." And now, as we grieve his loss, we say goodbye to our friend, Senator EDWARD M. KENNEDY. We thank him for his lifetime of service to our country, and for his profound commitment to the cause of justice here in the United States and throughout the world.

## ADDITIONAL STATEMENTS

## REMEMBERING ALLAN TESCHE

• Mr. BEGICH. Mr. President, I wish to commemorate the life of a very special friend from my home State of Alaska, Allan Tesche.

Former Anchorage Assemblyman Allan Tesche passed away July 14, 2009, after complications from heart surgery.

Allan Tesche was the embodiment of a true Alaskan and an incredible public servant. While I was mayor of Anchorage, Allan served on the Assembly. During this time, I got to know Allan and his family well. He was committed to the residents of Anchorage, and his dedication to making our city a better place was second to none. He and his wife Pam were active members of the community and raised their two children in Anchorage.

On behalf of his family, many friends, and colleagues, I ask today we honor Allan Tesche's memory. I ask his obituary, published July 26, 2009, in the Anchorage Daily News, be printed in the RECORD.

The information follows:

[From the Anchorage Daily News, July 26, 2009]

Allan Edward Tesche, 60, died in Houston, Texas on July 14, 2009, from complications from heart surgery. A memorial service will be at 2 p.m. Monday at Central Lutheran Church. Allan was born Aug. 3, 1948, to Marilyn and Frederick Rutledge Tesche in Los Alamos, N.M. He graduated with honors from the University of California at Davis in 1970. In the Peace Corps, he spent two years in El Salvador supporting Community Development projects. Upon his return, he enrolled in law school at the University of California at Davis, where he was an honorary member of The Chicano Law Students Association. In his second year he was recruited by the Greater Anchorage Area Borough to serve a six-month internship in the Anchorage Borough Attorney's Office; thus began his long association with Alaska government. Allan was invited by Mayor Jack Rodrick to return after graduation as a staff attorney. Allan's work on borough-city unification in 1975-76 led Mayor George Sullivan to elevate him to deputy municipal attorney, a position he held until his appointment to lead the Mat-Su Borough Legal Department in 1980. In 1982, Allan returned to Anchorage to head the Department of Property & Facilities. In 1988, he left city employment to join law firm Russell & Tesche, where he practiced until retiring in 2006.

In 1978, Allan married Pamela Dunham. Together they raised two children, operated the G Street B&B and went on family adventures. After seeing the community work of friend Nick Aguilar in San Diego, Pam supported Allan's plunge into local politics. Allan served nine years on the Anchorage Assembly. He championed many progressive policies and is credited with the adoption of property tax relief, liquor and tobacco control measures and urban beautification initiatives. Allan was a member of Central Lutheran Church, where he mentored neighborhood youths and served as Church Council president. After leaving the Assembly, Allan helped launch municipal consulting firm

RMA Consulting Group and served as acting city administrator for the City of Akutan. He worked for Akutan until his death, and his efforts supporting new developments in Akutan are an ongoing testimony.

Allan is survived by his wife, Pamela; son, Frederick; daughter, Mary; brothers, Frederick and wife Sharon of Saluda, N.C., Thomas and wife Kim of Covington, Ky., and Daniel of Clovis, Calif.; sister, Caroline of Tampa, Fla.; father and mother-in-law, Richard and Carrie Dunham of Whidbey Island, Wash.; brothers- and sisters-in-law, Paul and Kathleen Dunham of Fresno, Calif., Larry and Susan Goodman of Seattle, Cynthia and Eric Olsen of Spokane, Wash., and Linda Wesson of Clovis, Calif.; and by his nieces and nephews.●

#### RECOGNIZING J. THOMAS CALHOON

● Mr. CARPER. Mr. President, today I wish to speak about a member of our country's greatest generation, the generation of my parents who selflessly served our Nation during a time of great turmoil in the world. This generation made countless contributions to our society and continues to give unselfishly today. I offer my warmest wishes to one of them—Mr. J. Thomas Calhoon, of Hilliard, OH—on his 84th birthday, on this Friday, the eighth anniversary of the attacks of September 11. I want to thank him for the many sacrifices he has made and continues to make for our great country.

Born on September 11, 1925, in Wellsville, OH, Tom Calhoon was raised in East Liverpool, OH, and graduated from Grandview High School, class of 1943.

On December 15, 1943, Tom enlisted in the U.S. Marine Corps. While serving in Japan during World War II, Corporal Calhoon sustained extensive combat injuries in Okinawa in June of 1945, including the loss of his right leg and a bullet in his left arm that remains there today. He spent over 2 years in hospitals throughout the United States, including Philadelphia Hospital, where he met his wife, Sarah Mae Shoemaker, who was a volunteer.

He survived his injuries, and on August 29, 1947, Tom and Sarah were married and went on to have four sons, Thomas, Samuel, Donald, and Robert, and a daughter, Sarah. All five are children any parent would be proud of. Today, the Calhoon family has expanded to include seven grandchildren and two great-grandchildren due later this fall.

During his time in the Marines, Cpl Tom Calhoon received two Purple Hearts and was a rifleman and an expert with the bayonet. After being discharged, he enrolled, in the fall of 1948, at the Ohio State University, of which he and all five of his children are alumni. It was at the Ohio State University that I first met two of his sons, one of whom is a close friend to this day.

Corporal Calhoon worked in public relations and advertising for 50 years

in Columbus, OH. In addition to this full-time career, he spent countless hours of his time volunteering. As a member of the Lions Club, he received three national awards, including a Life Membership from the International Association of Lions Clubs Award in 1998 for 50 years of Outstanding Dedicated Service. He also served as president of the Tri-Village Lions, former director of the Franklin County Agriculture Society, is a life member of the Northwest Franklin County Historical Society, and a former director of Pilot Dogs, Inc.

An avid hunter and fisherman, Tom enjoys reading and watching war movies, which I hope he is getting to do on his birthday. Best wishes to you and your family, Tom, for many more.●

#### TRIBUTE TO DORIS WALLACE

● Mr. CRAPO. Mr. President, today I honor a woman who has contributed so much to the fabric of my home State of Idaho. Doris Wallace, the manager of the Eastern Idaho State Fair in Blackfoot, ID, will retire at the end of this month, following the completion of the 2009 Eastern Idaho State Fair. That will mark her 26th year with one of Idaho's most well-known fairs. The eastern Idaho State Fair covers 16 counties in eastern Idaho. Each county holds their individual county fairs with the blue ribbon winners advancing to competition at the Eastern Idaho State Fair.

Doris is a hometown girl, born in Blackfoot and raised in Bingham County. She married Ray Wallace. Together they have three children: Nicole, Stephanie, and Todd.

She began her career at the Eastern Idaho State Fair in 1983 when she began working as the office secretary. She was the "front desk" for the fair, and her personality, patience and friendliness represented the entire fair to those who entered her office to ask questions and complain about situations.

In 1987, Doris became the assistant manager, where she became the center of the fair operations. Her responsibilities included the exhibitor's handbook, all financial transactions, commercial and concession vendors and coordinator for spring, summer, and fall events taking place on the fairgrounds.

In 2000, Doris was promoted to fair manager by a five-member Fair Board. As manager, Doris used her years of experience to enhance an already-thriving annual event. She has encouraged participation of 4-H and Future Farmer of America projects and activities including the 4-H dog show, 4-H horse show, and 4-H livestock, canning, cooking and sewing demonstration projects. Future Farmers of America leave their classrooms on Friday to spend the day on the fairgrounds to personally experience and participate in judging competitions.

In 2002, she was able to plan the celebration of the 100th anniversary of the Eastern Idaho State Fair. She produced an extravaganza of historical and colorful memories, which have made the fair a family tradition for those living in eastern Idaho.

Doris has competently managed fair operations of the Eastern Idaho State Fair, which attracts 250,000 fairgoers over the 8-day fair, beginning each year on Saturday proceeding Labor Day. Events include traditional horse pulling, pari-mutuel horse racing, Indian relay races, junior and adult rodeos, professional entertainers, petting zoos and educational exhibits. The traditional tractor pull, demolition derby, and extreme bike riders are all part of Doris's management responsibilities as she has provided a fair of diverse attractions for a fairgoing audience of diverse ages, backgrounds and interests.

As manager, Doris supervises six full-time employees and approximately 400 employees during the fair week, including ticket takers, car parkers, custodial services, ground crews, and security.

Throughout her life and particularly during her career at the Eastern Idaho State Fair, Doris has contributed enormously, both privately and professionally, to the fair community, the city of Blackfoot, and all of eastern Idaho. Please join me in congratulating Doris Wallace on her years of service at the Eastern Idaho State Fair and wishing her well in her pending retirement.●

#### MESSAGE FROM THE HOUSE DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on August 10, 2009, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following bill:

H.R. 3325. An act to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

The enrolled bill was subsequently signed during the session of the Senate by the President pro tempore (Mr. BYRD).

#### MESSAGE FROM THE HOUSE

At 3:51 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 179. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2636. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium Lauryl Sulfate; Exemption from the Requirement of a Tolerance" (FRL No. 8430-5) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2637. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Certain Chemical Substances; Withdrawal of Significant New Use Rules" (FRL No. 8433-9) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2638. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Pesticide Tolerances" (FRL No. 8413-6) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2639. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1,2-ethanediamine, N,N,N',N'-tetramethyl, Polymer with 1,1'-oxybis[2-chloroethane]; Exemption from the Requirement of a Tolerance" (FRL No. 8430-6) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2640. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches" ((Docket No. AMS-FV-08-0108)(FV-09-916/917-1 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2641. A communication from the Acting Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Decreased Assessment Rates" ((Docket No. AMS-FV-09-0013)(FV-09-916/917-2 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2642. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pur-

suant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California; Decreased Assessment Rate" ((Docket No. AMS-FV-08-0107)(FV-09-925-2 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2643. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate" ((Docket No. AMS-FV-09-0038)(FV-09-922-1 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2644. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Decreased Assessment Rate" ((Docket No. AMS-FV-09-0044)(FV-09-959-2 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2645. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2" ((Docket No. AMS-FV-08-0094)(FV-09-948-1 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2646. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements" ((Docket No. AMS-FV-08-0106)(FV-09-925-1 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2647. A communication from the Acting Administrator of Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for 2009 Crop Cotton Classification Services to Growers" ((Docket No. AMS-CN-09-0011)(CN-09-001)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2648. A communication from the Acting Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Revision of Outgoing Quality Control Requirements" ((Docket No. AMS-FV-08-0045)(FV08-981-2 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Com-

mittee on Agriculture, Nutrition, and Forestry.

EC-2649. A communication from the Acting Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Peanut Promotion, Research, and Information Order; Section 610 Review" ((Docket No. AMS-FV-08-0110)(FV-08-704)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2650. A communication from the Acting Administrator of Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2009 Amendments)" ((Docket No. AMS-CN-09-0015)(CN-09-002)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2651. A communication from the Acting Associate Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Country of Origin Labeling of Packed Honey" ((Docket No. AMS-FV-08-0075)(FV-08-330)(RIN0581-AC89)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2652. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Grape Crop Insurance Provisions and Table Grape Crop Insurance Provisions" ((7 CFR Part 457)(RIN0563-AC09)) as received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2653. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Storage Facility Loan and Sugar Storage Facility Loan Programs" ((7 CFR 1436)(RIN0560-AH60)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2654. A communication from the Acting Assistant Director of Directives and Regulations, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Downpayment and Periodic Payments" ((36 CFR Part 223)(RIN0596-AC80)) as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2655. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Increased Assessment Rate" ((Docket No. AMS-FV-08-0105)(FV09-932-1 FIR)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31,

2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2656. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, a report entitled "Fiscal Year 2009 FAIR Act Inventory"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2657. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and General Administrative Provisions" ((RIN0584-AD73)(7 CFR Part 246)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2658. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, a report entitled "Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project Status Report to Congress for Fiscal Year 2008"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2659. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Loyd S. Utterback, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-2660. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary store at Neubrucke, Germany; to the Committee on Armed Services.

EC-2661. A joint communication from the Deputy Secretary of Defense and the Deputy Secretary of Veterans Affairs, communicating, pursuant to law, a report relative to the extension of the Senior Oversight Committee; to the Committee on Armed Services.

EC-2662. A communication from the Acting Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, the Annual Status Report on the Disposal of Chemical Weapons and Material for Fiscal Year 2008; to the Committee on Armed Services.

EC-2663. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the quarterly reporting of withdrawals or diversions of equipment from Reserve component units; to the Committee on Armed Services.

EC-2664. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to specifying for each Reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out; to the Committee on Armed Services.

EC-2665. A communication from the Deputy Secretary of Defense, transmitting the report of the authorization of an officer to wear the authorized insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2666. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, a report relative to the Department's purchases from

foreign entities in fiscal year 2008; to the Committee on Armed Services.

EC-2667. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the report of Inventories of Contracts for Services for the Departments of the Army, Navy, and Air Force; to the Committee on Armed Services.

EC-2668. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Changes Included in the John Warner National Defense Authorization Act (NDA) for Fiscal Year 2007; Authorization for Forensic Examinations" (RIN0720-AB18) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Armed Services.

EC-2669. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Private Security Contractors (PSCs) Operating in Contingency Operations" (RIN0790-AI38) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Armed Services.

EC-2670. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-2671. A communication from the Deputy Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding the Financial Accounting Standards Board's Accounting Standards Codification" ((17 CFR Parts 211, 231, and 241) (Release Nos. 33-9062; 34-60519; FR-80)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2672. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending" (Regulation Z; Docket No. R-1365) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2673. A communication from the Secretary of the Department of Commerce, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-2674. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13313 with respect to the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-2675. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13396 with respect to Cote d'Ivoire Sanctions; to the Committee on Banking, Housing, and Urban Affairs.

EC-2676. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act; Final Rule" (RIN3064-AC99) as received during adjournment of the Senate in the Office of the President of the Senate on August 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2677. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending" (Regulation Z; Docket No. R-1353) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2678. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Write-Your-Own Arrangement" (RIN1660-AA58) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-2679. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8083)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2680. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8085)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2681. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8087)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2682. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act" (RIN1557-AC89) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2683. A communication from the Regulatory Specialist, Office of the Comptroller

of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital—Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program" (RIN1550-AC34) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2684. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC-2685. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC-2686. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Housing and a nomination and confirmation in the position of Assistant Secretary for Housing and Federal Housing Commissioner; to the Committee on Banking, Housing, and Urban Affairs.

EC-2687. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a confirmation in the position of Assistant Secretary for Policy Development and Research in the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC-2688. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Credit Union Reporting" (RIN3133-AD56) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2689. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Truth in Savings" (RIN3133-AD57) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2690. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital—Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program" (RIN3064-AD42) as received during adjournment of the Senate in the Office of the President of the Senate on August 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2691. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Interest Rate Restrictions on Insured Depository Institutions That Are Not Well Capitalized" (12 CFR Part 337) as received during adjournment of the Senate in the Office of the President of the Senate on August 12, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2692. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Smart Grid System Report"; to the Committee on Energy and Natural Resources.

EC-2693. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the procurement of additional services on a noncompetitive basis from the United States Enrichment Corporation; to the Committee on Energy and Natural Resources.

EC-2694. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Annual Energy Review 2008; to the Committee on Energy and Natural Resources.

EC-2695. A communication from the Deputy Chief, National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the boundary for the North Fork Smith and Upper Rogue Rivers in Oregon; to the Committee on Energy and Natural Resources.

EC-2696. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the acceptance of gifted land in Socorro County, New Mexico adjacent to the Chupadera Wilderness; to the Committee on Energy and Natural Resources.

EC-2697. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC-2698. A communication from the Environmental Project Manager, Federal Energy Regulatory Commission, transmitting, a report relative to construction clearances; to the Committee on Energy and Natural Resources.

EC-2699. A communication from the Deputy Chief, National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the boundary for the Carp, Indian and Whitefish Rivers in Michigan; to the Committee on Energy and Natural Resources.

EC-2700. A communication from the Acting Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Technical Changes to Production Measurement and Training Requirements" (RIN1010-AD55) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Energy and Natural Resources.

EC-2701. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Utah Regulatory Program" ((SATS No. UT-045-FOR) (Docket No. OSM-2008-0011)) as received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2009; to the Committee on Energy and Natural Resources.

EC-2702. A communication from the Executive Director of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Annual Update of Commission Filing Fees" ((18 CFR Part 381) (Docket No. RM09-17-000)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Energy and Natural Resources.

EC-2703. A communication from the Assistant Secretary for Fish and Wildlife Parks,

Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2009-2010 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge" (RIN1018-AW48) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Environment and Public Works.

EC-2704. A communication from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations - Modifications" (RIN1018-AV80) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Environment and Public Works.

EC-2705. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 8941-3) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Environment and Public Works.

EC-2706. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Santa Barbara County Air Pollution Control District" (FRL No. 8948-6) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Environment and Public Works.

EC-2707. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District" (FRL No. 8945-1) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Environment and Public Works.

EC-2708. A communication from the Acting Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf-Changing Proprietary Term of Certain Geophysical Information" (RIN1010-AD41) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Environment and Public Works.

EC-2709. A communication from the Acting Director of Human Resources, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, (2) reports relative to nominations and (2) reports relative to confirmations within the Environmental Protection Agency; to the Committee on Environment and Public Works.

EC-2710. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to

law, the report of a rule entitled “Temporary Assistance for Needy Families Carry-Over Funds” (RIN0970-AC40) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2711. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Modification of Revenue Procedure 2007-44” (Notice No. 2009-36) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2712. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Special Rules Governing Eligible Combined Plans” (Notice No. 2009-71) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2713. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates – September 2009” (Notice No. 2009-29) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2714. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Work Opportunity Tax Credit” (Notice No. 2009-69) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2715. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability” (Notice No. 2009-34) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Finance.

EC-2716. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Qualifying Advanced Energy Project Program” (Notice No. 2009-72) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2717. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Tier I Issue – Section 936 Exit Strategies” ((LMSB-4-0809-031)(Uniform List No. 482.11-00; 482.11-08; 482.12-00; 482.09-00; 367.30-00; 367.05-00)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Finance.

EC-2718. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2008 Annual Report of the Assistant Secretary for Veterans’ Employment and Training of the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

EC-2719. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board’s annual report for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-2720. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled “Changing the Future of Drug Safety: FDA Initiatives to Strengthen and Transform the Drug Safety System”; to the Committee on Health, Education, Labor, and Pensions.

EC-2721. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-2722. A communication from the Program Manager, Office of Civil Rights, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Breach Notification for Unsecured Protected Health Information” (RIN0991-AB56) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2723. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “International Education Programs” (RIN1840-AC97) as received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2724. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits” (29 CFR Part 4022) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2725. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Applications for Food and Drug Administration Approval to Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs” (RIN0910-AG19) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2726. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Advisory Committee; Risk Communication Advisory Committee; Termination and Recharter” (Docket No. FDA-2009-N-0310) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2727. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an alternative plan for pay increases for civilian

Federal employees covered by the General Schedule and certain other pay systems in January 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-2728. A communication from Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report entitled “Fiscal Year 2008 Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002”; to the Committee on Homeland Security and Governmental Affairs.

EC-2729. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2730. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Prevailing Rate Systems; Redefinition of the Boise, ID and Utah Appropriated Fund Federal Wage System Wage Areas” (RIN3206-AL82) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2731. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Prevailing Rate Systems; Redefinition of the Lake Charles—Alexandria and New Orleans, LA Appropriated Fund Federal Wage System Wage Areas” (RIN3206-AL81) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2732. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Time-in-Grade Eliminated” (RIN3206-AL18) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2733. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Noncompetitive Appointment of Certain Military Spouses” (RIN3206-AL73) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2734. A communication from the Regulatory and Policy Specialist, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Job Placement and Training” (RIN1076-AE88) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Indian Affairs.

EC-2735. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled “Amendments to Various National Indian Gaming Commission Regulations” (RIN3141-0001) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Indian Affairs.

EC-2736. A communication from the Acting Principal Deputy Assistant Secretary of Indian Affairs, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a proposed settlement agreement entered into by the Department of Justice and the Confederated Tribes of the Warm Springs Reservation of Oregon on January 16, 2009; to the Committee on Indian Affairs.

EC-2737. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report entitled "Report to the Congress on the Refugee Resettlement Program"; to the Committee on the Judiciary.

EC-2738. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "2008 Report of Statistics Required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005"; to the Committee on the Judiciary.

EC-2739. A joint communication from the Secretary General and the President of the Inter-Parliamentary Union Campaign, transmitting, a report entitled "A Parliamentary Response to Violence Against Women"; to the Committee on the Judiciary.

EC-2740. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during the year ending December 31, 2008; to the Committee on the Judiciary.

EC-2741. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Virginia Advisory Committee; to the Committee on the Judiciary.

EC-2742. A communication from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination in the position of Deputy Director for State, Local and Tribal Affairs in the Office of National Drug Control Policy; to the Committee on the Judiciary.

EC-2743. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled "Fiscal Year 2008 Accounting of Drug Control Funds"; to the Committee on the Judiciary.

EC-2744. A communication from the Director of Regulations Management, Compensation and Pension Service, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Presumption of Service Connection for Osteoporosis for Former Prisoners of War" (RIN2900-AN16) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Veterans' Affairs.

EC-2745. A communication from the Director of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medication Prescribed by Non-VA Physicians" (RIN2900-AL68) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Veterans' Affairs.

EC-2746. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Third Quarterly Report from the Attorney General to Congress; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES DURING ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of August 7, 2009, the following reports of committees were submitted on September 2, 2009:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute.

S. 728. A bill to amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes (Rept. No. 111-71).

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 588. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes (Rept. No. 111-72).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1649. A bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN:

S. 1650. A bill to amend the Richard B. Russell National School Lunch Act to improve the purchase and processing of healthful commodities for use in school meal programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN:

S. 1651. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. ROBERTS):

S. 1652. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. KAUFMAN, Mr. FRANKEN, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. BROWN, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mrs. SHAHEEN, Mr. INOUE, Mr. KERRY, and Mr. AKAKA):

S. 1653. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. BURRIS:

S. 1654. A bill for the relief of Maria I. Benitez and Maria Guadalupe Lopez; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. VOINOVICH, Mr. CASEY, and Mr. CARDIN):

S. Res. 253. A resolution expressing the sense of the Senate that the Government of Libya should apologize for the welcome home ceremony held to celebrate the release of convicted Lockerbie bomber Abdel Baset al-Megrahi; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND:

S. Res. 254. A resolution honoring, commemorating, and celebrating the historic ties of the United States and the Netherlands on the quadricentennial celebration of the discovery of the Hudson River, and recognizing the settlement and enduring values of New Netherland, which continue to influence American society; to the Committee on Foreign Relations.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. DODD, Mr. AKAKA, Mr. ALEXANDER, Mr. BARASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOPE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RICH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 255. A resolution relative to the death of Edward Moore Kennedy, a Senator from the Commonwealth of Massachusetts; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 23

At the request of Ms. CANTWELL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 23, a bill to amend the Internal Revenue Code of 1986 to permanently extend the election to deduct State and local sales taxes.

S. 144

At the request of Mr. KERRY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 354

At the request of Mr. WEBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 384

At the request of Mr. LUGAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 433

At the request of Mr. UDALL of New Mexico, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 433, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 451

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. BOND), the Senator from Vermont (Mr. SANDERS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 451, *supra*.

S. 456

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 491

At the request of Mr. WEBB, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 624

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. REID) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 693

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 693, a bill to amend the Public Health

Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 694

At the request of Mr. DODD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 714

At the request of Mr. WEBB, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 714, a bill to establish the National Criminal Justice Commission.

S. 727

At the request of Ms. LANDRIEU, the names of the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. SANDERS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Missouri (Mr. BOND) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from

Pennsylvania (Mr. SPECTER) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 944

At the request of Mr. FEINGOLD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 944, a bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 970, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 987

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1020

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1020, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1038

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1038, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 1052

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1073

At the request of Mr. REED, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1073, a bill to provide for credit rating reforms, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cospon-

sor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1279

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1279, a bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program.

S. 1281

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1281, a bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1324

At the request of Mr. DEMINT, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1324, a bill to ensure that every American has a health insurance plan that they can afford, own, and keep.

S. 1329

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1329, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1352

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1361

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator

from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1361, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1362

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1382

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1397

At the request of Ms. KLOBUCHAR, the name of the Senator from Louisiana (Mr. LANDRIEU) was added as a cosponsor of S. 1397, a bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes.

S. 1422

At the request of Mrs. MURRAY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1456

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1456, a bill to fully compensate local educational agencies and local governments for tax revenues lost when the Federal Government takes land into trust for the benefit of a federally recognized Indian tribe or an individual Indian.

S. 1461

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1461, a bill to amend the Internal Revenue Code of 1986 to treat trees and vines producing fruit, nuts, or other crops as placed in service in the year in which it is planted for purposes of special allowance for depreciation.

S. 1492

At the request of Ms. MIKULSKI, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. BOXER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1524

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 1524, *supra*.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1616

At the request of Ms. CANTWELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1616, a bill to authorize assistance to small- and medium-sized businesses to promote exports to the People's Republic of China, and for other purposes.

S. 1634

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1634, a bill to amend titles XVIII and XIX of the Social Security Act to protect and improve the benefits provided to dual eligible individuals under the Medicare and Medicaid programs.

S. 1635

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1635, a bill to establish an Indian Youth telemental health dem-

onstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes.

S. 1638

At the request of Mr. WICKER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1638, a bill to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 158

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 158, a resolution to commend the American Sail Training Association for advancing international goodwill and character building under sail.

S. RES. 161

At the request of Mr. JOHNSON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 161, a resolution recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiectasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

S. RES. 210

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 245

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Res. 245, a resolution recognizing September 11 as a "National Day of Service and Remembrance".

S. RES. 247

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 247, a resolution designating September 26, 2009, as "National Estuaries Day".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1649. A bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I am pleased to join Senator LIEBERMAN in introducing the Weapons of Mass Destruction Prevention and Preparedness Act of 2009. This legislation would increase our Nation's protections against an attack using WMDs.

The bill implements many of the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. Congress established that Commission in 2007 in legislation that Senator LIEBERMAN and I coauthored.

Heading the WMD Commission were former Senators Bob Graham and Jim Talent. Last December, the Commission produced a comprehensive report on the WMD threats to our Nation and provided recommendations to prevent further proliferation and acts of terrorism using these deadly weapons. The Commission's "World at Risk" report warned that it is "more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013."

The Commission's report is a call to action.

The Commission reinforces the sense of urgency that the Homeland Security Committee has felt during its many hearings on deadly threats to the American people—threats that include terrorists dispersing anthrax spores, detonating a nuclear device in a major city, or striking with other weapons of mass destruction.

In the wake of the terrorist attacks of September 11, 2001, Congress created the Department of Homeland Security, reformed our intelligence agencies, strengthened FEMA, increased grants for State and local first responders, and enhanced security at our seaports and chemical facilities. As the Commission observes, however, "the terrorists have been active, too," and we must continue our efforts. Nuclear proliferation and advances in biotechnology give terrorists new methods to carry out their avowed intention to commit mass murder.

The mental images of nuclear blasts and mushroom clouds are powerful and

frightening. As the WMD Commission rightly notes, however, the more likely threat is from a biological weapon. In contrast to nuclear weapons, the technological hurdle is lower to develop and disseminate bioweapons, access to pathogens is more widespread, and pathogens are harder to contain. The spread of biotechnology, the difficulty of detecting such pathogens, and terrorists' known interest in bioterrorism combine to produce an even greater menace.

Bio-weapons are appealing to terrorists in part because we are unlikely to realize that an attack has occurred before it begins to kill many of its victims.

Worldwide security has lagged behind the growth of this threat. Even within our own country, the Commission and GAO have found that we fail to secure potential biological weapons effectively. In July, the GAO found significant deficiencies in perimeter security at biological labs that handle the world's most dangerous biological agents and diseases, such as the Ebola virus and smallpox. Because no cure or treatment exists for some of the pathogens handled by these labs, this is alarming.

Thousands of individuals in the United States have access to dangerous pathogens. Currently there are about 400 research facilities and nearly 15,000 individuals in the U.S. authorized to handle the deadly pathogens on the "Select Agent List." Indeed, the FBI has determined that a cleared scientist who worked at a regulated research lab likely carried out the Anthrax attacks on the Senate and the U.S. postal system in 2001.

To counter this threat, the WMD Commission recommends increasing the security of biological laboratories that handle dangerous pathogens. This legislation would do so by establishing additional security measures for the most dangerous pathogens that terrorists are likely to use in an attack. A negotiated rulemaking—with Federal agencies and research institutions at the table—would develop these enhanced security standards. This would ensure that regulations, which make our Nation's labs more secure, would not have the unintended consequence of deterring legitimate research endeavors.

In order to help fund the security enhancements at the highest-risk biolabs and avoid diverting research funding to security upgrades, the bill authorizes a grant program at \$50 million for each of the next four years. This is a sufficient level of funding to ensure that each of the labs registered to handle the most dangerous pathogens could access funding.

In response to another Commission finding that many research facilities that handle less strictly controlled, yet still dangerous pathogens are not even

known to the government, the legislation requires registration of these labs. This system of enhanced security for labs with the most dangerous pathogens and the registration of labs that handle less dangerous pathogens will result in facility security requirements that are tiered based on the risk that a pathogen at a particular facility could be used in a biological attack.

To better prepare the American people for a bio-weapon attack, the bill improves the government's ability to distribute medical countermeasures and requires actions to improve communications with the public before and during a biological attack. As the Commission wisely advised, citizens need to know what to expect during a biological attack and how they should respond.

While security controls must be improved within our own country, global security problems are daunting. Countries like Syria do not adhere to the Biological Weapons Convention, which is the multilateral treaty that banned the development, production, and stockpiling of biological weapons. Other countries that signed the treaty may not be living up to these commitments.

To address these international biosecurity threats, the bill requires that the Director of National Intelligence, DNI, report on countries that have facilities with the highest-risk pathogens and the security measures in place at these facilities. The DNI also must develop a strategy for improving the Federal Government's capabilities to collect, analyze, and disseminate intelligence related to weapons of mass destruction.

In addition, the bill would direct the Secretary of State to provide assistance to enhance security at laboratories with dangerous pathogens worldwide and to use exchange programs to train foreign nationals. In this way, foreign nationals can promote lab safety and detect disease outbreaks in their home countries.

This legislation, which would implement the WMD Commission's recommendations, is an important and significant step forward in addressing the growing threat of weapons of mass destruction, and of bio-weapons in particular. Countering this threat is critical for the security of our Nation.

By Mr. LEVIN:

S. 1651. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, today I am introducing a companion bill to Representative STUPAK's bill, which is also being introduced today, that would modify a patent issued to the Great Lakes Shipwreck Historical Society for the conveyance of a parcel of land at Whitefish Point, Michigan at

the U.S. Coast Guard Whitefish Point Light Station. The land patent was originally issued ten years ago for the interpretation and preservation of maritime history. In accordance with the land patent, the Great Lakes Shipwreck Historical Society established and has operated a museum that brings to life the strength and fury of the Great Lakes and the bravery of the U.S. Life Saving Service who rescued thousands of people from Great Lakes shipwrecks.

This legislation modifies the land patent such that development of new facilities and expansion of existing facilities or infrastructure would be implemented in accordance with the 2002 Human Use/Natural Resource Plan instead of the 1992 Whitefish Point Comprehensive Plan. The 2002 plan was developed pursuant to a court-ordered settlement agreement regarding the 1992 plan.

The modification of the land patent is intended to further the purposes of the original patent, which is for preservation and interpretation of maritime history, while maintaining the conservation of natural habitat and wildlife areas, since Whitefish Point is an important birding area as well. This bill would ensure that the vibrant stories of the Great Lakes can be preserved and interpreted for future generations.

By Mr. HARKIN (for himself and Mr. ROBERTS):

S. 1652. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to join my colleague from Kansas, Senator ROBERTS, in introducing the IDEA Full Funding Act. The aim of this legislation is to ensure, at long last, that Congress makes good on a commitment it made more than three decades ago when we passed what is now called the Individuals with Disabilities Education Act. At that time, in 1975, we told children with disabilities, their families, schools, and States that the Federal Government would pay 40 percent of the extra cost of special education. We have never lived up to that commitment and only recently came close because of the one-time investment through the American Recovery and Reinvestment Act.

As we introduce this bill, our children are beginning another school year. Some are meeting new teachers and going to new classrooms. Some are starting at a completely new school with new opportunities for success and new challenges. Yet we are still short-changing children with disabilities and their educational opportunities.

We tell our children all the time to keep their promises, to live up to their commitments, to do as they say they

are going to do. We teach them that if they fail to do so, other people can be hurt. Well, that is what Congress has done by failing to appropriately fund IDEA: We have hurt school children all across America. We have pitted children with disabilities against other children for a limited pool of school funds. We have put parents in the position of not demanding services that their child with a disability truly needs, because they have been told that the services cost too much and other children would suffer. We have hurt school districts, which are forced, in effect, to rob Peter to pay Paul in order to provide services to students with disabilities. We have also hurt local taxpayers, who are obliged to pay higher property taxes and other local taxes in order to pay for IDEA services because the Federal Government has reneged on its commitment.

I was pleased that we were able to increase funding for the IDEA grants to States program as part of the American Recovery and Reinvestment Act this year to \$22.8 billion. That represents 34 percent of the additional funding needed to support special education. However, the Recovery Act is a one-time investment designed to address a crisis caused by the recession that could have resulted in the loss of thousands of teachers and programs students need to be successful. Without the Recovery Act, IDEA grants are currently funded at around 17 percent of the cost of special education programs. So we have a long way to go to reach the 40 percent level. But it is time to do so. It is time for the Federal Government to make good on its promise to students with disabilities in this country.

The IDEA Full Funding Act is pretty straightforward. It authorizes increasing amounts of mandatory funding in 6 year increments that, in addition to the discretionary funding allocated through the Appropriations Committee, will finally meet the Federal Government's commitment to educating children with disabilities.

This bill is a win-win-win for the American people. Students with disabilities will get the education services that they need in order to achieve and succeed. School districts will be able to provide these services without cutting into their general education budgets. Local property tax payers will get relief.

Full funding of IDEA is not a partisan issue. We all share an interest in ensuring that children with disabilities get an appropriate education, and that local school districts do not have to slash their general education budgets in order to pay for special education. We all share a sense of responsibility to make good on the promise Congress made to fully fund its promised share of special education costs.

In the 3 decades since Congress passed IDEA, and in the 8 years since

we passed the No Child Left Behind Act, we have dramatically increased opportunities for students with disabilities. Likewise, we are holding local systems accountable in unprecedented ways. It is time for us in Congress also to be held accountable. It is time for us to make good on our promise to fully fund IDEA. To that end, I urge my colleagues to support this bill.

Mr. ROBERTS. Mr. President, I rise today to offer legislation with Senator HARKIN to fulfill a promise that we made over 30 years ago. We made a commitment to pay 40 percent of the excess cost of educating a special needs child. However, we have not fulfilled that promise.

Our legislation annually increases funding for Part B of the Individuals with Disabilities Education Act over a 6-year period. With these increases, we will be able to fully fund Part B in 2015.

I encourage my colleagues to add their support to this needed legislation. If the Federal Government would provide its promised share of special education funding, our schools could then use any state and local funds for other educational needs, such as art and music.

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. KAUFMAN, Mr. FRANKEN, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. BROWN, Mr. BAYH, Mr. BENNET, Mrs. BOXER, Mrs. SHAHEEN, Mr. INOUE, Mr. KERRY, and Mr. AKAKA):

S. 1653. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am reintroducing a comprehensive bill to address the resource needs of the Federal judiciary by authorizing additional courts of appeals and district court judgeships. This good government bill will improve the effectiveness of our Federal courts and provide Federal judges with the tools to promptly render the justice that Americans so desperately need.

The Federal Judgeship Act of 2009 establishes 12 new judgeships in six courts of appeals and 51 new judgeships in 25 district courts across the country. The legislation I introduce today is based on the recommendations of the Judicial Conference of the United States, which identified the judiciary's resource needs during the completion of its biennial survey in March.

Last Congress, I joined Senator HATCH and 20 other Senators from both sides of the aisle to introduce this legislation. A bipartisan majority of the Judiciary Committee voted to report the bill to the Senate last year. Unfortunately, the Senate did not act on the bill before the end of the last Congress.

We used to consider judgeship bills at six year intervals. It has been 19 years since the last comprehensive judgeship bill was enacted to address the growth in the workload of the Federal judiciary. That legislation established 11 additional circuit court judgeships, as well as 61 permanent and 13 temporary district court judgeships. Since 1990, case filings in the Federal appellate courts have increased by 42 percent, and case filings in the district courts have risen by 34 percent. Congress has authorized only a few additional district court judgeships and extended a few temporary judgeships. We should pass a comprehensive judgeship bill in this Congress that will ease the strain of heavy caseloads that has burdened the courts and thwarted the administration of justice.

Last year, the weighted number of filings in district courts, which takes into account an assessment of case complexity, was 472 per judgeship. This figure is well above the Judicial Conference's standard of 430 weighted filings per district court judgeship. In the 25 district courts that would receive additional judgeships under this bill, the weighted filings averaged 573 per judgeship, and 10 courts had caseloads near or above 600 weighted filings per judgeship. Today, the national average circuit court caseload per three judge panel has reached 1,104 filings. That statistic approaches the record number of 1,230 cases recorded in 2005 and far exceeds the 773 average circuit court caseload filings recorded in 1991.

Federal judges are working harder than ever, but in order to maintain the integrity of the Federal courts and the promptness that justice demands, judges must have a manageable workload. To address the excessive caseloads that burden Federal courts, the Federal Judgeship Act of 2009 would add nine permanent circuit court judgeships, 38 permanent district court judgeships, and convert five existing temporary judgeships into permanent positions. These additional judgeships would help to alleviate the significant increase in caseloads that the Federal courts have seen over the nearly two decades since the last comprehensive judgeship bill was enacted.

The bill would also add 13 temporary district court judgeships, three temporary circuit court judgeships, and would extend one existing temporary district court judgeship. These additional temporary judgeships will allow Congress some flexibility with regard to future judgeship needs. If caseloads continue to increase, Congress has the option to introduce legislation making permanent or renewing these temporary judgeships. If those caseloads do not increase, when the next judge in that circuit or district retires they will not be replaced.

After years of debate and Federal courts struggling to adjudicate cases

despite the overwhelming burden of heavy caseloads, the time to enact a comprehensive Federal judgeship bill is long overdue.

The ability of Federal courts to effectively administer justice will continue to be challenged unless adequate resources are provided. The Federal Judgeship Act of 2009 responds to the increasing workload of the Federal judiciary, and it is long overdue. I thank Senators FEINSTEIN, SCHUMER, WHITEHOUSE, KLOBUCHAR, KAUFMAN, FRANKEN, HARKIN, BINGAMAN, MURRAY, BROWN, BAYH, BENNET, BOXER, SHAHEEN, INOUE, AKAKA, and KERRY for their support. I urge Senators on both sides of the aisle to give this legislation their serious consideration and support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1653

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judgeship Act of 2009".

#### SEC. 2. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF APPEALS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

- (1) 1 additional circuit judge for the first circuit court of appeals;
- (2) 2 additional circuit judges for the second circuit court of appeals;
- (3) 1 additional circuit judge for the third circuit court of appeals;
- (4) 1 additional circuit judge for the sixth circuit court of appeals; and
- (5) 4 additional circuit judges for the ninth circuit court of appeals.

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

- (1) 1 additional circuit judge for the third circuit court of appeals;
- (2) 1 additional circuit judge for the eighth circuit court of appeals; and
- (3) 1 additional circuit judge for the ninth circuit court of appeals.

For each of the judicial circuits named in this subsection, the first vacancy arising on the circuit court 10 years or more after a judge is first confirmed to fill the temporary circuit judgeship created in that circuit by this subsection shall not be filled.

(c) TABLES.—In order that the table contained in section 44 of title 28, United States Code, will, with respect to each judicial circuit, reflect the changes in the total number of permanent circuit judgeships authorized as a result of subsection (a) of this section, such table is amended to read as follows:

"Circuits	Number of judges
District of Columbia .....	11
First .....	7
Second .....	15
Third .....	15
Fourth .....	15
Fifth .....	17

"Circuits	Number of judges
Sixth .....	17
Seventh .....	11
Eighth .....	11
Ninth .....	33
Tenth .....	12
Eleventh .....	12
Federal .....	12."

#### SEC. 3. DISTRICT JUDGES FOR THE DISTRICT COURTS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

- (1) 1 additional district judge for the district of Arizona;
- (2) 4 additional district judges for the northern district of California;
- (3) 4 additional district judges for the eastern district of California;
- (4) 4 additional district judges for the central district of California;
- (5) 1 additional district judge for the district of Colorado;
- (6) 4 additional district judges for the middle district of Florida;
- (7) 3 additional district judges for the southern district of Florida;
- (8) 1 additional district judge for the southern district of Indiana;
- (9) 1 additional district judge for the district of Minnesota;
- (10) 1 additional district judge for the district of New Jersey;
- (11) 1 additional district judge for the district of New Mexico;
- (12) 1 additional district judge for the southern district of New York;
- (13) 1 additional district judge for the eastern district of New York;
- (14) 1 additional district judge for the western district of New York;
- (15) 1 additional district judge for the district of Oregon;
- (16) 1 additional district judge for the district of South Carolina;
- (17) 1 additional district judge for the eastern district of Texas;
- (18) 2 additional district judges for the southern district of Texas;
- (19) 4 additional district judges for the western district of Texas; and
- (20) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

- (1) 1 additional district judge for the middle district of Alabama;
- (2) 1 additional district judge for the district of Arizona;
- (3) 1 additional district judge for the northern district of California;
- (4) 1 additional district judge for the eastern district of California;
- (5) 1 additional district judge for the central district of California;
- (6) 1 additional district judge for the middle district of Florida;
- (7) 1 additional district judge for the district of Idaho;
- (8) 1 additional district judge for the northern district of Iowa;
- (9) 1 additional district judge for the district of Minnesota;
- (10) 1 additional district judge for the district of Nebraska;
- (11) 1 additional district judge for the southern district of New York;
- (12) 1 additional district judge for the eastern district of New York; and
- (13) 1 additional district judge for the eastern district of Virginia.

For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—

(1) The existing judgeships for the district of Kansas, and the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5089) as amended by Public Law 111-8 (relating to the district of Kansas) and Public Law 109-115 (relating to the eastern district of Missouri), and the existing judgeships for the district of Arizona, the district of New Mexico, and the eastern district of Texas authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(2) The existing judgeship for the northern district of Ohio authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650, 104 Stat. 5089) as amended by Public Law 111-8, as of the effective date of this Act, shall be extended. The first vacancy in the office of district judge in this district occurring 23 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 302(c) shall not be filled.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c) of this section, such table is amended to read as follows:

"Districts	Judges
Alabama:	
Northern .....	7
Middle .....	3
Southern .....	3
Alaska .....	3
Arizona .....	14
Arkansas:	
Eastern .....	5
Western .....	3
California:	
Northern .....	18
Eastern .....	10
Central .....	31
Southern .....	13
Colorado .....	8
Connecticut .....	8
Delaware .....	4
District of Columbia .....	15
Florida:	
Northern .....	4
Middle .....	19
Southern .....	20
Georgia:	
Northern .....	11
Middle .....	4
Southern .....	3
Hawaii .....	3
Idaho .....	2
Illinois:	
Northern .....	22
Central .....	4
Southern .....	4
Indiana:	
Northern .....	5
Southern .....	6
Iowa:	

"Districts	Judges
Northern .....	2
Southern .....	3
Kansas .....	6
Kentucky:	
Eastern .....	5
Western .....	4
Eastern and Western .....	1
Louisiana:	
Eastern .....	12
Middle .....	3
Western .....	7
Maine .....	3
Maryland .....	10
Massachusetts .....	13
Michigan:	
Eastern .....	15
Western .....	4
Minnesota .....	8
Mississippi:	
Northern .....	3
Southern .....	6
Missouri:	
Eastern .....	7
Western .....	5
Eastern and Western .....	2
Montana .....	3
Nebraska .....	3
Nevada .....	7
New Hampshire .....	3
New Jersey .....	18
New Mexico .....	8
New York:	
Northern .....	5
Southern .....	29
Eastern .....	16
Western .....	5
North Carolina:	
Eastern .....	4
Middle .....	4
Western .....	4
North Dakota .....	2
Ohio:	
Northern .....	11
Southern .....	8
Oklahoma:	
Northern .....	3
Eastern .....	1
Western .....	6
Northern, Eastern, and Western .....	1
Oregon .....	7
Pennsylvania:	
Eastern .....	22
Middle .....	6
Western .....	10
Puerto Rico .....	7
Rhode Island .....	3
South Carolina .....	11
South Dakota .....	3
Tennessee:	
Eastern .....	5
Middle .....	4
Western .....	5
Texas:	
Northern .....	12
Southern .....	21
Eastern .....	9
Western .....	17
Utah .....	5
Vermont .....	2
Virginia:	
Eastern .....	11
Western .....	4
Washington:	
Eastern .....	4
Western .....	8
West Virginia:	
Northern .....	3
Southern .....	5
Wisconsin:	
Eastern .....	5
Western .....	2
Wyoming .....	3."

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this Act.

SEC. 5. EFFECTIVE DATE.

This Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

Mrs. FEINSTEIN. Mr. President, I rise to state my strong support for the Federal Judgeship Act of 2009.

I am an original cosponsor of this bill, and I think it is a critical bill for good government.

The bill would create new judgeships in circuit and district courts where they are badly needed.

In the U.S. Courts of Appeals, it would create 9 new permanent and 3 new temporary judgeships.

In the U.S. District Courts, it would create 38 new permanent and 13 new temporary judgeships.

When caseloads get too heavy, the quality of justice in our Nation suffers.

Victims of crime are forced to endure long periods of waiting for justice to be done. Citizens are unable to resolve their civil disputes promptly; plaintiffs face long delays in getting damages or restitution for harms they have suffered. Morale plummets for judges and other court staff.

I have seen this in my own state, where judges in three of the four Federal districts are overwhelmed with case filings.

Let me tell you about one district in particular.

In the Eastern District of California, each Federal judge carried a caseload last year of over 1,000 weighted filings.

The Judicial Conference of the U.S. recommends that Congress create a new judgeship anytime a district reaches a caseload of 430 cases per judge. But in the Eastern District, the number exceeds 1,000.

The situation has become so dire that the U.S. Court of Appeals for the Ninth Circuit has stepped in. Last summer, the Chief Judge of the Ninth Circuit sent a letter asking every judge in the Circuit to volunteer to hear approximately 25 cases from the Eastern District to try to get the caseload down.

The court has literally brought in Federal judges from all over the country to help deal with the crushing workload. District judges from Alaska, Alabama, and Washington State, as well as from Los Angeles and Oakland, handled hundreds of cases in Sacramento and Fresno last year. A senior Ninth Circuit judge from Los Angeles handled hundreds more.

The help is welcome but it is not nearly enough. You see, the problem in the Eastern District is not a temporary one.

The Eastern District is home to Sacramento, Fresno, and the Central Valley. In 2008, the District included 18 of

California's 25 fastest growing counties.

The District is also home to 19 of California's State and Federal prisons and to 100,000 of the State's 167,000 prisoners. Since Congress last created a new permanent judgeship in the District in 1978, prisoner filings have skyrocketed 700 percent.

The result is that the judges are severely overworked and justice for everyone is delayed. Civil litigants in the District are facing delays of approximately 42 months—that's 3-and-a-half years—from filing to verdict.

The situation, put simply, is unacceptable.

In 1992, Congress did authorize a 10 year temporary judgeship for the District, but that judgeship expired and despite repeated efforts by Chairman LEAHY, Senator BOXER, and myself, it has not been renewed.

In the meantime, for the last 12 years, every time the Judicial Conference has surveyed the U.S. Courts it has said that the Eastern District needs more judges, but new judgeships have not been created.

The Federal Judgeship Act of 2009 that Chairman LEAHY has introduced today would finally provide a solution. It would authorize four new permanent judgeships and one new temporary judgeship in the Eastern District.

This would almost double the number of judges in the District by changing from 6 to 11 judges and would substantially reduce the caseload and delays.

This is a necessary solution to a real problem.

But the Eastern District is only one example. There are plenty of others. As I said, the Judicial Conference recommends that Congress create a new judgeship whenever there are 430 weighted filings per U.S. District Judge. But according to the 2009 survey of the courts, in the Northern District of California, the judges are handling 624 weighted filings per judge; in the Central District of California, it is 551 per judge; in the Middle District of Florida, it is 569 per judge; in the Southern District of Florida, it is 549 per judge; in the Southern District of Indiana, it is 594 per judge; in the District of Minnesota, it is 743 per judge; in the Eastern District of Texas, it is 674 per judge; in the Southern District of Texas, it is 543 per judge; and in the Western District of Texas, it is 650 per judge.

So this is a problem in courts across the country; and it is up to Congress to craft a solution.

The last time Congress passed a comprehensive bill to create new judgeships was in 1990. Since that time, case filings across the country in the federal appeals courts have increased by approximately 45 percent, and filings in the district courts have increased by 27 percent.

The current situation in the courts is not sustainable.

Neither the Eastern District of California nor any other Court should be forced to rely on temporary visits from colleagues who generously offer their help. Districts should have enough judges to handle their caseloads on their own.

This Federal Judgeship Act of 2009 is based on recommendations made by the Judicial Conference after an extensive review of case filings and caseload trends in every federal circuit and district court across the country.

It is time for Congress to act and give the federal courts the resources they need to ensure a fair and timely trial for every civil and criminal litigant.

I strongly urge my colleagues to support this bill.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 253—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF LIBYA SHOULD APOLOGIZE FOR THE WELCOME HOME CEREMONY HELD TO CELEBRATE THE RELEASE OF CONVICTED LOCKERBIE BOMBER ABDEL BASET AL-MEGRABI.

Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. VOINOVICH, Mr. CASEY, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 253

*Resolved*, That the Senate—

(1) condemns the August 20, 2009, release from prison in Scotland of Abdel Baset al-Megrahi, the lone person convicted in connection with the 1988 bombing of a Pan Am flight over Lockerbie, Scotland, that killed 270 people, including 189 Americans;

(2) condemns the lavish welcome home ceremony held in Tripoli, Libya, to celebrate the release of Mr. al-Megrahi; and

(3) calls on the Government of Libya to apologize for the public celebration of Mr. al-Megrahi's release.

##### SENATE RESOLUTION 254—HONORING, COMMEMORATING, AND CELEBRATING THE HISTORIC TIES OF THE UNITED STATES AND THE NETHERLANDS ON THE QUADRICENTENNIAL CELEBRATION OF THE DISCOVERY OF THE HUDSON RIVER, AND RECOGNIZING THE SETTLEMENT AND ENDURING VALUES OF NEW NETHERLAND, WHICH CONTINUE TO INFLUENCE AMERICAN SOCIETY

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 254

Whereas the Netherlands and the United States are 2 countries with one spirit united

by values, history, and a vision for the future;

Whereas 2009 marks the quadricentennial year that Henry Hudson captained the Ship "Halve Maen", under the auspices of the Dutch East India Company, and discovered the Hudson River;

Whereas the discovery of the Hudson River and its fertile lands gave rise to the establishment of the New Netherland settlement and the ensuing historical ties between the Netherlands and the United States;

Whereas the Netherlands, in 1776 at Sint Eustatius, was the first country to salute the United States flag, influenced the writing of the United States Declaration of Independence, and has remained a staunch ally to the United States, from providing necessary loans during the Revolutionary War to standing shoulder-to-shoulder in Afghanistan in defense of values and the rule of law;

Whereas the New Netherland settlement left a legacy of values such as open-mindedness, entrepreneurship, democracy, tolerance, and hard work, as well as freedom of religion and speech;

Whereas the bonds of free trade, open markets, and commerce have continuously linked the Netherlands and the United States to such an extent that the Netherlands remains among the top 4 foreign investors in the United States;

Whereas the Netherlands provided assistance in the aftermath of Hurricane Katrina and is sharing expertise in water management and helping to rebuild New Orleans and its levees; and

Whereas the heritage of 400 years of friendship between the Netherlands and the United States is a laudable example and should be properly extolled: Now, therefore, be it

*Resolved*, That the Senate—

(1) on the quadricentennial celebration of the discovery of the Hudson River, honors, commemorates, and celebrates the historic ties and friendship between the United States and the Netherlands; and

(2) recognizes the settlement and enduring values of New Netherland which continue to influence American society.

##### SENATE RESOLUTION 255—RELATIVE TO THE DEATH OF EDWARD MOORE KENNEDY, A SENATOR FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. REID (for himself, Mr. McCONNELL, Mr. KERRY, Mr. DODD, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs.

LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

## S. RES. 255

Whereas the Honorable Edward Moore Kennedy was elected to the Senate in 1962 and served the people of Massachusetts in the United States Senate with devotion and distinction for nearly 47 years, the third longest term of service in Senate history;

Whereas the Honorable Edward Moore Kennedy became the youngest Majority Whip in Senate history at the age of 36;

Whereas the Honorable Edward Moore Kennedy served as Chairman of the Senate Judiciary Committee from 1979–1981 and as Chairman of the Senate Health, Education, Labor and Pensions Committee for nearly 13 years between 1987–2009;

Whereas the Honorable Edward Moore Kennedy made the needs of working families and the less fortunate among us the work of his life, particularly those of the poor, the disenfranchised, the disabled, the young, the old, the working class, the servicemember and the immigrant;

Whereas his efforts on behalf of the citizens of Massachusetts and all Americans earned him the esteem and high regard of his colleagues;

Whereas more than 300 laws bear his name and he co-sponsored more than 2000 others covering civil rights, health care, the minimum wage, education, human rights and many other issues; and

Whereas with his death his State and the Nation have lost an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Edward Moore Kennedy, the great Senator from the Commonwealth of Massachusetts.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the Kennedy family.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

## NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 15, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to explore potential costs and price vola-

tility in the energy sector as a result of a greenhouse gas trading program and ways to reduce or contain those costs.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina\_Weinstock@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, September 15, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building, immediately preceding the full committee hearing.

The purpose of the business meeting is to consider pending nominations. For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

PROVIDING FOR A JOINT SESSION  
OF CONGRESS TO RECEIVE A  
MESSAGE FROM THE PRESIDENT

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 179, at the desk and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 179) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 179) was agreed to.

AUTHORIZATION TO APPOINT  
ESCORT COMMITTEE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President

of the United States into the House Chamber for the joint session to be held at 8 p.m. on Wednesday, September 9, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS DURING  
ADJOURNMENT OF THE SENATE

Mr. UDALL of Colorado. Mr. President, I understand appointments were made during adjournment of the Senate, and I ask unanimous consent they be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The appointments are as follows:

On behalf of the majority leader, pursuant to Public Law 106-567, the Intelligence Authorization Act for Fiscal Year 2001, to serve as a member of the Public Interest Declassification Board: Gen. Michael V. Hayden of Virginia.

On behalf of the Republican leader, pursuant to provisions of Public Law 110-343, as a member of the Congressional Oversight Panel: Mr. Paul S. Atkins of Virginia, vice John Sununu of New Hampshire.

## FLOOR PRIVILEGES

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that during the period that Senator MIKULSKI is confined to a wheelchair, a member of her staff be permitted on the floor as is necessary to facilitate the Senator's movement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 302, the nomination of George Madison to be general counsel for the Department of the Treasury; that the nomination be confirmed, the motion to reconsider be laid upon the table, and that no further motions be in order; that any statements be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF THE TREASURY

George Wheeler Madison, of Connecticut, to be General Counsel for the Department of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

EDWARD MOORE KENNEDY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 255, submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 255) relative to the death of the Honorable EDWARD MOORE KENNEDY, a Senator from the Commonwealth of Massachusetts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas the Honorable Edward Moore Kennedy was elected to the Senate in 1962 and served the people of Massachusetts in the United States Senate with devotion and distinction for nearly 47 years, the third longest term of service in Senate history;

Whereas the Honorable Edward Moore Kennedy became the youngest Majority Whip in Senate history at the age of 36;

Whereas the Honorable Edward Moore Kennedy served as Chairman of the Senate Judiciary Committee from 1979–1981 and as Chairman of the Senate Health, Education, Labor and Pensions Committee for nearly 13 years between 1987–2009;

Whereas the Honorable Edward Moore Kennedy made the needs of working families and the less fortunate among us the work of his life, particularly those of the poor, the disenfranchised, the disabled, the young, the old, the working class, the service member and the immigrant;

Whereas his efforts on behalf of the citizens of Massachusetts and all Americans earned him the esteem and high regard of his colleagues;

Whereas more than 300 laws bear his name and he co-sponsored more than 2000 others covering civil rights, health care, the minimum wage, education, human rights and many other issues; and

Whereas with his death his State and the Nation have lost an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Edward Moore Kennedy, the great Senator from the Commonwealth of Massachusetts.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the Kennedy family.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

ORDERS FOR WEDNESDAY,  
SEPTEMBER 9, 2009

Mr. UDALL of Colorado. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, September 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or

their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of S. 1023, the Travel Promotion Act, postcloture; further, I ask the time during any adjournment, recess or period of morning business count against the postcloture time; finally, I ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. UDALL of Colorado. Mr. President, the postcloture debate time expires at 4:30 p.m. tomorrow afternoon. We hope we will be able to yield back some of the time and vote on passage of the bill before 4:30 p.m. Senators will be notified when that vote is scheduled.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. UDALL of Colorado. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 255 as a further mark of respect for the memory of our late colleague, Senator EDWARD MOORE KENNEDY.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, September 9, 2009, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, September 8, 2009:

DEPARTMENT OF THE TREASURY

GEORGE WHEELER MADISON, OF CONNECTICUT, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

# HOUSE OF REPRESENTATIVES—Tuesday, September 8, 2009

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. DRIEHAUS).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 8, 2009.

I hereby appoint the Honorable STEVE DRIEHAUS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:  
Lord God, creator of the Earth, the sea and the sky, everything is of Your making and all gives You glory.

This holiday weekend urges us to beg Your blessing upon our labors. Whether our work is handcrafted or managed by computer or machine, harvested from the field or designed in a laboratory, whether our service takes shape in public form, in aerospace or private industry, whether in courtroom, hospital, school, home, or in the halls of government, Lord, bless the work of Your people. Bless this Nation.

Our human labor drains our energy, fixes our mind, and uncovers our creativity. Daily work adds dignity and accomplishment to daily life and all human effort. When our work is expanded to others, hopefully it benefits our brothers and sisters. When offered to You as an act of worship, it becomes holy. Grant success to the work of our hands, Lord, now and forever.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Arizona (Mrs. KIRKPATRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. KIRKPATRICK of Arizona led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, August 4, 2009.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 4, 2009, at 12:01 p.m.:

That the Senate passed without amendment H.R. 774.

That the Senate passed without amendment H.R. 987.

That the Senate passed without amendment H.R. 1271.

That the Senate passed without amendment H.R. 1397.

That the Senate passed without amendment H.R. 2090.

That the Senate passed without amendment H.R. 2162.

That the Senate passed without amendment H.R. 2325.

That the Senate passed without amendment H.R. 2422.

That the Senate passed without amendment H.R. 2470.

Appointments:

Ronald Reagan Centennial Commission.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
Washington, DC, August 4, 2009.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 4, 2009, at 3:14 p.m.:

That the Senate passed S. 748.

That the Senate passed S. 1211.

That the Senate passed S. 1314.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
Washington, DC, August 5, 2009.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 5, 2009, at 10:03 a.m.:

That the Senate agreed to without amendment H.J. Res. 44.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
Washington, DC, August 5, 2009.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 5, 2009, at 4:47 p.m.:

That the Senate passed with an amendment, requests a conference with the House, and appoints conferees H.R. 2997.

That the Senate passed S. 475.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
Washington, DC, August 6, 2009.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 6, 2009, at 9:59 a.m.:

That the Senate passed S. 713.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That the Senate passed without amendment H.R. 1275.

That the Senate passed without amendment H.R. 2938.

That the Senate agreed to without amendment H. Con. Res. 171.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

*Washington, DC, September 3, 2009.*

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 3, 2009, at 10:42 a.m.:

Appointments:

Public Interest Declassification Board

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills and joint resolutions were signed by Speaker pro tempore HOYER on Thursday, August 6, 2009:

H.R. 774, to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building"

H.R. 987, to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office"

H.R. 1271, to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building"

H.R. 1275, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes

H.R. 1397, to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building"

H.R. 2090, to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the "Frederic Remington Post Office Building"

H.R. 2162, to designate the facility of the United States Postal Service located at 123 11th Avenue South in

Nampa, Idaho, as the "Herbert A Littleton Postal Station"

H.R. 2325, to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office"

H.R. 2422, to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the "Kile G. West Post Office Building"

H.R. 2470, to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building"

H.R. 2938, to extend the deadline for commencement of construction of a hydroelectric project

H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program

H.J. Res. 44, recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army

S.J. Res. 19, granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact

#### CONGRATULATING AMY MCBROOM, 2009 RURAL TEACHER OF THE YEAR

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today to honor Amy McBroom of Grand Canyon, Arizona, who has been named the 2009 Rural Teacher of the Year by the National Rural Education Association.

As the only art teacher at the Grand Canyon Unified School District, Amy teaches students from kindergarten to twelfth grade. She founded a juried art show for students and led efforts to bring new international baccalaureate programs to our schools.

Like so many of our teachers, Amy's work educating our kids does not stop when the school year ends. She spends her summers helping Native American children experience different cultures, and she has led field trips to Europe and Washington, D.C.

A quality education is more important than ever to succeeding in today's global economy, and getting a quality education takes great teachers like Amy McBroom. Northern Arizona is lucky to have her.

Congratulations to Amy for this recognition for her work.

#### WE NEED HEALTH CARE REFORM THAT PUTS PATIENTS FIRST

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, it was a long, hot August for many Members of Congress who returned home to face the displeasure of constituents fed up with Washington's tin ear syndrome.

Over the past month I have heard from more people than I can count who have had enough of the explosion of Washington-style big government. And of course it was no comfort that in the middle of August the White House announced that they expect \$9.1 trillion in new government debt over the next 10 years. So how is it that the American people are expected to stomach a new government-run health care proposal that is estimated to cost up to \$1.6 trillion?

Let's scrap the Democrat government-run health care proposal and return to the drawing board for a plan like ones that Republicans have offered that puts patients, not government, first.

#### CALIFORNIA DROUGHT

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, Congress has come back here in September and the primary focus is on health care, as it should be. But I rise today to speak about the health of millions of Californians that are dependent upon a reliable water supply. I'm speaking on behalf of farmers, farm workers, and people who live in our cities.

This manmade—with the aid of Mother Nature—drought crisis will not go away. It could go a fourth year. We are living on borrowed time to fix California's broken water system. Wishful thinking will not wish it away.

With over 30 lawsuits pending on two biological opinions, we can't have the courts making the most important decisions. It is time that we take action. Now is the time for the Federal Government to keep its commitment to being a partner in helping to solve California's water problems. We need administrative flexibility immediately. We need near-term assistance with the Two-Gates and Intertie projects. And in the long term, we must address all the stressors that are impacting water quality and fisheries in the Sacramento-San Joaquin River Delta. And finally, we need to increase our water supply.

This is not, nor should it be, a partisan issue.

### GOVERNMENT HEALTH CARE FORCE-FEEDS TAX INCREASES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, one of the things I heard most from my neighbors at recent town hall health care meetings is they don't want the government in charge of their health. They believe government-run health care means rationing and substandard treatment. And the people in southeast Texas don't want the additional \$800 billion tax increases to pay for what is yet more government intrusion into their lives.

This massive 1,017-page bill requires heavyhanded tax increases to pay for all the new government programs that don't treat one patient, nor will they provide for a healthier America. In this time of economic hardship, no one in America should be force-fed tax increases to pay for this glittering illusion that Big Government is the answer.

America has the best health care in the world. There are problems, such as affordability and access, but complete government takeover is not the answer. Fix these problems rather than destroy American health care.

Does anyone really think the government can do a better job of running the entire medical health of this Nation? This government-run health care plan will have the competence of FEMA, the efficiency of the Post Office, and the compassion of the IRS.

And that's just the way it is.

### CONGRATULATING BELLA VISTA POLICE CHIEF JIM WOZNIAK

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Bella Vista Police Chief Jim Wozniak, who has devoted his life to protecting the public, upholding the law, and serving his country.

Wozniak is retiring at the end of September after 38 years in law enforcement, the last 14 as the head of the Bella Vista Police Department. He helped the department grow from nine officers to 20, and he is always looking for ways to improve the police force and the services it offers. He is proud of his department, and rightfully so, because he makes sure his staff put the people first.

His coworkers describe him as a man with a big heart, and I describe him as a friend. Bella Vista will undoubtedly be losing an amazing man who contributed to the safety of the community. We were blessed to have such caring, devoted citizens as Jim.

I commend him for his service as well as his good work and wish him contin-

ued success in the future. I ask my colleagues today to join with me in honoring Jim Wozniak, a wonderful public servant who is, and always will be, dedicated to the people of Bella Vista.

□ 1415

### WE'D BETTER LISTEN

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in honor of the American people. I had five townhall meetings this summer. I did a tele-townhall in which I had 19,000 people on the line.

With all due respect, Mr. Speaker, I saw no mobs. I saw nothing that was un-American. I saw no evil mongers out there. I saw average, everyday Americans coming to my townhall meetings in ones and twos and threes, not being bussed in by anybody. They were educated about the issue of health care. They understood what was on the floor. These people are concerned about what we might do here. They are also concerned about taxes, spending, debt, and the size of the Federal Government. No, they were not American mobs. These were real Americans, expressing what they're allowed to do under the Constitution in the best way they can, directly speaking with their Members of Congress. We'd better listen.

### GOVERNMENT TAKEOVER OF HEALTH CARE AND FISCAL IR- RESPONSIBILITY

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, since Democrats took control of Washington last January, they have gone on an unprecedented spending spree with the American taxpayers' credit card. It began with a \$1 trillion stimulus bill, which has only stimulated more government and more debt. Then came a more than \$400 billion omnibus spending bill, followed by a \$3.5 trillion budget for the next fiscal year. Budget officials predict that this year's deficit will reach an historic level of nearly \$2 trillion—money borrowed from our children and grandchildren.

After 6 months of fiscal irresponsibility, they are now pushing for a government takeover of health care that will grow our national debt and will do little to extend quality care to the American people. Despite raising more than \$800 billion in new taxes to pay for this plan, we will also go into debt by \$239 billion over the next 10 years to pay for it.

Republicans have a better plan for health care reform, one that does not

saddle our children and grandchildren with a mountain of new debt.

### EIGHT YEARS OF RUINOUS REPUBLICAN CONTROL

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to respond to some of what I've just heard on the floor of the House of Representatives. I think it's important to know—and certainly my constituents do—that the crushing debt left behind from the last 8 years of ruinous Republican control was a debt inherited by this Congress and this administration because of Republican policies, of the refusal to pay for the programs they undertook, of the willingness to allow PAYGO legislation to expire, to provide a medical care provision in the Medicare D prescription drug benefit that was not paid for, and to have two ruinous wars in Iraq and Afghanistan that were off budget. I think it's important that our constituents understand who was responsible for the debt we now have to manage and the debt we have to get away from.

### PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. CONNOLLY of Virginia. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 179) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 179

*Resolved by the House of Representatives (the Senate concurring).* That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, September 9, 2009, at 8 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CONNOLLY of Virginia). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

### DEAFY GLADE LAND EXCHANGE ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1043) to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1043

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Deafy Glade Land Exchange Act".

#### SEC. 2. LAND EXCHANGE, MENDOCINO NATIONAL FOREST, CALIFORNIA.

(a) LAND EXCHANGE REQUIRED.—If Solano County, California (in this section referred to as the "County") conveys to the Secretary of Agriculture all right, title, and interest of the County in and to four parcels of land consisting of a total of approximately 160 acres identified on the map entitled "Fouts Springs-Deafy Glade Federal and Non-Federal Lands" and dated July 17, 2008, the Secretary shall convey to the County, in exchange, all right, title, and interest of the United States in and to the parcel of land in the Mendocino National Forest in the State of California (including any improvements on the land) comprising approximately 82 acres and known as the Fouts Springs Ranch, as also depicted on the map.

(b) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service. With the agreement of the County, the Secretary may make technical corrections to the map and the legal descriptions of the land to be exchanged under this section.

(c) LAND EXCHANGE PROCESS.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange under this section.

(d) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be exchanged under subsection (a) shall be determined by a survey satisfactory to the Secretary. The costs of the survey and any administrative costs related to the land exchange shall be borne by the County.

(e) CONDITION ON USE OF CONVEYED LAND.—As a condition of the conveyance to the County under subsection (a), the County shall agree to continue to use the land acquired by the County under such subsection for purposes consistent with the purposes listed in the special use authorization for the Fouts Springs Ranch in effect as of the date of the enactment of this Act.

(f) EASEMENT AUTHORITY.—The Secretary may grant an easement to provide continued access to, and maintenance and use of, the facilities covered by the special use authorization referred to in subsection (e) as necessary for the continued operation of the Fouts Springs Ranch conveyed under subsection (a).

(g) MANAGEMENT OF ACQUIRED LAND.—The lands acquired by the Secretary under subsection (a) shall be added to and administered as part of the Mendocino National Forest and managed in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) and the laws and regulations applicable to the National Forest System.

(h) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to such additional terms and conditions as the Secretary and the County may agree upon.

(i) CANCELLATION OF PORTION OF UNOBLIGATED BALANCE IN FLREA SPECIAL ACCOUNT.—The amount available for obligation as of the date of the enactment of this Act from the unobligated balance in the special account established for the Forest Service under section 807 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806) is reduced by a total of \$60,000, and the amount so reduced is hereby cancelled.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1043 provides for a land exchange between the Forest Service and Solano County, California. Solano County currently has a special use permit from the Forest Service to operate the Fouts Springs Youth Correctional Facility on 82 acres of land in the Mendocino National Forest. The county has been working diligently for years to acquire wilderness-quality forest lands to exchange with the Forest Service in order to acquire the lands occupied by the youth correctional facility. The lands the Forest Service would acquire are wilderness-quality lands bordering the Snow Mountain Wilderness Area, and have been identified as priority areas for acquisition dating as far back as 1992. The land exchange would be for equal value.

Mr. Speaker, the chairman of the Committee on Education and Labor, Chairman GEORGE MILLER, is to be commended for his efforts on behalf of Solano County and this youth facility. An earlier version of this legislation passed the House last year by voice vote. I ask my colleagues to, once again, support the passage of this measure.

I reserve the balance of my time.

Mr. LAMBORN. I yield myself such time as I may consume.

Mr. Speaker, the majority has adequately and has very well explained this bill. I don't believe there is anything to add at this time.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I would yield as much time as he may consume to the chairman of the Education and Labor Committee, Mr. GEORGE MILLER, for his comments on his legislation, H.R. 1043.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 1043, the Deafy Glade Land Exchange Act. I want to thank Chairman RAHALL and Chairman GRIJALVA of the Natural Resources Committee and the minority for bringing this legislation to the floor. As it was noted, this similar legislation passed on a voice vote in the last Congress.

The Fouts Springs Youth Facility has been managed by Solano County, Colusa County, and their partners for nearly 50 years. The bill before the House today guarantees that they can continue to do their good work. Fouts Springs has helped rehabilitate California's young offenders and has provided these young offenders from across the State with much-needed structure and significant vocational educational opportunities.

Presently, Solano County operates Fouts Springs on behalf of several other California counties under a special use authorization. This legislation, the Deafy Glade Land Exchange Act, will give Solano County the 82 acres that they use at Fouts Springs, and in exchange, it would give to the Mendocino National Forest 160 acres of nearby land known as Deafy Glade.

The Deafy Glade property has access to the Snow Mountain Wilderness Area, and it has been a high priority for acquisition by the Forest Service since at least the early 1990s. Last year, the Natural Resources Committee received testimony that the Deafy Glade parcels would be a key addition to the Mendocino National Forest's trail system.

Again, I want to thank the committee for its timely consideration of this legislation, and I urge all of my colleagues to support this matter when it comes before the House.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1043, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### DOROTHY BUELL MEMORIAL VISITOR CENTER PARTNERSHIP ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1287) to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 1287

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DOROTHY BUELL MEMORIAL VISITOR CENTER.**

(a) **SHORT TITLE.**—This section may be cited as the “Dorothy Buell Memorial Visitor Center Partnership Act”.

(b) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of the Interior may enter into a memorandum of understanding to establish a joint partnership with the Porter County Convention, Recreation and Visitor Commission. The memorandum of understanding shall—

(1) identify the overall goals and purpose of the Dorothy Buell Memorial Visitor Center;

(2) establish how management and operational duties will be shared;

(3) determine how exhibits, signs, and other information are developed;

(4) indicate how various activities will be funded;

(5) identify who is responsible for providing site amenities;

(6) establish procedures for changing or dissolving the joint partnership; and

(7) address any other issues deemed necessary by the Secretary or the Porter County Convention, Recreation and Visitor Commission.

(c) **DEVELOPMENT OF EXHIBITS.**—The Secretary may plan, design, construct, and install exhibits in the Dorothy Buell Memorial Visitor Center related to the use and management of the resources at Indiana Dunes National Lakeshore, at a cost not to exceed \$1,500,000.

(d) **NATIONAL LAKESHORE PRESENCE.**—The Secretary may use park staff from Indiana Dunes National Lakeshore in the Dorothy Buell Memorial Visitor Center to provide visitor information and education.

**SEC. 2. INDIANA DUNES NATIONAL LAKESHORE.**

Section 19 of the Act entitled “An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes” (16 U.S.C. 460u–19) is amended—

(1) by striking “After notifying” and inserting “(a) After notifying”; and

(2) by adding at the end the following:

“(b) **CONTIGUOUS CLARIFIED.**—For purposes of subsection (a), lands may be considered contiguous to other lands if the lands touch the other lands, or are separated from the other lands by only a public or private right-of-way, such as a road, railroad, or utility corridor.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

**GENERAL LEAVE**

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1287 will allow the National Park Service to share visitor center facilities for the Indiana Dunes National Lakeshore with the local county's Convention, Recreation and Visitor Commission. The bill also allows the National Park Service to construct exhibits at the visitor center, and authorizes NPS employees to work there since the visitor center lies outside the established boundaries of the park.

Finally, Mr. Speaker, H.R. 1287 would clarify the definition of “contiguous lands” in the park's original legislation so that NPS could accept donations of contiguous land even if that land is separated by a right-of-way, such as a road, a railway line or a utility corridor.

Mr. Speaker, Congressman VISCLOSKEY has been working hard on this bill for a long time and is to be commended for his diligence and persistence. The legislation passed the House last Congress by an overwhelming vote. I ask my colleagues, once again, to support this measure.

I reserve the balance of my time.

Mr. LAMBORN. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1287 has been well explained by the majority, and we support this legislation.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I would yield as much time as he may consume to the sponsor of H.R. 1287, Mr. VISCLOSKEY.

Mr. VISCLOSKEY. I appreciate the gentleman's yielding.

Mr. Speaker, I rise today in strong support of H.R. 1287, the Dorothy Buell Memorial Visitor Center Lease Act. I am the proud sponsor of this legislation, and as I have in the previous Congress, I thank Mr. DONNELLY for joining me as a cosponsor.

I also do want to thank Chairman RAHALL, Ranking Member HASTINGS, Subcommittee Ranking Member BISHOP, and especially Subcommittee Chairman GRIJALVA for all of their hard work in ensuring that this legislation is brought to the floor.

It has been explained and I will simply say that it is my sincere hope that this legislation will enable the continuance of our efforts to protect and to enhance the Indiana Dunes National Lakeshore and to ensure that all Americans can benefit from the park. The Indiana Dunes National Lakeshore, which was established in 1966, is relatively new, but as it continues to mature, the Dorothy Buell Memorial Visitor Center will be vital in helping to provide each lakeshore visitor a complete and rewarding experience.

Mr. Speaker, we should not delay the lakeshore's ability to mature, thus allowing more people to appreciate the natural beauty of northwest Indiana.

Again, I urge my colleagues, as they did in the last Congress, to support this measure.

Mr. LAMBORN. Mr. Speaker, if there are no further speakers, then I would yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1287.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1430

**SANTA CRUZ VALLEY NATIONAL HERITAGE AREA ACT**

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 324

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Santa Cruz Valley National Heritage Area Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

Sec. 4. Designation of Santa Cruz Valley National Heritage Area.

Sec. 5. Management plan.

Sec. 6. Evaluation; report.

Sec. 7. Local coordinating entity.

Sec. 8. Relationship to other Federal agencies.

Sec. 9. Private property and regulatory protections.

Sec. 10. Authorization of appropriations.

Sec. 11. Use of Federal funds from other sources.

Sec. 12. Sunset for grants and other assistance.

**SEC. 2. PURPOSES.**

The purposes of this Act include—

(1) to establish the Santa Cruz Valley National Heritage Area in the State of Arizona;

(2) to implement the recommendations of the “Alternative Concepts for Commemorating Spanish Colonization” study completed by the National Park Service in 1991, and the “Feasibility Study for the Santa Cruz Valley National Heritage Area” prepared by the Center for Desert Archaeology in July 2005;

(3) to provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region and to conserve the region's heritage while continuing to pursue compatible economic opportunities;

(4) to assist communities, organizations, and citizens in the State of Arizona in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **NATIONAL HERITAGE AREA.**—The term “National Heritage Area” means the Santa Cruz Valley National Heritage Area established in this Act.

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Santa Cruz Valley Heritage Alliance, Inc., which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this Act.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

#### SEC. 4. DESIGNATION OF SANTA CRUZ VALLEY NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Santa Cruz Valley National Heritage Area.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The National Heritage Area shall consist of portions of the counties of Santa Cruz and Pima.

(2) **MAP.**—The boundaries of the National Heritage Area shall be as generally depicted on the map titled “Santa Cruz Valley National Heritage Area”, and numbered T09/80,000, and dated November 13, 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

#### SEC. 5. MANAGEMENT PLAN.

(a) **REQUIREMENTS.**—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic,

and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this Act; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) **DEADLINE.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this Act until such time as the management plan is submitted to and approved by the Secretary.

(c) **APPROVAL OF MANAGEMENT PLAN.**—

(1) **REVIEW.**—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) **CONSULTATION.**—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) **CRITERIA FOR APPROVAL.**—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund,

manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) **DISAPPROVAL.**—

(A) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) **AMENDMENTS.**—

(A) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized by this Act to implement an amendment to the management plan until the Secretary approves the amendment.

(6) **AUTHORITIES.**—The Secretary may—

(A) provide technical assistance under the authority of this Act for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this Act.

#### SEC. 6. EVALUATION; REPORT.

(a) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this Act, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) **EVALUATION.**—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) **REPORT.**—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

#### **SEC. 7. LOCAL COORDINATING ENTITY.**

(a) **DUTIES.**—To further the purposes of the National Heritage Area, the Santa Cruz Valley Heritage Alliance, Inc., as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this Act;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this Act, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this Act, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this Act to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized under this Act to acquire any interest in real property.

#### **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Nothing in this Act affects the authority of a Federal agency to

provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

#### **SEC. 9. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

#### **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to subsection (b), there are authorized to be appropriated to carry out this Act not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than \$15,000,000 may be appropriated to carry out this Act.

(c) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity under this Act shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

#### **SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this Act shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

#### **SEC. 12. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### **GENERAL LEAVE**

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 324 would create the Santa Cruz Valley National Heritage Area. I introduced this legislation on January 8 and am proud that my neighbor in the valley, the gentlelady from Arizona (Ms. GIFFORDS), is an original cosponsor.

My own history began in the Santa Cruz Valley, at Canoa Ranch where my father worked. My earliest memories are of a life in that extraordinary scenic valley and they comprise an important part of who I am today.

Sharing a border with Mexico, the Santa Cruz Valley encompasses a multitude of cultures, a rich and diverse history, as well as a host of nationally recognized national treasures that are situated within its borders.

The amount of support for this proposal, both in my district and in Ms. GIFFORDS', is astounding. Every county, municipality, tribe, Federal and State park and land management agency within the proposed heritage area, plus a long list of chambers of commerce, tourism organizations, conservation and historic preservation groups, ranchers, farmers and businesses, all support H.R. 324.

The House has already approved this legislation as part of a heritage area package in the last Congress. Mr. Speaker, this bill is important to many of us and to me, to my district, and to Ms. GIFFORDS and to her constituents. I ask my colleagues to support the passage.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, unfortunately, I have to rise in opposition to H.R. 324. As many of us have discovered, the National Heritage Area program, although well intended, is not a new program and has no established framework. Many of our colleagues have sought to ensure that despite a lack of guidance, heritage areas would include basic property rights protections. Unfortunately, this bill does not have sufficient protection for the property owners within the boundaries of this area, and it is likely many of them have no idea that they are to be included.

To remedy this problem, we request, and we have requested in the past, that

the bill be amended to allow property owners the opportunity to remove their property from the heritage area.

While the current language allows owners to "refrain from participation," nothing changes the fact that this bill places them within a new Federal designation that provides a basis for ambitious Federal land managers to claim that they now have a mandate and millions of Federal dollars to interfere with local decisions affecting their neighbors' property.

Three years ago, this point was brought to the forefront when my friend, the sponsor of this legislation, authored legislation to reduce the size of the Yuma Crossing Heritage Area. When that heritage area was established in 2000, it was much larger than local farmers were expecting. Further exacerbating the problem, local zoning bureaucrats began to use the heritage area boundaries in planning.

Because the language designating the heritage area included no recourse for property owners who wanted out, or who never wanted to be included in the heritage area in the first place, their only option was to come to Congress to adjust the boundary and solve the zoning assault that they faced. We must not make that mistake again.

Complicating this particular proposed heritage area is the inclusion of some of the most heavily traveled human and narcotics trafficking routes in our country. We have already seen what happens when we lock up Federal border lands within Federal wilderness areas. The cartels run rampant knowing that Border Patrol is hamstrung by draconian rules making them subservient to land managers and the accompanying bureaucratic red tape. Now is not the time to place yet another layer of Federal interference over this region. The border lands are far from secure.

I urge my colleagues to support private property rights and the effort to secure the border by opposing H.R. 324.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, every time we bring up a national heritage proposal, we hear concerns expressed about private property protections. We should be clear that during the 20-plus years of this program's existence, opponents have not been able to identify a single instance in which someone has been deprived of the use of their property as a result of this designation.

Tens of millions of Americans in States across the country have lived, worked and recreated and made their living within a heritage area. Despite the best efforts of opponents of these designations, they have never found a case where property rights were violated.

The Government Accountability Office even investigated potential property rights violations and found none. Nevertheless, this bill contains exten-

sive private property provisions. These private property protections are the same language approved by Congress in earlier bills and signed into law by both the Obama and Bush administrations. If the problem existed, the bill has the language necessary to take care of it.

The other issue, in terms of law enforcement, this designation in no way restricts local, county, State or national law enforcement from carrying out its enforcement mission and its responsibility to uphold the law. There is no restriction, no impediment, and no redesignation of their mission. The mission continues. The heritage area in no way hinders or prohibits that mission from going on.

I reserve the balance of my time.

Mr. LAMBORN. I would like to inquire if there are any additional speakers at this point from the majority, and if not, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I have no further speakers, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 324.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ROOSEVELT NATIONAL FOREST BOUNDARY ADJUSTMENT AND LAND CONVEYANCES

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1858) to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1858

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCES, ROOSEVELT NATIONAL FOREST, COLORADO.

(a) BOUNDARY ADJUSTMENT.—The boundaries of Roosevelt National Forest, Colorado, are hereby modified to exclude from the national forest a parcel of real property consisting of approximately 7 acres within the

Crystal Lakes Subdivision as depicted on the map entitled "Crystal Lakes Encroachment, HR 3299" and dated July 15, 2008.

(b) CONVEYANCE OF LAND REMOVED FROM NATIONAL FOREST.—The Secretary of Agriculture shall use the authority provided by Public Law 97-465 (commonly known as the Small Tracts Act; 16 U.S.C. 521c-521i) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of Roosevelt National Forest under subsection (a) to the landowners whose real property adjoins the excluded land and who, as of the date of the enactment of this Act, occupy the excluded land.

(c) CONSIDERATION.—The conveyances required by subsection (b) shall be made without consideration.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the land excluded from the boundaries of Roosevelt National Forest under subsection (a) and conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary.

(e) CANCELLATION OF PORTION OF UNOBLIGATED BALANCE IN FLREA SPECIAL ACCOUNT.—The amount available for obligation as of the date of the enactment of this Act from the unobligated balance in the special account established for the Forest Service under section 807 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806) is reduced by a total of \$200,000, and the amount so reduced is hereby cancelled.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 1858, introduced by Representative BETSY MARKEY of Colorado, would provide for a boundary adjustment and land conveyances involving the Roosevelt National Forest in Colorado to correct the effects of erroneous land survey. The bill responds to an ongoing boundary dispute between the Forest Service and private land owners with property adjacent to the forest.

Mr. Speaker, I want to commend our colleague, Representative MARKEY, for her work on this bill. As a freshman, she has demonstrated remarkable ability to get things done on behalf of her constituents. I ask my colleagues to support passage of H.R. 1858.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

This bill provides a legislative solution for a number of homeowners in Larimer County, Colorado, who own real property adjacent to the Roosevelt

National Forest. These homeowners have occupied or improved their property in good faith and in reliance on 1975 land surveys.

It was introduced in the last Congress by Congresswoman Marilyn Musgrave. It is needed to resolve the issue fairly because a recent Forest Service resurvey now claims that a small portion of Roosevelt National Forest is occupied by these adjacent landowners.

This bill conveys approximately 7 acres occupied by the affected landowners to those landowners, and I support its passage.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, at this point let me yield as much time as she may consume to the sponsor of the legislation, Representative MARKEY.

Ms. MARKEY of Colorado. Mr. Speaker, I rise today to support H.R. 1858 and for private property rights. Imagine for a moment that the Federal Government sent you a notification that you need to repurchase land that you have owned for over 30 years. This is exactly what happened to landowners in the Crystal Lakes subdivision on the border of the Roosevelt National Forest.

When the Crystal Lakes subdivision was developed in 1975, an inaccurate land survey resulted in a 7-acre overlap with the U.S. Forest Service land. In 2006, the Crystal Lakes landowners were notified that parts of their property were on Federal land, and they would be required to purchase this land at current market price from the Forest Service.

It is simply unacceptable in these tough economic times to penalize the Crystal Lakes landowners for a mistake made through no fault of their own and a mistake the Federal Government has waited for over 30 years to rectify. The current property value is, without question, higher than it was at the time of the sale in the 1970s and 1980s.

If forced to repurchase their land, some landowners may be in danger of foreclosure. These property owners have bought their land in good faith and have been paying taxes on that land.

While I support the national forest system and the need to preserve land in the West for future generations, for the Federal Government to ask these landowners to repurchase land they have owned for decades stands against reason.

Therefore, I urge all my colleagues to vote for H.R. 1858 today to adjust the boundaries of the Roosevelt National Forest in Colorado. With your vote, we can ensure the landowners in Crystal Lakes will be able to remain on their land.

Mr. LAMBORN. Mr. Speaker, I commend my colleague from Colorado for bringing this bill. She is building on

the good work that was begun by her predecessor, Congresswoman Marilyn Musgrave. This is a bill that I would urge all of my colleagues to support.

I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1858, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### HALE SCOUTS ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 310) to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 310

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Help to Access Land for the Education of Scouts" or "HALE Scouts Act".

#### SEC. 2. LAND CONVEYANCE, OUACHITA NATIONAL FOREST, OKLAHOMA.

(a) FINDING.—Congress finds that it is in the public interest to provide for the sale of certain federally owned land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, for market value consideration.

(b) CONVEYANCE REQUIRED.—Subject to valid existing rights, the Secretary of Agriculture shall convey, by quitclaim deed, to the Indian Nations Council, Inc., of the Boy Scouts of America (in this section referred to as the "Council") all right, title, and interest of the United States in and to certain National Forest System land in the Ouachita National Forest in the State of Oklahoma consisting of approximately 140 acres, depending on the final measurement of the road set back and the actual size of the affected sections, as more fully described in subsection (c). The conveyance may not include any land located within the Indian Nations National Scenic and Wildlife Area designated by section 10 of the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv–8).

(c) COVERED LANDS.—The National Forest System land to be conveyed under subsection (b) is depicted on the map entitled "Boy Scout Land Request—Ouachita NF". The map shall be on file and available for public inspection in the Forest Service Regional Office in Atlanta, Georgia.

(d) CONSIDERATION.—As consideration for the land conveyed under subsection (b), the Council shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved

by the Secretary and done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(e) USE OF PROCEEDS.—The consideration received under subsection (d) shall be deposited in the fund established by Public Law 90–171 (commonly known as the "Sisk Act"; 16 U.S.C. 484a). The amount so deposited shall be available to the Secretary, without further appropriation, for expenditure for the acquisition of land and interests in land in the Ouachita National Forest.

(f) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary. The Council shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

(g) ACCESS.—Access to the land conveyed under subsection (b) shall be from the adjacent land of the Council or its successor. Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)), the Secretary shall not be required to provide additional access to the conveyed land.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may prescribe such terms and conditions on the conveyance under subsection (b) as the Secretary considers in the public interest, including the reservation of access rights to the conveyed land for administrative purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 310 would direct the Secretary of Agriculture to convey 140 acres of public land in Oklahoma administered by the United States Forest Service to the Indian Nations Council of Boy Scouts of America. The Boy Scouts will use the land to expand their existing camping area and will pay fair market value for the land.

H.R. 310 is identical to legislation that passed the House last year by a vote of 370–2.

Mr. Speaker, I want to commend our colleague, Representative BOREN, for his work on this legislation, and I urge our colleagues to support passage of H.R. 310.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

The majority has explained this bill well. We are pleased to support this legislation also, which will help the young men of Oklahoma by allowing

the Boy Scouts to expand their summer camp within the national forest to accommodate the fast-growing number of campers. This speaks volumes about the excellent organization that is the Boy Scouts of America.

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I strongly support this legislation, and urge all of my colleagues to do so as well.

Mr. BOREN. Mr. Speaker, I rise today in support of this measure, H.R. 310, the HALE Scouts Act, granting the U.S. Forest Service authority to sell roughly 140 acres of land to the Indian Nations Council of Boy Scouts, which is adjacent to the Scout's summer camp, Camp Tom Hale located in Talihina, OK. The Indian Nations Council of Boy Scouts is a non-profit organization providing educational programs for boys and young adults to build character, to train in the responsibilities of citizenship, and to develop personal fitness.

Camp Tom Hale first opened in June 1930 to serve Boy Scouts in the McAlester, Oklahoma area. It was originally located at what is now Robbers Cave State Park near Wilburton, Oklahoma. In 1963, the Boy Scout Council in McAlester worked with the State of Oklahoma and the U.S. Forest Service to exchange the camp at Robbers Cave for 480 acres of wilderness area in the Ouachita National Forest. This "new" Camp Hale has continued as a summer adventure camp serving thousands of scouts during the intervening 41 years.

In 1997, the Council board developed a strategic plan for a \$3.5 million expansion and renovation of the camp. Since then, the Council has spent in excess of \$1 million continually updating and expanding facilities to meet the needs of scouts. As a result, a renewed emphasis on wilderness and the outdoors has flourished, with over 6000 scouts and leaders from a five state area attending weekly sessions offered in June and July and enjoying the beautiful Ouachita Forest.

Attendance has now exceeded the maximum number of available campsites and program areas, which is causing Camp Hale to begin turning away hundreds of scouts each summer. It is now critical for camp growth that the boundaries be extended to include more area for camping and additional program & training services. Successful completion of this objective will allow the Boy Scouts to continue the expansion of outdoor & leadership training for thousands of youth living in the Central Southwest and bring additional usage and enjoyment of the Ouachita Forest to more families.

It is for the benefit of these thousands of young Oklahomans that I proudly sponsored this measure. I greatly appreciate this House's consideration of this bill, and would like to urge my colleagues to support the measure.

Mr. LAMBORN. I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 310.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2009

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3123) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3123

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION.

(a) SHORT TITLE.—This section may be cited as the "Leadville Mine Drainage Tunnel Remediation Act of 2009".

(b) TUNNEL REMEDIATION.—The Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) is amended as follows:

(1) By striking section 705.

(2) In section 708(a)—

(A) by striking "(a)" and inserting "(a)(1)";

(B) by striking "The Secretary shall have" and inserting "Except as provided by paragraph (2), the Secretary shall have"; and

(C) by adding at the end the following:

"(2) The Secretary shall participate in the implementation of the operable unit 6 remedy for the California Gulch Superfund Site, including, but not limited to, the following actions:

"(A) Treating water behind any blockage or bulkhead in the Leadville Mine Drainage Tunnel, including surface water diverted into the Tunnel workings as part of the remedy.

"(B) Managing and maintaining the mine pool behind such blockage or bulkhead at a level that precludes surface runoff and releases and minimizes the potential for tunnel failure due to excessive water pressure in the tunnel."

(3) In section 708(f), by striking "and 708" and inserting ", 708, and 709".

(4) By adding at the end of title VII the following:

#### "SEC. 709. TUNNEL MAINTENANCE.

"The Secretary shall take such steps to repair or maintain the structural integrity of the Leadville Mine Drainage Tunnel (LMDT) as may be necessary in order to prevent tunnel failure and to preclude uncontrolled release of water from any portion of the tunnel."

(5) In the table of sections contained in section 2—

(A) by striking the item relating to section 705; and

(B) by inserting after the item relating to section 708 the following new item:

"Sec. 709. Tunnel maintenance."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 3123, introduced by our colleague Representative LAMBORN, will direct the Bureau of Reclamation to remedy problems caused by collapses in the Leadville Mine Drainage Tunnel. Due to structural deterioration, contaminated water has backed up in the tunnel, posing a public health and environmental threat.

I ask my colleagues to support the bill's passage.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, September 8, 2009.

Hon. NICK RAHALL,

Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: I write to you regarding H.R. 3123, a bill to direct the Secretary of the Interior to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado.

H.R. 3123 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forego a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3123.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 3123 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.

Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, September 8, 2009.

Hon. JAMES OBERSTAR,  
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to expedite floor consideration of H.R. 3123, a bill to direct the Secretary of the Interior to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado.

I appreciate your willingness to waive rights to further consideration of H.R. 3123, notwithstanding the jurisdictional interest of the Committee on Transportation and Infrastructure. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Transportation and Infrastructure if a conference is held on this matter.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,  
Chairman, Committee on Natural Resources.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, the Leadville Mine Drainage Tunnel was originally constructed by the Federal Bureau of Mines in the forties and fifties to facilitate the extraction of lead and zinc ore for the World War II and Korean War efforts. The Bureau of Reclamation acquired the tunnel in 1959, hoping to use it as a source of water for the Frying Pan, Arkansas, project. Although the tunnel was never used for that project, water that flows out of the tunnel is considered part of the natural flow of the Arkansas River.

With the passage and subsequent signing into law of H.R. 429 during the 102nd Congress in 1992, the Bureau of Reclamation constructed and continues to operate a water treatment plant at the mouth of the tunnel. Groundwater levels at the tunnel have fluctuated in recent years. In addition, a collapse inside the tunnel has increased the tunnel's mine pool significantly, leading to new seeps and springs in the area. Estimates suggest that at one time, up to 1 billion gallons of water may have built up within the mine pool.

In November 2007, the EPA sent a letter to the Bureau of Reclamation expressing concerns over a catastrophic blowout, and in February 2008 the Lake County Commissioners declared a state of emergency.

Emergency measures are currently being undertaken by the Environmental Protection Agency and the Bureau of Reclamation to relieve water pressure in the vicinity. Their success has been notable to date. However, many of the problems reported at this

site are not new. Legislation addressing this matter and authorizing the Secretary of the Interior to rehabilitate its tunnel dates back to at least 1976.

In response to the request for action from the local community, I have again worked together in a bipartisan manner with Senator MARK UDALL from Colorado and reintroduced H.R. 3123. This bill would direct the Bureau of Reclamation to relieve water pressure behind certain blockages in the tunnel, permanently manage the mine pool behind any blockage to prevent releases of contaminated water, and manage the tunnel in such a way to prevent failure of the structure.

I look forward to seeing this situation remedied so that concerns about human safety and environmental integrity may be appropriately and responsibly addressed. I remind Members that only minor technical changes have been made since the bill was originally passed by the House of Representatives in the previous Congress.

I urge my colleagues to support this legislation.

I yield back the balance of my time.  
Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 3123, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING RESTORATION AND RENOVATION OF BISHOP MUSEUM'S HISTORIC HAWAIIAN HALL

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 541) recognizing and honoring the restoration and renovation of the Bishop Museum's historic Hawaiian Hall, the Nation's premier showcase for Hawaiian culture and history, on the occasion of the Museum's 120th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 541

Whereas the Bishop Museum was founded in 1889 in Honolulu, Hawai'i, by Charles Reed Bishop in memory of his beloved wife, Princess Bernice Pauahi Bishop, the great granddaughter of Kamehameha I, to house the personal legacies and bequests of the royal Kamehameha and Kalākaua families;

Whereas the mission of the Bishop Museum since its inception is to study, preserve, and tell the stories of the cultures and natural history of Hawai'i and the Pacific Ocean;

Whereas the Bishop Museum's collections include some 24,000,000 objects, collectively the largest Hawai'i and Pacific area collection in the world, including over 1,200,000 cultural objects representing Native Hawaiian, Pacific Islands, and Hawai'i immigrant life, more than 125,000 historical publications including many in the Hawaiian language, 1,000,000 historical photographs, films, works of art, audio recordings, and manuscripts, and over 22,000,000 plant and animal specimens;

Whereas a primary goal of the Bishop Museum is to serve and represent the interests of Native Hawaiians by advancing Native Hawaiian culture and education, protecting the collections and increasing access to such collections, and strengthening the Museum's connections with the schools of Hawai'i;

Whereas the national significance of the Bishop Museum's cultural collection lies in the Native Hawaiian collection, which collectively represents the largest public resource in the world documenting a unique way of life and a source of knowledge and inspiration for numerous visitors, researchers, students, Native Hawaiian craftsmen, teachers, community, and spiritual leaders over the years, especially since the Hawaiian cultural revival, which has been steadily growing and gaining in popularity in recent years;

Whereas over 300,000 people visit the Bishop Museum each year to learn about Hawaiian culture and experience Hawaiian Hall;

Whereas the primary reason for visiting the Bishop Museum, given by an average of 400,000 visitors each year, is their desire to see Hawaiian Hall and to learn about Hawaiian culture;

Whereas Hawaiian Hall is the Nation's only showcase of its size, proportions, design, and historic context that is devoted to the magnificent legacy of Hawai'i's kings and queens, and the legacies of its Native Hawaiian people of all walks of life and ages;

Whereas Hawaiian Hall, one of three interconnected structures known as the Hawaiian Hall Complex and constructed between 1889 and 1903, is considered a masterpiece of late Victorian museum design with its Kamehameha blue stone exterior quarried on site and extensive use of Native koa wood, and is one of the few examples of Romanesque Richardsonian-style museum buildings to have survived basically unchanged;

Whereas Hawaiian Hall, designed by noted Hawai'i architects C.B. Ripley and C.W. Dickey in 1898, was placed on the National Register of Historic Places in 1982 based on its unique combination of architectural, cultural, scientific, educational, and historical significance;

Whereas the restoration and renovation of Hawaiian Hall and its exhibits, conducted by noted Hawai'i architect Glenn Mason and noted national and international museum exhibit designer Ralph Appelbaum, is integral to the Bishop Museum's ability to fulfill its mission and achieve its primary goal of serving and representing the interests of Native Hawaiians;

Whereas the restoration and renovation of Hawaiian Hall, commenced in 2005, included the building of a new gathering place in an enclosed, glass walled atrium, improved access through the installation of an elevator in the new atrium to all three floors of the Hall and other buildings in the Hawaiian

Hall Complex, improved collection preservation through the installation of new, state of the art environmental controls, lighting, security, and fire suppression systems, and restored original woodwork and metalwork;

Whereas the restoration and renovation of the Hawaiian Hall's exhibits brings multiple voices and a Native Hawaiian perspective to bear on the Bishop Museum's treasures by conveying the essential values, beliefs, complexity, and achievements of Hawaiian culture through exquisite and fragile artifacts in a setting that emphasizes their mana (power and essence) and the place in which such artifacts were created;

Whereas the new exhibit incorporates contemporary Native Hawaiian artwork illustrating traditional stories, legends, and practices, and contemporary Native Hawaiian voices interpreting the practices and traditions through multiple video presentations;

Whereas the new exhibit features over 2,000 objects and images from the Bishop Museum's collections on the open floor, mezzanines, and the center space conceptually organized to represent three traditional realms or wao of the Hawaiian world—Kai Ākea, the expansive sea from which gods and people came, Wao Kanaka, the realm of people, and Wao Lani, the realm of gods and the ali'i, or chiefs, who descended from them;

Whereas the new exhibit's ending display celebrates the strength, glory, and achievements of Native Hawaiians with a large 40-panel mural titled Ho'ohuli, To Cause An Overturning, A Change, made by students of Native Hawaiian charter schools in collaboration with Native Hawaiian artists and other students, and interpreted by Native Hawaiian artists and teachers in a video presentation; and

Whereas the people of the United States wish to convey their sincerest appreciation to the Bishop Museum for its service and devotion: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the reopening of historic Hawaiian Hall on the 120th anniversary of the founding of the Bishop Museum in Honolulu, Hawai'i; and

(2) honors and praises the Bishop Museum, on the occasion of its reopening and 120th anniversary, for its work to ensure the preservation, study, education, and appreciation of Native Hawaiian culture and history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, the Bishop Museum was founded in 1889 in Honolulu, Hawaii, and for 120 years has served as the Nation's preeminent resource documenting, preserving and educating others on Native Hawaiian culture. The museum's collection of 24

million objects is the largest Hawaiian and Pacific Island collection in the world. Over 2,000 of these objects and images are on display in the newly renovated Hawaiian Hall.

H. Res. 541, introduced by our distinguished colleague from Hawaii, Representative NEIL ABERCROMBIE, would express the appreciation of the House of Representatives to the Bishop Museum for 120 years of service to the people of Hawaii and the United States. We commend Representative ABERCROMBIE for his tireless efforts on behalf of his constituents and the preservation of Hawaiian history and culture.

We support passage of House Resolution 541 and urge its adoption in the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution has been explained well by the majority. We have no objection.

Mr. FALCOMA. Mr. Speaker, I rise today in strong support of H. Res. 541, recognizing and honoring the restoration and renovation of the Bishop Museum's Historic Hawaiian Hall, the Nation's premier showcase for Hawaiian culture and history, on the occasion of the Museum's 120th anniversary.

I thank the gentleman from the State of Hawaii, my good friend, Mr. ABERCROMBIE, for his leadership on this important issue. I also want to thank Chairman RAHALL of the Natural Resources Committee for bringing this resolution for House floor consideration.

Mr. Speaker, H. Res. 541 conveys our sincerest appreciation to the Bishop Museum for its service and devotion. Founded in 1889 by Charles Reed Bishop in memory of his beloved wife, Princess Bernice Pauahi Bishop, the great granddaughter of Kamehameha I, the Bishop Museum is essential to study, preserve and tell the stories of the cultures and natural history of Hawaii and the Pacific Ocean.

Collectively, the Museum houses the largest Hawaii and Pacific area collection in the world, including 1,200,000 cultural objects representing Native Hawaiian, Pacific Islands, and Hawaii immigrant life, more than 125,000 historical publications including many in the Hawaiian language, 1,000,000 historical photographs, films, works of art, audio recordings, and manuscripts and over 22,000,000 plant and animal specimens. This cultural collection creates a significantly important public resource for academic studies and for public information.

Not only that, the Bishop Museum is also very significant because of the fact that it houses the Hawaiian Hall, the Nation's only showcase of its size, proportions, design, and historical context that is devoted to the magnificent legacy of Hawaii's kings and queens, and the legacies of its Native Hawaiian people of all walks of life and ages. Over the years lead paint and termite damage rendered the building unable to meet modern standards and requirements for any museum until in 2005, the restoration and renovation of the Hawaiian Hall commenced. Multiple parties came to-

gether to collaborate in this effort. The museum was redefined conceptually as well as given physical reconstruction. The end product stands as testament to the efforts of all those involved.

The new exhibit incorporates Native Hawaiian artwork depicting traditional stories, legends, and practices, and contemporary Native Hawaiian voices interpreting the practices and traditions through multiple video presentations. In addition, the new exhibit is conceptually organized to represent three traditional realms or wao of the Hawaiian world including: Kai Ākea—the expansive sea from which gods and people came; Wao Kanaka—the realm of people; and Wao Lani—the realm of gods and the ali'i or chiefs, who descended from them. The new exhibit even includes a large 40-panel mural which celebrates the strength, glory, and achievements of Native Hawaiians.

Mr. Speaker, the Bishop Museum is very important to the Native Hawaiians, especially in their efforts to revive their culture and their Hawaiian traditions. I congratulate the Bishop Museum on its 120th anniversary and for its service and devotion, and I urge my colleagues to vote in support of H. Res. 541.

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 541, recognizing and honoring the restoration and renovation of the Bishop Museum's historic Hawaiian Hall, the Nation's premier showcase for Hawaiian culture and history, on the occasion of the Museum's 120th anniversary.

Founded more than a century ago, in the memory of Princess Bernice Pauahi Bishop by her husband, Charles Reed Bishop, Bishop Museum has contributed to the world's understanding of the natural and cultural history of the Pacific and Hawai'i. It has collected and preserved nearly 25 million scientific animal and plant specimens and 2.4 million cultural objects that together help tell the full story of Hawai'i and the Pacific.

I attended the celebration of the Bishop Museum's 120th anniversary in Honolulu during our August district work period. The magnificent historic Hawaiian Hall has been beautifully restored and now serves as a more fitting setting for the irreplaceable and precious cultural and historical artifacts it showcases. Listed on the National Register of Historic Places, Bishop Museum's Hawaiian Hall has traditionally housed Hawaii's most sacred and beloved artifacts. With its volcanic stone exterior and extensive use of native koa wood, Hawaiian Hall is considered a masterwork of late Victorian museum design.

With this important renovation, hundreds of thousand visitors and local residents will enter the world of Hawai'i. They will hear the oral tradition of oli and mo'olelo. They will experience Hawai'i's deep connection between its natural and cultural worlds. Bishop Museum has served as an essential repository and education institution for over a century.

I urge my colleagues to join me voting for H. Res. 451 and encourage you to visit the restored Hawaiian Hall when you next visit Hawaii.

Mr. LAMBORN. I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 541.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

# RECOGNIZING THE SIGNIFICANCE OF HISTORIC VIRGINIA KEY BEACH PARK OF MIAMI, FLORIDA

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 361) recognizing the historical significance of Historic Virginia Key Beach Park of Miami, Florida, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 361

Whereas in the early 1900s, Historic Virginia Key Beach Park of Miami, Florida, was frequented by African-American and Caribbean settlers arriving by ferry from mainland South Florida;

Whereas in the summer of 1945, on the beach at Baker's Haulover County Park, a group of black men led by then attorney Lawson E. Thomas staged a protest against the unjust segregation laws that prohibited black people from using the public beaches in South Florida;

Whereas in response to the protest, county officials designated Virginia Key Beach Park as the "Colored Beach", a segregated beach site for the African-American community which opened on August 1, 1945;

Whereas, even after civil rights laws opened all the public beaches in South Florida to people of all races and ethnicities, Virginia Key Beach Park remained a popular destination for many in the African-American community for several decades;

Whereas in 1979, the site was transferred from the county to the City of Miami with the stipulation that the beach be kept open and maintained as a public park and recreation area;

Whereas in 1982, citing the high cost of maintenance and operations, the City of Miami closed Virginia Key Beach Park shortly after assuming its responsibility;

Whereas in 1990, the City of Miami Commission responded to citizen outcry and established the Virginia Key Beach Park Trust (hereafter referred to as the "Trust") to restore, reopen, and preserve the site for public use;

Whereas the late M. Athalie Range, an African-American community leader and the first woman to sit on the City of Miami Commission, worked with the community to save Virginia Key Beach Park from the grasp of developers, and deliver it back to the people. She lobbied to place the property on the National Register of Historic Places, spearheaded funding for a multi-billion dollar restoration program, and planned a new museum/cultural center that would one day, impart the message of social equality and responsible citizenry for future generations;

Whereas in June 2002, the Trust successfully petitioned Federal and State govern-

ment officials to place the site on the National Register of Historic Places and give it a Florida Historical Marker;

Whereas in 2003, the Dade Community Foundation established the Historic Virginia Key Beach Park Trust Fund to collect charitable donations to help restore and preserve the park; and

Whereas on February 22, 2008, after extensive renovation by the Trust, Historic Virginia Key Beach Park celebrated its grand re-opening for public use by the entire community with a ribbon cutting ceremony and community concert: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the extraordinary historical, cultural, and recreational significance of Historic Virginia Key Beach Park of Miami, Florida;

(2) recommitts its attempt to protect and preserve American history through national parks and historic sites; and

(3) acknowledges the significance of the African-American community's struggle for equality through its collaborative efforts to preserve this historic site.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

## GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, in 1945 a group of black men, led by Lawson E. Thomas, courageously protested the banning of African Americans from the public beaches of south Florida. As a result, Virginia Key Beach Park was established as a "Colored Beach" under the segregation laws that persisted throughout the civil rights movement.

The park was transferred to the city of Miami in 1979, which attempted to close it three years later, citing a lack of operating funds. Since then, dedicated community leaders have fought to not only keep the park open, but also add it to the National Register of Historic Places and establish a trust to manage it.

With this resolution, sponsored by Representative ROS-LEHTINEN of Florida, the House of Representatives recognizes the historic significance of the site and honors the African American struggle for equality represented there.

I ask my colleagues to support the passage of this resolution.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

In the 1920s, Virginia Key Beach, located about 2 miles south of Miami, Florida, became the area's public beach that was used primarily by African

Americans. In 1945, Dade County officials designated the beach as a legally segregated beach for use by the African American community. Today, the beach is managed by the Virginia Key Beach Park Trust and is owned by the City of Miami.

This resolution recognizes the historical significance of Virginia Key Beach Park. I congratulate Congresswoman ROS-LEHTINEN for her work, and I urge passage of this resolution.

At this time, I yield such time as she may consume to my friend and colleague, the gentlelady from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Colorado, my good friend, Mr. LAMBORN, for the time, and I also thank Mr. GRIJALVA of Arizona. Thank you so much for bringing this resolution before us today.

I rise in strong support of House Resolution 361, which is a bipartisan bill recognizing the national significance of historic Virginia Key Beach Park, which is located in my congressional district in south Florida. I also would like to thank my dear friends and fellow south Floridians, my colleagues, Representatives KENDRICK MEEK, ALCEE HASTINGS, LINCOLN DIAZ-BALART, and DEBBIE WASSERMAN SCHULTZ for their support of this legislation.

A segregated beach during the 1900s, Virginia Key Beach Park serves as a reminder of our Nation's struggle for equality and justice for all members of our society. During World War II, the beach was a training ground for African American soldiers serving in the United States Army. Shortly following the war's end, the beach was established as the only public beach open to the African American community. In the 1950s, the beach played a prominent role in south Florida's efforts to desegregate during the civil rights movement.

In the years following desegregation, leaders of the African American community in south Florida, including the influential and late wonderful leader in our area, Athalie Range, fought tirelessly to preserve this unique site.

Today's resolution serves as a tribute to Athalie Range and to so many African American pioneers, including our former colleague, Congresswoman Carrie Meek, who authored a bill in 2001 to include Virginia Key Beach Park into the National Park System. I was honored to work with Carrie in her quest to include this beach in the National Park System, and years later I am joined by her beloved son KENDRICK in honoring the importance of this historic and often overlooked site.

I thank Congressman GRIJALVA for the time, and I thank my dear friend Mr. LAMBORN for the time to talk about this historic part of south Florida history.

Mr. GRIJALVA. Mr. Speaker, let me also congratulate the gentlelady from Florida for the resolution.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 361, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1500

#### AKRON VETERANS MEMORIAL POST OFFICE

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2004) to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2004

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AKRON VETERANS MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, shall be known and designated as the "Akron Veterans Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Akron Veterans Memorial Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 2004 for consideration. This legislation will designate the United States postal facility located as 4282 Beach Street in Akron, Michigan, as the Akron Veterans Memorial Post Office.

Introduced by my colleague, Representative DALE KILDEE of Michigan, on April 21, 2009, and favorably reported out of the Oversight and Government Reform Committee by unanimous consent on June 18, 2009, H.R. 2004 enjoys the support of the entire House Michigan delegation.

Mr. Speaker, the legislation before us pays tribute to the brave men and women from Akron Village, the State of Michigan, and across the United States who have served our Nation in the United States military, both at home and abroad. Over 23 million American military veterans are currently living in the United States, including approximately 742,000 living in the State of Michigan alone. They, as well as those that are no longer with us, have devoted their lives to the defense and security of our Nation, and always at a great personal risk and sacrifice. We are eternally in their debt and forever grateful for their noble and selfless dedication to our Nation and the preservation of its founding principles.

Mr. Speaker, let us pay tribute to the distinguished service of our veterans from the village of Akron, the State of Michigan, and across the country by designating the Akron post office in their honor.

I urge my colleagues to me in supporting H.R. 2004.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I too rise in support of the renaming of the Akron, Michigan post office. From its humble beginnings on July 23, 1857, this post office has been part of the community in small town Michigan. Rather noteworthy, Mr. KILDEE has chosen a rather unusual naming for a post office, and one that I wholeheartedly support. This post office is not named after one brave American or one now-departed politician. Instead, it's named after the countless thousands of men and women of Michigan who have served in the Armed Forces or are serving today and deserve our respect as veterans.

I would urge support of this, and I would urge all of my colleagues to take note that this post office represents a symbol of service more than the symbol of any one person.

I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, in closing, I again urge my colleagues to join me in honoring America's military veterans through the passage of H.R. 2004.

Mr. KILDEE. Mr. Speaker, I rise today in support of my bill H.R. 2004, which would designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office".

The Akron Post Office was first established at the house of its first postmaster, Samuel B. Covey. At the beginning of the Civil War, the post office was moved to the home of Lucius Waldo, about 7 miles south west of Unionville, Michigan, and relocated to Akron village in 1882.

As the only Federal office in the town of Akron, Michigan, this facility should have the honor of recognizing all of the brave men and women who have served our country in uniform.

It has long been a goal of mine to honor all veterans. As a father of two sons, both of whom served as captains in the United States Army, I am a firm believer that our Nation owes an immense debt of gratitude to its armed forces veterans.

That is why I will continue to advocate for America's most important obligation, caring for its defenders and honoring them for their service.

Designating this facility will provide citizens with the opportunity to be mindful of the sacrifices our armed forces' veterans have made, and continue to make today.

I would like to thank the entire Michigan delegation for their support on this legislation and urge my colleagues support in passing this legislation.

Ms. WATSON. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 2004.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### DISTRICT OF COLUMBIA HATCH ACT REFORM ACT OF 2009

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1345) to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the "Hatch Act".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1345

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Hatch Act Reform Act of 2009".

#### SEC. 2. EMPLOYEES OF THE DISTRICT OF COLUMBIA TO BE SUBJECT TO THE SAME RESTRICTIONS ON POLITICAL ACTIVITY AS APPLY TO STATE AND LOCAL EMPLOYEES.

(a) APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.—Section 1501(1) of title 5, United States Code, is amended by striking "a State or territory" and inserting "a State, the District of Columbia, or a territory".

(b) PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE.—Section 7322(1) of such title is amended—

(1) by inserting "or" at the end of subparagraph (A);

(2) by striking "or" at the end of subparagraph (B);

(3) by striking subparagraph (C); and

(4) by striking "services;" and inserting "services or an individual employed or holding office in the government of the District of Columbia;".

**SEC. 3. EFFECTIVE DATE.**

The amendments made by this Act—

(1) shall take effect on the effective date of a law, enacted by the government of the District of Columbia after the date of the enactment of this Act, which places restrictions on political activities of employees of the government of the District of Columbia; and

(2) shall apply with respect to actions occurring on or after the effective date referred to in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

**GENERAL LEAVE**

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. I now yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise for the consideration of H.R. 1345, which is designed to ensure that employees of the District of Columbia are subject to the same rules of political activity under the Hatch Act that apply to all other State and local government employees, thereby ending the discriminatory treatment they have received since 1993.

In October of 1993, Congress passed the Hatch Act Reform Amendments, allowing Federal employees to take part in political campaigns on their off-duty, personal time. The legislation of 1993 did continue to prohibit Federal employees from seeking public office in partisan elections. However, it also retained a measure which subjected D.C. employees to Federal Hatch Act provisions. This ignored the District's authority to self-govern and enact its own local laws; not to mention that employees in all other State and local jurisdictions are subjected to laws written by their own State and local governments and are not subject to the Federal Hatch Act like D.C. government employees. H.R. 1345 ends this disparate treatment by placing D.C. employees under the same Federal Hatch Act restrictions that apply to all other States and localities.

This bill was offered by the gentlewoman from the District of Columbia (Ms. NORTON) on March 5, 2009. Having been considered by the Subcommittee on Federal Workforce, Postal Service and the District of Columbia, chaired by Representative STEPHEN LYNCH, the Committee on Oversight and Government Reform under Chairman TOWNS ordered the bill reported to the full House by voice vote on June 4, 2009.

Mr. Speaker, H.R. 1345 is a common-sense measure, treating employees of the District of Columbia the same way

that other State and local government employees are treated. The difference in treatment under the Hatch Act has persisted for far too long. I urge my colleagues to help end the disparate treatment by supporting this measure.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bipartisan bill authored by ELEANOR HOLMES NORTON that is, in fact, timely or perhaps beyond its time. This was passed by our committee on a voice vote and is supported by all members of the committee.

Mr. Speaker, home rule by the District of Columbia will not be complete until we harmonize as many rights and responsibilities as we can to the District. Our committee is dedicated to do that harmonization, to look for inequities, either by too much or too little, much of it well-intended in the past, some of it even needed in the past. But as the District of Columbia takes on its immediate responsibilities, we must also treat it appropriately and not have it governed by special rules. This narrowly constructed change will, in fact, cause the Hatch Act to be identical in the way it is implemented throughout the country, being implemented toward the District of Columbia. I think every American appreciates that if you lived in a city in Maryland or in a city in Virginia, you would have the same expectation of the rules of national governance as you should have here in the Nation's capital if you're involved in similar activity.

□ 1515

For that reason, on a bipartisan basis, we support this simple but technically necessary fix.

I reserve my time.

Ms. WATSON. Mr. Speaker, I would like to have the distinguished Representative ELEANOR HOLMES NORTON from the great District of Columbia recognized for 5 minutes.

Ms. NORTON. First off, Mr. Speaker, may I thank the gentlewoman from California for her work on this bill and for managing this bill as well and explaining it to the House.

I'm very grateful to the ranking member of the full committee for his work on this bill and his cooperation in helping us to move this bill forward.

Mr. Speaker, this is nothing more or nothing less than a holdover from the old pre-Home Rule days in the District of Columbia. The Congress passed the Home Rule Act and intended that local laws would be a matter for the District of Columbia, and somehow, this got left out of the mix. And the OPM, the Office of Personnel Management, and its council's office has been vexed—that's the only word for it—vexed by these complaints that these sometimes come and sometimes don't.

For example, advisory neighborhood commissioners, peculiar to the District of Columbia, are "elected officials." They're unpaid. If you look at the council of the District of Columbia, almost all of them were advisory neighborhood commissioners. But somehow, people bring complaints against them when they run for office because they're not regarded in Federal law as elected officials. They're elected officials; unpaid, but they're elected officials. They run for office. Those are not matters that you would expect a Federal regulatory agency to pay any attention to. And I don't want the OPM, in fact, spending the time of its special council on the arcane laws of the District of Columbia.

What this law says is you, D.C., will have to have your own Hatch Act. The Hatch Act was one of the great reforms in government. Perhaps there's no reform ever in government that's been more important than the Hatch Act. This bill can't go into effect until the District of Columbia has its own Hatch Act for its own local law, the way California and all the States of the Union have their own version of the Hatch Act. As I heard the ranking member say, When you're getting Federal money and you're involved in Federal matters—and often matters in the State are Federal matters—the Hatch Act applies as always.

When you're dealing in D.C. with D.C. management, you need your own Hatch Act, and you need OPM to deal with the often more serious matters that affect the Federal Government when millions of dollars may be involved in Hatch Act violations.

I want to thank my good friends from California, both of them, for their work on this bill.

Mr. Speaker, the District of Columbia Hatch Act Reform Act of 2009 eliminates anomalous treatment of the District of Columbia which, alone among U.S. jurisdictions, still falls under the Federal Hatch Act as an uncorrected leftover provision from before the Congress made the District an independent jurisdiction that today enacts its own local laws. Fortunately, the House recognized that the present Federal Hatch Act jurisdiction over the District was inappropriate and obsolete and removed this Federal responsibility several years ago, but the Senate failed to act. H.R. 1345 will eliminate the double indignity of placing a local burden on the Federal Government while depriving the District of a responsibility that only local jurisdictions familiar with local laws can be expected to handle appropriately. H.R. 1345 retains Federal Hatch Act authority concerning prohibited partisan and political activity that applies to every State and locality upon receipt of Federal funds or functions, and importantly, requires the District to enact its own local version of the Hatch Act barring similar local violations before H.R. 1345 can become effective. Local Hatch Act violations in the District are rare, but the District needs its own Hatch Act to fully account and be responsible for local violations, with which only a local, objective body would be familiar.

H.R. 1345 leaves in place the Federal Hatch Act restrictions that apply to other jurisdictions on the use of official authority, specifically as it relates to elections; the solicitation, acceptance, or receipt of political campaign contributions; the prohibitions on running for public office in partisan elections; and the use of on-duty time and resources to engage in partisan campaign activity when Federal funds or responsibilities are involved. My bill would remove only the Federal Hatch Act jurisdiction that applies to the District of Columbia and would require the District to enact its own local Hatch Act, similar to those in other jurisdictions, instead of requiring the Federal Office of Personnel Management, OPM, and its Special Counsel to devote staff time and other resources to investigation, fact-finding and judgment of unfamiliar local matters.

In fact, OPM has asked for the Federal guidance my bill offers. In recent cases, OPM was confused by protests after citing an ANC (Advisory Neighborhood Commissioner) for violations of the Hatch Act when he ran for higher office, even though ANCs are "elected officials" under D.C. law and therefore should be permitted to run for higher office. As a result of the failure to clear up the confusion, the application of the Hatch Act to ANCs has been selectively enforced by OPM. For example, although OPM has filed cases charging Hatch Act violations against an ANC running for the D.C. Council, it more often has not filed when several members of the current D.C. City Council ran for the D.C. Council from positions as ANCs. These examples show the difficulty created because Congress has failed to conform D.C.'s local jurisdiction created by the Home Rule Act of 1974 with the OPM's Federal jurisdiction over Federal Hatch Act matters today.

This is an uncomplicated and straightforward bill. It is not controversial, and it has been enacted by the House before. I ask that the House approve H.R. 1345.

Mr. ISSA. Mr. Speaker, I am in support of this bill.

I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I would like to urge my colleagues to support this much-needed measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 1345.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### JOHNNY GRANT HOLLYWOOD POST OFFICE BUILDING

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2760) to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building".

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 2760

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. JOHNNY GRANT HOLLYWOOD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, shall be known and designated as the "Johnny Grant Hollywood Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Johnny Grant Hollywood Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair now recognizes the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today in support of H.R. 2760, a bill which I introduced to designate a post office in my district as the "Johnny Grant Hollywood Post Office Building".

Johnny Grant and Hollywood are synonymous. As Tinseltown's honorary mayor, he was one of the community's most enthusiastic supporters for more than 50 years. He served as chairman of the Walk of Fame Selection Committee and the Hollywood Historic Trust. He not only created what was to become part of Hollywood's history but had been a longtime supporter for preserving Cinema City's past.

Johnny Grant was also a big supporter of public diplomacy. Over the Memorial Day recess period, I took 30 films donated by Johnny Grant before he passed away to South Africa and donated them to the Rosa Parks Library and Information Center at the U.S. Embassy. The films will be accessible to the public and will be used to promote the United States' moral values, principles, and culture.

Grant was a retired major general in the California State Military Reserve. He was sought out to advise the Guard in his areas of expertise: morale, public affairs, recruiting, and special events. Though retired, he continued to be recalled by California's Adjutant General for special duties.

In 1982, the State of California showed their appreciation for Johnny Grant's 30 years of service by awarding him the Order of California, the State's highest honor. Governor George Deukmejian, in an unprecedented act, awarded Johnny Grant a second Order of California at the State Capitol in 1990. General Grant was also the recipient of the National Guard's Medal of Merit.

In June of 1999, retired Major General Johnny Grant was recalled to tem-

porary active duty to promote and produce events saluting the California National Guard on its 150th birthday.

Mr. Speaker, thank you for the time, and I urge my colleagues to support this bill to honor Johnny Grant for a lifetime of public service.

And I just want you to know, before his sudden death, he had completed 60 trips to entertain our troops, more than any other celebrity who has gone overseas and around the country, so we honor him also for that.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I join with the gentlelady in supporting her legislation. Every member of the California delegation, in fact, has supported this. Because it's in Representative WATSON's district, of course, it's her bill, but Johnny Grant was bigger than Hollywood, bigger than California.

During his decades of service outside of Hollywood, Johnny Grant represented the finest in American service. After his service in the Army Air Corps during World War II, he continued supporting in many ways our men and women in uniform for the rest of his life.

In 1952, when Mr. Grant, along with Bing Crosby, Bob Hope, and Frank Sinatra, hosted the first national telethon, a fundraiser to send American Olympic athletes to the Summer Olympics in Finland, he, in fact, set a path of service in all aspects of public life continuing with the Olympics, adding to that the Boy Scouts, the USO, fire and police services and, of course, his many trips overseas.

In addition to the 60 USO trips that Mr. Grant did, I want to note two of them, because during the very difficult times in 1982 and 1983, he distinguished himself by being willing to go to Beirut to support and entertain our marines there long after many people had considered that to be out of the way. He also made two trips to Saudi Arabia during Desert Shield and Desert Storm. He continued to support the USO along with Bob Hope and his many other friends throughout his life.

Mr. Speaker, I believe we've given a lot of awards to a lot of people less deserving and who dedicated less their entire lives. Many celebrities are for causes when they're in their active career. Mr. Grant was for causes that were fully supported by the American people but fully funded by the generosity of people like him with his time and his energy for so many years.

So I join with the gentlelady in supporting H.R. 2760, urge its passage, remind all of us that, in fact, there are those who give far less that have had these honors bestowed on them, and I certainly thank the gentlelady for picking this Hollywood post office to be the "Johnny Grant Hollywood Post Office Building".

I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I want to thank DARRELL ISSA, my colleague, for his words about Johnny Grant. And I want you to know, Johnny knew he would live forever, and now that we're going to have a building named after him in the new remodeled and revitalized Hollywood, he, indeed, his image, will live forever. So I thank my colleague.

And in closing, I again urge my colleagues to join me in honoring Johnny Grant through the passage of H.R. 2760.

Mr. DREIER. Mr. Speaker, there could be no more appropriate moniker for a Hollywood post office than Johnny Grant's. The unofficial mayor of Hollywood for more than half a century, Johnny's name is synonymous with the community he loved and promoted so well.

It is especially appropriate that the post office at 1615 North Wilcox Avenue, just off of Hollywood Boulevard, would bear his name, as he managed to secure a Hollywood postmark, despite the fact that it's not its own city. Only Johnny Grant could have pulled that off. While celebrating his 84th birthday, Johnny said that the Hollywood postmark was one of three accomplishments of which he was most proud, along with the Hollywood sign and the Walk of Fame.

I had the privilege of knowing Johnny and calling him a friend for many years. I always admired his incredible zeal for life. He brought a tremendous amount of energy and enthusiasm to everything he did—which was never on greater display than when he tirelessly supported our Nation's veterans. While serving in the Army Air Corps during World War II, his "Strictly GI" radio show was broadcast in New York City and North Carolina, featuring stories of interest to servicemen and women. He went on to do 60 USO tours and personally sponsored trips in Korea and Vietnam to show his deep support and commitment to our men and women in uniform, to encourage them and boost morale during very difficult times.

Johnny produced and hosted the Marine Corps' Toys for Tots telethon for ten years, and organized countless other events raising millions for the USO, the Boy Scouts of America, police and fire services and veterans organizations.

Hollywood, the City of Los Angeles and the entire Nation mourned his death in January of last year. H.R. 2760 is a modest but fitting tribute to Hollywood's favorite son, and I think he would appreciate seeing his name live on in the community he loved and called home for over fifty years.

Ms. WATSON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 2760.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 26 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. DAHLKEMPER) at 6 o'clock and 30 minutes p.m.

## GENERAL LEAVE

The SPEAKER pro tempore. Without objection, general leave to revise and extend is granted on the motion to suspend the rules on H.R. 2760.

There was no objection.

## APPOINTMENT AS MEMBERS TO BOARD OF DIRECTORS OF NATIONAL URBAN AIR TOXICS RESEARCH CENTER

The SPEAKER pro tempore. Pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following members on the part of the House to the Board of Directors of the National Urban Air Toxics Research Center:

Mrs. Herminia Palacio, M.D., M.P.H., Bellaire, Texas

Mr. John Walke, Washington, D.C.

## COMMUNICATION FROM STAFF MEMBER, THE HONORABLE GEORGE RADANOVICH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Donna J. Dami, Special Projects, the Honorable GEORGE RADANOVICH, Member of Congress:

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 17, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the Eastern District of California, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DONNA J. DAMI,  
Special Projects.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 324, by the yeas and nays;

H.R. 310, by the yeas and nays;

H.R. 3123, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## SANTA CRUZ VALLEY NATIONAL HERITAGE AREA ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 324, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 324.

The vote was taken by electronic device, and there were—yeas 249, nays 145, not voting 39, as follows:

[Roll No. 687]

YEAS—249

Abercrombie	Diaz-Balart, M.	Jones
Ackerman	Dicks	Kagen
Adler (NJ)	Dingell	Kanjorski
Altmire	Doggett	Kaptur
Andrews	Donnelly (IN)	Kennedy
Arcuri	Doyle	Kildee
Baca	Driehaus	Kilroy
Baird	Edwards (MD)	Kind
Baldwin	Edwards (TX)	Kirkpatrick (AZ)
Barrow	Ehlers	Kissell
Bean	Ellison	Klein (FL)
Becerra	Ellsworth	Kosmas
Berman	Engel	Kratovil
Berry	Eshoo	Kucinich
Bishop (GA)	Etheridge	Lance
Bishop (NY)	Farr	Langevin
Blumenauer	Fattah	Larsen (WA)
Bocchieri	Fortenberry	Larson (CT)
Boren	Foster	Lee (CA)
Boswell	Frank (MA)	Levin
Boucher	Frelinghuysen	Lewis (GA)
Brady (PA)	Fudge	Lipinski
Braley (IA)	Giffords	LoBiondo
Bright	Gonzalez	Loeb sack
Butterfield	Gordon (TN)	Lofgren, Zoe
Cao	Grayson	Lowe
Capps	Green, Al	Lujan
Cardoza	Green, Gene	Lynch
Carnahan	Griffith	Maffei
Carson (IN)	Grijalva	Maloney
Castor (FL)	Hall (NY)	Markey (CO)
Chandler	Halvorson	Marshall
Childers	Hare	Massa
Chu	Harman	Matheson
Clay	Hastings (FL)	Matsui
Cleaver	Heinrich	McCollum
Clyburn	Herseth Sandlin	McDermott
Cohen	Higgins	McGovern
Connolly (VA)	Hill	McHugh
Conyers	Himes	McIntyre
Cooper	Hinchey	McMahon
Costa	Hinojosa	McNerney
Costello	Hirono	Meek (FL)
Courtney	Hodes	Meeks (NY)
Crowley	Holden	Melancon
Cuellar	Holt	Michaud
Cummings	Honda	Miller (NC)
Dahlkemper	Hoyer	Miller, George
Davis (CA)	Inslee	Minnick
Davis (IL)	Israel	Mitchell
Davis (TN)	Jackson (IL)	Mollohan
DeFazio	Jackson-Lee	Moore (KS)
DeGette	(TX)	Moore (WI)
DeLauro	Johnson (GA)	Moran (VA)
Diaz-Balart, L.	Johnson, E. B.	Murphy (CT)

Murphy (NY) Ros-Lehtinen  
 Murphy, Patrick Ross  
 Murphy, Tim Rothman (NJ)  
 Nadler (NY) Roybal-Allard  
 Napolitano Ruppersberger  
 Neal (MA) Salazar  
 Nye Sánchez, Linda  
 Oberstar T.  
 Obey Sarbanes  
 Oliver Schakowsky  
 Ortiz Schauer  
 Pallone Schiff  
 Pascrell Schrader  
 Pastor (AZ) Schwartz  
 Payne Scott (GA)  
 Perlmutter Scott (VA)  
 Perriello Serrano  
 Peters Shea-Porter  
 Peterson Sherman  
 Pingree (ME) Shuler  
 Platts Sires  
 Pomeroy Skelton  
 Price (NC) Slaughter  
 Quigley Smith (NJ)  
 Rahall Smith (WA)  
 Rangel Snyder  
 Reichert Space  
 Reyes Speier  
 Richardson Spratt

## NAYS—145

Aderholt Garrett (NJ)  
 Akin Gingrey (GA)  
 Alexander Gohmert  
 Austria Goodlatte  
 Bachmann Granger  
 Bachus Graves  
 Bartlett Guthrie  
 Barton (TX) Hall (TX)  
 Biggert Harper  
 Bilbray Hastings (WA)  
 Bilirakis Heller  
 Blackburn Hensarling  
 Blunt Herger  
 Boehner Hoekstra  
 Bonner Hunter  
 Bono Mack Inglis  
 Boozman Issa  
 Boustany Jenkins  
 Broun (GA) Johnson (IL)  
 Brown (SC) Johnson, Sam  
 Brown-Waite, Jordan (OH)  
 Ginny King (IA)  
 Buchanan King (NY)  
 Burgess Kingston  
 Burton (IN) Kline (MN)  
 Buyer Lamborn  
 Calvert Latta  
 Camp Lee (NY)  
 Cantor Lewis (CA)  
 Capito Linder  
 Carter Lucas  
 Cassidy Luetkemeyer  
 Castle Lummis  
 Chaffetz Lungren, Daniel  
 Coble E.  
 Coffman (CO) Mack  
 Cole Manzullo  
 Conaway Marchant  
 Crenshaw McCarthy (CA)  
 Culberson McCaul  
 Davis (KY) McClintock  
 Dent McCotter  
 Duncan McHenry  
 Emerson McKeon  
 Fallon McMorris  
 Flake Rodgers  
 Fleming Mica  
 Forbes Miller (FL)  
 Foxx Miller (MI)  
 Franks (AZ) Miller, Gary

## NOT VOTING—39

Barrett (SC) Delahunt  
 Berkley Dreier  
 Bishop (UT) Filner  
 Boyd Gallegly  
 Brady (TX) Gerlach  
 Brown, Corrine Gutierrez  
 Campbell Kilpatrick (MI)  
 Capuano Kirk  
 Carney Latham  
 Clarke LaTourette  
 Davis (AL) Markey (MA)  
 Deal (GA) McCarthy (NY)

Stark  
 Stupak  
 Sutton  
 Teague  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walz  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wexler  
 Whitfield  
 Wilson (OH)  
 Woolsey  
 Wu  
 Yarmuth

Moran (KS)  
 Myrick  
 Neugebauer  
 Nunes  
 Olson  
 Paul  
 Paulsen  
 Pence  
 Petri  
 Pitts  
 Poe (TX)  
 Posey  
 Price (GA)  
 Putnam  
 Radanovich  
 Rehberg  
 Roe (TN)  
 Rogers (AL)  
 Rooney  
 Roskam  
 Royce  
 Ryan (WI)  
 Scalise  
 Schmidt  
 Schock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shuster  
 Smith (NE)  
 Smith (TX)  
 Souder  
 Stearns  
 Sullivan  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Turner  
 McCotter  
 Upton  
 Walden  
 Wamp  
 Westmoreland  
 Wilson (SC)  
 Wittman  
 Wolf  
 Young (FL)

Sestak  
 Shimkus  
 Simpson  
 Tanner  
 Taylor  
 Young (AK)

□ 1902

Mrs. CAPITO, Messrs. CRENSHAW, TERRY, SCHOCK and HALL of Texas changed their vote from “yea” to “nay.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 687, I was unable to vote, as I was away from the Capitol in my capacity as Chairman of the House Veterans Affairs Committee. Had I been present, I would have voted “yea.”

### MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

### HALE SCOUTS ACT

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 310, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. DAHLKEMPER). The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 310.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 0, answered “present” 7, not voting 38, as follows:

[Roll No. 688]

YEAS—388

Abercrombie  
 Ackerman  
 Aderholt  
 Adler (NJ)  
 Akin  
 Alexander  
 Altmire  
 Andrews  
 Arcuri  
 Austria  
 Baca  
 Bachmann  
 Bachus  
 Baird  
 Barrow  
 Bartlett  
 Barton (TX)  
 Bean  
 Becerra  
 Berman  
 Berry  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blackburn  
 Blumenauer  
 Blunt  
 Boccieri  
 Boehner  
 Bonner  
 Bono Mack  
 Boozman  
 Boren  
 Boswell  
 Boucher  
 Boustany  
 Brady (PA)  
 Braley (IA)  
 Bright

Broun (GA)  
 Brown (SC)  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)  
 Butterfield  
 Buyer  
 Calvert  
 Camp  
 Cantor  
 Cao  
 Capito  
 Capps  
 Cardoza  
 Carnahan  
 Carson (IN)  
 Carter  
 Cassidy  
 Castle  
 Castor (FL)  
 Chaffetz  
 Chandler  
 Childers  
 Chu  
 Clay  
 Cleaver  
 Clyburn  
 Coble  
 Coffman (CO)  
 Cohen  
 Cole  
 Conaway  
 Connolly (VA)  
 Conyers  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Crenshaw  
 Crowley  
 Cuellar  
 Culberson  
 Cummings  
 Dahlkemper  
 Davis (CA)  
 Davis (IL)  
 Davis (KY)  
 Davis (TN)  
 DeFazio  
 DeGette  
 DeLauro  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Dingell  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Driehaus  
 Duncan  
 Edwards (MD)  
 Edwards (TX)  
 Ehlers  
 Ellison  
 Ellsworth  
 Emerson  
 Engel  
 Eshoo  
 Etheridge  
 Fallin  
 Farr  
 Fattah  
 Flake  
 Fleming  
 Forbes  
 Fortenberry  
 Foster  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Fudge  
 Garrett (NJ)  
 Giffords  
 Gingrey (GA)  
 Gohmert  
 Gonzalez  
 Goodlatte  
 Gordon (TN)  
 Granger  
 Graves  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Guthrie  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Hare  
 Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Heller  
 Hensarling  
 Herger  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Hoekstra  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inglis  
 Inslee  
 Israel  
 Issa  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kline (MN)  
 Kosmas  
 Kratovil  
 Lamborn  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latta  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Linder  
 Lipinski  
 LoBiondo  
 Loeb sack  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lummis  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Marchant  
 Markey (CO)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McCollum  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McHugh  
 McIntyre  
 McKeon  
 McMahon  
 McMorris  
 Rodgers  
 McNerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Mitchell  
 Molohan  
 Moore (KS)  
 Moore (WI)  
 Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Murphy, Tim  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olson  
 Oliver  
 Ortiz  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Paul  
 Paulsen  
 Payne  
 Pence  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Platts  
 Poe (TX)  
 Pomeroy  
 Posey  
 Price (GA)  
 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Roe (TN)  
 Rogers (AL)  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Ruppersberger  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sánchez, Linda  
 T.  
 Sarbanes  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schrader

Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Sires  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt

Stearns  
Stupak  
Sullivan  
Sutton  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky

Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Wu  
Yarmuth  
Young (FL)

[Roll No. 689]

## YEAS—206

Granger  
Graves  
Griffith  
Guthrie  
Hall (NY)  
Hall (TX)  
Harper  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Hereth Sandlin  
Higgins  
Hill  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kaptur  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Minnick

Mitchell  
Moran (KS)  
Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Oberstar  
Olson  
Paulsen  
Pence  
Perlmuter  
Perriello  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Richardson  
Roe (TN)  
Kagen  
Rogers (AL)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Royce  
Ruppersberger  
Ryan (WI)  
Salazar  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shuster  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Space  
Spratt  
Stearns  
Sullivan  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Titus  
Towns  
Turner  
Upton  
Visclosky  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

Fudge  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inlee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Loebach  
Lofgren, Zoe

Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Massa  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McMahon  
Meek (FL)  
Meeks (NY)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarelli  
Pastor (AZ)  
Paul  
Payne  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Rothman (NJ)  
Roybal-Allard

Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Speier  
Stark  
Stupak  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Tsongas  
Van Hollen  
Velázquez  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Yarmuth

## ANSWERED "PRESENT"—7

Baldwin  
Frank (MA)  
Kucinich

Miller, George  
Stark  
Waxman

Woolsey

## NOT VOTING—38

Barrett (SC)  
Berkley  
Boyd  
Brady (TX)  
Brown, Corrine  
Campbell  
Capuano  
Carney  
Clarke  
Davis (AL)  
Deal (GA)  
Delahunt  
Dreier

Filner  
Gallegly  
Gerlach  
Gutierrez  
Kirk  
Latham  
LaTourette  
Markey (MA)  
McCarthy (NY)  
Minnick  
Murtha  
Polis (CO)  
Rodriguez

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rush  
Sanchez, Loretta  
Sestak  
Shimkus  
Simpson  
Slaughter  
Tanner  
Taylor  
Young (AK)

□ 1914

Messrs. GEORGE MILLER of California and KUCINICH changed their vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 688, I was unable to vote, as I was away from the Capitol in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

## LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3123, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 3123, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 206, nays 191, not voting 36, as follows:

Abercrombie  
Ackerman  
Adler (NJ)  
Andrews  
Baca  
Baird  
Baldwin  
Barrow  
Bartlett  
Becerra  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Broun (GA)  
Butterfield  
Capps

## NAYS—191

Cardoza  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Clay  
Cleaver  
Clyburn  
Coble  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)

Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dingell  
Doggett  
Doyle  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Flake  
Frank (MA)

Barrett (SC)  
Berkley  
Berman  
Boyd  
Brady (TX)  
Brown, Corrine  
Campbell  
Capuano  
Carney  
Clarke  
Davis (AL)  
Deal (GA)

## NOT VOTING—36

Delahunt  
Dreier  
Filner  
Gallegly  
Gerlach  
Gutierrez  
Kirk  
Latham  
Markey (MA)  
McCarthy (NY)  
Murtha  
Polis (CO)

□ 1922

Messrs. CARSON of Indiana and LANGEVIN and Ms. MCCOLLUM changed their vote from "yea" to "nay."

Messrs. JOHNSON of Illinois and CRENSHAW changed their vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 689, I was unable to vote as I was away from the Capitol in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Ms. CLARKE. Madam Speaker, today, I experienced unavoidable travel delays while returning to Washington from my congressional district and regretfully missed three rollcall votes. Had I been present, I would have voted "yea" on all three bills: H.R. 324—Santa Cruz Valley National Heritage Area Act; H.R. 310—

HALE Scouts Act; H.R. 3123—Leadville Mine Drainage Tunnel Remediation Act of 2009.

#### PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 687, 688 and 689.

#### RYAN WHITE REAUTHORIZATION

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, welcome back. I rise today to urge my colleagues to act swiftly to reauthorize the Ryan White HIV/AIDS Act before it sunsets at the end of this month.

Nineteen years ago, Ryan White, a young man who contracted HIV from a routine blood transfusion for his hemophilia, died from AIDS. Out of Ryan's death came life in the form of the Ryan White HIV/AIDS Treatment Modernization Act, which now provides care to 500,000 victims of AIDS and their families each year. The Ryan White Act is considered the "payer of last resort," providing assistance to those who would otherwise go without care.

Reauthorizing the Ryan White Treatment Modernization Act is imperative, and so is passing health care reform. While Ryan White is gone, we owe it to work together to swiftly pass the Ryan White Act and health care reform.

#### HISTORIC TURNOUTS FOR TOWNHALLS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, during August, people all across America stood up to have their voices heard on the issue of health care.

In South Carolina, I was grateful to host four townhalls with the largest turnout in the history of our State. We had 1,700 people at Keenan High School in Columbia, 1,500 people at Lexington High School, 1,500 people at Beaufort High School, and 1,200 people at Hilton Head High School. The discussions were lively, but respectful, with over 95 percent of constituents opposed to the government takeover of the health care system. They want to see health insurance reform.

Every quarter during my 25-year service in the State Senate and Congress I have hosted townhalls, but this August the turnout was absolutely historic. It is important to share with the American people that there is another choice for reform. Republicans offered positive reforms, including the Empowering Patients First Act, H.R. 3400. This will fix what is failing in our

health care system while protecting the doctor-patient relationship. We want to expand affordability and accessibility without adding billions to our Nation's debt and eliminating 1.6 million jobs, as cited by the NFIB.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### 9/11 HEALTH AND COMPENSATION ACT

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. This Friday, we remember the Americans whose lives were taken 8 years ago as well as those sickened by the ensuing rescue and recovery efforts.

In the wake of that horrific crime, America's first responders did not back down or turn away. However, we as a Nation have not honored them with the same care and commitment and have yet to repay their sacrifices.

I wish to call to the attention of my colleagues and the entire Nation the services of firefighter and 9/11 first responder, John McNamara. A 10-year veteran of the New York Fire Department, John was a first responder who assisted the rescue efforts following September 11 and answered the call again for the citizens of Louisiana during the aftermath of Hurricane Katrina.

For years John fought for the passage of legislation to help his fellow sick first responders even as he himself was dying from colon cancer, which he was diagnosed with in 2006. John was 44 when he passed away earlier this year, leaving behind his wife, Jennifer, and 2-year-old son, Jack.

Like John McNamara, many of the brave first responders who served at Ground Zero are struggling with debilitating diseases as a result of their courageous efforts. Too many people have moved on from 9/11, but the first responders and their families whose health is suffering cannot move on, and neither should we until we have kept our promise. We must pass the 9/11 Health and Compensation Act this year and take care of these heroes.

In the words of one of John McNamara's fellow first responders, "Until his last day, John made us promise that we would carry on what he started. John's work is not done, and neither is ours."

#### HONORING OFFICER CRITTENDEN

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, I rise today to honor a great Minnesotan who lost his life in the line of duty yesterday, Officer Richard Crittenden.

A 9-year veteran of the North St. Paul Police Department, Officer

Crittenden dedicated his life to protecting others. Part of his life of service included being a 4-year deputy with the Wabasha County Sheriff's Department, and before that an enforcement officer for the Hennepin County Parks Department. And if that wasn't enough, he also served our Nation as a member of the U.S. Army. Unfortunately, when Officer Crittenden responded to a domestic disturbance call, things went tragically awry and we lost one of Minnesota's finest.

This husband, father and grandfather chose a life of service, protecting and defending his friends, neighbors, and the public. His life and work demonstrate a public service of the highest caliber. With this loss, I offer my prayers and deepest sympathies to the family and friends of Officer Crittenden, and I urge all Americans to take the time to thank those who put their lives in danger every day in order to protect us.

□ 1930

#### ADDRESSING HEALTH CARE AND ECONOMIC ISSUES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Madam Speaker, I want to thank the 85 Members of the House who signed onto H.R. 676, the bill which JOHN CONYERS and I authored, which establishes Medicare for all. It's very clear that there is only one way that you can control costs and can make it possible for people to have the doctor of choice. That legislation, H.R. 676, accomplishes that.

I would like to suggest that the underlying angst that we have seen reflected across this country in the last couple of months at townhall meetings and in individual confrontations is not simply about health care, and we ignore at our peril the underlying economic issues that are confronting this country. The fact that there are 15 million Americans out of work, the fact that so many people have lost their investments, that so many people have lost their pensions is what is moving the American people to revolt against their own government.

So we need to look at this in a broader way, not only to address the health care issue but also to address the underlying economic questions.

#### QUIT TALKING—START LISTENING

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, the President of the United States was addressing a group yesterday, and he came after, once again, the critics of his health care proposal. We got the health care bill that was filed in the

House, and that's what we've been working from. He has said that, if you like your policy, you can keep it. Obviously, he hasn't read the policy. I would recommend he read page 16, and he'll find out that what he's saying is not true.

He went on and is quoted in talking about his critics as saying, "You've heard all the lies. I've got a question for all those folks: What are you going to do? What's your answer? What's your solution? And you know what? They don't have one."

Madam Speaker, I would like to encourage the President to quit talking so much and listen. There are lots of proposals out there. Read Human Events today. You'll see there are plenty of proposals. Quit talking. Start listening.

#### HEALTH CARE REFORM WITH A PUBLIC OPTION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, it is a delight to be back with my colleagues, but more importantly, it was enriching to be with my constituents at some 10 townhall meetings and at any number of personal appearances before organizations to talk about changing America's health care system for the better of all Americans. After 60 years, we now have an opportunity to address the question of the uninsured and to make sure that those who have insurance can keep it.

I have read page 16. What it says is that your private insurance is grandfathered in and that, if your insurance in 5 years does not meet basic standards, we'll require your insurers to do so. There is nothing on page 16 that says anything about eliminating your insurance, but it does reform the insurance industry of America—no pre-existing disease; preventative care. We can pay for it. The Congressional Budget Office said so.

So today, Madam Speaker, I am here gladly to stand with the President and to join him in the question: What will you do? It's time to move on health care reform with a vigorous public option.

#### RESPECTING THE OFFICE OF THE PRESIDENT OF THE UNITED STATES

(Mr. CAO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAO. Madam Speaker, the Office of the President of the United States is higher than the individual who occupies the seat. It is a symbol of freedom, respect and of the enduring values of our Republic.

Like every American, the President has the right to speak freely. In fact, it is his duty to address the American people. So, as I watched the events this past weekend, which suggested that his words would be subversive, controversial or otherwise inappropriate, I was very disappointed. Every American President has had the opportunity to speak to schoolchildren. President Obama is no exception.

The President's address to students this morning promoted students setting high standards, supporting our teachers and principals and reforming our schools. He encouraged students to take advantage of educational opportunities for successful careers and the opportunities to achieve the American Dream.

I ask that we, as Americans, learn to make the distinction between our disagreements with the man in the Oval Office and our history of respecting the office, itself.

#### THE PRESIDENT FOR ALL AMERICANS AND HEALTH COVERAGE FOR ALL

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Madam Speaker, I would like to commend my colleague who just spoke before me because I think he hit the nail right on the head.

President Obama spoke to schoolchildren today. I listened to it. It was very moving. It was very good to see the President of the United States talk directly to America's youth, and it was disgraceful to see, during the past week, parents, some teachers and some schools saying that they weren't going to allow their children to listen to the President of the United States. What a sad day it is when people can talk that way.

The President of the United States is to be respected by all. He is all of our President, not just the President for the people who voted for him. I voted for him, and I'm proud that I did, but he is everybody's President; he is every Americans' President.

I believe that tomorrow, as he did today with schoolchildren, the President will make a very, very good speech on health care—highlighting health care, why we need health care reform, why it's important to have it. There are 40 million Americans who have no health insurance coverage whatsoever—47 million—and it will soon be 60 and 70 million. That's why we need health coverage, and I welcome the President's speech tomorrow.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

#### REMEMBERING AND HONORING THE LIFE OF SVEND AUKEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Madam Speaker, I rise to mark the death of a good friend and of a good friend of America—Svend Auken—who died last month after a long struggle with cancer.

Svend was the first Vice President of the Danish Parliament, the Folketing, and he was a political legend in his country. I had the opportunity to meet and work closely with Svend on many occasions, most recently when he was one of my gracious hosts on a trip to Denmark this May.

Each time, I was impressed by the vitality, the sense of humor and the idealism of this man who devoted his life to public service from the day he entered politics at the age of 28, right up to his death a few weeks ago. Svend was a kind, wise and insightful friend, and I will miss him.

Today, I rise to offer my condolences to his wife, Anne, to his children and to other friends and family whom he left behind. I also, of course, rise to pay him tribute.

Svend's country is home to a proud political tradition. It stretches from the solidarity Danes showed when they protected their Jewish fellow citizens from the onslaught of the Holocaust to the foresight Denmark proved by becoming entirely energy independent.

Svend Auken was a real humanitarian and a visionary political thinker who was worthy of his proud heritage. As leader of the Social Democrats and as a long-serving minister for the environment and energy, Svend left a powerful mark on his country and on Europe, and he became an inspiration to leaders around the world who are struggling to confront common threats such as global warming.

As a leading Danish paper wrote, "The country's landscape, specked with the thousands of windmills that have become a symbol of Denmark, can be traced back to Auken's efforts." Svend deserves credit for his country's secure retirement system as well.

Svend's friendship wasn't just meaningful to me on a personal level; the relationships and respect he cultivated on both sides of our political aisle helped to cement the powerful friendship between America and its key NATO ally, Denmark.

As a Danish-American myself and as a Member of Congress, I have been proud to support and nurture this key alliance. I chair the Congressional Friends of Denmark Caucus, along with my friend HOWARD COBLE, and I meet frequently with visiting Danish leaders, whose inquisitive and analytical

approach in meetings is always very notable.

Though Svend is gone, I know that the progress he made for his country and the friendship he helped sustain with ours will be among his lasting legacies. I also know that he lived a full, committed and creative life.

As Svend said when he announced his decision to continue serving despite his cancer, "The amount of time you have left to live, be it short or long, is life, itself, and you shouldn't squander it." Svend did not squander his life. I believe that Svend died secure in the knowledge that he made everything he could of the time he was given, and there is no better end than that.

I pay respect to a friend, a colleague, a great Danish leader, a great European leader, a great international citizen—Svend Auken.

#### U.S. PRESENCE IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, on June 25, 2009, I joined Congressman JIM MCGOVERN in offering an amendment to the National Defense Authorization Act. The amendment would have required the Secretary of Defense to submit a report to Congress which outlines an exit strategy for our Armed Forces in Afghanistan.

During the floor debate that day, I, along with other Members, talked about the history of Afghanistan and about the difficulties that other nations have had there—from Alexander the Great to England and Russia. As just one measure of the hazardous conditions facing our troops in Afghanistan, 99 American servicemembers have been killed in Afghanistan since June 25, 2009—the day we debated the amendment.

While I regret that the amendment was not approved, I still believe it is critical for the current administration to clearly articulate benchmarks for success and an end point to its war strategy in Afghanistan.

Last week, on September 1, 2009, conservative columnist George Will wrote an op-ed, titled "Time to Get Out of Afghanistan." In it, he shares his insights on our Nation's current strategy in Afghanistan.

I submit the full text of this op-ed for the RECORD.

[From the Washington Post, Sept. 1, 2009]

TIME TO GET OUT OF AFGHANISTAN

(By George F. Will)

"Yesterday," reads the e-mail from Allen, a Marine in Afghanistan, "I gave blood because a Marine, while out on patrol, stepped on a [mine's] pressure plate and lost both legs." Then "another Marine with a bullet wound to the head was brought in. Both Marines died this morning."

"I'm sorry about the drama," writes Allen, an enthusiastic infantryman willing to die

"so that each of you may grow old." He says: "I put everything in God's hands." And: "Semper Paratus!"

Allen and others of America's finest are also in Washington's hands. This city should keep faith with them by rapidly reversing the trajectory of America's involvement in Afghanistan, where, says the Dutch commander of coalition forces in a southern province, walking through the region is "like walking through the Old Testament."

U.S. strategy—protecting the population—is increasingly troop-intensive while Americans are increasingly impatient about "deteriorating" (says Adm. Mike Mullen, chairman of the Joint Chiefs of Staff) conditions. The war already is nearly 50 percent longer than the combined U.S. involvements in two world wars, and NATO assistance is reluctant and often risible.

The U.S. strategy is "clear, hold and build." Clear? Taliban forces can evaporate and then return, confident that U.S. forces will forever be too few to hold gains. Hence nation-building would be impossible even if we knew how, and even if Afghanistan were not the second-worst place to try: The Brookings Institution ranks Somalia as the only nation with a weaker state.

Military historian Max Hastings says Kabul controls only about a third of the country—"control" is an elastic concept—and "our" Afghans may prove no more viable than were "our" Vietnamese, the Saigon regime." Just 4,000 Marines are contesting control of Helmand province, which is the size of West Virginia. The New York Times reports a Helmand official saying he has only "police officers who steal and a small group of Afghan soldiers who say they are here for 'vacation.'" Afghanistan's \$23 billion gross domestic product is the size of Boise's. Counterinsurgency doctrine teaches, not very helpfully, that development depends on security, and that security depends on development. Three-quarters of Afghanistan's poppy production for opium comes from Helmand. In what should be called Operation Sisypheus, U.S. officials are urging farmers to grow other crops. Endive, perhaps?

Even though violence exploded across Iraq after, and partly because of, three elections, Afghanistan's recent elections were called "crucial." To what? They came, they went, they altered no fundamentals, all of which militate against American "success," whatever that might mean. Creation of an effective central government? Afghanistan has never had one. U.S. Ambassador Karl Eikenberry hopes for a "renewal of trust" of the Afghan people in the government, but the Economist describes President Hamid Karzai's government—his vice presidential running mate is a drug trafficker—as so "inept, corrupt and predatory" that people sometimes yearn for restoration of the warlords, "who were less venal and less brutal than Mr. Karzai's lot."

Mullen speaks of combating Afghanistan's "culture of poverty." But that took decades in just a few square miles of the South Bronx. Gen. Stanley McChrystal, the U.S. commander in Afghanistan, thinks jobs programs and local government services might entice many "accidental guerrillas" to leave the Taliban. But before launching New Deal 2.0 in Afghanistan, the Obama administration should ask itself: If U.S. forces are there to prevent reestablishment of al-Qaeda bases—evidently there are none now—must there be nation-building invasions of Somalia, Yemen and other sovereignty vacuums?

U.S. forces are being increased by 21,000, to 68,000, bringing the coalition total to 110,000.

About 9,000 are from Britain, where support for the war is waning. Counterinsurgency theory concerning the time and the ratio of forces required to protect the population indicates that, nationwide, Afghanistan would need hundreds of thousands of coalition troops, perhaps for a decade or more. That is inconceivable.

So, instead, forces should be substantially reduced to serve a comprehensively revised policy: America should do only what can be done from offshore, using intelligence, drones, cruise missiles, airstrikes and small, potent Special Forces units, concentrating on the porous 1,500-mile border with Pakistan, a nation that actually matters.

Genius, said de Gaulle, recalling Bismarck's decision to halt German forces short of Paris in 1870, sometimes consists of knowing when to stop. Genius is not required to recognize that in Afghanistan, when means now, before more American valor, such as Allen's, is squandered.

□ 1945

I would like to highlight just a couple of Will's key points. He wrote, "The war already is nearly 50 percent longer than the combined U.S. involvement in two world wars, and NATO assistance is reluctant."

"The U.S. strategy is 'clear, hold and build.' Clear? Taliban forces can evaporate and then return, confident that U.S. forces will forever be too few to hold gains. Hence nation-building would be impossible even if we knew how, and even if Afghanistan were not the second-worst place to try."

Will further states, "Counterinsurgency theory concerning the time and the ratio of forces required to protect the population indicates that, nationwide, Afghanistan would need hundreds of thousands of coalition troops, perhaps for a decade or more. That is inconceivable."

Madam Speaker, on this same morning this op-ed was published, the retired Marine general Chuck Krulak, the 31st commandant of the Marine Corps, responded by writing an e-mail to Will.

Madam Speaker, I submit the full text of the e-mail for the RECORD.

SEPTEMBER 1, 2009.

Subject: Afghanistan

SIR, I would imagine that your article, "Time to Get Out of Afghanistan" will result in some "incoming" on your Command Post. First and foremost, let me say that I am in total agreement with your assessment. Simply put, no desired end state has ever been clearly articulated and no strategy formulated that would lead us to achieve even an ill defined end state.

A few points:

1. The strategy of "clear, hold and build" would lead one to believe that the US and its Allies are capable of coordinating the elements of national power needed to affect such a strategy. Nothing could be further from the truth. Just getting DOS and DOD on the same page is difficult enough . . . getting NGO's and nation building expertise into the fight is simply a non-starter in a country as dysfunctional as Afghanistan.

2. Your point about troop strength required to "protect" the population and carry out effective counterinsurgency operations is spot

on. Instead of a surge of 21,000 troops, McChrystal would need a surge of hundreds of thousands. Not only would our Nation not support such a surge but, MOST distressing, the Military could not support such a surge. Not only are our troops being run ragged but, equally important and totally off most people's radar screens, our equipment is being run ragged. At some point in time, the bill for that equipment will come due and it will be a very large bill.

3. Typical of the 21st Century fight, we are fighting ideas as well as warriors. You cannot defeat ideas with bullets . . . you must defeat them with better ideas. For many reasons such as the dysfunction found in the Karzai government, the tribal nature of the country, the abject poverty of the average citizen, the inextricable link to Pakistan, we have been unable to come up with better ideas. We are systematically destroying the poppy fields . . . the country's major source of revenue. At the same time, we are trying to encourage other agricultural efforts. This is one of our "better ideas"??? Sad as it is to say, we would do better to buy the poppy crop ourselves . . . ridding the world of a source of drugs and maintaining the Afghan economy.

4. What in Afghanistan is deemed in our Nation's vital interest? Seriously? Who is the enemy? Seriously? Is the enemy of the United States the Taliban? Is the enemy al Qaeda? We need to determine the answer to those questions immediately. One would think we would have answered them already but none of our actions to date would indicate that we have.

Finally, your recommendation is sound. I would put "hunter-killer teams" along the borders and in suspected al Qaeda strongholds. I would support them with intelligence, logistics thru the use of parasail's, responsive airpower (need to be close), armed and unarmed (fitted with cameras, infrared, etc) drones, "reach back" capability for cruise missiles, and other capability as needed. The H-K Teams should be given minimal rules of engagement . . . when they identify the bad guys, they need to be empowered to take them out.

Again, don't be dismayed by the people who disagree with you. There are many retired and active duty military who feel you hit the bull's eye.

Semper Fidelis,

CHUCK KRULAK,  
General, USMC (Ret),

31st Commandant of the Marine Corps.

In the e-mail General Krulak expressed his "total agreement" with Will's assessment and concluded, "There are many retired and active-duty military who feel you hit the bull's eye."

The general also wrote, "Simply put, no desired end state has ever been as clearly articulated and no strategy formulated that would lead us to achieve even an ill-defined end state. Instead of a surge of 21,000 troops, McChrystal would need a surge of hundreds of thousands. The military could not support such a surge. You cannot defeat ideas with bullets. You must defeat them with better ideas."

Madam Speaker, President Obama is in the midst of reviewing a report by the U.S. commander in Afghanistan, General Stanley McChrystal. It is expected that this review will determine

whether or not the President decides to alter the number of U.S. troops to Afghanistan.

The men and women of our military who have served in Iraq and Afghanistan have done a magnificent job. Many have been deployed four and five times. Their desire to serve is greater than ever, but the stress placed on our all-volunteer forces and their families cannot continue forever. That's why it is so important for the current administration to articulate an end point to its war strategy rather than simply ordering another surge of troops.

With that, Madam Speaker, I close by asking God to please bless our men and women in uniform. I ask God to please bless the families who have given a child dying for freedom in Afghanistan and Iraq.

And I close by asking God, please, God, please, God, please continue to bless America.

#### U.S. POLICY IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Madam Speaker, I rise to express my strong concern over U.S. policy in Afghanistan. I worry that we are getting sucked deeper and deeper into a war with no end. Our mission continues to grow and grow, with no clear sense of where we are ultimately going. It has been 8 long years. We have lost too many brave men and women, and we have spent billions and billions of dollars.

The Government of Afghanistan, led by President Hamid Karzai, is incompetent and corrupt. The Afghan president has formed alliances with warlords and drug-lords who have no interest in a better Afghanistan. His military is not reliable and his police are a mess. By all accounts, forces close to Mr. Karzai stuffed ballot boxes in the most recent elections.

Madam Speaker, if this fraud had occurred in virtually every other country in the world, the condemnations from Congress and the administration would be loud and forceful.

After all the sacrifices our troops have made, after all the financial and development assistance, after all the training and military aid, is this the best that we can expect? Don't we deserve better? Don't the Afghan people deserve better?

At a very minimum, we must insist that any aid be contingent on a responsible Afghan government. Without that, then all our investments and good intentions could achieve very little that is sustainable.

The United States has an incredible and magnificent team assembled in Afghanistan. I had the pleasure of meeting many of them during a brief visit to the country over the recess. Both

the military and State Department personnel are impressive. I only wish they were in place 8 years ago.

But even a brilliant team can't make up for the inadequacies of the current Afghan government. Our troops are exceptional. I had the privilege of eating dinner with many of them from Massachusetts. I am in awe of their courage and commitment and their patriotism. We owe them a policy that is worthy of their sacrifice. Everyone, Madam Speaker, from the President on down, agrees that a political solution is the only path for a successful, stable Afghanistan.

During consideration of the Department of Defense authorization bill a few months ago, I, along with my colleague, Walter Jones, offered an amendment that would have simply required the Secretary of Defense to report to Congress by the end of the year what our exit strategy for Afghanistan was. We are not asking for a date certain, we are not advocating an immediate withdrawal, but we wanted an answer to this fundamental question: At what point has our military contribution to the political solution in Afghanistan come to an end so that we can bring our troops home?

I don't believe that the United States should enter into a war without a clearly defined mission, and that means a mission with a beginning, a middle, a transition period and an end. Without that definition and clarity, we will continue to drift from year to year, from administration to administration. Madam Speaker, we need an exit strategy for Afghanistan.

I believe that sending thousands more American troops into Afghanistan, as some in the administration appear to be urging, is a mistake. An escalation of U.S. military forces would further create the impression of an occupation and, in turn, provide a powerful rallying point for those we are trying to defeat.

In last Sunday's New York Times, Nicholas Kristoff cites a statement by many former U.S. intelligence officials warning that the more troops we put in, the greater the opposition.

Madam Speaker, I am not suggesting that we walk away from Afghanistan. We, along with the international community, should help with development aid, investments in education, school feeding, training of their police and military and help with strengthening their civilian institutions.

I also understand the threat from al Qaeda. I still strongly believe that we should hold those responsible for September 11, the attacks of September 11, accountable; and we should be committed to defeating them. I voted for the authorization to use military force after the terrorist attacks.

But, Madam Speaker, al Qaeda is more of a problem in Pakistan than in Afghanistan. And for those who justify

our expanded military presence in Afghanistan as a way to prevent al Qaeda from ever coming back and establishing a safe haven, I would ask, are we going to send more troops to Somalia and Sudan and other countries that have provided safe havens for al Qaeda in the past?

Madam Speaker, there are no easy answers in Afghanistan. It is a complicated place, from its people to its geography. I don't pretend to have all the answers.

But I do feel deeply that an escalation of American military forces there would be a mistake and would not solve the many problems and challenges of that country. I fear it would only further complicate matters at a very high cost to our troops and our country.

[From the New York Times, Sept. 6, 2009]

#### THE AFGHANISTAN ABYSS

(By Nicholas D. Kristof)

President Obama has already dispatched an additional 21,000 American troops to Afghanistan and soon will decide whether to send thousands more. That would be a fateful decision for his presidency, and a group of former intelligence officials and other experts is now reluctantly going public to warn that more troops would be a historic mistake.

The group's concern—dead right, in my view—is that sending more American troops into ethnic Pashtun areas in the Afghan south may only galvanize local people to back the Taliban in repelling the infidels.

“Our policy makers do not understand that the very presence of our forces in the Pashtun areas is the problem,” the group said in a statement to me. “The more troops we put in, the greater the opposition. We do not mitigate the opposition by increasing troop levels, but rather we increase the opposition and prove to the Pashtuns that the Taliban are correct.

“The basic ignorance by our leadership is going to cause the deaths of many fine American troops with no positive outcome,” the statement said.

The group includes Howard Hart, a former Central Intelligence Agency station chief in Pakistan; David Miller, a former ambassador and National Security Council official; William J. Olson, a counterinsurgency scholar at the National Defense University; and another C.I.A. veteran who does not want his name published but who spent 12 years in the region, was station chief in Kabul at the time the Soviets invaded Afghanistan in 1979, and later headed the C.I.A.'s Counterterrorism Center.

“We share a concern that the country is driving over a cliff,” Mr. Miller said.

Mr. Hart, who helped organize the anti-Soviet insurgency in the 1980s, cautions that Americans just don't understand the toughness, determination and fighting skills of the Pashtun tribes. He adds that if the U.S. escalates the war, the result will be radicalization of Pashtuns in Pakistan and further instability there—possibly even the collapse of Pakistan.

These experts are not people who crave publicity; I had to persuade them to go public with their concerns. And their views are widely shared among others who also know Afghanistan well.

“We've bitten off more than we can chew; we're setting ourselves up for failure,” said

Rory Stewart, a former British diplomat who teaches at Harvard when he is not running a large aid program in Afghanistan. Mr. Stewart describes the American military strategy in Afghanistan as “nonsense.”

I'm writing about these concerns because I share them. I'm also troubled because officials in Washington seem to make decisions based on a simplistic caricature of the Taliban that doesn't match what I've found in my reporting trips to Afghanistan and Pakistan.

Among the Pashtuns, the population is not neatly divisible into “Taliban” or “non-Taliban.” Rather, the Pashtuns are torn by complex aspirations and fears.

Many Pashtuns I've interviewed are appalled by the Taliban's periodic brutality and think they are too extreme; they think they're a little nuts. But these Pashtuns also admire the Taliban's personal honesty and religious piety, a contrast to the corruption of so many officials around President Hamid Karzai.

Some Taliban are hard-core ideologues, but many join the fight because friends or elders suggest it, because they are avenging the deaths of relatives in previous fighting, because it's a way to earn money, or because they want to expel the infidels from their land—particularly because the foreigners haven't brought the roads, bridges and irrigation projects that had been anticipated.

Frankly, if a bunch of foreign Muslim troops in turbans showed up in my hometown in rural Oregon, searching our homes without bringing any obvious benefit, then we might all take to the hills with our deer rifles as well.

In fairness, the American military has hugely improved its sensitivity, and some commanders in the field have been superb in building trust with Afghans. That works. But all commanders can't be superb, and over all, our increased presence makes Pashtuns more likely to see us as alien occupiers.

That may be why the troop increase this year hasn't calmed things. Instead, 2009 is already the bloodiest year for American troops in Afghanistan—with four months left to go.

The solution is neither to pull out of Afghanistan nor to double down. Rather, we need to continue our presence with a lighter military footprint, limited to training the Afghan forces and helping them hold major cities, and ensuring that Al Qaeda does not regroup. We must also invest more in education and agriculture development, for that is a way over time to peel Pashtuns away from the Taliban.

This would be a muddled, imperfect strategy with frustratingly modest goals, but it would be sustainable politically and militarily. And it does not require heavy investments of American and Afghan blood.

#### VAN JONES' RADICAL PAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, one of the important functions of a President is to make sure that the people he puts into important positions have no real background problems that will cause the administration to founder. This administration, this President, has appointed a whole bunch of czars and special assist-

ants to the President, and they really haven't been vetted. They haven't been checked out thoroughly.

One of those is a gentleman who was appointed a special environmental adviser to the President. And, Mr. Jones, who we have all heard about in the last few days, has been found to be an admitted radical communist and leader. Now, that does not reflect well on the administration, and it does not reflect well on the entire Government of the United States because we are not supportive of the communist philosophy.

Now, Mr. Jones said that he was slandered when he resigned, and that was the reason he resigned. So tonight I would like to put some things in the RECORD that show exactly why he should not have been appointed in the first place. And I think it's important that my colleagues understand that these czars and these people that are being appointed really need to be properly vetted. And we certainly don't want people that have a radical agenda being put in positions of leadership.

Jones was a founder and leader of the communist revolutionary organization called Standing Together to Organize a Revolutionary Movement, or STORM. That organization had its roots in a grouping of black people organizing to protest the first Gulf War. STORM was formally founded in 1994, becoming one of the most influential and active radical groups in the San Francisco Bay Area.

The leftist blog Machete 48 identifies STORM's influences as “third-world Marxism (an often vulgar Maoism).”

Speaking to the East Bay Express, Jones said he first became radicalized in the wake of the 1992 Rodney King riots, during which time he was arrested. He said, “I was a rowdy nationalist on April 28, and then the verdicts came down on April 29. By August, I was a communist.

“I met all of these young radical people of color—I mean really radical: communists and anarchists. And it was, like, ‘This is what I need to be a part of.’ I spent the next 10 years of my life working with a lot of those people I met in jail, trying to be a revolutionary.”

Trevor Loudon, a communist researcher and administrator of the New Zeal Blog, identified several Bay Area communists who worked with STORM, including Elizabeth Martinez, who helped advise Jones' Ella Baker Human Rights Center, which Jones founded to advocate civil justice. Jones and Martinez also attended a “Challenging White Supremacy” workshop together challenging white supremacy.

Martinez was a long-time Maoist who went on to join the Communist Party USA breakaway organization Committees of Correspondence for Democracy and Socialism, the CCDS, in the early 1990s. According to Loudon, Martinez still serves on the CCDS council and is

also a board member of the Movement for a Democratic Society, where she sits alongside former Weathermen radicals Bill Ayers and Bernadine Dorhn.

One of STORM's newsletters featured a tribute to Amilcar Cabral, the late Marxist revolutionary leader of Guinea-Bissau and the Cape Verde Islands. The tribute is noteworthy because Jones reportedly named his son after Cabral and repeatedly concludes every e-mail with a quote from the communist leader.

Jones then, of course, moved on to environmentalism, and that's the position that he took with the administration. But there is no question he is a radical and a member of the Communist Party and has been for a long time and supported their goals and approaches to government.

So I just would like to say, if I were talking to the President tonight, Mr. President, please be careful who you are appointing to these positions of leadership. It's important for the country; it's important for your administration and the image of the United States throughout the world as a beacon of freedom, justice and democracy.

#### MOST AMERICANS SAY WAR IN AFGHANISTAN IS NOT WORTH FIGHTING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I rise to express my deep concern about the recent developments in Afghanistan. Sadly, 51 American troops were killed in August, making it the deadliest month for the United States since the conflict began 8 years ago.

August also was the deadliest month of the war for the combined coalition force. Many innocent civilians were tragically killed in the air strikes during the month of August, and there is growing evidence that the recent elections may have been marred by fraud.

Madam Speaker, for over 8 years we have relied almost exclusively on the military to stop violent extremism in Afghanistan. But these recent events show that this strategy isn't giving us a victory on the ground or political solutions to the problem. The American people are beginning to recognize that relying on the military option alone isn't the best way to go.

The latest Washington Post-ABC poll shows that 45 percent of the American people want to reduce our forces in Afghanistan, while only 24 percent want to increase our forces. This latest poll from the McClatchy Newspapers came up with similar results.

□ 2000

It is clearly time, Madam Speaker, to develop a new strategy and a new mission for America in Afghanistan. We

must begin to use all of the tools of "smart power."

Smart power means improving police and intelligence work in the communities where extremists hide. Well-trained Afghan policemen, who are familiar with local people, with customs and conditions, can often do the best job of hunting down extremists. Smart power also includes regional diplomatic efforts, education, better governance, and a civilian surge of experts and workers to support economic development in Afghanistan. These are the things that will give the Afghan people real hope for their future and eliminate the root causes of violent extremism.

As National Security Advisor James L. Jones has said, This war will not be won by the military alone. We tried that for years. The piece of our strategy that has to work in the next year is economic development. If that is not done right, there are not enough troops in the world to succeed.

I know that President Obama and Secretary of State Clinton agree that improving the lives of the Afghan people is the key to victory. They have pledged to do everything they can to help rebuild Afghanistan and show the Afghan people that we offer them a better future than the Taliban.

Madam Speaker, I and other Members of the House who oppose our occupation of Iraq watched for years as Congress did nothing to prevent that disaster. But we still have time to get it right when it comes to Afghanistan. This time, let's use smart power. It will save lives, save money, and make our country safer.

#### PRESIDENT SHOULD HOST CONGRESSIONAL TOWNHALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, Congress will gladly welcome the President tomorrow night to speak to a joint session of Congress about health care. All of us here have been asked hundreds of questions by our constituents over the past month. The President is an innovator in communications. He tries new ideas and is a trendsetter when it comes to new ways to be in touch with the American people.

So as the President addresses Congress on his health care ideas tomorrow night, why doesn't he take some health care questions from Members of Congress, questions that have been asked by the people we represent? After all, we call this the People's House, so why not address questions the American people have?

The questions could be submitted before the President speaks and he can choose the ones he wants to address. This could be a congressional townhall hosted by the President.

Here are just some of the questions I have been asked by the people of Texas.

One: The health care bill seems to cost too much. How are we going to pay for it? This question brought much concern to the people in my district. The Congressional Budget Office says that the pending House bill will cost anywhere from billions to even \$1 trillion to just implement.

Tax increases are in the current plan to pay for this bill, more spending of what we don't have. I made a pledge to my constituents not to vote for a bill that will raise taxes, and I haven't. So how do we pay for this without a forced tax increase on the American people?

Two: Why is this bill so confusing? It is written in a way that even the most reasonable people from even the same political party can honestly disagree on its meaning. The 1,017-page bill, if it passes, will then allow the bureaucrats to determine the meaning of the bill. Also, Texans don't want unelected bureaucrats in this city making their medical decisions on what services they get and don't get. Can we get a clearly written bill that everyone can understand?

Three: Why shouldn't Congress, the czars and members of the Cabinet be required to sign up for the public option? If it is going to be so good for the American people, shouldn't everyone supporting this plan be required to be under the public option, like government officials?

Four: People on Medicare are scared and afraid they are not going to receive any medical treatment. What is in the plan to make sure there is no rationing of medical care for the elderly?

Five: Why not eliminate the hundreds of billions of dollars of fraud and waste in our current Medicare system before we tackle anything else?

Six: All of the amendments offered in committee that would specifically require proof of citizenship to sign up for this new government-run health care were defeated. Americans and legal residents should not be required to pay for the health care of illegals. The bill is confusing on this issue since it doesn't require proof of citizenship.

Seven: Small business owners are afraid they will have to lay off people or shut their doors altogether if they are hit with more new taxes. What is the plan to protect small business from bearing the brunt of new taxes for this health care idea?

Madam Speaker, these are seven of the questions I have been asked by the people I represent, and I would hope the President could address some them and questions by other Members of Congress.

Madam Speaker, does anyone really believe that big government can do a better job of running health care? It is a glittering illusion to think our health care problems can be solved by

more expensive, big-bureaucratic government. We do need reform, but a government takeover will only add to the problems we have now. We need to fix what is broken, not break what already works.

So, Madam Speaker, since our President is an innovator of new communication ideas, I respectfully submit that a townhall meeting between the President and Congress might just be the way to cut to the chase in this health care debate and allow the President time to answer the questions of the American people.

And that's just the way it is.

#### THE AMERICAN ECONOMY IS THE ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, our economy is the issue. Today, the World Economic Forum released its annual Global Competitiveness Report. Switzerland has now replaced the United States as the most competitive economy in the world. The United States fell out of first place due to its weakened financial markets and macroeconomic instability.

This, Madam Speaker, is another wake-up call for our country, if anyone is listening. Due to the global economic crisis, precipitated by irresponsible U.S. financial institutions, nations throughout the world continue to struggle managing their financial futures.

Let's take note of an important fact: Switzerland maintains a positive trade balance, not a trade deficit. In 2008, Switzerland enjoyed a \$17 billion trade surplus, a third straight record year. And yet the nation is also now ranked as the most competitive in the world. We have almost a trillion-dollar trade deficit.

Now, think about this: Free trade fundamentalists here in the United States would say that it is not possible, that you can't be competitive while running an enormous trade surplus. Some of them even try to tell us that trade deficits are good.

Well, here in the United States, the free trade fundamentalists would have us believe we have to roll over for the Chinese or anyone else who wants to dominate our domestic market in order to be competitive. But facts are facts. Switzerland is both the world's most economically competitive nation, according to the World Economic Forum, while enjoying an enormous trade surplus.

Madam Speaker, we have a lot of work to do here in our country and in this Congress to help our Nation regain its world-leading position in the competitiveness ranking. We now rank, shockingly, 108th in the world in the

soundness of our banks. Switzerland fell in that category too, down to 44th, but not as far as the United States.

In regulation of securities exchanges, the United States ranked a dismal 47th in the world, compared to Switzerland's third-place ranking.

In property rights, Switzerland was first, and the United States 30th.

In infrastructure, that is, roads, bridges and so forth, Switzerland was first. The United States, 14th.

In math and science education, Switzerland was fifth and the United States 48th.

In infant mortality, the United States ranked 36th. Doesn't that speak to a decent health insurance program in this country?

In life expectancy, we were 30th. In the quality of primary education, 30th.

Madam Speaker, we have a lot of work to do. Our Nation is losing ground internationally. Second place overall isn't bad, but we have to make the necessary investments in our physical and social infrastructure or we will fall even further.

One the authors of the World Economic Report, Dr. Sala-i-Martin, a professor of economics at Columbia, put it this way: "Amid the present crisis, it is critical that policymakers not lose sight of long-term competitiveness fundamentals amid short-term urgencies. Competitive economies are those that have in place the factors driving productivity enhancements on which their present and future prosperity is built. A competitiveness-supporting economic environment can help national economies to weather business cycle downturns and ensure that the mechanisms enabling solid economic performance going into the future are in place."

We have a lot of work to do as a Congress. We need strong reform of the financial sector to restore strength to our banks, not cosmetic changes; we need investments in infrastructure and education; and we need health insurance reform. Our economic competitiveness as a nation and our ability to create jobs hang in the balance.

Madam Speaker, it is time for Congress to take the reins and stop this stampede of greed, to provide leadership that will help our Nation and help our people through these tough times. We want the United States to be a world leader again in job creation, innovation and economic competitiveness. We can do it, but not unless the financial industry is a part of the team, pulling in the same direction, making our country stronger, not putting us further at risk, and not taking huge bonuses while 15 million Americans remain unemployed.

Madam Speaker, the economy is the issue. The American people know that. The President and Congress have our work cut out for us.

#### IMPLEMENTING A PROPER U.S. APPROACH TO HONDURAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to express my deep concern regarding the most recent strong-arm tactics of the U.S. Government to coerce the people of Honduras into accepting the return of former President Manuel Zelaya into power.

Have some U.S. officials forgotten what democracy really is? Democracy does not belong to nor is defined by one man nor one government. It cannot survive without respect for the rule of law. Yet this has been forgotten.

The U.S. and the international community failed the Honduran people and Honduran democracy as Zelaya violated the constitution and took unilateral actions to extend his hold on power. Our government said and did nothing as democracy came under attack in the months leading up to Zelaya's removal from office. Yet when the Honduran Supreme Court, the Attorney General, the National Congress and the human rights ombudsman took the necessary steps in accordance with the constitutional tenets, then the U.S. and the amorphous international community quickly sprung into action to defend Zelaya and punish Honduran democratic institutions and virtually all of Honduran civil society.

With no apparent regard for U.S. security or political or economic interests, the United States is doing all we can to ensure that Zelaya is put back in charge. The U.S. has terminated millions of dollars in U.S. assistance to the people of Honduras. We have stopped critical counternarcotics cooperation. We have suspended necessary visa services. Last week, the State Department declared that the presidential elections to be held in late November in Honduras will not be recognized unless Zelaya is returned to power.

As the U.S. has been employing its harshest tactics against the Honduran government and the Honduran people, the U.S. has also at the same time eased restrictions on the Cuban dictatorship, pushed for engagement and dialogue with the Cuban, Syrian and Iranian regimes, while failing to hold Chavez and Correa accountable for the blatant violations of freedom of expression and other fundamental rights of their citizens.

The U.S. has crossed a dangerous threshold by announcing, as I stated, that we will not acknowledge the upcoming Honduran elections unless the current democratic government of Honduras accepts Zelaya's return to power. This threat not only deliberately ignores the rule of law and the checks and balances carefully crafted in the Honduran constitution to prevent the rise of tyranny, but it also

seeks to replace them with mandates from outside actors who are carrying water for Chavez, for Castro, for Zelaya and the like. The U.S. position undermines the fundamental right of the Honduran people to elect their own leaders in multiparty, transparent democratic elections, free from coercion.

How our present course of action serves our interests or supports Honduran democracy remains an important yet unanswered question. Elliot Abrams, currently at the Council of Foreign Relations and a former official with the Reagan Administration, recently wrote it was Zelaya who wanted to mess around with that election and hold a referendum on that date, allowing him to be reelected in perpetuity, just as his mentor Chavez had done in Venezuela, and now that Hondurans want to go back to regular elections, what does the U.S. do? The United States won't allow them to do so.

The presidential candidates in Honduras, Madam Speaker, have not changed since Zelaya was removed from office. The dates of the election have not changed. The presidential term has not been moved or modified. The Supreme Electoral Tribunal is taking steps to ensure that this is the most transparent election in Honduran history.

□ 2015

The U.S. should be assisting rather than undermining the preparations for the upcoming elections to ensure that there is no interference with the democratic electoral process in Honduras. Mary Anastasia O'Grady of the Wall Street Journal wrote, "A lot of Hondurans believe that the U.S. isn't using its brass knuckles to serve their democratic aspirations at all, but quite the opposite, the aspirations of a neighborhood thug. Though some in our country believe that being popular among Latin America's left-wing dictators is the key to a successful U.S. policy in our hemisphere, freedom must be and must remain our driving force." Freedom, Madam Speaker. If it is not, the U.S. would have not only forgotten the meaning of democracy but would have forgotten what our Nation is, what we stand for and what defines us. Freedom.

#### HONORING ERNIE HARWELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. Madam Speaker, I quote:

"For, lo, the winter is past,  
The rain is over and gone;  
The flowers appear on the earth;  
The time of the singing of birds is come,  
And the voice of the turtle is heard  
in our land."

Every April, we Michiganders heard Ernie Harwell recite these lines from the Song of Solomon from his broadcast booth; and we welcomed him and another season of Detroit Tigers baseball back into our homes. Ernie Harwell is not only a part of our culture; he is a part of our families.

For 42 summers around radios and sand lots throughout Michigan and America, Ernie's voice embodied and expressed the grace, skill, triumphs and travails of the greatest of American games—baseball. Everyone either tried or knew someone who tried to mimic his legendary calls of "long gone," "he stood there like a house by the side of the road," or "that foul ball was caught by a youngster from"—and on pins and needles we'd wait to hear from what city the lucky fan hailed. Of course, down inside we knew no one, including Ernie, knew where the fan was from, but it didn't matter. We knew where Ernie's heart was. It was and is with baseball and with us.

But a heart as big as Ernie's is not confined solely to Detroit or to baseball. Across the country, generations of sports fans grew up listening to Ernie. He announced games for both NCAA and pro football teams; for the Masters golf tournament in his native State of Georgia; for the Major League Baseball All Star Game and World Series; for the Brooklyn Dodgers, New York Giants, Baltimore Orioles, and yes, for the Detroit Tigers, who, in gratitude and admiration, placed Ernie's statue in the main concourse at Comerica Park.

Yes, Ernie is also a part of the Detroit Tigers' family, as Tiger Hall of Famer Al Kaline affirmed: "Ernie is probably the most beloved person who has ever been in Detroit with the Detroit Tigers. He is loved by everybody and rightfully so. He's a great broadcaster, but an even better person."

Yet while we and the Tigers and sports fans across the Nation embrace him, no one, of course, loves Ernie more than his wife of 68 years, Lulu, and their children, grandchildren and great grandchildren. So blessed with their love and support, and faithful and thankful to God for bestowing this bounty upon him, Ernie now courageously faces the recent diagnosis that he is afflicted with incurable bile duct cancer. Viewing his condition not as an end, but as a beginning, Ernie says, "Whatever's in store, I'm ready for a new adventure. That's the way I look at it."

Madam Speaker, may we all honor this man, savor his company amongst us in the time God grants, and greet all of our lives' challenges with the faith, equanimity and dignity of Ernie Harwell.

#### ESCALATION OF THE CZARS DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. With the embarrassing demise of Mr. JONES, the czars debate has escalated even beyond where it was when we left for the July break. Depending on how you count, there are some 30 czars. It's been said, in many different places actually, that there are more czars in this administration than the Romanovs who ruled Russia for three centuries had czars. There's an energy czar, an urban czar, an infotech czar, a faith-based czar, a TARP czar, a stimulus accountability czar, a non-proliferation czar, a terrorism czar, a regulatory czar, a Guantanamo closure czar, a climate czar, a cyberspace czar, many more. They even had for a while a de facto car czar, Steve Ratner, who wasn't a czar but ultimately he became the car czar even though initially they said there wasn't going to be a car czar.

Now, the challenge here is that this appears to be an extra-constitutional approach. Now, the Constitution says government officers with significant authority, principal officers of the government, are to be appointed by the President subject to approval by the Senate.

Now, this has been interpreted, with the expansion of government, even to go five layers down; that they're expected to have delineated duties, deputy secretaries, assistant deputy secretaries, directors of different offices, come up to congressional committees, come up to the Hill, if not actually to get approved by the Senate, but at least to be accountable for what they do. We have it in the Government Reform and Oversight Committee, we call in many of these different people who have all sorts of delineated duties.

Now, a clear way to avoid the checks and balances of this system is to put them under the White House rather than having a delineated position. This gives them potentially a consulting position as though they were a policy person at the White House, even though they're moving through the bureaucracy. The motive behind this obviously is that many things are not just in one department. For example, almost any of these different categories; obviously faith-based czar, there are departments in each part of the administration. TARP crossed multiple things. Terrorism crosses many of the departments. So the question is, when you have a traditional line structure, what do you do when you have things kind of stove-piped, and how do you interrelate with this?

Well, it's one thing to have advisers in the White House. Quite frankly, the Bush administration was pushing the edges of this in their faith-based office

that went from an office inside the White House to then appointing a faith-based office in each department that then the faith-based policy person had some influence over, although it wasn't as direct.

By calling somebody a czar presumably means they have the power of the President to go behind and use their staff authority as though they were line, which is exactly what the founding fathers were debating about. There's a great new book, *Plain Honest Men—The Making of the American Constitution*, by Richard Beeman, a professor at the University of Pennsylvania. It's the first update probably in about 30 years of actual minutes, letters and things during the constitutional debates. And one thing through that book you constantly see is they couldn't agree on what powers the President was supposed to have. They went back and forth. Alexander Hamilton got so mad because he wanted it to be a permanent position that went basically for life, like a Supreme Court Justice, and he stormed out of the convention for nearly 30 days, only came back to sign it. So clearly there was a debate, and Hamilton lost, for accountability and a checks and balances of the system. And the czar approach is avoiding those checks and balances.

Now, my friend and colleague, Congressman KINGSTON has introduced a bill, the Czar Accountability and Reform Act, the CZAR Act, that has three simple points to it. The person has to have advice and consent of the Senate. He is to not be exempted from the competitive service by reason of confidential, policy-determining, policy-making or public-advocating character, which is kind of the debates we've had on the task forces around health care. With the former President Clinton it came up in multiple debates in the last White House where they say that Congress can't get e-mail oversight, we can't call certain people up because it's a policy-making decision, advice to the President. This bill would say it doesn't apply to a czar.

And also if they perform or delegate functions which but for the establishment of such task force, council, or similar office would be performed or delegated by an individual in a position to which the President appoints an individual by and with advice and consent of the Senate, which basically means a czar can't take authorities from people who would have been approved by the Senate.

Now, we actually have a model for this. It's the Office of the National Drug Control Policy. The so-called drug czar was the first czar. But we actually have legislation that guides his budget, that even gives the duties and delineation of his duties and the deputy director's duties and other people underneath it. It says which things he has line authority for. As chairman of

the committee that did the last five-year reauthorization of this, we had all sorts of how high-intensity drug trafficking areas are supposed to be used; the national youth anti-drug media campaign; the counter drug technology assessment center. We had appropriations for his staff and how much he would have for his staff and how much for his appropriations. We had specifics on how he was going to relate to the Department of Interior, the Department of Agriculture, the Attorney General, homeland security, defense. We had guidelines of what reports come to Congress and of the different relevant committees. Because while Government Reform had primary jurisdiction over the drug czar, it also went to Judiciary, to Energy and Commerce and other committees, so there were different reporting strategies. In fact, czar was a slang term up until this administration.

For example, in high intensity drug trafficking area it says, "Designation—The director, upon consultation with the Attorney General, Secretary of Treasury, Secretary of Homeland Security, heads of the National Drug Control Program agencies and the Governor of each applicable State may designate any specified area of the United States as a high-intensity drug trafficking area." That's explicit. That's not somebody wandering around with undefined authority. He's got a specific budget and so on.

Here's the great irony. We had one czar who was in the cabinet, approved with the advice and consent of the Senate with a specific budget. And our current director of the Office of National Drug Control, Gil Kerlokowski, is a good man and would have been clearly cleared. But this administration chose to take the one czar that was approved with advice and consent of the Senate and take him out of the Cabinet, and now he's not certified either. So now even the one czar who has descriptions, who was following the pattern under this administration, has been changed. And the danger here is we do not know how the interrelationships between the people cleared by the United States Senate are working with noncleared people. We run into background check problems like Mr. JONES. But we run into other huge questions, and that is so much power centered in one place that's not accountable to Congress, that it's not even clear how we do oversight of that function.

I criticized the last administration when they did too much of this and we had some back and forth about why they wouldn't appear in front of the different committees, even on policy advisers. We need to have direct, aggressive oversight in this House and in the Senate to find out how this is working, how decisions are being made, who's commanding what, and are the people now running the agencies' hands

tied. The people who we delineated their duties, who were cleared with advice and consent of the Senate, are their hands now tied by a bunch of people who haven't gone through this process, who haven't been vetted, who do not have clear line authority, but are using the staff power coming out of the President of the United States to usurp the constitutional power of those who are designated principal officers and commanded by the Constitution to report to the House and Senate.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT. Madam Speaker, I believe that we can all agree the health care reform proposals ignited debates in homes and workplaces all over the country. The intense interest in health care policy by so many Americans made this August district work period unusually exciting. My offices were busy taking phone calls, e-mails, and having people drop by voicing their concerns. This healthy health care debate has led many Americans to become involved in politics for the first time.

Whenever we in Congress do something really important, we need to get outside the Beltway because that's where the great wisdom in our country lies. All of us in the Congress share three goals for health care reform legislation: We want to make health care insurance more affordable and accessible. We want to improve the quality of health care. We want to reduce the cost of health care. Where we disagree is how to accomplish these goals.

I would like to share some of what I did and learned concerning health care over the recess period. As a scientist and engineer, I seek out the facts to guide my decisions. I also earned my master's and doctorate degrees in human physiology, the basic medical science.

□ 2030

This training led me to a 20-year career teaching anatomy and physiology to both medical and nursing students. That's why one of the things I did and that my staff did was to read the House leadership bill, H.R. 3200, and the amendments by three House committees.

I'm very proud that so many of my constituents were also interested in learning what proposed health care reform bills would do and exactly what they say. That's why I posted on my Web site the House Majority Bill 3200 with information about the approved amendments.

I also posted on my Web site an alternative bill that I support, H.R. 3400, the

Empowering Patients First Act, developed out of suggestions by my colleagues in the Republican Study Committee. For those constituents without computer access, I provided hard copies of these bills to eight libraries and my four district offices.

Besides reading legislation, I also engaged in a lot of listening and dialogue. I visited with local doctors in my district to get their perspective about health care.

At the recommendation of one of my constituents, Dr. John Vitarello, who is a cardiologist who practices at Frederick Memorial Hospital in my district, I toured the cardiac catheterization "cath" labs at Washington Adventist Hospital on August 27. I was invited to tour the lab by Dr. Mark Turco, an interventional cardiologist. Dr. Turco is also a leader of the three-member physician team from Washington Adventist Hospital which volunteered to supervise and assist a joint training venture for physicians in Frederick Memorial Hospital so they could also perform innovative procedures in cath labs that shorten patients' recoveries and hospital stays compared to traditional surgical repairs.

While I was there in scrubs and mask, I observed a procedure called an endograft. An endograft is an innovative procedure in this case used to repair an aneurysm in the patient's aorta.

In the image-guided endovascular repair, a stent graft, a woven polyester tube with a metallic skeleton, was compressed inside a carrier catheter. While viewed on an x-ray monitor, the endograft was inserted through a small incision in the patient's groin and threaded through the catheter through arteries to the site of the aneurysm. The stent graft was then placed across the aneurysm and released. As the stent graft expanded, it gripped the normal arterial wall on both ends of the aneurysm, bypassing the bulge from the inside.

As I observed this procedure, I marveled at both the advances of our medical research and technology as well as the dedication in caring for human lives represented by this joint venture between Frederick Memorial Hospital and Washington Adventist Hospital. This procedure cuts down the recovery time for patients as well as the time required for patients to be in the hospital.

One of my greatest concerns about health care reform is that we don't curtail the innovations in health care that are invented predominantly here in the United States.

There is also a lot of concern about competition in health care. Competition is important. Competition always does two things: It drives down costs and increases quality. However, there is also a lot of cooperation in medical

care today. Here, I observed physicians at one hospital helping physicians at another local hospital to increase the availability, the competition, for innovative medical treatments that benefit patients with improved outcome and less time in the hospital.

I am 83 years old. I have seen in my own career and life and that of my family that innovation in modern medicine, American style, moves at an astonishing speed. It is this innovation that has so improved the quality of our lives as well as extending the lifespans of Americans.

By far, the most enlightening and informative exercise was three nights of teletownhalls that I held during the break. On two nights, Dr. John Vitarello joined me as a guest for these townhall meetings. Over 180,000 telephone calls were placed; almost 20,000 people were home and listened to some part of the townhall.

Madam Speaker, I believe that the prescription for health care reform in the present bill will make it worse and more expensive. These changes are the opposite of what we need and Americans want.

#### HONORING BILL HEFNER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from North Carolina (Mr. KISSELL) is recognized for 60 minutes as the designee of the majority leader.

Mr. KISSELL. Thank you, Madam Speaker.

It is truly with mixed emotions that I rise tonight on the floor of the House of Representatives. It's a sadness in noting that last week we lost Congressman W.G. Bill Hefner, a Congressman from North Carolina for 24 years from 1974 to 1998. And we truly give our condolences and our regards to his daughters Stacye and Shelly and to his wonderful wife, Nancy.

But the legacy of Bill Hefner did not end last week, as we're going to see tonight as we spend some time remembering and talking about and telling stories of Bill Hefner, that his memory will go forth because of the things he did, the person he was, and the Congressman that represented his district in North Carolina so well.

Now, I have to tell you, Madam Speaker, that tonight I shall refer to Congressman Hefner as "Mr. Hefner" quite often because I was raised in a time and a place when the ultimate respect that you could give to someone is to call him "Mister." And while his wonderful, loving, lovely wife, Nancy, convinced me that I could call her "Nancy," I could not bring myself to call Bill Hefner anything but "Mr. Hefner" because that's the respect that people in the district had for him.

And, Madam Speaker, as some might be saying, you know, Why is a fresh-

man Congressman from North Carolina the first one to speak tonight? It's because Bill Hefner, Mr. Hefner, was my Congressman from the Eighth District of North Carolina. And with all of the reconfiguring that took place from time to time in my home county, Montgomery County, North Carolina, was always in Mr. Hefner's district. And it was the way that Mr. Hefner represented us and, once again, who he was that we want to talk about tonight.

Madam Speaker, I believe that one of the greatest ways we can remember is by telling stories, and tonight we're going to talk about Mr. Hefner. And I have several colleagues and friends of not only myself but who knew Mr. Hefner at the time, and they have been so generous with their time to be here tonight to help us remember.

And I just want to start out very briefly by just letting the story of Bill Hefner be told a little bit.

Bill Hefner was born in Tennessee. He went to Alabama. He was a son of a sharecropper. He saw that his way out of poverty was through a gift that he had been given by God, and that's through the singing of gospel music. And he was very good, and he received an invitation to come to North Carolina.

And this was the time period of the late 1950s and early 1960s where television was much different than it is today, when there was only just a few stations there in North Carolina, and they often filled their time in the afternoon with gospel singing.

And Mr. Hefner was so good and his group was so good that they were asked to be part of three television stations in North Carolina. Now, we didn't have that many stations, so this was a great majority of the stations that were represented, and he became known to the people in North Carolina with his group, The Harvesters.

He eventually was successful enough and a good businessman that he bought a radio station. And at some point in time, a former Congressman came in and was interviewed by Mr. Hefner, and Mr. Hefner went home and told his wife, You know, I believe I can do that, because Mr. Hefner had never been elected to a public office, never sought public office. He was the president of his PTA and that was his background, but his background was much stronger. He had the background of knowing the people of his district.

So he went out, Madam Speaker, and he ran for Congress. And without any political background other than knowing the people and caring about the people and having a sense of who the people were, he was elected in a landslide.

So that's the background as to this man W.G. Bill Hefner that I want everybody to be aware of.

Now we want to fill it in with some personal stories, and I would like to

start out by recognizing DAVID OBEY from Wisconsin.

Mr. OBEY. I thank the gentleman for the time.

Let me simply say that I see Bill in two ways. First of all, I see him as a legislator. He was a good, solid legislator, a member of the Appropriation's Committee, and I watched him day after day conduct his business with grace and with courage. It was not popular to oppose some of the tax and budget proposals that President Reagan was pushing, for instance, in the 1980s. I know in my district at the time, 70 percent of the country favored those changes. Bill Hefner had courage enough to point out that the numbers just didn't add up and that he carried on his conviction, and eventually facts proved him to be correct.

Bill was also a person who respected this institution. He respected the Congress, he respected the country, he respected his party, he respected the other party, and he respected virtually every person in this institution, and it showed in the way he dealt with others in this body.

But my greatest and fondest memory of Bill is rooted in his gospel singing. I happen to like bluegrass, and I belong to a bluegrass band called The Capitol Offenses, and I learned to love gospel music. And on many occasions, Bill would sing and I and members of my band would back him up. And I have to say, he was one of the best singers we ever performed with. He knew a wide range of gospel but he also had a solid voice, and he had fun doing it. He loved it, and anyone who listened to him knew that he loved it.

He was a man of courage. He had a terrific sense of humor, and he could find a lot of ways to get things done by simply charming people in this place. If logic wouldn't work, if substance wouldn't work, there was always the Hefner charm to push things over the edge.

□ 2045

I was greatly saddened to learn of his death last week. I have to say that I am proud to have served in the same institution with a man of his courage, with a man of his integrity, and with a man of his good humor. I'm certain that he will be missed by his family and his friends. I very much am grateful for the fact that I was able to know him and to work with him for all of those years. I thank the gentleman for the time.

Mr. KISSELL. Thank you, Mr. OBEY. I would like to add there about Mr. Hefner and his showbiz background. One of the descriptions that was given of Mr. Hefner at one time that I think he enjoyed the most was that it would be recognized that he had a showbiz background, but he was a workhorse, not a show horse. That summed his career up very appropriately, and he did enjoy that comparison.

His humor and his ability to charm were pointed out to me one time on the House floor. Evidently, there was quite a serious debate taking place between two sides of the aisle, and Mr. Hefner somehow got the attention, Madam Speaker, of the Speaker at the time, and got the attention of the full House and looked at his watch and supposedly said, How much longer is this going to go on? Because I have to get home to watch the "Andy Griffith Show." And in North Carolina there is no higher calling than to go watch the "Andy Griffith Show."

At this point in time, I would like to yield to CHET EDWARDS of Texas for the time he may consume.

Mr. EDWARDS of Texas. Madam Speaker, I consider myself blessed to have known Congressman Bill Hefner. He was a good, decent and caring person, and I will miss him dearly. While this man of faith has gone on to a better place now, his work here on Earth will continue to enrich the lives of millions of American citizens. There are untold thousands of our troops and families who are living in better housing today because Bill Hefner was their champion. He not only worked hard for his beloved Fort Bragg, North Carolina; he fought for a better quality of life for servicemen and -women and their families wherever they might live in the world. As chairman of the House Appropriations Subcommittee on Military Construction, Chairman Hefner saw to it that the service and sacrifice of our troops would be honored in a meaningful way.

While Members of Congress sometimes take ourselves too seriously, Bill Hefner was a voice of self-deprecating humor and humility. He took his work seriously, but never himself too seriously. In doing so, he helped us keep our proper perspective on ourselves and our work here. He used to joke that he had worked hard for over 20 years to take a perfectly safe Democratic seat in North Carolina and turn it into a marginal one. That was a reflection of his humor and his humility, because the truth was that any political challenges that Bill Hefner might have ever faced were because he was a person of courage.

As Mr. OBEY pointed out, in 1981 he was one of the very few Southern Democrats who voted against the popular Reagan tax cuts because he felt they would lead to large Federal deficits and ultimately undermine programs important to everyday working Americans. As long as I knew him, he always did what he thought was right for his district, for our great country and for average working families.

In an age of special interests, Bill Hefner's cause was to fight for the interests of everyday, hardworking families, the kind of people who fight our fires, protect our streets, defend our shores, educate our children and make

our factories run. He believed to his core in the dignity of hardworking everyday American citizens.

Even after he retired from Congress, Bill would often call me, and he called when he was concerned that the views of working Americans were not being considered in Washington, D.C. Whether in office or out of office, Bill Hefner lived his faith by always being his brother's keeper.

Bill Hefner was a special personal friend and a mentor to me. While I cannot fill his shoes or come close to it, I'm a better Congressman and a better person for having known him and having learned from him. I cherish the many, many personal conversations we had right here on the floor, Madam Speaker. I will always be grateful to the very sage advice he gave me on a golf course one day when he and I happened to be partnered against then-President Clinton and the President's partner, when on the 15th hole in a very close match, the President had about a 3½-foot putt. I was not going to give it to the President, and Chairman Hefner called me over and put me under his arm and said, Son, let me just tell you something. Right now we have this line item veto in existence, and the Military Construction bill is sitting on the President's desk for signature, and you represent Fort Hood. I gave the President his putt, and the Fort Hood soldiers got their barracks thanks to the sage advice of Bill Hefner.

The moment of so many wonderful moments, but the moment I shall never forget, was on June 4 of 1998 when Bill Hefner stood in this very same spot. We were debating an issue of the school prayer constitutional amendment. And I, consistent with my belief in the constitutional principle of church-State separation, was opposing the Istook constitutional amendment. During that process I was personally attacked by one particular faith-based group that claimed by not wanting to amend the First Amendment to the Constitution I was somehow un-American and even worse yet, I was accused of being un-Texan. Leave it to Bill Hefner, the man of the South, the gentleman from North Carolina who sang gospel music his entire life, a man of deep faith, leave it to him to come to this very spot to stand up and defend the integrity of his colleague who had been challenged. That was Bill Hefner, a man of deepest integrity. And that is why I will always revere him and what he stood for.

To Stacey and Shelly, his daughters, and to Nancy, his widow, I would simply say that if my two sons had every right to be half as proud of me as you have a right to be proud of your father and your husband, I would consider my life a success.

May God forever keep our friend, our colleague, and a great American, Bill

Hefner, forever in His loving arms. Thank you.

Mr. KISSELL. Madam Speaker, to kind of point out the legacy of how Mr. Hefner influenced people continues today to reflect that, I had not been sworn in but a matter of hours before I got a phone call from Representative EDWARDS telling me what a great influence that Bill Hefner was on him and how that mentorship and role model is not forgotten. It continues from year to year to year.

At this point in time, I would like to yield to our friend from South Carolina, Representative JOHN SPRATT.

Mr. SPRATT. Madam Speaker, I came here in 1983. And as I did, Bill Hefner was just coming into his own. Speaking of his name, you want to call him only "Mr. Hefner." I will never forget one night we got on an airplane, as we did many nights, US Airways, and someone spoke to him as Congressman this and Congressman that. And the stewardess said, I didn't know you were a Member of Congress. What's your name? He said, Bill Hefner. She said, I don't believe I've ever heard of you. He said, well, you probably know my brother Hugh. He was always ready for a quip like that.

I rise to salute this wonderful guy with great sadness learning of his passing. I didn't know him well, but I knew him when I came here because from the time I was a boy I had watched the Harvesters on WBTV in Charlotte, North Carolina, right after Arthur Smith. He was the lead tenor on the Harvesters, and they were good. And they stayed that good harmonizing for the next 50 years. You couldn't beat them. They were just top rate.

HOWARD COBLE got into a little fray with Bill sometime back because he went into his district and spoke against him in an election. Next election, Bill returned the compliment. This time, he was not speaking, though, he was singing. He went in and made three to four gospel singing experiences and packed the houses and everything, and HOWARD called him up and said, I was awfully surprised to see you come directly into my district. He said, HOWARD, you came into my district. Let's just have this understanding. If you come back, next time, I'm not coming in by myself. I'm bringing the whole quartet and we're going to sing you right out of that seat, too. From there after, they had a mutual accord that the one would stay out of the other's district. That's the kind of guy this is that we're talking about, a wonderful guy.

He put on the airs of being a populist sometimes, but he was a lot smarter than he put on, and a lot richer for that matter. He looked at the Reagan tax cuts that probably would have profited him and a lot of his constituents, and said, it's not the right time. It will only add to the deficit. And he was

proven only too right. We were debating in our caucus one morning years ago another tax cut that was not nearly the same size, and he finally got up and said, I don't know why we are spending so much time talking about this tax cut. It ain't going to benefit anybody but two people in this caucus. One of them is Norm Sisisky, and the other is JOHN SPRATT.

I got up and I said, point of personal privilege, Mr. Chairman, this poor-mouthing populist owns the second largest Cadillac dealership in North Carolina and a radio station in Concord. He loved it. He never let me forget it. He never jumped me again for benefiting from tax cuts either.

He became a voice that people listened to because he could get up and speak to something and go right to the pith of it. It's really a gift. He had that gift. As I said, he was a lot smarter than he let on being.

One of my favorite recollections of Bill's debate, we were debating the B2 bomber. He got up and said, you know, if this bomber is so stealthy as everybody says it is and you can't see it, you can't find it, radar can't even see it, what I would suggest is we save ourselves \$50 billion. Let's don't build it, but let's tell the Russians we have built it, and they will go crazy trying to find it. That's the kind of humor he brought to the people's House, talking like that all the time with a humorous cover to it but a for-real serious substance to it as well.

He was a great guy. This place has been known through the centuries as the House of the people. Bill Hefner helped this House earn its reputation as a House of the people. We will miss him greatly. He served here with real distinction. He deserves every word of praise being said about him tonight.

Thank you, Madam Speaker.

Mr. KISSELL. Thank you, Mr. SPRATT.

Madam Speaker, if we had opened this up to everybody who knew Congressman Hefner who could have been here tonight, we couldn't have come close to getting this in within an hour. There are so many people that he affected, and I certainly appreciate the colleagues that are with us tonight.

Next I would like to recognize a fellow Congressman from North Carolina, Mr. DAVID PRICE.

Mr. PRICE of North Carolina. I thank my colleagues for scheduling this time tonight for us to remember our friend and colleague, Bill Hefner, to honor his memory.

I first got to know Bill when I came to this body in 1987. He was already a fairly senior Member. He became an important mentor to me and a valued friend and colleague. As many have said already, Bill came from a humble background. He never lost touch with working people. He had a natural empathy and understanding of people who

were struggling in life, great sympathy for the underdog. He was a man of great compassion, and that compassion was not feigned. It was something that came naturally to Bill, an innate sense, I think, in Bill, of fairness and decency. There is not going to be a speaker here tonight, I promise you, that doesn't refer to Bill's sense of humor. He was the funniest man probably that ever served in this Chamber. He could cut through tense moments in these overheated debates in a way that was a marvel to behold.

Sometimes, as Mr. EDWARDS said, he showed great courage in the way he dealt with those debates. I have a memory very similar to CHET EDWARDS. This one comes earlier when I had been here only a year or so. It was a debate of the so-called "Grove City" bill which was a proposal to reverse an adverse interpretation of civil rights laws. And it was a bill the effect of which was being greatly exaggerated by a prominent figure of the religious right of that time. He said that if this bill was passed, churches would have to, and I'm quoting him here, to hire a practicing active homosexual drug addict with AIDS to be a teacher or youth pastor.

Well, Bill Hefner was watching this go on, and like all of us, he was getting his switchboard flooded with calls coming in alarmed about this from well-meaning people who didn't know what to make of this. I wrote a book a couple of years later and remembered, looked back at this episode because it impressed me so much at the time. In my chapter on religion and politics, I quoted Bill Hefner, what he said coming to this floor and cutting through that debate, and the words I'm going to read don't do justice to the effect he had just in his commonsense way. Bill said, "I find reprehensible not those thousands of people who have made the phone calls, but the people that have instigated this misinformation. If it means I lose my position in the U.S. House of Representatives if I do not cave in and base my vote on what people believe to be true but what I know not to be true, I say to my colleagues, this job is not worth that to me." I remembered that and looked it up. And it still stands for me as a memory of effective debate in this House, effective not just rhetorically but because of its being said from the heart and its being said with true conviction.

Bill was a member of the Appropriations Committee, chairman of the Subcommittee on Military Construction, a champion of our servicemen and -women, of their housing and of their quality of life. An elementary school at Fort Bragg bears his name, as does the Salisbury Veterans Administration Hospital.

Bill was a mentor to many of us. He gave me pep talks on more than one difficult vote. He could put everything

in perspective. I valued that mentorship, that support, and that encouragement.

□ 2100

He helped me get on the Appropriations Committee, and then he helped me figure out how to get things done once I got on the Appropriations Committee.

He was a mainstay of our delegation, one of our most influential Members, yes, but also a Member who helped us all stick together, whom we all liked and respected. We enjoyed his company. And I think it's fair to say that Bill's role in our delegation has never quite been filled since he left.

I remember very well the dinner that was given for Bill shortly before his retirement. The Harvesters Quartet, pretty elderly gentlemen by that time, they were gathered from all over the country, they came in and sang one more time. And Bill's friends and associates and colleagues got up one after the other and told many stories like those we heard tonight. It was one of the most enjoyable and heart-warming evenings I have ever experienced in this city or anywhere else.

So I'm pleased to join tonight in honoring Bill, in recalling our friendship, our common labors with him. He served North Carolina and this Nation faithfully and well in ways that continue to inspire.

Mr. KISSELL. Thank you, DAVID. And I think, as was just pointed out, that while we have memories of Mr. Hefner and how he could turn serious conversations with humor and charm, that when necessary he stood up for his beliefs and effectively stated those in a way that spoke of the core being that he was.

Madam Speaker, I would like to next recognize another gentleman from North Carolina, Representative BOB ETHERIDGE.

Mr. ETHERIDGE. Madam Speaker, I would like to thank my colleague, Representative KISSELL, for organizing this Special Order this evening for a good friend and, as all of you already heard, a 12-term Member of this body.

Bill Hefner, who passed away on Wednesday, September 2 of this year, provided a selfless service to our State of North Carolina and to this Nation, as you heard from a number of my colleagues already. But in his passing, we've lost a good friend; North Carolina has lost an outstanding citizen and a man who was instrumental not only in this body, but in his community, in his State, in everything he did; Nancy has lost a devoted husband; and Stacy and Shelly have lost a loving father. He was a grandfather, also, who loved children. You've heard he was a native of Tennessee.

The first time I remember meeting Bill Hefner was more years ago than either one of us want to admit. I was

running for State superintendent, and if you run in North Carolina, it's an elected office. So you run, and anybody who has a good size group, you wanted to be there. And I went to the Eighth District, they were having an Eighth District rally. And it was the largest group I went to I think all year, other than one where all the educators get together, and Bill Hefner was doing his own singing at his own rally. And I note that's the most unusual political rally I had ever been to.

I heard of Bill, but I hadn't met him. I learned very quickly he knew how to politic in a unique way. Those people who left that gospel sing that he was singing at, it made no difference to them whether he was Democrat, Republican, liberal, or conservative; they loved Bill Hefner. He was their man. And there were people at that rally I didn't see at any other rally I went to all year. It was because he had a message. They believed in him, and he made a difference in their lives.

Yes, he was president and owner of a radio station, and he made a difference. And he was a bright person, much smarter than he wanted to admit. And yes, he had more resources than he would ever acknowledge. You would think he was the poorest guy in the room if you were around him, but he did okay.

He was the leader of the Harvesters Quartet, yes, but the last time I remember hearing Bill sing—I enjoyed the meeting as Congressman PRICE talked about—he came to my district, held a gospel sing, and he called me ahead of time to let me know he was going to be there. He said, Now if you can be available, you might want to show up. He said, I might say a good word for you. Well, I recognized if Bill came to your district, you better show up—he filled up the Civic Center. And Bill enjoyed that as much as he loved his family, as he loved being in this body. And he was a businessman at heart because as soon as he finished on that stage he was selling those cassettes. He had a delightful time and the people loved him. But that was Bill Hefner. Bill Hefner enjoyed what he was doing, whether he was legislating or whether he was singing or telling a good story.

As I came to know Bill over the years—and I only served with him here two—I understood that his political service really was an extension of his gospel singing, which really was what he loved to do. He cared about people. He cared about what he did. But he cared about his religion. And both of those were powerful ways for him to serve his fellow man.

Many of the members of the North Carolina delegation, as you already heard from Congressman PRICE, learned the ropes of effectively advocating for our constituents here in Washington from Bill. When I first

came—any Member who is a freshman here, you get a lot better services now than you did when I came 14 years ago, even though people tried to help you—Bill was the first one to offer. He said, If you need a place to meet with folks, you can use my office.

Well, you know, somebody who is coming up here, hadn't been to Washington much even though I served at the State level, that meant a lot. He opened the doors of his office; I used it to meet constituents and other people. But that's what Bill Hefner was about; he was about making you feel at home. He led by example, both as a public official and later as a private citizen.

He was known for his passionate support of our military veterans, as you've already heard this evening. He only represented Fort Bragg in the last few years it was in his district of his years here in Congress, but he represented them every day as a Member of this body. And that's why you have a school on that base named for him and you have military hospitals named for him, because they knew that Bill Hefner was a friend of veterans, he was a friend of the small business owners, and as you've heard this evening, he really was a friend of the working poor as well as the working class.

His life of service will continue to inspire all that knew him. And his love for North Carolina can be seen through his work on our highways, in our schools, in our veterans hospitals, and yes, in the laws that he helped pass in this body.

He retired from Congress almost a decade ago, but his work and influence will not be forgotten. He was a respected legislator, a dedicated public servant, and a great North Carolinian. It is fitting that we honor Bill Hefner and his family this evening.

Madam Speaker, I would like to thank my colleague Representative KISSELL for organizing this Special Order in honor of a good friend and twelve-term Member of this House of Representatives. Former Eighth District Congressman Bill Hefner, who passed away on Wednesday, September 2, 2009, provided selfless service to our State of North Carolina and to this Nation. In his passing, I lost a friend and North Carolina lost an outstanding citizen; a man who was instrumental in his community, county, State, and country.

A native of Elora, Tennessee, Bill moved to North Carolina after graduating from the University of Alabama and became the president and owner of radio station WRKB in Kannapolis from 1954 to 1967.

I met Bill Hefner at a political rally in North Carolina decades ago while he was with the radio station. He was the lead singer in the 'Harvesters Quartet', a gospel music group, and he led that political rally with his voice because he just loved to sing. As I came to know him through the years, I understood that his political service was an extension of his gospel singing. Both were powerful ways for him to be of service to his fellow man.

Many members of the North Carolina congressional delegation learned the ropes of effectively advocating for our constituents while in Washington, DC, from Bill Hefner. Bill lead by example, both as a public official and later as a private citizen. Congressman Hefner was known for his passionate support for military veterans. In fact, the Veterans Affairs Medical Center in Salisbury, North Carolina, was named in his honor in 1999. He was a friend to veterans, small business owners, the working poor, and the middle class. His life of service will continue to inspire all who knew him. His love for North Carolina can be seen through his work on our highways, our schools, our veterans' hospitals, and in our laws.

Bill Hefner retired from Congress almost a decade ago, but his work and influence will never be forgotten. He was a respected legislator, a dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

Madam Speaker, I join his family and our State in mourning a great legislator and a tremendous human being. I yield back.

Mr. KISSELL. Thank you, BOB.

Madam Speaker, continuing the North Carolina trend, I would like to recognize Representative BRAD MILLER from North Carolina.

Mr. MILLER of North Carolina. Madam Speaker, I also rise to honor Congressman Bill Hefner, and I appreciate Mr. KISSELL organizing this tribute tonight.

Congressman Hefner had a down-home style that never changed. Some folks in Washington thought it didn't really fit with their idea of what an influential Member of Congress, an effective Member of Congress is supposed to be like, but that was always their problem, not his problem. He never changed.

Everyone who spoke tonight has spoken of the Harvesters, his gospel music group that he continued to sing in. His political rallies continued to be gospel sings, the Harvesters performing. Now, that sounds like something out of the 1930s from the movie, "O Brother, Where Art Thou?", but this was still in the '90s that he was doing this. That was long past the era that was dominated by political consultants, smart guys who read polls and produced TV ads. And political rallies at that time were supposed to be three people who were sitting in front of their television when a political ad came on. During that period Bill Hefner was still doing political rallies that were gospel sings and packing large halls.

And it wasn't just at political rallies. He had the Harvesters come perform at veteran hospitals, including the one in Salisbury that is now named after him, and was very popular with the veterans who were in those hospitals. And he did become a great advocate for veterans, a great advocate for our men and women in uniform. He visited military installations, saw the conditions in which

our military were living, and became a crusader for better housing for our troops.

Bill Hefner ran for Congress on the promise to be a spokesman, a representative, a voice for the common man. He remained faithful to that promise. He never changed. He was the same guy when he ended his service after 24 years, one of the most influential members of the Appropriations Committee, a subcommittee chairman, a cardinal. He was the same guy as he was when he was elected.

He understood working Americans because he was one. He may eventually have done very well, but that's where he started and that's where his heart always was. He always understood what life was like for ordinary Americans.

I am proud to be here tonight to honor Bill Hefner. And I am very grateful that he is an example for all of us who still represent North Carolina in Congress.

Mr. KISSELL. Madam Speaker, at this point in time I would like to recognize Majority Leader STENY HOYER.

Mr. HOYER. Madam Speaker, ladies and gentlemen of the House, and my friend, LARRY KISSELL, who is doing a wonderful job representing the District that Bill Hefner loved and whose people loved Bill Hefner, I came to Congress in 1981. Bill had been here for 6 or 7 years when I got here. He was on the Appropriations Committee; I went on the Appropriations Committee not too long after coming here.

Bill Hefner has been regaled by all of his friends from North Carolina. And I know Chairman OBEY, who served with Bill on the Appropriations Committee as I did for well over a decade, can tell, I'm sure, numerous stories late into the night about Bill Hefner. And what warm memories I have of Bill Hefner sitting on the aisle back here. And all my colleagues remember he would sit on the aisle and you would go by and Bill would sort of look up with a twinkle in his eye and he would tell you story after story after story.

I remember one night I was going to give a speech and I wanted a few jokes, so I called Bill Hefner up and he gave me a couple of jokes, and I used them, and they worked very well. So I can say Bill Hefner was my writer, I suppose. But he was a wonderful, wonderful representative, and he was a representative in the best sense of that term. He represented his people. He represented North Carolina. He represented his country. He represented the men and women in our Armed Forces whom he loved and whom he served with great fervor and affection. Bill Hefner loved his country, he loved his colleagues, and his colleagues loved Bill Hefner.

It's been talked about how he loved to play golf. I like to play golf as well—I'm not very good, but I love to play,

like so many other hundreds of thousands, maybe millions of people in this country who like to say we play golf. We play at it, I suppose. But Bill was a good golfer. And he had a tournament down at Pinehurst every year. And I used to go down and play at Pinehurst with Bill. And you not only went down to play golf, you just went down to have this warm, gracious, outreaching human being make you feel good about serving with him in the Congress and make you feel good about North Carolina and your country.

Bill Hefner was a great resource of North Carolina. He then moved further south and became a county commissioner for a little bit, my good friend is telling me.

Bill Hefner will be missed. Bill Hefner used to tell me, he said, You know, STENY, I was elected in my district; it was a safe district then, and I've worked very hard and I've turned it into a marginal district.

I think you all heard him say that. That was one of his favorite sayings, LARRY.

□ 2115

Now, the good news for you, Mr. KISSELL, is you're going to do the opposite. You're going to take a district that could have gone either way, and you're going to turn it into a safe district. I appreciate that, but nobody would have appreciated it more than Bill Hefner. My friend BRAD MILLER, a friend of Bill Hefner's and a colleague from North Carolina, told a story.

Bill Hefner was a singer. He was a real talent. He loved to sing, and he loved to entertain, and he loved to be a comedian, and he loved to make people, as I said, feel good. He accomplished that with great frequency and with great ability. We'll miss Bill Hefner. Bill Hefner was what's good about our country, which he loved so dearly.

As I said, he loved the men and women who served in the Armed Forces, and he served them so well as chairman of the Military Construction Committee. I remember I had the opportunity to travel to Germany and to some other NATO allies in Europe with him in the 1980s, and it was clear that he was extraordinarily knowledgeable about the needs of our men and women stationed overseas in terms of the quality of their lives. He mirrored IKE SKELTON or IKE SKELTON mirrors Bill Hefner in terms of his commitment to our men and women in the Armed Forces.

So I am pleased, LARRY KISSELL, to join you, your colleagues from North Carolina, my chairman—I served on the committee for 23 years—Chairman OBEY, and my good friend CHET EDWARDS, who now chairs the same subcommittee that Bill Hefner chaired. Bill was also a member of the Armed Services Committee, of course. So I thank you for letting me know that

you were doing this Special Order to rise in memory, respect and deep affection for a wonderful American, for a wonderful advocate of his faith, for a wonderful family man, and for a wonderful Member of this body.

God blessed America when he gave us William G. Hefner. I yield back.

Mr. KISSELL. Thank you, STENY.

Madam Speaker, I am going to conclude now, but you don't finish when you talk about Bill Hefner, because, as we've seen tonight, the legacy will not end. It will continue for all the good things he did, but I want to talk a little bit about the personal side of Bill Hefner and what he meant to me.

There are all of these things we've heard tonight, and as I mentioned earlier, he was my Congressman. I must say that, while those many years he represented us, I wasn't involved in party politics. I never ran for public office like Mr. Hefner, and there came a time when I felt that maybe that was what people like me should do because that's what Bill Hefner had done. He was a man of the people. He recognized the working people, and he stood up for those people.

I said, you know, we have seen in our district, the wonderful Eighth District of North Carolina, that, if you go out to the people and if you tell them who you are and if they recognize in you the knowledge that you know who they are and if they know that you respect them and that you are concerned about them, as we saw for 24 years, those people will reward you by sending you to Congress. So it was with knowledge of what Mr. Hefner had done that I ran for Congress. I come from a very small town, Biscoe, North Carolina—1,500 people—and needless to say, it wasn't exactly a turning moment in North Carolina politics when I announced that I would run for Congress. It is with the legacy, though, of Mr. Bill Hefner that people look to the person for what he says and not who he is and not where he comes from.

One time in my home county, Montgomery County, which is also a small county, President Bill Clinton was coming to visit our local hospital. He was accompanied by Mr. Hefner, and together they went visiting there in the hospital. I heard this story, and I think it kind of sums up everything about Bill Hefner. They went into the room. The President and Mr. Hefner went into the room of a patient's.

Mr. Hefner said, I'm Bill Hefner, and this is President Clinton.

The gentleman, the patient, said, You're Bill Hefner? I've been wanting to meet you all my life. You're a wonderful Congressman. I've even sent you a little bit of money, and I love the way you sing. You're the best singer ever.

He never once recognized that the President of the United States was also in the room. It was all about Bill Hef-

ner. Bill Hefner's favorite song was "If I Can Help Someone."

Mr. Hefner, Shelly, Stacey, and Nancy, please know that you have helped many people. Thank you so much, and God bless Bill Hefner.

Madam Speaker, I yield back the balance of my time.

#### THE RULE OF LAW AND THE RESPONSIBILITY OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Thank you, Madam Speaker, for recognizing me for this hour.

For many weeks now, I've been coming to the floor with my colleagues to talk about something that, I think, is the glue that holds our Republic together, and that is the fact that the rule of law does and should prevail in this Nation. By "the rule of law," it means that we are able, as a people, to establish a set of rules. Whether they be legal rules, whether they be ethical rules, whether they be rules of this House or rules of this Nation, we agree to abide by those rules, and those rules cover every element of our lives. There is the rule of contract. We don't violate criminal laws. We have laws that govern this House. We have rules that govern this House, and they're the glue that holds a society together.

When we see the society having people or events that cause the glue to weaken, I think it's our duty and our responsibility as Members of this House to step up and say, hey, this is out of control; this has got to stop; the rule of law has to prevail. We have rules. We have responsibilities to keep those rules, and we as a Congress should hold each other to those rules.

The Congress of the United States, like many other bodies in this country, has a set of rules, and we police ourselves up. We're not the only group of people who does this. The medical associations do it. The bar associations do it. They have, within their own memberships, committees that police up the activities of their own members. The whole purpose is so that they can correct issues before they get out of hand and, if something is out of hand, so that they can have the strength of their convictions of their associations to stand for what is right even if it's difficult and to do the right thing even if it's difficult.

I've been raising issues on the floor of this House with the help of my colleagues now for about 10 weeks. Of these issues, there is one in particular with which I've had some amount of fun. Actually, I've created what's called the Rangel Rule to put a spot-

light on some issues that involve the chairman of the Ways and Means Committee; but over this August break, after talking about all of the things that were not resolved by our present Ethics Committee concerning Chairman RANGEL, more things have arisen which raise the issues to such a level that they just absolutely cannot be ignored anymore.

We have an Ethics Committee, and the American people should demand that, if we are going to set up a system where we police up this House, then we need to get behind the business of policing up this House. If it has to do with a Member who, by his own admission, has either through error or intent broken the rules of this House, then the Ethics Committee should not be deadlocked on political lines but should resolve this issue. If it's not going to be done, then the leadership of this House should take control of this House. The Speaker of the House was given the authority to be in charge of this House of Representatives, and it's her job. It's the job she signed onto. It's the responsibility she took to make sure that this House runs by certain rules. When blatant issues come forward and when newspapers across this Nation are crying out that some kind of justice needs to be done on an issue, if we're not going to do it, we're failing the very foundation of our Republic.

Tonight, I am joined by my colleagues—and there may be many of them here tonight—and we're going to talk about some of these issues that involve our friend. I want to say that specifically. I have no personal animosity whatsoever against Mr. RANGEL. In fact, I will tell you he has been nothing but kind to me since I've been in this House, and I've tried to be kind back, but there is an issue that needs to be resolved, and it should not be resolved just by saying on the floor of this House "I'm sorry." It should be resolved by following the rules established by this House, and that's what this is all about. It is not personally aimed at anyone. It is about this institution and about the fact that the American people are more and more distrusting of this Congress for reasons just like the reason we're talking about tonight. They see things that upset them and that would upset them in their workplaces if they were to have that happen, so they ask: Why aren't the people we sent to Washington resolving this issue? What is wrong with those people? Now we need to ask those questions of ourselves. So I want to make it clear that this is not personal. This is about the rule of law and about the responsibility of this House.

I am joined by my good friend VIRGINIA FOXX, who is going to talk to us. She is from North Carolina. She is going to talk to us a little bit tonight.

I yield her as much time as she may consume.

Ms. FOXX. I want to thank my colleague from Texas for having begun this dialogue and this talk tonight about the rule of law.

I often say when I'm speaking to groups, particularly of young people, that what has made our country so great are several things, but underlying all of those is the rule of law. I think the three most outstanding are the rule of law, our Judeo-Christian heritage, and our capitalistic society—our economic system. We couldn't have our ability to worship God as we please and our capitalistic economic system if it weren't for the rule of law undergirding those.

When you look at other countries in this world, at other countries in this hemisphere, you will see that Mexico, for example, has been in the news a lot lately. They have many, many natural resources, as we do here, but what has created the problems for Mexico is that it is such a corrupt system. They do not operate by the rule of law. Most Americans just accept what we have in this country as something that exists everywhere. It doesn't. If we allow the rule of law to be torn down, then we really undermine our entire country and our entire culture.

I want to tell a little story, because I agree with Congressman CARTER on everything that he has said tonight. None of this is personal. This is all about the very strong and positive feelings that all of us have for the House of Representatives and for our government.

□ 2130

And I may get choked up in telling this story, but it was a great thing that happened today, because it allows me to explain to people why I feel so strongly about what has happened.

I was on my way over here this afternoon a little after 6 o'clock to vote, and I was coming a little bit early, because I like to watch the news at 6 o'clock, and I was coming a little early so I could get in between commercials and watch a little bit more of the news before we had to come in to vote.

But as I was coming up the steps towards the Capitol, I noticed this couple, I don't know their age, I would say middle-age couple, since I don't want to guess people's ages. And I noticed that the woman spoke to one of our great security guys out there. And then I saw her walk up to the Capitol Building, up on the steps, and touch the building and then walk away.

And I could tell that she had asked permission to do that. And so I walked over to her husband and I said to her, Would you all like to go inside the Capitol? And she got very emotional, and she said, Well, you know, we have never been to Washington before. This is our first time here. And she said, All

I thought that I had the hope of doing was touching the outside of the building. She said, I just, I don't have the words to express what a thrill it would be to go inside the building.

I asked them if I could use their names, it was Gary and Vicki Klassen from Oregon. And so they said, yes, they would like to come in. And so I brought them up, brought them up into the Members gallery and explained a little bit about the gallery here and told them that we were about to vote. And I explained some things to them and answered their questions and told them that between the first and second vote I would come back and answer the rest of their questions.

And they just kept on exclaiming, We are so thrilled to be in this building. We are in such awe of the building. We are in such awe of our government.

And, you know, I thought, we need more people like that in our country. We need more people who feel in awe of our government. We need people who get a thrill out of walking inside the Capitol.

After voting, I gave them a little bit more of a tour, and they just stayed that way. They were so grateful to me.

But I was grateful to them because when we meet people like that, we need to cherish that because these are folks who understand what this country is all about, and they feel an awe toward their government.

And I don't want people to stop feeling that way. And if we as Members of Congress don't uphold the highest standards amongst ourselves, then the majority of the people will stop feeling that way about our country, and we will lose our country.

You know, Mr. Franklin was asked when they signed the Constitution, What kind of country have you given us, and what kind of government have you given us? And he said, A Republic, if you can keep it. Well, if we are going to maintain our Republic, if we are going to maintain what's good about this country and we are going to maintain the rule of law, then we cannot have a double standard.

I agree with the President in his comment: we cannot have two sets of standards, one for powerful people and one for ordinary folks.

It is bad policy to have different rules for Members of Congress than for the rest of the public. And I have told the people I represent, I will never, ever vote for anything knowingly giving a different set of rules for people in Congress than we have for everybody else. We shouldn't have a double standard. And I am very concerned.

I also point out to people when we come into this room, the ancient law givers whose faces are in profile around the top of the Chamber here, I know C-SPAN doesn't show them. But what I point out to them they are all in profile except one, and that's the one over

the center door, and that's Moses looking down on us.

When Moses brought us the Ten Commandments, they weren't divided into A and B. They weren't divided into saying, you know, some people shalt not but others may because they have power. All of those 10 commandments apply to all of us.

And it's very important that we make sure that we pay attention to the fact that Moses is looking down on us every day and that we have a responsibility to the people of this country to live by the laws that have been set for everyone in this country.

And like my colleague from Texas, I have personally a good relationship with Mr. RANGEL, as far as I know. He is a very affable person, always smiling or almost always smiling, always jovial. So this is nothing to do with him personally. It is that the Congress and the House of Representatives in particular must abide by our own laws.

And if we establish laws that say, particularly here, that we have to report our income, that we have to report our assets, it is not right for some Members to leave things out and other Members to report everything. We must uphold the rules and the laws.

And so I want to commend again my colleague from Texas for putting together this Special Order tonight. And I know that there are others here who will add to the discussion that we are having.

Mr. CARTER. We have a poster here that has a picture of our President. And as the gentlelady just pointed out, he points out, I campaigned on changing Washington and bottom-up politics. I don't want to send a message to the American people that there are two sets of standards, one for powerful people and one for ordinary folks who are working every day and paying their taxes.

I think that's a commendable statement by the President of the United States. And the issue we are talking about here today is an issue that involves what some would argue is the most powerful chairmanship in the House of Representatives, and that is the chairmanship of the Ways and Means Committee.

I have a brief exhibit that we can talk about of some of the allegations that concern Mr. RANGEL: under-reporting income and assets in 2007 by more than half, including failure to report income from his Caribbean resort property again. And those who have been listening will recall this all started because the chairman got up here on the floor of the House and told us that he had failed to report rental incomes for certain years on his Caribbean property.

And he said, But I paid the taxes. And if they assess any penalties and interest, I will pay the penalties and interest.

And it seemed to me very curious that after a long time of not—this is an income tax situation—and after a long time of not paying income tax on income, that no penalties and interest were assessed. And so I came up with the idea of the Rangel Rule, which said that if the chairman of the Ways and Means can be excused of his penalties and interest for failing to pay his taxes, then any other American who fails to pay theirs and goes in and pays those taxes and catches up can exercise the Rangel Rule and have the penalties and interests waived.

I did that to point out what the President of the United States said he did not want to happen in this country: people of power are getting special treatment over ordinary folks.

And so the purpose of it was to point out, it looked like to me that's what was going on here. So that's happened again, underreporting of income and assets by Rangel aides.

Not only did the chairman not report these things, but people he is responsible for didn't report them. Lease of a—multi rent-controlled apartments in Harlem, a special lease. RANGEL's use of a House parking spot for long-term storage of his Mercedes. Failure to report and pay taxes on rental income on his resort villa in the Dominican Republic. Alleged quid pro quo trading legislative action in exchange for donations to a center named for RANGEL at the City College of New York, and a gift rule violation on a trip to a Caribbean resort by the Carib News Foundation in 2007 and 2008. These are a list of some of the allegations that are going on.

And there is more. There is more to be discussed.

I am joined by many of my colleagues, and I am glad to see my friend LYNN WESTMORELAND from Georgia is here with us. I yield to my friend, Mr. WESTMORELAND.

Mr. WESTMORELAND. I want to thank my friend from Texas in the spirit that you are doing this. And I think you are doing this in the right spirit, that it is nothing personal against anybody. All we are saying is that we feel like what the President said back in February of this year should be lived up to by the Members of his party that are in control of this House.

It is interesting that you brought up the Caribbean trip and the fact that the chairman of the investigation of this Caribbean trip to my friend from Texas was a participant in one of these Caribbean trips. That seems to be a little bit of a conflict of interest in itself.

And then, as you mentioned, some of these are in the hands of the House Ethics Committee; they are being investigated. But Mr. RANGEL has given political contributions to three of the five Democrats that are on this panel that are investigating him.

And so there seems to be some conflict of interest. And as the gentleman stated and my friend from North Carolina stated, I think the American people want to be free from any sort of insinuation that there could be some corruption, not only from his filings or his reporting of his assets and liabilities as we are required by the House rules, but in this investigation.

And I think it's very interesting that, and I am sure the gentleman from Texas will get into it later, but I would like to bring up that under H.R. 3200, when this bill, the health care bill, went through Mr. RANGEL's committee, the Ways and Means Committee, who was looking for revenue to pay for this, that it was interesting that they came up with some new tax laws that would actually punish those who failed to alert the IRS to potentially questionable tax exemptions, those people who are willing to come clean and kind of tell them yourself if they find out that something has been in error, bar the IRS from waiving penalties against taxpayers who clearly erred in good faith.

And I think this goes back to what my friend from Texas was talking about and the fact that Mr. RANGEL has acknowledged that this was a mistake, and that he paid his taxes, but there was no penalty and interest. Yet, it seems unbelievable that in this legislation that came out of his committee that he wants to almost double the fines in those instances.

In fact, one provision of the measure would double the fine against the taxpayer from 20 percent of the underpayment to 40 percent. And this goes back to what the President's statement said, you know, we don't need to have one set of standards for those people who are powerful. And nobody can deny the power of the chairman of the Ways and Means Committee in this House versus that of the ordinary person, the guy that works every day and is paying his taxes and that may have made some type of mistake. We all make mistakes.

That brings us back to the House rules. And we are talking about being a country of laws. And this body certainly should live by the laws that it sets for itself in the reporting.

And I am sure that many of us in here have had to amend these things or think of something and will amend it. But when you amend it for twice of what it was of things that you forgot, and there is a whole list of the things that Chairman RANGEL said that he had just forgot to list, but some of those were pretty eye-opening things that he had forgotten.

And it not only goes to him, but his staff that help him write legislation. And certainly one of them, I think, is his legal staff, one is his chief, that have gone back and actually filed amendments back since 2002. And so I

think that just under the cloud of this suspicion, that the right thing for Chairman RANGEL to do would be to step down until this investigation is complete. And I don't think that's too much to ask.

And there is a lady that writes for the Atlanta Journal-Constitution that I have not agreed with a lot. But in this case, I do agree with her. Her name is Cynthia Tucker.

□ 2145

I would like to read for the RECORD the comment that she made on September 4 of this year.

"Rangel ought to do the honorable thing and step down. Just last week, he amended financial disclosure forms to report hundreds of thousands of dollars in income he earned between 2002 and 2006. He forgot a Merrill Lynch account valued between \$250,000 and \$500,000."

I don't know about my friend from Texas, but if I had that much money, I don't know that I would forget about it.

"He neglected to mention tens of thousands in rent from a New York brownstone he once owned, and his ownership of tens of thousands of dollars in municipal bonds also slipped his mind."

This comes from a very liberal writer for the AJC, and there are many more from the Buffalo News, the Washington Post and so on and so on, of people that see this for what it is and the fact that under this cloud of suspicion, the right thing for the chairman to do would be to step aside until the air can be cleared and this investigation can be completed.

Again, I want to thank my friend from Texas for bringing this up and the spirit in which he is bringing it up. I have had a lot of constituents ask me if they could claim the "Rangel rule" on their tax.

So my friend from Texas has certainly got that message out. We don't know what the outcome of this will be, but I think the eyes of this country are on this one particular interest, to see how we handle it and how we handle ourselves.

With that, I yield back.

Mr. CARTER. I thank the gentleman for yielding back. I want to point out the timeline so everyone has a clear picture.

It was almost a year ago when the chairman took this floor and told us about the first event where he had failed to pay taxes on rental income. He said he inadvertently did it. He didn't realize how he had it structured, that he was actually getting income from it, and that he was paying the taxes and that he did not expect any penalties and interest to be assessed.

Now, that was a year ago. What the gentleman from Georgia was just describing was a provision that was placed in this health care bill that we

are debating today and we are going to hear from the President of the United States on tomorrow, and we have been discussing for the entire August recess. We have been discussing this in town hall meetings across this country. I did 10, one of which was a TEA party.

Thousands of people showed up to talk about this, and they are talking about this bill. And I think that is what really should upset you is to realize that when the chairman did not have penalties and interest assessed against him in his misfiling, he is putting a provision in the law that they, the Democrats, are trying to pass through Congress right now which would mean the ordinary person would pay double penalties and interest for failing to alert the IRS of potential questionable tax exemptions and that would bar the IRS from waiving penalties. They wouldn't be able to waive penalties, like they did for Chairman RANGEL.

By his own provision in the bill that he placed in there, there would be double fines under certain circumstances. I don't know what those circumstances are, but obviously if this keeps going on and on and on and on in the chairman's life, at some point in time it would seem to me that someone would say this is getting blatant. And yet the American people will have double fines, and we are seeing the chairman having no penalties and no interest being assessed against him.

That is what we are talking about. That is what the President of the United States said. That is what he wanted for the American people, is that ordinary people and people who have positions of influence in this country should be treated exactly the same under the law.

That is what the rule of law is all about. We establish rules, and those rules will be for everybody and there will be no exception for the prince nor the pauper. That is the way it is supposed to be. This prince of the House has actually written new rules into this bill. Another reason not to vote for this bill, as far as I am concerned, is because it doesn't treat the American people as fairly, if this is fair, as he got treated.

So when we are talking about the rule of law, we are trying to tell you that this cement binds us together as a people.

One of my good friends is here from the State of Georgia, another great Georgian—you know, the one thing is Georgians will answer the call, they are always there—is my friend PHIL GINGREY, a physician from the great State of Georgia, one of my classmates and personal friends. I yield to him on this issue.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman from Texas for yielding. It pains me in a way to be on the floor tonight to join with

Representative CARTER and Representative WESTMORELAND, my colleague from Georgia who just spoke, and Representative VIRGINIA FOXX, a great Member on our side of the aisle from North Carolina, and the gentleman from Texas, another gentleman from Texas, another judge from Texas, which we will be hearing from in a few minutes.

But as painful as it is, Madam Speaker, to discuss a subject of this manner and this magnitude, I think it is important that we do it. I think it is important that we have the courage to do it, because I think the American people are watching what we do.

I think that this recent district work period, the month of August, the traditional time when Members are back in the district meeting with their constituents holding these town hall meetings, and this is something that didn't just happen this August, by the way, Madam Speaker, it has been a tradition probably, I don't know, for 100 years. People this year though, while we might typically have 25 or 50 or on a really good day 75 people, it was 500 and 1,000 and 1,500 and it was unbelievable how engaged the American people are now, who want desperately to be heard.

Madam Speaker, this business of "being out of control" and "being a gang" and "being a mob," no, no. They are patriots, is what they are, Madam Speaker. They are mostly seniors who are worried about losing their coverage under Medicare.

When they hear, particularly if they are on Medicare Advantage, that that program is going to be cut about 17 percent per year over the next 10 years, I think \$170 billion taken out of that one program, where 20 percent of seniors, by the way, like that so much that that is what they choose to receive their health care is Medicare Advantage and not Medicare fee-for-service.

So the point I am making is people are outraged. They are so frustrated that powerful Members of Congress are not listening to them. And it is not always their Member, but it is the leadership. It is the committee chairs that have control over significant pieces of legislation, such as the America's Affordable Health Choices Act of 2009, H.R. 3200.

They know that Mr. WAXMAN is chairman of the Energy and Commerce Committee, where most of the bill was written. They know that Representative CHARLES RANGEL from New York, a long-serving Member since 1971, chairs the most powerful Ways and Means Committee. They know that GEORGE MILLER, the gentleman from California, a long-serving senior Member, chairs the Education and Labor Committee. So they are very frustrated and want to be heard.

So here we are talking tonight about grave concerns that we fellow Members

have in regard to the ethical standards and behavior of people in this body who are in the highest positions. My goodness, the two most powerful standing committees of the House of Representatives are probably the Appropriations Committee and the Ways and Means Committee. On the one hand, the Appropriations Committee is charged with spending the \$3 trillion or so a year in the Federal budget, and the Ways and Means Committee, led by the chairman, is charged with raising the money to fund all these Federal Government programs.

People are getting a little concerned and upset with \$787 billion stimulus packages and deficit spending in the year 2009 of \$1.8 trillion, and a deficit that is calculated, not by me, not by my Republican colleagues, but by the Office of Management and Budget, which is the number cruncher, the Ph.D. economists hired by and who are part of the Obama administration, that says that over the next 10 years there is going to be \$9 trillion of deficit in the aggregate, that much more debt, \$20 trillion worth of debt at the end of the next 10 years. So people are very concerned about the integrity, the honesty and the fair play of these powerful Members.

Our colleague from North Carolina (Ms. FOXX) is so outstanding, and she was talking just a few minutes ago about the Old Testament and Moses and the commands, and she can turn a phrase better than I think most every Member in this body.

But, I was reading recently in the Old Testament in the Book of Deuteronomy, and Moses was saying to the Jewish people, look, God gave me these laws to give to you. These are not suggestions, these are commands, and you are not to add to them and you are not to take away from them. You are to follow them exactly as God has commanded and has given that command to me to give to you. Well, you know, that is pretty sacred stuff, the ultimate sacred stuff, I should say.

But here in the House of Representatives, the rules of behavior, the standards of official conduct, indeed, the House Committee on Standards of Official Conduct, are pretty darn sacred too, Madam Speaker. And they are not suggestions. They are really there so that every Member is treated fairly, from the least to the greatest, from the freshman Member to the Member that has served 35 years and is chairing one of the most powerful committees in this House of Representatives.

So when we see things like this and what Representative CARTER has brought out in regard to these new findings of, oops, I just overlooked \$600,000 worth of income, it was a stock account that I had forgotten about, well, you know, you don't forget about things like that. You don't forget about it.

To make sure, Madam Speaker, that everybody understands, when we have to fill out these financial disclosure reports on an annual basis as required by the standards of official conduct, my chief of staff will come to me and say, Congressman, we need to go through this 401(k), this IRA that you have had when you were working as a physician, and, of course, it is kind of frozen now because you are not continuing to put any money into it, but we have to look at every mutual fund and go through each one and see on each individual stock within a mutual fund, and you may have six or eight or ten different mutual funds in a 401(k) or an IRA, and my chief of staff says to me, Congressman, every stock in this, you have to list whether it gained money or lost money, whether something was bought or something was sold.

It is very time-consuming and rather painful, but it is for a good purpose, because the American people want to know, they want to be able to look in a very transparent way. They want to know who are the wealthiest Members of Congress, and they also want to know who are those who have absolutely no assets, no wealth other than their annual salary they receive from the taxpayer from this House of Representatives.

□ 2200

It's a point for a lot of people to try to understand that, to follow the dollar and see where maybe influences are applied and why people vote in the way—or if there's any suggestion that someone might cast their vote based on contributions or anything of that sort and that no one is in here enriching themselves at the expense of John Q. Public who is struggling every day just to maintain a job and to feed his family and support his children and hope that they get to go to college some day. And unfortunately, in this deep recession that we're in, some 6 million have lost their jobs over the last couple of years.

So this is a very, very serious issue that Judge CARTER, Madam Speaker, brings before us, and I think that the gentleman from New York who chairs this powerful committee should step aside while the House Committee on Standards of Official Conduct is doing its investigation.

Now, to his credit, he asked the committee to look into this over a year ago. But, Madam Speaker, I feel that he should have stepped aside at that point. But now here we are a year later and all of a sudden this additional "Oops, I forgot." Well, you know, if he won't voluntarily do this, then I think it's the responsibility of the leadership, and ultimately the leadership of this body, Madam Speaker, as you know, is the Speaker whose seat you're sitting in right now as her designee this evening. And she will be there tomorrow night sitting right beside the

President of the Senate, the gentleman from Delaware, Mr. BIDEN, and of course we will be hearing from President Obama. We don't want this body, this House, this Chamber to be tainted.

And I think it's time for the gentleman from New York to be strong. Maybe he will be found to have not violated any ethical rules of this Chamber. We're not certainly putting him on trial here tonight, and I'm sure my colleagues would agree with that, but I think it's the right thing to do. I think it's courageous for Judge CARTER to bring this forward. And none of us are perfect, but every one of us needs to be honest with the American people and explain our actions or have others who are officially designated to do that look into it and let's get to the bottom of it.

With that, I will yield back to my friend from Texas.

Mr. CARTER. I thank my friend from Georgia, and reclaiming my time, I want to point out it's something that is part of this forum that we're discussing here today, because this is—I want to say something that's very important. This weekend, I had a couple of opportunities where I was interviewed by national news organizations on television. One of the questions that was asked of me was that at least there's been some inference that this is a racially motivated situation that I am in right here. And my statement—and I stick to this statement because it's the truth—this issue is not about race. This issue is about responsibility and meeting the responsibilities of this House. Mr. RANGEL needs to meet his responsibilities and, quite frankly, the Speaker of the House needs to meet her responsibilities.

I will refer you to the Buffalo News, "Rangel Should Resign," and it tells us what we've been talking about. And it says if he won't, Speaker NANCY PELOSI needs to push him.

Last year he tells us he had \$75,000 worth of unreported income. Now it gets worse. RANGEL failed to report at least half a million dollars in assets in 2007, and his net worth is about twice of what he claimed in 2008. The odds of simple error fall to near zero when it happens twice and when both times are in your financial favor.

This is PELOSI's sternest test. She should give RANGEL a week to do the right thing, and then if he doesn't, she must.

So this is about responsibility, and that's what we're talking about, being responsible to the rules of this House and to the rules of law. And there are two individuals here that have the opportunity to do what is right and be responsible, and that is the chairman and the Speaker.

Mr. GINGREY of Georgia. If the gentleman would yield for just a second.

Mr. CARTER. Yes, I will.

Mr. GINGREY of Georgia. You've hit on a point I've got to address.

The President spoke to the American schoolchildren today, and I think the President did a fine job. The speech, I know early on there may have been concerns about curriculum recommendations, that sort of thing, but I heard the Secretary of Education over the weekend, Secretary Arne Duncan, talk about this upcoming speech, and I couldn't agree more with what he said on Sunday morning; very logical, made sense to me. And the President, of course, gave a very powerful speech to America's schoolchildren and taught just what Judge CARTER just mentioned about personal responsibility and doing the right thing even when it's tough, even when it's hard to do that.

And golly, if our leaders in the highest positions of our country can't do that, how can we expect kids in the fifth grade to do it? How can I expect my 11-year-old twin granddaughters who are in the fourth grade—and I talk to them all the time about the personal responsibility of going a little beyond what's required, doing more, getting up earlier if you need to to do your homework, turn that television off at night or that video game. The President said the same thing, and I commend him for that.

But he's talking to all of us, Madam Speaker, about personal responsibility and doing the right thing.

You know, I don't know—and I will yield back quickly, Judge. But it may be that the gentleman from New York, the chairman of the Ways and Means Committee, wishes his boss, the Speaker of this House, would ask him to temporarily step aside while this investigation was ongoing. Maybe he doesn't want to do it himself. He's a World War II veteran, a Korean war veteran, in fact, a hero. I read part of his book. As has been mentioned here earlier, he's a very likable individual, without question. You can understand how he keeps getting reelected with such overwhelming majorities. But he may, as a soldier, as a hero, he may feel that, gosh, you know, I don't want to be the one to step aside, but I sure wish my boss would tell me to step aside.

So, as you point out, there are two people here that have a responsibility. And I'm glad you brought that up, because that's—I mean, you know, it was Harry Truman, a Democratic President, back in 1948 or so, who says, Hey the buck stops on my desk. Well, the buck stops on the Speaker of the House of Representatives' desk in regard to this issue.

I yield back.

Mr. CARTER. I would like to recognize my good friend and fellow judge, former judge LOUIE GOHMERT from Texas to speak and use as much time as he wishes to consume.

Mr. GOHMERT. I appreciate my friend, also the former judge from Texas, in pointing out some of the

problems that are being created by the inaction. And I know this was touched on earlier, but this New York Post article, editorial dated September 2 of this year talking about some of the hypocrisy here with this bill and provisions that were added coming out of the Ways and Means Committee, and I think it's important for people to understand also that Chairman RANGEL doesn't get to act by himself. The majority party that controls the Ways and Means Committee has authority to overrule the chairman. They've got enough members on their side to overrule the chairman and let him know there is a problem. There is a responsibility for the members of those committees. They're not supposed to be empty suits and dresses. They were elected by their constituents to come up here and do the right thing and not be hypocrites on any issue.

□ 2210

So I hope we won't have that experience.

When you look at some of the things this article points out, it says in the editorial, in fact, the provisions that were added to this health care bill increase fines, in some cases even for honest mistakes, this expert added, even punishing those who fail to alert the IRS to potentially questionable tax exemptions, bar the IRS from waiving penalties against taxpayers who clearly erred in good faith. The article goes on and talks about the provisions, it says here, that would prevent the IRS from waiving punishment in cases where tax officials thought the penalty was clearly excessive.

It also adds that under another provision, the IRS would require that taxpayers self-report areas where they may have gone over the line seeking tax advantages, and if they fail to self-report and problems are not found, the tax penalties would skyrocket. As this article says, the IRS becomes judge, jury and executioner. One provision says the measure doubles the fine against the taxpayer from 20 percent of the underpayment to 40 percent. So there is a problem here.

With regard to the issue of race, I cannot tell you how much I look forward to the day when there is not an application in this country that has a provision for race, because it doesn't matter. People don't care. We finally experienced the dream that Dr. Martin Luther King, Jr., talked about when we are judged by the content of our character and not by the color of the skin. That's the way it's supposed to be.

And in fact, I have got recently called a racist by information I was told by one reporter who called over the Posey bill that does something very simple, and I know there are people out there who are conservatives, maybe radicals, that think that there is some kind of conspiracy theory be-

hind the President, that he is not really supposed to be President, that he is not qualified. Look, he is President. He is going to be President at least until another election.

But the Posey bill actually is implementing legislation that brings out the fact that the Constitution requires these, and since The New York Times and The Washington Post pointed out a year and a half ago that they thought JOHN MCCAIN may not be qualified because he was born in the Panama Canal Zone that this legislation, it's just simply two or three pages that says anybody running for President beginning in 2012 will have to show that they're qualified.

It's not *ex post facto*. It doesn't do anything like that. It is implementing legislation. There are some judicial officials and experts that believe unless there is implementing legislation like this, even if everybody in the country knew that a candidate was born in Moscow, you still couldn't raise it because nobody would have standing unless we do some kind of implementing legislation. So the bill very simply just says that beginning in 2012 you have to show you're qualified.

Well, all of a sudden, I start getting calls. I even got mentioned in *Doonesbury* by name, and they're using the same language. One reporter says that she got it from a high source at the White House that I was trying to delegitimize the President and was trying to throw him out of office. When I recommended the reporter read the bill, and she did, we didn't have any more about it. But it concerns me.

I have also gotten all kinds of information. Apparently this information, supposedly some of it came from the White House, and they have now branded me a racist. And now I think it is appropriate to note, with my apologies to the Texas former Senator Phil Gramm, who I really appreciate his politics, I liked Alan Keyes better in 1996. I voted for Alan Keyes for President in 1996. And somebody has mentioned that he doesn't happen to be white. I didn't care. I liked his politics. Race didn't matter. But there are sources here in Washington trying to brand people racist when it has no application whatsoever. That is one example.

I will tell you another example is I came down here on the floor and raised the issue with the chairman of the budget over the Justice Department if since he recused himself 2 years ago over the budget process for the Justice Department if it wouldn't be appropriate to do that now. He said 2 years ago that he was recusing himself, would step aside and not handle the budget for the Justice Department while he was being investigated. Well, there's no indication that that investigation has ended. And yet this time there was no stepping aside.

My understanding was one reporter who asked for a comment from me said that they didn't think it was a big story like they did 2 years before when he did step aside because he had said, well, he wasn't actually going to preside over the FBI's budget, the people that were investigating. So it's okay to preside over the budget for the bosses of the FBI, the Justice Department, but not okay to supervise the FBI budget?

I mean, if we want to talk about the appearance of a problem, good grief, can you imagine anyone being a judge over a case and they are going to rule or preside over a case of somebody that gets to cut off their funds if they don't like what the judge does? It's just absurd. Anybody would look and go, there is an appearance of a problem here, and it destroys the reputation of this body.

Here again, it was the President who has continued to demand that Americans listen. And he has had town halls, listen to me, let me tell you, and he has had some listening sessions where they ship in people and it appears that some of them even have prepared questions to ask him that were given to them. It's not exactly listening to the people if you tell them what questions to ask.

In any event, we keep being told we have to listen because the President has a plan, and the bill that we have had, we discussed, because that's what's in front of us, we are told if you like your insurance you get to keep it. And yet page 16 of the bill that we are given says, if your insurance policy changes at all, any term or condition, you lose it. Then that doesn't seem to be all that honest of an approach, which to give the benefit of the doubt, apparently just means he didn't read it.

But now, the President wants to come in here and talk to us again because apparently we haven't been listening well enough, so he wanted to come speak. So he gets the invitation. He is going to come talk to us about health care.

Well, do you know what? There was another President that did the same thing on September 22 of 1993 because he didn't think that Americans were listening well enough about what he had to say about health care. So we had a joint session, and President Clinton told us, America, he told people in this room that they needed to listen and do what he was saying about health care reform. And so here we are, all these years later, and now we're going to have to listen again, September 9, it is actually 13 days short of where President Clinton was when he came and started telling people about it.

There is a problem when you don't listen to other people. And some of us have gotten an earful out there listening. I love to comment about one of my

constituents when he says, look, he is telling us there are 45 million or 46 million people that don't have insurance, 15 percent of Americans don't have insurance, and so there is a problem. Well, you don't throw out the whole system to change that. In fact, one constituent said, look, when my ice maker broke, I didn't remodel the whole kitchen. And I think when you listen to Americans across the country, it's amazing the wisdom you get.

□ 2220

And I think it is a problem in this body when all we do is talk and we don't listen.

Well, I tell you, I know my friends, and Madam Speaker, that we've all gotten an earful over August, and I loved it. I enjoyed hearing what people had to say because they had given it a lot of thought. So this is what we need to do: Listen. And some great points have been made.

We need to preserve the appearance of propriety and protect against the appearance of impropriety, and that appearance is all over here. And some of the same people who are refusing to do anything about an appearance of impropriety are the same people we listened to my first 2 years rightfully talk about a problem when there is an appearance of impropriety. Well, it's high time they went back and listened to themselves 4 years ago and do what they said 4 years ago and quit ignoring the damage that's being done to this body when there is important business that needs to be done.

I would also encourage those same people who say that people on this side have no answers. If they would read a little bit, listen a little bit, they would find out there are all kinds of proposals. They are just so caught up in trying to fight against reform that would fix the appearance of impropriety that they're not actually doing the business this body ought to be doing. And with that, I yield back to my friend.

Mr. CARTER. Reclaiming my time, I would like to point out that as I've been talking about some of these issues, just so we can make it very clear, this is not just about Chairman RANGEL; I've also talked about JOHN MURTHA, AL MOLLOHAN, JIM MORAN, PETE VISCLOSKEY. All these are issues that are before the Ethics Committee or the Justice Department in some form or fashion. And so we are clearly saying we have appearances that are concerning us at every level.

### 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. MEEK) is recognized for half the remaining time until midnight.

Mr. MEEK of Florida. Madam Speaker, it is an honor to be before the House once again.

As many Members of the House know, we've had an opportunity to go back not only to our districts, but to our States to deal with the issues in our districts and also talk to a number of our constituents. And I wanted to come before the House tonight with some of my colleagues to talk about one of the main issues that were discussed during the break. But as you know, when I come to the floor, I always like to bring to the attention of the House, so that we will never forget, that we do have men and women in harm's way. As of September 8, 1:30 p.m. today, the total American military deaths in Iraq is 4,341, wounded in action returned back to duty is 17,623, and wounded in action and did not return to duty is 3,872. And I think it is very important to not only have that in the CONGRESSIONAL RECORD, but also for all of us here that are passing not only policy, but also appropriations, make sure that we remember the families and those individuals that continue to serve to allow us to salute under one flag. So as policymakers, we have to pay very close attention.

Madam Speaker, I come to the floor tonight because I believe now more than ever, since I've been here for 7 years, that we need leadership not only in this House, but in the Congress in general, and that's including the Senate. And I think when we look at this issue of health care, there has been a lot said by many people, but there are only 535 some odd people in this country, including the President of the United States and members of his Cabinet, that are going to have to implement and provide this leadership on behalf of a country that needs people to man up and woman up and leader up and stop just saying, well, we shouldn't do anything about health care because every man and woman for themselves. Well, you know, that's not the American spirit. And it pushes against logic because when you look at rising health care costs, when you're looking at small business men and women that are having issues of being able to provide health care for themselves, leave alone the employees that they have, at affordable rates, when their employees are able to have health care that they can afford for their families, it's one thing to have health care, it is another thing to be able to afford it. And I brought a couple of personal testimonies from my State that I think it's important for people to pay very close attention to.

Now, tomorrow night we know that this Chamber will be filled with policymakers. We will have a number of the President's Cabinet here. And the President will walk down this center aisle just like other Presidents have done in the past. And Americans will definitely tune in, the world will tune in to see if we're willing to be able to do what we must do to be able to keep

this country competitive. This is bigger than just ideology or a public plan, or no plan at all, or I'm going to score political points because it's an issue that is a landmark piece of legislation and only leaders can play in that room so I'm going to stand on our side and throw rocks at the building and break as much glass as I can and hopefully, hopefully I may confuse people enough to where when they're confused they will just say no, I don't necessarily think that we need to carry out this health care issue.

I want to know who's hiding and who's running around here in the dark saying, oh, let's bring this thing up with health care. Hello. The whole 2008 election was based on health care. Some issues that some Members thought would come up—immigration reform, the war will play more of a substantial role, qualifications of how long you serve will play a major role—no, it was health care. And it was Democrats and Republicans and Independents and first-time voters that were voting for hope and just believing this time that something good will come out of their vote.

Now I'm going to tell you something. I'm from Florida. I'm from one of those States that over 3,600 Floridians lose their health care every week, every week. And it's kind of good for me to be here in Washington, D.C., along with my colleagues, all of them. And we all have health care, so there is no urgency on our side. There are no letters that are written by Members of Congress saying, oh, woe is my copayment; oh my goodness, the premiums have gone up, I can't afford it, I've been denied as a Member of Congress of an operation that I desperately need or a family member. That doesn't happen in our world; it doesn't happen in the House, it doesn't happen in the Senate, but it definitely happens in America and it definitely happens to Floridians that show up at town hall meetings. And I had some constituents saying, KENDRICK, I would love to come to your town hall meeting, but I'm not into the whole bodily harm thing if I come. And that's something else that we have to pay attention to. So I think it's very, very important.

For those of us that came to Congress to make sure that our representation and our presence here is about representing people, people that are counting on us to do the right thing, people that are making sure that they don't find themselves in a situation to where that—well, I'm going to vote for my Member of Congress so he or she can have health care and I'll sit by and be a part of a debate over a public plan or a nonpublic plan. Hello. In the State of Florida you have 20 percent of the individuals that are under the age of 65 that are uninsured. Guess what, ladies and gentlemen. Eighty percent of us that have health care insurance are

paying more every year because of the 20 percent. People want to talk about, well, you know, somebody has to do this and this is not guaranteed. Well, you know something? When you show up and you make that phone call, when you find out your child is sick or you find out that your husband now has to get that operation that you weren't able to detect every time you all had breakfast, but finally this kind of ache in his side or what have you has now become a situation that now you have to deal with and now you're spending \$3,000 of a copay that you don't have already, we can't prioritize it then and say, oh, I care about health care.

So I wanted to come tonight with my colleagues—and I see that they have joined me—because I did talk with my neighboring colleague in Florida, Chairwoman WASSERMAN SCHULTZ, about the fact that we have to come back to the floor even though we have families, we have leadership positions in the House, we have major pieces of legislation moving through our committees, to come back here in the middle of the night like we did when we beat back the forces who wanted to privatize Social Security.

□ 2230

Think about it. Just think about it, Madam Speaker, if we'd listened to those voices when they had wanted to privatize Social Security. Hello again. Not only would the people over the age of 65 have had a lot to worry about, but there would have been a lot of young people who would have taken their money and put it out in this unregulated Wall Street and would have lost even their Social Security benefits.

So I'm here to tell you that I look forward to coming back to the floor with my colleagues to talk about this issue of health care. We know the President will come tomorrow and will, in his best effort, try to bring Republicans, Democrats and the two Independents, who serve in the Senate, together to bring about quality health care on behalf of all Americans.

When we talk about health care, I am talking about every person who lives in the United States of America. This will affect you. If you are insured, this will affect you, and it will affect you, hopefully, in a positive way because, every time you pay a premium, it's higher. Every time you pay a copay, it's higher. Folks are talking about the public plan issue, and I'll just close with this and then will yield to my colleagues.

I had a young lady call my office. I pick up the phone from time to time when it's ringing, and, you know, she was like, Well, Congressman, I just want to tell you that I'm against the public plan.

Okay. Well, tell me: What are you against? I want to know. You know, tell me a little bit about it.

I wasn't trying to be intimidating by, you know, going into sections and chapters.

Tell me.

Well, you know, I don't know if I want, you know, the government in the business of health care.

Well, that sounds like something that might have been said on the radio and not necessarily something that I felt that I failed her on because I didn't do what I was supposed to do as a Member of Congress and as a member of the Ways and Means Committee in saying that, if there's another plan out there that will achieve bringing the private insurance companies' costs down, knowing that they're charging every last one of us with the monopoly that they have, then we will find ourselves in a better situation. But guess what? No one has a plan that will bring that cost down like a public plan will.

As I close, the U.S. Postal Service is a public plan, the last I checked. If the U.S. Postal Service went out of business tomorrow, do you think folks would be complaining? If you think they're complaining about the price of a stamp now, wait until you allow just the private sector to run by itself something that has broad application and that so many people have to deal with. See where that cost goes.

Medicare, the last time I checked, was a public plan for those over the age of 65. The public plan that we're talking about now is even far more conservative than that plan because, regardless of what your income may be or what it may not be, you're eligible for it. This public plan will be paid for with just premiums and not with taxpayer dollars.

Now, you know, I'm not one of these Members who says, Oh, my goodness. Without a public plan, I don't know if I can vote for this. I'm saying, if there's nothing else there—and I do mean nothing else there—that will bring down the cost of health care for everyday Floridians and Americans, then the public plan is the option to be able to deal with those issues and to be able to make sure that we make health care affordable.

Members of Congress, we don't have a problem. We have health care, and we will have health care, and we will not be denied an operation, and we will not wait in long lines. So I want to make sure that every American, regardless of your party affiliation and regardless of the fact if you've ever voted before in your life, pays attention to what I'm saying. It's not about those of us who are here. We're fine. It's about you and it's about your family.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. Thank you so much to my good friend and colleague, Mr. MEEK from Florida. It is great to be back here in the 30-Something Working Group.

Mr. MEEK of Florida. We're pushing the "something" far.

Ms. WASSERMAN SCHULTZ. We're pushing that "something" far—ex-

actly—given that your birthday was the other day, mine is in 2 weeks and that we're a little bit past 30-something. I like to say that we're the "something" in "30-something," so I'm hanging my hat on that.

We have been reconvened by you, under your chairmanship of this working group, because yet again it is time to make sure that we can be clear and straight and direct with the American people. This is the season now of hard bargaining and of hard choices, and we have an opportunity for the first time in our lifetimes and in the lifetime of our generation to really, finally, achieve comprehensive health care reform.

What does that mean?

That is a term that has been thrown around for weeks and weeks now, and we've gotten to the point probably where most people's eyes glaze over or where they turn the channel or where they, you know, just begin to tune out, but it's to their peril if people tune out to this debate and to this discussion, because we have the best opportunity for reform that we've had in American history. We have brought health care reform the furthest that it has ever been brought.

Five of six House and Senate committees have passed legislation reforming the health care system—to do what?—to ensure that never again will an insurance company be able to drop you or to deny you coverage based on a preexisting condition and to ensure that never again will your insurance and your health care be tied to your job instead of to you. We'll make that insurance coverage portable so that wherever you go and whatever decisions are made either to continue to employ you or if you move on to another job that health care will be attached to you.

Never again will we have to deal with health care-related bankruptcies or deaths as a result of not having health insurance, both of which happen now because people are facing catastrophic illness and because they don't have health insurance coverage. They have to wait until they're so sick that they have to use the most expensive ways of getting their health care treatment, whether it's the emergency room or because they are so sick that they have much more significant costs to their health care, and as a result, are bankrupted directly as a result of their health care problems.

There were 1,210 health care-related bankruptcies, Mr. MEEK, in my congressional district last year. I know we have the numbers for every congressional district; 1,210 individuals went bankrupt because of their health care problems. Families USA talked about how we had six health care-related deaths in Florida directly attributable to the fact that people did not have health insurance. How did they come

to that conclusion? Because, if you don't have health insurance and if you have a basic health care problem, a simple health care problem, you can't afford to go to the doctor, so you get sicker and sicker until, one day, some folks just die because they become so sick that they can't get the problem taken care of, and then the problem overwhelms them even when they are able to access emergency care. So this directly attributes death to the lack of health care coverage. In 2009 in America, that is just unconscionable.

Over the last few weeks, I have spent a lot of time in my district going around and speaking to small business owners and individuals who either have preexisting conditions or who face astronomically high health care insurance premiums. They're frustrated. They say it's long past time that we get a handle on these costs; but what is the response on the other side?

You know, there are a lot of folks who are friends of ours on the other side of the aisle who are saying that they're for reform, that they support health care reform—and this is the nice version—but that they just don't like the direction that we're taking it. They don't want socialized medicine. They don't want the government takeover of health care or the government to get in between you and your doctor.

Let me read you this passage, my colleagues, and just see what you think about this expression of sentiment. This is a voice on a record, urging listeners to write their Members of Congress and to ask them to oppose this legislation:

"And, if you don't do this and if I don't do it, one of these days, you and I are going to spend our sunset years telling our children and our children's children what it was once like in America when men were free."

Now, does that sound familiar? It does sound familiar because it sounds like what our friends on the other side of the aisle are doing to scare people, particularly senior citizens, into believing that somehow they're going to be giving up their freedom if we pass health care reform. Well, actually, that was Ronald Reagan back in 1961 when he was trying to scare seniors and scare doctors and scare Americans into believing that somehow Medicare was going to be the end of the health care system and of health care coverage as they knew it.

□ 2240

And now it would be to any of our peril if we went home and suggested that people be separated from their Medicare, because it's been one of the most successful health care programs in American history covering seniors who would have certainly died if not for having that health care coverage. And we have got to make sure that we have this discussion in this debate in a responsible manner.

We are not going to get in between you and your doctor, Americans and their doctor. On the contrary, we want to make sure that the people who are between you and your doctor, which are the insurance company bureaucrats, who are looking more at the bottom line than they are at making sure you stay healthy, that they are moved aside and we can have health care reform and health care coverage that ensures that people stay healthy, that they can get the access to health care that they and their health care provider decide is appropriate, that we bring down the cost of that health care and that we make sure that we force, especially in some of the communities—not that you and I represent, because the three of us represent fairly urban areas, but in the places in this country where there is maybe one or two private plans and very little competition.

So they can charge whatever they want. They can include whatever they want in those policies, that side by side, with the private plans, is a public option that keeps those private plans honest, that forces them to be more innovative, forces them, in order to hold on to those customers, to provide coverage that's more comprehensive and more affordable.

Mr. MURPHY of Connecticut. I thank the gentlewoman and I thank Representative MEEK for convening here tonight.

Here is how I look at the issue of the public option. First of all, I think it has gotten a lot more attention in the debate than it takes up in the bill. There are a lot of very important pieces to this health care reform bill, and public option is one of them; but I look at it this way: I have faith in my constituents. I think that if we give them choice, they are going to make the right choice for themselves and for their families.

And just like in countries in Europe, where you may only have one choice, you have got to buy, take public insurance, in this country we also have only one choice as well: you have to take private insurance.

And this notion that we shouldn't give our constituents the choice, up to them, as to whether they want to stay on their private plan or for a variety of reasons, they think it might be better to be on a publicly offered plan, I think that shows a lack of faith in the American people.

And I think if it's good enough for every single Member of Congress, if it's good enough for every Federal employee and State employee in this country, if it's good enough for our veterans, if it's good enough for our soldiers, sailors, airmen and marines, and if it's good enough for every single individual in this country over 65, well then maybe our constituents should have a choice of whether it's good enough for them or not.

So to me it just comes down to choice, as was mentioned about the lack of choice that's out there right now. If you are working, odds are that you might have one choice, maybe two choices, maybe three choices. But you are lucky if you have that many.

If you live in a State like Connecticut, we have one insurer that covers over 50 percent of the people in our State. That's 50 percent of the States in this Nation where one insurer has over half the market, 70 percent of States in this country have two insurers that cover 70–75 percent of the market. There is not enough choice out there as it stands right now.

So I just have faith that my constituents are going to be able to make the right choice for themselves.

And for all those people that say, you know, well, the government can't run anything, but the public option is going to run private insurers out of business, those arguments don't work together, right. Because if the government can't run anything, then they are not going to be able to run an insurance plan, nobody is going to join. But it should be up to people whether they do that. That's how you put competition back in a very, very broken marketplace.

And so to me, to me the one unifying theme that when I was home this August, as it has been throughout the entire time that I have been doing this job for the last 2½ years, that has united the people who support this specific proposal and the people that are undecided and the people who don't like it is cost.

I mean, everybody agrees that the system costs too much right now. I mean, over and over again, I hear the same story that you, Mr. MEEK, Mr. RYAN heard, business owners talking about a 20 percent increase last year in their health insurance premiums, individuals looking down the barrel in Connecticut of a 30 percent increase in our major insurance plan. Employees having seen wage increases be put off year after year after year because their employers are taking all the extra money they are making and putting it to health insurance premium increases.

And everybody understands that we need to tackle costs here. Well, guess what. The Congressional Budget Office, right, which Republicans and Democrats alike hate because they think it's too nonpartisan, that budget office, which we listened to, which guides our decisions here, says that the public option is going to save our health care system \$100 billion, \$100 billion because it's going to offer something cheaper to people and it's going to put pressure on the private insurers to bring their costs down.

So if we really care about costs, and this has to be part of the discussion, there is a lot of other things we can do here. We will talk about the insurance

exchange which is going to force insurance companies to compete against each other, the tax credits we are going to give to businesses to try to have them offer insurance to their employees. But when all is said and done, we should be keeping every possible tool in the tool box that can bring the costs down. That's one of the things amongst many that can unite us in this building, in this Chamber and throughout this country.

And I think if there is one thing that I found when I was home, it is that when you really got down beyond some of the shouting, beyond the rhetoric, beyond the talking points that both sides were handing out, that there was actually a lot more that united us here.

And I think our job here, as we hit that witching hour on this bill, is to distill that down to something we can all be proud of when we go home.

Mr. RYAN of Ohio. I appreciate it. One of the things—we have got a little old school thing going here too that I ought to mention. But one of the things that I think is very important that everyone I talked to in August, Canfield Fair, St. Mathias, Slovak Festival, Irish plans, Italian-American Festival, every single time people were understanding the fact that they are paying for all of these uninsured people right now.

They get it. They know this \$1,800 a year increase they are going to get next year is because there are going to be another 50 million people going to the emergency rooms. Doesn't make any sense. But I think one of the things too that we need to remember when we were talking to seniors about Medicare is that we have this population, especially, I think, in the industrial Midwest where people are 55, 60 years old, have lost their jobs, lost their insurance. Maybe they are still working, but the insurance company or their employer is not going to pay for their insurance anymore.

We have a very unhealthy segment of our population going into the Medicare program. And so if you are living in northeast Ohio, and if you are 55 or 60 years old, you lose your health care, a lot of people are saying to themselves, I am going to wait until I get into Medicare to get my heart surgery. I am going to wait until I get into Medicare to get my hip surgery. Or I am going to wait until I get into Medicare for you name it.

And so from 60 to Medicare age, a lot of things go wrong that you probably could have managed better. So we have this very unhealthy population going into the Medicare program.

So what our seniors need to know because our friends on the other side who don't want any kind of health care reform at all are saying, well, they are going to cut Medicare. Well, it's nice to see a few Republicans stand up and ac-

tually have some concern about Medicare because Newt Gingrich and Grover Norquist and these guys are talking about letting it wither on the vine and those kinds of things.

But it's going to save Medicare money if we have this 50-, 55-, 60-year-old population getting the kind of preventive, manageable care so that they don't all of a sudden say, I am going to wait until I get into Medicare. And then you go into Medicare and you need something that costs hundreds of thousands of dollars more. That's what is hurting our Medicare system more. So we need to bring some of those costs down.

Ms. WASSERMAN SCHULTZ. Just to continue your point to its next logical step, shifting this health care system from a sick care system to what it is now, to a prevention and wellness-based system, ensuring that people can get their health care needs and their checkups taken care of before they get sick, is going to prevent those catastrophic, maybe not completely preventable catastrophic illness, but stave off chronic and catastrophic illness so that the actual health care that people go and get is less expensive health care, is preventive-based health care, and we will have a generally healthier population.

□ 2250

I will add to that the description that you provided of 60- to 65-year-olds. There are many people in that category, and you can extend it actually down to about age 50, people who are sort of past their quality working years and should be retiring, maybe continuing to work and wearing themselves down. It is going to actually make them more sick, but because they have preexisting conditions and they are not yet Medicare-eligible and the only insurance many of them have is tied to their job, they are anchored to those jobs.

My own mom is one of those individuals. She has a preexisting condition and she gets her insurance coverage through her work. She is 63 years old and is not Medicare-eligible yet, so she has to continue to work full time in order to keep the coverage. There are countless stories like that in America. And she is the mother of a Member of Congress.

Just to show you, people are bandying about how privileged we are and our families. We have good coverage, decent coverage, but basic coverage, and our family members are just like any other family members across America. We all can list out countless examples of people who would benefit from comprehensive health care coverage.

Before I yield back to the gentleman, I want to go back to our friends on the other side of the aisle, because it has been frustrating to me as I have de-

bated, and I am sure each of you has debated colleagues of ours on the other side of the aisle on this subject over the last few weeks, to hear them say that they are for reform, because, quite frankly, I just don't think that passes the smell test.

They were in charge here for 12 years. The last eight, they were in charge of everything. They had the opportunity. The ball was in their court. They certainly could have taken the ball and run with it. But health care reform was not a priority for them. It never has been, and it isn't now.

It is disingenuous for them to suggest that they are for reform, but not the reform that we are proposing. If they were for reform, they could have gotten it done. The reform that they offered the American people was some lame prescription drug part D program for Medicare that left a giant doughnut hole that thousands and thousands, tens of thousands of senior citizens are falling into that our health care reform proposal would fill and make sure that people wouldn't have to decide not to stop taking their medicine once they fall into it, and be able to again focus on getting people well and keeping them well instead of spiraling ever downward into a more sickly state.

Mr. MURPHY of Connecticut. Let me just add to that, that for all of the talk we have heard on this floor from our Republican friends about fiscal responsibility with respect to health care and respect to the overall budget, when that bill came up for debate, when they made their one foray into health care, a bill written for the drug industry and the insurance industry which have made record profits off of this program and many others, they didn't pay for a dime of it. They borrowed every cent in order to fund that Medicare prescription drug benefit.

You want to talk about the things that added to the deficit that Barack Obama inherited? Right at the top of that list is the only major effort that the Republican House and the Republican Senate made to health care.

So not only when they constructed the Medicare benefit did they get it wrong, but for all of their talk about making sure that this health care bill is deficit neutral, which is a commitment, a commitment from this President and from the House and from the Senate, when they had the opportunity to do it, they borrowed every single dime to do health care.

Mr. RYAN of Ohio. It may sound good to say if we just fix this or fix that, fix this and fix that, we will be okay. The problem we have now is we have this patchwork system that we just have been constantly patching up, and it is not addressing one of the main problems, and that is we have got all of these uninsured people. Some people say it is 10 million, some people say 15 million, so it is probably somewhere in between.

But the bottom line is, Mr. MEEK, all these people are going to the emergency room. That makes no sense to anybody. So you go in with your insurance card, you are paying for the person who is walking in there. What we are asking people to do in this reform package is for people who are now using the emergency room as their primary care doctor, that they will have to pay something now. They will have skin in the game. They will have a copay, they will have a premium. You are going to get something out of them.

That is how we are going to help build this new system, is by having people who are now getting something for nothing will have to pay and have skin in the game and take money out of their own pocket, Mr. MEEK, and pay for their health care, and that will help everybody.

Mr. MEEK of Florida. You know, Mr. RYAN, it is just so good to see Mr. MURPHY and you and Ms. WASSERMAN SCHULTZ here back on the floor again, and the fact that some of the arguments that you hear, that I don't think we are here for some big, let's-build-the-government-even-more, you know, that the reason why we are here is to make sure that the government gets bigger and more control, that that is what we ran for.

No. We are here because we care about the people that sent us here. I said it earlier when I was here on the floor, just me at the top of this hour, when I said, you know something? No one came up to me and said, Congressman, I woke up at 7 a.m. in the morning voting for representation. I am so happy to send you, your wife and your two kids to Washington so you can have health care that I will never have. Okay?

The bottom line is I am sitting here, I am going to put these testimonials on my web site that some people have emailed to me and some I got from my town hall meeting.

I am looking at Robert here from Wellington, Florida. He says as a self-employed person, I am not eligible for any group coverage. Therefore, I must pay \$4,000 a year for my family of four, and I have deductibles totaling up to \$7,000 out-of-pocket before anything gets covered, in his plan that he has now.

In this current economy, my income has been greatly reduced, but I cannot change for a less expensive plan until the open enrollment period comes around, and that is almost a year away. It is nuts.

He says, in a nutshell, health care could well bankrupt me, even without a medical catastrophic event taking place, and I am trying to figure out what will the new Congress and the President do for me. That was his email to me as a Congressman.

Now, I am not his Congressman, but he is just reaching out to Members of

Congress. And the bottom line is there are real people out there that are dealing with it.

Mr. RYAN, you make so much sense when you say folks walk through—I know that is kind of hard for you to believe, me saying that—walk through the doors of an emergency room getting care, and you are watching these public hospitals going under. Think about it. They are reducing staff.

I was in Daytona the other day at a Labor Day picnic. A lady came up to me and said, Congressman, this is my first time meeting you. I have a mother in a hospital, the public hospital there in Volusia County, and we have to take turns being in the room with her because of the staff cuts that are there.

This is all coming from uncompensated health care that is driving up the costs, not only for public hospitals and private hospitals, but also driving up the costs for us who pay premiums and copays and all of those things.

So I would say this also to my friends that live in rural communities. I heard you talk about Ohio, and, of course, we can all talk about our States. But I can tell you this: In rural communities right now in this bill we incentivize doctors to stay in those communities. They are communities that are in need and they don't have specialists there.

We also look at addressing the disparities as they relate to rural America. Right now we have individuals that have to drive for miles and miles and miles. That is not okay, especially when you are in need of care.

So when we look at this whole comprehensive piece, we are looking at something that is going to bring about better coverage for all Americans, make sure that those of us that have insurance, that we bring our costs down, making sure that people who have preexisting or family conditions, God forbid this gentleman from Bradenton, if something was to happen, one of his family members, he discovered his daughter had some sort of illness to where that she has to go operation to operation, and then that insurance that he has, which is not as good as mine, runs out, he is on his own, by himself. And folks can't say well, that is his personal problem. No, that is going to be my problem too and it is going to be the individual's problem who has health care, because he or she is going to pay for the fact that he can't get coverage and he works and provides, he is a business person and he just wants to insure his family.

□ 2300

Mr. RYAN, I'm going to say this, and then I'm not going to say anything else during this hour, but we'll yield back when that time comes, 10 minutes after the hour.

I will tell you this: that those of us in this Chamber didn't know better, be-

cause all while I was listening to people throughout the State of Florida during the break, I couldn't help but—like a lady posed a question to me in a townhall meeting: Congressman, what are you going to do to bring about the kind of change we need in Washington, D.C.? Are you going to be on the fence? Are you going to say, Well, you know, I don't want to necessarily say anything, don't want to do anything? I'm going to run in the back of the Chamber, put my card in and run out the door. Or am I going to come here and fight for those individuals who sent me here to fight for them.

And those are businesspeople, and those are individuals, and those are people who are listening to us right now that have a health care crisis or have an imminent health care crisis coming and wondering if they're going to have insurance. I would much rather go down fighting for them than sitting here trying to be safe and trying to score political points and win a couple more seats in Congress because it will help my political ideology. We're beyond that right now.

We are dealing with the real deals that are crippling our multinational companies that are here, based here in the United States, to compete with other countries who have health care reform and have a policy to where that doesn't bankrupt big and small companies.

So I'm just asking my colleagues, be they either Democrat or Republican, be a man, be a woman, be a leader, come here to Washington, D.C., and speak fact and not fiction and make sure that we fight, because we're as close as we have ever been to doing this right now, DEBBIE, and I think it's important that if we're going to go down, we're going to go down fighting. And I tell you if I have anything to do with it, we're not going down. That's one. Two, people are going to get health care. And in the final analysis, they're going to look at the leaders, either Democrat or Republican, and say, You know something? I'm glad they fought. They did not retreat.

Ms. WASSERMAN SCHULTZ. You know, Mr. MEEK, I can't help in listening to you but think of this debate through my eyes as a mom. There's nothing more important to moms than making sure that your children stay healthy, and there's nothing that tears out a mother's heart worse than looking at your child, knowing they're sick and knowing that you can't do anything to make them well, and you would do anything to make your child well if you could.

Imagine layering on top of that angst for a mother the fact that she wasn't covered by health insurance nor were her children, and as a result, she couldn't even take her child to the doctor when they first got sick and she has to wait and wait and wait until her

child gets sicker and sicker and sicker until she has to use the emergency room as her primary access point for health care for her child.

Now, for me, we are at the point in this country in our Nation's history where you should not be separated from our ability to provide for the health and well-being of your child due to the difference in your wealth.

When a child turns 5 years old in this country, Mr. MEEK, Mr. RYAN, Mr. MURPHY, no parent has to worry about whether they're going to be able to pay for their children's education because we have education that's universal in America. It's a given. It was decided over 100 years ago. Everyone gets equal access to education and the government pays for it.

We're not even going that far here. What we're saying is health care should be a right and should not be a privilege.

Mr. RYAN, one of the things that just galls me, which is why I keep going back to it, is how disingenuous our colleagues on the other side of the aisle have been.

Let me quote one of our colleagues, and I won't name her. She said this last week to a conservative organization, and this was reported in the newspaper. A colleague of ours, in talking about their views on health care reform said, "What we have to do today is make a covenant, to slit our wrists, be blood brothers on this thing. This will not pass. We will do whatever it takes to make sure this doesn't pass." And then she continued, "Right now, we are looking at reaching down the throat and ripping the guts out of freedom, and we may never be able to restore it if we don't man up and take this one on."

That is a direct quote from one of our colleagues who I won't name, but, Madam Speaker, I would like to enter this into the RECORD.

#### TALKING POINTS MEMO: 9/1

Rep. Michele Bachmann (R-MN) spoke yesterday to the right-wing Independence Institute, the Colorado Independent reports, and she called on conservative to really come together in the fight against President Obama on health care.

"What we have to do today is make a covenant, to slit our wrists, be blood brothers on this thing," said Bachmann. "This will not pass. We will do whatever it takes to make sure this doesn't pass."

The sanguinary rhetoric continued. "Right now, we are looking at reaching down the throat and ripping the guts out of freedom," she said. "And we may never be able to restore it if we don't man up and take this one on."

Bachmann also denounced a system under which some Americans pay half their income in taxes: "It's nothing more than slavery."

We don't even have to deal with transparency because it's clear that the stakes are so high for them. If I hadn't read it myself, I wouldn't have believed it. The stakes are so high here. They know that if we're success-

ful at finally reforming the health care system and covering everyone, that politically next year they won't be able to be too successful in the elections. And that's what it's about for them, it's about power.

Mr. RYAN of Ohio. I want to say two things and then I will be done for the night, too.

There was this interesting article in Newsweek this week. It was about a book about William F. Buckley and about the battle between the extreme right wing of the Republican Party and the William F. Buckley National Review kind of wing, and there was this little battle post-New Deal.

But it's interesting to note that right after Roosevelt got in, there was this extreme reaction, very similar to what we're seeing where every critique of what Roosevelt was doing was socialism, communism, and all of these fancy names. But there were also these vigilante minutemen who would show up at these events carrying their guns, and it was amazing, because that's exactly what we're dealing with here.

There's no solution. There are just these critiques of how the train is moving down the track. The American people want to go in another direction.

But I wanted to share this story because I think this is what we're all talking about.

I ran into this woman at the Canfield Fair. I stood outside the Democratic Party tent. This is one of the biggest fairs in Ohio over Labor Day. I stood there for 4 hours, 4 hours, just south of Youngstown, Ohio. I had two people out of all the entire time come up to me and say, What are you doing with this socialist—and they're also against the energy bill, so it was totally the right wing talk radio crowd that was like inundating them with this stuff. Two people came up against this.

But what this one woman said, she's 35 years old, married, kid. Husband just lost a job. They made about \$58,000 a year when he worked. They now make \$32,000 a year. She is working. He, after he lost his job, is going back to school. No income, trying to better their life. The daughter was in the stroller there.

This woman is telling me this story. She has a condition. She's got to take medication. It's very expensive. She can't afford it. Now they're paying out of pocket. She makes \$32,000 a year, down from \$58,000 because the husband lost the job. And she said, Do you want me to go on welfare and go on Medicaid? Because that's what I'm forced to do.

Now, if there's any value we respect here in America, it's somebody that wants to work. She wants to work. She wants to provide for her kids, her husband. She wants to have a nice family. She wants to have the dignity of work. And the system now is set up that that really may be the best decision for her and her family is to go on Medicaid and

take welfare benefits. That's not what we want.

And what we're saying is why should this woman who's working her rear end off, her husband is going back to school to get retrained, those are the people we want to help. That's what this whole thing, the whole thousand pages that everyone keeps talking about, that's what this whole thing is about. It's about helping that woman, her husband, and that kid.

And that's why, DEBBIE, as you said, the stakes are high. KENDRICK, the stakes are high, and we need to pass this thing.

Mr. MURPHY of Connecticut. If our friends on the other side of the aisle want to have a debate about freedom, let's have a debate about freedom.

Listen, we don't legislate on anecdote here. We legislate on data and statistics and evidence. But the anecdotes are powerful because they're representative of what the data tells us.

And I think about the woman in my district who raised her hand at an event I had at Town Green last week, and she said, Listen. I work for an employer who's downsizing and looking to cut costs wherever they can, and I've got a child with a very serious illness. She's on this employer's health care plan, and I know that I am targeted. I know that if they can get rid of me and get rid of the expenses associated with my daughter, they've just saved a lot of money. And I know if I lose this job, I'm not going to be able to find another one because there's no way that somebody is going to pick me up if they have to cover the cost of my daughter who has an illness through no fault of her own, no fault of mine.

What kind of freedom is that?

I think about the guy who raised his hand and told me the story about the fact that he had been working for a new company that had just hired him in New Britain, Connecticut, a couple of years ago. He had had a good, steady income for 2 years, but he got diagnosed with gallbladder cancer and he couldn't show up for work any longer, and they fired him. They fired him and he lost his health insurance.

□ 2310

Now he spends every single dime that he makes off of his unemployment checks to pay for cancer treatment. What kind of freedom is that? When we want to talk about freedom, health care reform, giving freedom to people who have insurance and want to keep it, giving freedom to people who lose it and need to get medical care, let's have a debate about freedom, because the proponents of reform are going to win that debate, Mr. MEEK.

Mr. MEEK of Florida. We have 30 seconds left.

Ms. WASSERMAN SCHULTZ. I just appreciate being together again and knowing that on a regular basis over

the next several weeks and months we will be getting together to press for health care reform for everyone.

Mr. MEEK of Florida. Absolutely. Madam Speaker, with that, from these Members that came before the House tonight, we want to definitely let other Members know that we will be coming to the floor. We will be sharing accurate information as we have done over the years, and we will continue to do it good or bad. We look forward to the President coming and addressing us tomorrow in a joint session.

With that, we yield back the balance of our time. Thank you.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for the remaining time until midnight.

Mr. BURGESS. I thank the Speaker for the recognition. I almost feel like now that I have got equal time for a reply from the last 45-minute segment, I would remind my friends on the majority that they are in the majority. This is the House of Representatives of the United States. Any bill can pass on the floor of this House with 218 votes. As I recall the last numbers, we have 177 Members on the Republican side, you have 258 members on the Democratic side. That means you can pass pretty much whatever you want whenever you want as long as you keep only 40 Members of your party from straying, and you can only lose 40 Members from your side and you can pass whatever you want.

Now we read some articles in the paper today where there are 23 Democrats who say no way are they voting for this health care bill after they have been through the summer that they have had. Okay, you still have a comfortable margin of 20 votes to pass whatever bill you want. So, please, don't set this up as a straw man Republican versus Democratic argument. The Republican Party in the House of Representatives in this Congress cannot stop you from passing anything that you want to pass. We do not have the numbers. We do not have the organization. Some might argue we don't have the leadership to block anything that you want to pass.

So your argument is an internal argument. It is Democrat versus Democrat. Bring the bill to the floor of the House that you want to bring. Bring it to the Rules Committee. You certainly have done it plenty of times. Bring it to the floor of the House. We will have our obligatory 2 hours of debate. We will have the vote, win the vote, and send it over to the Senate. You have 60 votes on the Senate side. This should not be a challenge for you. Send it down to the White House. You have a President who will sign virtually anything you send down to him.

This is not an argument that you are having with Republicans. This is an argument you are having internally within your own caucus. And why are you having that argument internally within your own caucus? Because you have not sold this proposal to the American people. And you felt that acutely during the August recess.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is reminded to address his remarks to the Chair and not to others in the second person.

Mr. BURGESS. Absolutely. I will refer to the Chair.

Madam Speaker, this is because the other side did not make the sale to the American people. They did not engage the American people from the bottom up, from the grass-roots up, which is the way you have to do tough legislative proposals, transformative legislative proposals. You don't start at the top and work down. That's the Soviet style of doing things, Madam Speaker. This is America. We go from the grass-roots up.

Our friends on the Democratic side chose not to do it that way. Instead, they would rather vilify Republicans because, after all, that's what helps them raise money and win votes. And after all, isn't it all about just winning votes and maintaining your majority? You're not really held to account by the American people as to whether or not you pass your agenda or not, apparently, if we are to believe the poll numbers.

But, Madam Speaker, I do not believe this can be done from the top down. I do believe this has to come from the grass-roots up. We saw a Member of Congress, a Democrat in one of the midwestern States, plaintively ask her audience on YouTube during the month of August during one of the August town halls, don't you trust me? And the response she got back from her audience was, well, apparently not. The audience didn't trust her.

All across this country, Members of Congress have heard the voices of August. The question is, the real question for this House is, was anyone listening to those voices as they were speaking to us?

Right now, this Congress has historic low credibility ratings. We have some of the lowest credibility ratings in the last 26 years. Two years ago, 2½ years ago, when the Senate tried to pass massive immigration reform, they found because of the very low credibility levels that they had that no one trusted the United States Senate to pass this type of immigration reform. As a consequence, despite the backing of two very powerful Senators, one on the Republican side and one on the Democratic side, despite that very powerful backing, they were unable to pass sweeping immigration reform in 2007. The American people recoiled in

horror when they saw what was happening, flooded the Senate switchboard, shut down the Senate servers, and the Senate got the message and very quickly went on to other things that might occupy their time for the rest of that summer.

Well, this summer has been no different. Switchboards have been shut down. Servers have been overwhelmed. The American people have weighed in on this issue, and it is overwhelmingly opposed to what the Speaker of the House has pushed through the three committees here on the House side.

Now, if we do not have the credibility to do a sweeping proposal, a sweeping legislative proposal such as has been before us, to essentially allow the government to claim one-seventh of the Nation's economy, if we don't have the credibility to do that, should we just do nothing? Or should we, in fact, try to achieve some deliverables for the American people? I think every one of us heard that the American people are interested in us effecting some reforms. We heard some of them mentioned just in the last hour on the Democratic side. There are things on which we do agree. There are things on which we can work. And there are deliverables we can accomplish for the American people.

But the fact of the matter is the American people do not trust us, do not trust us to undertake this type of sweeping reform and transform the way health care is delivered in this country such that many people may not even recognize it.

Now, I do take some exception to some of the comments that I heard in the last hour. I was a physician. For 25 years, I practiced medicine. There are plenty of times I got up in the middle of the night, and I knew that delivery I was going to do or that operation I was going to perform was something for which I would never be compensated. That's just part of the job. American physicians, men and women, show up all hours of the day and night to render this type of care, and they don't ask where the payment is coming from.

People get taken care of in this country in a timely and respectful manner, and it happens every day of the week. And quite honestly, I am very tired of hearing the type of rhetoric we just heard on this House floor where America's physicians are seemingly indifferent to the plights of people who happen to be ill and uninsured. Patients are taken care of all the time across this country in clinics, in hospitals and in emergency rooms by caring physicians, caring nurses and caring hospital staff without regard for that patient's ability to pay. It happens every day of the week.

It is so frustrating to hear people talk about the only way to pay for health care in this country is either

through a private insurance or a government program. There is plenty of care that is just donated by the generosity of America's physicians, America's nurses and America's hospitals.

In fact, the only thing standing in the way of this sweeping health care reform that the President is going to come talk to us about tomorrow night is, again, an internal conflict on the Democratic side. If we had done this bill in July, as had been proposed, if, in fact, we had voted on this bill on July 31, which was what the chairman of the three committees desired, which is what the President at the White House desired, had we voted on this bill by the 31st of July, we would have gone home to face our town halls; but it would have been a different equation because the bill would have already been passed and would be off to the Senate. But we didn't do that.

A funny thing happened on the way to ramming this thing through, and many Members on the Democratic side began to hear from their constituents and began to hear that this was not perhaps such a good idea after all.

Do bear in mind, Madam Speaker, 218 votes are what are required to pass any bill out of the floor of this House under a rule. The Rules Committee is the Speaker's Committee. The Speaker has a 9-4 advantage in that committee. The Speaker could get any rule pushed through the Rules Committee that she wishes. She could bring any bill to the floor that she wishes. We have seen it time and time and time again; 218 votes are what is required.

□ 2320

Do not tell me, do not continue to perpetuate the fantasy that somehow 177 Republicans are able to prevent this bill from coming to the floor. And again, I would reiterate, you have the magic 60 votes in the Senate. You don't need reconciliation; you don't need a fancy procedural maneuver, you have the votes, 60 votes in the Senate, to pass whatever you care to pass. And of course you have a President who has already committed to signing this bill.

One of the things that I heard a lot back home was a concern about the cost. And this is something that is going to continue to come up and continue to be problematic for anyone who wants to undertake a bill that is as sweeping as the one that we had before our committees last month. The bill itself had very little in the way of cost containment contained within the bill. Oh, sure, there were some physician cuts—we always rely on those—there were some cuts to home health care, there were some cuts to our radiologists and imaging, but in general there was very little in the way of cost containment in the bill.

Now, we do hear a lot of talk and there is a lot of rhetoric on the issue of preventive care. Preventive care, pre-

ventive medicine, you bet, I'm for that. The cost savings from preventive care, though, are much less certain and the timeline to achieving those cost savings is also uncertain. In fact, the Congressional Budget Office in its report to our committee in July delineated the very low rate of return on those savings and the fact that it might be years before those cost containments were achieved. That doesn't mean that it's not worthwhile, it doesn't mean that it's not worth doing, but to go to the American people with the statement that we're going to do all of these things and we're going to be able to pay for all this additional care by not cutting anyone's services, but because we're going to do things better, faster, cheaper, smarter just, in fact, does not square with the facts and the American people have seen through that.

Now, many of the studies have shown that in fact in the early years, by increasing the preventive regimen, the cost may in fact increase. And you would expect this to be the case because there is going to be more spent on the infrastructure necessary, more spent on the clinics, the exam rooms, professional personnel, nurse practitioners, paramedics, the physician extenders that are going to be necessary to see the increased numbers of patients who will be coming through those clinics as we increase the throughput through those clinics. So it is going to cost more money up front. I think there is broad recognition of that.

Now, we did hear some concern about the Medicare part D program. I would just simply remind people that Medicare part D, when it was passed in this House of Representatives back in 2003, Medicare part D was a prevention-based strategy. It only made sense, if you were going to cover the doctor's expense, if you were going to cover the hospitalization as was covered under Medicare's part A and B at the time and you did not allow for the coverage of a prescription drug benefit, that it was going to be much harder to deliver on the promise of preventative care without the medicines available to prevent the illnesses that you wish to prevent. It seemed relatively simple and straightforward in 2003, it seems relatively simple and straightforward now.

I think this Congress, I think the people who have written this bill would have done well to look at some of the things from the Medicare part D program that actually have worked very well. And true enough, there were some problems with Medicare part D as it was passed. There were some problems with implementation, I don't think anyone would deny that. But the fact of the matter is that under the Medicare part D program, remember, there was no mandate. There was never a mandate that said a senior had to take

a certain type of prescription drug coverage. Different levels of coverage were available to every senior. Every senior was encouraged to have some type of credible coverage for prescription drugs. There was a cut-off date beyond which there would be an increased cost for buying into the insurance program if someone did not enroll during the open enrollment period, but it did not come to us under the mantle of a mandate.

There was no requirement that every senior buy coverage. There was simply the recommendation that every senior have credible coverage under the plan. In fact, there were some benefits for people if they went ahead and established that credible coverage by a certain cut-off date. And what that meant was that the companies that were involved in providing the coverage then were competitive on the basis of trying to create programs that people actually wanted rather than saying we know you've got to buy this, so we're just going to put one or two programs out there and you can pick or choose from one or two and take it or leave it. Dr. McClellan, Mark McClellan, who at the time was head of Medicare and Medicaid Services, said there were going to be six protected classes of drugs within the program. Within each of those six classes there have to be at least two different choices. And with those relatively simple parameters, the companies were allowed to go out and construct programs and go out there and compete in the marketplace.

Now, we were told early on when we talked about this type of change in the Medicare part D program that in fact you will never get companies showing up to provide these products; you would have to mandate something, otherwise people just simply won't have any program at all from which to choose. But Dr. McClellan stuck to plan, and as a consequence, in some States we have well over 40 different plans that were there making available different types of Medicare part D coverage. In fact, we were criticized a year into the plan that there were too many choices, people couldn't possibly decide what to buy because there was too much choice out there. Well, in fact, it was a good problem to have. And as a consequence, now we have the Medicare part D program where the coverage rate is in excess of 90 percent, the satisfaction rate is in excessive 90 percent.

And it rivals any insurance program with a mandatory or coverage mandate, whether it be an individual or employer mandate. By creating the type of program that people actually want, that is actually useful, that actually matters to them in their lives, we have been able to provide more coverage to more people at lower costs than anyone thought possible back in 2003 when the legislation was passed.

Now, we heard very many compelling anecdotes in the past 45 minutes about people with difficult problems in tough medical situations. And no one would argue that those are not compelling stories. I would just remind people that are studying this issue that the bill that we had before us that came out of the three committees, the bill that will likely come to the floor sometime this month, while it does provide for a public option and it does provide for a public option for coverage, those methods of coverage do not become generally available to the general population until 2013, 3 years after the enactment of the bill. So those are not going to be immediate benefits that are going to be accessible by any of the tough situations that you've heard described here in the last hour. In fact, those programs are going to lag significantly behind the start-up time of that bill.

Well, what can we expect in January when the bill starts if the bill is passed and signed as is planned? What can we count on in January? Well, you can count on the taxes occurring. Those certainly will. The taxes will begin January 1 of 2010. An 8 percent payroll tax on small business in this country. An 8 percent payroll tax may will be the largest single employment tax that has ever been passed in this country.

This may be the largest single job-killing event to occur in this young century. This is something that we need to be very, very careful about as we go about enacting this legislation because we are in the midst of a recession. We are hopeful that the recession is ending, but one of the difficult things about ending a recession, as we found in my early years here in 2003 and 2004, that as a recession ends, job growth does not necessarily follow immediately. What is the major engine of job growth in this country? Well, it's small business. So if we don't do anything to encourage small business and in fact we go so far as to hurt small business, it will be very, very difficult to grow those jobs that are actually going to be what ultimately lifts us out of this recession.

None of us likes to look forward to a jobless recovery, and yet that seems to be what's in the cards for us right now. This is a very serious situation and something to which this Congress should best place some heed because the absence of job growth in this economy will lead to that double dip or W-shaped recession that many economists talk about.

I did have several meetings with small business owners in my district. I conducted forums with small business owners just to hear their concerns about what Congress was doing. And yes, we heard some on the energy bill that was passed earlier this year and how that would be a job killing piece of legislation, but a lot of concern over what is happening in health care. And

even more to the point, there is so much uncertainty out there in the country right now. No one knows what we're going to do, Madam Speaker. Are we going to pass this bill? Are we going to put an 8 percent payroll tax on top of the taxes that small businesses already pay?

□ 2330

Many employers with whom I spoke told me, Yeah, the recession may be ending. We see some signs. Things seem to be easing up a little bit.

Well, are you going to expand your business? Are you going to be adding jobs? Are you going to be bringing back some of those jobs that you outsourced or laid off?

Well, I'm not so sure about that because the environment out there is kind of unsettled right now. We don't know what you're going to do with this health care bill. We don't know what you're going to do with that energy bill. As a consequence, we're going to put our expansion plans on hold for right now.

I heard this over and over and over again.

Now, to be sure, every business that I talked to was, perhaps, talking about adding one or two or three jobs, and they put those plans on hold, but when small businesses across the country are putting on hold plans of adding one, two or three jobs, spread over the entire country and over the entire economy, that's a significant number of jobs that are right now being held in limbo because, again, employers are not certain about what Congress is going to do next.

Well, I think one of the things that came through loud and clear for me in listening to my constituents during the month of August was that Congress fundamentally lacks the trust of the American people to do something this large, and it is very, very difficult to do this in a top-down centralized fashion. We really do need to recruit, to encourage and to educate the American people as to what we are trying to do and as to where the value for them is in it on what we are trying to do rather than to just simply superimpose this large government program on the American people.

You've heard it over and over again: Have you read the bill? Who can read the bill? It's too big. It's too complex. No one can understand it.

This is a valid complaint, and it's reflective of the fact that this legislation is large, that it is sweeping and that people do not trust the Congress to make those kinds of changes on a portion of their lives that is that important to them. People do not trust the Congress to be able to do the right thing.

We've heard over and over again from our constituents: Hey, if this is not even good enough for Members of Con-

gress, why should we sign up for it? Why should we accept what you won't even take yourselves?

Now, to be sure, during the debates in the committees, there were a number of amendments that were offered. Some suggested that whatever the public option is and whatever it turns out to be should be the type of insurance that Members of Congress and that members of the administration and their staffs are required to take. That is, if it is good enough for the American people, it ought to be good enough for the governing class as well. I don't disagree with that. That amendment was knocked out on a technicality in our committee, and we never had the chance to vote for it. That ruling was appealed, and the appeal of the motion of the Chair was upheld on a party-line vote. So, essentially, every Democrat said, Hey, we don't want this coverage for ourselves. Every Republican said that we should at least have the debate, that we should at least hear the amendment and that we should hear from both sides on this issue, but we weren't allowed to do it. It was shut down in committee on a party-line vote.

I had an amendment that would have made Medicaid available to every Member of Congress. Congress could be a mandatory population under Medicaid, so every Member of Congress would be covered under the Medicaid system, and every Member of Congress would then understand what it is like to try to find a physician—doctor—for themselves or for a family member in the Medicaid system. It can be very difficult to do that. Why is that? Because reimbursement rates under Medicaid are so low that members of the medical profession simply cannot afford to take large numbers of Medicaid patients into their practices for fear that they won't be able to cover their overhead and for fear that they will not be able to keep their practices open.

Again, on a technicality, this was prevented from a vote, and it just underscores the hubris of the United States Congress when it will consider doing things to the American people, those things it would never consider doing to Members of Congress. People see that and they resent that. They can feel that it is not right that a Member of Congress would vote on a type of bill that would require Americans to take a certain type of insurance when that Member of Congress would have no intention of taking that insurance himself.

We heard it in some of the townhalls that were conducted by the White House: Is this insurance something that will be good enough for members in the White House and for members of their staffs?

No, not necessarily. We want something good for members of the White House.

It is exactly that type of hubris that has gotten people so upset. We could deal with that. We could deal with that by requiring that any public option or that even Medicaid is something that is not just made available but required of Members of Congress, but we won't have that discussion. We won't have that debate. It somehow seems to be demeaning or beneath us to have that debate, but certainly that's a problem we could fix and that we could fix pronto.

There was nothing in this bill that dealt with liability reform. As a physician, I will tell you that that is one of the single largest issues that faces physicians in this country. It is the constant threat of medical litigation, the expense of medical liability insurance and the cost of defensive medicine that drives the cost of the practice of medicine literally through the roof.

A study back in 1996 by Dr. McClellan from Stanford University at that time estimated a cost of nearly \$30 billion for two diagnoses in the Medicare system because of defensive medicine. Well, that was in dollars of 12 or 13 years ago. Imagine what those dollars have grown to today in our current liability climate.

This is something that the American people understand needs to be fixed, and they simply do not understand why Congress will not at least consider entertaining the debate. What they see is that this is something that is being blocked by special interests and that this is something that is being blocked by a certain lobbyist group that is being prevented from even being discussed in a congressional committee. The American people look at that and say, Well, that's not right. We cannot possibly believe anything else that's in that bill, because we don't trust you to have a rational discussion about this.

I dare say, if liability reform and fairness in the physician compensation system had been on the table at the very beginning, you might well have had some Republicans on board for this bill right from the start.

What I do know is that you never tried. Never did any of the committee chairmen, Madam Speaker, and never did the President or the White House seriously try to achieve any type of bipartisan balance in this bill. It simply was of no interest to them because—and I'll go back to my early remarks about the arithmetic in the House—they can lose 40 votes in the House and still pass a bill. They have 60 votes in the Senate. They can cut off debate at any time and pass a bill and send it down to the White House and get it signed into law.

We heard over and over again in our townhalls this summer about the problems with preexisting conditions and about the problems with insurance rescission. We're talking about insurance reform. That is something that we

could accomplish. Yes, there are some thorny issues to be addressed, but it's certainly no more difficult than anything else we've taken on. We could have solved that problem. We could have debated that problem. We could have voted on that problem before we went home for the August recess, and we could have shown the American people that, in fact, we were serious about taking care of a very serious problem that affects 8 to 10 million people in this country, a problem that prevents them from getting the health care coverage they would like to have.

Yes, there are going to be some difficult arguments to have over rating bans. Yes, there are going to be some difficult arguments as to whether or not there is a premium cap or whether or not there is a premium to be paid for someone's not having had insurance before someone got a tough diagnosis. We can have those arguments. There perhaps could be new moneys made available in State and Federal subsidies for people who can't afford the cost of a State high-risk pool. Nevertheless, we could have those debates. We could have those arguments. We could look at those figures and decide what a correct number would be. Again, that is something that is easily within our level of achievement, and this House could have done it before we went home for August, but for some reason, we chose not to.

On the issue of portability, we could have dealt with that before we went home for the August recess. One of the biggest problems that people are having right now is job loss because of the recession. Yes, if someone loses his job and he has employer-sponsored insurance, it becomes tough to continue that insurance. Under COBRA, employer-sponsored insurance has to be offered for the next 18 months, but it's extremely expensive. For someone who has just lost his job, to be able to cover his portion and the employer's portion and an administrative fee becomes terribly difficult, but we could have dealt with that. The fact of the matter is we chose not to. We chose to go home for the August recess with our work being undone, and the American people saw right through that. That's why they were so frustrated with us in the month of August.

Now, we heard on one of the Sunday shows this weekend that the President's main adviser said, In some States, why, there is no competition. There's only one insurer.

Well, how do you deal with that if there is only one insurer in some States? Do you really make the situation measurably better by adding a second insurer? Well, maybe. If it's a government-run program, then maybe that's a good thing. Maybe it's a bad thing. Maybe you run out the one insurer who was there already, and you're back to one insurer which is

now the public option. There are 1,300 different insurance companies out there. If we would simply relax some of the restrictions against selling across State lines, we could open those markets up, not to one other insurer, not to ten other insurers, but to hundreds of other insurers.

□ 2340

That's real competition in the marketplace. The same type of competition you see today for car insurance and for life insurance and with the power of the Internet, those costs have come down significantly for those two products. We could have achieved the same type of success in the health insurance market if we were just clever enough to have the discussion and begin to negotiate how we would go about putting the protections in place so that people weren't taken advantage of in that situation, and that's well within our power to do that, Madam Speaker.

I again come back to the concept that Members of Congress were not willing to take the very insurance that they were requiring the American people to take. When you talk about hubris, that's one of the things I heard over and over again. The bill is too big; nobody knows what's in it. You haven't even read the darn thing and why won't; if it's so darn good, why won't a Member of Congress sign up for it?

We heard those same comments over and over and over again. And what did they tell us? It's a big bill. People are frightened of Congress' ability to actually deliver on a bill like this or ability to deliver on a promise like this. And if it is so darn good, then why aren't you willing to step up and take it yourself?

And that really distills the arguments that we heard during the month of August. Now, unfortunately, coupled with all of this—and we heard some of the comments in the last hour when the Democrats had the floor—you heard the comment made, Madam Speaker, that it's the right-wing talk radio crowd that's causing the objections to this health care bill, otherwise it would be done.

I submit to you the right-wing talk radio crowd is my crowd. They talk to Republicans. But it's only 177 Republicans in the House of Representatives. You have got 258 Democrats. The right-wing talk radio crowd doesn't talk to the 258 Democrats, and you can still lose 39 Democrats and pass almost any bill that you want out of the House.

So, please, it is not a Republican that is preventing you from doing this. Recognize what's happening here. It is the fact that you have not sold this bill to the American people. That's what's preventing this from being done.

Now, the other unfortunate thing this summer was the Speaker of the House took it upon herself and the majority leader took it upon himself to

write a joint op-ed piece for USA Today where they vilified the American people. Well, you know, if you are trying to build a grass-roots consensus for what you are trying to do, for something as big as transforming the delivery of health care in this country, is it really a smart idea to vilify the very people whom you are trying to recruit to help you to do this project? I don't think so.

I mean, that's Politics 101. That's one of the first tenets. You don't, you don't, you don't irritate the very people that you are going to be asking to help you pass a bill of this magnitude.

I do believe it is possible, that it is reasonable for us to get down and work on some of these things that I have outlined tonight. I suspect there are others out there that people on both sides of the aisle might like to see. These are just mine that came up during my town halls.

I would like to see us have some serious discussions on this. I think the American people really do want to see this done in a bipartisan fashion.

Now, tomorrow night we are going to have a big speech here in the House. The President will come down; all of our friends from the Senate will be here. We may well have members of the Cabinet here as well to hear what the President is going to say.

Will there be something new brought up tomorrow night? I don't know. Will we simply see, hear a rehash of the same things? Will we hear criticisms of Republicans for not working with Democrats on this issue? We might.

I would just simply again offer that we don't have the numbers to stop anything; and when I made overtures to the other side early this year, in fact, even during the transition period before the President was sworn in on inauguration day, completely rebuffed by the chairman of my committee, by the President's transition team. No one seemed interested in any Republican input at that point.

We have got the votes, we won the election, we can do it all and so we shall.

Well, it's August. It was a hot month; things got a little heated at home. And now that we are back here in the fall working on this, perhaps it is time to rethink this.

I saw it on one of the Web sites the other day: maybe it's time for the President to hit the reset button. Maybe that's not a bad idea. This is a big, big change in the way things are being handled in America in regards to health care.

The benefits in this bill don't go into effect for 3 years' time. There is no rush to do this thing this month. There is time for us to get this right.

And, you know, like the old saying goes, if you don't have time to do it right when are you going to find time to do it over? Or as one of my surgery

professors used to tell me years ago, this is so important, let's go slowly. We don't have time to be in a hurry.

Well, I think those are words that might serve us well as we continue to work on this legislation.

We are going to hear from the President tomorrow night. I, for one, am looking forward to what he is going to say. I would welcome the fact that perhaps we can all get back together and work on some of these things. My concept would be on let's keep it a little bit simpler so that we do build some trust back with the American people.

Certainly the President enjoys a much higher popularity figure, much higher poll numbers than any of us in the United States House of Representatives have. But, on the other hand, that popularity is waning as well.

I think it's important that the American people see that we can work together on this, that we can produce deliverables for the country. And I, for one, would be happy to get on with that work.

With that, Madam Speaker, I am going to yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MCCARTHY of New York (at the request of Mr. HOYER) for today and the balance of the week on account of recovering from back surgery.

Mr. RODRIGUEZ (at the request of Mr. HOYER) for today on account of travel issues.

Mr. TANNER (at the request of Mr. HOYER) for today and September 9 on account of attending a funeral.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of events in the district.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today, September 9, 10, 14 and 15.

Mr. BURTON of Indiana, for 5 minutes, today, September 9 and 10.

Mr. POE of Texas, for 5 minutes, today, September 9, 10, 14 and 15.

Mr. McCOTTER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and September 14.

Mr. NEUGEBAUER, for 5 minutes, today and September 10.

Mr. SOUDER, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, September 10, 14 and 15.

Mr. BARTLETT, for 5 minutes, today.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 713. An act to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, the Committee on Transportation and Infrastructure.

S. 748. An act to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office"; the Committee on Oversight and Government Reform.

S. 1211. An act to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building"; the Committee on Oversight and Government Reform.

#### ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. HOYER, on Thursday, August 6, 2009:

H.R. 774. An act to designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building".

H.R. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office".

H.R. 1271. An act to designate the facility of the United States Postal Service located 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building".

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.R. 1397. An act to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building".

H.R. 2090. An act to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the "Frederic Remington Post Office Building".

H.R. 2162. An act to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Post Office".

H.R. 2325. An act to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office".

H.R. 2422. An act to designate the facility of the United States Postal Service located

at 2300 Scenic Drive in Georgetown, Texas, as the “Kile G. West Post Office Building”.

H.R. 2470. An act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the “Lieutenant Commander Roy H. Boehm Post Office Building”.

H.R. 2938. An act to extend the deadline for commencement of construction of a hydroelectric project.

H.R. 3435. An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

H.J. Res. 44. Joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

SENATE ENROLLED JOINT  
RESOLUTION SIGNED

The Speaker pro tempore, Mr. HOYER, announced his signature on Thursday, August 6, 2009 to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

BILLS PRESENTED TO THE  
PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on August 4, 2009

she presented to the President of the United States, for his approval, the following bill.

H.R. 3357. To restore sums to the Highway Trust Fund, and for other purposes.

Lorraine C. Miller, Clerk of the House also reports that on August 6, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 3435. Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

Lorraine C. Miller, Clerk of the House also reports that on August 11, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 2938. To extend the deadline for commencement of construction of a hydroelectric project.

H.R. 1275. To direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.J. Res. 44. Recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

H.R. 2470. To designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the “Lieutenant Commander Roy H. Boehm Post Office Building.”

H.R. 2325. To designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the “Laredo Veterans Post Office.”

H.R. 2422. To designate the facility of the United States Postal Service located at 2300

Scenic Drive in Georgetown, Texas, as the “Kile G. West Post Office Building.”

H.R. 2090. To designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the “Frederic Remington Post Office Building.”

H.R. 2162. To designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the “Herbert A. Littleton Postal Station.”

H.R. 1397. To designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the “Caroline O’Day Post Office Building.”

H.R. 1271. to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the “Elijah Pat Larkins Post Office Building.”

H.R. 987. To designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the “John Scott Challis, Jr. Post Office.”

H.R. 774. To designate the facility of the United States Postal Service located at 46-02 21st Street in Long Island City, New York, as the “Geraldine Ferraro Post Office Building.”

ADJOURNMENT

Mr. BURGESS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o’clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 9, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KAY A. KING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 20, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Kay A. King .....	4/14	4/15	Cyprus .....	.....	424.85	.....	( <sup>3</sup> )	.....	.....	.....	424.85
	4/15	4/19	India .....	.....	1,392.74	.....	( <sup>3</sup> )	.....	.....	.....	1,392.74
	4/19	4/20	Italy .....	.....	331.76	.....	( <sup>3</sup> )	.....	.....	.....	331.76
Committee totals .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,149.35

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

KAY A. KING, May 14, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN M. SPRATT, Jr., Chairman, July 13, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LOUISE M. SLAUGHTER, Chairwoman, July 16, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ZOE LOFGREN, Chairwoman, July 17, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, July 27, 2009.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3012. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pasteurization; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2008-0881; FRL-8429-1] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3013. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl Alcohol Alkoxylate Phosphate and Sulfate Derivatives; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0131; FRL-8424-6] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3014. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methl Poly(Oxyethylene)C8-C18 Alkylammonium Chlorides; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0042; FRL-8424-4] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3015. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — N-alkyl (C8-C18) Primary Amines and Acetate Salts; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0046; FRL-8428-9] received July 29,

2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3016. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium salts of N-alkyl (C8-C18)-beta-iminodipropionic acid; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0098; FRL-8425-5] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3017. A letter from the Under Secretary, Department of Defense, transmitting a letter providing "the waiver, the determination, and the reasons for the determination", in reference to the Department's June 11, 2009 letter required by Department of Defense Instruction 5000.02, and in accordance with title 10 U.S.C. section 2366b(a)(1)(B) and (D); to the Committee on Armed Services.

3018. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Co-operation Account", for the period ending June 30, 2009, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

3019. A letter from the Secretary, Department of Defense, transmitting authorization of an officer to wear the authorized insignia of the grade of rear admiral, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

3020. A letter from the Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's annual report on the Acquisition Challenge Program for Fiscal Year 2008, pursuant to 10 U.S.C. 2359 (B) (J); to the Committee on Armed Services.

3021. A letter from the Acting General Counsel, Government Accountability Office,

transmitting the Office's legal opinion on whether the Department of Defense violated appropriations prohibitions on publicity or propaganda activities by offering special access to prominent persons in the private sector who serve as media analysts, pursuant to Public Law 110-417, section 1056(c); to the Committee on Armed Services.

3022. A letter from the Secretary, Department of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association's (Ginnie Mae's) authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 nt.; to the Committee on Financial Services.

3023. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report covering the activities of the Office of Financial Stability and the TARP during the period of June 1, 2009 to June 30, 2009; to the Committee on Financial Services.

3024. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting the Department's summary of response to the Special Inspector General for the Troubled Asset Relief Program's (SIGTARP) April 21, 2009 recommendations; to the Committee on Financial Services.

3025. A letter from the Office of the Inspector General for the Troubled Asset Relief Program, transmitting the Office's quarterly report to Congress of the Office of the Special Inspector General for the Troubled Asset Relief Program SIGTARP, for the period ending June 30, 2009; to the Committee on Financial Services.

3026. A letter from the Secretary, Securities and Exchange Commission, transmitting

the Department's final rule — Amendments to Regulation SHO [Release No. 34-60388; File No. S7-19-07] (RIN: 3235-AK22) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3027. A letter from the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending June 30, 2009; to the Committee on Financial Services.

3028. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Enhancing the Health and Wellness of Individuals With Neuromuscular Diseases and Enhancing the Health and Wellness of Individuals with Arthritis—received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3029. A letter from the Secretary, Department of Health and Human Services, transmitting renewal of the April 26, 2009 determination of a public health emergency existing nationwide involving Swine Influenza A (now called 2009—H1N1 flu), pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

3030. A letter from the General Counsel, Department of Commerce, transmitting draft legislation to implement several proposals included in the President's Fiscal Year 2010 Budget that will improve management of the radio spectrum and represent sound economic policy; to the Committee on Energy and Commerce.

3031. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides (NOx) [EPA-R06-OAR-2009-0214; FRL-8939-4] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3032. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Clean Air Interstate Rule [EPA-R03-OAR-2009-0033; FRL-8939-7] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3033. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, West Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units, Plan Revision [EPA-R03-OAR-2009-0482; FRL-8938-6] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3034. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, West Virginia; Control of Emissions from Hospital/Medical/Infectious Waste Incinerator Units, Plan revision [EPA-R03-OAR-2009-0463; FRL-8938-8] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3035. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions [EPA-HQ-OAR-2004-0014; FRL-8937-8] received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3036. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06-09 informing of an intent to sign a Project Agreement, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3037. A letter from the Special Inspector General, Afghanistan Reconstruction, transmitting the July 2009 Quarterly Report on reconstruction efforts in Afghanistan, pursuant to Public Law 110-181; to the Committee on Foreign Affairs.

3038. A letter from the Director, International Cooperation, Department of Defense, transmitting Transmittal No. 09-09, the Department's intent to sign Memorandum of Understanding with Canada Concerning Special Forces Equipment Capability, pursuant to Section 27(f) of the Arms Export Control Act Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

3039. A letter from the Director, International Cooperation, Department of Defense, transmitting the Department's intent to sign Amendment Number 9 to the Memorandum of Understanding Concerning the Cooperative Framework for System Development and Demonstration of the Joint Strike Fighter, Transmittal No. 05-09, pursuant to Section 27(f) of the Arms Export Control Act Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

3040. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 08-09 informing of an intent to sign a Project Agreement with Canada and the United Kingdom; to the Committee on Foreign Affairs.

3041. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-42, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3042. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-20, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as Amended; to the Committee on Foreign Affairs.

3043. A letter from the Vice Admiral, USN, Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-33, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3044. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement to include the export of technical data, defense services, and defense articles (Transmittal No. DDTC 047-09); to the Committee on Foreign Affairs.

3045. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning an amendment to Section 123.17(f) of the International Traffic in Arms Regulations (ITAR), promulgated pursuant to the Arms Export Control Act, 22 U.S.C. Section 2778, pursuant to 5 U.S.C. 801; to the Committee on Foreign Affairs.

3046. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles and defense services, (Transmittal No. DDTC 060-09); to the Committee on Foreign Affairs.

3047. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting correspondence from Speaker Luka Bebic of the Croatian Parliament; to the Committee on Foreign Affairs.

3048. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services, Transmittal No. DDTC 049-09; to the Committee on Foreign Affairs.

3049. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles, Transmittal No. DDTC 048-09; to the Committee on Foreign Affairs.

3050. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d)(3) of the Arms Control Act, certification of a proposed transfer of technical data, defense services, and defense articles, Transmittal No. DDTC 034-09; to the Committee on Foreign Affairs.

3051. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's 2009 Report on Achieving Maximum Compatibility among Foreign Service Agencies (pursuant to Section 601(c)(4) of the Foreign Service Agencies) and the Five-Year Workforce Plan for Fiscal Years 2008 through 2012; to the Committee on Foreign Affairs.

3052. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report entitled, "Advancing Freedom and Democracy", pursuant to Public Law 110-53, section 2121; to the Committee on Foreign Affairs.

3053. A letter from the Maj. Gen. USMC (ret.), Special Inspector General for Afghanistan Reconstruction, transmitting the fourth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

3054. A letter from the Secretary, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

3055. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Fiscal Year 2008 Annual Report on Advisory

Neighborhood Commissions", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3056. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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3078. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3079. A letter from the Secretary, Department of Transportation, transmitting the Department's report on competitive sourcing efforts for FY 2008, in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-09-04; to the Committee on Oversight and Government Reform.

3080. A letter from the Associate General Counsel, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3081. A letter from the Secretary, Department of the Interior, transmitting a report to Congress on a gift of Land in Socorro County, New Mexico, from the Friends of Bosque del Apache National Wildlife Refuge, pursuant to Public Law 93-632; to the Committee on Natural Resources.

3082. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to

the Port of Anchorage Marine Terminal Redevelopment Project, Anchorage, Alaska [Docket No.: 090206146-91055-02] (RIN: 0648-AX32) received June 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3083. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's FY 2008 Report to Congress U.S. Government Receivables and Debt Collection Activities of Federal Agencies, pursuant to 31 U.S.C. 3716(c)(3)(B); to the Committee on the Judiciary.

3084. A letter from the transmitting the Department's final rule — Safety Zone; Missouri River, Mile 028.2 to 028.8 [COTP Upper Mississippi River-08-004] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3085. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones, Sabine Bank Channel and Sabine Pass Channel, Sabine, TX [COTP Port Arthur 08-015] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3086. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-025] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3087. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-019] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3088. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — 2009 Rates for Pilotage on the Great Lakes [Docket No.: USCG-2008-1126] (RIN: 1625-AB29) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3089. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Friends of Fireworks Celebration, Lake Huron, St. Ignace, MI [Docket No.: USCG-2009-0649] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3090. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kinnickinnic River Sediment Removal Project, Milwaukee, WI [Docket No.: USCG-2009-0399-] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3091. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway, Oak Island, NC [Docket No.: USCG-2009-0565] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3092. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Ernest Lyons (SR A1A), Stuart FL, and Memorial Clearwater Causeway (SR 60), Clearwater, FL [Docket No.: USCG-2007-0129] (RIN: 1625-AA09) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3093. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting Safety Zone; James River, Navy Live Fire and Explosive Training [Docket No.: USCG-2009-0568] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3094. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display at the Craneway Building, Richmond, CA [Docket No.: USCG-2009-0521] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3095. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks displays within the Captain of the Port Pudget Sound Zone [Docket No.: USCG-2009-0532] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3096. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Norfolk Tides Post-Game Fireworks Displays, Elizabeth River, Norfolk, VA [Docket No.: USCG-2009-0274] (RIN: 1625-AA00) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3097. A letter from the Attorney—Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Manasquan River, NJ [Docket No.: USCG-2009-0233] (RIN: 1625-AA09) received July 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3098. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intercoastal Waterway, Mile 418 Sargent, TX [COTP Houston-Galveston-07-0028] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3099. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Coast Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-001] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3100. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-002] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3101. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3

Galveston, TX [COTP Houston-Galveston-08-003] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3102. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-004] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3103. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-005] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3104. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Northeast Cape Fear River and Holly Shelter Creek, Pender County, North Carolina [CGD05-09-114] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3105. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intercoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-006] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3106. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-007] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3107. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile Marker 598.0 to Mile Marker 605.0, Louisville, KY [Docket No.: COTP Ohio Valley 08-006] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3108. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Houston Ship Channel, Houston, TX [COTP Houston-Galveston-06-007] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3109. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile Markers 602.5 to 603.5, Louisville, KY [COTP Ohio Valley 08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3110. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-06-0010] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3111. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 602.3 to 603, Lenoir City, TN [Docket No.: COTP Ohio Valley-08-009] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3112. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-06-0032] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3113. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [COTP Port Arthur-07-014] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3114. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-06-0033] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3115. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [COTP Port Arthur-07-015] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3116. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-06-0034] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3117. A letter from the Attorney General, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-06-0035] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3118. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-001] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3119. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-0002] received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3120. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 845.5 to 846.5, J. T. Myers Lock and Dam, IN [COTP Ohio Valley-08-005] (RIN: 1625-AA00) received July

30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3121. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-012] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3122. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones, Sabine Bank Channel and Sabine Pass Channel, Sabine, TX [COTP Port Arthur 08-014] (RIN: 1625-AA87) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3123. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Houston Ship Channel, Houston, TX [COTP Houston-Galveston-07-017] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3124. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to 405.0 [Docket No.: COTP Lower Mississippi River 08-010] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3125. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 585 to 581 [Docket No.: COTP Lower Mississippi River 08-019] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3126. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-020] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3127. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's Final Report—Safety Zone; Upper Mississippi River, Mile 839.8 to 840.2 [COTP Upper Mississippi River-07-035] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3128. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-024] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3129. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 211.0 to 212.0 [COTP Upper Mississippi River-07-036] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3130. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 012.8 to 013.2 [COTP Upper Mississippi River-08-001] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3131. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-07-027] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3132. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [COTP Port Arthur 08-001] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3133. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 403.7 to 404.3 [COTP Upper Mississippi River-08-006] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3134. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 633.7 to 634.3 [COTP Upper Mississippi River-08-007] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3135. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 772.4 to 772.8 [COTP Upper Mississippi River-08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3136. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 697.5 to 698.5 [COTP Upper Mississippi River-08-014] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3137. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River, Mile 118.7 to 119.3 [COTP Upper Mississippi River-08-020] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3138. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 849.7 to 852.9 [COTP Upper Mississippi River-08-036] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3139. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 13.7 to 14.3 [COTP Upper Mississippi River-08-009] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3140. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 13.7 to 14.3 [COTP Upper Mississippi River-08-10] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3141. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 13.7 to 14.3 [COTP Upper Mississippi River-08-11] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3142. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 364.5 to 365.5 [COTP Upper Mississippi River-08-12] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3143. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake of the Ozarks, Mile 006.5 to 007.5 [COTP Upper Mississippi River-08-13] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3144. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 729 to 731, Troy, IN [Docket No.: COTP Ohio Valley-07-045] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3145. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Miles 182.2 to 184.2, Parkersburg, West Virginia [Docket No.: COTP Ohio Valley 08-001] received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3146. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 206.7 to 208, Pickwick, TN [Docket No.: COTP Ohio Valley-08-002] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3147. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River Miles 59.4 to 61.9, Charleston, West Virginia [Docket No.: COTP Ohio Valley 08-003] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3148. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 602.5 to 605.0, Louisville, KY [Docket No.: COTP Ohio Valley 08-004] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3149. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3150. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-009] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3151. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-010] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3152. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-010] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3153. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Freeport Entrance Channel, Between Green Buoy #3 and Red Buoy #4, Freeport, TX [COTP Houston-Galveston-08-013] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3154. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-014] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3155. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-015] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3156. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-016] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3157. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, mile marker 328 to 330 [COTP Houston-Galveston-08-017] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3158. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-018] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3159. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-08-019] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3160. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 653 to 650, Westover Landing [COTP Lower Mississippi River-08-011] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3161. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 433.0 to 439.0 [COTP Lower Mississippi River-08-012] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Minneapolis, MN [Docket No.: FAA-2009-0062; Airspace Docket No. 09-AGL-2] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3163. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Sioux City, IA [Docket No.: FAA-2008-1104; Airspace Docket No. 08-ACE-2] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3164. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Columbus, OH [Docket No.: FAA-2008-1185; Airspace Docket No. 08-AGL-11] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3165. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Milwaukee, WI [Docket No.: FAA-2008-1291; Airspace Docket No. 08-AGL-20] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3166. A letter from the Secretary, Department of Transportation, transmitting the Department's fifth report on the breakdown of the disability-related complaints that U.S. and foreign passenger air carriers operating to and from the U.S. received during 2008, pursuant to Section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

3167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Ankeny, IA [Docket No.: FAA-2009-0187; Airspace Docket No. 09-ACE-3] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3168. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and

MD-11F Airplanes [Docket No.: FAA-2008-0735; Directorate Identifier 2008-NM-085-AD; Amendment 39-15803; AD 2009-03-02] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3169. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Umiat, AK [Docket No.: FAA-2008-0455; Airspace Docket No. 08-AAL-14] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3170. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No.: FAA-2009-0155; Directorate Identifier 2009-CE-007-AD; Amendment 39-15825; AD 2009-05-01] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3171. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tower, MN [Docket No.: FAA-2008-1186; Airspace Docket No. 08-AGL-12] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3172. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Medford, WI [Docket No.: FAA-2008-1211; Airspace Docket No. 08-AGL-13] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3173. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30647, Amdt. No. 3304] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3174. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures Miscellaneous Amendments [Docket No.: 30648; Amdt. 3305] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3175. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG, BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines [Docket No.: FAA-2007-0169; Directorate Identifier 2007-NE-45-AD; Amendment 39-15819; AD 2009-04-13] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3176. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-6-1, DHC-6-100, DHC-6-200, and DHC-6-300 Airplanes [Docket No.: FAA-2008-1267; Directorate Identifier 2008-CD-069-AD; Amendment 39-15815; AD 2009-04-09] (RIN: 2120-AA64) received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3177. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12/47E Airplanes [Docket No.: FAA-2009-0146; Directorate Identifier 2009-CE-009-AD; Amendment 39-15820; AD 2009-04-14] (RIN: 2120-AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3178. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Airplanes [Docket No.: FAA-2008-0613; Directorate Identifier 2008-NM-066-AD; Amendment 39-15794; AD 2009-02-04] (RIN: 2120-AA64) received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3179. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30650; Amdt. 3307] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3180. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30649; Amdt. No. 3306] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3181. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30676; Amdt. No. 3330] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3182. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes Equipped with a Cockpit Door Electronic Strike System Installed in Accordance with Supplemental Type Certificate (STC) ST02014NY [Docket No.: FAA-2009-0313; Directorate Identifier 2008-NM-144-AD; Amendment 39-15769; AD 2008-26-03] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3183. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2008-1201; Directorate Identifier 2008-NM-007-AD; Amendment 39-15922; AD 2009-11-12] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3184. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30677; Amdt. No. 3331] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3185. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc., T5313 and T5317 Series Turbohaft Engines [Docket No.: FAA-2008-1311; Directorate Identifier 2007-NE-48-AD; Amendment 39-15976; AD 2009-15-13] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3186. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No.: FAA-2007-28988; Directorate Identifier 2007-NM-047-AD; Amendment 39-15975; AD 2009-15-12] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3187. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, A321 Series Airplanes [Docket No.: FAA-2008-1365; Directorate Identifier 2008-NM-076-AD; Amendment 39-15970; AD 2009-15-07] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3188. A letter from the Dir, Regulation Policy & Management, Department of Veterans Affairs, transmitting the Department's final rule — Elimination of Requirement for Prior Signature Consent and Pre- and Post-Test Counseling for HIV Testing (RIN: 2900-AN20) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3189. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Cargo Container and Road Vehicle Certification Pursuant to International Conventions: Designated Certifying Authorities (RIN: 1651-AA78) received July 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3190. A letter from the Federal Register Liaison, Department of the Treasury, transmitting the Department's final rule — Liquor Dealer Recordkeeping and Registration, and Repeal of Certain Special (Occupational) Taxes [Docket No.: TTB-2009-0003; T.D. TTB-79; Re: Notice No. 96] (RIN: 1513-AB63) received July 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3191. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 126.-Certain Cost-Sharing Payments Forest Health Protection Program [Rev. Rul. 2009-03] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3192. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Fails Charges for purposes of sections 871, 881, 1441 and 1442 [Notice 2009-61] received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3193. A letter from the Chairman, International Trade Commission, transmitting a report entitled, "The Year in Trade 2008", pursuant to Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

3194. A letter from the Acting Associate Administrator, Office of Congressional and

Intergovernmental Relations, Environmental Protection Agency, transmitting a draft of proposed legislation to collect certain fees under the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as indicated in the President's Fiscal Year 2010 Budget; jointly to the Committees on Energy and Commerce and Agriculture.

3195. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) July 2009 Quarterly Report and Semiannual Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

3196. A letter from the Secretary, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2008, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

3197. A letter from the Acting Assistant Secretary of the Army, Department of Defense, transmitting Proposal to improve the way the Nation raises the revenues need to cover the non-Federal share of capital costs of inland and intracoastal waterways projects; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

3198. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2010 [CMS-1420-F] (RIN: 0938-AP45) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3199. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting the Office's 2009 Report on the Technology Transfer Program (TTP) for the Previous Year, pursuant to ONDCP Reauthorization Act of 2006; jointly to the Committees on Oversight and Government Reform, the Judiciary, and Energy and Commerce.

3200. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1842-DR for the state of Alabama, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

3201. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1841-DR for the Commonwealth of Kentucky, pursuant to Public Law 110-329 section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

3202. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports that appear on page 119-144 of the March 2009 "Treasury Bulletin", pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Energy and Commerce, Agriculture, and Education and Labor.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS—

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3193. A bill to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse" (Rept. 111-245). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2121. A bill to provide for the transfer of certain Federal property to the Galveston Historical Foundation; with amendments (Rept. 111-246). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 136. A resolution authorizing the use of the Capitol Grounds for a celebration of Citizenship Day (Rept. 111-247). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3165. A bill to provide for a program of wind energy research, development, and demonstration, and for other purposes; with an amendment (Rept. 111-248). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BURGESS:

H.R. 3533. A bill to amend the Consumer Product Safety Act to clarify and ensure the effective implementation of certain children's product safety provisions added by the Consumer Product Safety Improvement Act of 2008; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 3534. A bill to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York (for herself, Mrs. LOWEY, and Mr. CUMMINGS):

H.R. 3535. A bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from sending or receiving text messages while operating a motor vehicle; to the Committee on Transportation and Infrastructure.

By Mrs. MCCARTHY of New York (for herself, Mr. KILDEE, Ms. FUDGE, Mr. FILNER, Mr. PETERS, Mr. ROTHMAN of New Jersey, Mr. BOUCHER, Mr. COSTELLO, Mr. HARE, and Mr. BISHOP of New York):

H.R. 3536. A bill to provide for an increase of \$150 in social security benefits for one month in 2010 to compensate for the lack of a cost-of-living adjustment for that year; to the Committee on Ways and Means.

By Mr. ORTIZ (for himself and Mr. BROWN of South Carolina):

H.R. 3537. A bill to amend and reauthorize the Junior Duck Stamp Conservation and

Design Program Act of 1994; to the Committee on Natural Resources.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 3538. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; to the Committee on Natural Resources.

By Mr. SIREs (for himself, Mr. LANCE, Mr. ROTHMAN of New Jersey, Mr. LOBIONDO, Mr. PALLONE, Mr. ANDREWS, Mr. ADLER of New Jersey, Mr. PAYNE, Mr. HOLT, Mr. PASCRELL, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, and Mr. GARRETT of New Jersey):

H.R. 3539. A bill to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. STUPAK:

H.R. 3540. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. CONNOLLY of Virginia:

H. Con. Res. 179. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. MOORE of Kansas, Mr. WU, and Mr. GONZALEZ):

H. Con. Res. 180. Concurrent resolution expressing support for designation of the period beginning on September 21, 2009, and ending on September 25, 2009, as "National Health Information Technology Week"; to the Committee on Energy and Commerce.

By Mr. LEWIS of California:

H. Res. 721. A resolution expressing the sense of the House of Representatives that any major health care reform bill considered on the floor of the House should be available for viewing for 30 calendar days; to the Committee on Rules.

By Mr. HOYER (for himself and Mr. BOEHNER):

H. Res. 722. A resolution expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001; to the Committee on Oversight and Government Reform, and in addition to the Committees on Foreign Affairs, Armed Services, Transportation and Infrastructure, the Judiciary, Homeland Security, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

161. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 114 memorializing the Congress of the United States to take such actions as are necessary to maintain the private, dual charter banking system as well as to preserve the thrift charter and mutuality; to the Committee on Financial Services.

162. Also, a memorial of the House of Representatives of the State of Michigan, rel-

ative to House Resolution No. 102 memorializing the United States Congress to enact H.R. 521, the Stillbirth Awareness and Research Act of 2009; to the Committee on Energy and Commerce.

163. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 339 memorializing that the President of the United States and the Congress to work together with the State of Illinois to ensure the viability of the Chrysler plant in Belvidere; to the Committee on Energy and Commerce.

164. Also, a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Resolution 1004 memorializing the United States Congress to pass the American Sovereignty Restoration Act; to the Committee on Foreign Affairs.

165. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2006 memorializing the United States Congress to refrain from enacting any legislation affecting Arizona's Public Lands; to the Committee on Natural Resources.

166. Also, a memorial of the House of Representatives of the State of Louisiana, relative to HOUSE CONCURRENT RESOLUTION NO. 208 memorializing the United States Congress to take such actions as are necessary to oppose changes in the federal tax policy and to reject these changes in the President's Budget in order to avoid catastrophic damage to Louisiana's oil and gas industry; to the Committee on Ways and Means.

167. Also, a memorial of the Senate of the State of North Dakota, relative to Senate Concurrent Resolution No. 4022 memorializing the Congress of the United States and the President to enact federal legislation to repeal perverse federal tax subsidies to United States companies that move manufacturing operations and American jobs offshore; to the Committee on Ways and Means.

168. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 36 memorializing the Department of the Interior and the Congress of the United States to provide additional aid to the State of Hawai'i for state services to migrants from the Compact of Free Association Nations; to the Committee on Select Comm Narcotics Abuse & Control.

169. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 62 memorializing the Department of the Interior and the United States Congress to provide additional federal aid to the State of Hawai'i for the provision of various state services to migrants from the Compact of Free Association Nations; to the Committee on Select Comm Narcotics Abuse & Control.

170. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 67 memorializing the United States Congress to oppose specified proposed rule amendments for the Developmental Disabilities Programs that implement the Developmental Disabilities Assistance and Bill of Rights and to support new sections in the upcoming reauthorization; jointly to the Committees on Energy and Commerce and Education and Labor.

171. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 90 memorializing the United States Congress to oppose specified proposed rule amendments for the Developmental Disabilities program and to support new sections in the upcoming reauthorization; jointly to the Committees on Energy and Commerce and Education and Labor.

172. Also, a memorial of the House of Representatives of the State of Louisiana, relative to HOUSE CONCURRENT RESOLUTION NO. 215 memorializing the United States Congress to take such actions as are necessary to promptly consider and pass the New Alternative Transportation to Give Americans Solutions Act of 2009 (H.R. 1835) and to urge each member of the Louisiana congressional delegation to express their support for the Act by becoming a cosponsor; jointly to the Committees on Ways and Means, Oversight and Government Reform, and Science and Technology.

173. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 158 memorializing the Congress of the United States to support the American Clean Energy and Security Act of 2009; jointly to the Committees on Energy and Commerce, Foreign Affairs, Ways and Means, Financial Services, Science and Technology, Education and Labor, Transportation and Infrastructure, Natural Resources, Agriculture, Oversight and Government Reform, and the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. WATERS introduced a bill (H.R. 3541) for the relief of Rafael Camacho, Rosa B. Camacho, and Rosa Camacho; which was referred to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. COLE.  
H.R. 55: Mr. QUIGLEY.  
H.R. 163: Mr. THOMPSON of Mississippi.  
H.R. 235: Mr. GOODLATTE and Ms. CASTOR of Florida.  
H.R. 303: Mr. GUTIERREZ and Mr. CHANDLER.  
H.R. 330: Mr. SESTAK.  
H.R. 370: Mr. CONNOLLY of Virginia.  
H.R. 426: Mr. SESTAK.  
H.R. 537: Ms. JACKSON-LEE of Texas, Mr. PAYNE, and Mr. SESTAK.  
H.R. 571: Mr. BONNER, Mr. INSLEE, Ms. BALDWIN, Mr. ANDREWS, Mr. PRICE of Georgia, Mr. CAO, Mr. ROONEY, and Mr. COBLE.  
H.R. 614: Mr. PLATTS.  
H.R. 615: Mr. MCCOTTER.  
H.R. 618: Ms. LEE of California and Mr. KILDEE.  
H.R. 621: Mr. FATTAH, Mr. WAMP, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. MCCAUL, Mr. TOWNS, Mr. AL GREEN of Texas, Mr. EDWARDS of Texas, Ms. BEAN, Mr. DOGGETT, Mr. Harper, Mr. ROGERS of Alabama, Mr. ROYCE, Mr. SCOTT of Virginia, Mr. ELLSWORTH, Mr. SAM JOHNSON of Texas, Mr. RUPERSBERGER, and Ms. SPEIER.  
H.R. 622: Mr. ROSKAM.  
H.R. 635: Mr. WEXLER and Mr. HARE.  
H.R. 690: Mr. MCCOTTER, Mr. CARNEY, Mr. ROSS, and Mr. LEVIN.  
H.R. 716: Mr. HONDA, Mrs. NAPOLITANO, and Mr. MCCOTTER.  
H.R. 881: Ms. FALLIN, Mr. BURTON of Indiana, Mr. LUCAS, and Mr. ROGERS of Michigan.  
H.R. 916: Mr. MURPHY of Connecticut and Mr. YOUNG of Alaska.  
H.R. 930: Mr. SHULER, Ms. SCHAKOWSKY, Mr. CUMMINGS, Mr. FRANK of Massachusetts, and Mr. BOUCHER.  
H.R. 932: Mr. TURNER, Mr. FATTAH, and Mr. DOYLE.

H.R. 953: Mr. ROONEY and Mr. HINOJOSA.  
H.R. 965: Mr. CONNOLLY of Virginia.  
H.R. 997: Mr. BONNER, Mr. MICA, Mrs. EMERSON, and Mr. PENCE.  
H.R. 1020: Mr. CUMMINGS and Mr. CARNAHAN.  
H.R. 1086: Mr. PLATTS.  
H.R. 1101: Mr. YOUNG of Alaska.  
H.R. 1173: Mr. POE of Texas and Mr. BOYD.  
H.R. 1179: Mr. MARSHALL, Mr. CHANDLER, Mr. ROONEY, and Mr. SHUSTER.  
H.R. 1182: Mr. GUTIERREZ, Mr. BOSWELL, Mr. HONDA, Ms. BALDWIN, Mr. FILNER, Mr. SABLAN, and Ms. GIFFORDS.  
H.R. 1189: Mr. MCCOTTER.  
H.R. 1193: Mr. FATTAH.  
H.R. 1203: Mr. SHULER, Mr. JOHNSON of Georgia, Ms. SPEIER, Mr. MINNICK, Ms. PINGREE of Maine, Ms. CASTOR of Florida, and Mr. RYAN of Wisconsin.  
H.R. 1207: Mr. LANGEVIN and Mr. GORDON of Tennessee.  
H.R. 1215: Mr. MARKEY of Massachusetts, Mr. ISRAEL, Ms. BALDWIN, Mr. COHEN, and Mr. SERRANO.  
H.R. 1230: Mr. ENGEL, Mr. STARK, Mr. HINCHEY, and Mrs. MILLER of Michigan.  
H.R. 1254: Mr. MASSA.  
H.R. 1327: Mr. BURTON of Indiana, Mr. SHULER, Ms. KILROY, Mr. WITTMAN, Mr. WAMP, Mr. HENSARLING, Mr. GONZALEZ, Mr. BUYER, and Mr. KINGSTON.  
H.R. 1392: Mr. MASSA, Mr. EHLERS, and Mr. HIMES.  
H.R. 1409: Ms. CHU.  
H.R. 1410: Mr. WAXMAN.  
H.R. 1441: Mr. DAVIS of Kentucky.  
H.R. 1443: Mrs. DAHLKEMPER and Ms. DELAURO.  
H.R. 1458: Mr. LEVIN, Mr. McDERMOTT, Mr. ROGERS of Michigan, Mr. CONYERS, and Mr. BOUCHER.  
H.R. 1499: Mr. SESTAK.  
H.R. 1505: Mr. SESTAK.  
H.R. 1507: Mr. DOGGETT.  
H.R. 1521: Mr. BOOZMAN and Mr. MCCOTTER.  
H.R. 1523: Mr. OLVER and Mr. MOORE of Kansas.  
H.R. 1526: Mr. GRIJALVA.  
H.R. 1544: Ms. SUTTON.  
H.R. 1547: Mr. LATOURETTE, Mrs. BONO MACK, and Mr. GINGREY of Georgia.  
H.R. 1549: Mr. ISRAEL and Mr. MARKEY of Massachusetts.  
H.R. 1558: Mr. KUCINICH.  
H.R. 1587: Mr. COSTELLO.  
H.R. 1588: Mr. BONNER and Mr. TIAHRT.  
H.R. 1597: Mr. CARNEY.  
H.R. 1608: Mr. McDERMOTT and Ms. TSONGAS.  
H.R. 1614: Mr. LARSEN of Washington.  
H.R. 1670: Ms. LINDA T. SANCHEZ of California and Mr. TIAHRT.  
H.R. 1685: Mr. HONDA and Mr. SERRANO.  
H.R. 1700: Ms. LINDA T. SANCHEZ of California and Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 1707: Mr. CALVERT.  
H.R. 1708: Mr. BISHOP of New York, Mr. CHANDLER, and Mr. LINCOLN DIAZ-BALART of Florida.  
H.R. 1710: Mr. SESTAK.  
H.R. 1719: Mr. ISRAEL and Mr. HONDA.  
H.R. 1744: Mr. LEE of New York, Mr. BRIGHT, Mr. MARIO DIAZ-BALART of Florida, and Mr. WOLF.  
H.R. 1751: Ms. CHU, Mr. HASTINGS of Florida, Mr. TONKO, Ms. BALDWIN, and Mr. HEINRICH.  
H.R. 1815: Mr. LATHAM.  
H.R. 1816: Mr. DAVIS of Illinois.  
H.R. 1835: Mr. SESTAK, Mr. JONES, Mr. BERRY, and Mr. ELLISON.  
H.R. 1844: Mr. MILLER of North Carolina and Mr. ALTMIRE.  
H.R. 1866: Mr. COHEN.  
H.R. 1887: Mr. MORAN of Virginia.  
H.R. 1894: Mr. PLATTS, Mr. BACA, and Mr. BARROW.  
H.R. 1895: Mr. COHEN, Mr. RANGEL, and Mr. GERLACH.  
H.R. 1927: Mr. SESTAK, Mr. BOUCHER, Mr. ELLISON, Mr. MCGOVERN, Mr. ROSS, and Ms. JACKSON-LEE of Texas.  
H.R. 1993: Mr. HINCHEY and Ms. BORDALLO.  
H.R. 2006: Mr. COURTNEY, Mr. ISRAEL, Mr. DOGGETT, and Mr. DAVIS of Alabama.  
H.R. 2017: Mr. TAYLOR, Mr. CONNOLLY of Virginia, Mr. SHULER, Mr. MARCHANT, Mr. MICA, Mr. BOUCHER, and Mr. HEINRICH.  
H.R. 2055: Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. STARK.  
H.R. 2058: Mr. BOUCHER and Mr. PAYNE.  
H.R. 2084: Mr. KUCINICH and Mr. SESTAK.  
H.R. 2085: Mr. HONDA.  
H.R. 2103: Mr. SESTAK, Mr. HOLT, and Ms. BALDWIN.  
H.R. 2139: Mr. DAVIS of Kentucky, Ms. FUDGE, Mr. CLAY, Mrs. BIGBERT, and Mr. JOHNSON of Georgia.  
H.R. 2149: Mr. DENT, Mr. ROTHMAN of New Jersey, and Mr. JONES.  
H.R. 2214: Mr. ELLISON, Mr. FILNER, Mr. WU, Mr. SCHIFF, Mr. HODES, and Mr. FARR.  
H.R. 2215: Mr. EHLERS and Mr. SCHAUER.  
H.R. 2239: Mr. PAYNE.  
H.R. 2243: Mr. BARROW, Mr. CARTER, and Mr. PLATTS.  
H.R. 2261: Mr. BROWN of South Carolina.  
H.R. 2269: Mr. CLAY and Mr. HINCHEY.  
H.R. 2276: Ms. LEE of California.  
H.R. 2329: Mr. PAYNE and Mr. SOUDER.  
H.R. 2332: Mr. SESTAK.  
H.R. 2358: Ms. JACKSON-LEE of Texas and Ms. CASTOR of Florida.  
H.R. 2387: Mr. MANZULLO.  
H.R. 2404: Ms. HARMAN and Mr. PETERS.  
H.R. 2408: Mr. GORDON of Tennessee, Mrs. MALONEY, Mr. RYAN of Ohio, Mr. MCHUGH, Mr. TOWNS, and Ms. ROS-LEHTINEN.  
H.R. 2414: Ms. CHU, Mr. HIGGINS, and Mr. HINCHEY.  
H.R. 2478: Mr. HINCHEY, Mr. TIAHRT, and Mr. SESTAK.  
H.R. 2480: Ms. SHEA-PORTER.  
H.R. 2492: Mr. DAVIS of Kentucky, Mr. ELLISON, Mr. McDERMOTT, Mr. SARBANES, and Mrs. NAPOLITANO.  
H.R. 2499: Mr. BACA.  
H.R. 2523: Mrs. CHRISTENSEN.  
H.R. 2547: Ms. HERSETH SANDLIN.  
H.R. 2558: Mr. CAO.  
H.R. 2560: Mr. FORBES, Mr. BRALEY of Iowa, and Mr. SESTAK.  
H.R. 2563: Mr. WEXLER.  
H.R. 2567: Mr. PAUL, Ms. SPEIER, and Mr. TIERNEY.  
H.R. 2612: Mr. ISRAEL.  
H.R. 2690: Ms. MOORE of Wisconsin.  
H.R. 2709: Mr. COHEN, Mr. TOWNS, Mr. SCOTT of Virginia, Mr. GEORGE MILLER of California, and Mr. LEWIS of Georgia.  
H.R. 2721: Mr. COHEN.  
H.R. 2724: Mr. HONDA and Mr. HALL of New York.  
H.R. 2737: Mr. LINCOLN DIAZ-BALART of Florida, Mr. OLVER, Mr. CONNOLLY of Virginia, Mr. GRIJALVA, Mr. HEINRICH, Mr. DOGGETT, Mr. PRICE of North Carolina, Mr. HOLDEN, Mr. MORAN of Virginia, Mr. STARK, Mr. MORAN of Kansas, Mr. SENSENBRENNER, Mr. SOUDER, Mr. PETERSON, Mr. CAO, Mr. LATHAM, Mr. DANIEL E. LUNGREN of California, Mr. JOHNSON of Illinois, Mr. BISHOP of Utah, Mr. ROSKAM, Mr. ALEXANDER, and Mr. VAN HOLLEN.  
H.R. 2756: Mr. DEFazio and Ms. BALDWIN.  
H.R. 2766: Mr. SESTAK.  
H.R. 2802: Mr. MARKEY of Massachusetts.

H.R. 2819: Ms. LEE of California and Mr. ENGEL.

H.R. 2840: Mr. RAHALL.

H.R. 2842: Mr. FLEMING.

H.R. 2859: Mrs. CAPPS.

H.R. 2866: Mr. FRANK of Massachusetts, Mr. PLATTS, Mr. BONNER, Mr. FILNER, Mr. BOUCHER, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2882: Ms. EDWARDS of Maryland, Ms. SPEIER, and Mr. WAXMAN.

H.R. 2891: Mr. ELLISON.

H.R. 2906: Mr. COURTNEY and Mr. COHEN.

H.R. 2935: Mr. PLATTS, Mr. SHERMAN, Mr. WEXLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. JONES, Mr. TIERNEY, and Ms. BALDWIN.

H.R. 3008: Mr. SESTAK.

H.R. 3010: Mr. MCGOVERN.

H.R. 3012: Ms. RICHARDSON.

H.R. 3017: Mr. SARBANES and Mr. BACA.

H.R. 3040: Mr. COHEN.

H.R. 3042: Mrs. MCCARTHY of New York, Mr. LEWIS of Georgia, Ms. NORTON, Mr. RYAN of Ohio, and Mrs. MALONEY.

H.R. 3044: Mrs. HALVORSON, Mr. McKEON, Mr. CALVERT, Mr. BROWN of South Carolina, Mr. ROHRBACHER, Mr. NEAL of Massachusetts, Mr. BOUCHER, Mr. PLATTS, Mr. PRICE of Georgia, Ms. FOXX, Mr. ABERCROMBIE, Ms. GRANGER, Mr. HEINRICH, Mr. PERRIELLO, Mr. STEARNS, Mr. HONDA, and Mr. PETERS.

H.R. 3046: Mr. MINNICK.

H.R. 3127: Mr. PAYNE.

H.R. 3140: Mr. MANZULLO.

H.R. 3165: Mr. BRALEY of Iowa and Mr. SESTAK.

H.R. 3177: Mr. SESTAK.

H.R. 3188: Ms. FALLIN.

H.R. 3191: Ms. BALDWIN.

H.R. 3225: Mr. SCOTT of Virginia and Mr. SESTAK.

H.R. 3226: Mr. ROONEY, Mr. CLAY, Mr. BONNER, Mr. ADERHOLT, Ms. JENKINS, Mr. GOMERT, Mr. FRANKS of Arizona, Ms. FOXX, Mr. WESTMORELAND, Mr. MCCOTTER, Mr. TIBERI, Mr. SESSIONS, Mr. SOUDER, Mrs. BONO MACK, Mr. AUSTRIA, and Mr. WAMP.

H.R. 3227: Mr. SESTAK and Mrs. EMERSON.

H.R. 3242: Ms. SHEA-PORTER.

H.R. 3246: Mr. LARSON of Connecticut, Mr. DINGELL, and Mr. SCHAUER.

H.R. 3249: Mr. ABERCROMBIE and Mr. QUIGLEY.

H.R. 3250: Ms. WATSON, Mr. MASSA, Mr. HINCHEY, Mr. SESTAK, and Mr. HALL of New York.

H.R. 3287: Mr. SESTAK.

H.R. 3308: Mr. PLATTS, Mr. LEWIS of California, and Mr. GERLACH.

H.R. 3322: Mr. HALL of New York.

H.R. 3339: Mr. SESTAK.

H.R. 3348: Mr. ROGERS of Alabama, Mr. BONNER, Mr. MARIO DIAZ-BALART of Florida, Mr. FALEOMAVAEGA, Mr. HONDA, and Mr. REHBERG.

H.R. 3400: Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. DUNCAN, and Mrs. BLACKBURN.

H.R. 3401: Mr. KILDEE, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLDEN, Mr. MOORE of Kansas, and Ms. BALDWIN.

H.R. 3407: Mr. RODRIGUEZ.

H.R. 3415: Mrs. CAPPS.

H.R. 3416: Mr. HINOJOSA.

H.R. 3467: Mr. BRADY of Pennsylvania, Mr. LOEBSACK, and Mr. SMITH of New Jersey.

H.R. 3488: Mr. PRICE of North Carolina, Ms. TITUS, and Mr. SESTAK.

H.J. Res. 61: Mr. FRELINGHUYSEN, Mr. CUMMINGS, Mrs. MCCARTHY of New York, and Ms. BEAN.

H. Con. Res. 22: Mr. HOEKSTRA and Mr. MANZULLO.

H. Con. Res. 98: Mr. SESTAK and Ms. BORDALLO.

H. Con. Res. 149: Mr. ROSKAM.

H. Con. Res. 151: Mr. PITTS, Mr. SMITH of New Jersey, and Mr. FRANK of Massachusetts.

H. Con. Res. 163: Mr. BUTTERFIELD, Mr. SESTAK, Ms. ROS-LEHTINEN, Mr. ALTMIRE, Mr. LEWIS of Georgia, Mr. WELCH, and Mr. PAYNE.

H. Con. Res. 178: Mr. EHLERS, Mr. BROWN of South Carolina, Mr. TOWNS, Mr. MANZULLO, Mr. PAYNE, Mr. CROWLEY, Mr. DOGGETT, Mr. HINCHEY, Mr. HALL of New York, and Mr. ACKERMAN.

H. Res. 90: Mr. LARSEN of Washington.

H. Res. 167: Mr. HOLT, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. WHITFIELD, Mr. OLVER, Mr. ETHERIDGE, Mr. MEEK of Florida, and Mr. BRADY of Pennsylvania.

H. Res. 231: Mr. DICKS.

H. Res. 236: Mr. ISRAEL.

H. Res. 267: Ms. JACKSON-LEE of Texas.

H. Res. 383: Mr. KUCINICH.

H. Res. 447: Mr. DENT, Mr. WILSON of South Carolina, Mrs. HALVORSON, Mr. BROWN of South Carolina, Mr. CONNOLLY of Virginia, Mr. PERRIELLO, Mr. SHUSTER, Mr. CALVERT, Mr. FRANKS of Arizona, Mr. MORAN of Virginia, Mr. LOBIONDO, Mr. ISRAEL, Mr. BISHOP of New York, Mr. EHLERS, Mr. CAO, Mr. HILL, and Mr. COBLE.

H. Res. 486: Mr. GUTIERREZ and Mr. ROYCE.

H. Res. 494: Mr. SESTAK.

H. Res. 577: Mr. SESSIONS.

H. Res. 581: Mr. ROGERS of Alabama, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. DAVIS of Alabama.

H. Res. 615: Mr. FLAKE, Mr. NEUGEBAUER, Mr. GOODLATTE, Mr. BACHUS, Mr. DAVIS of Kentucky, Mrs. MYRICK, Mr. INGLIS, Mr. DENT, Mr. SULLIVAN, Mr. BROWN of South Carolina, Ms. JENKINS, Mr. CHAFFETZ, Mr. HARPER, Mr. HERGER, and Mr. SHADEGG.

H. Res. 619: Mr. GALLEGLY and Mr. GINGREY of Georgia.

H. Res. 641: Mr. ALEXANDER, Mr. LATTA, and Mr. CONAWAY.

H. Res. 676: Ms. BALDWIN and Mr. HOLDEN.

H. Res. 679: Ms. BERKLEY, Mr. BOOZMAN, Mr. CARNEY, Mrs. CHRISTENSEN, Mr. COSTELLO, Mr. CROWLEY, Mr. ELLISON, Mr. FORTENBERRY, Ms. FOXX, Mr. HALL of New York, Mr. HELLER, Mr. HIMES, Mr. HODES, Mr. HONDA, Mr. ISRAEL, Ms. MATSUI, Mr. MURPHY of New York, Mr. PRICE of Georgia, Mr. ROE of Tennessee, Mr. ROONEY, Mr. SHIMKUS, Mr. TIAHRT, Mr. WU, Ms. ROS-LEHTINEN, Mr. SCALISE, Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. EHLERS.

H. Res. 686: Mr. CAPUANO, Mr. THOMPSON of Pennsylvania, Ms. ZOE LOFGREN of California, and Mr. SESTAK.

H. Res. 695: Mr. GRIJALVA and Mr. REYES.

H. Res. 700: Mr. COURTNEY, Mr. SESTAK, and Mr. MORAN of Kansas.

H. Res. 701: Ms. HIRONO and Mr. MCCOTTER.

H. Res. 703: Mr. RUSH.

H. Res. 707: Mr. ROE of Tennessee, Mr. LANDEVIN, Mr. KENNEDY, Mr. ROSS, Mr. MARKEY of Massachusetts, Mr. GORDON of Tennessee, Mr. MCGOVERN, and Mr. KUCINICH.

H. Res. 718: Mr. PRICE of North Carolina, Mr. PLATTS, Mr. EHLERS, Mrs. MCCARTHY of New York, Mr. ABERCROMBIE, Mr. ARCURI, Ms. BALDWIN, Mr. BERMAN, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARDOZA, Mr. CARNEY, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CHU, Ms. CLARKE, Mr. CLAY, Mr. CONYERS, Mr. COURTNEY, Mr. CROWLEY, Ms. DELAURO, Ms. FUDGE, Ms. GIFFORDS, Mr. HALL of New York, Mrs. HALVORSON, Mr. HARE, Ms. HARMAN, Ms. HIRONO, Mr. HODES, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. LANCE, Mr. LEE of New York, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mrs. MALONEY, Mr. MCGOVERN, Mr. MCMAHON, Mr. MCNERNEY, Mr. MELANCON, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of New York, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PERRIELLO, Mr. SABLON, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESTAK, Mr. SIRES, Ms. SLAUGHTER, Mr. SPACE, Mr. THOMPSON of California, Mr. TIERNEY, Mr. WAXMAN, Mr. WOLF, and Mr. HASTINGS of Florida.

## PETITIONS, ETC.

Under clause 1 of Rule XXII,

65. The SPEAKER presented a petition of City of Miami Commission, Florida, relative to City of Miami Legislation Resolution: R-09-0282 petitioning for the immediate enactment of the Administration's Health Care Reform Principles; to the Committee on Energy and Commerce.

## EXTENSIONS OF REMARKS

HONORING THE MOST REVEREND JAMES H. GARLAND ON THE ANNIVERSARY OF HIS EPISCOPAL ORDINATION AND PRIESTLY ORDINATION

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. STUPAK. Madam Speaker, I rise to honor the Most Reverend James H. Garland on the 25th anniversary of his Episcopal ordination and the 50th anniversary of his priestly ordination. For 50 years Bishop Garland has served the Lord, the Catholic Church, and countless members in his parishes. For 13 years Bishop Garland served the Diocese of Marquette, which remains today a church that is intrinsically linked to the spirit of the Upper Peninsula.

Bishop Garland received his bachelor's degree in education from Ohio State University in 1953. During that year he began studies at the seminaries of the Archdiocese of Cincinnati and was ordained to the priesthood for the Archdiocese of Cincinnati on August 15, 1959. Following ordination, Bishop Garland served in several parishes and directed offices of Catholic Charities in Springfield and Dayton, Ohio, as well as the Archdiocesan Office of Catholic Charities. Bishop Garland also went on to receive a master's degree in philosophy from Mount Saint Mary's Seminary of the West in 1960, and a master's degree in social work from Catholic University of America in 1965.

On June 2, 1984, Bishop Garland was appointed to the Episcopacy by Pope John Paul II and ordained Titular Bishop of Garriana and Auxiliary to the Archbishop of Cincinnati on July 25, 1984. He has also directed the Archdiocesan Departments of Community Services and Pastoral Services of the Archdiocese of Cincinnati.

On November 11, 1992, Bishop Garland was installed as the eleventh Bishop of the Diocese of Marquette, Michigan—a diocese rich in history, rich in faith and rich in the Lord's spirit. During his tenure as Bishop of Marquette, Bishop Garland became known throughout the diocese for his service, his generosity, and the cookies he baked for volunteers. My hometown church, the Holy Spirit Catholic Church in Menominee, Michigan, resides in the Diocese of Marquette and I am personally grateful for Bishop Garland's steady leadership and strong commitment to the members of the diocese.

Bishop Garland implemented the Legacy of Faith endowment program to develop faith formation and to keep Catholic schools throughout our diocese on solid financial ground. My wife, Laurie, and I are proud to serve as two of the bishop's ambassadors, helping to preserve Catholic faith throughout the Upper Peninsula.

Bishop Garland's committed work ethic extended beyond the Diocese of Marquette as well. He served on the Administrative Committee and Board of the United States Catholic Conference/National Conference of Catholic Bishops; he served as chairman of the United States Catholic Conference Committee for the Campaign for Human Development from 1992 to 1995; and he served as chairperson of the Bishops of Region VI of the National Conference of Catholic Bishops from 1995 to 1997.

Bishop Garland retired as Bishop of Marquette on December 13, 2005, but he remains active in spreading the Word of the Lord, serving as executive director of the Bishop Baraga Association and writing articles for the diocesan Catholic newspaper. He also continues to care for those in the Marquette community as a hospice volunteer and enjoys reading, music, and gardening in his retirement.

Madam Speaker, the story of Michigan's Upper Peninsula is deeply intertwined with the history of the Diocese of Marquette. Bishop Garland's years of service are now an important part of this history. In honor of the countless lives he has touched, his dedication to the Roman Catholic Church, and his unwavering faith in the Lord I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in recognizing the Most Reverend Bishop James H. Garland on the 25th anniversary of his Episcopal ordination and the 50th anniversary of his priestly ordination.

### HONORING DAVID BORUNDA

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. RADANOVICH. Madam Speaker, Mr. COSTA and I rise today to commend and congratulate David Borunda upon being named the "2009 Businessman of the Year" by the Central California Hispanic Chamber of Commerce. Mr. Borunda will be recognized at the 21st Annual Central California Business Expo, to be held in Fresno, California on Friday, August 7, 2009.

Mr. Borunda has been treating his customers to, as he describes, "Mexican food with a passion" in Fresno since he established Plaza Ventana in 1977. Plaza Ventana remains one of the most awarded restaurants in Fresno and enjoys the distinction of receiving the "Best of Fresno" award by Fresno Magazine and receiving "The Central Valley's People's Choice Award" awarded to Mr. Borunda by the Fresno Bee. With two locations in Fresno, Plaza Ventana offers an extensive menu and is considered one of the top Mexican restaurants in the Central Valley by residents and visitors alike.

Mr. Borunda is one of the founding members of the Central California Hispanic Chamber of Commerce and he has served on the board of directors since the chamber was founded during a meeting in his restaurant at the original Plaza Ventana location in 1983. He has been very active in the community serving on the board of the California Restaurant Association of Fresno and as a member of the Central California Hispanic Chamber of Commerce Toastmasters. Mr. Borunda's steadfast commitment to the community has set an example for other business owners to follow.

Through years of hard work and dedication, Mr. Borunda's investment in his business makes him worthy of this esteemed recognition. He has managed to stand alone as a family-run and operated business among many competitors and continues to put his customers first. It is for those reasons that we take great pride and honor in joining the Central California Hispanic Chamber of Commerce in recognizing David Borunda as "2009 Businessman of the Year" and we invite our colleagues to join in wishing Mr. Borunda much continued success and prosperity.

Mr. COSTA and I invite my colleagues to join me in wishing Mr. Borunda many years of continued success.

### HONORING REAR ADMIRAL MICHAEL K. MAHON

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Rear Admiral Michael K. Mahon upon his retirement from the position of Director of Surface Warfare for the United States Navy.

A 1979 graduate of the United States Naval Academy, Rear Admiral Mahon furthered his education as he earned a Master's degree in strategic planning from the Naval Postgraduate School and national security strategy from the National War College, where he graduated with distinction.

Rear Admiral Mahon's first sea tour was aboard the USS *Dewey* (DDG 45) where he served as Electronic Warfare Officer, Assistant CIC Officer and CIC Officer. Since then, he has served as the Operations Officer aboard USS *Gallery* and COMDESRON 24 in 1986 and 1987, respectively. In early 1990, he reported to the OPNAV staff and served as the Joint Strategic Planning System Officer for the Deputy Chief of Naval Operations for Plans, Policy, and Operations.

In 1992, Rear Admiral Mahon served as the Commissioning Executive Officer of USS *Cape St. George*. *Cape St. George* was selected as the first ship other than a battleship

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to ever win the Arizona Memorial Trophy. He went on to serve as the Flag Secretary to CINCUSNAVEUR from 1994 to 1996 and Deputy Executive Assistant to the Commander of the NATO Implementation Force (IFOR) in Sarajevo, Bosnia Herzegovina.

Rear Admiral Mahon's most recent assignment was as Deputy Chief of Staff for Operations, Allied Maritime Component Command, Northwood United Kingdom. Additionally, he was the U.S. Naval Forces Europe representative from October 2005 to January 2007.

His awards include the Defense Superior Service Medal, Legion of Merit (with two gold stars), Bronze Star, Defense Meritorious Service Medal and the Meritorious Service Medal (with three gold stars), among many others.

Madam Speaker, I ask that you join me today to honor Rear Admiral Michael K. Mahon in his retirement from the position of Director of Surface Warfare. It is with great pride that I congratulate Admiral Mahon on his exemplary defense career.

#### A TRIBUTE TO THE BOWLING GREEN AREA CHAMBER OF COMMERCE

##### HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. GUTHRIE. Madam Speaker, I rise today to honor the Bowling Green Area Chamber of Commerce for being recognized as Chamber of the Year. This acknowledgement was made during the American Chamber of Commerce Executives' annual conference.

Through the leadership of Chairman of the Board Todd Davis, President Jim Hizer, and the teamwork of the community, the Bowling Green Area Chamber of Commerce was recognized by their peers for their hard work and achievements.

Success in economic development efforts and community programs led to the Chamber being elevated as the top organization in its class. The region's business community has seen tremendous growth due to the leadership programs, educational initiatives, and other opportunities provided by the Chamber to its members.

The Bowling Green Area Chamber of Commerce has shown a strong commitment to bringing success and prosperity to the community. I commend the Board of Directors, staff, membership, and volunteers of the Chamber on receiving this prestigious honor.

#### RECOGNIZING THE SIXTH FLOOR MUSEUM AT DELANEY PLAZA

##### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to salute the Sixth Floor Museum at Delaney Plaza for being accepted into the prestigious Museum Assessment Program. The Sixth Floor Mu-

seum is located on the sixth and seventh floors of the Texas School Book Depository, the warehouse from which Lee Harvey Oswald assassinated President John F. Kennedy on November 22, 1963. The Sixth Floor Museum at Delaney Plaza opened in 1989 to commemorate the life and detail the events surrounding the assassination of President John F. Kennedy.

The Museum Assessment Program is a highly selective program administered by the American Association of Museums through a cooperative agreement with the Institute of Museum and Library Services that helps museums to improve their services through a rigorous evaluation process. Museums of all sizes and types apply for acceptance into the Management Assessment Program in hopes of becoming even stronger institutions. The program contains elements of peer review and self-study that enable museums to identify ways to allocate resources more efficiently, approach funders more successfully, and cater more directly to audiences of museum goers.

The Sixth Floor Museum at Delaney Plaza rightfully deserves its recent acceptance into the Museum Assessment Program, as it has serviced over 6 million visitors since its opening in 1989. The museum highlights the impacts of President John F. Kennedy's death on the nation and the world through films, photographs, artifacts and interpretive displays. The Sixth Floor Museum is one of only four museums in Texas to achieve this high honor in 2009.

I applaud the staff and volunteers at the Sixth Floor Museum at Delaney Plaza for their hard work and ability to operate a museum that has gained acceptance into such a widely respected assessment program. I ask my fellow colleagues to join me in recognizing the Sixth Floor Museum at Delaney Plaza for having received such a high honor.

#### HONORING THE 50TH ANNIVERSARY OF TROUT UNLIMITED

##### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. STUPAK. Madam Speaker, I rise to recognize the national Trout Unlimited on the group's Anniversary celebration. Throughout the past 50 years, members of Trout Unlimited have shown continued dedication toward conserving, protecting and restoring North America's coldwater fisheries and their watersheds.

In 1959 former auto executive and conservationist George Mason approached George Griffith about starting an organization dedicated to fly-fishing and natural trout reproduction. In September 1959, 16 fishermen and conservationists gathered in Grayling, Michigan at Griffith's Fishing Lodge, "The Barless Hook," to hold the first Trout Unlimited meeting.

The next year, 300 people attended an organizational meeting for Trout Unlimited at the American Legion Lounge and Lanes in Grayling. Over the past 50 years, membership in Trout Unlimited has grown to 140,000 members with more than 400 chapters around the

country. The organization continues to be guided by the principle if we "take care of the fish, then the fishing will take care of itself."

Today, the education and conservation efforts of Trout Unlimited span from Southern California steelhead, to sockeye salmon in Alaska's Bristol Bay, to the headwater spring chinook streams of central Idaho, then east to Maine Atlantic salmon and south to Georgia brook trout. Trout Unlimited volunteers have done everything from installing habitat improvement structures, fencing out cattle, replacing stream banks and implementing educational campaigns. This work amounts to 125,000 volunteer hours and \$1,500,000 in restoration work each year.

Trout and salmon set the standard for the overall health of an eco-system—a standard that benefits all living creatures and plants that share it, including humans. From birth to death they serve as a critical part of the food chain that sustains us and wildlife far beyond the streams and rivers in which they live. They provide food for animals such as bald eagles, bear, and other fish and their carcasses contribute rich nutrients to the water and nearby trees and plants. Because of their actions, the continual conservation efforts of Trout Unlimited have positive repercussions for critical eco-systems far beyond the salmon and trout themselves.

During its 50-year history Trout Unlimited has carried out hundreds of local stream restoration projects; updated and reformed the use of hatcheries to recover imperiled fish populations; worked with landowners, government agencies, Native American tribes, and other conservation groups to repair damaged fish habitats; protected remaining health habitats; revised harvest practices to support sustainable trout and salmon populations; and, worked through the federal licensing process and negotiated with private landowners to ensure dams cause minimal harm to fish runs.

Madam Speaker, the determined efforts of all members of Trout Unlimited have shown that restoring a river can result in stronger local communities as well as stronger aquatic environments. For their work to preserve and protect not only trout and salmon, but coldwater fisheries and watersheds across North America, I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in recognizing Trout Unlimited on its 50th Anniversary.

#### RECOGNIZING THE JANE ADDAMS RESOURCE CORPORATION

##### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize and honor the outstanding impact that the Jane Addams Resource Corporation has had on the lives of Chicago's residents and the strength of its communities through their groundbreaking and exemplary job training and community building programs.

First created in 1985 to stem the flow of manufacturing jobs out of the Ravenswood Industrial corridor, the work of the Jane Addams

Resource Corporation has been met with enthusiasm and success. Providing a variety of Education and Human Development Programs, excellent skills training and support services to low-income and unemployed workers, and Business and Real Estate Programs, the JARC has helped to transform and revitalize Chicago's neighborhoods by strengthening the local economy and putting people back to work. The Corporation's extraordinary efforts have been recognized both regionally and nationally, and its programs have become a model for community and economic development throughout the United States.

Over the past 24 years, JARC has emerged as an invaluable benefactor of communities and neighborhoods throughout the Chicagoland area. Recognizing that strong local communities are often a product of a vibrant local economy, the JARC has employed a dynamic approach to community development by providing high quality skills training to low-income and unemployed workers, and at the same time building strong relationships with Chicago-area manufacturers to provide JARC graduates with well paying jobs. As a result, Chicago neighborhoods and businesses have been strengthened and low-wage earners and the unemployed have found self-sufficiency and hope.

Madam Speaker, in the midst of economic turmoil and the worst recession since the 1930s, the Jane Addams Resource Center has been a beacon of hope and help for the people who need it most. In the last year alone, 1,191 low-wage workers received employer-based manufacturing skills training with a completion rate of 99%, 25 previously unemployed individuals were trained and placed in full-time jobs with an average hourly wage of over \$13.00, and in just the past 6 weeks, 7 trainees were placed in jobs. In working to improve Chicago's neighborhoods and provide valuable training to low-wage workers and the unemployed, the JARC has emerged as a unifying and beneficial force in the Chicagoland area, and I thank them for their 24 years of exceptional service to Chicago's communities and citizens.

#### EARMARK DECLARATION

#### HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. CULBERSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the FY 2010 Department of Defense Appropriations Act:

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Army Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: Rice University; 6100 Main Street, MS 603; Houston, TX 77005

Description of Request: Provide an earmark of \$5,000,000 to the Alliance for NanoHealth.

This project will support collaborative research to advance nanomedicine, which has the potential to provide significant medical breakthroughs in disease diagnosis, treatment and prevention.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Army Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: M.D. Anderson Cancer Center; 1515 Holcombe Boulevard, Unit 169; Houston, TX 77030

Description of Request: Provide an earmark of \$2,000,000 to the M.D. Anderson Cancer Center. This project will support equipment, supplies and production at the Center for Cancer Immunology, a center utilizing innovation in immunotherapies and vaccinations to cure cancer. In the near future, the center will vaccinate children and adults against Leukemia.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Air Force Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: Rice University; 6100 Main Street, MS 603; Houston, TX 77005

Description of Request: Provide an earmark of \$1,000,000 for the Carbon Nano-Materials Advanced Aerospace Applications project to dramatically improve the efficiency of electrical systems used by the Air Force and in the longer term, to help make America energy independent.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Army Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: Methodist Hospital System; 8060 El Rio; Houston, TX 77054

Description of Request: Provide an earmark of \$1,000,000 for the Nano-imaging Agents for Early Disease Detection project to support the research and creation of nano-imaging agents for early disease detection. Nano-imaging agents are safely injected into a patient and provide a three-dimensional image, creating a "night vision" that lights up tissue changes and cell anomalies and enabling more accurate diagnostics.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Army Research, Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: CureSearch; 4600 East West Highway, Suite 600; Bethesda, MD 20814

Description of Request: Provide an earmark of \$2,000,000 for Pediatric Cancer Research and Clinical Trials project to support pediatric cancer clinical care trials throughout the nation. Clinical trials have significantly increased the cancer cure rate for children from less than 10 percent in the 1950s to over 80 percent today.

#### EARMARK DECLARATION

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Department of Defense Appropriations Act.

Requesting Member: Congressman JEFF MILLER

Project Name: Eglin Air Force Base Range Operations Control Center (ROCC)

Account: RDAF

Legal Name of Requesting Entity: Cubic Corporation

Address of Requesting Entity: 1225 South Clark Street, Suite 702, Arlington, VA 22202

Description of Request: \$2,500,000—Eglin Air Force Base Range Operations Control Center (ROCC), Cubic Corporation. I requested these funds to address the increased testing and evaluation at Eglin AFB, the 46th Test Wing Super ROCC initiative is a phased effort involving development, procurement and military construction (MILCON) funding to meet the future need in the 2015–2020 timeframe. This project provides more effective control to better optimize range scheduling and increases flexibility in meeting the Eglin AFB test and training missions. By knowing the locations of all entities on the range, the Super ROCC will have great flexibility in reassigning missions to ground and air space previously not being used.

The entity to receive funding for this project is Cubic Corporation located at 1225 South Clark Street, Suite 702, Arlington, VA 22202. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Gulf Range Mobile Instrumentation Capability

Account: RDDW

Legal Name of Requesting Entity: Prologic

Address of Requesting Entity: 9400 Innovation Drive, Manassas, VA 20110

Description of Request: \$3,000,000—Gulf Range Mobile Instrumentation Capability, Prologic. I requested these funds for Gulf Range Mobile Instrumentation Capability for the 46th Range Group (46 RANG). The 46th Range Group (46 RANG) has a need for a capability for remote test, collection, storage and relay of various data types. This capability can be accomplished with a Gulf Range Mobile Instrumentation Capability (GR-MIC). The GR-MIC is needed to support test events on the Eglin AFB range which occur over large geographic areas (land and sea based).

The entity to receive funding for this project is Prologic located at 9400 Innovation Drive, Manassas, VA 20110. I certify that neither I

nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Intelligence Broadcast Receiver (IBR) for AFSOC MC-130 Aircraft

Account: PDW

Legal Name of Requesting Entity: DRS Technologies

Address of Requesting Entity: 651 Anchors St., Fort Walton Beach, FL 32548

Description of Request: \$1,000,000—Intelligence Broadcast Receiver (IBR) for AFSOC MC-130 Aircraft, DRS Technologies. I requested these funds to procure equipment that provides Air Force Special Operations Command (AFSOC) MC-130 Combat Shadow aircraft with vastly improved situational awareness in high threat arenas. These aircraft provide clandestine or low visibility, low level missions into denied areas to provide support to small SOF ground teams as well as to provide air refueling for specialized infiltration aircraft. This equipment provides real time information to include; immediate intelligence, Blue Force tracking (friendly units), and survivor information, greatly improving mission success and survivability.

The entity to receive funding for this project is DRS Technologies located at 651 Anchors St., Fort Walton Beach, FL 32548. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Project Name: Joint Gulf Complex Test and Training

Account: RDDW

Legal Name of Requesting Entity: Boeing

Address of Requesting Entity: 634 Anchors St. NW., Fort Walton Beach, FL 32548

Description of Request: \$3,000,000—Joint Gulf Complex Test and Training, Boeing. I requested these funds to provide critical training and mission rehearsal for Iraq and Afghanistan deployments. The range must accommodate requirements for joint testing of weapons systems that are revolutionary in nature and being developed for the War, on Terrorism. The Joint Gulf Range must accommodate critical joint training requirements specifically in support of U.S. Air Force Special Operations Command and U.S. Special Operations Command.

The entity to receive funding for this project is Boeing located at 634 Anchors St. NW., Fort Walton Beach, FL 32548. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not di-

rected to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

#### A TRIBUTE RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF OUR LADY OF PERPETUAL HELP CATHOLIC CHURCH IN DOWNEY

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the 100th anniversary of the founding of Our Lady of Perpetual Help Parish, the first Catholic church established in the City of Downey in the 34th Congressional District.

From its initial opening as St. Anthony's Church with just a few families in 1909, Our Lady of Perpetual Help Parish today boasts a membership of approximately 3,500 families. The church also educates 290 students in grades K-8 at its Our Lady of Perpetual Help School, which opened more than 60 years ago in 1948.

Under its guiding mission to "proclaim our love for God through social justice outreach," the church's involvement in the community extends well beyond religious services. Each year, Our Lady of Perpetual Help parishioners join together to help out with a wide range of community activities, including cleaning up around railroad tracks as part of "Keep Downey Beautiful," building houses with Habitat for Humanity, and participating in the Arc of Southeast Los Angeles County walk to raise funds for the organization that provides opportunities for people with intellectual and other developmental disabilities.

In celebration of the church's centennial milestone, Cardinal Roger Mahony, Archbishop of Los Angeles, will preside over an outdoor Mass in the Marian Courtyard on the grounds of Our Lady of Perpetual Help School on Sunday, September 20.

Madam Speaker, I ask my colleagues to join me along with Cardinal Roger Mahony and the parishioners of Our Lady of Perpetual Help Church in celebrating the parish's 100 years of service to its members and the community. I would also like to submit for the RECORD the church's detailed historical overview of this parish that today stands as a spiritual home for so many Downey families.

#### A HISTORY OF OUR LADY OF PERPETUAL HELP CATHOLIC CHURCH

The 100 year history of the growth and development of Our Lady of Perpetual Help Catholic Church closely parallels that of Downey and all of Southern California. Our Lady of Perpetual Help Church, which began as St. Anthony Church, grew from a scattering of Catholic families in a small mission church into a large and vigorous Catholic community whose original parish was sectioned off to aid in the establishment of 5 additional parishes.

Late in 1907 Downey area Catholics, numbering about 100, sent a petition to the

Bishop requesting that mass be held there on a regular basis. Bishop Thomas Conaty, in response to their plea, arranged to have a priest say mass at Mannings Hall in Downey every Sunday morning.

In preparation for the construction of Downey's first Catholic Church, property was purchased on May 23, 1908. It was described as "a triangular lot bounded on the east by Crawford Street (Downey Avenue), on the south by Fifth Street and on the west by New Street." The following year a small frame church named in honor of St. Anthony was built on this property facing Fifth Street. The church was blessed by Fr. McGrath, pastor of St. Aloysius, in September, 1909 and dedicated by Bishop Conaty in 1911.

At the time of its dedication, St. Anthony parish boundaries extended from the Los Angeles River on the west to the San Gabriel River on the east, from just south of Slauson Avenue along the Pacific Electric tracks on the north, to Imperial Highway on the south.

St. Anthony Church continued as a mission of St. Aloysius Church until 1913 when its first resident pastor, Rev. Bartholomew O'Rourke was appointed. He was succeeded by Rev. Thomas Blackwell who remained pastor until 1918. From 1918 to 1921, Dominican Fathers served in the parish. The Redemptorist Fathers, who were assigned to St. Anthony Church from April, 1921 to mid-1922, were responsible for changing the name of the Church to Our Lady of Perpetual Help.

In 1929, ground was broken just north of the existing frame church for a new larger church with a seating capacity of 450. Bishop John Cantwell officiated at the solemn dedication of the new church on Sunday, January 25, 1931.

A period of tremendous growth throughout Southern California began in the 1940s during and following World War II. With the great increase in the number of parishioners, the church was enlarged in the early 1950s.

The Whittier Narrows earthquake in 1987 caused severe damage to the original portion of the Church and it was declared unsafe for occupancy. Following feasibility studies and a parish survey, the church was restored with certain alterations. The older portion of the church was razed and an entirely new section was built onto the remaining portion of the church. The church construction was completed in 1992.

Today, under the spiritual direction of Pastor Mark Warnstedt and Associate Pastor Vivian Ben Lima, parishioners attend services—in English and Spanish—in keeping with its fitting centennial theme to "remember, rejoice, and renew."

#### HONORING MIKE PURL

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Mike Purl upon being named by the Madera District Chamber of Commerce as a 2009 Lifetime Achievement Award Honoree. Mr. Purl was recognized on Wednesday, August 26, 2009 at the Fifth Annual Lifetime Achievement Awards and Installation Dinner.

Mike Purl was born and raised in Madera, California. He graduated from Madera Union High School and earned his Bachelor's Degree in Communications from Fresno State.

During his college years, he began to work at KFSN channel 30, the local ABC affiliate and had a part-time job in radio. Mr. Purl continued to work for KFSN for ten years as a producer and director of news programs. In 1984, he took over the family business, Purl's Sheet Metal, and has been managing the company since that time.

Mr. Purl has always been an active member in the community. He was involved with many activities that involved his children, including the Boy Scouts of America, Eagle Scouts, Future Farmers of America and 4-H. He is also involved with the Kiwanis Club of Madera, where he served as president from 1989 to 1990. Mr. Purl served on the board for Campfire USA, is involved with the Madera County Historical Society, Madera Method Wagon Train, Children's Hospital Central California, Madera Community Hospital and Madera County Arts Council.

Madera has always been home to Mr. Purl and his family. He loves the small town feel that Madera has still today. Mr. Purl and his wife, Mickie, have three daughters, one son and seven grandchildren.

Madam Speaker, I rise today to commend and congratulate Mike Purl upon being honored as the Madera Chamber of Commerce 2009 Lifetime Achievement Award Honoree. I invite my colleagues to join me in wishing Mr. Purl many years of continued success.

**THE RECOGNITION OF 25 YEARS  
OF SERVICE AWARDS FOR EM-  
PLOYEES OF THE OFFICERS AND  
INSPECTOR GENERAL OF THE  
HOUSE OF REPRESENTATIVES**

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. BRADY of Pennsylvania. Madam Speaker, as I did last year, I rise today to congratulate and recognize outstanding employees of the Officers (Clerk of the House, Sergeant at Arms, and Chief Administrative Officer) and Inspector General of the U.S. House of Representatives who have reached the milestone of 25 years of service to the U.S. House of Representatives.

Our most important asset in the House is our dedicated employees, and their work, often behind the scenes, is vital in keeping the operations and services of the House running smoothly and efficiently. The employees we recognize today are acknowledged and commended for their hard work, dedication, and support of House Members, their staffs and constituents, and for their contributions day-in and day-out to the overall operations of the House. These employees have a wide range of responsibilities that support the legislative process, assure the security of the institution, and maintain our technology and service infrastructure. They have accomplished a great many things in a wide range of activities, and the House of Representatives and its Members, staff, and the general public, are better served because of them. The individuals we honor today have collectively provided 225 years of service to the U.S. House of Representatives:

Tina M. Agee, Office of the Chief Administrative Officer; Peter L. Baer, Office of the Chief Administrative Officer; Joseph M. Dean, Office of the Chief Administrative Officer; Alan Deluca, Office of the Chief Administrative Officer; Patrick T. Kenealy, Office of the Chief Administrative Officer; John A. King, Office of the Chief Administrative Officer; Patricia A. Mattimore, Office of the Chief Administrative Officer; Thoa N. Nguyen, Office of the Chief Administrative Officer; Charles D. Woodson, Office of the Chief Administrative Officer.

On behalf of the entire House community, I extend congratulations and once again recognize and thank these employees for their commitment to the U.S. House of Representatives as a whole, and to their respective House Officers and Inspector General in particular. Their long hours and hard work are invaluable, and their years of unwavering service, dedication, and commitment to the House set an example for their colleagues and other employees who will follow in their footsteps. I celebrate our honorees, and I am proud to stand before you and the nation on their behalf to recognize the importance of their public service.

**HONORING DICK JOHNSON**

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. PENCE. Madam Speaker, I rise today with a heavy heart to pay tribute to a dear friend and to honor the memory of a great man who will long be remembered in Columbus and across the State of Indiana as a business and community leader.

For years, Dick Johnson was regarded as a role model in the business community of eastern Indiana. Dick will be remembered for his willingness to share in his successes with others; he will undoubtedly be missed by his wonderful family, but also all those whose lives he touched.

Dick Johnson was born on November 25, 1932 in Fort Wayne, Indiana to Samuel Gideon and Jessie Loomis Johnson. Dick spent his youth in Fort Wayne before graduating from the Indiana University School of Business in 1955.

At IU, Dick showed the promise of a young man committed to honesty and integrity that would be fulfilled each day of his life. Dick earned the nickname "honest Abe" and was elected president of his fraternity, Sigma Alpha Epsilon.

Dick also demonstrated his love for country, completing ROTC training and serving as a Lieutenant in the U.S. Army from 1955-1957.

Dick began his business career in 1957 when he purchased a Shell Oil distributorship which would become the Johnson Oil Company. Dick's business acumen was evident as the company grew and diversified under his leadership.

In 1981, Johnson Oil Company opened its first convenience store in Nashville, Indiana. Now the Bigfoot Food Store chain operates more than 200 locations in Indiana, Kentucky, and Illinois.

Dick was often recognized for his leadership in the business community, serving as Presi-

dent of the Indiana Oil Marketers Association and on the National Distributor Council for Shell Oil. He was also honored as the 1988 Columbus Small Business Person of the Year, the 1994 IU Distinguished Entrepreneur and the 2000 Ernst and Young Entrepreneur of the Year.

Dick Johnson will always be remembered for what he accomplished in the business world, but those closest to him also know of a kind-hearted man with a commitment to his community.

He chaired the Columbus Front Door Committee and served as the president of many organizations over the years including the Columbus Chamber of Commerce, the Heritage Fund of Bartholomew County, the Columbus Economic Development Board, and the Columbus Regional Hospital Foundation.

Dick and his beloved wife Ruth were also significant philanthropists, donating to causes such as the Columbus Area Arts Council and the Columbus Senior Citizens Center.

As a proud graduate of Indiana University, Dick was so very proud of his founding sponsorship of the Johnson Center for Entrepreneurship and Innovation at the Kelley School of Business.

I first came to know Dick Johnson as a respected competitor of my father in the business world. Then, as now, Dick Johnson was admired for his devotion to his faith, his family, his business acumen and his unblemished reputation for integrity.

Dick Johnson was a public man who saw business as a means to improve his community, his state, his university and his nation.

To his loving wife Ruth, his children and entire family I offer my deepest condolences and prayer that they may be comforted with the faith we share.

Columbus and Indiana have lost a giant and I have lost a cherished mentor and friend.

**HONORING KENNETH TAYLOR**

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Kenneth "Kenny" Taylor upon being named by the Madera District Chamber of Commerce as a 2009 Lifetime Achievement Award, Memorial Honoree. The life of Mr. Taylor will be honored on Wednesday, August 26, 2009 at the Fifth Annual Lifetime Achievement Awards and Installation Dinner.

Mr. Kenny Taylor was born at Dearborn Hospital in Madera, California, to Minnie and Marie Taylor. He graduated from Madera High School in 1968. He attended Fresno City College, and in 1970 joined the family business, Taylor Insurance; he later bought the company from his father. Throughout his career he was a trusted and respected professional. Mr. Taylor treated his business and customers with unquestionable integrity.

Mr. Taylor was proud of his community and Madera High School. He was a member of Saint Joachim's Church, the 20/30 Club, Exchange Club, Kiwanis Club, Madera Babe

Ruth, Madera Elks Lodge, Fresno/Madera Basque Club, and Madera Golf and Country Club. While active with the Exchange Club, Mr. Taylor created the "Boy of the Month Award" to recognize the all-around achievement of senior high school students in Madera. When the Exchange Club closed its doors, Mr. Taylor joined the Kiwanis Club and brought the award with him; he funded the program out of his own pocket. He attended as many Madera High sporting events as possible; he coached baseball and played golf. Once, Mr. Taylor attended a Madera High cross country meet and realized many of the athletes did not have proper shoes. Without a word, or attention brought to the situation, those athletes had new shoes provided to them at no cost. That was the kind of person he was.

Madam Speaker, I rise today to posthumously honor the life of Kenny Taylor upon being named the Madera Chamber of Commerce 2009 Lifetime Achievement Award Memorial Honoree. I invite my colleagues to join me in honoring Mr. Taylor's life and best wishes for his family.

#### TRIBUTE TO WEST MORGAN HIGH SCHOOL

#### HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. GRIFFITH. Madam Speaker, Mr. ADERHOLT and I rise today to recognize the Lady Rebels of West Morgan High School in Trinity, Alabama. In May, West Morgan's softball team captured the first Alabama State Championship for West Morgan in 42 years of athletic competition.

West Morgan High School has always upheld the highest standards of excellence in all its endeavors, and this team of outstanding athletes is no exception.

We commend the leadership of Principal Billy Hopkins and Coaches Keith Harris, Alesha Hutto, and Kenda Bradford on their successful careers with West Morgan High, and we look forward to the continuation of a tradition of solid and consistent performance in both academics and athletics.

Madam Speaker, we congratulate each member of the dedicated Lady Rebels softball team—Hannah Harris; Haley Willingham; Madison Jones; Whitlee Potter; Hayden Hamby; Britanny Thompson; Ashley Hooper; Rachel Harbin; Brilley Stephenson; Hallie Cunningham; Lauren Seibert; Hannah Amos; Hannah Draper; Heather Amos; Mary Kelley; Chelsea Boston; Delissa Tidwell; Baylee Carpenter; Mikinzie Steele; Ashley Crow; Jamie Rohr; Katie Brazier; Alexis Casteel; Kimberlee Denard; Bari Jones; Kristen Parrish—and their staff for their commitment to achieving this championship.

#### IN HONOR OF RON SARGENT

#### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to extend warm greetings and offer my congratulations to Ron Sargent as he retires from the YMCA Retirement Fund. When Ron came to the Newark YMCA 40 years ago, I immediately saw his potential. He was eager to do the job as a well prepared and dedicated employee. During his 40 years in various roles with multiple YMCAs, he has been a credit to the YMCA's programs and we owe him our respect and gratitude for a job well done. It was a pleasure for me to personally work with him during his tenure with the YMWCA of Newark and Vicinity.

As Ron Sargent begins a new phase in his life, I want him to know the dedication and commitment he exhibited during his YMCA career will always be appreciated. It takes a special person to contribute to society in the way of YMCA service. Fortunately, while acting in his different capacities, he was able to make a difference in the lives of many through the programs he was involved in and/or instituted. Ron's effectiveness and creativity led to multiple awards being presented to him and his programs were featured in the YMCA Discovery Magazine. His career with the YMCA has certainly been one of accomplishment and leadership by example. As he is feted at a dinner in his honor on July 31, 2009, Ron should know that his many years of service to the YMCA are true testaments of his character and that his significant contributions will never be forgotten.

Madam Speaker, I know my colleagues agree that Ron Sargent has been a true asset to the YMCA and that they join me in wishing him well as he enters his retirement years.

#### HONORING THE LIFE OF NAOMI DURST BOWDEN

#### HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to honor the life of Naomi Jane Durst Bowden.

Mrs. Bowden was born in Custer, South Dakota, on June 13, 1915, and lived there until 1948. She was the daughter of pioneers and a loving mother and homemaker. She moved to Jesup, Georgia in 1948 and was an integral part of the community, serving as a founding member and Lay Leader of the Epworth United Methodist Church. She taught as a substitute teacher in the Jesup schools, and, for a number of years, hosted a women's radio program on WBGR in Jesup. She had six sons, eighteen grandchildren, and twenty-four great grandchildren. Up until a short time before her death, she could name the names of all her grandchildren and great grandchildren—something she routinely did before

she fell asleep. At age 93, Naomi Jane Durst Bowden passed away in her sleep on Monday, May 25th in Athens, Georgia.

Madam Speaker, I rise today in recognition of the life and works of Naomi Jane Durst Bowden.

#### IN TRIBUTE TO THE FOREST COUNTY POTAWATOMI COMMUNITY FOUNDATION'S 20TH ANNIVERSARY

#### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize the Forest County Potawatomi Community Foundation. The Forest County Potawatomi Community Foundation was created in 1999 founded on the Potawatomi belief "to take what we need and give back what we can."

A review of the history of the Forest County Potawatomi Tribe will help to understand their desire to give back to the community. The tribe was forcibly removed from its homeland, endured strained relationships with governments, and lived in hardship and poverty. They survived by relying upon their internal strength and sharing with each other.

Through its foundation, the Forest County Potawatomi Tribe now provides to others who are struggling in the community. I believe that despite of or rather because of these centuries' old struggles, the Forest County Potawatomi Community Foundation has emerged to reflect their tribal values and beliefs to return assistance to the communities where they live and work. The Forest County Potawatomi Community Foundation supports civic and community projects, such as public health care issues, education, economic development, and the arts. They have funded many different types of organizations ranging from large, well known associations to small grassroots organizations. The foundation meets with any organization that applies for a grant and, if funded, works in partnership with the group to ensure success. The foundation feels each agency it funds allows them to carry on the Potawatomi tradition of "giving back what we can."

Now celebrating their 20th Anniversary, the Forest County Potawatomi Community Foundation has delivered over \$18 million dollars to more than 250 charities and nonprofit organizations throughout the Greater Milwaukee area. I am grateful for their empathetic spirit of giving.

Madam Speaker for these reasons, I am honored to pay tribute to the Forest County Potawatomi Community Foundation for their support, dedication and service to the people of my district and throughout Wisconsin.

HONORING MRS. MELENA  
BOGHOSIAN

**HON. GEORGE RADANOVICH**  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of an Armenian Genocide survivor, Mrs. Melena Boghosian. She passed away at her home in Fresno, California at the age of one hundred and three.

A fifty-five year resident of Fresno, California, Mrs. Boghosian was known around the community for her amazing survival story during the First World War, when the Ottoman Turks massacred an estimated 1.5 million Armenians. Born in Erzurum Turkey, she fled her home as a young child after her parents and siblings were murdered, in an attempt by the Ottoman Empire to eliminate any Armenian presence in the area. Missionaries took young Melena to an orphanage in Syria where she lived for several years.

During her stay at the orphanage, Melena began corresponding with her future husband Avedis Gegaregian. At the age of sixteen, she left the orphanage and married Avedis in Beirut, Lebanon. Shortly after they were married, the two traveled by ship to the United States and immigrated through Ellis Island in New York City. Avedis and Melena settled in Camden, New Jersey until Avedis' death in the mid-1950's.

After the death of her first husband, Melena moved to the Central Valley of California, to be closer to family and friends. While living in Fresno, she worked in alterations at Berkeley's Department Store. She later met, and married, her second husband, Nooregan Boghosian, and they lived together until his death. Melena was an active member of the Holy Trinity Armenian Apostolic Church and a life long member of the Armenian Relief Society. She is survived by her daughter Jessy Shahbazian.

Madam Speaker, I stand today to honor the extraordinary life of Mrs. Melena Boghosian. I invite my colleagues to join me in this tribute to this incredible woman, and hope that her legacy lives on for future generations.

HONORING THE RETIREMENT OF  
NCIS DIRECTOR THOMAS A. BETRO

**HON. MICHAEL H. MICHAUD**  
OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. MICHAUD. Madam Speaker, I rise today to pay tribute to Special Agent Thomas A. Betro, Director of the Naval Criminal Investigative Service, who announced his retirement from that organization in August 2009 after nearly 27 years of highly distinguished service. In addition to his service to NCIS and the nation, Director Betro is among the notable graduates of Colby College, in Waterville, ME.

Mr. Betro joined NCIS in 1982, and during his tenure he has served in a variety of organizational assignments and mission areas, both within the United States and overseas.

As a Special Agent, Mr. Betro served overseas in both the Republic of the Philippines and in Iceland. Domestically he held leadership positions in Philadelphia, PA and Newport, RI. He served two separate tours as an NCIS Special Agent Afloat during deployments of the USS *John F. Kennedy* and USS *Enterprise*.

As Deputy Assistant Director, DAD, for Counterintelligence, CI, investigations and operations, Mr. Betro oversaw the development and implementation of the NCIS response to the USS *Cole* bombing, which led to the significant increase of NCIS force protection support to Naval expeditionary forces. Further, he established new criteria for on-the-ground NCIS port visit support, opened new NCIS offices to increase CI support to in-transit units, and greatly expanded counterterrorism, CT, operations for safeguarding naval equities.

In April 2001, Mr. Betro was selected to serve as a Deputy to the National Counterintelligence Executive, NCIX. He later was appointed to the position of National Counterintelligence Executive (Acting) by the NCIX Board of Directors, on behalf of the President of the United States. Mr. Betro was promoted to the Senior Executive Service in March 2002.

Upon returning to NCIS in January 2003, Mr. Betro served as Executive Assistant Director, EAD, for CI until August 2003, when he was promoted to Deputy Director for Operations, DDO. During his time as DDO, NCIS established its Contingency Response Field Office, CRFO, located aboard the Federal Law Enforcement Training Center in Brunswick, GA. CRFO trains NCIS personnel to be rapidly deployed globally in support of the NCIS core missions of criminal investigations, counterterrorism investigations and operations, counterintelligence investigations and operations, protective operations, and force protection/antiterrorism operations.

On January 8, 2006 Mr. Betro was appointed Director of NCIS and at that time became the agency's third civilian director. Under Director Betro's leadership, NCIS has filled every validated Combatant Commander request for forces for Iraq, Afghanistan, and the Horn of Africa on a volunteer basis. Since 2002, there have been approximately 700 NCIS personnel that have deployed to the above mentioned locations as well as to Kuwait, Djibouti, Guantanamo Bay, and other sites.

In February 2007, Director Betro established the NCIS Diversity Office, which is charged with developing and sustaining a model program that recognizes the critical role diversity plays in the NCIS global mission. Key functions that are aligned under the Diversity Office at NCIS include the Equal Opportunity Program; Alternative Dispute Resolution; Diversity Research and Analysis; and Recruiting Outreach. Through his leadership in action, Director Betro has ensured that diversity awareness is now reflected in all core business functions at NCIS and that NCIS is a model for other agencies to follow.

Mr. Betro has received numerous commendations and awards. He is a recipient of the Presidential Meritorious Executive Rank Award, as well as the Department of the Navy, DON, Distinguished Civilian Service Award

and the U.S. Attorney's Award for Outstanding Leadership. He was recognized in 2008 with the Roger W. Jones Award for Executive Leadership and is a prior recipient of the DON Meritorious Civilian Service Award. While assigned to NCIX, he received the National Intelligence Certificate of Distinction and a Meritorious Unit Citation.

In addition to his Bachelor of Arts degree in Government from Colby College, Mr. Betro holds a Master of Arts degree from the Naval War College, where he earned the James Forrestal Award for "Excellence in Strategy and Force Planning."

Though he is formally retiring from NCIS, Mr. Betro has accepted a position with an international security firm based in New York.

Madam Speaker, I would like to take this opportunity to thank Mr. Betro for his 27 years of outstanding public service and to wish him fair winds and following seas as he begins the next chapter of his life.

IN RECOGNITION OF THE PASSING  
OF CHARLES SHANKLIN

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Charles E. Shanklin, a Northwest Florida community leader who passed away on August 26, 2009. Charles spent his entire life serving his community and family, and I am proud to honor his life of dedication and service.

Charles Shanklin was born in Oak Park, Illinois in 1929. He attended Bowling Green State University and Ohio State University, earning his Juris Doctor in 1952. Charles became a brilliant and outstanding attorney at Baker & Hostetler in Columbus, Ohio, and served as the managing partner. He remained at the firm for thirty-two years. After his retirement from Baker & Hostetler, Charles became the owner and manager of Marion Steel in 1981, where he worked until 1989.

In 1990, Charles purchased Crestview Aerospace in Crestview, Florida. He operated the company as a family business until 2006, when it became a part of the L-3 Communications Corporation. During his years in Northwest Florida, Charles became an integral part of the business and local communities. Over his lifetime, he worked with Bowling Green State University, the Sigma Chi Fraternity organization, the American Bar Association, Urbana University, and the Niceville Exchange Club. Charles was awarded Director Emeritus of Bowling Green in 2009, and the school endowed a meritorious scholarship in his name to recognize excellence in original research by graduate students.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Mr. Charles Shanklin. Charles will be remembered by all as a loving husband and father, a successful lawyer and businessman, and an important part of our Northwest Florida community. Vicki and I will keep his wife, Bernice, and children, Chuck, John, Tom, Jean, and Ann, in our prayers.

HONORING MARINE LANCE  
CORPORAL BRIAN K. SCHRAMM

**HON. CHRISTOPHER JOHN LEE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. LEE of New York. Madam Speaker, it is with great pride that I rise today to honor fallen Marine Brian Schramm, the first resident of the 26th Congressional District to lose his life in Operation Iraqi Freedom.

On June 20, 2009, President Obama signed into law H.R. 1595, legislation renaming the post office at 3245 Latta Road in Greece, New York in honor of Lance Corporal Schramm.

Brian Schramm made the ultimate sacrifice to protect the values that sustain this country—family, community, hard work, and freedom. It is no surprise that one friend of Brian's described him as the "most genuine person you'd ever meet in your entire life." That is why I introduced legislation to rename the post office just a few miles down the road from where Brian grew up in his honor. I am heartened that the people of the Town of Greece will have this opportunity to pay lasting tribute to Brian's life and legacy.

Lance Corporal Schramm was born and raised in the Town of Greece. Brian fulfilled a lifelong dream by signing up for the Marines shortly after graduating from Greece Olympia High School in 2001. On his second tour of Iraq, Marine Lance Corporal Schramm was assigned to the 2nd Assault Amphibian Battalion, 2nd Marine Division, II Marine Expeditionary Force, based out of Camp Lejeune, N.C. On Oct. 15, 2004, he died as a result of enemy action in Babil province, Iraq. He was 22.

Brian is survived by his parents, Keith and Mary Ellen, his older sister, Jennifer, and his two younger brothers, Kyle and Michael. Mary Ellen is a co-founder of the Rochester chapter of Gold Star Mothers.

Madam Speaker, in recognition of this selfless individual and brave patriot who gave his life to protect this nation, I ask this Honorable Body to join me in honoring the legacy of Lance Corporal Brian K. Schramm.

H.R. 2014, AWARDING A CONGRESSIONAL GOLD MEDAL TO WOMEN  
AIRFORCE SERVICE PILOTS

**HON. CHET EDWARDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. EDWARDS of Texas. Madam Speaker, I rise as an original co-sponsor of this bill, which honors a group of courageous women pilots—all of whom earned their wings in Texas. During World War II, Women Airforce Service Pilots, or WASP, were stationed at 2 air bases located in Waco, Texas: Waco Army Air Field and Blackland Army Air Base.

One of the 38 members of WASP who died while flying for their country was killed in Waco while flight-testing a BT-13 to make sure that it had been properly repaired. Bettie Mae Scott was killed on July 8, 1944, her

body sent home in a cheap pine box, with not so much as an American flag draping her coffin.

Madam Speaker, my district not only played an important part in the history of the WASP, my district is also the home of WASP Deanie Parrish, a Martin Marauder D-26 pilot, who towed a sleeved target behind her aircraft while a B-24 would pass by and gunnery trainees in the turrets would practice for combat by firing live ammunition, using color coated bullets, at the target.

Wings Across America, founded by Deanie's daughter, Nancy Parrish, located at Baylor University, has played a key role in the creation and implementation of the bill we have before us today. Along with interviewing over 100 WASP, creating the website, "WASP on the Web," founding the National WASP WWII Museum in Sweetwater, Texas in 2003 and creating all the exhibits for the opening of the museum in 2005, successfully nominating the WASP for the Texas Aviation Hall of Fame, and designing and creating the "Fly Girls of WWII" WASP exhibit, which is now on display at the Women's Memorial at Arlington, these 2 volunteers have worked tirelessly to educate and inspire America with the history of the WASP.

This bill honors the WASP and place the WASP history in the national spotlight, where I believe it rightly belongs.

HONORING LONG-TIME COMMUNITY  
ACTIVIST & ADULT EDUCATION  
ADVOCATE MR. HOWARD  
RANSOM

**HON. JUDY CHU**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, Mr. Howard Ransom Jr., who passed on the morning of July 26, 2009, at the young age of 55. My heart goes out to his wife, Linda; father; brother, Phillip Ransom; sister, Sheila Ransom; a niece; three stepchildren; his grandson, and the rest of his family.

Ransom was an extraordinary citizen, an activist for at-risk youth and disadvantaged adults in the South Los Angeles community for more than 30 years. His volunteerism spans several organizations including the Brotherhood Crusade, Young Foundation and the United Way.

Born on April 4, 1954, in Chicago to Howard Ransom Sr. and Ollie B. (Cooper) Ransom, Howard Jr. was reared in Oakland. He graduated from Oakland High School and went on to receive bachelor degrees in Theatre Art and African American studies at California State University, Hayward.

As an instructor with the Los Angeles Unified School District for over two decades, Ransom was a tenured "master teacher" at the Maxine Waters Employment Preparation Center in Watts, where he succeeded in preparing at-risk youth and educating adults in human development and skill enhancement curriculums. He was noted nationwide for his success in preparing students for GED testing.

In 1992, Ransom co-designed a civil service training program that focused on postal employment for the residents of Watts. More than 800 men and women (many on welfare) enrolled in the program during its first year, with 68 percent completing the class and passing the exam with scores in the top percentile.

Ransom received numerous recognitions for his accomplishments, such as "Educator of the Year" Award from the Young Center for Academic and Cultural Enrichment, and was chosen as a "Living History Maker" by Turning Point Magazine.

I urge all my House colleagues to join me in honoring Mr. Howard Ransom for his remarkable service and contribution to our community. He has made a true impact on the lives of many youth and adults, and will be truly missed.

RECOGNIZING THE EFFORTS OF  
FORMER PUBLIC CITIZEN PRESIDENT  
JOAN CLAYBROOK

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. DeLAURO. Madam Speaker, it is with great pleasure I rise to recognize and show my appreciation for Joan Claybrook, the former president of Public Citizen, who recently stepped down after a long career of fighting for consumer safety and social change.

Joan has been an inspiration to me and to countless others on the Hill and around Washington. As a private citizen, as head of the National Highway Traffic Safety Association, and as president of Public Citizen for 27 years, she has been a fearless advocate for American consumers. Every life saved by a shoulder belt or air bag in this country is indebted to Joan's decades of commitment to the issue of auto safety.

Indeed, Joan has been fighting this fight since the beginning. Even before a full career dedicated to protecting American consumers, Joan had worked as a research analyst, congressional fellow, and legislative aide to Sen. Walter Mondale. Then, in 1966, she and Ralph Nader successfully pushed for passage of the nation's first motor safety laws—the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act. Four years later, she began work for Public Citizen, running the organization's Congress Watch division by 1972. After serving as head of the National Highway Traffic Safety Association during the Carter administration, Claybrook returned to Public Citizen. She became president of the organization in 1982, and commenced an impressive 27-year tenure in the post that would be the envy of any advocate or administrator.

Thanks to Joan's efforts, airbags are now standard equipment in all cars sold in the United States, and our government now issues vehicle safety standards that save thousands of lives a year. But safer cars are just the beginning of Joan's contributions to our civic life. Over the years, she has dedicated herself to countless issues of consumer

advocacy, public health, and social justice. Day after day, week after week, in good times and bad, Joan has kept unrelenting pressure on companies and elected officials to live up to their public responsibilities. She has strived to make our government more responsive to the needs and aspirations of its citizens. In short, this nation is a safer, fairer, better place because of her efforts.

Although Joan has left Public Citizen, her work and her inspiration goes on. Generations of leaders and activists have looked to her perseverance, her toughness, her smarts, and her compassion as a model for how to get things changed here in Washington. From Ralph Nader to Robert Redford and Jimmy Carter to JOHN MCCAIN, Joan has taught us all so much about what it takes to effect real change.

She has taught us to keep an unyielding idealism about the way things can and should be, and to combine it with an unblinking, no-nonsense understanding of the foibles of Washington and a tough-as-nails approach to pragmatic, consumer-oriented policy-making. And she has always reminded the powerful that the people come first.

Joan has been a model of courage, conviction, independence and ingenuity, one to which we all aspire. I am so proud of all she has accomplished, which is why I rise to thank her.

#### THE LOSS OF JEANNE MALCHON

#### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. CASTOR of Florida. Madam Speaker, I rise today to honor the death of former Florida State Senator Jeanne Malchon. The state of Florida suffered a great loss on August 23, 2009, when she passed away.

In 1982, she successfully ran for the Florida Senate. My mother, Betty Castor, was serving also in the Senate at that time and remarked on the dedication and fervor she had for bettering the lives of Floridians. Senator Malchon pledged to strengthen social services for the elderly and poor and promoted concern for environmental causes. She sponsored the 1985 Florida Clean Indoor Air Act, which prevented smoking in shared public areas. Senator Malchon also successfully raised the penalties for driving under the influence, increased funding for teen runaway shelters, and raised standards which required employers to report toxic chemicals that were used in the work place.

Senator Malchon's was known amongst her peers in the Florida Senate as a smart and candid legislator who got things done. She was said to be so effective because she didn't play political games or allow partisan politics to get in her way. She has been called "a steady hand in a perilous time." Those that knew her can agree that she was an extremely knowledgeable and determined woman.

Jeanne Malchon was a very dedicated individual who helped others even before she became involved with politics. Born in Newark,

New Jersey, she was trained to make mechanical drawings as a draftsman. When her country called during World War II, Senator Malchon became a civilian employee for the Army even though it required her to leave home for Hawaii. In 1952, Senator Malchon and her family moved to St. Petersburg where her political interest and involvement started when she became a lobbyist for the League of Women Voters. She was appointed to a seat on the Pinellas County Commission in 1975.

Madam Speaker, Senator Jeanne Malchon will be greatly missed by the state of Florida. My thoughts are with her family in this time of loss.

#### EARMARK DECLARATION

#### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. PAULSEN. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriations projects I sponsored as part of H.R. 3326, FY 2010 Department of Defense Appropriations bill.

Account: Defense

Amount: \$2,000,000

Requesting entity: Minnesota National Guard

Address: 20 West 12th Street, St. Paul, MN 55155

Description of Project Request: Funding will help meet the needs of Beyond the Yellow Ribbon reintegration program for service members, which is implemented across all congressional districts throughout Minnesota and over all phases of the deployment cycle. During FY 2010 the Minnesota National Guard will experience a surge in support requirements as Minnesota soldiers return home from mobilization. Funding will be used to support reintegration services for soldiers returning from mobilization, as well as services for family members. Funding will support wounded soldiers, transition events, mental health services, research and additional needs.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Account: Army Other Procurement

Amount: \$2,360,000

Requesting entity: Minnesota National Guard

Address: 20 West 12th Street, St. Paul, MN 55155

Description of Project Request: Funding will be used for the Minnesota National Guard initiative, Communications Aerial Platforms for Increased Situational Awareness (Phase II), which will provide improved situational awareness to on-scene incident commanders during responses to state emergencies such as floods or other natural disasters. The system provides on-scene communications linking together all response organizations; site command communication, including voice, video, data, and cellular; and real-time streaming data to responders; resulting efficiency saves lives and property.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

#### IN HONOR AND RECOGNITION OF THE 68TH BIRTHDAY OF KARL E. PEACE

#### HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. WITTMAN. Madam Speaker, I rise today to honor and recognize Dr. Karl E. Peace on the occasion of his 68th birthday.

Dr. Peace is a distinguished scholar and academic in the field of biostatistics and mathematics. Born in southwest Georgia, Dr. Peace attended Virginia Polytechnic Institute and State University and Virginia Commonwealth University, receiving his doctorate from the Medical College of Virginia/ Virginia Commonwealth University in 1976.

Dr. Peace has authored eight books, received numerous awards and contributed to a variety of publications and peer reviews in the field of biostatistics, mathematics, drug development and public health policy. He has held professorships at several colleges including Randolph-Macon College and Virginia Commonwealth University. Dr. Peace is currently the Georgia Cancer Coalition Distinguished Cancer Scholar, Founder of the Center for Biostatistics, professor of biostatistics and senior research scientist in the Jiann-Ping Hsu College of Public at Georgia Southern University.

Dr. Peace has been a member of several professional and honorary societies including the Committee on Applied and Theoretical Statistics, the National Research Council and the National Academy of Science. In 1994, Dr. Peace founded the Biopharmaceutical Applied Statistics Symposium to provide a forum for pharmaceutical and medical researchers and regulators to share timely and pertinent information concerning the application of biostatistics in the pharmaceutical field. Dr. Peace is the founding editor of the Journal of Biopharmaceutical Statistics and reviewer and editor of several additional journals including the American Statistical Association, Communications in Statistics, the Journal of the American Medical Association and the American Journal of Gastroenterology.

Dr. Peace has a dedicated record of philanthropy to education. He has created twenty-one endowments at five institutions including three at his alma mater, the Medical College of Virginia and one at Randolph-Macon College. He endowed the Jiann-Ping Hsu College of Public Health, the first school of public health in the U GA System. His endowments have enabled hundreds of students to complete their undergraduate or graduate degrees. Dr. Peace has generously donated time and resources to organizations such as the American Cancer Society, the Georgia Cancer Coalition, the Southeast Georgia Cancer Alliance and the Southwest Georgia Cancer Coalition that are dedicated to cancer research, treatments and cures.

Madam Speaker, I am honored today to recognize Dr. Peace in celebration of his 68th

birthday. I hope the year to come will bring him health, happiness and special times with family and friends.

#### HONORING THE SERVICE OF JEAN FRUCI

#### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the service of a valued staff member of the Committee on Science and Technology, Jean Fruci.

Jean has served on the Committee staff since July 1995. In 2007, she became Staff Director for the Subcommittee on Energy and Environment, which handles issues related to U.S. energy policy and environmental science. It oversees civilian R&D programs within the Department of Energy; R&D programs at the National Oceanic and Atmospheric Administration, including climate, weather, and ocean research; and research at the Environmental Protection Agency. Prior to joining the Committee, she worked as a Legislative Assistant to Rep. George E. Brown (D-CA) in the areas of agriculture, resource management, energy, and the environment.

Since becoming Staff Director, Jean has played a pivotal role in several of the Committee's key pieces of legislation including the Energy Independence and Security Act, the America COMPETES Act, and the National Climate Service Act.

Jean's expertise is unmatched, especially in environmental research and development, and weather and climate monitoring. She is a scientist at her core—she holds a Ph.D. in soil science from Cornell University—but she also can effortlessly negotiate the intricacies of policy and government agencies. She is an invaluable resource to Members and a mentor to the people working under her.

Madam Speaker, Jean's service, expertise, and institutional knowledge has made her a valued member of the Committee staff. I know that all of the Science and Technology Committee's Members and staff wish her well with the next phase of her life and career. In closing, I just want to say thank you, Jean, for your many years of dedicated and loyal service. We will miss you, and we hope that our paths cross again in the future.

#### RECOGNIZING STEVE MOSES

#### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the long and distinguished career of Mr. Steve Moses. Mr. Moses retired on August 28, 2009 after working for the Federal Government since he was 35.

For the past twelve years, Mr. Moses has served as the Chicago Passport Agency's Customer Service Manager and Congressional Liaison. Since he began, his duties have

grown from helping 250 Passport Acceptance Facilities in the Chicago Passport Region (Illinois and Michigan) to over 950. His office expanded from a one person operation to the recent addition of a night-shift Customer Service Manager along with a team of two passport specialists and a customer service assistant.

The increased workload did not dampen his bright attitude, however. Mr. Moses consistently does all he can to solve passport problems and ensure positive outcomes. Over the years, he has proven to be a model government employee, and he will be missed.

Madam Speaker, I congratulate Steve Moses for his lengthy and influential career, and thank him for his many outstanding contributions to the city of Chicago. I wish him the best of luck and continued happiness in his retirement and all his future endeavors.

#### HONORING WILLIAM A. LAMARCH, U.P. VETERAN OF THE YEAR

#### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. STUPAK. Madam Speaker, I rise to honor a constituent who has distinguished himself both in service to his country and to his community. Mr. William A. LaMarch has been named "Upper Peninsula Veteran of the Year" by the U.P. Veterans Committee. It is an honor befitting the dedication and patriotism Mr. LaMarch embodied both in the Armed Forces and in civilian life.

Mr. LaMarch, a resident of Escanaba, Michigan, is a decorated Marine who served his country with honor. In 1961, Mr. LaMarch received the Good Conduct Medal, awarded to enlisted members of the military who complete three consecutive years of honorable and faithful service. Mr. LaMarch also received two Meritorious Mast Awards, first in 1961 and again in 1963.

After being discharged from the U.S. Marine Corps, Mr. LaMarch continued to build a legacy of service. He is currently serving as commander of American Legion Post #82, and is a life member of AmVets #123 and of Marine Corps League #444. He can be heard calling bingo at the V.A. Hospital in Iron Mountain, a position he has held for eight years. He has also served as the finance officer of Post #82, a member of the Marine Corps League Funeral Honor Guard and the Delta County Veterans Council Funeral Honor Guard.

Mr. LaMarch has also played a vigorous role in the community beyond his extensive activities as a dedicated veteran. He served six years on the City of Escanaba Board of Review and volunteers for the Salvation Army as a bell ringer, food bank, and basket worker. He is also a member of the Fraternal Order of the Eagles and the Benevolent and Protective Order of Elks.

William A. LaMarch is one of the driving forces behind the U.P. Whitetails Association and the highly successful Delta County Wildlife Unlimited.

Over the years, Mr. LaMarch's accomplishments and devotion to his community have been recognized with numerous awards and

recognitions. He has been named Legionnaire of the Year, twice named Elk of the Year, and received the Elks Grand Exalted Ruler's Commendation for Excellence. He received the Dan Patch Outstanding Volunteer Award and has been recognized by the Red Cross as a 22 gallon donor.

William LaMarch is a man who understands profoundly the value of service and the responsibility we have to help others. He stands as an example of what it means to be a true American hero, both in battle and within our own communities. His character and his generosity are a shining example of the spirit and strength that have defined the Upper Peninsula throughout its history.

Madam Speaker, William A. LaMarch embodies the words bravery, dignity, and service. He is an individual who has been recognized by his community and his fellow veterans as a leader and a model citizen. With that in mind Madam Speaker, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in saluting William A. LaMarch for his lifetime of service and in congratulating him on being awarded U.P. Veteran of the Year.

#### MOURNING THE DEATH OF SENATOR EDWARD KENNEDY

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to express my deep sadness and regret for the passing of Senator EDWARD KENNEDY. The world has lost a tremendous leader and an exceptional spirit. Senator KENNEDY's voice was a unique source of inspiration on the Senate floor, and he will be greatly missed for his public service and work to improve the lives of the less fortunate.

Senator KENNEDY was arguably one of the most influential Senators in United States history. He was an exceptionally accomplished legislator who authored roughly 2,500 pieces of legislation over the course of his 46-year-long career in the United States Senate. More than 300 of Senator KENNEDY's bills went on to become law, and he had a rare ability to reach across party lines in the interest of passing important pieces of legislation. He was always well versed on policy issues and highly prepared for committee hearings and floor debates.

As the Chairman of the Senate Health, Education, Labor and Pensions Committee, Senator KENNEDY courageously led the push to reform our nation's failing health care system. He strongly believed that all Americans deserved to have access to affordable health care options and supported a number of initiatives, including America's Affordable Health Choices Act of 2009. Senator KENNEDY also helped enact the State Children's Health Insurance Program, the Medicare prescription drug benefit, the Ryan White Care Act and the Family Medical Leave Act.

Although health care was Senator KENNEDY's passion, he was also committed to combating discrimination. Even when it was

politically unpopular, Senator KENNEDY believed in an America where ethnic minorities and women were treated equally. He supported Title IX, which outlawed discrimination on the basis of sex in institutions of higher education and the renewal of the Voting Rights Act, which banned racially discriminatory voting requirements.

My prayers go out to the Kennedy family in this time of profound grief. I ask my fellow colleagues to join me in remembering the life of a true American hero who dedicated his life to improving the lives of others.

**A TRIBUTE TO THE JUNIOR  
ACHIEVEMENT OF WESTERN  
KENTUCKY**

**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. GUTHRIE. Madam Speaker, I rise today to honor the Junior Achievement of Western Kentucky on their 50th anniversary. This important organization deserves recognition for achieving this milestone.

The Junior Achievement of Western Kentucky was established in July of 1959 and has served over 125,000 students in the last half-century. As a partnership between education and business, Junior Achievement helps students understand the economy and better prepare them for their future.

The Junior Achievement of Western Kentucky should be proud of their contribution to the community. I commend the organization, students, and volunteers on their 50th anniversary.

**HONORING MR. JOHN RILEY**

**HON. C.A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mr. John Riley in recognition of his 50 years of dedicated federal service.

"The fun part of accounting is finding the things that went wrong and figuring out how to fix them." This statement by John Riley summarizes the attitude that has made him an anchor at the Coast Guard Yard in Baltimore, Maryland, where he has served both on the waterfront and in the Fiscal Department for five decades.

A lifelong resident of Baltimore, Mr. Riley began his federal career at the Coast Guard Yard in the Sheet Metal Shop as an apprentice. Upon completion of his apprenticeship program, Mr. Riley excelled as a sheet metal worker. He was selected as the first tradesman at the Yard to be trained to program and operate the first computer-controlled equipment at the Yard. Seeking to become a foreman, Mr. Riley pursued Yard-required management courses at the University of Baltimore. In 1968, Mr. Riley successfully completed his college degree in Business Management.

In 1969, Mr. Riley took a position as a Planner/Scheduler in the Industrial Engineering Division. Interested in learning the business-end of the Yard, he took a position as an Accounting Technician in the Fiscal Department in 1974. With his attention to detail and relentless problem solving skills, Mr. Riley was promoted from an Accounting Technician to an Accountant, where he has excelled as the Yard's expert on the financial administration of Yard Project Orders. Mr. Riley has mentored numerous members of the Fiscal Staff and has assisted scores of project managers in the Industrial Staff. Throughout his tenure with the Coast Guard Yard, he has continued to demonstrate remarkable conscientiousness. Mr. Riley's eagerness to troubleshoot accounting anomalies in any project is inspiring to each and every colleague.

Madam Speaker, I ask that you join with me today to honor Mr. John Riley for achieving a remarkable milestone in his career. His dedication to the Coast Guard, the Coast Guard Yard, and his fellow employees has made him a valuable asset to all throughout his 50 years of devoted service.

**HONORING COLONEL MOHAMMED**

A. "MO" KHAN, JR.

**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mrs. CAPITO. Madam Speaker, I rise today to honor Colonel Mohammed A. "Mo" Khan, Jr., who accepted command of the 341 Operations Group on May 20 in a change of command ceremony.

Colonel Khan is originally from Roncove, West Virginia, born November 5, 1966. After graduation from California Lutheran University in 1988, Colonel Khan received his commission through the University of California at Los Angeles Reserve Officer Training Corps program. Over the past twenty years, Mo has been promoted from Second Lieutenant to the rank of Colonel. Upon accepting command of the 341st OG, Colonel Khan stated his three main priorities, which are to do your absolute very best at all times; to take care of each other and your families; and to give freely of yourself, both on and off base. It is because of these values that Mo has advanced so far and received so many decorations, including the Meritorious Service Medal with three Oak Leaf Clusters, Air Force Commendation Medal, Combat Readiness Medal with Oak Leaf Cluster, and National Defense Service Medal with Star Device.

Early in his Air Force career, Colonel Khan served in a variety of positions in a missile combat crew, advancing to squadron, group and wing level positions. In 2002, Colonel Khan assumed command of the 564th Missile Squadron where he led over 200 operations. His extensive operations experience led to several positions at the Pentagon in the space operations division, where until March of 2008 he held the title of director of space operations. Most recently, he was chief of the space superiority division before assuming command of the 341st Operations Group.

It is an honor to recognize Colonel Mohammed A. "Mo" Khan, Jr.—he is a man that represents the best of West Virginia. I would like to congratulate him for his invaluable service to the Air Force. I know his wife, Lisa, and two children, Mo III and Simeon, are extremely proud.

**THANKING KAREN WESS FOR HER  
SERVICE TO THE HOUSE**

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement on August 7, 2009 we rise to thank Mrs. Karen Wess for her seventeen years of distinguished service to the United States House of Representatives. Karen has served this great institution as a valued employee of House Information Resources (HIR), in the Office of the Chief Administrative Officer (CAO).

Karen began her tenure with the United States House of Representatives in 1992 as a Systems Programmer working with the mainframe Customer Information Control System (CICS) transaction services. Her technical expertise in the delivery of mainframe CICS transaction services led to Karen being selected to work on a team tasked with the initiative to combine several disparate e-mail systems into an efficient and sustainable enterprise e-mail system for the House. Karen has been involved with the House e-mail systems since their early inception and has helped to make them the mission-critical service the House relies on today. Karen applied her leadership abilities to help deploy an anti-spam component for the House e-mail service and currently serves as a Senior Systems Engineer in the CAO's HIR Enterprise Technology Systems Branch.

Karen has been one of the primary engineers providing the House's Internet e-mail functionality. She has acted as a technical liaison between the House, other legislative organizations, and government agencies in the field of e-mail connectivity. She has provided consulting services to House customers, internal and external, making the delivery of House e-mail systems the success they are today.

On behalf of the entire House community, we extend congratulations to Karen for her many years of dedication and outstanding contributions to the United States House of Representatives.

**HONORING ROSS THORNTON**

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Ross Thornton upon being named by the Madera District Chamber of Commerce as a 2009 Lifetime Achievement Award Honoree. Mr. Thornton was recognized on Wednesday, August

26, 2009 at the Fifth Annual Lifetime Achievement Awards and Installation Dinner.

Ross Thornton was born in Tulsa, Oklahoma. In May 1964, Mr. Thornton moved to Madera, California to become the voice behind the mic at KHOT radio, a local radio station. In 1967, he went to work for CalFarm Insurance, and two years later made a career change into the medical supply business. In 1986, Mr. Thornton moved back into the insurance profession with Foster and Parker Insurance; where he still works today.

Mr. Thornton has had a very successful career in the insurance industry. He was named "Trustee of the Year" in 2001 and "Agent of the Year" in 2003 by the National Association of Insurance and Financial Advisors. He is as successful in his commitment to the community as he is in his profession. Mr. Thornton is a long time member of the Madera Chamber of Commerce, where he has served on several committees, including the Ambassador Corps and the Mayor's Prayer Breakfast Committee. He has been a member of the Madera Sunrise Rotary for twenty-nine years and has maintained perfect attendance. He is the past-president of the Make-A-Wish Foundation, where he also served on the board from 1986 through 1996. Mr. Thornton served on the Board of Directors of Madera Community Hospital from 1988 through 1994. He served for nine years with Valley Public Television Board, was a seventeen year board member of the Darin Camarena Health Clinics, served as a Trustee of the National Association of Insurance and Financial Advisors at the state level and is past-president of the Fresno area Chapter. He is a current member of the Madera Elks, President of the Board of Directors for Sherman Thomas Charter School and Vice-President of Valley West Christian Center Board of Directors. For twenty-five years, he has served as a Speech Judge for the Madera Scholastic Decathlon. Mr. Thornton was appointed to the Planning Commission for the City of Madera and continues to serve in this civic capacity. For his dedicated service to the community, Mr. Thornton has been honored by being named the 1998-99 Citizen of the Year by the Madera Elks and the Madera Hispanic Chamber's Businessman of the Year in 1998.

Mr. Thornton has three sons and three grandchildren. His mother, Alberta, is ninety-six years old and lives with him and his wife Barbara, who has a son, a daughter and four grandchildren.

Madam Speaker, I rise today to commend and congratulate Ross Thornton upon being honored as the Madera Chamber of Commerce 2009 Lifetime Achievement Award Honoree. I invite my colleagues to join me in wishing Mr. Thornton many years of continued success.

HONORING THE 100TH ANNIVERSARY OF THE MANISTIQUE ELKS TEMPLE

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. STUPAK. Madam Speaker, I rise to recognize the Manistique Elks Lodge #632 on the

100th Anniversary of the group's landmark building. The Manistique Elks Temple was built in 1909 and continues to be a source of pride for the community and a unique venue for activities including civic events, receptions and patriotic ceremonies. The building has seen both high times and low times, but throughout its 100 years of existence it has touched nearly every person in the Manistique community in some way or another.

Visitors to the Temple step onto a sweeping front porch and through grand pillars to enter the building. Once inside they look up to the ornate ceiling of stamped tin, richly painted with gold filigree and accented in burgundy and hunter green. They walk across hardwood floors that are a testament to the timber industry that has helped sustain the city of Manistique throughout the years. The sun shines through newly restored windows to create a bright atmosphere. It is a place that echoes the natural beauty found throughout Manistique and Michigan's Upper Peninsula.

While so many buildings from the beginning of the 20th century have been destroyed or replaced, the Elks Temple continues to stand proudly in the center of downtown. Throughout the years the Temple has undergone significant renovations. Its first renovation was in 1927 when new lighting fixtures and a new kitchen were added. In 1939 two new bowling alleys were installed. The bowling alleys were updated again in 1962, 1981, and in 2002. The Temple suffered a serious fire in 2005, only three years after extensive renovations were completed. Once again members were determined to restore the building to greatness.

Each time the Temple has been faced with adversity, members of Lodge #632 have banded together to invest in and restore the beauty and functionality of this local gem. The Temple is a symbol of the perseverance and spirit of the residents of Manistique. Whether hosting an annual graduation party, traditional fish and steak dinners, or community functions such as the local Chamber of Commerce banquet, the Manistique Elks Temple is a place that brings members of the community together and strengthens local ties.

Madam Speaker, members of Elks Lodge #632 have shown continued support for the city of Manistique and its residents. Their willingness to open the Manistique Elks Temple for community use and their years of dedication to maintaining and improving this historic building is a testament to the organization's long tradition of community pride. Madam Speaker, I ask that you and the entire U.S. House of Representatives join me in congratulating Elks Lodge #632 on the Centennial of the Elks Temple as well as thanking members for their active involvement in preserving this Manistique landmark.

HONORING THE LIFE AND ACCOMPLISHMENTS OF DR. H. DOUGLAS LEE

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. MICA. Madam Speaker, on August 25th, Florida lost one of its great leaders in edu-

cation with the passing of recently retired Stetson University President H. Douglas Lee.

Not only was Dr. Lee recognized for his outstanding leadership and dedication to Stetson, he was also well known for his contributions to community, state and nation. It was an honor and privilege to know Doug and his wife of 44 years, Margaret, and to call them wonderful friends.

In his 22 years as President, Doug worked on countless projects to enhance the educational opportunities at Stetson. Most recently, I had the privilege to work with Doug in the renovation of Sage Hall.

In 2007, Doug came to me and shared his vision for renovating Stetson's Sage Hall to strengthen the science curriculum at the University. Through private fundraising, federal support and an enormous amount of dedication, Doug saw this project through to completion. The Sage Hall project, a 20,000 square foot addition with new science equipment, was completed and rededicated earlier this year, and will remain a testament to Doug's commitment to quality education.

To Doug's wife Margaret; his son Gregory Lee and wife Lara; daughter Elizabeth Lee Williamson and husband Heath; grandsons Parker Lee, Grayson Lee and Ayers Williamson; granddaughters Maggie Williamson and Piper Williamson; father, Dr. Howard Lee; brother David Lee and wife Ethel and their children and grandchildren; sister-in-law Sarah Easley Drummond and her children and grandchildren; and brother-in-law, Charles Easley III and wife Claudia and their children; we extend our deepest condolences.

Doug truly made an indelible mark on education in Florida and the United States. In our community, he always stressed integrity, compassion and public service, and through that principled dedication he leaves a proud and distinguished legacy. Madam Speaker, I ask all Members of the U.S. House of Representatives join me in recognizing Dr. H. Douglas Lee's contributions to higher education and a life commitment to making Stetson University the great institution it is today.

RECOGNIZING THE 60TH ANNIVERSARY OF CHRIST CHURCH

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Christ Church, of Nashville, Tennessee, which will be celebrating its 60th anniversary on Sunday, September 13.

From humble beginnings in 1950, Pastor L.H. Hardwick has led, nurtured, and grown this fine congregation into one of Nashville's leading churches. With over 3500 members, Christ Church impacts the entire Middle Tennessee region through its wide array of community involvement. One small example is the church's activity center, which includes fitness facilities and an indoor playground. Rather than restricting access to the church's members, the activity center is open to both friends and neighbors to utilize.

I am awed by the personal commitment Pastor Hardwick has demonstrated through his service to Christ Church. When one considers the many changes that have occurred in our country over the past sixty years, Pastor Hardwick's continuous service is real inspiration.

Please join me in honoring 60 years of Christ Church's past, and celebrating the next 60 years of Christ Church's future.

HONORING THE MEMORY OF  
JAMES C. VAN ANTWERP, JR.

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. BONNER. Madam Speaker, the city of Mobile recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

James Callahan Van Antwerp Jr. was a remarkable businessman, active citizen and committed U.S. Naval officer. He will be remembered as a man devoted to his family, his Catholic faith, his country and his community. After graduating from Murphy High School in 1940, Jim attended the U.S. Naval Academy and served in the Pacific, Far East, Atlantic and Mediterranean. He became an instructor at Auburn University's Naval ROTC Unit and then served as commander of the Naval Reserve base in Mobile.

Jim worked as an independent insurance agent before he began running the family business, Van Antwerp Realty Corp., in the 1950s. He was active in the Mobile business community, serving as a member of the Mobile Area Chamber of Commerce and as the president of both the Mobile Real Estate Association and the Mobile Association of Independent Insurance Agents.

Jim also played an active role in city government. He served as director of the executive committee of Downtown Mobile Unlimited and of the Mobile City Planning Commission. He was also the former chairman of the First Congressional District Committee and the Mobile Republican Executive Committee.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated and generous community leader and a dear friend to many. Mr. James Van Antwerp will be deeply missed by his family—his wife, Margaret; his children, James Callahan Van Antwerp III, Elizabeth Van Antwerp Reasonover, and John David Van Antwerp; his brother, Daniel Janse Van Antwerp; and his seven grandchildren—as well as his many friends and colleagues.

Our thoughts and prayers are with his family at this difficult time.

RECOGNIZING MATTHEW TRAVIS  
TERRELL

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Terrell of Liberty,

Missouri. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew Terrell for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ROBERT T. CONNOR

**HON. MICHAEL E. McMAHON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. McMAHON. Madam Speaker, I rise today to acknowledge, congratulate and celebrate the life of former Staten Island Borough President Robert T. Connor, Sr.

For over fifty years, Robert Connor served his country and his community through the military and our civic institutions. From the United States Navy, to the Central Intelligence Agency to Borough Hall, Robert Connor could always be found protecting and promoting the interests of the United States and Staten Island.

After attending Boston College and the U.S. Naval Academy, he was commissioned as an Ensign in the Navy in November 1940 and served on active duty throughout WWII, seeing action in both the Pacific and the Atlantic Theatres.

After the war, Connor entered the Central Intelligence Agency as an Operations Officer and was stationed at headquarters in Washington, DC and on foreign assignment. Following his CIA duty, Connor worked in the maritime industry in New York Harbor and other North Atlantic ports.

Returning home, Robert Connor first ran for public office in 1962. Although he was narrowly defeated in his bid for Staten Island's Congressional seat, he would never again be defeated in an election. The following year, he was elected as Councilman-At-Large to the New York City Council. From that position, Connor was a tireless advocate for improving the piers and harbors in the Port of New York.

In 1965, Connor was elected as Borough President of Staten Island, a position he held until 1977. Connor's tenure was marked by his commitment prudent management of government expenses and fiscal conservatism. He was dedicated to serving the people of New York, placing that goal ahead of any partisan ideology. Connor believed that neither political party had a monopoly on good ideas, and he was able to serve his constituents through close personal friendships with both Democratic and Republican elected officials.

In 1977 Robert Connor again returned to Washington, accepting an appointment as Deputy Assistant Secretary of the Navy from

President Carter. He served into the administration of President Reagan, primarily representing the Secretary of the Navy on visits to ships and stations throughout the world.

Although he left Washington in 1981, Robert Connor never lost interest in public service. He continued to advocate for maritime interests through various consulting jobs including the Port Authority of New York and New Jersey and Barber Steamship Lines in Annapolis, MD. While there, he volunteered as a coach of the Naval Academy Sailing Squadron.

Robert Connor dedicated his life to helping others without ever asking anyone for anything in return. I am honored to stand here today to both recognize and honor the life of Robert T. Connor, Sr.

EARMARK DECLARATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, Department of Defense Appropriations Act FY 2010.

Name of Requesting Member: J. GRESHAM BARRETT

Bill Number: H.R. 3326

Account Number: 0601101E 2 Defense Research Sciences

Name and address of requesting entity: The entity to receive funding for this project is Clemson University, located at Clemson University, South Carolina.

Description of earmark including amount and spending plan: I am requesting \$1.6 million of funding for Clemson University Advanced Photonic Composites Research. This program will be used for development of the next generation of materials for use in optical and laser-based communication, health, automotive, and defense platforms. It will provide the necessary coordinated and concentrated effort to bring high information capacity, low power consuming optical technologies to the soldier. The research will continue to focus on novel active and passive materials and optical devices for advanced lighting, directed energy, sensing and switching, as well as ways to make their performance controllably adaptive, such that one technology may now be used for a myriad of applications. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

IN CELEBRATION OF THE LIFE OF  
FRANCIS "BUTCH" TAYLOR

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. SPEIER. Madam Speaker, 100 years ago, Francis "Butch" Taylor was born in Akron, Iowa and shortly after, made the journey west with his family to California. While

completing his graduate degree in Social Work at the University of California, Berkeley, he married Betty Lou Taylor. Intrigued by their common last name, they spoke, fell in love and married in 1940. A year later Butch was hired as the Assistant Field Director for the American Red Cross and assigned to the Presidio Army base in San Francisco.

After the bombing of Pearl Harbor, Mr. Taylor was indispensable in keeping up with the rapidly increasing responsibilities of the American Red Cross as service to the military grew exponentially. In 1943, he was dispatched with 36 other Red Cross employees on a Liberty ship—part of a hundred-ship convoy to Algeria. Upon transferring to British troopships in the Mediterranean, the convoy was attacked by German planes, resulting in the loss of three Red Cross men and more than 1,100 American troops. Butch continued on to Bombay and Calcutta, India and eventually arrived in southern China, where he became Field Supervisor in charge of Red Cross Services to the armed forces in China.

After the Communists took power in China, Mr. Taylor returned home to California and became manager of the San Mateo Chapter of the Red Cross, later assisting in its merger with the San Francisco Chapter.

Madam Speaker, I owe a personal debt to this remarkable man. In 1965, when I was a teenage volunteer with the Red Cross Youth, Butch Taylor inspired me with his passion for public service and encouraged me to chart a similar course. Like so many others, my life would be very different were it not for Butch Taylor.

Upon his retirement from the Red Cross, Butch went to work for FEMA, serving the Western Region—including Guam, Hawaii and Samoa—and assisted with floods in the Sacramento Delta and other local emergencies throughout the 1970s.

Butch and Betty Lou have two children, Mike and Trish, and a grandson, Mark. Butch continues to be involved with the Burlingame Rotary Club and still attends functions every Monday. Next year, Butch and Betty Lou will celebrate their 70th wedding anniversary.

Madam Speaker, few men or women can say with absolute certainty that their service made the world a better place. Butch Taylor is one who can. And for that, we are all eternally grateful.

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COMMANDER MARK DICKINSON

**HON. MICHELE BACHMANN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mrs. BACHMANN. Madam Speaker, I rise today to honor Lieutenant Commander Mark Dickinson, a Minnesota native with St. Cloud and Big Lake roots, upon his retirement from the United States Navy. After 20 years of service, Mark is retiring from military service but will continue to serve his country as a civilian working for the Navy. I am proud to share Mark's distinguished career with this Congress today.

In 1989, Mark enlisted in the Navy and worked his way up to Petty Officer First Class

serving on the USS *Kamehameha*, USS *Nebraska* and PCU *Louisiana*. As a commissioned officer, Mark served as Supply Department Head on the USS *Maryland*, which, under his leadership, won the Supply Blue "E" awarded to the finest supply department in the squadron and the prestigious Edward F. Ney Award for outstanding food service—something every sailor can appreciate!

Mark began work at Naval Reactors as Manager of Shipbuilding Contracts in 2003. In this role, he successfully oversaw the construction, repair and modification of nuclear powered ships and also helped negotiate the acquisition of private shipyard facility upgrades necessary to refueling and defueling operations of nuclear aircraft carriers. Mark's negotiation and implementation of cost incentive programs has set the Navy up to save more than \$850 million dollars. Since 2007, Mark has been the Deputy Director of Acquisition and this March he assumed his current responsibilities as Director of Acquisition at Naval Reactors where he continues to lead shipbuilding efforts.

It is with great honor that I congratulate LCDR Mark Dickinson on 20 years of dedicated service to the United States Navy. Madame Speaker, I rise so that this Congress may also pay tribute to Mark and wish him and his family all the best in their future endeavors.

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HONORING STAFF SGT JASON DAHLKE

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. MICA. Madam Speaker, I rise today to honor and pay tribute to Staff Sergeant Jason Dahlke, 29, who died August 29, 2009, while serving our Nation in Afghanistan on his sixth deployment in support of the War on Terror. Staff Sergeant Dahlke was a distinguished soldier serving with Company A, 1st Battalion, 75th Ranger Regiment.

SSG Jason Dahlke was born on November 8, 1979, in Tampa and was raised in Jacksonville with his brother and three sisters. Prior to joining the Army, he attended the University of Central Florida where he graduated with a degree in Criminal Justice and married his grade school sweetheart Niki Marie Norvell Dahlke. Mrs. Dahlke recalls her husband as her "best friend" and "hero."

We should all remember SSG Dahlke's courage and his ultimate sacrifice for our nation. The freedom and liberty we enjoy and the peace in the world for others for which he fought are part of the great legacy that SSG Dahlke leaves behind. He was laid to rest at the new Jacksonville National Veterans Cemetery on September 5, 2009. SSG Jason Dahlke is the first American killed in combat to be interred at Florida's newest veterans cemetery.

SSG Dahlke will be remembered as a dedicated servant of the country he loved. During his time in the Army, SSG Dahlke received a Purple Heart and two Army Commendation Medals that he never mentioned to his par-

ents. They only learned of their son's achievements by way of the internet. In one of his last conversations with his parents, SSG Dahlke told his family that he loved his job and that he would continue to do it as long as he could serve. Col. Michael E. Kurilla, 75th Ranger Regiment commander stated that SSG Dahlke "embodied the Ranger Creed and all that is good, noble and honored in our Rangers."

With the passing of SSG Dahlke, America has lost an outstanding citizen and a shining example of service to our Nation. He will be remembered as a patriotic American, a pillar of our community and a compassionate husband and a loving son.

To his wife Niki, his mother Deborah, his father Roger and his loving family and friends, we offer our deepest sympathy.

Madam Speaker, it is my privilege to recognize SSG Jason Dahlke's contributions and to ask that all Members of the U.S. House of Representatives join me in recognizing his heroic service in our Nation's Armed Forces.

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RECOGNIZING THE RETIREMENT OF MR. JOHN "TOMMY" STEPHENSON

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Tommy Stephenson upon his retirement from the United States Postal Service.

Mr. Stephenson has serviced the same route for over 30 years, becoming an important part of the community in Southern Madison County, Northern Hardeman County, and Western Chester County, Tennessee. Over three generations of West Tennessee families have come to know and love Mr. Tommy. The humble spirit and cheerful whistle he brought to work each and every day has touched these families in many ways.

Most inspiring to me is the fact that Mr. Stephenson has endured a physical disability that limits the use of his right hand, yet he has always been able to adapt to the many changes these past thirty years. The type of dependability and dedication he has brought to his work is rare, indeed, and we honor him for it.

Please join me in celebrating Mr. Stephenson's achievement, and wishing him well upon his retirement.

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CELEBRATING 20 YEARS OF SUCCESS FOR AAHOA

**HON. EDWARD R. ROYCE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. ROYCE. Madam Speaker, I rise today to commend the success of the Asian American Hotel Owners Association (AAHOA). Founded in 1989, the AAHOA has grown to nearly 10,000 members who own more than 22,000 hotels valued at \$60 billion. These small business owners have created or supported more than one million jobs. It is my understanding that their business acumen and

dedication to the hospitality industry has made AAHOA a strong leader in the tourism sector of our economy.

It was my honor to attend AAHOA's national convention earlier this year, where its members celebrated 20 years of excellence and service to their respective communities. Many AAHOA members belong to their local chambers of commerce and network with pro-business associations. I share many of the concerns of AAHOA's membership, including card check, our spiraling deficit, excessive litigation, and the proposed expansion of government into the health care arena. This is not what our country needs. We need to allow private sector businesses, like AAHOA members, to do what they do best: grow the economy, create new jobs, and provide safe, reliable, and affordable hospitality for millions of travelers.

I want to recognize the officers and leadership of AAHOA for their service to the organization: Chairman Tarun S. Patel; Vice Chairman ChandraKant I. (C.K.) Patel; Treasurer Hemant D. (Henry) Patel; Secretary Alkesh R. (Al) Patel; past Chairman Ashwin (Ash) Patel; President Fred Schwartz; Washington District Regional Director and Co-Chairman of the Legislation Committee Paul (Prashant) Patel; Southwest Regional Director and Co-Chairman of the Legislation Committee Hitesh L. Patel; and Vice President for Fair Franchising and Government Affairs and General Counsel Laura Lee Blake.

I understand that the AAHOA donated more than \$100,000 for the victims of Hurricane Katrina, contributed more than \$25,000 for the victims of the Asian tsunami in 2004, they have helped open doors for investment opportunities in India, and they partnered with the United Service Organizations (USO) to create the "101,000 Room Nights for America" program, which provided complimentary rooms for deployed members of the U.S. Armed Forces.

Madam Speaker, I am pleased to recognize AAHOA and the Indian American community and look forward to working together in the future.

TRIBUTE TO MRS. HELEN  
DAUGHTREY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Mrs. Helen Daughtrey, who was 80 years old when she passed away on Saturday, August 15, 2009. America lost a community icon, public servant, and devoted daughter, wife, sister, and mother with the death of Helen Daughtrey. Helen will be remembered for her strong voice for fairness, civic duty, equality, and justice.

A long-time resident of Suffolk, Virginia, Helen was active in a myriad of service groups that improved the lives of those in the community. She served as the NAACP's Vice President for the Suffolk Branch. Helen was also a member of the American Red Cross, the Suffolk Beautification Committee, the Order of the Eastern Star of Virginia, the Inter-

national Black Women's Congress, and Chesapeake Silver Strands Senior Citizens Club.

Helen was perhaps best known for her leadership and tireless efforts to see through the community improvement projects at The Fairgrounds and the East Washington Street corridor. Helen also tirelessly championed the conversion of the 1921 Phoenix Bank, Suffolk's first African-American bank into a black history museum.

As a lifelong member of Metropolitan Baptist Church, Helen was a dutiful woman of faith. Her commitment to her community of faith was evident in her service on the Deaconess Board, and as a member of the Mass and Chapel choirs and the Harvesters' Missionary Circle. She also taught a Sunday school class and was the founder of the Afro-Centric Ministry.

Helen was a 1946 graduate of Booker T. Washington High School and remained involved in the alumni chapter. Helen was the proud wife of James Otis "Buck" Daughtrey. They had four daughters—Brenda, Rhonda, Sharon, and Ida. Helen deeply touched each one of her many friends in the community, and I am proud to count myself among them.

Helen Daughtrey was the personification of determination, volunteerism, and persistence. Her deep faith drove her efforts to improve her city and the lives of the people within it. Helen's contributions to the citizens of Suffolk will not be forgotten or easily replaced, and her work will live on for generations. I can say with certainty, that at another ceremony in Helen's honor that we cannot see with our eyes, Helen is hearing the words: "Well done, my good and faithful servant."

CONGRATULATING DR. REGINA  
BENJAMIN ON HER NOMINATION  
AS SURGEON GENERAL OF THE  
UNITED STATES OF AMERICA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. BONNER. Madam Speaker, I rise today to congratulate Dr. Regina Benjamin on her nomination as United States surgeon general. Upon confirmation, Dr. Benjamin will become the third Alabamian to serve as the nation's chief health educator.

A native of Mobile, Dr. Benjamin earned a bachelor's degree from Xavier University in New Orleans, and she attended the University of Alabama at Birmingham School of Medicine. Following the completion of her residency at the Medical Center of Central Georgia, Dr. Benjamin returned to south Alabama and founded the Bayou La Batre Rural Health Clinic. Dr. Benjamin also holds a masters of business administration from Tulane University.

Founded in 1990, Dr. Benjamin's non-profit clinic strives to provide high-quality medical care for the uninsured citizens of Alabama's bayou. In the aftermath of Hurricanes Georges and Katrina, despite the devastation of her own clinic, Dr. Benjamin selflessly continued to serve her patients, making house calls in

order to treat those who were isolated, injured, and unable to leave their homes.

Dr. Benjamin's résumé boasts an extensive list of accomplishments. In 1995, she became the first African-American woman and first person under age 40 to serve on the American Medical Association board of trustees. In addition, as president of the Medical Association of Alabama, she was the first African-American woman president of a state medical society. In September 2008, she was one of 25 honored with a \$500,000 "genius award" from the John D. and Catherine T. MacArthur Foundation Fellowship. She also previously served as associate dean for Rural Health at the University of South Alabama College of Medicine and chair of the Federation of State Medical Boards of the United States.

Dr. Benjamin has received numerous awards throughout her career. In 1998, she was the United States recipient of the Nelson Mandela Award for Health and Human Rights. Time magazine named her as one of the "Nation's 50 Future Leaders Age 40 and Under." She has been profiled by the New York Times and ABC's "World News Tonight." She was named "Woman of the Year" by both CBS "This Morning" and People Magazine. In 2008, U.S. News and World Report named Dr. Benjamin one of America's Best Leaders.

Madam Speaker, on behalf of the proud citizens of the First Congressional District and the entire state of Alabama, I ask my colleagues to join me in congratulating Dr. Benjamin on this distinguished nomination.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. LEWIS of California. Madam Speaker, I submit the following:

Project name: Synchrotron-Based Scanning Research

Requested amount: \$6,000,000.00

Recipient: Loma Linda University Medical Center, 11175 Campus Drive, Loma Linda, CA 92354

Purpose: The Synchrotron-based Neuroscience and Proton Institute (NSPI) is pioneering new possibilities in medical technology and neuroscience for the service of patients with previously untreatable benign diseases. The potential of the NSPI is to expand efforts in the treatment of people with uncontrollable serious behavioral conditions, including military personnel and veterans suffering from Post-Traumatic Stress Disorder as well as persons who are currently incarcerated in prisons and who volunteer for this treatment. Eventually the treatment would be an available medical option to all persons seeking a non-invasive, non-drug alternative to behavioral disorders, both in the military and civilian populations.

Project name: Center for Innovative Geospatial Technology—

Requested amount: \$7,000,000.00

Recipient: ESRI, 380 New York Street, Redlands, CA 92373

Purpose: Geospatial support to the warfighter has proven its value on the battlefield. Successes to date, together with advances in GIS technology, create the demand and the opportunity to apply geospatial analysis to a much larger set of military intelligence issues, and to embed advanced geospatial analysis techniques in critical warfighter support systems. These tasks can also help to integrate the national intelligence, defense intelligence, and military operational communities, all of which are heavily invested in geospatial technology and applications. Building on widely used information systems will expedite the work, facilitate ready application to new problems, create a foundation for sharing, and in the process create opportunities for economies. For the taxpayer, this means more efficient use of intelligence assets and resources to support military and other government operations, and lower operating costs in the intelligence community due to better integration of intelligence information and better quality of information to a large number of intelligence users.

Project name: Facility Security using Tactical Surveys

Requested amount: \$4,500,000.00

Recipient: TSG, 301 Vanderbilt Way, San Bernardino, California 92408

Purpose: The Tactical Survey System is an innovative computer-based, interactive tool that provides crisis personnel access to a vast database of reliable pre-incident information on a facility, thereby enhancing their ability to effectively respond to an emergency situation. The Tactical Survey System includes immersive imagery with embedded tactical intelligence including hazardous material types and locations, aerial photos, ingress and egress videos, key personnel, building construction information, utility shutoff locations with instructions, communications infrastructure, fire fighting assets, fire and security alarm systems, and perimeter control systems. Completion of a survey at a federal installation allows precise advanced planning of emergency response, conduct of realistic exercises, and detailed training of individuals.

Project name: Commercialization of Advanced Technology

Requested amount: \$2,500,000.00

Recipient: California State University, San Bernardino, 5500 University Parkway, San Bernardino, CA 92407-2393

Purpose: A collaborative partnership between California State University, San Bernardino (CSUSB) and San Diego State University, with the Space and Naval Warfare Systems Center, San Diego, other government, academic, and industry representatives, offers a proven process for accelerating technology to meet priority military and homeland defense requirements. Key focus is on commercializing technologies developed in government labs and/or funded under the SBIR program, transitioning technologies from the commercial sector to meet government priorities. The need for advanced technological solutions for personnel protection, enhanced situational awareness, NBCR protection, and critical military operations is paramount.

Project name: Integrated Information Technology Policy Analysis Research and Technology Commercialization and Management Network

Requested amount: \$4,000,000.00

Recipient: California State University, San Bernardino, 5500 University Parkway, San Bernardino, CA 92407-2393

Purpose: Integrated Information Technology Policy Analysis Research creates a more strategic, adaptive IT policy to advance the Army's Network Centric Operations vision for the future force, especially with regard to providing situational intelligence to soldiers on the battlefield. Technology Commercialization and Management Network accelerates DoD spiraling technologies acquisition strategy, lowers defense costs by accelerating government technologies, promotes higher educational institutions & small businesses technological innovation, increases commercial application of innovations derived from DoD R&D.

Project name: Research to Treat Cancerous Brain Tumors using Neural Stem Cells

Requested amount: \$2,000,000.00

Recipient: Loma Linda University Medical Center, 11175 Campus Drive, Loma Linda, CA 92354

Purpose: Current cancer treatments do not work on a majority of brain tumors. New breakthrough research has led to the theory that cancerous brain tumors develop and are propagated by a small sub-population of rogue transformed neural stem cells that are highly resistant to existing cancer therapies due to their self-renewal capacity.

With the proposed project, Loma Linda seeks to partner with the Department of Defense and a leading industry research company to achieve the following goals over the next four years: 1. Establish an in vitro brain tumor stem cell model sufficient for systematic screening of potential agents with anti-tumor activity; 2. Search for potential anti-tumor agents that block tumor-activating proteins or enhance tumor-suppressing proteins in the human neural stem cell model of brain tumor; 3. Create an animal model of human glioblastoma for efficacy testing of potential anti-tumor agents; 4. Create a drug form or route of administration of the anti-tumor agent that can be selectively delivered to the brain without exposing peripheral organs to potentially high toxic dose; 5. Demonstrate a proof-of-principle anti-tumor activity with the most promising test agent in the animal model.

Project name: Norton AFB Infrastructure Improvements

Requested amount: \$6,000,000.00

Recipient: Inland Valley Development Agency (IVDA), 294 South Leland Norton Way, Suite #1, San Bernardino, CA 92408-0131

Purpose: The Office of Economic Adjustment in the Department of Defense is tasked to assist communities that are adversely impacted by Defense program changes, including base closures or realignments, base expansions, and contract or program cancellations. The San Bernardino International Airport, formerly Norton Air Force Base, is a 2,100-acre facility, wholly within the jurisdiction of the City of San Bernardino. Officially closed as a military base in March of 1994, the former Base has been operated by two joint powers authorities, the Inland Valley Development Agency (IVDA) which was formed in 1990, and the San Bernardino International Airport Authority (SBIAA) which was formed in 1992. The IVDA and the SBIAA are in the

process of replacing and upgrading the infrastructure of the former Norton Air Force Base. These improvements include ongoing base structure repair and environmental remediation, water system improvements and base floodwater runoff mitigation. In addition to the federal funds requested, the IVDA and the SBIAA are committing their own significant financial resources to the various projects.

Project name: Spintronics Memory Storage Technology

Requested amount: \$3,500,000.00

Recipient: University of California, Riverside, 900 University Avenue, Riverside, CA 92521

Purpose: This project aims to take advantage of recent advances in nanomaterials, nanodevices and spintronics to bring about revolutionary advances in magnetic storage technologies and to develop chip-scale packaging and thermal dissipation solutions for this new generation of devices. Current hard disk drives are now contending with the superparamagnetic limit, which limits the magnetic grain size for recording information. This effort will explore the use of multilevel recording techniques and examine the use of new nanomaterials for the development of highly efficient thermal interface materials in order to accommodate the high thermal dissipation required in compact devices.

Project name: Carbon Nanotube Thin Film Near Infrared Detector

Requested amount: \$2,000,000.00

Recipient: Carbon Solutions, Inc., 1200 Columbia Avenue, Riverside, CA 92507

Purpose: There is an urgent need for improved infrared (IR) detectors for use in thermal imaging, night vision and other military, homeland and border security applications. This project aims to build on the revolutionary discovery of the broad spectrum bolometric response of carbon nanotube thin films to develop a new generation of near infrared detectors. This breakthrough by California scientists offers the possibility of broadly available, room temperature, low cost imaging devices that could find widespread military applications.

Project name: Magneto Inductive Remote Activation Munitions System (MI-RAMS) M156/M39 Kits and M40 Receivers

Requested amount: \$9,000,000.00

Recipient: Magneto Inductive USA, 115 North Del Rosa Drive, Suite A, San Bernardino, California 92408

Purpose: The purpose of the request is to ensure timely deployment of this cutting edge MI-RAMS technology to US warfighters, enabling them to gain significant tactical advantage in difficult urban, cave and tunnel environments where they are required to undertake demolition missions. Continued funding at the requested level will save lives by fielding this technology identified as critical to the safety of the Army Combat Engineers and Special Operations Forces as soon as possible. This project will also save taxpayer dollars by ensuring that the unique industrial base established in San Bernardino, California to manufacture this equipment remains active, preventing line closures and layoffs and be able to respond to the high demand from the warfighters for this important technology in 2011 and beyond.

Project name: Cyber Threat Analytics

Requested amount: \$3,000,000.00

Recipient: MetaFlows, 22N 6th Street A, Redlands, CA 92373

Purpose: Cyber-TA is a research project to develop the next-generation of real-time national-scale Internet-threat analysis technologies, and conduct critical deployment evaluation and operational transition of new research concepts in large-scale network defense to protect critical DoD and IC networks. Cyber-TA has brought together many of the world's most established researchers across the fields of data privacy, cryptography, malware and intrusion detection research, as well as operational experts in Internet-scale sensor management, to develop leading edge solutions to the evolving threat of increasingly virulent and widespread self-propagating malicious software.

Project name: Geospatial Intelligence Analysis Education (O&M)

Requested amount: \$1,000,000.00

Recipient: University of Redlands, 1200 E Colton Ave, Redlands, CA 92374

Purpose: This project supports continuing efforts to strategically enhance the human and scientific infrastructure of the Intelligence Community (IC), as well as other federal agencies which employ staff who should be using advanced Geospatial Analysis methods. The effort involves collaborating with the Intelligence and Federal Geospatial Communities in the design, development, and implementation of a graduate program, including research, short courses and basic studies in geographic information science (GIS). A key objective is to equip officers at federal agencies with advanced geospatial analysis skills.

Project name: Integrated Propulsion Analysis and Spacecraft Engineering Tools (IPAT/ ISET)

Requested amount: \$6,000,000.00

Recipient: Advatech Pacific Inc., 1849 N. Wabash Avenue, Redlands, CA 92374

Purpose: IPAT directly supports many of the Air Force's new major system acquisitions including Land-based Strategic Deterrent, Prompt Global Strike and Operationally Responsive Spacelift and is a key tool to support our nation's world leadership in space.

The ISET radically improves AFRL's ability to quickly assess advanced spacecraft design concepts' strengths, weaknesses, costs, and viability in support of Air Force Space Command, Air Force Space & Missile Systems Center, and U.S. Strategic Command requirements.

Project name: Advanced Technology Sensors and Payloads/Unattended SIGINT Node

Requested amount: \$6,000,000.00

Recipient: Trident Systems, 1615 Orange Tree Lane, Ste 104, Redlands, CA 92374

Purpose: This program is urgently required to address the growing complexity of ground operations associated with Unmanned Aerial Vehicle-based Surveillance and Reconnaissance (ISR) missions. There are multiple types of small unmanned aerial vehicles operating in theater, each with its own unique command and control, payload management, and status monitoring interface systems. These UAVs generally carry only an EO/IR camera payload due to the size and weight of existing multiband radars. ATSP provides a common ground station, simplified integration environment for new sensor payload capabilities and

unprecedented communications range plus agility around interference. This project provides critically needed capabilities to extend the reach and operational flexibility of UAVs in theater. By developing and deploying this project, our Armed Forces will be equipped with technology enabling them to accelerate intelligence, surveillance and reconnaissance missions, improve a vital communications link and increase overall safety and survivability. Information superiority has become a key factor in force protection and operational effectiveness. The use of commercial communications technology has enabled even unsophisticated adversaries to coordinate their efforts, narrowing the tactical advantage that US forces achieved in the previous decade and allowing new threats like IEDs. This use of commercial communications assets can be countered with signals intelligence & communications intelligence techniques, helping to restore the information superiority tactical advantage. This project will provide an affordable miniature wide band, SIGINT/COMINT payload for employment on small and mid-size UAV platforms and in ground sensors.

Project name: Enhancing Commercial Joint Mapping Toolkit (CJMTK)

Requested amount: \$4,000,000.00

Recipient: ESRI, 380 New York Street, Redlands, CA 92373

Purpose: Integrating ESRI's Network Analyst technology in the CJMTK baseline affords a rapid and very cost effective path for meeting urgent requirements of the U.S. Army, and affording the same capabilities to the other military services and the U.S. Coast Guard. Several DOD programs have explored independently adding Network Analyst capabilities to their systems, and have determined that the cost for each would range in the tens of millions of dollars. Providing Network Analyst capabilities through CJMTK, then, is extremely cost effective; will enable rapid, parallel adoption of these capabilities in multiple DOD systems; and will provide a common standard for analyzing movements across all of their systems, thereby supporting interoperability and joint/combined operations. For the taxpayer, this means that these Army systems will be more efficient. It also means better decisions can be made by government officials, and the annual cost of Army systems will be lower through the infusion of modern analytical software tools.

Project name: Flow Path Analysis Tool (FPAT)

Requested amount: \$2,000,000.00

Recipient: Advatech Pacific, Inc., 1849 N. Wabash Avenue, Redlands, CA 92374

Purpose: The Flow Path Analysis Tool (FPAT) is the first tool to accurately model the complex physics of the gas flow through a hypersonic ramjet/scramjet engine. This tool will save many millions of dollars by evaluating feasibility, predicting performance, and eliminating non-viable or too costly design concepts for future Navy weapon systems—all without having to actually build them (or scale models of them) for testing. The Flow Path Analysis Tool effort is an ongoing, but underfunded, program at the Navy's High Speed Weapons Center at China Lake. Previous funding has demonstrated the viability of the approach and is providing the first increment

of computational fluid dynamics modeling of the ramjet/scramjet air inlet. The FPAT project, when completed, will provide the Navy's High Speed Weapons Center at China Lake and other DoD organizations with computational fluid dynamics capabilities to analyze and predict performance characteristics of future weapon systems that use ramjet/scramjet hypersonic engine technology. FPAT will capture an unprecedented amount of engine hypersonic flow data from the air inlet, through the engine, and out the exhaust. The cost benefits of physics-based tools that integrate modern design and analysis codes have been well documented.

Project name: Rare Earth Mining Separation and Metal Production

Requested amount: \$3,000,000.00

Recipient: Molycorp, 67750 Bailey Road, Mountain Pass, CA 92366

Purpose: Rare earth metals and magnets are vital to a wide variety of Department of Defense applications. These metals and magnets are used in virtually all advanced military systems and clean energy technologies, yet currently, China controls nearly 100% of the world's rare earth metal production. This funding will speed the development of the critical manufacturing technologies necessary to revitalize U.S. domestic rare earth separation and metal production for DOD applications. To this end, the appropriated funds will be leveraged against more than \$20 million in private capital to accelerate the engineering and scale of this work.

Project name: National Eye Evaluation and Research Network

Requested amount: \$3,000,000.00

Recipient: Foundation Fighting Blindness, 11435 Cronhill Drive, Owings Mills, MD, 21117-2220

Purpose: NEER will directly benefit the warfighter by providing a readily available source to screen, enroll, and follow military patients and their families through clinical trials. Additionally, NEER will continue to interact with the newly formed DOD Vision Center of Excellence, which will eventually be housed at the Bethesda National Naval Medical Center. Many of the diseases to be studied are orphan diseases, impacting small populations. Consequently, they do not receive the attention of major government and private research and pharmaceutical organizations. Additionally, much of the research conducted on degenerative retinal diseases has a direct benefit to ongoing traumatic brain injury research to better understand the vision deficits associated with TBI.

Project name: Inter Turbine Burner for Turbo Shaft Engines

Requested amount: \$3,000,000.00

Recipient: Advanced Projects Research, Incorporated, 2850 U Street, San Bernardino, CA 92408

Purpose: The Inter Turbine Burner is an engine alteration that adds a second combustor within a turbo shaft engine to increase power output and engine efficiency. This technology can be used as an upgrade to existing engines to provide greater power and performance in response to increased air or ground vehicle capability requirements and can be incorporated in new engine designs to provide both higher performance and greater fuel efficiency at lower engine speeds. This technology can be used on helicopters such as the

UH-60 Blackhawk and military ground vehicles such as the M1 Abrams tank to increase fuel efficiency and peak power, which are critical in the Global War on Terror.

#### RECOGNIZING STEVE CULVER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Steve Culver of St. Joseph, Missouri. Steve is a St. Joseph native who has been an instrumental member of the community for many years. Not only is he a successful business owner, but also a volunteer, father, husband, and well respected individual in his community.

Steve was employed with Western Dairy and Leo Robertson Tire Company before buying into Midland Bottling Company, which he co-owned for 26 years. He is currently President of Recycling Corporation. Steve has generously volunteered his time to many organizations including the Aviation Board and Citizens Crime Commission for the City of St. Joseph, American Cancer Society, United Cerebral Palsy, Nodaway Valley Bank, and Missouri Western State University Foundation. Steve also founded both the St. Patrick's Day Parade and the Heart of America Chili Challenge in St. Joseph.

Madam Speaker, I proudly ask you to join me in commending Steve Culver for his accomplishments and his desire to enhance the lives of others in his community.

#### JOHN SOLLAZZO

### HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. McMAHON. Madam Speaker, I rise today to honor John Sollazzo, a lifelong Staten Islander, dear friend, dedicated community organizer and Staten Island's own "Mr. Democrat," who turned 70 on July 25, 2009. From his service in the Navy to his active participation in various community organizations, Mr. Sollazzo is the premier example of the engaged citizen, the truly civic individual who I know will continue to be for generations to come.

Born and raised on Staten Island by his father, the late Nicolas Sollazzo, and his mother, Helen Trifoglio, he attended P.S. 22, also known as the Granitville School, and Port Richmond High School.

Mr. Sollazzo served with the U.S. Navy from 1959 to 1960 on the Ships Company of the USS *Intrepid*. After his service to our nation he became a New York City Firefighter, one of New York's Bravest, and continued to serve his community until his retirement in 1983.

Mr. Sollazzo has always been willing to give of his time to help others. He has worked to keep kids off streets and spent hours teaching them valuable skills as an instructor for Youth Against Crime of Staten Island. As an execu-

tive board member of Meals on Wheels, he fought to maintain and expand this essential program for our neediest seniors. He has also been involved in various other organizations such as Rotary International, Boy Scouts of America, the American Red Cross, and the Knights of Columbus.

Because of his continued service to our island, Mr. Sollazzo has been the recipient of many awards from various youth, service, and political organizations. He has been recognized by the New York City Council and the New York State Senate for his outstanding contributions.

Outside of his professional life, Mr. Sollazzo is a devoted family man. He has been married to Frances Adamo for more than 48 years. He is the father to John, Jr., Elizabeth and Ellen Mary and the beloved grandfather of Nicholas, Laura, Vincent, Maria and Levi.

Mr. Sollazzo has been active in democratic politics for as long as anyone can remember. Now serving as the 1st Vice Chairman of the Richmond County Democratic Committee, John has been involved in every democratic campaign for the last 25 years. He continues to be the top petition canvasser in the borough. He is well known for his ability to run successful judicial campaigns; having insured that every judicial candidate's campaign he has run has won. He carried the party flag as a candidate on three occasions. Through his personal zeal and undying commitment, he has built the Richmond County Democratic Party into a vibrant, active political organization.

Without John's invaluable assistance in my last campaign, I might not be standing here today. His limitless energy and enthusiasm for his family, his Democratic Party and his community, belie the fact that he has just turned 70 years old.

John Sollazzo celebrated his 70th birthday on July 25, 2009. This celebration will not only be an anniversary of the birth of Mr. Sollazzo but also a celebration of his contributions to the people of Staten Island. I am proud to call John my friend and I wish him many more years to come. Madam Speaker, I ask that my colleagues join me in commending John Sollazzo on his dedication to the citizens of Staten Island.

#### HONORING LIEUTENANT GENERAL JAMES G. ROUDEBUSH

### HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. FORTENBERRY. Madam Speaker, I rise today to pay tribute to Lieutenant General James G. Roudebush. As his 34-year career in the United States Air Force draws to a close, I would like to draw attention to some of his significant accomplishments and enduring contributions to our great Nation.

Lieutenant General James G. Roudebush is the Surgeon General of the Air Force, headquartered in Washington, D.C. Educated at the University of Nebraska at Lincoln, he received a direct commission in the Medical Service Corps upon completing his master's

degree from the University of Nebraska College of Medicine in 1975. In his distinguished career, he served as the Vice Commander at the Human Systems Center and the Command Surgeon General for United States Central Command. Lieutenant General Roudebush also served as the Command Surgeon for Pacific Air Forces Command, United States Transportation Command and Air Mobility Command. His commands include the 36th Tactical Fighter Wing Hospital at Bitburg Air Base, Germany, and 89th Medical Group, Andrews Air Force Base, Maryland. Prior to his current assignment, General Roudebush was the Deputy Surgeon General at the U.S. Air Force Headquarters.

In his career, General Roudebush has been awarded the Distinguished Service Medal, Defense Superior Service Medal with one oak leaf cluster, the Legion of Merit with one oak leaf cluster, the Meritorious Service Medal with two oak leaf clusters, and the Air Force Commendation Medal. He holds a Chief Flight Surgeon rating with more than 1,100 flight hours in fourteen different aircraft including the C-5 Galaxy, F-15 Eagle and KC-135 Stratotanker.

General Roudebush has served his career with dedication and honor in the service of his country. He significantly transformed the role and impact of the Air Force Medical Service. The breadth of his enormously positive impact on the Air Force—medical readiness; pre- and post-deployment physical and mental health assessments; suicide prevention initiatives; and the successful aero-medical evacuation of tens of thousands of wounded service members from Iraq and Afghanistan—are key pillars of his contributions to government service. As the architect for the Surgeon General's Force Development Flight Path, each of the five Corps—Medical, Medical Service, Dental, Biomedical Services, and Nurse—now have a career pathway for all medical officers from lieutenant to general specific to their Corps.

Madam Speaker, I ask that my colleagues join me in commending Lieutenant General James G. Roudebush for his lifetime of dedication and self-sacrifice in the service of our great Nation.

#### TRIBUTE TO LAWRENCE HAHN

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. WAMP. Madam Speaker, today I rise to honor Lawrence A. Hahn of Oak Ridge, Tenn., as he retires as the Executive Director of the Boys and Girls Club of Oak Ridge.

For more than 55 years, Lawrence has dedicated himself to the youth of Oak Ridge and surrounding areas as Executive Director of the Boys and Girls Club. He has worked considerably more than "40 hours-a-week" and has contributed from his own finances to create a better quality of life for countless young people. He has helped change lives by providing a safe environment and great role-models that have helped many become caring, responsible and productive citizens.

He has served hundreds of thousands of youth with his service on the Tennessee Area

Council as its Executive Secretary in addition to his service to the National Boys and Girls Clubs.

The local Boys and Girls Club Alumni Chapter that Lawrence established has been recognized as one of the largest and most effective in the nation. He continues to lead this group, which includes past Club members now working as professionals across the region and around the nation.

He has been an inspiration to hundreds of volunteers who have served on the Club's Board of Directors as educational tutors and athletic coaches—giving them the same desire that he has to carry on the unwavering compassion and commitment to the mission of the Club.

The national headquarters of the Boys & Girls Clubs of America has given Lawrence their highest professional award and he continues to be honored at national forums.

Lawrence is without a doubt one of the most respected, honored and legendary citizens of Oak Ridge. His 55 years as the Boys and Girls Club Executive Director far exceeds the years of service than that of any other person in the history of the National Boys and Girls Clubs movement. It is with great pleasure that I honor my friend, Lawrence Hahn, for his commitment to the youth of Oak Ridge and East Tennessee.

#### EARMARK DECLARATION

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. UPTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Labor/HHS spending bill for Fiscal Year 2009.

Requesting Member: Congressman FRED UPTON

Benton Harbor Workforce Transformation Program

Department: Labor

Account: Employment and Training Administration—Training and Employment Services

Legal Name of Requesting Entity: Michigan Works—Benton Harbor, MI

Address of Requesting Entity: Michigan Works, 499 W. Main St., Benton Harbor, MI 49022

Description of Request: Michigan Works, a state-supported job recruitment and training organization, is starting a job-training program designed to work in tandem with the upcoming \$500 million Harbor Shores mixed-use economic development project being undertaken by Benton Harbor. The basic workforce transformation program, which would be funded by the monies requested here, includes at least three core elements: basic skills training, including workforce literacy remediation; skills training for in-demand, high-growth occupations; and transitional job services. All activities will be based on proven programs administered by workforce training professionals as part of the region's existing and ongoing workforce development activities. All programs will

be designed to reduce the unemployment rate, increase the local labor participation rate, increase job readiness, place people into jobs, and increase per capita income. These funds are consistent with the mission of the Employment and Training Administration. Benton Harbor, Michigan is the poorest city in one of the most economically challenged states in America. The magnitude of Benton Harbor's problems is stunning—a workforce with an average 6th grade literacy level and an 80 percent high school dropout rate by young males. In Benton Harbor 42 percent of the available workers are out of the workforce, a fact exacerbated by the lack of basic skills needed to maintain employment which has only served as a barrier to attract new employers into the area

Amount: \$381,000

Financial Breakdown: The majority of this funding (around 70 percent) will go to staffing services, stipends for program participants, as well as literacy remediation services. The remainder of the funding will be provided for training scholarships, community outreach, participant assessments and support services. Michigan Works will provide supplemental funds.

Kalamazoo Community Mental Health & Substance Abuse Services Nursing Distance Learning Initiative

Department: Health

Account: Health Resources and Services Administration—Health Facilities and Services  
Legal Name of Requesting Entity: Kalamazoo Community Mental Health & Substance Abuse Services

Address of Requesting Entity: 3299 Gull Rd., Kalamazoo, MI 49048

Description of Request: The Kalamazoo Community Mental Health and Substance Abuse Services agency will partner with Wayne State University's School of Nursing, the only nursing school in Michigan offering an Advanced Psychiatric and Community Public Health Nurse Practitioner degree program, to bring the opportunity through the use of distance learning technology for nurses in Kalamazoo and surrounding communities to participate in this three-year program right in their home communities, rather than have to travel all the way across the State to Detroit. The plan would provide scholarships to local nurses who wish to participate in exchange for a commitment to remain in and serve their Southwest Michigan communities. Southwest Michigan is a medically underserved area, with a shortage of nurses, and a particularly acute shortage of nurses with advanced training to meet community mental health needs. The Kalamazoo Community Mental Health and Substance Abuse Services Nursing Distance Learning proposal promises to be an innovative and successful way to address this pressing need.

Amount: \$100,000

Financial Breakdown: The majority of funding for this project (around 60%) will go to nursing faculty, with supplemental funding going to polycom and video conferencing equipment, as well as scholarships for nursing students.

Kalamazoo Valley Community College Wind Technician Academy

Department: Education

Account: Fund for the Improvement of Post Secondary Education

Legal Name of Requesting Entity: Kalamazoo Valley Community College

Address of Requesting Entity: 6767 West O Avenue, Kalamazoo, MI 49003

KVCC Wind Energy Center will launch a Wind Turbine Technician Academy in the fall of 2009. The competency based program will provide graduates with multi craft credentials which are highly sought after by the wind power industry for the construction, operation and maintenance of utility size wind turbines. The training uses established curriculum based on globally recognized BZEE utility grade turbine technician standards. The KVCC program will be the first BZEE certification program in the US, and will include training on a decommissioned utility grade turbine in a lab at KVCC. The Wind Turbine Technician Academy can be completed in less than 6 months, making the program viable for retraining of workers and for the training of the next generation workforce. The Wind Turbine Technician Academy will consist of three integrated segments: Pre-Employment Electrical Apprenticeship, Wind Turbine Technology Education, and Field Experience. Michigan ranks 14th in terms of wind energy potential, but is currently well behind other states in terms of installed wind generating capacity. The Academy will promote Michigan's potential through their ability to produce highly qualified workers in 6 months and through their plan to create an advisory panel made up of national wind energy employers.

Amount: \$350,000

Financial Breakdown: Approximately 75% of this funding will go toward the purchase of wind turbine components, tools and training equipment. The remaining 25% will be split between purchasing lab equipment and curriculum development. KVCC has been, and will continue to provide, supplemental funding for the program.

Lake Michigan College Energy Job Training Program

Department: Education

Account: Fund for the Improvement of Post Secondary Education

Legal Name of Requesting Entity: Lake Michigan College

Address of Requesting Entity: 2755 E. Napier Avenue, Benton Harbor, MI 49022

This funding will go toward equipment purchases and curriculum development for an energy production job training program at Lake Michigan College. According to Nuclear Energy Institute research, the nuclear power production industry and their community college partners need to establish forty-four new programs for training non-licensed operators, twelve for radiation protection technicians, and sixty-five to train maintenance workers. To address the projected shortage of energy industry professionals for the region it serves, Lake Michigan College, in collaboration with D.C. Cook Nuclear Plant in Bridgman and Palisades Nuclear Power Plant in Covert, has developed the Energy Production Technology degree to give local residents the opportunity to prepare for one of these high-skill, high-wage jobs. According to the Nuclear Energy Institute, about thirty percent of the nuclear energy workforce will retire within the next five years. Locally, that percentage is as high as 35%. Consumers Energy, over the next five

years, expects 120–130 retirements among generating plant operations and maintenance personnel. That translates into over four hundred anticipated job openings in this region in just the next few years. This project will help train a local workforce to fill those openings.

Amount: \$150,000

IN MEMORY OF KEN BACON,  
PRESIDENT, REFUGEES INTERNATIONAL

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. McGOVERN. Madam Speaker, it was with deep sorrow and shock that I learned of the death of Mr. Ken Bacon, President of Refugees International. Ken was a great man, who accomplished so much in his lifetime, both inside and outside the U.S. government. His wit, focus, passion and vision will be sorely missed by me and everyone who knew him.

One of the first actions I did with Ken in his capacity as the new president of Refugees International was an event in 2001 on the need to ban anti-personnel landmines. His background and experience at the Pentagon made Ken an especially authoritative voice in support of the international treaty to ban landmines and on the horror and humanitarian consequences of landmines. I found him inspiring and energizing.

In the years to come, we would work together on issues ranging from internally displaced people in Colombia, to the tragedy of Darfur, and the need to ban the use of cluster munitions. I last saw Ken at a breakfast on Capitol Hill on June 17th, where we had a chance to join forces once again to talk about the special needs of displaced women and girls.

Ken Bacon helped strengthen and revitalize Refugees International into one of the most internationally recognized voices and advocates on behalf of refugees and the internally displaced. And like all his friends, family and colleagues, I pledge to carry on his work as if he were still right by my side.

I would like to insert into the RECORD the statement on the death of Ken Bacon by Secretary of State Hillary Rodham Clinton; the August 16th obituary in the New York Times; and the August 15th tribute posted by Refugees International on its web site.

DEATH OF KEN BACON, PRESIDENT OF  
REFUGEES INTERNATIONAL

(HILLARY RODHAM CLINTON, AUG. 15, 2009)

The United States and the world lost a great humanitarian leader with the passing today of Ken Bacon, President of Refugees International. Most Americans remember Ken as the unflappable civilian voice of the Department of Defense, where he served with distinction as spokesperson for many years. But for millions of the world's most vulnerable people—refugees and other victims of conflict—Ken was an invaluable source of hope, inspiration and support. From Central Africa to South Asia to the Americas, Ken shone the spotlight on the causes of humanitarian suffering, and served as an impassioned yet reasoned advocate for the prin-

ciples of humanitarian protection and assistance. We will miss Ken, but we will be inspired by the contributions he has made and the example he has set.

[From the New York Times, Aug. 16, 2009]

K. BACON, AN ADVOCATE FOR REFUGEES, IS  
DEAD AT 64

(By Douglas Martin)

Kenneth H. Bacon, a former journalist and Pentagon spokesman who devoted his last years to highlighting refugees' problems and urging policymakers to find solutions, died Saturday morning at his summer home on Block Island, R.I. He was 64 and a resident of Washington.

The cause was complications of melanoma, his daughter Sarah said.

Mr. Bacon, as an assistant secretary of defense in the Clinton administration, was the spokesman for the Defense Department during NATO's campaign to end the violence in Kosovo in 1999. He then visited his first refugee camp during a trip to the Balkans with William S. Cohen, then the defense secretary.

"I had never seen refugees before, never fully appreciated the sheer magnitude of one million people leaving their homes and needing food, shelter and medical care and then one million people going back home after the war," he said in an interview with The New York Times in 2001.

"This fascinated me," he continued. "I knew it was rare for the world to help refugees so completely, and I wondered if somebody could help give the same attention to the refugees in the Congo, Afghanistan and Sudan."

Mr. Bacon became president of Refugees International, which advocates for assistance to save the lives of the world's 41.9 million people who flee their homes to escape violence, either in their own countries or across borders. The organization also aids the 12 million stateless people living in limbo without citizenship rights.

Refugees International helps abandoned refugees receive food, medicine and education; helps displaced families to return home and helps stateless families obtain legal status. It also urges policymakers at the national and international levels to send peacekeepers to protect displaced people.

In a biography he wrote for the organization's Web site, Mr. Bacon said the most important thing Refugees International does is push governments and the United Nations to overcome what he called the "commitment gap" that prevents the world from ending genocide, human rights abuses and wars.

Mr. Bacon wrote and spoke extensively about these issues. In remarks at the Brookings Institution in February 2003, just five weeks before the United States attacked Iraq, he suggested ways to reduce the number of refugees in a war, including choosing targets outside of urban areas.

In an article in Newsday in September 2003 he urged the United States to persuade France to contribute peacekeepers to Iraq, because of France's success in peacekeeping elsewhere. At the time, many Americans resented France because of its strong opposition to the American attack.

Kenneth Hogate Bacon was born in Bronxville, N.Y., on Nov. 21, 1944. He graduated from the Phillips Exeter Academy and Amherst College, where his father was a political science professor. He earned master's degrees in journalism and business from Columbia.

In 1968 and 1969, he was a legislative assistant to United States Senator Thomas J.

McIntyre, Democrat of New Hampshire. He then joined The Wall Street Journal's Washington bureau, where he worked for 25 years as a reporter, columnist and editor. From 1968 to 1974, he served in the Army Reserve.

Mr. Bacon had covered the Pentagon during the Carter administration and had come to respect William J. Perry, a senior official. When President Bill Clinton appointed Mr. Perry as his second secretary of defense in 1994, Mr. Perry asked Mr. Bacon to be his spokesman.

Mr. Bacon joined the Clinton administration as assistant to the secretary of defense for public affairs, and was promoted to assistant secretary in 1996. He served until 2001, becoming a familiar face on broadcast and cable television news shows donned in his signature bow tie.

Mr. Bacon is survived by his wife, the former Darcy Wheeler, and his daughters, Katharine and Sarah; his father, Theodore S. Bacon of Peterborough, N.H.; and his brother, Douglas A. Bacon of Concord, Mass.

To Mr. Bacon, being a refugee was something that could happen to anybody at any time.

"Even blue-blooded WASPs were refugees at one time; mine came over from England in 1630, fleeing debts for all I know," he said.

[From Refugees International, Aug. 15, 2009]

REFUGEES INTERNATIONAL MOURNS THE  
DEATH OF KENNETH H. BACON

WASHINGTON, DC.—With grief and a deep sense of loss, Refugees International announces that Kenneth H. Bacon, President of Refugees International, died this morning from an aggressive melanoma that spread into his brain. Mr. Bacon, who became President of Refugees International in 2001 and was only 64 years old at the time of his death, devoted the final years of his life to building the organization into the leading advocacy group on refugee crises.

"Ken Bacon was an extraordinary human being. He led by example and dedicated his efforts to help those most vulnerable—refugees and displaced persons across the globe," said Farooq Kathwari, Chair of the Board of Directors of Refugees International. "We are inspired by his passion, his integrity, his humility, and the dignity with which he faced the inevitable. We will sorely miss our friend and colleague."

Under Mr. Bacon's leadership, Refugees International doubled in size and grew from an organization that largely sounded the alarm on the latest refugee crisis to a program built on sustained advocacy to transform unwieldy and often ineffective international systems. During his tenure, the organization successfully advocated for increased protection and assistance for displaced people in places like Darfur and Iraq, where he focused much of his own work, as well as in Afghanistan, Burma, the DR Congo, Colombia, and Thailand. Mr. Bacon also launched new advocacy programs on peacekeeping and statelessness.

In the last few months of his life, Mr. Bacon turned his passion towards the growing threat of climate displacement. Just a few weeks prior to his death, he and his wife Darcy provided a generous donation to establish the Ken and Darcy Bacon Center for the Study of Climate Displacement.

"Ken's death is an enormous loss—to his family, his friends, and Refugees International. All of us here will miss his leadership, his kindness, and his quiet passion," said Joel Charny acting president of Refugees International. "He never stopped looking for new ways to bring attention to the

millions of people who have been uprooted by violence and conflict. The world's most vulnerable people have lost one of their most tireless advocates."

In 2004, Mr. Bacon made Darfur his primary regional focus before throngs of activists and celebrities began calling for support to the region. In 2005, he accompanied UN Secretary General Kofi Annan to Darfur, and he met with Sudanese President Al-Bashir in 2007 to push for a ceasefire and greater access for relief workers in Darfur. Over the years, he travelled to Darfur four times, wrote op-ed pieces, conducted media interviews and testified to Congress in his trademark bowtie, participated in think-tank working groups, debated the merits of military action with journalists and humanitarian workers and gave advice to the leaders of the grassroots movements that made Darfur a household name. These efforts helped lead to the substantial funding the U.S. has provided for aid to the people of Darfur and to African Union and United Nations peacekeepers in the region.

"Ken would walk the corridors of power one day and then meet with refugees in the most remote areas of Darfur the next. His unique mixture of expertise in the media, military affairs, and U.S. government policy, added to his compassion for vulnerable refugees, made him one of the great voices in humanitarian advocacy," continued Charny. "Ken always saw the best in people. His ability to connect with nearly everyone he met made it possible for him to convince officials at the highest levels of government and the United Nations to make the necessary changes to save lives and protect people from harm."

In 2006, Mr. Bacon pushed Refugees International to investigate the plight of Iraqi refugees at a time when no one was willing to acknowledge or speak out about this matter. Drawing on the findings of Refugees International's field research teams, Mr. Bacon was a leader in pushing the U.S. government and the UN to recognize the world's fastest growing refugee crisis at that time. His advocacy with senior administration officials and key members of Congress, such as Senator Edward Kennedy, was instrumental in achieving extensive press coverage and policy discussions on Iraqi displacement, the creation of a State Department task force on the problem, a sharp increase in international assistance for displaced Iraqis, and greater numbers of Iraqis being resettled in this country.

Mr. Bacon wrote a few months before his death, "When I came to Refugees International in 2001, I planned to stay for several years and then retire or move on to teaching or writing, but the challenge of the work and the commitment of the staff are too exciting to leave." When he thanked people for their support of the organization, he regularly noted, "We have a lot to do."

In 1994, Mr. Bacon became Assistant Secretary of Defense for Public Affairs and Pentagon spokesman. During the U.S. and NATO operations in Kosovo, Mr. Bacon became convinced that the world needed more people working to stop human rights abuses and to assist people displaced by man-made and natural disasters. He became president of Refugees International in 2001 to help further that goal.

From 1969 to 1994 Mr. Bacon worked as a reporter and editor at The Wall Street Journal. Mr. Bacon received his Bachelor's degree from Amherst College, and a Master's degree in Business Administration and Master's degree in Journalism from Columbia Univer-

sity. He served in the U.S. Army Reserve from 1968 to 1974.

Mr. Bacon is survived by his wife, two daughters, two grandchildren, his brother and his father. The board and staff of Refugees International express their deepest condolences to his family and friends.

A memorial service will take place in Washington, DC in September and forthcoming details will be posted on the Refugees International website. In lieu of flowers or gifts, the family has designated Refugees International for memorial contributions in honor of Mr. Bacon. For more information, go to <http://www.refugeesinternational.org/ken-bacon>.

#### EARMARK DECLARATION

### HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010:

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation (RDTE), Air Force

Entity Requesting: Exotic-Electro-Optics, 36570 Briggs Road, Murrieta, CA 92563.

Description of Earmark: \$3,000,000 is provided and will be utilized from the Advanced Materials for Weapon Systems program solely for the purpose of completing the research started in FY08 to address the challenges of EMI-shielding for large panel sapphire windows for the EOTS sensor and to ensure production-ready domestic sources for defense critical materials required for the production of the Joint Strike Fighter. This aircraft has been designed to be an affordable and stealthy tactical aircraft for the 21st century.

Spending Plan: Project Expenditures—Materials: Total- \$525,000; Labor: Total—\$2,528,202.

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3326

Account: Defense Production Act

Entity Requesting: Surmet Precision Optics, 41618 Eastman Drive, Murrieta, CA 92562.

Description of Earmark: \$3,000,000 is provided in the legislation to meet the objective of the overall program which creates components for major defense acquisition programs, such as Mine Resistant Ambush Protected (MRAP) vehicles, C-17 aircraft, Small Diameter Bomb-II (SDB-II), Joint Strike Fighter (JSF), and Joint Air to Ground Missile (JAGM).

Spending Plan: Project Expenditures—During the previous years' effort, Surmet provided a 10–20 percent in-kind contribution to funding received from the Title III. Breakdown of the total FY10 program cost is projected as follows:

60 percent will go towards labor for design, production and evaluation of a large quantity of components. They anticipate an addition of 10 positions for this effort;

35 percent will go towards raw materials and equipment; and

5 percent will go towards infrastructure improvements.

#### HONORING ALLISON JACOBS FOR HER EXEMPLARY SERVICE

### HON. JERRY MCNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. MCNERNEY. Madam Speaker, it gives me great pleasure to honor Officer Allison Jacobs of Brentwood for her work unraveling an 18-year-old case and helping reunite a long-separated family. By acting on their instincts, Officer Jacobs, and her colleague Lisa Campbell, were able to serve justice by acting on suspicious behavior that resulted in removing an innocent mother and her two young children from a monstrous situation.

11-year-old Jaycee Dugard was tragically kidnapped on her way to school. For 18 years, she was subjected to unspeakable abuse. Ms. Dugard was denied contact with the outside world, and had it not been for Officer Jacobs' outstanding performance of her duties, the abuse for Jaycee and her daughters would have continued indefinitely.

Allison Jacobs' and Lisa Campbell's intuition, combined with an effective utilization of their training, saved innocent people from further harm, led to the removal of a dangerous person from our streets, and reunited a family torn apart by a deranged criminal. I have the highest regard and admiration for their actions and am proud to represent such an outstanding officer.

#### TRUMBULL HIGH SCHOOL GOLDEN EAGLE MARCHING BAND

### HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. HIMES. Madam Speaker, I rise today to honor the many accomplishments of the Trumbull High School Golden Eagle Marching Band and its esteemed director, Peter Horton.

The Golden Eagles have had a remarkable year. Their numerous accomplishments include a distinguished season of competitions, participating in the Hollywood Santa Parade, and performing nationally on the ABC show Good Morning America.

I was very proud to support their participation in the 56th Inaugural Parade. The Golden Eagles represented Connecticut during this momentous occasion in our nation's history and created memories that will last a lifetime.

These accomplished students have not only continued to distinguish themselves musically, they have also shown their commitment to public service. This year, the band organized the collection of almost 4,000 coats for the Bridgeport Rescue Mission, a non-profit dedicated to providing aid and services to the urban poor and addicted. I applaud these efforts, and believe the students of the Golden Eagle Marching Band to be outstanding role models to the young people of our Nation.

While the Trumbull High School Golden Eagle Marching Band is lucky to count such talented students as members, these achievements would not have been possible without the direction and commitment of their director Peter Horton. In celebrating his 20 years as band director, I am thankful for Peter's service and dedication to the community, the school, and above all, the students. He has left an indelible mark on the minds of all those who have been given the opportunity to learn under his care, and reminded us all of the importance and value of musical education.

This fall, the band will be hosting its 27th Annual Trumbull Golden Eagle Marching Band Classic competition on Saturday, October 3, 2009. As many as 18 bands from the surrounding area will once again converge on Trumbull to compete. I wish the Golden Eagles and Peter Horton good luck, and congratulate them on their impressive achievements thus far.

#### EARMARK DECLARATION

### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, Department of Defense Appropriations Act FY 2010.

Name of Requesting Member: J. GRESHAM BARRETT

Bill Number: H.R. 3326

Account Number: 0603001A 29 Warfighter Advanced Technology

Name and address of requesting entity: The entity to receive funding for this project is Greenwood Mills, Inc., 300 Morgan Avenue, Greenwood, South Carolina, 29646.

Description of earmark including amount and spending plan: I am requesting \$1.5 million of funding for Improved Thermal Resistant Nylon for Enhanced Durability and Thermal Protection in Combat Uniforms. The objective of this program is to develop increased thermal protection for our soldiers due to the changing improvised explosive device (IED) threat. This program will develop and provide flame resistant combat uniforms with proven performance and enhanced durability to ensure comfort and safety to the deployed forces and cost-savings to the DOD. This program aims to develop a nylon product with increased ignition resistance and self-extinguishing performance for protection against extremely high intensity, short duration exposure to blast effects and low intensity flash fires. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

IN RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. RICHARD AND MYRNA WHITNER

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. WILSON of South Carolina. Madam Speaker, on August 8, 2009, Richard "Preacher" Church Whitner and his wife Myrna Allen Whitner celebrated their 50th wedding anniversary. In 1959, they were married in Moncks Corner, South Carolina—Myrna's hometown. Preacher hails from Rock Hill, South Carolina.

As long time friends, I want to congratulate Preacher and Myrna of Indigo Run on Hilton Head Island on five decades of marriage and wish them many more years of health and happiness.

RUSS KIMBALL NAMED TO FLORIDA TOURISM HALL OF FAME

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. YOUNG of Florida. Madam Speaker, Russ Kimball, the General Manager of the Sheraton Sand Key Resort in Clearwater, Florida, since its opening more than 30 years ago, was inducted into the Florida Tourism Hall of Fame last month.

Russ is not only a constituent and good friend, but he is one of our community's most respected business leaders and experts in the tourism industry. He is the longest serving member on the Pinellas Tourist Development Council, which oversees an industry in Pinellas County that welcomes 13.5 million visitors to our community annually and generates almost \$7.0 billion for our local economy.

Russ is an outstanding businessman but he runs his business as if his employees are his family. That explains why his hotel has one of the longest serving staffs of any establishment in Florida and our nation.

Madam Speaker, please join me in congratulating Russ Kimball on this great honor for all his work and his leadership in Florida tourism. He joins some of the greats of this industry including Walt Disney in being honored by his peers for his hard-work and vision in making Florida not only a national but an international tourist destination.

HONORING MAMIE GEORGE

### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. OLSON. Madam Speaker, I rise today to remember Mrs. Mamie George—a very special woman who devoted her life to serving those in Fort Bend County, Texas.

Mamie is remembered as a gracious and selfless community servant and philanthropist.

In 1896, she married Albert George, and they began to grow the thriving 22,000 acre George Ranch, in Richmond, Texas. With the fortune that they created, they set out on a lifetime of helping those around them. Having no living children of her own, Mamie was famous for making everyone feel like family, regardless of social status or race. She was very active in her own church and began studying the financial needs of other churches throughout Richmond. Overwhelmed by the need, she was inspired to create the George Foundation, a private charitable trust for religious, charitable, and educational purposes for the residents of Fort Bend County.

To date, the foundation has made well over \$50 million in grants to Texas organizations, ministries, humanitarian and educational foundations.

The legacy of Mamie George will long live on through the organizations that are supported by her generous contributions. I am honored to recognize her years of service here on the floor of the House of Representatives.

#### EARMARK DECLARATION

### HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. BISHOP of Utah. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, Labor, Health and Education Appropriations Bill of 2010.

Requesting Member: ROB BISHOP

Bill number: H.R. 3293

Account: Elementary & Secondary Education (includes FIE)

Legal name and address of requesting entity: Ogden City School District, located at 1950 Monroe Blvd., Ogden, UT 84401

Description of project: \$250,000 for a teacher training initiative, including purchasing of equipment.

Requesting Member: ROB BISHOP

Bill number: H.R. 3293

Account: Higher Education (includes FIPSE)

Legal name and address of requesting entity: Western Governors University located at 4001 South 700 East, Suite 700, SLC, UT 84107

Description of project: \$100,000 for curriculum development.

Requesting Member: ROB BISHOP

Bill number: H.R. 3293

Account: Health Resources and Services Administration (HRSA) Health

Legal name and address of requesting entity: McKay-Dee Hospital Center located at 4401 Harrison Blvd., Ogden, UT 84403

Description of project: \$150,000 for facilities and equipment.

Requesting Member: ROB BISHOP

Bill number: H.R. 3293

Account: Health Resources and Services Administration (HRSA) Health

Legal name and address of requesting entity: Weber State University located at 4018 University Circle, Ogden, UT 84408

Description of project: \$350,000 for expansion of nursing programs, including purchase of equipment.

43RD ANNUAL CONSTITUTION DAY  
PARADE; NEVADA CITY, CA

**HON. TOM MCCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. MCCLINTOCK. Madam Speaker, on September 17, 1787, thirty-nine delegates from twelve states met at Independence Hall in Philadelphia, Pennsylvania to sign the Constitution. The Constitution went into effect two years later, on March 4, 1789.

Each September 17 is designated as Constitution Day. Constitution Day is a day to display the flag of the United States of America and many Americans observe it in our nation's history by attending local events. One such event is Nevada City's Constitution Day Parade, which has been a local tradition since 1967 and is reported to be the oldest and largest Constitution observance in western America.

Festivities include a parade through the downtown historic district with marching bands, floats, antique autos, equestrians, politicians and perennial crowd favorites such as the Ophir Prison Marching Kazoo Band and the Famous Marching Presidents of Nevada City, a humorous but reverent group that portrays each U.S. president. Members of the American Civil War Association also offer living history and battle reenactments and more than 200 military and settler reenactors are expected to take part.

Nevada City is located on the western slope of the Sierra Nevada mountains midway between Sacramento and Lake Tahoe and is known for its classic small town spirit and unique events. With a population of 3,001, Nevada City swells to 10,000 or more on Constitution Day.

IN HONOR OF DR. J. MICHAEL  
BISHOP

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Ms. SPEIER. Madam Speaker, when Dr. J. Michael Bishop retired as Chancellor of UCSF on June 30, 2009, our premier research institution lost not only its leader, but one of the greatest minds ever to serve at its helm.

In 1989, Dr. Bishop was awarded the Nobel Prize in Physiology or Medicine for his advancements in understanding the origins of cancer. His groundbreaking discovery of proto-oncogenes—genes that can be converted to cancer genes by genetic damage—revolutionized the way medical professionals looked at the detection and treatment of cancer.

He has received numerous other distinguished honors including the National Medal of Science and an appointment as Chair of the National Cancer Advisory Board created by President Bill Clinton.

This is all the more remarkable when you learn that Dr. Bishop's education began in a two-room school in Pennsylvania where the science curriculum was limited to the collection and pressing of flowers. True to his humble nature, he asked that he receive no special recognition on his retirement, but nonetheless, our community and our nation owe an immense debt of gratitude to Dr. Bishop.

During the ten years he served as Chancellor of UCSF, Dr. Bishop oversaw monumental achievements and growth to an already distinguished institution. The construction of the Mission Bay campus will result in 57.5 acres focused on innovative ideas from scholars and scientists.

Madam Speaker, I met Dr. Bishop when he first became Chancellor and was immediately struck by his humility, his engaging personality and his ability to explain science to audiences at every level. He exemplifies everything that is exceptional about UCSF—leadership, innovative thinking, and a commitment to public service through research and medical advancements.

Dr. Bishop has focused a great deal on creating an environment that emphasizes a balance between the personal and professional. This is without a doubt the result of his marriage to the love of his life, Kathryn Lone Putman and their two sons, Dylan Michael Dwight and Eliot John Putman.

Madam Speaker, Dr. Bishop is no longer in the Chancellor's office, but without a doubt, his legacy as an educator, scientist, Nobel Prize winner, and cancer researcher will be felt for generations at UCSF and around the world.

HONORING THE MEMORY OF JOHN  
C.H. "JACK" MILLER, JR.

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. John C.H. "Jack" Miller was a Duke University graduate who earned his law degree from the University of Alabama. In 1977, he established the Mobile based law firm Miller, Hamilton, Snider and Odom, which just recently merged with the New Orleans firm Jones Walker. Mr. Miller was also a founding director of Colonial Bank.

In the political world, Mr. Miller played an active role in the Alabama Democratic Party. He served as chairman of the Alabama Democratic Party from 1998 until 2001. He also played an instrumental role in the successful gubernatorial campaigns of Fob James and Don Siegelman.

Mr. Miller, along with former Mobile Mayor Mike Dow, led Mobile's Downtown Redevelopment Commission from 1990 until 2006. He coined the phrase "String of Pearls," which was a series of projects that dramatically improved downtown Mobile. Mr. Miller and Mayor Dow's "String of Pearls" campaign helped to revitalize downtown Mobile which is

now home to a cruise ship terminal, the tallest building in Alabama, a number of new hotels and a waterfront park.

Among other achievements, Mr. Miller served as an Auburn University trustee since 2000. He supported many Auburn academic programs and in June, the Auburn Board of Trustees named the university's recently established writing center in his honor.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout the state of Alabama. Mr. Jack Miller will be deeply missed by his family—his wife of 38 years, Susan Ross Miller; his mother, Emily Townsend of Mobile; his children, Emily Miller Washburn and her husband, James; John Cleveland Hays Miller III and his wife, Julia; and Edward Aubert Roberts Miller and his wife, Meredith; and his two grandsons, Jackson Roberts Washburn and Jesse Townsend Washburn—as well as the many friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

EARMARK DECLARATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, Department of Defense Appropriations Act FY 2010.

Name of Requesting Member: J. GRESHAM BARRETT

Bill Number: H.R. 3326

Account Number: 0603384BP 33 Chemical and Biological Defense Program—Advanced Development

Name and address of requesting entity: The entity to receive funding for this project is Graniteville Specialty Fabrics, located at 511 Leitner Street, Graniteville, South Carolina 29829.

Description of earmark including amount and spending plan: I am requesting \$3.0 million of funding for Chemical and Biological Threat Protection Coating. The objective of this program is to develop self-decontaminating chemical and biological fabric with a comfort profile necessary to maintain extended protection during pandemics. This new and advanced material can be deployed either as an individual protective garment, respiratory mask, or protective shelter. The technology will adhere to the U.S. DOD requirements for the Joint Chemical Agent Detector (JCAD). This program will ultimately develop advanced chemical technology for coating suits, tents and other equipment for military and first responder personnel. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

## EARMARK DECLARATION

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I rise today to submit the following information regarding earmarks I received as part of the Department of Defense FY10 Appropriations Bill.

The following earmarks were requested by my office and are listed for funding in this bill: Federal Technology Center—Feature Size Yield Enhancement DMEA's Advanced Reconfigurable Manufacturing for Semiconductors (ARMS) Foundry

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3326—FY10 Department of Defense Appropriations Bill

Account: R-1PE# 0603720S; Microelectronics Technology Development and Support Requesting Agency: Defense Microelectronics Activity

Requesting Agency Address: 4234 54th Street, McClellan, CA 95662

Amount: \$3,000,000

This project will allow Defense Microelectronics Activity (DMEA) to proceed with its plan to acquire the more complex processes required to support newer weapon system microelectronics, install these processes in its ARMS Foundry and increase the first pass yield of these new processes. It will also work to reduce the time required to switch from one process to another and to maximize the yield of the reinstalled process. This project represents an appropriate use of taxpayer funds due to the need for domestic capability for technologies conversion to maintain and improve upon our national defense system.

Federal Technology Center—Heterogeneous Gallium Nitride/Silicon Microcircuit Technology

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3326—FY10 Department of Defense Appropriations Bill

Account: R-1PE# 0603720S; Microelectronics Technology Development and Support Requesting Agency: Defense Microelectronics Activity

Requesting Agency Address: 4234 54th Street, McClellan, CA 95662

Amount: \$2,000,000

This project will develop a replacement for gallium arsenide technology currently used in input amplification and frequency conversion circuits of military radar and communications systems. DMEA will use Gallium Nitride/Silicon to replace old gallium arsenide components. This project represents an appropriate use of taxpayer funds due to the crucial need to upgrade and further develop military radar and communications systems, which are of seminal importance to the safety and success of our military personnel and missions

Aerojet—Minuteman III Advanced Third Stage Domestic Fiber Motor Case Development

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3326—FY10 Department of Defense Appropriations Bill

Account: RDT&E Line 46 ICBM Propulsion Applications, PE 0603851F/1021

Requesting Agency: Air Force ICBM Propellant Applications Program

Requesting Agency Address: Hill Air Force Base, UT

Amount: \$3,000,000

This project will develop a domestic supply of the composite fibers used to construct the motor case. Japanese fibers traditionally used to construct the motor case are no longer available as the Japanese Ministry of Economics, Trade, & Industry requires pre-approval for all military applications. This project represents an appropriate use of taxpayer funds due to the need for a domestic, reliable source of composite fibers to ensure the success and maintained capabilities of this segment of our national defense system.

American Burn Association—Military Burn Trauma Research Program

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3326—FY10 Department of Defense Appropriations Bill

Account: R&D—Army—Defense Health—United States Medical and Material Command/Army Institute of Surgical Research—Peer Reviewed Burn, Orthopedic and Trauma Research—PE 0603115HP—BA: 2

Requesting Agency: American Burn Association

Requesting Agency Address: 625 N. Michigan Ave., Ste 2550, Chicago, IL 60611

Amount: \$2,000,000

The requested funding would be used to foster collaboration between military and civilian burn surgeons and researchers and to identify best practices to ensure better treatment and outcomes for military burn patients, specifically improved clinical outcomes for combat burn casualties. This project represents an appropriate use of taxpayer funds due to the critical need to address military burn casualties with the greatest of medicinal technology, providing the greatest possibility for recovery and rehabilitation of our nation's military personnel.

Technikon, LLC—Renewable Energy Testing Center

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3326—FY10 Department of Defense Appropriations Bill

Account: RDT&E, A, Line#66

Requesting Agency: Technikon LLC

Requesting Agency Address: 5301 Price Ave, McClellan, CA 95652

Amount: \$1,000,000

This funding would be used to provide the State of California and Department of Defense with an independent "Underwriters Laboratory" resource for evaluating the performance of renewable energy and renewable fuel production technologies. RETC will provide metrics on robustness, safety, energy efficiency, environmental effectiveness, and other key parameters of these technologies needed for successful commercialization. This project represents an appropriate use of taxpayer funds due to the need to develop reliable technology verification to meet requisites placed on the Department of Defense regarding development and deployment of renewable energy technologies

## DEATH OF EVERETT DIRKSEN

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 8, 2009*

Mr. SCHOCK. Madam Speaker, yesterday marked the 40th Anniversary of the death of Everett Dirksen. To celebrate the remarkable life of my predecessor and to mark this occasion, I respectfully ask that the following article be placed in the RECORD.

## DIRKSEN'S LAST DAYS

(By Frank H. Mackaman, The Dirksen Congressional Center, Pekin, IL)

On August 12, 1969, just before the U.S. Senate recessed for a few weeks, Senator Everett McKinley Dirksen held a press conference in his office. It would be his last. Dirksen seemed relaxed and in a genial mood, chatting amiably with reporters and joking with his staff. To the casual observer everything seemed normal but it was not. Doctors had just told the Senate Minority Leader he was seriously ill. They had discovered a spot on Dirksen's right lung and suspected cancer. A second x-ray on the 14th showed the tumor had grown, making an operation necessary.

To prepare, the senator from Pekin rested for three weeks at "Heart's Desire," his home outside Washington DC, rummaging in his beloved garden and working on a memoir he would never complete. A realist, Dirksen transferred title to most of his property to his wife, Louella. He also gave her a pre-signed resignation from the Senate if the operation left him incapacitated. He loved the Senate, and it was ever on his mind.

Dirksen entered Walter Reed Hospital on Sunday, August 31, to ready himself for the operation two days later. He took with him a briefcase loaded with work, the contents of which were transferred to The Dirksen Center several years after his death. These documents show the amazing breadth of his interests and the substantial burden of his office.

The briefcase contained notes for upcoming speeches, including one in his own handwriting entitled, "God, Country, and Grandchildren: Soliloquy with Grandchildren" in which he mused about the legacy his generation would leave and harkened back to the lives his parents led in Pekin. He made notes concerning the congressional session about to end. Dirksen reviewed letters from constituents, information about pending legislation, requests for appearances, a plea from Illinois Governor Richard B. Ogilvie to revise the federal revenue-sharing calculation, letters about federal jobs, an early draft of what was called the "Everett McKinley Dirksen Library Project," and much, much more.

On Tuesday morning, September 2, at 8:45, Colonel Alan R. Hopeman and a team of Army surgeons began to operate. The spot on Dirksen's lung could not be readily examined without surgery, but, in surgical terms, it was in an almost ideal position, close to the periphery of his chest, so that surgeons could remove it with only a small incision. They did so without difficulty. The tumor, which had grown to an inch in diameter, proved to be malignant.

As they had planned in this eventuality, the surgeons took the next step of removing the entire upper lobe of Dirksen's right lung. What had begun as a relatively simple operation became major surgery consuming three hours. The doctors found no evidence the cancer had spread, however.

Dirksen's strong constitution and vigor brought him through the procedure with flying colors, and his recuperation was rapid. Mrs. Dirksen and their daughter, Joy, and son-in-law, Senator Howard Baker, found him alert and cheerful when they were first allowed to see him on Wednesday. The next day, however, Dirksen complained of pain and became confused and restless, perhaps the result of a minor stroke, insufficient oxygen, or even withdrawal symptoms from cigarettes (Dirksen complained to his doctors and his son-in-law about not being able to smoke). A second procedure became necessary to replace the tube draining his lung.

Senator Dirksen suffered a crisis that evening, and it wasn't until 8:00 Saturday morning that his doctors stabilized him. This episode probably caused the bronchopneumonia which soon developed. He rallied after this operation, though, even sitting up in bed to eat his meals. He spent a restful night and ate a good breakfast with Louella. He appeared to be past the immediate crisis of a post-operation heart failure and was already making plans to resume a work schedule. He even took a few minutes to go over the papers in his briefcase. For example, a Seattle radio station requested a tape about the marigold to which Dirksen replied with this hand-written note:

Dear Day—Just now I'm languishing in a hospital as a result of surgery. An op'g [operating] room no match for my marigold gardens. Guess the tape must wait. Sorry.

The doctors assured Senator Baker that Dirksen was well on the road to recovery and that Baker could travel to California to join President Richard Nixon. The optimism proved premature.

Abruptly at 2:51 that afternoon, Sunday, September 7, Dirksen collapsed and stopped breathing. His heart, which had enlarged over the years to twice-normal size as the result of emphysema, just quit. The desk sergeant at the Forest Glen section of the hospital, Roger Brooks, received an urgent call from the main hospital summoning a surgeon. Brooks took a police cruiser to pick up a Col. Blake for the trip to Dirksen's room. Army doctors were already at his side, massaging his chest, trying to restart his heart.

They gave him sodium bicarbonate, calcium, and other medicines. They used a defibrillator to try to shock his heart into action. The doctors worked so vigorously that they cracked five of his ribs. But Dirksen did not respond. At 4:52 p.m., the doctors pronounced him dead at age 73. Louella and Joy were with him at the end. Forty years ago.

Mourning for the Senator was national and of a personal quality, particularly among his colleagues in Congress and his friends in Pekin. His body lay in state under the great dome of the Capitol, an honor accorded to only three members of the Senate before him.

In his eulogy to the fallen leader, President Nixon recalled remarks Daniel Webster had made more than a century before in testimony to a political opponent: "Our great men are the common property of the country." That described Dirksen well. His public service spanned an era of enormous change, and he played a vital part in that change. Through six presidencies, as Nixon put it, "Everett Dirksen has had a hand in shaping almost every important law that affects our lives," and while he never became president, "his impact and influence on the Nation was greater than that of most Presidents in our history."

Air Force One brought Dirksen home on Thursday, September 11. Pekin deserves much of the credit for Dirksen's influence on the national stage. The senator knew that, and he said so on a return visit to his hometown in 1961:

After long absences enforced by the duties of office in Washington, there always comes back to me some lines from that poem which I learned long ago, "Breathes there a man with soul so dead, who never to himself has said, this is my own, my native land." This is my own, my native land, my native city, where the family taproot went deep many generations ago, and it will ever be so, no matter what tasks life may assign me. All the major decisions in my life have been made here. . . .

The inspiration which I received here from a saintly mother, a devoted family, steadfast friends, the constant faith of teachers who

taught me, the inspiration I found here in church, and the atmosphere of a quiet and well ordered community were the forces which helped to fashion those decisions, and for these I shall be always and eternally grateful. . . .

An estimated 80,000 people watched the funeral procession proceed the 15 miles from the Peoria airport, south on Route 24, through Pekin on Route 9, to the Glendale Memorial Gardens on the east side of town where more than 6,000 stood in waiting. Among the dignitaries accompanying the procession were Vice President Spiro Agnew, five members of President Richard Nixon's cabinet, 42 U.S. senators, and 27 U.S. representatives. Dozens of state officials joined them, as did over 200 members of the press.

The 1:00 p.m. ceremony itself was brief, lasting only 15 minutes. Six pallbearers, representing the armed forces, carried the casket to the gravesite. The Rev. Edward L.R. Elson, chaplain of the Senate and pastor of the National Presbyterian Church in Washington DC, conducted the service. The Rev. Ralph Cordes, pastor of Pekin's Second Reformed Church, and the Rev. Charles Rechard, pastor of Woodland Presbyterian Church in New Orleans and a friend of the Baker family, also delivered prayers. Members of the Pekin American Legion post color guard participated in the ceremony, too, along with the honor guard and the Chanute Air Force band. Lt. Gen. Vernon P. Mock, commanding general of the Fifth Army, presented the American flag, which had been draped over the casket, to Mrs. Dirksen.

When the ceremony ended, mourners passed by the casket. One of the first was Senator Margaret Chase Smith of Maine, who placed a spray of marigolds, Dirksen's favorite flower, on the casket. The two of them had enjoyed a friendly rivalry over the years to name the national floral emblem—she a proponent of the rose.

The Rev. Elson had ended his eulogy fittingly with these words, "The last march has ended. A mighty man of God has answered his last roll call. His battles are all fought, his victories all won."

## SENATE—Wednesday, September 9, 2009

The Senate met at 10 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal Spirit, the fountain of all wisdom, we bring our fragmented lives into Your presence, seeking Your wholeness. We bring our restless spirits to You seeking Your calm strength. We bring You our transient thoughts, seeking the permanence of Your gracious providence.

Today, remind our lawmakers that only as we lose ourselves in something higher can we truly find ourselves. To this end, give them great causes to embrace and a great faith to energize their labors. Lord, lead them from doubt and disillusionment, from cynicism and frustration, to a confidence that in everything You work for the good of those who love You. Give them the light to see the way You desire them to take through today's perplexing circumstances.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 9, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for an hour, with Senators permitted to speak therein for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes. Following morning business, the Senate will resume consideration of S. 1023, the Travel Promotion Act. The Senate will recess from 12:30 to 2:15 to allow for the weekly caucus luncheons to meet. We hope to reach an agreement to yield back some of the debate time on the travel promotion legislation prior to 4:30 p.m. Senators will be notified when that vote is scheduled. Upon disposition of the travel bill, the Senate will proceed to a cloture vote on the executive nomination of Cass Sunstein to be Administrator of the Office of Information and Regulatory Affairs at the Office of Management and Budget. This week, we are also going to go to the Transportation appropriations bill, and we will continue to work through the important appropriations process.

### HEALTH CARE REFORM

Mr. REID. Mr. President, I wish to take a few minutes this morning to bring to the attention of the Senate an article in the September 7 Newsweek magazine. This is the language from Newsweek. I am not using the words; these are their words. There are two pages. "The Five Biggest Lies in the Health Care Debate." Remember, it is the five biggest, but there are a lot of them that have been going on. These are the five biggest lies, in the estimation of the publishers of this multi-million-dollar distributed magazine:

To the credit of opponents of health-care reform, the lies and exaggeration they're spreading are not made up out of whole cloth—which makes the misinformation that much more credible. Instead, because opponents demand that everyone within earshot (or e-mail range) look, say, "at page 425 of the House bill," the lies take on a patina of credibility. Take the claim in one chain e-mail that the government will have electronic access to everyone's bank account, implying that the Feds will rob you blind.

That is a falsehood. It is not in any bill, on any page, or anyplace. It is just made up, and it is carried on talk radio, blogs, and cable TV all over America. It is false, not true.

One of the things I found in going home is that people are concerned—old people, because we get sick when we get old—they won't be able to get any chemotherapy. In this magazine, No. 1, it says that "the threat that Medicare

will give cancer patients over 70 only end-of-life counseling and not chemotherapy" is a lie. It is not me saying that, it is Newsweek.

Another one is that illegal immigrants will get free health insurance.

The House bill doesn't give anyone free health care.

So illegal immigrants getting free health insurance is a lie. That is one of the five biggest lies.

Another one is that death panels will decide who lives. This is a dandy that started and got legs because of the resigned Governor of Alaska.

On July 16, Betsy McCaughey, a former lieutenant governor of New York and darling of the right, said on Fred Thompson's radio show that "On page 425"—

They talk about page 425, but it doesn't exist there or anyplace else. But that gives them credibility.

"On page 425, Congress would make it mandatory . . . that every five years, people in Medicare have a required counseling session that will tell them how to end their life sooner, how to decline nutrition." Sarah Palin coined "death panels" in an August 7 Facebook post.

Mr. President, that is a lie.

Next is that the government will set doctors' wages. This is the socialized medicine thing we hear so much about, that all this health care debate is about is socialized medicine. This is in the magazine.

I have told people in Nevada and everywhere I went during the break that the only person I have ever heard in many years who spoke about a single-payer system was Paul Wellstone. He did it proudly. He believed in it and he talked about it. But he is the only person I have heard talk about it since I have been in Congress. But the government setting doctors' wages is a lie. Socialized medicine is not part of the plan that is being talked about. That is simply not true.

I hope people will come back to reality and understand that what we are trying to do is fix a system that is bankrupting our country. Insurance companies are making huge amounts of money. They are not subject to the antitrust laws. They are taking advantage of the American people. Their No. 1 goal is to see how much money they can make, and that is not a lie. We are trying to change the curve.

Right now, in America, one-sixth of every dollar spent by everyone—is for health care. If we don't change that, by 2020, which is close, 35 percent of every dollar spent will be for health care. We are not trying to take away benefits from old people. We are doing our very

best to have a fair system and one that stops the insurance companies from taking advantage of everyone.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. The majority will control the first half and the Republicans will control the second half.

The Senator from Illinois is recognized.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. DURBIN. Mr. President, we knew it was coming. Yet the sight of Senator Edward Kennedy's desk draped in the black velvet of mourning is painfully sad.

America and the world have lost a great champion of civil rights, human rights, and fairness. As President Obama said so well, Senator Kennedy was not only historic, he was heroic.

We will have more time later this week to talk about his extraordinary life and the honor those of us who served with him enjoyed during his life. Today, I wish to say what a great honor it was to have worked alongside Ted Kennedy.

On his desk today is a copy of one of his favorite poems, "The Road Less Traveled" by Robert Frost.

There is another Frost poem that is identified with the Kennedys that Ted Kennedy loved as well. It is called "Stopping by Woods on a Snowy Evening." It is the story of a man who pauses to admire the simple serene beauty of a New England woods filling softly with snow and wishes he could stay longer. It reads:

But I have promises to keep,  
And miles to go before I sleep,  
And miles to go before I sleep.

Unlike his beloved brothers, Senator Kennedy's life was not one of promise cut short but a life of promises kept. He loved America, and his life's work made us a better and more just nation.

If Ted Kennedy were here today, I feel absolutely certain that he would be on the floor at this moment talking about health care. It really was the hallmark of his public career. From the beginning, he understood this was one of the most fundamental things when it came to justice and fairness in America.

The fact that 47 million Americans have no health insurance is at least embarrassing, if not shameful, in this great and prosperous Nation. Who are these people, these 47 million? Are they lazy or just unlucky? Well, they are not the poorest in America because we provide for the poorest. We have Medicaid, which provides basic health care for those who are out of work and have no source of income or savings. They are not the fortunate few or the fortunate majority, because they don't enjoy health insurance, as most of us do, where they work. They are people who get up and go to work every single day, without the assurance that they are going to have protection if they run into medical bills.

This morning, in the State Journal Register, which is published in my hometown of Springfield, IL, there is a story of one person, Terry Broida. He is a fellow who is down on his luck. He is 62 years old, and he says:

"I couldn't get a credit card to buy a postage stamp," said Broida, 62, who estimated he owes \$80,000 to Springfield doctors and hospitals, money he doesn't think he will be able to pay.

Is he out of work? No. He is a small businessman who operates an air-filter maintenance company, and he is one of more than 45 million Americans who have no health insurance.

It says:

He wants to see Congress and the Obama administration cover all Americans through a universal, government-controlled system. And he's not scared of what some would call "socialized medicine."

He said this Tuesday:

We have socialized medicine already—it's called Medicare, and it works.

This says:

America's health-care costs total more than \$2.2 trillion a year, accounting for 16.2 percent of the gross domestic product in 2007.

That is \$1 out of every \$6 spent in America.

And yet, the latest statistics indicate that 15 percent of Americans [like Terry Broida] were uninsured in 2007.

Health care costs are crippling the ability of many companies to compete, and many companies are dropping coverage.

Broida, the father of six, hasn't had health insurance [in 40 years] since 1969, when he was 22 and sold life insurance [at a local agency]. When he left that job, he operated furniture stores for more than 30 years.

He said, "I was young, stupid and thought I could handle anything."

He said he never could afford health insurance but always seemed to scrape together enough money for doctor visits for himself, his kids and his now-ex-wife—until 1980, when he broke his right leg playing softball.

To pay for the \$3,000 surgery to fix his leg, he agreed to reupholster the surgeon's furniture.

"It was a pretty good swap," Broida said. But that doctor died a few months later, leaving Broida with no one willing to accept a similar swap to remove the metal rod [the doctor put] in his leg.

The rod is still there today, 29 years later.

A 17-foot fall through a roof while working in early 1990s left him with another \$3,000 hospital bill he couldn't pay, and a heart attack in 1995 generated a \$25,000 bill to St. John's Hospital [in Springfield, IL].

He thinks the hospital forgave most of the bill.

Fearing another big bill, [Terry] decided not to seek medical care in 1996, when he fell off another roof. "I just laid in bed until the pain went away, and I went back to work," Broida said.

Spinal stenosis almost crippled him until his primary care doctor at [a local community health center] referred him for emergency surgery in 2007.

The surgery worked, but the surgeon was from a local clinic which did not offer discounted rates to patients, such as they offer to major health insurance companies. The doctor bill alone for his emergency surgery was \$40,000. Broida said, "There's no way in hell I can pay \$40,000."

At one time, he said, he earned \$50,000 a year. He said he now makes about \$18,000 while recovering from surgery.

He went on to talk about the fact that he had heart problems that may have been complicated by dental problems. He cannot afford regular dental care, obviously. He basically said he is for a universal system of health care. He would like the Federal Government to establish a public option to compete against private insurance companies so people like him could afford insurance. He said in this article:

"Businesses exist to make a profit," he said. "Government exists to provide a service."

Asked whether the debate about reform makes him hopeful, he said powerful lobbying interests will be a barrier to major decisions by congressional lawmakers.

"I'm not holding my breath," he said. "It's all about the Benjamins. If they listen to the money we're screwed."

Terry Broida, Springfield, IL, one of 47 million uninsured Americans who are all over our country. They got up and went to work this morning at their small businesses and working for other people. They made the bed in your motel room last night. They are going to take the dishes off the table when you finish with your breakfast. They are the folks who are watching your kids at daycare. They are the ones who are watching your mom in the nursing home. And they are the ones who do not have health insurance.

What kind of a country are we if we can ignore the obvious—47 million uninsured Americans. When people come to the floor and rail about health care reform and talk about socialism, they are talking about whether we as a nation can reach out and provide for those who go to work and do not have the protection and security of health insurance. I do not call that socialism. It is fundamental Americanism and fairness. It is what has defined us as a country for so long.

It has been almost 80 or 90 years now since we decided that if you make more money in America, you will pay more in taxes than someone who makes less. Socialism? I don't think so. I think it is fairness, and that is what we are getting down to in this debate.

Tonight the President of the United States will speak to us, not far from here, across the Rotunda. I am not sure exactly what he is going to say, but I know one thing for sure, he is not giving up on his promise to America to make a difference when it comes to health care. This President understands it is once in a political lifetime that you can change this country for the better.

He also understands there are powerful forces against him, people who are making a fortune off the current system who do not want anyone to rock the boat. Oh, they are not going to say that. They are going to come up with some of the things Senator REID referred to earlier—the great lies about death panels and cutting off people when they need chemotherapy late in their life. They are going to peddle those lies and try to mislead and distort the debate. But I don't think they will succeed because I believe the American people understand that the best thing for us to do is not go through shoving and shouting at town meetings but sit down and have an honest debate and answer questions honestly, not the kind of distortion and lies we have seen.

For Terry Broida, \$80,000 in debt to the hospitals and doctors in my hometown, he will go to work tomorrow in his little business and try to keep it going. He will see his own medical condition deteriorate. I wonder if, on the floor of the Senate and the House of Representatives, there will be anybody listening to his story and deciding that America can do better.

We are the fortunate few on the floor of the Senate. We have the best health insurance in America. Every American deserves that kind of health insurance. We have an opportunity once every year to pick from private health insurance plans, the ones that are right for our family. If we pick a big plan, we pay more out of our payroll deduction. If we pick a smaller plan, we pay less. But we have that right, that choice, that security, and peace of mind to know our families are going to be protected.

Many of the same Senators who come to the floor and to their town meetings to rail about public options and public-administered health care plans happen to belong to one right here in the Senate. Interesting, isn't it? Terrible for everybody else but perfect for them and their families.

I think the American people can see through that. They understand that, at the end of the day, we can improve this system and make it better and fair.

They understand if they have health insurance they want to keep, it is going to be their right under any change of the law. If they have a doctor they trust, they can stay with that doctor. That is going to be protected.

But if they are similar to Terry and have no health insurance or they have health insurance which is terrible, we want to give them the same choice Members of Congress have: to pick the health insurance that is right for them, and for those in lower income categories, to give them a helping hand to pay for that health insurance premium. That is only right, and it is only fair.

We want to make sure these health insurance companies do not continue to rip off people. Two out of three people who file for bankruptcy in America today do so because of medical bills they cannot pay, just like Terry. Two out of three file for bankruptcy because of medical bills. You know what, 78 percent of them, more than three-fourths of those filing for bankruptcy because of medical bills have health insurance. It is no good. It wasn't there when they needed it. The company denied their benefits. The company refused to pay, and they were stuck, losing everything—their life savings, things they had saved for the future, gone.

We cannot allow this to continue. We cannot allow the radical voice we have heard over the last several weeks distorting the facts about this debate to prevail. This is a time for us to stand and do the right thing for this country and bring coverage to those today in America who do not have the most basic security we all need—the security of knowing that when you wake up in the morning, you are not one accident or one diagnosis away from being wiped out financially.

For 47 million people, that is the reality of life in America. The President tonight will challenge us to change it. We have to have the political courage to do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Mr. President, I applaud the remarks of my friend from Illinois and his leadership on health care issues. He is one of the people in this institution—and I wish there were more—who went home and listened to people and came to the floor of the Senate to talk about the stories of people because that is why we are here. He represents them very well. That is why he supports this health care plan by the President. That is why he supports the public option and coverage for all—prevention and wellness and all that is in this legislation—insurance company reform that matters.

I thank my friend from Illinois.

Mr. President, tonight President Obama addresses the Nation, just down the hall, in a joint session of Congress,

an historic night. A President has not addressed a joint session of Congress, other than a State of the Union Address which comes at the beginning of every year, since President Bush did it right after September 11. We know how important this is.

President Obama is stepping up and going to be more specific and more forceful and help to set aside and answer all the distortions the Senator from Oregon, the Presiding Officer, and I and others heard at our meetings in our States in August, when we were home talking to people about this health care legislation.

I went to the most conservative part of my State, Cincinnati, and did my first large townhall meeting. Mr. President, 1,500 people showed up; 1,000 of them generally were supportive of this health care bill with a public option. About 500 were opposed.

Several people stood and some argued that they did not like it. They called it socialism. They talked about death panels, and they talked about illegal immigrants, none of which are in the bill, of course. They have been misled, in large part, by insurance company interests in this city that have done all they could to propagate this misinformation all over the country.

The CEO of Aetna was paid \$24 million last year. The CEO of CIGNA and so many of these other companies makes tens of millions of dollars a year. That is just their top executives. Obviously, other executives make millions of dollars a year, while too often they deny a person coverage because of a preexisting condition or they put an annual or lifetime cap on an insurance policy that makes you understand that if you get really sick, your policy was not nearly as good as you thought it was because they canceled your insurance or plans tend to discriminate on gender, geography, disability, and age, in many cases.

This legislation we will bring to the floor that was passed out of the committee on which the Presiding Officer sits, the Health, Education, Labor, and Pensions Committee, and passed three committees in the House of Representatives, will say you can keep the insurance you have, but we will build consumer protections around that insurance so insurance companies cannot cut you off, cannot deny you care, cannot cancel your insurance policy, cannot do—the technical term they use is “rescission”—when they find all kinds of reasons to cancel you.

I wish to talk a little bit about this townhall meeting in Cincinnati in the most conservative part of the State where people said: Are you sure you want to go there? Because there is all kinds of misinformation, all kinds of anger and disagreement with the bill. I found that was true only in a minority of people who showed up.

It was a huge crowd we had at the University of Cincinnati. One woman

particularly got my attention, a young woman named Rachel, 17 years old. There were three high schools—Wyoming High School, which is in a suburb of Cincinnati, and another couple schools that were also there. This 17-year-old girl said—her name is Rachel—she said: My father's side of the family has the breast cancer gene, the gene that often indicates a high likelihood of breast cancer in the next generation of women. She said: My mother has had some autoimmune diseases in her family.

She said: I go to the doctor every year. I am very healthy. She looked great. She was outspoken and friendly. She said: I go in once a year. I have a physical. I am fine. I have never had any illness of any consequence. My parents' insurance company told me because of my parents' illnesses or just my parents' condition—not even illness at this point—I was told by my parents' insurance company that I would not be able to get insurance because I have a preexisting condition. She has never been sick, but she has been told by the insurance company that she would not get any insurance.

What kind of behavior is this? Insurance companies are going to do what they are going to do. Their bottom line is to try to figure out how they can bring in the most revenue possible and how to pay out the fewest dollars as possible. The way you do that is to deny care. I understand that is their business model. I don't blame them for that. I don't hate the insurance companies. I understand we need rules that insurance companies cannot do that. There is no reason the law should allow this insurance company to deny Rachel, from Wyoming High School in a suburb of Cincinnati, her care.

Then I did other meetings around Ohio in Cambridge, in eastern Ohio, a small town. Mark, from Cambridge, discussed how businesses are struggling with crushing premiums and copays that take money away from company earnings and employee salaries. He learned, as a small business owner, health insurance reform—our bill—will provide tax credits to buy coverage for employees and, as we talked earlier, will prevent insurers from dramatically increasing premiums if an employee gets sick.

Imagine you have a business in Eugene, OR, or there is a business in my State in Akron or Zanesville or Lima. It is a small company that has 25 employees, and two of these employees get a serious form of cancer which costs them—they all have insurance through their employer—tens of thousands, maybe hundreds of thousands of dollars. The insurance company will do one of two things. They will either jack up premiums so high that the small business may not be able to afford the premiums and will have to lay off people or cancel the insurance or the in-

surance company will cancel their insurance. Either way, that will not work for their employees who did nothing wrong.

One of the things this legislation does is give those small businesses a tax credit so they, in fact, can insure their employees and make a financial go of it. It allows the small businessperson to take his whole business and all his employees into this exchange where they will get a choice of insurance companies. They could go with Aetna, CIGNA or United Health. They could go with a not-for-profit mutual company called Ohio Mutual. They could go with a public option. They have a choice. That is the point of a public option—to give a whole array of choices and at the same time have insurance reform so those companies can no longer cut off people because of a preexisting condition or deny care for a whole host of reasons. And the public option will help us enforce that by giving people that option where they simply would not cheat and would not deny coverage like that.

Another young man at one of our meetings in Columbus—Brenton, a recent college graduate—talked about how the excitement of graduating turned into anxiety knowing that he is one illness away from towering medical bills and even unemployment. Brenton, like millions of other recent college graduates and young adults, will benefit from low-cost plans and longer periods to stay on their parents' plans. I can't count the number of young people—21, 22, and 23 years old—who don't have insurance because when they graduated college, left home, or whatever, in their early twenties, their coverage was canceled. They could no longer be part of their parents' insurance plan. Under this legislation, every person is allowed to stay—if the parents want them and the children want to—on their parents' plan until the age of 26, an age when young people begin to get better employment that can also lead to coverage.

Jane from Cambridge—eastern Ohio—discussed how her retirement security is being shattered by ballooning out-of-pocket costs and outrageous premium hikes. She will benefit from health insurance reform that roots out waste, fraud, and abuse to preserve the long-term sustainability of Medicare. She will also get assistance under our core medical bill, closing the doughnut hole, if she had the Medicaid prescription drug coverage. This doughnut hole has swallowed up so many people who have been buried in huge costs for their prescription drugs because of the way the Medicare bill was written 5 years ago.

You may remember back in those days—and we don't operate that way anymore—the drug and insurance companies sat down with President Bush and wrote the Medicare privatization

bill. It was written for the drug companies; written for the insurance companies. They benefitted most from it. It created this huge doughnut hole where senior citizens have huge out-of-pocket costs they have to bear. This legislation begins to close that doughnut hole so that would not be the case.

Mr. President, it is clear that as many of us—the Senator from Illinois and the Presiding Officer from Colorado—went around our States in the last month and listened to people—such as the young college student who lost insurance; or Rachel, the young woman in Cincinnati who might have a preexisting condition, even though she had not been sick a day in her life or been diagnosed with any preexisting condition; or the small businessperson and fellow named Mr. Fisher in Cincinnati who told us how he has covered his employees for 26 years and how every year it gets harder and harder, to the point now where he has had some serious illnesses in his company of 40 or 50 or 60 people, if I can recall, and he simply can't continue to cover all of them—every one of these individuals has a specific problem. Many of them are happy with the insurance they have, if they have it, but many of them know the anxiety of what might happen with a preexisting condition or what might happen to them or their employees. Insurance is good only when it always works. That is what this bill does.

Insurance companies will have to do what they promise, not in the fine print but what they promise. This legislation goes in that direction.

We look forward to hearing the President tonight as he leads us on this very important issue. This will be perhaps the most important vote in the next couple of months that any of us cast, at least on a domestic issue—or maybe the most important vote in our lives outside of voting on the Iraq war 6 or 7 years ago. But this is probably the most important vote we will cast in our careers.

We have moved intelligently. I think we have moved cautiously. We are ready to move this bill forward, get it to the President's desk by the end of the year. It is going to make a difference in the lives of tens of millions of people in the country.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

Mr. DURBIN. Mr. President, I see the Senator from Florida is on the Senate floor, so at this point I ask unanimous consent to reserve the remainder of the time on the majority side and yield to the Senator from Florida who will be recognized in morning business on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

## FAREWELL TO THE SENATE

Mr. MARTINEZ. I thank the Senator from Illinois for his kindness and appreciate the opportunity to proceed with my final speech on the floor of the Senate, which is a unique moment in time for sure.

The opportunity to serve in the Senate is really the culmination of what has to be an unlikely journey from the place of my birth in a small city in Cuba to having journeyed to the United States and having had the incredible opportunity to be in the Halls of the most cherished institution of democracy anywhere in the world. It has been, indeed, a privilege and an unlikely journey, as I say.

I am really very grateful to the people of Florida for having given me the opportunity to represent them in the Senate, and I think of my time in the Senate as a culmination of my time in public service, the close of a fulfilling chapter in my own version of the American dream.

Having lived through the onset of tyranny in one country and played a part in the proud democratic traditions of another, I leave here today with a tremendous sense of gratitude for the opportunity to give back to the Nation I love—the Nation not of my birth but the Nation of my choice, which is a significant difference. It is a great nation with a proud tradition throughout its history of welcoming immigrants to this country and, in addition to welcoming, it has given us the opportunity to do great things for all who are a part of this country.

So that is why I consider serving my community, my State, and our Nation for the past 12 years a great privilege. It was a desire to give back, to make a contribution to this Nation that propelled me to enter a life of public service. As a mayor and Cabinet Secretary, and as a Senator, preserving opportunities for others to receive their own claim to the American dream has always been a mission for me.

I have worked during all phases of my public life with a sincere desire to make a difference, and today I prepare to return home knowing that I have done my best to advance the things that make our Nation great, prosperous, and free. We truly live in the greatest Nation in the history of the world, and throughout my life in public service I have been humbled to play a proud role in this democratic history of our Nation.

As mayor of Orange County, it was a real pleasure and privilege to lead the community that had done so much for me and for my family when we first arrived in this country. Then to have the opportunity to lead them as mayor was indeed a rare treat and a wonderful opportunity. We carried out an aggressive agenda and tried to do the that which would better the lives of everybody who lived in Orange County, and I am

proud of some of the many things we accomplished there.

Upon my service as mayor, I received a call from then-President-elect George W. Bush to serve my adopted Nation as the first Cuban American to serve in the Cabinet of a President, which was, again, a rare privilege and a wonderful opportunity. The call to serve as HUD Secretary was unexpected and not only a source of pride for me and my family but especially for the entirety of the Cuban American community. I will always be grateful to President Bush for giving me such a historic opportunity.

My time of serving on the Cabinet was punctuated by the terrorist attacks of September 11, 2001. These were sobering events. These were events that turned the focus of the Nation from a fairly carefree time dealing largely with domestic issues to a focus on the reality of what had occurred in New York and Pennsylvania and right here not far from this Capitol. It was part of my job as HUD Secretary to work on the reconstruction of Lower Manhattan. That and a number of other things were added as responsibilities for those of us in the administration at that time. Forevermore I will remember those days as having been a very significant part of my life in public service.

There is no question that it was a privilege to serve the President, but there is no greater honor than to have the people of Florida send me to Washington to serve them as a Member of the Senate. Aside from the debates and the speeches and all the work that goes into turning ideas into law, one of the most rewarding experiences has been helping Floridians resolve issues they have in their everyday lives.

In the short time I have been here, my office has assisted more than 36,000 Florida families through casework and written correspondence and countless more efforts. We made tremendous progress on many of the issues that face our State, including efforts to develop our natural energy resources while protecting the environment, seeking to modernize our military through increased shipbuilding and ensuring we meet the Navy's goal of strategic dispersal—very important to our country but also to Florida—and working to protect our Nation's home buyers from bad loans, bad investments, and predatory lending practices.

It has also been rewarding to know our work can often impact the lives of those living outside our borders fighting for freedom and those things which we hold dear. I brought to my work a belief that it is always necessary to provide a voice for those who are silenced for attempting to advance the cause of freedom.

Having lived under Cuba's repressive dictatorship, I have always recognized the struggle of those who fight for freedom. That has always been, and will

continue to be, a lifelong passion. I have taken every opportunity to recognize those engaged in Cuba's peaceful civic struggle for democratic change and those who stand up for their human rights. There are names such as Dr. Oscar Elias Biscet, Antunez, the Damas de Blanco—the “Ladies in White”—and also the victims of the Black Spring government crackdowns. It is my fervent hope that one day in the not too distant future the people in Cuba will live in freedom with dignity and hope for a better tomorrow. Freedom is their God-given right.

Even though I will no longer hold public office, I will devote myself to seeing the day when the people of Cuba can live in freedom. The preservation of all freedoms, whether they be in Cuba or around the world, call us to stand up wherever and whenever it is threatened.

One series of events will stand out in my mind as evidence of the power of an individual. A constituent of mine—a woman by the name of Cuc Foshee was falsely imprisoned in Ho Chi Minh's prison while she was visiting her family in Vietnam. This was a lady who fled Vietnam and who lived in Florida. She went back to Vietnam for a family wedding, and while she was there her views about the government of Vietnam were clear and well-known, so she was, for no particular reason, thrown in jail in Vietnam. When this matter came to my attention, she had been in detention for over a year. She was denied any of the basic rights that we understand and know. She had no opportunity to have contact with home, and she had no real hearing and no fair trial. Yet she was still in prison.

One of the wonderful opportunities I have had in my time here was to work for her release. It so happened that, working with President Bush and then-Secretary of State Rice, we had before the Senate the Vietnamese Free Trade Agreement. President Bush was planning a visit to Vietnam upon the completion of that agreement. So utilizing the resources all of us have in the Senate to ensure the consideration of that free-trade agreement was somehow connected to the freedom of this innocent woman, I was able to work with Secretary Rice, leading our State Department at that time, as well as our President, to ensure that Cuc Foshee was freed.

I have never been more proud than the day we were able to get a phone call that she was on her way to San Francisco, and then have a wonderful reunion with her and her family in Orlando, FL. It is something I will never forget.

We did also strive mightily in this body to seek a solution to immigration reform, something I felt very strongly about. And being the only immigrant in this body, I believed I was dutybound to try to advance that

cause. I am proud to say our efforts for immigration reform gave me the opportunity to work very closely with Senator Ted Kennedy, whom we are also honoring today, with nearly a half century of service in the Senate.

I can recall reminiscing with him one day near his desk. He came to the Senate in 1962. That was the same year I came here from Cuba. It was also immediately after we had a very serious confrontation involving Cuba—the Cuban missile crisis. I remember discussing with him how his family will be tied to that period of time, to the history of Cuba, and how deeply that had touched my life as well. In addition to the many opportunities to reminisce about things such as that with him, I hold dear the opportunity to have sat at a table and negotiated with him what I thought would have been a very good immigration reform package—a bill which I believed would be good for our country and good for many people in our country.

We didn't always agree. We didn't always have the same point of view. But we always found a way to get along and be very civil about our differences, and I admired greatly his ability to put differences aside and his desire to find consensus. What was most telling about working with Senator Kennedy is that he was committed to reaching an outcome. He wanted a solution, which then meant—and this might be a lesson for current issues today—that he could put aside the whole banana in order to get what he could.

I believe in working with him and then some other colleagues who have become such good and dear friends, such as Senator GRAHAM and Senator MCCAIN and many others; Senator KYL, who made an effort to get this legislation done—I must say I leave with a sense of regret that is not completed, but I do know that is an issue that will have to be addressed at some point in the future.

I would also quote from President Reagan on that issue. He talked about the idea that America remains a beacon of freedom to the world, when he spoke about the “shining city on the hill.”

In his farewell address to our Nation, he touched on the idea that the contributions of all individuals are what make our Nation great. He said:

If there had to be city walls, the walls had doors, and the doors were open to anyone with the will and the heart to get here.

I believe those words to be as true today as the day he said them. I do hope, in the not too distant future, this Congress will address itself to that very important issue.

Whether it is immigration, budgets or Supreme Court Justices, I will also miss the debates. I thank my fellow Senators for their collegiality and their friendship. I know these friend-

ships are going to be the hardest thing to leave here—on both sides of the aisle. I must say I have been very touched by the warm and gracious phone calls and other expressions I have received from my colleagues, as I say, on both sides of the aisle. It makes me feel good about my relationship with all of you, and I hope it will be a relationship that will continue.

I wish to especially take a moment to thank Senator MCCONNELL, Senator KYL, Senator ALEXANDER and the other members of our leadership team for their kindness and willingness to work with me and give me opportunities to participate in our great debates. I also wish to thank Senator REID and Senator DURBIN for their friendship and their willingness to work with me as well.

I have had a very special and close working relationship with my colleague from Florida, Senator BILL NELSON. We have known each other for long time, long before we came to the Senate. It has been a real privilege and pleasure to work with him. We worked together well enough to give Florida an excellent team here, and I am pleased to not only have had this fine working relationship with him but also that our staffs have worked together well. I thank his Chief of Staff, Pete Mitchell, and others in his office for the wonderful way in which they worked with us.

All of you have extended great kindness to Kitty and to me. I hope we will have an opportunity to see you in Florida, where we will continue to make our home. I wish to especially recognize some people in my staff who have made my office go. As all of you know, we rely on these folks to make us look good at times and always be dedicated to us. My State director has been Kevin Doyle, who has done a magnificent job; senior director Kate Bush; my communications director, Ken Lundberg; legislative director, Michael Zehr; my executive assistant, Terry Couch, who has been bouncing with me from mayor to Secretary to Senator, and I daresay may even continue to hang around with me in some way; my chief of staff and longtime friend Tom Weinberg, I thank him very especially. He worked with me as county administrator and then came to join me here.

There are a few folks who were on my staff initially but have now moved on: my first chief of staff, John Little; Kerry Feehery; and my former State director, Matthew Hunter, were also very important in my work, and I appreciate them very much.

I have to say one of the most singular honors I have had in my service has been to work with the men and women who serve in our Armed Forces and to get to know them—whether it is people in their leadership such as General Petraeus, who now is a Floridian in the Central Command in Tampa, or some Floridians serving in the Na-

tional Guard, having lunch with them in Kabul or Baghdad or other places and here in Washington or around the world. They are an amazing group of people. They have my respect and my deep-felt gratitude for the work they do as they serve our Nation in foreign, distant places—and their families who, with them, are part of serving as well.

While saying thank-yous, I also would like to say a thank you to my wife Kitty, who has been a wonderful partner and friend in my life of public service, as she has been in all phases of my life. I promise you, if it were not for Kitty, I would not have done half of what I have done in life so I am eternally grateful to the good Lord for the blessing of having a wonderful life companion.

I wish to tell you all in George LeMieux you will have a very fine person. I hope you will give him the same warm welcome you gave to me and will be willing to work with him. I think he will serve the people of Florida well. I wish to extend a warm welcome to George LeMieux as he joins this wonderful body.

I am humbled by the trust the people in Florida placed in me. It has not been easy to make a decision to move on, but it is a decision I have made and I do it with a heavy heart.

I also particularly wish to address myself to the Cuban-American community throughout our country but especially in Florida, who have had such great pride in me, who have put so much of their faith and hopes in my public life. I simply wish to say to them: me hicieron suyos y creyeron en mi. Compartimos el orgullo en lo que somos y lo que hemos logrado. Su apoyo entusiasta ha tocado mi corazón, y afortunadamente estas memorias para siempre, which means simply that I am appreciative of the pride we share together and what we have accomplished. Your enthusiastic support has touched my heart and I will always carry that with me.

My time of service is only a fraction of the nearly two and a half centuries that have passed since our Founders charted our course as a free people, but the opportunity for someone such as me to serve speaks volumes about the promise they made and one our Nation continues to keep, even to this day.

I wish to close with a quote from Jose Marti, a Cuban patriot, a hero of mine and to all those who strive to further the cause of freedom. He said:

Liberty is the essence of life. Whatever is done without it is imperfect.

With that, I think I have tried to enjoy the fruits of this liberty that this country has to offer, but I have also tried to extend it to others in every way that I could. I am immensely grateful for the opportunity to have served in this body. I am humbled by this moment, and I am grateful to my colleagues for your friendship and support.

I yield the floor.

Mr. KYL. Mr. President, as Senator MARTINEZ knows, the minority leader of the Senate could not be here this morning. I made some brief remarks yesterday, but let me say, just kicking off some comments I know others of my colleagues want to make, that in addition to the other attributes that Senator MARTINEZ has brought to the Senate representing the people Florida, his personality, his engaging wit, and his love of people, his spirit, his friendliness, and his genuineness, all have been appreciated by all of us, I know, very much. So it is even more difficult for us to see him leave because, in addition to being a good colleague and a great Senator, he has been a wonderful friend.

I think all of us appreciate that quality of genuineness, which is not always the order of the day when it comes to people in politics. With Kitty and MEL MARTINEZ, it is. We appreciate and love them very much and we will miss them.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

#### TRIBUTE TO SENATOR MEL MARTINEZ

Mr. DURBIN. Mr. President, I wish to say a few words about my friendship and my admiration for the retiring Senator from the State of Florida. I didn't know Senator MARTINEZ before he came to the Senate. I think the first time I had an insight into who he was and what he brought to the Senate was at a Prayer Breakfast, when Senator MARTINEZ explained to a number of us how he happened to be an American. He was one of the fortunate few who escaped from Cuba under the tyranny of the Castro regime and was given a chance to come to Florida. He told me and others how difficult it was, struggling with a language he didn't know. He explained that one of the real saviors for him was the fact that he was a good athlete so he was able to play many sports, make many friends, and learn English in the process. He became not only an integral part of that community in Florida but an integral part of America's political future.

In his story of growing up in Florida, his family—his wife Kitty and his children—mean the world to him. When I heard he was retiring, I called from Illinois to reach him and wish him the best. I asked, as everyone would: Why? He said: It is all about my family.

I wish to tell the Senator I salute him for that. It takes an extraordinary amount of courage for a person to give up the adulation and the heady atmosphere of the Senate, to remember what is most important in their lives.

I also thank him for his extraordinary courage and helpfulness on so many issues, particularly when it came to issues of immigration. I know Sen-

ator MARTINEZ feels this personally. This is something that he has been through himself and he knows so many others alike who are looking for that chance to prove to America that they can make a contribution.

Senator MARTINEZ has been an outspoken supporter of the DREAM Act, which was an opportunity for younger people to have their chance in America. I thank the Senator for that. I know it was not easy because there are many critics, as the Senator you told me, who would come forward and tell him what a bad idea it was. But the Senator's courage in standing for that is an indication of the kind of person he is.

Florida is going to lose a great Senator in MEL MARTINEZ. America is going to lose an important voice in the Senate. But I don't think we have heard the last of MEL MARTINEZ. I think his contribution, whether as a citizen or some other walk of life in public service, is in the future.

I am honored to count you as a friend and colleague in the Senate. I wish you and your family the very best.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I often think how the best stories in the Senate are not the political stories. We can all recount them—Senator INOUE's bravery in World War II, leading to a Congressional Medal of Honor; the former majority leader, Bill Frist, performing open heart surgery on General Petraeus when he was accidentally shot in Fort Campbell; Ben Nighthorse Campbell on the Olympic judo team; JIM BUNNING in the Hall of Fame; JIM INHOFE circling the world in an airplane the way Wiley Post did; Ted Stevens flying the first cargo plane into Beijing in 1944 at the end of World War II; and then after the elections of 2004, we had Ken Salazar from Colorado, 15th-generation American, whose family came to this country so early; we had Barack Obama with his incredible story; and then we had MEL MARTINEZ in the same year.

Despite the emotion of all those stories, the story of MEL MARTINEZ stands out to me. As the Senator from Illinois said, imagine growing up in Cuba—a good life. Not a rich life, but a good life—so well recounted in this book, “A Sense Of Belonging,” that Senator MARTINEZ wrote. Suddenly the Castro regime comes, it is 1958, and one day your parents put you on an airplane and send you to Miami, not knowing whether they will ever see you again. Then foster homes, then bringing your parents over, going to Florida State, meeting Kitty, becoming the first Hispanic lawyer, I guess, in Orange County, and then the mayor and then a Cabinet member, then Senator, then Republican National Committee chairman—what a terrific story, so well told in this book.

One thing about our country that is unique is we believe anything is possible. The rest of the world looks at us and thinks that we Americans are very naive, but constantly we prove that anything is possible, over and over again—often with the election of a President from unusual circumstances, as we just had. But the story of MEL MARTINEZ, his escape from Cuba's communism, his coming from that, speaking no English, to what he has already accomplished, and now moving on to yet another career, this one in private life, is an inspiration for our country. He has enriched this body. He says in his book:

My journey has taught me that it is not an empty cliché that this country is a land where dreams can and do come true.

His life shows that. We have enjoyed his friendship. We appreciate his example for the country, and we wish him and Kitty well for the next chapter in their lives.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I join my colleagues in congratulating my friend from Florida for his service to our country. He has served in so many different ways as has already been noted. But he is truly an example of the American success story, someone who came here, established himself, and has risen to the very highest, I guess you would call it, echelons of this country in terms of public service and his contributions to the private economy in this country. So it is with great regret that we say goodbye to him as a Senator but continue to maintain the strong friendships we have built and developed during his service here.

They say that someone is measured not by the days in their life but by the life in their days. While Senator MARTINEZ has maybe not served here as long as some other Senators—he and I came into this Senate together back in 2005—he may not be measured by his days of life in the Senate, but he is certainly measured by the life of his days in the Senate because he has added vitally to the debate here. He is an incredibly thoughtful Senator, someone from whom I have to say I have learned a lot—not just in our personal friendship but professionally—because he brings so many insights and such a thoughtful way in the way he looks at issues—domestic issues, foreign policy issues. I have learned a lot about Cuba. I have learned a lot about Latin America.

I have learned a lot about the Hispanic community in this country. And those are insights and contributions that he has made that no one else could make. It is very rare, indeed, to have someone of his experience and life experience and his quality to serve in the Senate and be able to rub shoulders and learn every single day from those experiences.

I congratulate Senator MARTINEZ and his family. As he said, like myself and many others of us, MEL married over his head. He has a wonderful wife and family. And I hope that now, when he is not a Member of the Senate, we will get to see a little bit more of him in the State of South Dakota, because his son John married a South Dakota girl. I have been trying to hunt pheasants. He has made trips up there, but it is always a little bit later in the season when that time of the year comes around, and the climate tends to change in South Dakota. But I hope that now that he has a little bit more time to enjoy those types of things, we will get that chance.

I want to express my great appreciation to the Senator from Florida for an extraordinary run here in the Senate. He truly is the kind of person where what you see is what you get. That is rare in politics today—genuine, thoughtful, sincere, kind, generous, the kind of person who serves whom I want to see more of in public life.

It has been a pleasure and an honor to have had the opportunity to serve with him in the Senate and to call him a colleague. But it is even a greater privilege and honor and opportunity to have been able to call him my friend.

So, MEL, best wishes. Whatever you do, you are going to do well. We are proud of you. And thank you for your great contributions to our country. God bless you.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. This is the time in a person's career you are supposed to lay it on thick. But there is no need to do that in MEL's case. I think everybody here speaking on both sides of the aisle is trying to say thank you for your friendship, and there are a million ways to say it. To Kitty, again, thank you for being part of our lives here. We are going to continue this relationship.

I think all of us have got stories about MEL. I first heard about MEL by reputation. He was a Republican trial lawyer. That intrigued me. There are not many of us. We can meet in a phone booth. I got to know MEL during his campaign and did some events for him. I think that experience of representing people in court made him a good Senator because he understands that there are two sides of every story, and sometimes a person needs the best advocate they can get, even though their cause may not be so popular at the moment.

But I got to know MEL during the immigration debate. That is a hell of a way to meet someone. You will learn quickly when you are talking about politics at that level, that emotional, and MEL was going to be part of that debate whether he wanted to or not because of who he was. You could not talk about immigration and not think about MEL MARTINEZ. He was the first

one to show up and he was the last one to leave, and we will get that bill passed one day. It will be a tribute to MEL and Senator Kennedy that the guts of the bill will be the solution that will be embraced down the road.

That was tough politics. We would reminisce at night. And SAXBY was involved. We would meet every morning in the room over there, the President's Room, with Senator Kennedy and Senator McCain, trying to figure out where we were based on what happened the night before. Usually we had lost ground, but we kept plugging. But a lot of stories were told about what was going on in MEL's life.

There is a lot of hatred out there, quite frankly. There are a lot of people who should be upset about the immigration system not working and broken borders and legitimately concerned about the solution we were offering. But there were some people who were, quite frankly, hateful. I think MEL took the brunt of that more than anyone else. It did not get a lot of publicity, and probably it should not. But I know what he and Kitty went through to try to fix a broken immigration system. I will be forever grateful for their effort, because it was personally very difficult.

When MEL left a repressive place, he came to a hopeful country, and during that debate he never lost sight of what America is all about. America will never be defined by the people who hate. America will always be defined by people who love and care. I have never met two people who love and care more than Kitty and MEL. You will be missed.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I too join my colleagues in recognizing MEL MARTINEZ and his great contribution to this body and his friendship. I think most of those things have been said.

One of the things I learned from a leader in the Senator's State was a saying that he gave to me that: We get into trouble when we look at people as problems and not as people. I have thought about that for a long time, because you can go back in our history, and generally when we have looked at people as problems and not people, that is when we have gotten into trouble. When you look at various situations we have had, and even the immigration debate would be one: Well, this is a problem. No, this is a person. Or you can look at our debate on abortion in this country and say: Well, we have got a problem here. No, we have a person here.

The consistency of what I have seen in MEL's policy position has been very much, no, this is a person. It is not just a person, this is a great person, and not just a great person, this is an unusual individual. He celebrates that with ev-

eryone. That is a beautiful thing to do and it is a beautiful thing to have, and it is a beautiful thing to see, because then that carries over into his friendships, so whenever he is talking with someone else, it may be a colleague or another individual, normally you are sitting there and you are going: Okay, I need to get something done through this person. But I do not usually find that in a conversation with MEL. Normally what I find is: Well, yes, I need to get something done, but what I am interested in is you and what you are thinking and who you are. And this is not an opportunity for me to get something, this is an opportunity for me to celebrate another beautiful soul who is standing right there and staring at me and talking to me, and I have this unique opportunity to engage them.

How much better we all are when we look at people as people and not as problems or as opportunities or as obstacles to get through. That is where I find what he embodies does in this way he works. I am going to miss you, MEL. We are going to miss you an awful lot. We appreciate you. I appreciate the lessons you have taught me by the way you live and by the way you serve. God bless you.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I speak with a good degree of regret, because he knows the heartfelt sentiments I am going to express, because I have tried for now the better part of 3 months to talk him out of this particular day. I did not want him to resign.

It has been good for Florida the way the two of us have worked together professionally, because it is built on a personal friendship that goes back over 30 years. There was not a day we were in session here that MEL and I did not talk.

Of course, this floor of the Senate is the place that you can get away from the other distractions, and, in fact, can come together and have those conversations you want. And that was so important in us looking out for the interests of Florida.

So it is with a great deal of regret that this day has come. I think it is important that the two Senators from a State get along, and that is particularly true of two Senators who happen to be from different parties.

It is my hope that the kind of relationship that we had both privately and publicly as the two Senators from Florida sends a message to our people that you can transcend partisan differences in order to get things done. I believe that is the relationship we have had now going on in the Senate for a little over 4½ years. I only wish that relationship were going to continue for another year and a half, to the remainder of Senator MARTINEZ's term. But for personal reasons he has made this decision.

It is incumbent upon me as the senior Senator of Florida and the newly appointed Senator to have the same kind of relationship for the good of our country, for the good of our State, to transcend political differences, to have a good personal relationship so we can get work done in a bipartisan way. I intend to do that. I assume that the new Senator will do likewise. Let me say that a lot of you do not know, with regard to Senator MARTINEZ, that 30—now going on 31, 32 years ago when we were a lot younger, he was already back then a very prominent trial lawyer. I was a pup State legislator trying to run in a congressional district that included the east coast of Florida and the interior, including Orlando. MEL was one of those high profile, very respected attorneys in Central Florida. And lo and behold, MEL and his wife Kitty, as I campaigned for that congressional seat in 1978, went out and went door to door for me. We have kept up that relationship over the years.

So it has been my privilege to have had that personal relationship turn into the professional relationship as colleagues in the Senate.

I say to MEL MARTINEZ and to Kitty, God speed.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, this is one of those times that none of us in the Senate looks particularly forward to—when we have to come and speak about a dear friend who is leaving the Senate. But I am excited for MEL and Kitty in a number of ways and very appreciative of the great relationship, No. 1, that we have made from a personal and collegial standpoint.

I am very appreciative of the great work MEL MARTINEZ has provided to our country over the last several years. Our friend LAMAR ALEXANDER, who spoke a little bit earlier, often talks and has got me talking back home, particularly to young people, about what it means to be an American.

MEL MARTINEZ has a greater appreciation about what it means to be an American than anyone in this body because of the fact that he is the only immigrant who is a Member of the Senate. I know how hard he worked to become a citizen, and that he has a great appreciation for what it means to be an American.

What a great story it is, MEL, of you dodging bullets in Cuba, escaping communism and ultimately coming to the United States, being separated from your parents, being somewhat lost in a strange land you knew something about but did not know any people.

As a 16-year-old young man, thrust into that situation, most of us would panic to some extent. MEL never did. And through the raising in orphanages and foster homes, and ultimately being reunited with his parents after his brother Ralph came over here, and

being reunited with him before he was reunited with his parents, it is such a great personal story, and such a touching story, No. 1.

But all of that served to develop a foundation in MEL MARTINEZ that America has been the beneficiary of, and certainly those of us in this body who have come to know MEL and Kitty are the beneficiaries of. I guess the ironic thing is when you read MEL's book, "A Sense of Belonging"—which I would commend to everybody who is listening out there today; what a great book; it is a short read, but you will have a lot of fun reading it and it will be of great interest to you—what you realize is when MEL got here, there were several things that allowed him to transition into American society.

First of all, he was a bright young man. He did not know the English language when he came here, but he committed to learn it, and he did learn it. Secondly, he was a very affable person back then, just as he is now. He made friends very easily, and that helped him make that transition. Thirdly, he was a good athlete, maybe even a great athlete. In fact, if he could have hit the curve ball he might be representing the Florida Marlins today instead of the State of Florida. But it is a great way to look at the history of America when we look at the history of MEL MARTINEZ and his transition all the way from rural Cuba to the Senate.

But I guess the most important thing I could say about him is what has already been alluded to by the assistant majority leader; that is, MEL came to the Senate for all the right reasons. He came into public service for all the right reasons. He is leaving for all the right reasons. I know because of the many conversations he and I have had about our families what a dedicated husband he is, what a dedicated father he is. He has seen his two older children, Lauren and Jack, come up and become very successful in their own right. Now he has Andrew. Andrew is a 15-year-old young man who is growing up in Orlando and is doing the things all young men do. Unfortunately, his dad is gone during the week and is home during the weekends, and that is the time when young men like to be with their friends. MEL is missing a lot of that. That is the reason he is going back home, and that is the reason all of us can stand here and say: Wow, I wish I had the courage to do that.

I had a very similar experience during my days in the House. When I ran for the House in 1994, my son was a senior in high school. He played football on what ultimately became the State championship football team. There was no question from my campaign staff as to where I was going to be on Friday night. I was there to see my son. MEL is missing the experience of seeing Andrew play on Thursday nights because he is here doing what he was elected to

do; that is, serve the people of Florida. He is going to now have the opportunity to experience with Andrew the same sorts of things he did with Lauren and Jack. For that, we can say great things about his service to our country, his service as mayor of Orlando or as Secretary of HUD, or his service in the Senate. But his service to his family is ultimately what is important, and, wow, what a public servant he is to his family.

So to him and his wife Kitty we say we thank you for the great service you have provided. We thank you for the great friendships you have provided to all of us as Members of this body. Whatever road you ultimately travel down in the days ahead, we know you are going to continue to be a success. We know you are going to continue to serve our country in your own special way. But, most importantly, you are going to serve our God and you are going to serve your family.

So, MEL, thanks for everything you have done. Thanks for your friendship. God be with you and Godspeed.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I think you know I spend very little time talking on the Senate floor, and I plan to keep it that way. But I do want to spend a moment paying tribute to my great friend, MEL MARTINEZ. I have had the privilege of sitting beside him on the Banking Committee. We commiserate about many things that happen in this body.

I love working with MEL MARTINEZ, and I am going to miss him. I consider MEL to be the epitome of decency in this body. I think he is a person who truly wants to do what is best for this country. I have seen him many times tormented over decisions we all make, which are very difficult to decide from time to time: What is best for our country over the long term? I value that in him so much.

I think this body will be diminished with him leaving. Having people like MEL, who, again, have such a sense of decency—which is, as Senator CHAMBLISS mentioned, one of the reasons he will be departing soon—will be a loss for this body.

I have not met anybody here who I think is a finer individual, nor anybody who I will miss more than Senator MEL MARTINEZ. So I am happy for Kitty. I am happy for his family. I am sorry for us. But I am glad I have served in the Senate with somebody I consider to be such an outstanding person as MEL.

So, MEL, thank you. Thank you for the many confidential conversations we have had through the years, the frankness with which we have been able to talk about so many things.

Each of us brings something to this body that is unique. I think that is why it functions the way it does. I think your insights into our relationships

with the countries of Latin America, to many of the things that were happening there from the inside because of so many of the relationships you have helped all of us make decisions that are more sound.

So that peace will go with you as you leave. Surely somebody else over time will help fill in that vacuum, but I value the many things you have shared with me that have helped me to think in a more thoughtful manner, and I look forward to talking to you in the years ahead about what is happening in your life. I thank you for what you have done in mine.

I thank the Chair.

Mr. HATCH. Mr. President, I rise today to give tribute to my colleague and friend, Senator MEL MARTINEZ. During his time in the Senate, MEL has served the State of Florida and our country well.

Overcoming great odds, MEL and his life's journey is an inspiration to all. At age 15, he fled his native Cuba as part of a Catholic humanitarian effort. Alone, and speaking virtually no English, MEL was placed in temporary youth facilities. Later, he lived with two foster families, for whom he has great appreciation and affection. In 1966, he was happily reunited with his own family members in Florida.

These experiences strengthened MEL and shaped his views. He went on to earn graduate and law degrees from Florida State University and practice law for 25 years before serving as Secretary of Housing and Urban Development and then joining us here in the United States Senate.

During his tenure, I appreciated MEL's leadership, particularly working on the U.S. Senate Republican Conference Task Force on Hispanic Affairs—a task force I formed in 1987. I have long felt that we should not try to put this vital and growing segment of our population in a box because they care about the same things we all do—having a safe nation, strong families, a good education for all our children, and good jobs that provide well. At the same time, I recognized that Hispanics and Latinos bring unique and important perspectives to the issues we face in Congress.

MEL worked to advance the mission of the task force to promote greater participation in the democratic process, to create more job opportunities, ensure better access to health care, and educate our children.

While there is much talk on both sides of the aisle of strategy and outreach to try to “woo” Hispanics and Latinos, we should actively listen to their concerns and encourage their participation. That is true of all segments of our population. That is what I have tried to do and that is what MEL has done, too. I understand we have MEL's firm commitment to continue this important work.

Our colleague from Florida has taken strong positions on a number of issues that have come before this body. MEL has supported prodemocracy movements in Cuba while urging that its dictatorship of abuse and misery is not legitimized by our government.

As a member of the Armed Services Committee, MEL has been a strong supporter of our war on terror, especially as our brave troops combat terrorism overseas for the safety of our Nation.

MEL has supported a reasonable and rational approach to ensuring our Nation's energy security. He has helped to highlight our Nation's lack of action to increase our production of nuclear energy—our Nation's largest sources of green, clean electricity. He recognizes that our domestic electricity supply must be based upon a major source of green baseload power, and that nuclear power holds the most potential to ensure that the American economy is fueled by an abundant, cheap, and clean source of energy.

MEL has worked with us on health care reform. This is not a Republican or Democrat issue—it is an American issue which needs to be addressed in a bipartisan and fiscally responsible manner.

Our colleague has worked to defeat card check because it reduces employees' right to a free and private election to choose if they want to unionize.

MEL has sought workable reforms to our system of immigration. He spoke out against the negative rhetoric that divided and polarized. He will be missed in this body as the immigration debate moves forward.

I know my friend is looking forward to writing the new chapter in the book of his life. I thank him for his service to our country and wish him well.

Mr. MCCONNELL. Mr. President, we have had a chance today to recognize our colleague, Senator MEL MARTINEZ, who, sadly for most of us, is leaving the Senate. Today will be his last day. He had an opportunity to address the Senate this morning and give some final thoughts. I would like to take a few moments to give my final thoughts about Senator MARTINEZ. I expect to see him many times in the future as a private citizen, but my thoughts about him and his contribution here and his life story.

Obviously, all of us have a story to tell, the story of a journey to this place. But in the case of Senator MARTINEZ, the journey certainly has more twists and turns than most.

MEL MARTINEZ first came to this country when he was 15. A political exile, he spoke no English, and did not know when—or if—he would ever see his family again. His journey from that point to now is proof of the boundless promise that exists in America.

More than 50 years ago in a small town in Cuba, an 11-year-old MEL MARTINEZ comforted his little brother as

they lay on the bedroom floor while gunfire erupted in the streets. It was Fidel Castro's takeover, and life changed very quickly for the Martinez family and every Cuban.

When MEL's parents overheard Cuban militiamen threatening to kill their son for wearing a religious symbol, they had had enough. Through a humanitarian effort sponsored by the Catholic Church, MEL was sent to America to find a better life.

Eagerly embracing his adopted hometown of Orlando, Florida, soon MEL came to feel part of America. He mastered English and earned both his bachelor's and law degrees from Florida State University.

And four long years after leaving Cuba, he was reunited with his parents in Florida after they too escaped Castro's regime—and they were so proud to see the brave young man their boy had become.

Because of this long separation from his parents, I can understand now when MEL says it is the tug of family ties that calls him back home to Florida. But those of us who had the pleasure of working with him in Washington are sorry to see him go.

In the Senate, MEL made his mark as a leading voice for greater democratic freedoms in Cuba. He has fought to strengthen Social Security and to eliminate fraud in Medicare and Medicaid.

He has given hope to millions of families by working to increase funding for research to cure Alzheimer's. And he has stood for America's defense in a dangerous world, and for the troops that so bravely take up the fight to defend us.

For 3 years as the Secretary of Housing and Urban Development, Senator MARTINEZ worked to increase home ownership. After the terrorist attacks of 9/11, his agency was charged with directing funds to rebuild lower Manhattan. He fulfilled his duties even as he, along with all of us, reeled at the senseless deaths of 3,000 innocents.

And as the cochair of the President's Commission for the Assistance to a Free Cuba, he played a leading role in the administration's efforts to bring freedom to the land of his birth.

While in Washington, MEL forged many friendships as well. I first got to know MEL during his days as a Cabinet secretary. Elaine and I certainly enjoyed the company of MEL and Kitty.

My wife Elaine and MEL had one thing in common. I used to pose the following quiz to people: Who were the only Cabinet Secretaries who never missed a State of the Union? As everyone knows, it is typically somebody in the line of succession who misses the Cabinet meeting because the entire government is up here on one night. MEL and Elaine never missed a Cabinet meeting because they were the only two members of the Cabinet who were

not born in the United States and therefore were not eligible to assume the Presidency if an emergency required that.

We came to understand MEL's connection to his adopted hometown of Orlando, where for 25 years he worked as a successful lawyer. We learned how his election as chairman of Orange County—a job analogous to a mayor, and in one of Florida's largest counties—started a second career in public service to the country that had given him so much.

Now MEL will return to Florida, and I don't know what his future may hold. But I do know that he'll accomplish anything he sets his mind to. The incredible journey he has taken, ever since he flew on a DC-6 from Havana to Miami, is proof of that. MEL's life shows us that in America, any dream is possible.

MEL, it has been an honor serving with you, and it has been a pleasure for Elaine and I to get to know you and Kitty through the years. Whenever you may return to Washington next, please remember you will always have plenty of friends in the U.S. Senate.

Ms. COLLINS. Mr. President, I rise today to bid farewell and to express my gratitude to Senator MEL MARTINEZ as he retires from service in the U.S. Senate. During his time here, he established an admirable reputation for hard work, dedication to his State and our Nation, and a commitment to principles.

I have had the privilege of working with Senator MARTINEZ as a member of the Armed Services Committee and its Seapower Subcommittee. In addition, we worked together on the Special Committee on Aging, where he has served as ranking member.

Working with Senator MARTINEZ has always been rewarding. This has been especially true on the Armed Services Committee, where he brings to bear on defense issues both detailed knowledge and long-range vision. On the Seapower Subcommittee, he has been a strong ally in keeping our Navy pre-eminent and has been a highly effective advocate for continuing the DDG-1000 program, the next generation of destroyers.

Senator MARTINEZ's work on the Special Committee on Aging continued his long record of shaping policies important to seniors in Florida and throughout America. From local government to his service as Secretary of Housing and Urban Development and in the Senate, he has been a strong voice for ensuring that all Americans live longer, healthier, and more productive lives.

But the greatest legacy MEL MARTINEZ leaves the Senate is his inspiring life story. Born in Cuba, he arrived in America at age 15. He earned his undergraduate and law degrees from Florida State University, and went on to prac-

tice law for 25 years. He demonstrates the highest qualities of our nation of immigrants, of the opportunities America provides, and of the character and determination of those who come to our shores. His desire to continue to work for expanded freedoms to the people of Cuba exemplifies his character and principles. I join my colleagues in wishing him and his family well, and in looking forward to many more contributions to the public good from this man of many gifts and accomplishments.

Mr. MCCAIN. Mr. President, today I rise to recognize and thank my colleague and friend from Florida, MEL MARTINEZ, for his service to this country and to wish him luck in the years to come. I am proud and humbled to have had the chance to work with MEL over the last few years on some of the most difficult and trying issues of our time and I will miss his honesty, heart and dedication when he leaves the Senate this week.

While many of my Senate colleagues are familiar with MEL's inspiring personal story I feel that it is important for the American people to know that MEL MARTINEZ's life has personified the American dream and teaches us what we can all accomplish through hard work, a love of God and country and true dedication to a higher cause. MEL came to the U.S. in the 1960s as a young Cuban immigrant and became the first Cuban-American to serve in a Presidential Cabinet, as Secretary of Housing and Urban Development, and then the first Cuban-American U.S. Senator.

As a freshman Senator, MEL didn't shy away from the tough issues—he did not sit back and let others tackle the tough, controversial tasks—he dove in head first. Personally, the most memorable example of MEL's courageous work is his support of comprehensive immigration reform.

The 2006 and 2007 immigration debates were difficult times in the U.S. Senate. We had both political parties and an American public divided on an issue that I still believe will define the future of our country for generations to come. For many, it would have been tempting to sit on the sidelines, take the safe votes, keep your head down and just wait for this one to pass, but not MEL MARTINEZ. He took his strong personal convictions and put them into action. We spent many hours together, working in a bipartisan fashion to try to reach an agreement that could be acceptable to both sides of the aisle and ensure the security of our Nation. Every day, MEL MARTINEZ was in the trenches, on the floor, working to improve the bill, working to reach a bipartisan compromise and working for a better future for our country and our children.

I also had the pleasure of traveling with MEL to the Republic of Georgia

where he met with Georgian leaders and spoke openly about the importance of United States support for freedom in all countries, both those distant and close to our shores. MEL spoke with conviction due to his early childhood spent in a country controlled by a repressive dictator.

Many in this Chamber will fondly recall MEL's leadership in the Senate and his work for the State of Florida. I will remember my friend, his courageous leadership on the tough issues and his willingness to put the future of our Nation before his own self interest.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### TRAVEL PROMOTION ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1023, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1023) to establish a nonprofit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

Pending:

Reid (for Dorgan/Rockefeller) amendment No. 1347, of a perfecting nature.

Reid amendment No. 1348 (to amendment No. 1347), to change the enactment date.

Reid amendment No. 1349 (to the language proposed to be stricken by amendment No. 1347), to change the enactment date.

Reid amendment No. 1350 (to amendment No. 1349), of a perfecting nature.

The PRESIDING OFFICER (Mr. CASEY). The Senator from North Dakota.

Mr. DORGAN. Mr. President, this legislation is now in the 30 hours postcloture period. We had a cloture vote late yesterday afternoon, and I believe the 30 hours postcloture will expire sometime later this afternoon, at 4 o'clock or 4:30 or so.

Let me again explain what we are trying to do in this legislation. This is reasonably simple. In all of the partisan dust that is created in this country, I think this is one of the few pieces of legislation that has broad bipartisan support. We have, I believe, 53 cosponsors for this bill—Republicans and Democrats—and the proposition is very simple.

First of all, we have lost a lot of jobs in this country. We are in the deepest recession since the Great Depression, and a whole lot of folks have lost their jobs. This is a bill to try to create more jobs. But it is a bill that especially addresses a problem that has been created in the last 8 or 9 years.

Since the year 2000, here are a couple numbers. Since the year 2000, there are

56 million more people living on this planet who are taking international trips. Let me say that again. This is a big planet with billions of people living on it. By the way, half of them have never made a phone call. Half live on less than \$2 a day. But on this big planet there are people who travel internationally, and there are 56 million more international travelers right now than there were 9 years ago. But there are 633,000 fewer international travelers visiting the United States than visited our country 9 years ago.

Why is that the case? And why is it important? Well, it is important for a number of reasons. It is important because international travelers—I am talking about overseas travelers—on average spend about \$4,500 per person per trip. Their travel supports a lot of jobs in the tourism industry. It supports jobs in every State in our country. So it is important for that reason—it creates jobs.

But it is important for another reason as well. When people come here from other parts of the world and see America and experience the culture and the character of our country, they leave, almost inevitably, with a very positive impression of this country of ours.

So for two reasons this is important. We have fewer international visitors—633,000 fewer—per year than we had 9 years ago, even at a time when 56 million more people are traveling around the globe for overseas visits.

I described yesterday what other countries are doing. Other countries are saying: We understand that international travel and tourism creates jobs. So other countries are reaching out with promotions. Japan, Italy, France, India, England—you name it—they all have aggressive promotions around the world, to say: Come to our country. Come see the Eiffel Tower. See the wonders of France. See the beauty of Ireland. Come to India and experience the interesting culture of India. All of these countries are doing very aggressive international promotion for the international traveler, to say: Come to our country.

Something happened in the year 2001. Obviously, on 9/11 we had a terrorist attack—a devastating terrorist attack. As a result of that, our country tightened up on visas. We made it more difficult to come to our country. At the same time as we tightened up on visas, those who did want to come often had to wait for long periods of time, and they waited in long lines in order to get a visa. Then with respect to the Iraq war and other policies, people became upset with our country. So the result has been a substantial decrease in international travelers coming to our country.

The purpose of this legislation is very simple. It is called the Travel Promotion Act of 2009, but it establishes a

public sector/private sector partnership to begin promoting international travel again to the United States of America.

This is one of the few pieces of legislation that actually saves the government money. The Congressional Budget Office scores it as a \$425 million in reduction in the Federal budget deficit over the coming 10 years. So this is not something that expands the deficit. This reduces the Federal budget deficit—that's No. 1. No. 2, it is bipartisan. A fairly large number of Democrats and Republicans have joined together to say: We want to do this. The vote on the cloture motion yesterday was 80–19. No. 3, organizations such as the U.S. Chamber of Commerce and others have weighed in saying this is very important for us to do. Other countries are engaged in this kind of promotion for their countries and we need to do it for ours.

So I, along with my colleagues, have authored this legislation. In the previous Congress, as chairman of the subcommittee that deals with these tourism issues, I authored the legislation. My colleagues, Senator ENSIGN, Senator KLOBUCHAR, Senator REID, and many others, Republicans and Democrats, have joined in the legislation that would create an opportunity for this country to compete internationally for international tourism and travel.

Mr. President, we will, I think, for the next 5 or 6 hours, stand at parade rest listening to people talk about what they want to talk about on the floor of the Senate, and it is a procedure that is a bit Byzantine. Most people would not understand the procedure. On something as noncontroversial as this, as widely supported by Republicans and Democrats, something that actually reduces the Federal budget deficit and extends our ability to create jobs in this country, we got 80 Senators to vote for cloture, which meant we had to file a cloture motion. That meant 2 days intervened because it takes 2 days to have a cloture motion ripen. Then we got cloture with 80 votes. Now we stand at parade rest until sometime around 4:30 this afternoon because 30 hours—if the minority insists—30 hours has to expire. At the end of 30 hours postcloture, then we will, presumably, have a vote on the legislation.

I am pleased to work with my colleagues, Republicans and Democrats. This legislation is the right thing to do right now. At a time when this is an increasingly smaller planet, an increasingly smaller world in which we live, I think it is important for our country to reach out to the rest of the world. Doing so is in our self-interest because it creates jobs and expands our economy. But it is also in our self-interest because what we have created in this country is quite extraordinary.

This is not a circumstance where we would promote travel to America for one destination. It is travel to America to see all of this great country in its grandeur. There is so much to see and experience here, and we know from polls that have been done with international travelers that when people come to this country and travel here and experience what exists in our country and understand the character and the culture of our country, they leave with an unbelievably positive attitude about the United States. That is an awfully good thing, it seems to me.

So, again, this is a bipartisan bill that will save the Federal Government money; reduce the Federal budget deficit; combine the best ideas of Republicans and Democrats; and had 80 votes for cloture. I hope we have at least that on final passage. And perhaps we will start off this work period of September and October on a pretty positive note, stepping forward together to say, Let's do something that strengthens our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, the United States is a very popular tourist destination. According to the Department of Commerce, foreign travel here reached record highs in the year 2008—an increase of 16 percent over the previous record set in 2007. So our tourism industry is booming. People from all over the world want to visit our cities and see our sights. Almost every State and community has tourism promotion programs that are very robust which help to accommodate that desire for foreign travelers to come here. So I am a bit baffled by the legislation that is pending before us.

The Tourism Protection Act, in my view, is both unnecessary and the wrong approach to attracting visitors from abroad. The bill would create yet another government-affiliated office of tourism. Why do we need that? The Department of Commerce already has a tourism office and private sector businesses and other entities already have the demonstrated capability to promote tourism. According to the companies and lobbyists who are pushing this bill, they already are. So why spend almost \$100 million a year for a new and unnecessary Federal entity to market and research travel and tourism? Research tourism? What is there to research? I wonder if this is one of the reasons why the American people have a lot of questions about the capability of their representatives here in Washington to do the right thing.

The bill would impose a new \$10 fee on foreign visitors. Now there is a way to attract more visitors: Charge them for coming here. Maybe we need that research after all. Of course, imposing a new user fee or tax on nearly every foreign visitor is hardly a route to promoting new tourism. Obviously, we

should avoid creating impediments to tourism if your first goal is to attract more tourists. The tax actually could hinder visits by families. For those families who do visit, every dollar they have to spend paying the Federal Government is one less dollar they can spend on American businesses, on our local communities, on the restaurants and shops and hotels and cab rides, and so on. The \$10 fee may not sound like much, but for a family of five, that is fifty bucks to promote tourism.

We all agree that tourism boosts our economy in numerous ways and is vital to our economic recovery. Nobody has to lecture me about tourism. My State of Arizona relies a great deal on tourism for our economy, and it is a wonderful destination place for folks to visit. I don't think we need—the Federal Government—to take another bite out of our tourism dollars.

I am also concerned about the inevitable retaliatory effect of this legislation. Senator DEMINT wrote an op-ed in the Washington Post on Monday and pointed out that the European Union and other governments have said that if we impose a tax on foreign visitors, they will follow suit and impose a reciprocal tax on American visitors to their countries. That is not a very good idea either, is it? Do we want to pass legislation that will lead to new travel fees on Americans?

Instead of creating an additional government tourism office, I think we should work to fund the actual Federal responsibilities we have that relate to visitors coming to our country such as upgrading or adding infrastructure at our ports and making visa service improvements. There are always improvements we can make in this regard. The easier we can make it for tourists to come here, the more likely they will come.

So if we want to spend \$100 million, for example, to make it more attractive for tourists to enter the United States, there are plenty of ways to do it that relate directly to our responsibilities. We don't have to create another redundant office of tourism and charge the tourists to fund it.

At a time when much of the world is experiencing economic hardship, we should support policies that make tourism in the United States more attractive, not more costly. That is why I believe this legislation is misguided, unnecessary and, in the end, harmful.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, perhaps while my colleague is on the floor, I think it would be useful to at least discuss a couple of things that are apparently in disagreement.

The issue of a \$10 fee that could be used in a public and private sector partnership, again, supported by the Chamber of Commerce and all of the organizations that want to support this

country as a destination for international tourism—let me put on the board a chart that shows the fees our U.S. travelers currently pay to visit the visa waiver countries. They charge us fees. We are talking about a \$10 fee to people from these countries—\$10. Here is what we are charged if we go to France: a \$51 fee, Americans going to France. We don't propose that here. We can see that in Spain, \$14; the Czech Republic, \$27. They are going to retaliate? They already charge the American traveler a fee when we come and go, and we are talking about a \$10 fee that would allow our country to promote our country as a destination just as their countries are doing. We are not even in the competition.

The thing I wanted to ask my colleague about is, he talked about international tourism. I wonder if we disagree on this: There is a very big difference between the classification of international tourists and overseas travelers, travelers from foreign countries abroad. International tourists include Mexico and Canada—and by the way, the research that the Senator seems to diminish tells us a lot about this information. On average, a visitor from Mexico and Canada to the United States on a trip is going to spend around \$900. On average, a visitor to this country from a foreign country overseas is going to spend about \$4,500, a pretty big difference in terms of visiting Arizona or North Dakota and spending that kind of money.

But I wonder if we have a disagreement with this: All of the data tells us that in the last 9 years, global travel has increased by 56 million more people moving around the globe doing international tourism travel, and that during the same time, the United States has actually had 633,000 fewer overseas visitors than 9 years ago. Do we disagree on that? Because my colleague from Arizona seemed to suggest that everything is at a record high. That is not the case. It is not the case. Overseas travel from people coming to this country is down. It is down at a time when overseas travel is booming all around the rest of the world and we have over a half a million people a year fewer coming to this country. Do we disagree on that?

Mr. KYL. Mr. President, I say to my colleague two things. First, the statistics I quoted were for the last 2 years, 2007 and 2008. I don't have the statistics for I believe he said 10 years ago.

Mr. DORGAN. I am also talking about a different classification. I am talking about overseas travel. The statistics my colleague quoted I believe are statistics that include Mexican and Canadian travel to the United States. Obviously those are contiguous countries. We have a lot of people moving in and out. But I am talking about overseas travel. The official numbers on overseas travel I believe are that we

have 633,000 fewer people coming to this country from overseas for tourism than existed 9 years ago. Do you subscribe to that?

Mr. KYL. Mr. President, I say to my colleague I was not specifically referring to Canada and Mexico. I didn't even mention those two countries by name. I would be happy to get the source of the statistical information I presented, provide that to my colleague so we can make a comparison.

The other point I would make with regard to fees, I am not doing anything except reporting the news, which is that countries abroad say if we propose this fee, they will reciprocate. The fact that some of them already impose a fee may mean they are going to increase their fee, and that is obviously not a good thing. It seems to me any fee that any of the countries imposes gets us into a little bit of a bidding war. Are we going to try to attract tourism from other countries by raising fees on the tourists who come here? I don't think that is a very good policy. If those countries want to have a fee, I don't think it is very smart for them to have it, but I can't affect that, except by trying to ensure that they don't have a reason to reciprocate against the United States if we impose a fee.

Mr. DORGAN. Mr. President, I would simply say, it is not a matter of reciprocating against us; they already impose these fees on American travelers. Our determination to impose a minor fee—\$10 for an international traveler from a visa waiver country when they use the ESTA system once every two years, not every visit—it seems to me to suggest is much less than other countries charge US travelers. And the Senator described an op-ed piece by my colleague Senator DEMINT which, in my judgment, is full of misinformation, full of it.

By the way, I am sending the Washington Post a response to it today. But, look: International travel. My friend from Arizona talked about research. The Commerce Department research shows that in the first quarter of this year, there was a 10-percent decrease in international travel to this country. That is the official data from the Commerce Department. So it is not the case that tourism is at a record high, that we are setting all of these records; and it is the case, in my judgment, based on empirical data and research, that we have far fewer overseas visitors coming to this country now than we did 9 years ago.

I am telling my colleague something that relates, in my judgment, to substantial lost opportunity for a number of reasons: jobs we should have that we don't have; and second, an awfully good impression about this great country of ours by people who come here and visit it.

I think my colleague will agree with me that post 9/11, there were a lot of

things done that suggested to people around the world that it is going to take you a while to get to the United States because you are not very welcome there. It is going to take a long time to get a visa. You are going to wait a long time.

By the way, I have something I wanted to show my colleague. This is all 2008 material, by the way, but there were headlines such as these: The Sydney Morning Herald, Sydney, Australia: "Coming to America Isn't Easy." The Guardian, United Kingdom: "America: More Hassle Than It's Worth?" The Sunday Times in London: "Travel to America? No Thanks."

There is something missing here that we ought to be concerned about because my friend from Arizona represents a State that has a lot of tourism and a lot of jobs related to tourism. Virtually every State in this country will benefit from being able to promote America's grandeur and opportunity for people to come here and travel here, and we are not even in the game.

Mr. KYL. Mr. President, if I could interrupt my colleague for 1 moment to make a quick point and then I will have to leave the floor. I think the headlines my colleague reads are an important part of this debate. That is why I made the point that if we are going to concentrate on trying to attract more people to our shores, there are a lot of things we can do to take the hassle out of traveling that do directly relate to our responsibilities at our ports of entry, our visa system, and other things we can do to take that hassle out of traveling to the United States that are our responsibility and that we should do. I would put those responsibilities ahead of fancy brochures and advertising campaigns to try to tell people it could be nice to come to the United States when there are other ways we can make our shores more attractive to them.

So as I promised my colleague, I will get the source of the information I quoted with regard to the statistical information demonstrating more travel in the last few years and then we can have a further conversation about that.

Mr. DORGAN. Mr. President, I respect my colleague's views. I would only say this: The evidence is clear and it is not debatable that fewer people are coming to this country from overseas than did 9 years ago. In my judgment, we ought to be concerned about that and do something about that by encouraging them. Yes, let's deal with the wait times on visas. We are working on that and we have made some progress on that. But it is also the case that if while India and France and Japan and China and others are engaged in very substantial promotional campaigns that say "come to our country; come and see what we have," and if while they are doing that with ag-

gressive promotion we are sitting back and saying, "Well, we are not going to say anything much; we don't have a promotional campaign encouraging people to come to America," in my judgment, we lose that opportunity.

Advertising works; I don't care whether it is a television commercial or a promotion. All I am saying is don't diminish that, because promoting travel to the United States can work, but deciding we are not going to promote anything I know does not work. In fact, in this past decade, we have been in a circumstance where after 9/11, it was pretty clear that we were going to make it much more difficult for people to come to this country, and did. Then we went through a period of the Iraq war and other things when a lot of people were pretty upset, so we saw a very substantial reduction in the amount of tourism coming to this country from overseas.

Again, I am knowledgeable about the op-ed piece that was written in the Washington Post described by my colleague.

I am just telling you that there will be a response to that because much of that had no basis in fact. So all I hope is that the 80 Senators who supported this yesterday will continue to support the notion of creating jobs in this country, on a bipartisan basis, with a piece of legislation that actually reduces the Federal budget deficit. What a novel thing that is.

Again, I have respect for those who disagree, but I don't want there to be disagreement about the facts. We do research in the Commerce Department on who is coming to our country and how many. That is valuable research. Let's take advantage of that and understand what it says.

Overseas travel across the planet is up, up, up, way up, and to this country, it is down. There is something wrong with that, something unhealthy about it. We can change that. That is what this legislation is. It is an attempt to change it.

Let me quote Mark Twain. I probably should do this every time I speak on the floor because I am always trying to sell something. In this case, it is bipartisan legislation that I think advantages this country.

I will say this again. Mark Twain was asked once if he would engage in a debate being scheduled. He answered, "Yes, as long as I can take the negative side." When asked why would he take the negative side when he didn't even know the subject matter, he said, "The negative side will take no preparation."

I understand it is easier to write a big-old op-ed whacking away at things than it is to construct something that has merit and will advance this country's interests. I believe this bill has merit, and so do the 79 other Senators who supported this legislation yester-

day. Later this afternoon, I look forward to passing this legislation through the full Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I wish to speak on the issue of travel that is before the Senate this morning.

We live in a world divided. International tension, mistrust, even wars too often separate nation from nation. But every 2 years, 10,000 athletes from more than 200 countries come together to celebrate the human spirit. They meet in competition, arriving on the world stage from all five inhabited continents.

Each of these five continents is represented by a single color circle, a ring entwined with four others to form the familiar symbol worn by every Olympic athlete.

The Olympic and Paralympic Games are a powerful force for world unity and a boon to any city that hosts them. In 2016, the summer games will bring millions of dollars and international spotlight to one of four world cities. Selected by the U.S. Olympic Committee from a broad field of candidate cities, Chicago is one of only four finalists for the 2016 Olympics, along with Madrid, Rio de Janeiro, and Tokyo. The International Olympic Committee will make their final selection in October. That is in the coming month. We must work hard to bring the Olympics back to the United States of America.

There is no greater honor than representing your country on the world stage. I am convinced there is no greater world city than Chicago.

As President Obama and I both can attest, Chicago is a diverse and inclusive city. Situated on the banks of beautiful Lake Michigan, it is the jewel of the Midwest. Chicago has always been a global leader in culture, architecture, commerce, sports, and even cuisine, if you like a good meal.

The Olympic spirit is alive and well in Chicago. The Chicago 2016 Committee recognized the importance of the games and renewing old friendships around the world, as well as establishing new ones. This ideal—and the value of "friendship through sport"—is at the heart of the city's Olympic bid. It is a beautiful city, and I am proud to call it home. It showcases much of what makes this country so great. That is why it is an ideal site for the Olympic and Paralympic Games.

For athletes, world-class training facilities and event locations would be very close together, allowing for convenience and ease.

For visitors, outstanding public transportation and modern infrastructure would make all events readily accessible and easy to attend.

For residents of the city and people across the United States, Chicago would shine on the world stage and millions of dollars would pour in from across the globe.

Especially if we pass S. 1023, promoting travel to the United States and relaying better information to visitors, Chicago will be the clear choice of the International Olympic Committee in October.

This important legislation, known as the Travel Promotion Act of 2009, would create a not-for-profit corporation, as well as a government Office of Travel Promotion. These organizations would work together to encourage business, leisure, and scholarly travel to the United States, restoring important components of our struggling economy.

Travel and tourism, which generates as much as \$1.3 trillion in the United States every year, have been on the decline since 2001, although those same industries have grown in many other countries. We must act swiftly to protect the 8.3 million American jobs that are directly related to travel and tourism. This means welcoming more overseas visitors each year—visitors who already pour \$142 billion into the United States on an annual basis. An increase in international tourism would increase the profile of Chicago's Olympic bid.

The 2016 Olympics, in turn, would generate even more international tourism in Illinois and across the country. S. 1023 would help this massive influx of visitors travel to the United States with ease. This would create jobs, increase tax revenue, and build stronger relationships across the globe.

There are few international spectacles as singular and as inspiring as the Olympic and Paralympic Games. There are very few of those. A force for unity in a world divided, these competitions have the power to bring us together as one people, celebrating the human spirit with one voice.

I urge my colleagues to join Senator DORGAN and Senator ENSIGN in supporting S. 1023. I thank Leader REID for his leadership on this important issue.

This legislation would help to bring visitors from all over the world to the United States, and it would help bring the 2016 Olympic games to Chicago, IL.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I rise today to talk about the bill Senator DORGAN and I have sponsored, the Travel Promotion Act of 2009, an important piece of legislation to create jobs in the United States.

My home State of Nevada is No. 2 now in unemployment. Clark County, which is where Las Vegas is located, has one of the highest unemployment rates of any county in the United States, over 14 percent now.

Jobs are something we desperately need in my home State of Nevada and obviously across the United States. Tourism, when you package it all together, is the No. 1 industry in the United States. We are one of the countries in the world that does not sell itself to the rest of the world for people to come. It seems to make sense to me that if a company advertises to bring people in, if convention authorities around this country advertise for people to come in, it would make sense for the United States of America, as a country, to advertise to bring people to the United States. As a benefit to that, everywhere in the United States can benefit.

If we are advertising to come see Yosemite or the Grand Canyon or the incredible beaches we have on our east and west coasts, or the incredible changes we see in the Northeast, or places such as Lake Tahoe in my home State that we share with California, or Hawaii or the vastness of Alaska, wherever we are advertising, the incredible cities we have such as New York, Las Vegas, with culture, cuisine, and entertainment, or the history we have in Washington, DC, or the fabulous places in cities such as Chicago, when we advertise those cities, if somebody comes from overseas to visit the United States, there are many other places they will visit along the way within the United States. It will not be just one location where foreign travelers will come here to visit. There will be a ripple effect.

For instance, if you are visiting the Grand Canyon, my home city of Las Vegas is the gateway to the Grand Canyon. Even though it is located in Arizona, most people go through the Grand Canyon to go to Las Vegas. If you go to Yosemite, you can go through San Francisco and the whole wine country and take a trip up through there.

The one thing we know about overseas travelers is when they come to the United States, they spend about \$4,500. Mr. President, \$4,500 is a lot of money to kick into our economy. That money creates jobs. Those jobs that are created have a ripple effect with other jobs being created. Somebody who is employed in the tourism industry, whether it is a theme park, a restaurant, or a hotel, has to buy other products. They have to visit the dentist. A lot of them have animals and

visit their local veterinarians. They buy houses which supports the construction industry. There are ripple effects. So when we are creating a job in the tourism industry, we are creating other jobs outside the tourism industry.

The nice thing about the Travel Promotion Act Senator DORGAN and I have proposed is that this bill will create jobs without adding to the deficit. In fact, it will raise money for the Treasury. It will actually have a positive effect on the deficit. Of the concerns I heard when I was home over August, that is one of the biggest concerns people have—the amount of government spending.

The way we do this is two things are taken into account. Right now countries that have a visa waiver program, we will charge those visitors, instead of \$131 that it takes on average to have a visa, we are only going to charge them \$10. But that \$10 fee will go into paying for this Travel Promotion Act for us to be able to advertise. That money will be matched by the private sector. This will be run by the private sector, not by the government. So we will have experts who understand marketing who will be able to sell our country.

Mr. President, this is a job-producing bill. It is going to be something that benefits all across America, and it is going to do it without hurting the deficit. It is exactly the kind of legislation we need right now. Oh, by the way, Americans are calling for us to be bipartisan, and this is a bipartisan bill.

Senator DORGAN and I and many other people have worked on this legislation. I thank the majority leader, Senator REID, from my home State, for bringing this legislation to the floor and really pushing for it. Obviously, it is important to our State because we have a tourism-driven economy in our State, but it is important to the entire country. It is not just a Nevada-specific bill; this is important to the entire country.

I have a few charts here to show some of what we have seen from other countries.

After 9/11, we made some changes in our immigration laws and things like that, and these are some of the headlines from around the world. This one says: "Coming to America isn't easy." Another one: "America—more hassle than it's worth?" In London: "Travel to America? No thanks." There is a perception out there that folks aren't welcome from overseas ever since 9/11. Part of the money that is going to be spent in this bill is going to say that America has the welcome mat out. We want folks to come and experience America. We want not only their tourist dollars, but we want them to come to experience America because we know from studies that anyone who comes to America has a more positive view of America, and America needs

friends in the world today. We need more people thinking good things about America instead of bad things. Instead of those who want to create harm, we want to create good will, and the more visitors we get coming to the United States, the more good will we can create in the world.

What this next chart shows is that there have been 58 million new visitors—international or overseas travelers. Unfortunately, we haven't gotten our share of those since the year 2000. That means there was \$182 billion in lost visitor spending and almost \$30 billion in tax revenues for the United States. That is not local tax revenue, that is just Federal tax revenues. Almost 250,000 fewer jobs have been created because we lost these visitors. So there is a travel gap between 2001 and 2008. This is the actual arrivals. This is what would have happened if we could have captured a small percentage of the new international travelers who are out there.

Some have argued that the European Union will counter if we put a fee on travelers coming to the United States, that they will put a fee on folks going to their countries. Well, guess what, they already have those fees, as a matter of fact, everything from the Czech Republic charging \$27, to Denmark, \$61, up to the UK charging \$100.

By the way, this is the amount of money they spend on advertising in their countries—anywhere from \$8 million to \$89 million—and they get a return on their investment. They get a return because they know if they advertise folks will actually come.

Folks have talked about this being a cost to the government. There is no cost to this bill. It actually raises money. It actually is not a cost to the taxpayer. There is \$425 million in deficit reduction over the next 10 years, with as much as \$4 billion minimum in new economic stimulus per year. Next, there is \$321 million in new Federal tax revenue per year and about 40,000 new U.S. jobs in the first year alone. Those are jobs we can definitely use in the United States.

This chart shows the return on investment. Entry/departure fee from Spain, \$14. They spent \$120 million in 2005. They had an increase in international arrivals by 20 percent going into their country. The UK spent \$90 million and had an increase of 26 percent. You can see down the line that there is a return on investment. That is what we are saying here in using a public-private partnership. Let's have a return. Let's actually attract people to the United States.

I would make the argument that the United States has more incredible places to see than any other country in the world. We have a great product to sell, we just have to sell it. We actually have to tell people why to come to the United States, show them the incredible places.

These are just a few of the ads we have seen around the world.

This is one from India. "One special reason to visit India in 2009," it says. "Any time is a good time to visit the Land of Taj, but there is no time like now."

This is one of the many from Australia. I think all of us have seen ads about Australia. "Arrived with a thousand things on our minds; departed without a care in the world." Another from Australia which obviously features the great diving they have. Just the visual image makes you say: I think I would like to go there. I think I would like to experience that on my next vacation.

This is Ireland, a nice simple map of Ireland talking about all the various things they have, from golf and the St. Patrick's center to other places to visit in Ireland. It gives a nice visual image.

Well, there are not only brochures but television advertising, the Internet, and all kinds of ways to get into a person's mind about why they would want to come and visit someplace, and all we are saying is we need to do this for the United States. There are so many incredible places we have here to visit that selling is not going to be the problem, it is just going to be making the effort.

So, Mr. President, I believe this is legislation that is worth doing. Some folks have come down here to say we don't need to do this because we already have a lot of travelers coming to the United States as it is. International travel to the United States, they say, is up. Well, the problem is, when you measure international travel coming from Mexico and Canada, that may be up, but they only spend about \$900 each visit when they come here. Overseas travelers spend about \$4,500 each visit when they come here, and that travel is down in the United States. It is down significantly compared to the rest of the world. So this is legislation that we need to go after those overseas travelers who have money to spend. This is something that can benefit States all across America. It will benefit the Federal Treasury, and it will create jobs.

There are a lot of good things about this legislation, and I think that is why you will see a good, strong bipartisan vote when the final vote tally is taken about 4:30 today.

So I would encourage people to take a good, hard look at this. At a time when we need jobs—jobs, jobs, jobs—this is a bill that can help deliver some of those jobs.

#### RECESS

Mr. ENSIGN. Mr. President, I ask unanimous consent that we recess until 2:15 p.m. as under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN).

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma is recognized.

#### TRAVEL PROMOTIONS ACT OF 2009—Continued

Mr. COBURN. Mr. President, we are going through a travel and tourism bill. I know my leader is coming to say some words on the Senate floor, but I had a couple questions the authors of the bill have not answered satisfactorily. One is they create a new corporation for travel promotion and they create a new travel and advisory board, but there is already a travel and advisory board within the Commerce Department. There is nothing in this bill that eliminates this duplicative function that is already there. If, in fact, the intent of the bill is to promote, as they say it is, travel and tourism, one of the things we do not want to do is have duplicative agencies doing exactly the same thing, wasting the taxpayers' money. It is about \$67 million that will go down the drain if, in fact, we do not eliminate the duplicative section of this bill.

The second point I would make is you are going to spend \$12 million a year just on this one advisory board. The third point I will make refers to a letter from the European Union noticing that the visa fees we plan on placing with this bill will cause a negative reaction from them and a reciprocal institution of visa fees through the European Union.

I make those points and hope the authors of the bill will answer, for the American people, the \$67 million waste in this bill that is going to occur if they do not eliminate programs that are already out there for which they are creating duplicate agencies.

I yield the floor and ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 18, 2009.

Hon. HILLARY RODHAM CLINTON,  
Secretary of State, Department of State, Washington, DC.

DEAR MADAM SECRETARY, As you are most certainly aware, the U.S. Travel Promotion Act is currently under consideration in Congress (S.1023). On 16 June 2009, the Senate

voted 90:3 for the bill to proceed and a final vote is expected any day now. If this bill were to enter into force, DHS would be required to ask travellers to the U.S. upon their application for an Electronic (System for) Travel Authorization (ESTA) to pay at least \$10 which would be used to finance a Travel Promotion Fund as well as the operational costs of ESTA.

We are concerned that this draft legislation is not compatible with our common goal to facilitate transatlantic trade and travel. We believe it would constitute a step backwards in our joint endeavour to ease transatlantic mobility. This fee is likely to discourage the use of ESTA well in advance of travel, thereby undermining the security objectives of the system. Moreover, it risks being perceived as a visa fee in disguise and would lead to calls for the European Commission to re-examine the issue of whether the ESTA is tantamount to a visa or not, with potentially negative implications on reciprocal visa-free travel between the EU and the U.S. Besides, taxing foreign travellers to promote tourism seems peculiar and public perceptions might lead to less, not more travel to the U.S.

We understand that the Administration also has concerns with this bill. We would therefore urge you to make your formal position known to Congress, so as to avoid the passing of legislation which may unnecessarily deter legitimate transatlantic travel for business and tourism.

We thank you for your consideration and look forward to further strengthening transatlantic relations in the years to come.

Sincerely,

PETR KOLÁŘ,  
*Ambassador, Czech Republic.*

JOHN BRUTON,  
*Ambassador, European Commission.*

PONTUS F JÄRBORG,  
*Chargé d'Affaires a.i., Sweden.*

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. COBURN. I will.

The PRESIDING OFFICER. The Republican leader is recognized.

#### PRESIDENTIAL ADDRESS

Mr. MCCONNELL. Mr. President, as we all know, the President will be here tonight, and he will get a warm reception, as Presidents always do when they address the Nation from the Capitol. It is a short trip from 1600 Pennsylvania Avenue, but it is always meaningful whenever a President from either political party speaks to a joint session. So we welcome him.

He picked a good topic. Americans are extremely skeptical about the health care proposals the administration and Democrats in Congress have been talking about over the past several months. And they are understandably baffled by some of the arguments that have been used to promote them.

Americans don't understand how a massive expansion of government will lower costs, as the administration claims. They don't understand how \$500

billion in cuts to Medicare won't affect the millions of seniors who depend on it. Americans don't understand how they'll be able to keep the health plans they have if government is allowed to undermine the private market. And they don't understand why the administration doesn't seem to be listening to these and many other concerns.

Americans want specifics. They want solid assurances about what health care reform would mean for themselves and for their families and, just as importantly, what it won't mean. Americans have been clear about what they don't want to see in health care reform. Now they want the administration to be clear with them.

One thing that is already apparent in this debate is that the problem isn't the administration's sales pitch. The problem is what they are selling. Americans are rightly concerned about a rush to hike taxes on small businesses, cut seniors' Medicare benefits, and add trillions of dollars in more government spending and debt. For months, the President and Democrats in Congress have been describing their plans for reform. The status quo is unacceptable. But if August showed us anything, it is that so are the alternatives that the administration and Democrats in Congress have proposed.

Tonight, the President has an opportunity to reframe the debate, but only if he recognizes that the Democrats' original plan for health care reform doesn't wash with the American people. When it comes to health care, Americans don't want government to tear down the house we have. They want it to repair the one we have. That means sensible, step-by-step reforms, not more trillion dollar grand schemes. It means preserving what people like about our health care system, not destroying it all at once or starving it over time.

A government takeover on the installment plan—or a “trigger” as some are calling it—is still a government takeover. It is a bad idea now. It will be a bad idea whenever the trigger kicks in. Proponents of a trigger say that it might not be needed. But you can be sure of this: if Democrats are in charge, they will pull the trigger at some point. Let's be honest. Letting Democrats decide whether to pull the trigger on government-run health care is like asking the pitcher, not the umpire, to call the balls and strikes.

Proponents of a trigger also say that Republicans approved one for the Medicare drug benefit. What they don't say is that ours was designed to ensure competition, not to stifle it. That trigger would have prohibited the government from being a fallback plan. This trigger would make the government the regulator, the payer, and a competitor, and put the taxpayer on the hook for its cost. Don't be fooled: proponents of government-run health care realized

last month that “government plan” had become a dirty word, so they latched onto a new way to describe the same thing: a trigger. Americans aren't confused by the Democrats' reform proposal. They are not asking for a new sales pitch. How many ways do they need to say it: Americans oppose a government takeover of health care, regardless of what it is called.

Over the past several weeks, I have visited with doctors, nurses, seniors, hospital workers, small businessmen and women, and countless others citizens across Kentucky and throughout the country—none of whom would call our current health care system perfect. But all of them are worried about so-called reforms that would undermine the things they like about the American health care system.

People are concerned about a proposal that would raid Medicare rather than strengthening and preserving it. Most of the Democratic proposals we have seen would increase taxes on small businesses. People don't understand why the administration would even entertain the idea of raising taxes on the businesses that create jobs in a country that has already lost millions of jobs since January.

Every Democratic proposal we have seen expands Medicaid, a program that is administered by the Federal Government but largely paid for by the States. Republican and Democratic Governors cannot believe the administration is proposing a massive new expenditure at a moment when many of these States cannot even pay the bills they already have.

Many of these States are struggling just to survive in the current economy, and yet Democratic lawmakers in Washington want to spend billions to expand Medicaid and then send the bill to the States. No wonder so many Americans think lawmakers in Washington are totally and completely out of touch.

Most States are constitutionally required to have a balanced budget. This means if the Federal Government forces them to increase spending on Medicaid, they will have no choice but to either cut services or raise taxes. That means Americans would be hit twice, first by the taxes on small business, then by the higher taxes from State government, all from massive overhauls they do not want.

People do not want risky, sweeping changes that increase the national debt and do not solve the problems we have. That is why I have been calling instead for commonsense reforms that build on the current system, for things such as ending junk lawsuits on doctors and hospitals that drive up health care costs, lowering the costs for individual consumers by equalizing the tax treatment for individuals and businesses, and incentivizing healthy living to prevent diseases and to treat problems early.

For years, Republicans have sought reforms that would increase access to care, reforms that had the strong support of the American people, whether it was proposing to let small businesses pool their resources together to get the same competitive rates as big businesses or by establishing health savings accounts that give people greater control over their care and their dollars. For years, we have pushed for medical liability reform and called on Congress to strengthen Medicare and Medicaid by fixing these necessary but financially strapped programs.

Most Democrats have resisted most of these incremental changes, hoping the day would come when they could create a whole new dramatic scheme from the ground up under government control. This summer they actually tried to do that, and the American people told them to try again. Their message has been loud and it has been clear: No more spending money we do not have on programs we do not need. No more debt. No more government expansion. And no government takeover of health care.

Americans do not want us to walk off the field. They want us to recommit ourselves to the reforms they want. If Democrats agree, we will be their partners. If they resist the pleas of the American people to start over, we will not. All of us have heard a lot from the American people last month. Now is the time to show we were listening.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

#### TRAVEL PROMOTION ACT OF 2009— Continued

Mr. MARTINEZ. I feel appreciative for all of the kind comments on the floor today, especially the latest from the Republican leader.

I want to take a moment to speak about the item we will be voting on this afternoon. It may be my last vote, and one which is an issue I have been working on since I was mayor in Orange County, FL, a tourism destination in this tourism and travel promotion bill.

Florida is a global tourist destination, as we all know, and tourism in Florida has suffered as so many other sectors of our economy have, including a 10-percent drop in the first quarter of 2009 in travelers to Florida.

Florida continues to have 10.7 percent unemployment. Tourism bookings at places such as Walt Disney World

are down 7 percent over the last year, all of which suggests that in order for us to move beyond this recessionary period and the 10.7 unemployment we see in Florida, it is incumbent upon us to do two things: No. 1 is quit black-listing destinations such as Florida, Orlando, Miami, Las Vegas, by the government and others. It ought to be okay to travel to these great destinations.

But the second would be to move and pass this travel and tourism bill, the Trade Promotion Act, which would establish an independent nonprofit corporation for U.S. travel promotion, governed by an 11-member board of individuals appointed by the Secretary of Commerce.

It would be funded not by taxpayers but instead through the user fees paid by foreign tourists and in-kind contributions by corporate partners. It is something that is absolutely needed. Foreign tourism is a huge source of revenues to States such as Florida and the leader's State of Nevada. It is something that I think is long overdue. So passing this bill today will be a great accomplishment for our Nation, and it will be a tremendous boon to a tourism economy that is reeling in these recessionary times. It will make me awfully happy that this will be something I can sort of button up my Senate career with, a good bill for Florida and a good bill for the people of Florida today unemployed in the tourism industry.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### TRIBUTE TO SENATOR MEL MARTINEZ

Mr. REID. Before my friend leaves the floor, I was planning to come later with some prepared remarks, but let me speak from my heart about the Senator from Florida.

I have some affinity for the Senator from Florida because we were both trial lawyers. We have been to court, we have voir dired juries, we have argued cases to juries. We were both trial lawyers. I feel that as a badge of honor. Some people denigrate trial lawyers. But I feel that the people whom I have tried to help over the years were people who deserved to be helped.

My friend from Florida was the president of the State trial lawyers in Florida. He has a tremendously sound reputation as a trial lawyer, somebody who took good cases, worked them hard, judges liked him, and his opponents liked him, which speaks well of this man.

But my feelings about Senator MARTINEZ go deeper than that. I have had the good fortune of being able to attend our prayer breakfasts on occasion here. I try to get to them as often as I can, every Wednesday morning when we are in session, at 8 o'clock.

I have heard my friend from Florida talk about his upbringing, his faith. He is a devout Catholic. He is proud of that. He is very proud of his heritage, Cuban American, versus the difficulties that have been caused by the tyrannical government of Fidel Castro.

I also am impressed with Senator MARTINEZ as a result of his family ties. He speaks so highly of his relationship with his lovely wife. I have had the opportunity to know his family. On rare occasions he came and asked me if there was a way I could help him with a family member, recognizing the kind of person he is and the family associations that he has.

The people of the State of Florida are losing a good Senator, a good man. I will miss MEL MARTINEZ.

#### ORDER FOR RECESS

Mr. REID. Mr. President, I ask unanimous consent that today the Senate recess from 3 to 4 p.m. in order for Members to participate in the 9/11 remembrance ceremony in Statuary Hall.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time from 4 to 4:45 p.m. today be divided as follows: 22½ minutes to be divided equally between Senators DORGAN and the Republican leader or his designee, for debate with the respect to S. 1023, and that upon the use of that time, the Senate proceed to executive session to consider the nomination of Cass Sunstein, and that the remaining 22½ minutes until 4:45 be equally divided and controlled between Senator LIEBERMAN and the Republican leader or his designee; that at 4:45 p.m. the Senate resume legislative session and all postcloture time having expired, all amendments be withdrawn except the Dorgan amendment No. 1347, and that amendment No. 1347 then be agreed to and the motion to reconsider be considered made and laid on the table; that the bill, as amended, be read a third time and the Senate then proceed to vote on passage of S. 1023, as amended; that upon passage of S. 1023, as amended, the Senate then resume executive session and vote on the motion to invoke cloture on the nomination of Cass Sunstein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL PROMOTION ACT OF 2009—  
Continued

Mr. KYL. Mr. President, I hoped that my colleague from North Dakota might be here, and perhaps we will still get together before the debate concludes on the tourism bill. But I think we were two ships passing in the night earlier today. He was quoting statistics that had to do with individual people. I was quoting statistics that had to do with monetary receipts. We were both getting at the problem of whether tourism was up or down, and I told him I would get the source of my statistics and we could reengage in that debate.

The primary point the Senator from North Dakota was making was that from his statistics, relating to the number of people, tourism was down. I had asserted that based upon Commerce Department statistics tourism receipts were very much up. So let me quote the statistics from the Office of Travel and Tourism Industries at the Commerce Department for 2008. I quote:

Total travel receipts reached unprecedented levels in 2008, with a record-breaking \$142.1 billion on travel to, and tourism-related activities, within the United States—an increase of 16 percent over the previous record set in 2007.

That is what I had quoted earlier today.

The Senator from North Dakota said: Well, my statistics show that tourism is down. I think he was quoting numbers of tourists. I do not know whether that discrepancy is real. I do not question his statistics, but I did want to verify mine come from the Department of Commerce. Presumably they are valid.

He had also raised a question as to whether that includes travel from Mexico and Canada. My understanding is, yes, this statistic does include receipts for travel and tourism for all travelers to the United States, which would include Mexico and Canada.

Also, according to a press release and information that was gathered by the Senate Republican policy committee, the Commerce Department's Office of Travel and Tourism Industries also issued a travel forecast in May of 2009 that foreign travel will reach a record high of 64 million travelers to the United States by the year 2013. Again, that includes travel from all countries, which would include Mexico and Canada.

The Commerce Department also estimates that travel to the United States by visitors from countries other than Mexico and Canada should rebound by 2012. The point is that through a series of situations, including, primarily economic conditions, there has been a lower level of travel after 2008 by overseas travelers.

This Commerce Department forecast also said, as I said earlier today, it is important to continue to work on

those initiatives which will facilitate visits by overseas travelers, including adequate infrastructure of ports of entry, visa services, and funding to make the online registration requirements for foreign visitors truly easy and operational.

My point earlier today was that rather than charging \$10 a visa for foreign travelers to come here to encourage more foreign tourism, which seemed to me to be rather counterproductive, and since there is plenty of travel promotion activity by the Department of Commerce, by States, by localities—you can hardly turn on the TV without seeing some community or State advertising, promoting tourism within its area—that what we should be doing is devoting any resources we have available for this purpose to improving the infrastructure at our ports of entry, our visa requirements, and other travel accommodations for those visitors who do come here so it is easier to come here.

I would note I just read a story in the Arizona papers today that talked about the passport requirements from Mexico and Canada. They have been in effect for Mexico, but they are newly instituted with respect to Canada. As a result, theme parks in New York State, for example, had noted their activity from Canada was down somewhat. They attributed it to soggy weather, the state of the economy, and the additional passport requirement. I am sure all of these are factors.

So I suspect the statistics my colleague from North Dakota was citing were accurate statistics, as were, obviously, the ones I cited from the Department of Commerce.

The bottom line point I was trying to make is that we have a lot of people who come to this country. We make a lot of money from them. We want to encourage that, to be sure. But I did not think we were encouraging it when we put a \$10 fee on every visa for foreign tourists, and that we might want to—if we had that money available, or if we wanted to attract more visitors, the better way to do it would be to make our ports of entry and the other facilities by which people access entry to the United States more accommodating to them. Those were reasons I believed made this legislation unnecessary and unwise.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. KYL. Mr. President, we can proceed to the recess.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until 4 p.m., pursuant to the previous order.

Thereupon, the Senate, at 2:59 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum and ask that the time that expires be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL PROMOTION ACT OF 2009—  
Continued

Mr. DORGAN. Mr. President, my understanding is that there is some time divided on the issue of the vote on the Travel Promotion Act, and let me take as much time as I may consume of that time.

Earlier today, Senator KYL and I had a discussion on the floor about some statistics and numbers about tourism and travel. I don't want him to try to win a debate we are not having because there ought not to be a difference with respect to a set of facts. So let me just recite the facts.

I said this morning that on this big-old planet of ours, people are traveling more. That is a fact. Tens of millions of people are traveling around the world for international tourism purposes, and that is very beneficial to the areas where they arrive and do their touring. On average, an overseas traveler who comes to the United States spends \$4,500. It is a very lucrative market to try to attract tourists from overseas to come to our country.

The dilemma is this: While more people are traveling all around the globe, and while Japan and Europe, while India and South America and many other countries and continents are aggressively advertising, asking people to come to their country, promoting their country's interests—I have mentioned France, Italy, Germany, India, China, and so on—all of them engaged in travel promotion saying: Come to our country, enjoy our country, come and see our country, travel to our country. It is a relentless bit of promotion by other countries, and they are very successful.

The fact is, more people have been traveling around the globe in international tourism, but we have had a reduction of 633,000 people coming to this

country as compared to 9 years ago. Go back to the year 2000 and take a look at how many overseas travelers came to this country to see America and then fast forward to 2009. There are over half a million fewer people coming to our country.

This legislation we are going to vote on is very simple. It says: Let's have a private-public sector partnership that promotes America as a destination for international tourism.

In our earlier discussion, Senator KYL said we should be dealing with the entry process that many have complained about. The fact is, we are dealing with that. I have held hearings on that. We have substantially changed the waiting time for trying to get a visa to come to the United States. Yes, there were long lines, long waits, and much of that has been solved and reduced substantially. In fact, the State Department says that 90 percent of the consular posts have visa wait times of less than 30 days for students and business travelers, just as an example. We are making progress in those areas.

But we should not, in my judgment, allow this issue of promotion of foreign and international travel be the province of other countries and not us. We ought to be involved. We ought to say to people: You are welcome to come to this country. I showed some of the newspaper reports in recent years that suggest to people: You are not welcome in America. Travel to America? No thanks. Too much of a hassle. In fact, after the terrible tragedy of 9/11/2001, we were not encouraging people to come to this country at all. In fact, we were suggesting that we were worried about people coming into this country. We wanted to make sure we were not allowing terrorists in, so we didn't exactly have the welcome mat out.

This legislation now, 8 years later, says: Let's put the welcome mat out to say, you know what, you want to compete for international tourism? So do we. You want to go see the Eiffel Tower? Well, that is fine. How about coming to see the Empire State Building, Theodore Roosevelt National Park, Old Faithful, Yellowstone, Las Vegas, the Pembina Gorge. How about coming to America to understand the culture of America, the values, the character of America.

One of the things we understand is that when people come here to travel across the United States, they leave, having traveled in this country, with an unbelievably good impression about what America is. We know that because there has been a great deal of polling to understand it. So in addition to creating a very substantial number of jobs at a time when people have lost their jobs—and by the way, tourism and promotion of tourism, especially with overseas travelers who spend a lot of money when they come to this country, promotes a substantial number of

jobs. In addition to that, it promotes dramatic good will all around the world about this country of ours.

So this legislation is very simple. It is bipartisan at a time when not very much is bipartisan. It actually saves money. At a time when there is concern about spending money, this reduces the budget deficit. It doesn't increase it; this actually reduces the budget deficit. At the same time, it will create hundreds of thousands of new jobs. So how about that—a piece of legislation that is bipartisan, with Republicans and Democrats cosponsoring it and bringing it to the floor, it saves money rather than adds to the budget deficit, and it produces hundreds of thousands of jobs going forward. It seems to me this makes good sense for this Congress.

I am expecting this afternoon—with the help of my colleagues Senator ENSIGN, Senator KLOBUCHAR, Senator REID, and so many others who have worked on this legislation, I am hoping we will get a very strong vote, get it to the House of Representatives, and get it signed by the President so we can put a lot of people to work in this country as well as incentivize people to come to this country to see what it is about, and that is an awfully good thing, in my judgment.

Let me yield the floor and reserve the remainder of the time. I think the Senator from Nevada wishes to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to make a few concluding remarks on the Travel Promotion Act.

First, I thank my colleague from North Dakota, Senator DORGAN. He and I have worked very closely, along with our staffs, who have put a lot of work into this piece of legislation that we believe is a very good for our country. It does several things. First of all, by its very nature, it is a bipartisan bill, which doesn't happen around here very often anymore. The second thing is it creates jobs. The most important thing we need to do in this country right now is to create jobs. My home State of Nevada is No. 2 in unemployment rate in the United States. We desperately need jobs. We are very dependent on tourism. This bill will help create tourism-type jobs. It will create tourism-type job for States throughout the United States. When people come to our country to visit, they may come to one State primarily, but they usually stop in several other States along the way.

We are in a situation where the No. 1 industry in America, the tourism industry, has been dramatically impacted by the downturn in the economy. Tourism not only affects the people in that industry, but it affects people in all kinds of other industries that are related to it. So when you create a tourism job, you are creating jobs down the line. You are creating con-

struction jobs, you are creating jobs when they have to go see the dentist or the local health care provider or go to the grocery store or wherever else they are going and using the money they earn to spend in the economy.

Other countries around the world spend money to attract people to their countries. What we are saying with this bill is, let's advertise the United States and let's use those dollars in a way that creates jobs here in America. We know we have a great product to sell. When you have a great product to sell—the United States of America—it makes sense to sell it. It makes sense. The Presiding Officer is the Senator from Illinois, home to one of the great cities in America—Chicago. It is a great product to sell. I am from Las Vegas—a great product to sell. Our national parks are incredible products to sell. Our beaches; when the colors are changing in the Northeast—there are so many amazing places to see in America that it is a very easy product to sell. Right now, we are just not selling it.

All of the other countries are advertising. We think about the times we have seen Australia advertise or other countries advertise because they want Americans to go visit their country. We want other citizens to come to America. Not only does it create jobs, but it also creates a lot of good will around the world. As my colleague, Senator DORGAN, pointed out, when people come here to the United States, they leave with a more favorable impression. Well, not a lot of people have a favorable impression of the United States these days, so we want more and more people coming here visiting, learning, seeing our sights, and interacting with our people. We are good people, and we like other people around the world. I believe this bill is going to improve the image of America around the world by the people who come visit here.

Let me just conclude with this: We have a bipartisan bill that creates jobs, that doesn't hurt the deficit. This is the kind of legislation we need to pass here in the U.S. Senate, especially in these economic times when people are worried about skyrocketing deficits and debt. We have other pieces of legislation that are important to work on, but right now there is no question but to take the time out we are taking to pass a piece of legislation that we know will create jobs. This is the right thing to do.

I am proud to be associated with this legislation, and I thank the majority leader, Senator REID, for bringing it to the floor. I thank all of those who have worked on it but primarily my cosponsor and coauthor of the bill, Senator DORGAN, for his great work and great leadership on this bill.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 14 minutes 25 seconds remaining.

Mr. DORGAN. Mr. President, let me just observe, my colleague from Nevada probably knows there are some who have raised the question of a \$10 fee that will be assessed travelers who are coming into this country, and they have said: What an awful thing to do. They say that a \$10 fee could be onerous, burdensome, and other countries may retaliate.

This is a fee with respect to people who are coming to this country from countries participating in the Visa Waiver Program. I showed this morning that virtually all of the countries in the Visa Waiver Program charge a much higher fee to an American traveler who goes to their country. We are not suggesting a fee that should in any way deter somebody from coming to our country.

Mr. President, \$10 is not a significant amount of money for somebody engaged in international travel. And it's a one time fee on the use of the Electronic System for Travel Authorization—ESTA—program, which lasts for two years. This isn't even \$10 each trip—someone could travel many times in those two years. And what we are doing with that fee is raising the funds to engage in a promotion program to promote America, our country.

My colleague from Nevada, Senator ENSIGN, this morning said that advertising works, but most advertising with respect to travel and tourism and promotion in this country is in promotion of a specific company, or perhaps a town. But there is no advertising or promotion on the part of this country to say to people around the world that you are welcome to come to this country. We want you to come to America. Experience the culture and character of this great country of ours.

That is what this travel promotion program is about. It is a public sector, but mostly private sector program, the funding from which will come in part from a \$10 fee from people coming from countries that impose a much higher assessment on Americans when we go to those countries, and in part on contributions from the private sector.

I also make the point that the U.S. Chamber of Commerce has issued a letter of very strong support, believing this is a very pro-business proposal that will create jobs in our country. My hope is we will get a very strong vote on it today.

I yield the floor.

UNDER SECRETARY FOR TRAVEL PROMOTION

Mrs. SHAHEEN. Mr. President, I appreciate Senator INOUE and Senator DORGAN's leadership on promoting tourism to the United States. Thanks to their commitment, the Senate is on the verge of passing legislation that is critical to our economy. Although it provides almost 8 million American jobs, travel and tourism have not re-

ceived the prioritization in our government that they merit. I am pleased that we are creating an Office of Travel Promotion and hope in the future we will take a step further and elevate the role of tourism promotion at the Department of Commerce. Other governments around the world have tourism departments headed by Cabinet-level officials. This stature gives them the clout to advocate for pro-tourism, pro-economy policies, and cut through the redtape to implement those policies.

Tourism is vitally important to New Hampshire. Last year, tourism in New Hampshire supported approximately 67,000 direct full-time and part-time jobs. I know from my own experience that having a high-level travel promotion authority produces results. When I was Governor, I elevated our State's Office of Travel and Tourism within our State government because I recognized the importance of promoting the travel industry and ensuring that we have a strong advocate for traveler-friendly policies in our State government.

Under the guidance of this high-level division, the travel economy in New Hampshire has increased substantially since 2001. Despite a nationwide lull in tourism, spending by travelers to New Hampshire has increased over 33 percent, creating over a billion dollars more in economic growth. State revenues from travel have increased by over \$100 million, providing an important boost to our budget.

I believe we should replicate New Hampshire's success in promoting tourism at the national level. This is why I support the creation of an Under Secretary for Travel Promotion.

Mr. INOUE. I appreciate the Senator's kind words for me. I wish to express my agreement with her on the creation of an Under Secretary position in the Department of Commerce who oversees the tourism industry. I have advocated for the Under Secretary position in the past, and continue to support its creation for the reasons you described.

The State of Hawaii's economy relies heavily on travel and tourism, and welcomes visitors from across this great Nation and from around the world. International travelers to the United States generate a tremendous amount of economic activity. The Department of Commerce found that in 2008, total U.S. international travel receipts were \$142 billion. International tourism provided support for over 800,000 U.S. jobs, \$30 billion in payroll, and \$17 billion in tax revenue. The economic benefit of this industry should be represented, and requires policy-related coordination. An Under Secretary would provide that voice. This is especially true when the U.S. engages in international negotiations around travel and tourism policy. It is important that the United States is represented by an appro-

priately ranked official, with the same authority as his or her counterparts.

Mrs. SHAHEEN. My friend from Hawaii makes an excellent point. Although the bill does not include an Under Secretary, I believe it is important for the Secretaries of Departments of Commerce, State, and Homeland Security to ensure that the United States is represented internationally to discuss travel and tourism policy issues. In particular, these Departments should work to remove barriers to travel, expand market access for tourism industries, and promote tourism to the U.S. Does my colleague agree with me on this point?

Mr. INOUE. I do. I look forward to working with the Senator on this issue in the future, and with Senator BINGAMAN who has also been a strong advocate for this issue.

Mr. BINGAMAN. I thank Senators INOUE and SHAHEEN. I appreciate both of their support for having an Under Secretary of Commerce lead tourism policy for the United States. As it is for your States, and as it is for the Nation as whole, tourism is an important part of New Mexico's economy. Tourism-related businesses in my State make up eight percent of New Mexico's economy. These businesses employ over 80,000 New Mexicans. My State is fortunate to have a Cabinet-level official in charge of tourism, and has been well-served Secretary Cerletti, New Mexico's secretary of tourism.

I am pleased to support the bill before us today, for it begins to fill a longstanding void in our economic policy. I think we could do more, however. Tourism, especially international tourism, is an underappreciated economic engine for our country. When international visitors come here, economists say that the United States is exporting tourism: it counts as an export because it generates revenue here in the United States. The \$142 billion that international visitors spent here in 2008 helped lower our trade deficit, which I know many people are concerned about. To put that \$142 billion in perspective, if we consider international visitors as a single export market, it would be the United States's third largest export market, behind Canada and Mexico, but ahead of China. Exports to China generated \$70 billion of revenue for American businesses last year, less than half of the revenue generated by international visitors to the United States. The more we can attract visitors to the United States, the less money we send abroad. The more we can promote tourism to the United States, the more jobs we will create here for Americans, jobs that by necessity cannot be relocated overseas.

To do this, we need the right personnel in place to lead our tourism policy, and I believe an Under Secretary of Commerce would be best suited to do so for the reasons my colleagues have

mentioned. Pro-tourism, pro-economy policies can easily be forgotten in top-level discussions within the administration if there is not someone with the clout to effectively advocate for them. Likewise, in international negotiations over travel policies, just as in negotiations about other aspects of international trade, the United States needs to be represented by someone of equal rank to his or her counterparts.

I thank both of my colleagues and look forward to working on this issue with them in the future.

Mrs. SHAHEEN. I thank again Senators INOUE and BINGAMAN.

Mr. INOUE. Mr. President, I am pleased to be joined by my colleagues in support of S. 1023, the Travel Promotion Act of 2009, which is now being considered by the full Senate.

The Travel Promotion Act of 2009 will allow the United States to remain competitive as a welcoming destination for foreign travelers. Our ability to explain the processes and changes made by the United States to gain entry for travel will help to ease fears about the entry process. The proposed nonprofit, independent corporation charged with this responsibility will be able to conduct the necessary outreach and promote tourism in a way that the tourism industry cannot. In addition, an Office of Travel Promotion will be able to work with the Department of State and the Department of Homeland Security to improve the entry process.

Promoting the United States as an attractive tourist destination for both leisure and business with international visitors is of the utmost importance to the many States that house destination resorts. Consider the experience of my own home State of Hawaii. Hawaii's economy relies on tourism and travelers. Visitors from around the world come to see our islands' natural beauty and experience the spirit of "Aloha." Our Nation's hospitality industry suffered a severe setback following the events of September 11, 2001, and travel from abroad to the United States has fallen dramatically. The industry continues to struggle during these difficult economic times coupled with fears about a pandemic influenza.

Hawaii's experience is not unique. The hospitality industry nationwide has faced similar challenges, and the economic effects have rippled through the Nation to impact all of our citizens. The State of Hawaii's visitor statistics reflect the downward trend, which accelerated during last year's increase in the cost of oil. Compared to the first 7 months in 2008, visitors to the islands for the same period this year fell by 8.1 percent. Nationwide, the number of international visitors through the first two quarters of 2009 fell by 10.3 percent as compared to the same period during 2008.

Both developing countries and industrialized economies around the world

have ministers and offices that promote travel to their respective countries. However, the United States does not have an office that promotes travel and tourism abroad. This legislation is an important first step in the right direction. Establishing an Office of Travel Promotion will help to attract foreign travelers to the United States. This will not only sustain our tourism based industries, it reinforces business relationships and promotes a better understanding between Americans and our friends abroad. Interacting with the American people is a valuable tool at our disposal to dispel international travelers of misconceptions they may have about our country. Approximately 74 percent of visitors have a more favorable opinion of the United States after visiting our country.

The economic activity generated by international travel and its promotion should be approached in the same manner we foster other industries equally important to jobs and the economy. The Travel Promotion Act of 2009 is vital to our travel and tourism industries' ability to compete globally and to restore confidence in the image of the United States as a country that is committed to welcoming our friends from abroad. I urge my colleagues to support this measure and help us ensure that international business and leisure travel to the United States is given all of the tools necessary to succeed.

Mr. AKAKA. Mr. President, I rise today in support of the Travel Promotion Act of 2009. I would like to commend Senator DORGAN for introducing this important legislation as well as Majority Leader REID, Senator INOUE and other colleagues who have helped craft this measure to promote foreign travel and tourism to the United States.

Tourism is crucial to the economy of our Nation. Many jobs are created in the retail and wholesale sectors as a direct result of the industry. These jobs are in addition to employment opportunities offered by hotel, travel, restaurant, and leisure businesses. My home State of Hawaii is especially dependent on tourism. It is Hawaii's No. 1 economic-growth asset.

Hawaii is severely vulnerable to international events and fluctuations in the global economy. After 9/11, in the last quarter of 2001 and the first quarter of 2002, Hawaii's international visitors decreased by 35.4 and 20.3 percent, respectively. Similarly, as the economy spiraled downward in September 2008, Hawaii's international visitors decreased by 4.6 and 5.1 percent in the last quarter of 2008 and the first quarter of 2009. Our State welcomes many visitors from Asia, in particular Japan, whose economy is projected to decline by 5.9 percent in 2009.

Waikiki, a destination for visitors from all across the globe, accounted for

about 8 percent of Hawaii's gross State product, 10 percent of civilian jobs, and 12 percent of tax revenues in 2002, according to the Hawaii Department of Business, Economic Development, and Tourism, DBEDT. The department reported that for the month of July 2009, tourist expenditures decreased by 12.4 percent, or \$126.7 million, compared to the prior year.

Hawaii public and private sector leaders have been proactive in marketing Hawaii as the destination of choice for visitors throughout the world. The Hawaii State government commits millions of dollars of public funds to market, advertise, and promote Hawaii. However, this is not enough. We need to apply economies of scale and work to market the United States as a destination as other countries already do. While many governments have increased its international visitor market share by promoting their tourism industry, our country primarily relies on States to promote themselves. We have not realized the fullest potential of our promotional dollars. We need to maximize the effectiveness of our resources in an effort to attract more international visitors to enjoy the beauty and richness of our country.

The Travel Promotion Act of 2009 will help accomplish this goal. This bill would establish a Corporation for Travel Promotion as a nonprofit corporation, to create a nationally coordinated travel program. The program would be charged to encourage travel to the United States and will promote our Nation as a visitor destination. It will create jobs and stimulate the economy. I urge my colleagues to support the Travel Promotion Act of 2009.

Mr. LIEBERMAN. Mr. President, I rise today to raise some concerns that I have with the Travel Promotion Act and to suggest some modifications to it that I feel may be necessary to ensure our security at the Nation's ports of entry. While I support the majority leader's efforts to promote travel to the United States, I believe that there are some security-related issues with the Travel Promotion Act that need to be addressed. I realize that, in order to move this bill, there won't be any amendments offered on the floor of the Senate. Nevertheless, I feel it is important to have a frank discussion about the potential unintended consequences that portions of this bill might have for our Nation's security. Because it is a good step forward, I plan to support this bill today. But I will continue to pursue legislative options to ensure that some of these peripheral issues are addressed.

Allow me to provide some background. In the 110th Congress, the Senate Committee on Homeland Security and Governmental Affairs created the Electronic System of Travel Authorization known as ESTA, within the Department of Homeland Security, DHS,

as part of the Implementing the Recommendations of the 9/11 Commission Act of 2007. The electronic system was developed to address our main concerns about the Visa Waiver Program, VWP; namely, that the first time Customs and Border Protection, CBP, encounters many travelers from visa waiver countries is when they land at a U.S. airport—far too late to prevent a terrorist incident in flight.

The idea behind ESTA was to register travelers coming to America electronically before they leave their home countries. That way we would be able to detect potential terrorists attempting to enter the U.S. from VWP countries—like Richard Wright, “the shoe bomber”—before they actually board an airplane bound for the U.S.

The 9/11 Commission Act also authorizes, but does not require, the collection of a fee to pay for the administration of the system. To date, DHS has elected not to impose a fee because of concerns about the adverse reaction ESTA requirements have generated in Europe. Indeed, the lack of a fee was one of the key reasons that the European Union ruled that ESTA was not a visa, and decided not to impose a visa requirement on U.S. travelers.

The Travel Promotion Act, however, requires DHS to impose a minimum fee of \$10 per travel authorization to be used for a Travel Promotion Fund. We should expect the European Union—EU—and other VWP nations to impose a similar fee on U.S. travelers in the future. Additionally, because citizens of the EU do not use credit cards online as often as Americans, it will be challenging for DHS to set up the infrastructure to collect this fee in a way that facilitates travel.

Given these realities, I am concerned that the bill gives DHS no funding to set up the infrastructure that would be needed to collect this fee. DHS, therefore, would have to divert funds away from homeland security programs to pay for setting up and collecting this travel promotion fee. Promoting travel to the United States is surely a worthy cause, but we should make sure that the Department has the resources to administer it, so that it does not come at the expense of other programs that keep Americans safe.

There is a simple way to address this problem. According to the Congressional Budget Office, the \$10 fee would generate \$180 million a year. The bill caps the funding that would be used for promoting travel at \$100 million. This means that the fee could generate excess funding of as much as \$80 million a year. The bill does not give any of this excess funding to DHS for implementing the ESTA system and the fee mandated by the legislation. Instead, it would actually require DHS to pay out of its own pocket the costs of implementing the fee. We should make sure that any excess funding is made avail-

able to DHS in order to ensure that funding is not diverted from important security programs to implement this fee.

S. 1023 also seeks to give the Director of Travel Promotion in the Department of Commerce authority over CBP functions by requiring that he “ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner” and that he “enhance the entry and departure experience for international visitors.” The CBP port of entry is a unique security environment over which DHS, not the Department of Commerce, has and should continue to have ultimate jurisdiction.

Prior to 9/11, consular officers often faced pressure to adjudicate visa applications more quickly even though some applications may have been incomplete. CBP Officers at ports of entry should not have to face similar pressures to speed up the processing of incoming travelers at the expense of security considerations. In order to ensure that there is no confusion, we should clarify that the role of the Director of Travel Promotion at the Nation's ports of entry is strictly advisory, and that the Secretary of Homeland Security shall have control over the processes through which travelers are admitted into the United States.

Lastly, S. 1023 would establish a Travel Promotion Corporation charged, in part, with disseminating information about our Nation's visa and entry requirements through a Web site and through promotional campaigns abroad.

This is a worthy endeavor, and these campaigns surely will help to educate foreign travelers about the steps they need to take before travelling to the United States. As, chairman of the Senate Committee on Homeland Security and Governmental Affairs, I understand that our visa and entry requirements can be very confusing. And the last thing we want is for a publicly funded entity to use taxpayer dollars to disseminate inaccurate information.

I believe that the Travel Promotion Corporation should be required to submit the information it plans to disseminate for a factual review by the Departments of Homeland Security and State. The Homeland Security and State Departments would have absolutely no editorial role in the types of campaigns the Corporation develops. To avoid unnecessary delays, DHS and State should then be required to return their comments to the Corporation within 10 business days.

I believe that the bill we are currently considering is important, and that its goal of promoting travel to the U.S. is laudable, especially when travel and tourism to our country are so important to our economy. I will vote for it today. Moving forward, however, I believe that we must ensure that the

bill is implemented in a way that does not adversely impact the security of our Nation, by ensuring that it does not force DHS to rob Peter to pay Paul. I understand that, in order to get this bill passed today, amendments cannot be offered on the floor. I want to reiterate, however, that I plan on pursuing these objectives in future legislation. I think we can achieve the dual goals of promoting travel to our country and enhancing security—I look forward to working with the majority leader and other supporters of this legislation going forward.

Mr. LEVIN. Mr. President, I am proud to be a cosponsor of S. 1023, the Travel Promotion Act of 2009, and I will vote for the bill on final passage. At a time when we are facing a severe economic downturn and the worst recession in a generation we need to look for creative ways to create jobs and generate revenue that can provide benefits across our urban areas, cities, towns, and rural countryside.

It is therefore timely that the Senate is considering a bill aimed at promoting travel and tourism in the United States. Tourism is a multibillion-dollar industry, and promoting travel to the United States will help stimulate our economy. The people in my home State of Michigan understand the important economic contributions of tourism. In fact, tourism is one of the three largest industries in Michigan along with manufacturing and agriculture.

According to the U.S. Travel Association, in 2007 the travel industry supported 148,700 jobs with a payroll of \$3.5 billion in Michigan. Nationally the Senate Travel Promotion Act is expected to create 40,000 new jobs in the first year.

Tourism is a successful industry in Michigan because we have so much to offer visitors. In 1831, the great chronicler of early America and one of our Nation's first tourists, Alexis de Tocqueville, explored the Great Lakes. When he saw Lake Huron, he described it as “Not grand in poetry only; it's the most extraordinary spectacle that I have seen in my life.”

Indeed, Michigan has the world's longest freshwater coastline. Michigan has beautiful beaches and cherry orchards, maritime museums and shipwreck-diving preserves. We even have some of the world's highest freshwater sand dunes and the only national freshwater marine sanctuary, the Thunder Bay National Marine Sanctuary at Alpena.

There are over 11,000 inland lakes in Michigan, and we have the second highest number of recreational boats. Michigan also offers plentiful wilderness experiences at national parks and trails: Isle Royale National Park, Keweenaw National Historic Park, Sleeping Bear Dunes and Pictured Rocks National Lakeshore and the

North Country Scenic Trail. Our State has nearly 4 million acres of State forest land, 2.7 million acres of national forest land and some 230 campgrounds. And Michigan has thousands of miles of hiking, biking, cross-country skiing and snowmobiling trails. With so many inviting tourist destinations in Michigan it is no wonder Michigan stands to benefit from the increased travel that will result from the enactment of the Travel Promotion Act.

This bipartisan legislation aims to reverse the decline in overseas visitors to the United States since 9/11 by establishing a nationally coordinated public-private partnership, similar to what exists in many other countries, to increase international travelers to the United States.

At no cost to the taxpayer the legislation would establish the Corporation for Travel Promotion, an independent, nonprofit corporation governed by an 11-member board of directors appointed by the Secretary of Commerce. It also would create an Office of Travel Promotion in the Department of Commerce to develop programs to increase the number of international visitors in the United States. It is paid for by a public-private matching program, the Travel Promotion Fund. Federal contributions will be financed by a required \$10 fee paid by foreign travelers from visa waiver countries and collected via the electronic system for travel authorization.

As the tourism season ramps up in Michigan, we must do everything we can to take advantage of our State's natural beauty and recreation opportunities to grow this critical sector of our economy.

Mr. CARDIN. Mr. President, I support S. 1023 and its objectives. Indeed, I am a cosponsor. I submit these comments regarding the bill's provisions to help our Nation's many small businesses. I filed an amendment, S. Amdt. 1320, to ensure that at least one member of the Travel Promotion Board would have appropriate expertise regarding small business concerns and the retail sector. I am joined in this effort by Senators LANDRIEU and SNOWE, the chairman and ranking member of the Small Business and Entrepreneurship Committee, who have cosponsored the amendment.

I am disappointed that we are unable to get consent to lay the pending amendment aside for the purpose of considering other amendments, such as the one I have filed. This amendment would not change the number of board members; it would only require that one person have appropriate expertise and experience with small business and in the retail sector. This will ensure that at least one member will represent the interests of small business concerns as that term is defined by the Small Business Act, 15 U.S.C. 632, and generally used by the Small Business Administration.

When I entered the Senate in 2007, I asked to serve on the Small Business Committee because I fully appreciate how critical small businesses are to our economic recovery and strength, to building America's future, and to helping the United States compete in today's global marketplace. I think that promoting the United States as a tourist destination to foreigners increases our economic viability and the image of the United States abroad. Visitors to our country get a better picture of the United States, which shapes their perception of our country and its people. It is vital that the perspectives of small business owners be represented because they employ more than half of all private sector employees and make up 99 percent of the Nation's 29 million businesses.

While I regret that we are unable to consider my amendment, I hope that my recommendations will be considered as the legislative process continues.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the time during the quorum call be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, pending before the Senate is the Travel Promotion Act of 2009, which we have worked on for a long time. Travel and tourism are critical to the economic health of America, as well as our home State of Illinois. It is the sixth most popular State in the Nation among overseas tourists. Tourism adds \$2.1 billion to our State and local tax coffers and supports more than 300,000 jobs each year in the State. That is why we need this bill. Promoting tourism, bringing in travelers to visit Illinois and the Nation creates job opportunities, tax revenues and, frankly, gives us a chance to show off a great Nation.

I could go through the long list of wonderful things to see in Illinois—and it is long—but trust me, it is a story that can be told in virtually every

State in the Nation, and certainly here in our capital.

There are those who argue about the \$10 promotion fee, which is a small price to pay to promote people coming from overseas, who will spend much more than that to visit our country and join in the wonderful opportunities we have to offer.

As we come to a conclusion on the bill, I want to spend a moment to acknowledge the work of the majority leader, HARRY REID, who worked tirelessly with Senators DORGAN and ENSIGN. He was an early and strong supporter of the Travel Promotion Act, recognizing how important travel is to the United States and to our economy. He worked hard to make sure there was a place on the crowded legislative calendar for us to take up this bill.

Travel and tourism are a major industry in Senator REID's home State of Nevada, and enacting this legislation will save and create thousands of jobs in Nevada and help generate millions of dollars in revenue and tax receipts. Senator REID has been committed to this legislation since it was introduced, and he will shepherd this legislation to the President's desk. With his leadership, we have another chance to move this bill on the floor of the Senate. We failed to reach cloture in June, and some people gave up, but HARRY REID never gave up. He worked with the sponsors to move this forward. He recognizes that the travel sector is a major driver in economic growth in Nevada and across America. He found a way to rescue this bill, bring it back to life, and bring it up for today's vote. For his vision, his tenacity, and his leadership, we all owe a great debt of gratitude to Senator HARRY REID of Nevada.

This Travel Promotion Act is a major part of his work in the Senate, not only to help America, but his home State of Nevada.

I yield the floor, suggest the absence of a quorum, and I ask that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

NOMINATION OF CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, as chairman of the Committee on Homeland Security and Governmental Affairs, I am pleased to both express my unqualified support for the nomination of Cass Sunstein to lead the Office of Information and Regulatory Affairs, which is known in government circles as OIRA, and also to favorably report the nomination out from our Homeland Security Committee.

This nomination was considered and reported out by the committee on May 20. That was almost 3½ months ago. But unfortunately, Professor Sunstein's nomination has been the subject of unnecessary holds and delays. This is an important position that needs to be filled.

I thank Majority Leader REID for bringing this important nomination to a vote. Obviously, there was a filibuster, and we will now need to invoke cloture so Professor Sunstein can get on with the important job that President Obama has nominated him to do for our country and each one of us.

OIRA is one of those governmental agencies that has a low public profile but exerts high influence over the workings of government and therefore the daily lives of most Americans.

In Congress, we pass laws that express our values, that draw lines between what is right and wrong, what is desirable and undesirable for our society. But because we cannot ever foresee every permutation of the law or its effect, we must leave many of the details to the executive branch and its regulatory actions or implementation of the laws we pass.

For over a quarter of a century now, Presidents of the United States have asked OIRA to help oversee and coordinate this critical regulatory process. Thus, OIRA has a huge impact on the widest range of problems, as wide as the purview of our government itself, including the health and safety of every American and the health and stability of the American economy.

In Professor Cass Sunstein, the President has found someone with exceptional qualifications and talent, capable of leading OIRA in a positive direction to fulfill Congress's intention in the adoption of laws.

When he began teaching at Harvard Law School in 2008, after a distinguished career teaching and residing in the city of Chicago, which is ably represented by the occupant of the chair, his new employers at Harvard announced that they had secured for their faculty "the preeminent legal scholar of our time, the most wide-ranging, the most prolific, the most cited, and the most influential." As a graduate of Yale Law School, I was initially quite suspect of those superlatives. The truth is that those words of Elena Kagan, then dean of Harvard, now Solicitor General of the United States, are validated by the extraor-

dinary record of Professor Cass Sunstein. He has taught and written about many subjects, including particularly regulation, the management of risk, and, in fact, OIRA itself.

Our committee conducted a thorough review of Professor Sunstein's writings and his background, and he has met individually with me, Senator COLLINS, our ranking member, and most other members of the committee. We held a confirmation hearing on this nomination on May 12 of this year, at which the members of our committee thoroughly questioned Professor Sunstein about his views on several important matters. And I believe he responded directly, sincerely, and addressed each of the members' concerns.

For example, I wanted to be sure his previous advocacy for a rigorous implementation of cost-benefit analysis to regulations did not mean that OIRA under his leadership would interfere with the agency's issuing of regulations necessary to protect public health and safety. Professor Sunstein convinced me in his answer that he would diligently support the purposes of laws to protect public health and safety as adopted by Congress and signed by the President.

Because Professor Sunstein is brilliant, creative, and prolific, he has written some things that are unconventional and, for some, controversial. I believe when asked about each of those matters he answered sincerely and fully and reassuringly.

For example, hunters were concerned about Professor Sunstein's views on gun rights. He made very clear he believes the second amendment creates an individual right to possess guns for hunting and self-defense. To farmers and others concerned with his previous writings and comments on cruelty to animals, Professor Sunstein has said he would take no steps to promote litigation on behalf of animals, which some concluded was his position based on a provocative article he wrote, and that he has no plans, certainly, to regulate animal husbandry.

So this is a bright, thoughtful, creative man who, as a professor, has written some provocative, unconventional ideas. I suppose if one wanted to take advantage of them for one's own purposes, to politicize, in some sense, or ideologize, in some sense, this nomination, one might seize on those. But at bottom, this is a person extraordinarily well qualified for this position.

I will say he has been endorsed by the American Farm Bureau Federation, insofar as concerns of the agricultural community are concerned. He met with them, and he answered their questions. They said:

... we hope the Senate can take up this nomination in the near future and all Senators will vote to confirm him in this post.

Professor Sunstein has also won the public endorsement of a variety of

groups, including the U.S. Chamber of Commerce and the National Association of Manufacturers which has concluded, based on his writings and their meetings with him, that he will be fair and not antibusiness, anti-economic growth in this important position.

As for myself, after meeting with this distinguished, thoughtful, and very gentlemanly individual, listening to him at our hearings, seeing how he has responded thoroughly and forthrightly to those who have approached him with their concerns, I am convinced Professor Sunstein has superior qualifications for this office and a strong commitment, if concerned, to guide OIRA in conformity with the law and the public interest above all. That is why I urge my colleagues to support cloture and to support this nomination.

Mr. President, I am pleased to see the senior Senator from Minnesota. I yield to her at this time.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to talk about Cass Sunstein and his qualifications to be Administrator of the Office of Information and Regulatory Affairs. I thank Senator LIEBERMAN for his leadership. I am going to try not to say the word "OIRA" in my remarks because it is a very difficult agency, and no one is quite sure what it does. But I can tell you it does something very important, which is to cut through the redtape for citizens and to try to get some sensible rules for this country.

How do I know Cass Sunstein? Back in the 1980s I was privileged to have him as my law professor at the University of Chicago. I took his administrative law class, and he was also my adviser on the law review.

His career as a legal scholar was just beginning to take off, but he was already making a very strong impression as a teacher. I think many of my fellow classmates believed he was, in fact, their favorite teacher.

When we first saw Cass Sunstein in class, he looked like a boy in a man's suit. He was so thin but with such enthusiasm. These were the days before white boards, and he would always get a lot of white chalk on his black suits, which he seemed oblivious to, but he was far from an absent-minded professor. He would race along a mile a minute in his lecture, a fountain with a never-ending stream of ideas. He was never boring, which is a tough standard for law students.

Today Professor Sunstein is one of the Nation's most thoughtful and respected legal scholars with a distinguished record of accomplishments. He is a graduate of Harvard Law School, a law clerk to Supreme Court Justice Thurgood Marshall, a professor at the University of Chicago for 27 years, the author and coauthor of more than 15

books and hundreds of scholarly articles.

By a large margin, Cass Sunstein is the most cited scholar on any law faculty in the United States of America. One envious observer said:

If you look at what he's written and done, he should be 900 years old.

What are the concerns of his academic work? The overriding concern is we have smart, science-based, cost-effective policies to protect public health and safety, to promote energy security, and to strengthen our economy and financial system.

In a recent book Professor Sunstein coauthored called "Nudge," he wrote that by knowing how people think, we can design rules and policies that make it easier for Americans to choose what is best for themselves and their families. In other words, Cass Sunstein believes the best types of rules and regulations are the ones that encourage American consumers and businesses to make good decisions without demanding that they do so.

I thought a lot about his work when Congress debated the first-time home buyers tax credit which helped spur home sales after months of decline again. Again, if you shape policies and programs that are easy to understand, that provide incentives, that give Americans control over their fate, you get the right results.

That is why it is so important we confirm Cass Sunstein to this critical post. His pragmatic, sensible approach to policy and regulation will help make our Federal agencies work smarter and ensure that our government works better for our citizens and for our businesses.

It is no surprise to me, as Senator LIEBERMAN just discussed, the kind of support that Cass Sunstein has gathered. The Wall Street Journal editorial board has been positive about his nomination. You have heard the support from the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Farm Bureau Federation, 13 Nobel Prize winners, and C. Boyden Gray, who served as White House Counsel under both Presidents Bush.

While all these individuals and organizations are supportive, what they say about Cass Sunstein is what I have always known about him. He is a pragmatist. He cares about ideas, but ultimately he cares about the right results.

I have heard time and time again from the people in my State office about the redtape and regulations citizens run into on an everyday basis with the U.S. Government. It is time to put someone in this job who actually sees that connection, is able to connect human behavior with what those rules are, and make those rules make some sense. He has the intellect, the ability, and the force to get this done, and I am proud to support his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, first, I thank Senator KLOBUCHAR for those very thoughtful and, I thought, compelling words in support of Professor Sunstein's nomination. They were both thoughtful and personal, and that matters a lot. I thank her for taking the time to come and speak on this important nomination.

I thought it might be helpful if I read from a few of the letters of endorsement of Professor Sunstein because this is one of those nominations that I think has become unnecessarily controversial. A rule I have always tried to apply—I think I have done it pretty well over the years, playing it uniformly—is when, as a Senator, we exercise our authority to advise and consent, the judgment for us to make is not whether we would have nominated that person to that office but whether on due consideration we conclude that nominee is within an acceptable range and capable of fulfilling that job. That is quite a different situation.

One might agree or disagree, let's put it that way, with Professor Sunstein on one or another thing he has written in a remarkably productive, prolific career, but one would have to decide if he is unqualified for this position, not just that he wouldn't be your first choice but seems to be he is unqualified or there is a level of risk in fulfilling it that even if he was qualified, one would vote against it.

I want to reassure my colleagues. I mentioned the American Farm Bureau Federation because there had been concern in the Agriculture Committee. I read a letter from Bob Stallman, president of the American Farm Bureau Federation:

Like others in the agriculture community, we were concerned about reports related to Mr. Sunstein's views on animal rights and the impact that could occur should such views be reflected in Federal regulations. We have, however, had the opportunity to discuss this subject in person with Mr. Sunstein. He has been candid, forthright and very open about how he views his role in OIRA. He has shared his perspective on the issues in question and stressed that he would not use his position to undermine further law or further policies inconsistent with congressional directives.

I quoted in my opening statement of the president of the American Farm Bureau Federation:

... we hope the Senate can take up this nomination in the near future and that all Senators will vote to confirm him in this post.

Second, a very different association and important one in our country is the Chamber of Commerce of the United States of America, and in a letter from R. Bruce Josten, the first paragraph says:

The U.S. Chamber of Commerce, the world's largest business federation rep-

resenting more than three million businesses and organizations—

He says about the nominee—

Over the course of an impressive career as a legal academic, Professor Sunstein has made important contributions in such diverse areas as environmental law, behavioral economics, and consumer safety. Through his work, he has improved our understanding of the law and public policy in a continuing effort to improve the ability of government to beneficially impact the lives of its citizens.

As OIRA Administrator, Professor Sunstein is almost certain to apply a thoughtful approach to regulatory oversight and review. His extensive writings and teachings provide a useful blueprint of his pragmatic approach to regulation, including his continued defense of cost-benefit analysis as a tool for developing rational regulation. His approach is not influenced by an ideological predisposition.

I repeat, from Bruce Josten, executive VP of the Chamber of Commerce:

His approach is not influenced by an ideological predisposition—to the contrary, his writings show a strong commitment to a balanced review that is biased neither in favor of nor against regulation.

By all accounts, Professor Sunstein is a man of personal integrity and formidable intellectual prowess, and the Chamber applauds his willingness to suspend an exceptional academic career in order to serve his country.

Mr. Josten concludes by saying:

The Chamber urges you to expeditiously confirm Professor Sunstein as Administrator of OIRA.

I need not tell my colleagues in the Senate that the Chamber of Commerce is a probusiness group, and if they believed Cass Sunstein as OIRA Administrator would harm business entrepreneurship, economic growth, and the free market in our country, they would say so, loudly and clearly. But they did not say so. They did not just remain silent. The Chamber of Commerce of the United States said Cass Sunstein is qualified by his writings, he is fair, and they urge us to confirm this nomination.

I have a similar letter from the National Association of Manufacturers, Rosario Palmieri, vice president of NAM, writing to Senator COLLINS and me:

... I am writing to offer our support for the confirmation of Cass Sunstein to be Administrator of the Office of Information & Regulatory Affairs in the Office of Management & Budget. ...

The NAM [National Association of Manufacturers] has supported nominees to OIRA under both Republican and Democratic presidents. The office plays a crucial role in agency prioritization, paperwork reduction, and regulatory review. Cass Sunstein, in particular, is deserving of confirmation because of his keen intellect, expertise in the fields—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I thank the Chair.

The bottom line is that Professor Sunstein is supported by many groups, including those who some might think

would have opposed him. I hope my colleagues will support this nomination in the vote to come and on final passage.

I thank the Chair, and I yield the floor.

Ms. COLLINS. Mr. President, I rise to discuss the nomination of Professor Cass Sunstein to be Administrator of the Office of Information and Regulatory Affairs, OIRA.

Professor Sunstein's nomination has been endorsed by a number of groups, including the Farm Bureau, the Chamber of Commerce, and the National Association of Manufacturers.

I will ask consent to have letters of support from these organizations printed in the RECORD following my remarks.

While many people outside of Washington have never heard of this office, it can have an enormous influence on our everyday lives. Through the process of regulatory review, OIRA—as it is known in Washington—plays an integral role in the rulemaking process. The office advises agencies as rules are developed and then reviews the methodologies used to develop and justify these rules.

Professor Sunstein has extensively studied government regulation and the various methods that can be used to evaluate regulatory effectiveness. During his confirmation hearings, I noted several core principles that seem to underpin Professor Sunstein's work.

He advocates greater transparency in the regulatory process. One of his recommendations is that agencies be required to better justify decisions to regulate, particularly when the costs of regulations appear to exceed the benefits. That makes sense to me.

Professor Sunstein strongly supports the use of cost-benefit analysis as a tool for evaluating regulation. At the same time, he recognizes that such analysis has limitations when it comes to considering intangible costs and benefits.

Recently, Professor Sunstein has proposed an alternative to more draconian "command-and-control" regulation. In his book "Nudge," he makes a compelling case for regulation that does not dictate actions but instead encourages certain behavior without limiting personal freedoms. This "nudging" can promote societal goals without depriving individuals or organizations of other choices.

As with many nominees who make the transition from academia to government service, Professor Sunstein will find that as he steps from the world of theory into the realm of practice, not every idea discussed in the classroom can be easily converted into government policy—nor should it be. During his confirmation hearing, Professor Sunstein and I discussed several provocative statements he has made in the course of his career, statements that are troubling on their face.

I was deeply concerned, for example, by his past comment that hunting should be banned. When I questioned Professor Sunstein on this statement, he responded as follows:

Hunters are among the strongest environmentalists and conservationists in the United States. And it would be preposterous for anyone in a position like mine to take steps to affect their rights or their interests.

In a July 14, 2009, letter to Senator CHAMBLISS, Professor Sunstein promised to respect second amendment rights if confirmed as OIRA Administrator. Professor Sunstein explained:

I strongly believe that the Second Amendment creates an individual right to possess and use guns for purposes of both hunting and self-defense. I agree with the Supreme Court's decision in the Heller case, clearly recognizing the individual right to have guns for hunting and self-defense. If confirmed, I would respect the Second Amendment and the individual right that it recognizes.

I was also concerned by several law review articles in which Professor Sunstein made the bizarre statement that animals be given standing to sue in court—allowing "representatives" to sue on an animal's behalf. In response to questions on this subject during his confirmation hearing, Professor Sunstein clarified that he was suggesting this as a means by which existing animal cruelty laws could be enforced by civil suits. In a letter to me on this issue, Professor Sunstein further stated:

I have no personal plans to regulate farm animal husbandry in any way. If confirmed, and if the Department of Agriculture were to propose any regulations in that domain, I would work with the Department to ensure that any proposed regulations follow the law and fit with the priorities of the President—and that they take full account of the pressing needs of America's farmers and ranchers and the countless consumers who benefit, every day, from their remarkable efforts.

I will consent to have Professor Sunstein's letter printed in the RECORD following my remarks.

I know that a number of my colleagues have shared these concerns or raised other concerns based on Professor Sunstein's extensive bibliography. I understand that Professor Sunstein has made himself available to meet with Senators to discuss those concerns and has in some cases provided written clarifications of his positions. I expect that when confirmed as OIRA Administrator, he will continue to be as accessible and responsive to this Congress.

On balance, I support Professor Cass Sunstein as Administrator of the Office of Information and Regulatory Affairs.

Mr. President, I ask unanimous consent to have letters of support and Professor Sunstein's letter, to which I referred, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE  
OF THE UNITED STATES OF AMERICA,  
Washington, DC, June 23, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Republican Leader, U.S. Senate,  
Washington, DC.

Hon. JOSEPH LIEBERMAN,  
Chairman, Committee on Homeland Security  
and Government Affairs, U.S. Senate,  
Washington, DC.

Hon. SUSAN COLLINS,  
Ranking Member, Committee on Homeland Security  
and Government Affairs, U.S. Senate,  
Washington, DC.

DEAR LEADERS REID AND MCCONNELL,  
CHAIRMAN LIEBERMAN AND RANKING MEMBER  
COLLINS: The U.S. Chamber of Commerce,  
the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, urges you to confirm Professor Cass Sunstein as Administrator of the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget.

Over the course of an impressive career as a legal academic, Professor Sunstein has made important contributions in such diverse areas as environmental law, behavioral economics, and consumer safety. Through his work, he has improved our understanding of the law and public policy in a continuing effort to improve the ability of government to beneficially impact the lives of its citizens.

As OIRA Administrator, Professor Sunstein is almost certain to apply a thoughtful approach to regulatory oversight and review. His extensive writings and teachings provide a useful blueprint of his pragmatic approach to regulation, including his continued defense of cost-benefit analysis as a tool for developing rational regulation. His approach is not influenced by an ideological predisposition—to the contrary, his writings show a strong commitment to a balanced review that is biased neither in favor of nor against regulation.

By all accounts, Professor Sunstein is a man of personal integrity and formidable intellectual prowess, and the Chamber applauds his willingness to suspend an exceptional academic career in order to serve his country. The Chamber urges you to expeditiously confirm Professor Sunstein as Administrator of OIRA.

Sincerely,

R. BRUCE JOSTEN,  
Executive Vice President,  
Government Affairs.

NATIONAL ASSOCIATION  
OF MANUFACTURERS,  
Washington, DC, June 22, 2009.

Hon. JOSEPH LIEBERMAN,  
Chairman, Senate Committee on Homeland Security  
and Government Affairs, Dirksen  
Building, Washington, DC.

Hon. SUSAN COLLINS,  
Ranking Member, Senate Committee on Homeland Security  
and Government Affairs,  
Dirksen Building, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING  
MEMBER COLLINS: On behalf of the National Association of Manufacturers (NAM) and the millions of Americans our members employ, I am writing to offer our support for the confirmation of Cass Sunstein to be Administrator of the Office of Information & Regulatory Affairs (OIRA) in the Office of Management & Budget. Thank you for the swift

work of your Committee to report Professor Sunstein favorably to the full Senate.

The NAM has supported nominees to OIRA under both Republican and Democratic presidents. The office plays a crucial role in agency prioritization, paperwork reduction, and regulatory review. President Obama said that the office offers a "dispassionate and analytical 'second opinion' on agency actions." We believe that function is especially crucial during the economic crisis we face and to preserve high wage jobs from being lost due to unnecessary or thoughtless government action.

Cass Sunstein, in particular, is deserving of confirmation because of his keen intellect, expertise in the fields of administrative and environmental law, and his commitment to fair and reasoned deliberation of issues that will come before him. Under an Administrator Sunstein, all sides will be given a fair hearing and a real opportunity to impact the final analysis of an issue.

We stand ready to assist in ensuring confirmation by the full Senate of Cass Sunstein.

Sincerely,

ROSARIO PALMIERI,  
Vice President,  
Infrastructure, Legal & Regulatory Policy.

AMERICAN FARM  
BUREAU FEDERATION,  
Washington, DC, September 1, 2009.

TO ALL U.S. SENATORS

DEAR SENATOR: Earlier this year, the Senate received the nomination of Cass Sunstein to serve as administrator of the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget. This office plays a vital role in determining the final disposition of regulations, in particular environmental and natural resource proposals that have a direct impact on the agricultural community. Accordingly, Farm Bureau has a strong interest in the individual that will fill the role of administrator of that office.

Like others in the agricultural community, we were concerned about reports related to Mr. Sunstein's views on animal rights and the impact that could occur should such views be reflected in federal regulations. We have, however, had the opportunity to discuss this subject in person with Mr. Sunstein. He has been candid, forthright and very open about how he views his role in OIRA. He has shared his perspective on the issues in question and stressed that he would not use his position to undermine federal law or further policies inconsistent with congressional directives.

Based on our discussions with Mr. Sunstein, Farm Bureau has no objection to his confirmation to the position of administrator of OIRA and we hope the Senate can take up this nomination in the near future and that all senators will vote to confirm him to this post.

Sincerely,

BOB STALLMAN,  
President,  
American Farm Bureau Federation.

MAY 20, 2009.

Hon. SUSAN COLLINS,  
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: Thank you for your support and the work of your staff throughout the confirmation process. I am honored by the Committee's vote today and the opportunity to serve the Nation as the

Administrator of the Office of Information and Regulatory Affairs.

I understand that a question may have arisen recently about my views on the regulation of farming and farm animals. I have no personal plans to regulate farm animal husbandry in any way. If confirmed, and if the Department of Agriculture were to propose any regulations in that domain, I would work with the Department to ensure that any proposed regulations follow the law and fit with the priorities of the President—and that they take full account of the pressing needs of America's farmers and ranchers and the countless consumers who benefit, every day, from their remarkable efforts. The focus of my academic work on animal welfare is not regulation of agriculture, but existing state anticruelty laws (over which OIRA has no authority). My work as Administrator, if I am confirmed, would reflect the law and the President's priorities.

Thank you again for your support throughout this process.

Sincerely,

CASS R. SUNSTEIN.

Mr. BUNNING. Mr. President, I rise today to speak on the nomination of Mr. Cass Sunstein for the Office of Management and Budget's Office of Information and Regulatory Affairs, OIRA. Most Americans have never heard of OIRA, but it has great influence on the daily lives of all Americans. OIRA is responsible for the execution of a wide range of government policies and regulations with its oversight of the executive branch rulemaking. In other words, the OIRA can heavily influence or change the intended purpose of any regulatory proposal. Therefore, it is important for the head of OIRA to be a rational thinker who has every American's best interest at heart.

After reviewing Mr. Sunstein's opinions and past comments, it is very clear that his views are far outside of the mainstream. For example, Mr. Sunstein believes that animals should be given the same rights as humans. In 2004, he wrote, "We could even grant animals a right to bring suit without insisting that animals are persons, or that they are not property." According to Mr. Sunstein's logic, your dog could sue you for putting its collar on a little too tight. Furthermore, Mr. Sunstein is against hunting and compares it to the "mass extermination of human beings." Whether it is for population control or for food consumption, hunting plays a vital role in the lives of many Americans, especially in Kentucky. It is irresponsible for Mr. Sunstein to compare a person who kills a deer which can provide food for his or her family for several weeks, to the likes of Stalin. He has also been very hostile to second amendment rights and has publically stated his resistance to an individual's right to keep and bear arms.

Any regulation that comes out of the Department of Agriculture could negatively impact farmers across the Nation if Mr. Sunstein is the person responsible for implementing that regu-

lation. Livestock farmers across Kentucky could potentially be forced out of business if Cass Sunstein had his way. Additionally, vague rulemaking by the Bureau of Alcohol, Tobacco, Firearms, and Explosives could result in Mr. Sunstein filling in the gaps to push his and the President's radical agenda. There are plenty of other qualified people whom President Obama could have chosen for this very significant position. I cannot support this nomination, and I urge my colleagues to vote against this nomination.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### TRAVEL PROMOTION ACT OF 2009— Continued

The PRESIDING OFFICER. All committee amendments except the Dorgan amendment, No. 1347, are withdrawn. The question is on agreeing to the amendment.

The amendment (No. 1347) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DORGAN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is, Shall the bill pass, as amended?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 272 Leg.]

#### YEAS—79

Akaka	Casey	Inouye
Alexander	Cochran	Isakson
Barrasso	Collins	Johanns
Baucus	Conrad	Johnson
Bayh	Dodd	Kaufman
Begich	Dorgan	Kerry
Bennet	Durbin	Klobuchar
Bennett	Ensign	Kohl
Bingaman	Enzi	Lautenberg
Bond	Feingold	Leahy
Boxer	Feinstein	Levin
Brown	Franken	Lieberman
Burr	Gillibrand	Lincoln
Byrd	Graham	Lugar
Cantwell	Hagan	Martinez
Cardin	Harkin	McCaskill
Carper	Hatch	Menendez

Merkley	Sanders	Udall (NM)
Mikulski	Schumer	Vitter
Murkowski	Shaheen	Voinovich
Murray	Shelby	Warner
Nelson (NE)	Snowe	Webb
Nelson (FL)	Specter	Whitehouse
Pryor	Stabenow	Wicker
Reed	Tester	Wyden
Reid	Thune	
Rockefeller	Udall (CO)	

## NAYS—19

Brownback	Crapo	McCain
Bunning	DeMint	McConnell
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hutchison	Sessions
Corker	Inhofe	
Cornyn	Kyl	

## NOT VOTING—1

Landrieu

The bill (S. 1023), as amended, was passed, as follows.

S. 1023

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Travel Promotion Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. The Corporation for Travel Promotion.
- Sec. 3. Accountability measures.
- Sec. 4. Matching public and private funding.
- Sec. 5. Travel promotion fund fees.
- Sec. 6. Assessment authority.
- Sec. 7. Office of Travel Promotion.
- Sec. 8. Research program.

**SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.**

(a) **ESTABLISHMENT.**—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this section, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(b) **BOARD OF DIRECTORS.**—

(1) **IN GENERAL.**—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(A) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(B) 1 shall have appropriate expertise and experience in the restaurant sector;

(C) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(D) 1 shall have appropriate expertise and experience in the travel distribution services sector;

(E) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(F) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(G) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(H) 1 shall have appropriate expertise and experience in the passenger air sector;

(I) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(J) 1 shall have appropriate expertise in the intercity passenger railroad business.

(2) **INCORPORATION.**—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-301.01 et seq.).

(3) **TERM OF OFFICE.**—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 4 shall be appointed for terms of 2 years; and

(C) 4 shall be appointed for terms of 3 years.

(4) **REMOVAL FOR CAUSE.**—The Secretary of Commerce may remove any member of the board for good cause.

(5) **VACANCIES.**—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this section. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(6) **ELECTION OF CHAIRMAN AND VICE CHAIRMAN.**—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(7) **STATUS AS FEDERAL EMPLOYEES.**—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(8) **COMPENSATION; EXPENSES.**—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(c) **OFFICERS AND EMPLOYEES.**—

(1) **IN GENERAL.**—The Corporation shall have an executive director and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the pe-

riod of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(2) **NONPOLITICAL NATURE OF APPOINTMENT.**—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) **NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.**—

(1) **STOCK.**—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) **PROFIT.**—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) **POLITICS.**—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) **SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.**—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

(e) **DUTIES AND POWERS.**—

(1) **IN GENERAL.**—The Corporation shall develop and execute a plan—

(A) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in traveling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(B) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(C) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(D) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(E) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(2) **SPECIFIC POWERS.**—In order to carry out the purposes of this section, the Corporation may—

(A) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(B) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(C) take such other actions as may be necessary to accomplish the purposes set forth in this section.

(3) **PUBLIC OUTREACH AND INFORMATION.**—The Corporation shall develop and maintain a publicly accessible website.

(f) **OPEN MEETINGS.**—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(g) **MAJOR CAMPAIGNS.**—The board may not authorize the Corporation to obligate or expend more than \$25,000,000 on any advertising campaign, promotion, or related effort unless—

(1) the obligation or expenditure is approved by an affirmative vote of at least ¾ of the members of the board present at the meeting;

(2) at least 6 members of the board are present at the meeting at which it is approved; and

(3) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(h) **FISCAL ACCOUNTABILITY.**—

(1) **FISCAL YEAR.**—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(2) **BUDGET.**—The Corporation shall adopt a budget for each fiscal year.

(3) **ANNUAL AUDITS.**—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this subsection by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(4) **PROGRAM AUDITS.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

### SEC. 3. ACCOUNTABILITY MEASURES.

(a) **OBJECTIVES.**—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(b) **BUDGET.**—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of \$5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(c) **ANNUAL REPORT TO CONGRESS.**—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(1) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this Act;

(2) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(3) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(4) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(5) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under subsection (a);

(6) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(7) such recommendations as the Corporation deems appropriate.

(d) **LIMITATION ON USE OF FUNDS.**—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this section.

### SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.

(a) **ESTABLISHMENT OF TRAVEL PROMOTION FUND.**—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(b) **FUNDING.**—

(1) **START-UP EXPENSES.**—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed \$10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this Act. Transfers shall be made at least quarterly, beginning on October 1, 2009, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(2) **SUBSEQUENT YEARS.**—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than \$100,000,000 to the Fund, which shall be made available to the Corporation, subject to subsection (c) of this section, to carry out its functions under this Act. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—No amounts may be made available to the Corporation under this sec-

tion after fiscal year 2010, except to the extent that—

(A) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under subsection (b); and

(B) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under subsection (b) for the fiscal year.

(2) **GOODS AND SERVICES.**—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(A) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this Act may be included in the determination; but

(B) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under paragraph (1) for the Corporation in any fiscal year.

(3) **RIGHT OF REFUSAL.**—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(4) **LIMITATION.**—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(d) **CARRYFORWARD.**—

(1) **FEDERAL FUNDS.**—Amounts transferred to the Fund under subsection (b)(2) shall remain available until expended.

(2) **MATCHING FUNDS.**—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under subsection (c)(1) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of subsection (c)(1) in such succeeding fiscal year.

### SEC. 5. TRAVEL PROMOTION FUND FEES.

Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

“(B) FEES.—

“(i) **IN GENERAL.**—No later than September 30, 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

“(I) \$10 per travel authorization; and

“(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

“(ii) **DISPOSITION OF AMOUNTS COLLECTED.**—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by section 4 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

“(iii) **SUNSET OF TRAVEL PROMOTION FUND FEE.**—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.”

### SEC. 6. ASSESSMENT AUTHORITY.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the Corporation may impose an annual assessment on United States members of the international travel

and tourism industry (other than those described in section 2(b)(1)(C) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this section.

(b) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of the Travel and Tourism Promotion Act at no greater, in the aggregate, than \$20,000,000.

(c) REFERENDA.—

(1) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(A) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(B) the assessment is approved by a majority of those voting in the referendum.

(2) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this subsection, the Corporation shall—

(A) provide written or electronic notice not less than 60 days before the date of the referendum;

(B) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(C) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(d) COLLECTION.—

(1) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this Act.

(2) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

**SEC. 7. OFFICE OF TRAVEL PROMOTION.**

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

**“SEC. 202. OFFICE OF TRAVEL PROMOTION.**

“(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

“(b) DIRECTOR.—

“(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

“(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

“(3) DUTIES.—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

“(c) FUNCTIONS.—The Office shall—

“(1) serve as liaison to the Corporation for Travel Promotion established by section 2 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

“(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

“(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

“(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

“(C) to collect accurate data on the total number of international visitors that visit each State; and

“(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

“(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

“(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).”

**SEC. 8. RESEARCH PROGRAM.**

Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by section 7, is further amended by inserting after section 202 the following:

**“SEC. 203. RESEARCH PROGRAM.**

“(a) IN GENERAL.—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

“(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

“(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

“(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

“(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

“(5) research to support the annual reports required by section 202(d) of this Act.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.”

**EXECUTIVE SESSION**

**CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET—Continued**

**CLOTURE MOTION**

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Harry Reid, Joseph I. Lieberman, Mark Udall, Patrick J. Leahy, Daniel K. Akaka, Richard Durbin, Sherrod Brown, Patty Murray, Jeanne Shaheen, John F. Kerry, Robert Menendez, Jack Reed, Mark Begich, Tom Harkin, Sheldon Whitehouse, Ron Wyden, Kirsten E. Gillibrand.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 273 Ex.]

**YEAS—63**

Akaka	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Reed
Bingaman	Hatch	Reid
Boxer	Inouye	Rockefeller
Brown	Johnson	Sanders
Burris	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Voinovich
Dorgan	Lugar	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden

## NAYS—35

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bond	Enzi	Pryor
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Webb
Cornyn	Lincoln	Wicker
Crapo	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

## LETTER OF RESIGNATION

The Chair lays before the Senate the letter of resignation of Senator MEL MARTINEZ of Florida.

Without objection, the letter is deemed read and spread upon the Journal.

The letter follows.

U.S. SENATE,

*Washington, DC, September 2, 2009.*

Hon. JOSEPH R. BIDEN, JR.,  
President of the Senate,  
*Washington, DC.*

DEAR MR. PRESIDENT: I hereby give notice that I will retire from the Office of United States Senator for the State of Florida. I, therefore, tender my resignation effective at 5:00 p.m. on September 9, 2009.

Sincerely,

MEL MARTINEZ.

The PRESIDING OFFICER. The Senator from Delaware.

MR. KAUFMAN. Mr. President, there is not a quorum call, is there?

The PRESIDING OFFICER. There is not.

## TRIBUTE TO CHRISTINE SPICER

MR. KAUFMAN. Mr. President, I rise once again to speak about one of our Nation's great Federal employees. All of us here, along with our colleagues in the House, have returned from a busy work period. I know we, like all Americans, appreciate the extra day off we had on Monday to rest and recharge, to spend time with family, and to enjoy a barbecue. It is important, though, not to lose sight of what Labor Day represents.

America was founded on the belief that if you work hard, you can achieve your dream. When American workers set themselves to a task, no challenge is too great.

Since the 19th century, Labor Day has served as an opportunity to appreciate those who have made our economy the strongest in the world. Even with the challenges we face on Wall Street and on Main Street, I remain confident in our economy precisely because of our great workers.

American workers built the canals and railroads that fueled the westward expansion of our early years. They labored in those first industrial factories, weaving textiles, smelting iron, and manufacturing new products. Our workers electrified America's cities and made possible our soaring skylines.

Whenever they were called upon to serve, they laid down their tools and took up arms to defend liberty at home and overseas.

Today, our workers produce microchips, complex machine parts, and quality products sold in markets worldwide. I know that American workers will continue to excel as we transition to a green economy.

The history of labor in our country can be told through the stories of Americans who have worked hard because they dream of providing a decent life for themselves and their families.

The great labor leader Samuel Gompers, when asked what motivated American workers to organize for better pay and conditions, said:

We want more schoolhouses and less jails; more books and less arsenals; more learning and less vice; . . . in fact, more of the opportunities to cultivate our better natures.

It took American workers many decades to win fair wages and safe working conditions. Today, the dedicated employees of the Department of Labor continue to ensure that American workers are safe, treated fairly, and have access to employment opportunities. This also includes a commitment to protecting workers' hard-won benefits.

The men and women of the Department's Plan Benefits Security Division engage in legal proceedings to make certain that employees' rights under retirement income security legislation are upheld. It is a busy office, and its attorneys and staff work on behalf of our Nation's labor force and retirees.

On July 4, 2006, Christine Spicer, who had worked as a secretary in the division for 25 years, suffered a debilitating stroke. It left her hearing and sight impaired and unable to walk. Unable to perform the office tasks she had done for a quarter of a century, Christine could have chosen to retire on disability.

However, she was determined to return to work and keep serving the public. Christine engaged in a difficult course of physical, speech, and occupational therapy. She returned to work in 2007, and now serves as the lead secretary for the division chief—a job entailing great responsibility.

Despite lingering problems with speech and difficulty walking, Christine oversees the division's payroll system, personnel paperwork, and a number of special assignments in addition to her secretarial role. She has been cited by her colleagues as disciplined and cheerful, and she is truly one of the Labor Department's unsung heroes.

The employees of the Department of Labor continually serve American workers by safeguarding their right to a living wage and providing what our dear friend, the late Senator Ted Kennedy, called "hope that the price of their employment" is not "an unsafe workplace and a death at an earlier age."

I call on my colleagues and on all Americans to join me in honoring Christine Spicer and all of the outstanding public servants at our Department of Labor.

MR. PRESIDENT, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MR. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (MR. BENNET). Without objection, it is so ordered.

MR. DURBIN. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. DURBIN. Mr. President, I rise today to express my strong support for the nomination of Cass Sunstein from Chicago, IL, to be Administrator of the Office of Management and Budget, Office of Information and Regulatory Affairs. It is a long title. But this office is critically important. It is the gateway for all the major Federal regulatory proposals that protect public health and the environment.

The Administrator needs a demonstrated record of impartiality and openness. President Obama has made it clear that objective science will guide his administration in their Federal rules and regulations.

Cass Sunstein is one of the Nation's most respected legal scholars who has shown a commitment to objective, evidence-based regulation. Cass Sunstein is a friend, he is a well-respected legal scholar, and he has taken insightful approaches to analyzing public policy. He has often proposed insightful ways to protect the public welfare, the environment, and worker safety.

Until he was nominated by President Obama, he served as the Felix Frankfurter professor of law at Harvard University, where his research spanned administrative and constitutional law, behavioral economics, environmental law, and labor law. I know him best from the 27 years he served as a member of the faculty of the University of Chicago Law School, where he taught one of my sitting colleagues, Senator AMY KLOBUCHAR, the senior Senator from Minnesota, and was a teaching colleague of the President of the United States.

He has also served as attorney-adviser in the Office of Legal Counsel to the U.S. Department of Justice, law clerked for Justice Benjamin Kaplan of the Supreme Court of Massachusetts, and clerked for Supreme Court Justice Thurgood Marshall. His academic credentials are the best.

His nomination has been endorsed by many groups and many Nobel Prize winners and many former OIRA Administrators. His professional record

indicates he would use his knowledge and experience to develop and implement smart, objective Federal policies and regulations.

I am going to support him enthusiastically. I believe he will be honest in dealing with this critical office, an office which is often hidden from the public sight because it deals in the world of rules and regulations but one which can have a great impact on the future of this Nation. President Obama has chosen well. I hope the Senate will endorse his choice.

#### THE ECONOMY

Mr. President, all of us understand we are in the midst of a recession. It has been known as the Great Recession, not as bad as the Great Depression, thank the Lord, but certainly not your average run-of-the-mill economic downturn.

Last week, the Labor Department reported that the unemployment rate has reached 9.7 percent, the highest we have had in 25 years. I remember the last time it was even higher because that was the year 1982 when I was elected to Congress and the economy of my State was in terrible shape. The unemployment rate in Decatur, IL, where I was a candidate for Congress, was over 20 percent, and many communities had the same experience. I certainly hope this situation does not deteriorate to that level. There is evidence it is starting to turn for the better. But 216,000 Americans lost jobs last month, which brings the total number of jobs lost since this recession started in December of 2007 to 7 million Americans. Economists do not expect the job situation to stabilize until next year. So this Labor Day was not a great day of celebration for working Americans worried about their jobs and worried about their income.

There is some hope that the economy is starting to turn. The administration expects to report this week that the stimulus bill, which we enacted earlier this year, will have created or saved 750,000 jobs in just a few months. That is one reason the number of jobs lost in July was not as bad as other months. Mr. President, \$300 billion of the stimulus money has been obligated or distributed through tax relief directly to working families. Those who come to the floor opposed to the President's stimulus bill are opposing his proposal which gave tax relief to working families. And \$160 billion of that has already been spent, and more to follow, giving those families a fighting chance to deal with the expenses of daily life.

In addition, the success of the recent Cash for Clunkers Program is expected to create or save 42,000 jobs over the second half of this year. We know this in Illinois because last week while I was home, while some of the political observers were criticizing cash for clunkers, the Chrysler plant in Belvidere, IL, announced it was going

to bring back 850 employees and put them to work because the stock and inventory of Chrysler products had been depleted by this program. So don't tell me cash for clunkers did not breathe some life back into the automobile industry. There are 850 workers in Belvidere, IL, who could tell you just the opposite.

Unfortunately, many sparks of economic regeneration are still being overwhelmed by the mutating disease at the center of our economic ills. If you remember, this recession really started in the housing market, and unfortunately it continues to grow there.

As I pointed out many times in this Chamber, the economic crisis that began in the housing market is not going to get better and is not going to change until the housing markets in America stabilize. Families who are afraid they are going to lose their homes to foreclosure will not buy things they need. When families do not buy things, companies do not make things and people are laid off. It is just that basic. Since 12 million people could lose their homes to foreclosure during this recession, there are a lot of people who could end up losing jobs, stop purchasing, creating even a deeper recession.

Here is the tough part of where we are right now. It is now because people are losing their jobs that they are losing their homes. It is a vicious cycle. According to the Mortgage Bankers Association, 6 million loans were either past due or in foreclosure in the second quarter, the highest level ever recorded in the United States of America. Nearly one in eight borrowers is behind or in foreclosure, and well over half of these households in trouble are solid, sound borrowers. In Illinois, 14 percent—one out of seven mortgages is in trouble since the second quarter of this year. And the scary part: we have not peaked yet when it comes to the foreclosure crisis. The reason? Millions of families are now underwater, meaning they owe more to the bank than their home's value.

The best predictor of whether a house could fall into foreclosure is whether the homeowner has positive equity. Homeowners with a financial stake in keeping a home are far more likely to save it. The bad news, according to Deutsche Bank, is 14 million homeowners—over one-fourth of home borrowers in America—have negative equity; that is, over one-fourth of all home borrowers are underwater with negative equity, and 25 million homeowners, half of them, will be underwater when the prices stabilize in the first quarter of 2011. Home equity fell \$5.9 trillion between 2005 and the end of 2008, likely to fall even further in 2009. These families are at serious risk of foreclosure. This is not a crisis that we pass through. Sadly, it is a crisis we are living through and entering into a new phase.

One more problem: A new wave of mortgages is coming up later this year. These mortgages are facing a reset. They are called option arms. They are soon going to dwarf subprime loans in size. These loans allowed the borrowers to pick what they wanted to pay each month, even if they wanted to pay less than the principal amount owed. Forget the interest. Under these terms you didn't even have to keep up with the principal payments. Of course, you have to catch up when the initial reset hits.

Fitch Ratings estimates \$134 billion in option arms will reset in the next 2 years, even as unemployment remains high. What began as a risky subprime mortgage crisis has now morphed into a solid prime mortgage and crazy option-arm crisis. What began as an underwriting problem is now an income problem. What began as a rate reset challenge is now also a negative equity nightmare.

If we want to turn this economy around, we must attack this problem with everything we have. Imagine this financial sector which dreamed up these ways of financing homes—luring people into homes that were way beyond them, now facing a recession and foreclosures on those same loans and mortgages—has now refused to cooperate in dealing with this issue. They have washed their hands of it. They have made their money and now they want to walk away from it.

Sadly, what we are doing now in this country isn't enough. Two years after the cruelly named Hope Now Alliance was launched by then-Secretary of the Treasury and the big banks, the response to this crisis is awful. As Congress has looked on with a hands-off attitude, millions of our constituents have been thrown out on the street by the same banks that drove us into this economic ditch. I give credit to the Obama administration for creating a targeted program called the Home Affordable Modification Program which, if implemented aggressively, could save at least some of the families at risk. But even this modest effort has been stymied by the absolute failure of the banks to aggressively implement it.

Under this program the banks get paid—bribed really—with several thousand dollars for every mortgage they modify to keep families in their homes. Let me tell you what the data released by the Treasury Department this week tells us about this program which gave money to banks to renegotiate mortgages. Only 125,000 modifications under this program were started last month by the mortgage servicers, even though nearly 3 million homeowners were eligible for these modifications.

Let me do the math—125,000 out of 3 million. If I understand that correctly, we are dealing roughly with 1/24th of

those who were eligible for modification who actually got help. That is about 4 percent.

Bank of America has started modifications with just 7 percent of their homeowners that were eligible; Wells Fargo, only 11 percent; American Home Mortgage Servicing has nearly 100,000 troubled borrowers eligible for mortgage modification offers yet less than 1 percent of these borrowers have even received an offer.

The situation is deplorable. If the banks don't start offering money and modifications to these families, perhaps Congress needs to make the banks some offers they can't refuse. We have tried this voluntary approach for too long and it has failed. The banks are not voluntarily going to step up to this responsibility of negotiating and renegotiating a mortgage so people can stay in their homes. Maybe we should fine banks for not following the administration's plan rules. Maybe we should provide matching funds for States and municipalities that decide to require mandatory face-to-face arbitration between a bank and a homeowner before a bank can ask for a foreclosure. Maybe we should ensure families have the right to rent their home after a bank takes it over until the home can be sold. And maybe we should look again to changing the Bankruptcy Code to allow judges to help families save their primary loans.

This is called cram-down by its critics, but it is a basic change in bankruptcy law, which I have brought to the floor of the Senate twice and lost. I lost because the banks said: Don't worry about it, we are going to take care of this. They are not. The situation is getting worse by the day.

Last week I was in Chicago and went to an area known as Marquette Park on the south side of the city. I have been visiting that neighborhood for years. It has changed a lot. Originally it was an area where many Lithuanian Americans settled. My mother was an immigrant from Lithuania, and I used to take her there when she was alive. We would go to the bakeries and restaurants, and it was a wonderful neighborhood. It has changed many times. It is now primarily a Black and Hispanic neighborhood. As you visit some of the folks who have lived in that neighborhood for 10, 15, 20 years now, you see a lot of proud homeowners.

I met a family—a man who said he had been in his home 19 years. Obviously, he was retired. His wife was there. They had a well kept, neat yard. I talked to him about his street because right across the street from him was an eyesore that no one would want to wake up to every morning. It was a brand-new home built and abandoned about 2 years ago. It had been boarded up and vandalized. They had ripped out all the copper plumbing and anything they could take out of it. It was a

home that, sadly, had become a haven for homeless people and vagrants, drug activity, and gangs. Welcome to my neighborhood.

I thought about this poor man, who had devoted his whole life to his little home that he loved, and that he and his wife were keeping so neat, now had to look across the street to that mess every morning for 2 straight years. It wasn't the only home on the block. Three doors down there was another one, all boarded up and falling apart; a few doors down the other direction, exactly the same thing.

I went through this area with a community group called SWOP—Southwest Organizing Project. They work with a lot of churches and individuals trying to keep people in their homes. I asked: What is the problem? Well, they said, we have some major banks that are holding these mortgages in foreclosure and won't lift a finger.

Deutsch Bank, you hear about Deutsch Bank. Don't they sponsor tennis or golf or something? I can't keep up with their image building. But I can tell you they are not building their image in this neighborhood in Chicago. They are nowhere to be found. They are not even talking to these people about their homes.

U.S. Bank out of Minnesota, another situation, similar situation. We don't have buy-in by these banks to help these families. They would much rather let these homes go into foreclosure—bank ownership, as they call it—and sit there rotting, destroying these good neighborhoods in the city of Chicago, bringing down the value of the homes around them, creating crime havens for those who use these abandoned homes. They are nowhere to be found.

What is the answer, Mr. President? The answer is we have asked these banks and many others to volunteer to solve the problem. Guess what. There aren't enough hands going up, not enough banks volunteering. A few of them are starting to try, and I want to give credit to Bank of America, which is working with SWOP and others to try to renegotiate mortgages, but it is still a halfhearted effort. They could do a lot more.

I could go through the long list of banks, including banks that I have worked with in the past and thought pretty highly of. They aren't getting involved. There is no reason for them to because our government and our Congress tell them they do not have to, and they do not. Well, that has to change.

All told, I hope this economy recovers quickly and that Americans can get back to work. I don't think it is going to happen until the housing market stabilizes. If the banks will not help us get that done on their own, it is time to consider something radical—a change in the law. Where would be a good place to start with the change in

the law? How about the Senate? How about the Senate making the Bankruptcy Code so that a judge can say to that bank owning that home: Incidentally, the last stop in bankruptcy is my courtroom. If you don't sit down and negotiate with that homeowner, who still has a job and still can make a payment, this court is going to impose new terms in terms of principal and interest.

Does that sound like a radical idea? It is not radical if you are talking about a second home because the bankruptcy court can already do that. It is not radical if you are talking about a vacation home because a bankruptcy court can already do it. But under our law they cannot touch that primary residence. It is a bad idea, and as a result the banks and their lobbyists have prevailed twice on the floor of the Senate. They rolled over this effort to reform, and they sit there and watch America's neighborhoods, America's communities, America's towns and cities deteriorating before our eyes.

Well, the lesson is clear for the Obama administration, for Secretary Geithner, and others. Waiting for these banks to act voluntarily, to show good faith in dealing with our foreclosure crisis is not paying off. It is time for the Senate to step forward, show its own leadership when it comes to dealing with this national housing crisis.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMENDING THE SECRETARY OF STATE

Mr. FEINGOLD. Mr. President, I commend Secretary Clinton on her visit to Africa last month. Over 11 days, Secretary Clinton traveled to several of the most influential countries on the continent and directly addressed some of the most sensitive and critical issues facing them and their neighbors. It was one of the most, if not the most, ambitious trips by a Secretary of State to sub-Saharan Africa in U.S. history. This trip, combined with President Obama's visit earlier this year to Ghana, sends a strong signal that the administration is committed to making Africa not only a priority, but also an integral part of overall U.S. foreign policy. The challenge going forward is to sustain a high level of engagement with each of the countries that Secretary Clinton visited and back up that engagement with resources that can make a tangible difference.

On her first stop in Kenya, I am glad that Secretary Clinton took a strong

stand against extrajudicial killings, corruption, and the continued failure to prosecute those most responsible for violence after the December 2007 election. As Secretary Clinton said, these conditions are holding Kenya back from realizing its potential. Worse yet, if these conditions persist, we could see a renewal of violence, especially in the run-up to Kenya's next elections set for 2012. Together with other international partners, we need to keep pressing Kenya's leaders to deliver on the reforms they have pledged, beginning with reform of the police and judiciary. At the same time, we should prepare targeted assistance that can be provided as soon as initial steps are taken toward those reforms. The United States and Kenya have longstanding and historic ties, and we need to help Kenyans get through this difficult period.

While in Nairobi, I am also pleased that Secretary Clinton focused on the dangerous situation in neighboring Somalia and met with President Sheikh Sharif of Somalia's beleaguered Transitional Federal Government, the TFG. I have long urged the Obama administration to engage with Sharif at a high level and I am glad that the administration is finally doing this, as well as taking seriously the threat posed by al Shebaab, an extremist group with ties to alQaida. However, going forward, we cannot repeat the mistake of focusing too narrowly on short-term gains in Somalia without a long-term strategy. As we help the TFG combat insurgents, we simultaneously need to help it to advance political reconciliation and deliver critically needed basic services. The TFG's ultimate success rests on whether it can establish a viable government that is perceived as legitimate and inclusive, representative of and responsive to the Somali people.

Secretary Clinton traveled next to South Africa. Over recent years, our relationship with South Africa has cooled considerably, undermining our ability to coordinate and work together on issues of mutual interest. Yet I believe there is an opportunity now to reverse that trend with our new administration and South Africa's new administration under President Jacob Zuma. I am pleased that Secretary Clinton seized upon that opportunity with her visit, committing to deepening and broadening our bilateral relationship in a range of areas from HIV prevention to nuclear nonproliferation to climate change. Moreover, she talked with South Africa about how we can better coordinate our efforts to address regional challenges, beginning with the situation in Zimbabwe. We need to institutionalize such coordination, while continuing to encourage South Africa to be a leader in human rights and peacebuilding on the continent.

Secretary Clinton's next stop was Angola, a country that is quickly be-

coming an economic powerhouse and regional leader. As Angola continues to rebuild from decades of civil war, there is a new openness to engaging with the United States, especially as the government seeks to diversify their economy. I am pleased that Secretary Clinton seized upon this potential by visiting Angola and committed to a "comprehensive strategic partnership." She agreed to expand our engagement not only in the areas of trade and agriculture, but also in health, education and governance. Governance is particularly important because while Angola has taken some positive steps to increase transparency and efficiency, there is still a long way to go. To that end, I am especially glad that Secretary Clinton spoke to the Angolan National Assembly about its role in demanding accountability and transparency, and standing against corruption and abuses of power. We need to continue to engage on these issues and encourage Angola's democratization process.

Secretary Clinton next traveled to the Democratic Republic of Congo, with a visit to the eastern city of Goma. I applaud her for choosing to focus on the crisis in the eastern Congo, which has gone neglected for too long despite its unrivaled human toll and the unspeakable levels of sexual violence. Secretary Clinton committed to new efforts to help prevent and respond to the high levels of gender and sexual violence, while also recognizing the need to address the root causes of Congo's crisis, including the exploitation of natural resources by armed groups. Taking action to address those underlying causes is difficult, but essential. Senators BROWNBACK, DURBIN and I have introduced legislation that would commit the United States to do more on conflict minerals, and I look forward to working with the administration in this regard. I also look forward to working with the administration to help bring an end to the increasing violence by the Lord's Resistance Army in northeastern Congo.

Following Congo, Secretary Clinton's next stop was Nigeria—a critically important country in sub-Saharan Africa and a strategic partner and major source of oil imports to the United States. I continue to be very concerned about the direction in which Nigeria is heading, especially with regards to corruption and the rule of law. I am glad that Secretary Clinton touched on these issues, and we must continue to press for meaningful reforms to enhance government transparency, accountability and the independence of the election commission. In addition, I am pleased that Secretary Clinton discussed the unresolved crisis in the Niger Delta and pledged to review how we might better assist the government's efforts to promote stability there. I look forward to working with

her as well in that regard. However, to be successful, the Nigerian government must expand its current amnesty offer to a broader peace process that includes measures to address the marginalization and underdevelopment of the region.

Secretary Clinton traveled then to Liberia, a country with which we have historic ties. Secretary Clinton was right to highlight the progress that Liberia has made since its civil war, while also speaking frankly about the challenges that the country continues to face. I am glad that she chose to speak at the Liberian National Police Academy and pledged new funds for police training. While great strides have been made in reforming Liberia's military, there is still great need to improve the capacity and professionalism of its police force. In addition, Secretary Clinton focused on corruption and spoke directly about this in a speech to the National Legislature. We need to continue to work with all parts of the Liberian government to guard against corruption and other abuses, both in their democratic process and in its management of the country's rich natural resources, especially timber.

Finally, Secretary Clinton visited Cape Verde, a country that has made great progress in terms of both economic growth and democratization. Cape Verde provided a perfect backdrop to reiterate the two major themes of her trip: first, that America believes in Africa's promise, and second, that Africa's future is ultimately in the hands of Africans. Secretary Clinton delivered these messages powerfully and I believe they can be the foundation for a new era of U.S. engagement and partnerships with Africa. The challenge going forward is to give substance to these words and the commitments that were made throughout Secretary Clinton's trip. I look forward to working with her and the administration to do this. It will not be easy and it will require sustained engagement, greater diplomatic capacity, and new targeted resources. But if we get this right, I strongly believe the benefits for Americans and Africans can be immense in terms of our security and prosperity.

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#### FETAL ALCOHOL SPECTRUM DISORDER

Ms. MURKOWSKI. Mr. President, I rise today to honor this Wednesday, September 9, National Fetal Alcohol Spectrum Disorders Day which recognizes those individuals born with a continuum of serious, life-long disorders caused by prenatal exposure to alcohol, which include fetal alcohol syndrome, alcohol-related neurodevelopmental disorders, and alcohol-related birth defects.

Studies show that 50 percent of pregnancies in the United States are unplanned and many women consume alcohol before they realize they are pregnant, resulting in 40,000 children every year being born with fetal alcohol spectrum disorders and subject to a lifetime of cognitive and behavioral impairments. Tragically, Alaska has the highest rate of fetal alcohol spectrum disorders in the Nation. Among Alaskan Native communities, the rate is 15 times higher than non-Native areas in the State. Prenatal alcohol exposure can result in low IQ and difficulties with learning, memory, attention, and problem-solving as well as impairment of mental health and social interactions. Prenatal alcohol exposure can also result in growth retardation, birth defects involving the heart, kidney, vision and hearing, and a characteristic pattern of facial abnormalities. The lifetime health costs for an individual with fetal alcohol syndrome are estimated at \$1.4 million for medical care and treatment interventions. In the United States, approximately \$9.7 billion is spent annually for individuals afflicted with FASD, according to government reports.

There is a great need for research, surveillance, prevention, treatment, and support services for individuals with fetal alcohol spectrum disorders and their families. It is for these reasons that I rise today to dedicate this Wednesday, September 9 as National Fetal Alcohol Spectrum Disorders Day. All Americans are encouraged to promote awareness of the effects of prenatal exposure to alcohol; to increase compassion for individuals affected by prenatal exposure to alcohol; to minimize further effects of prenatal exposure to alcohol; and most importantly to bring greater awareness to a disease that is 100 percent preventable!

On behalf of the millions of individuals suffering from the lasting and detrimental effects of fetal alcohol spectrum disorders and advocates for eliminating FASD, I encourage all Americans to observe a moment of reflection on the ninth hour of September 9, to remember that during the 9 months of pregnancy a woman should not consume any alcohol.

Mr. JOHNSON. Mr. President, today I rise to recognize September 9, 2009, as National Fetal Alcohol Spectrum Disorders Awareness Day. Fetal Alcohol Spectrum Disorders, FASD, is an umbrella term describing the varied range of alcohol-related birth defects that may result from the use of alcohol during pregnancy. The effects of this disorder may be mental, behavioral, and/or involve learning disabilities. FASD is the leading known cause of preventable cognitive impairment in America. It is estimated FASD affects 1 in 100 live births each year.

I have great concern about the impact in South Dakota and across the

country of FASD. We must move past the stigma of this devastating disease to truly help those and their families who are affected by FASD get the health, education, counseling and support services they need and deserve. We must also address the tragedy of FASD at the source, by increasing awareness that any amount of alcohol during pregnancy can have heartbreaking, lifelong effects. We must work to ensure this is understood by all women of childbearing age and that treatment and counseling services are available for these women.

One of the most distressing facts regarding FASD is that it is entirely preventable. I have joined several of my colleagues in the Senate to introduce a resolution designating September 9, 2009, as National FASD Awareness Day. It is my hope these efforts progress toward global awareness of FASD and an end to this destructive disease.

#### ADDITIONAL STATEMENTS

##### 50TH ANNIVERSARY OF NASCOE

• Mr. ALEXANDER. Mr. President, this year the National Association of Farm Service Agency County Office Employees, NASCOE, is celebrating its 50th anniversary. NASCOE was founded in Memphis, TN, in 1959 in an effort to provide a nationwide association through which county committee employees of the Agricultural Stabilization and Conservation Service, ASCS, could render better service to American agriculture by having a national network for the exchange of ideas and information and to facilitate closer cooperation in working toward solution of mutual problems.

In the USDA Reorganization Act of 1994, Congress combined the ASCS, the Federal Crop Insurance Corporation, and the agricultural lending programs of the Farmers Home Administration into a single Farm Service Agency. Today, NASCOE continues to represent the county office employees of the "new" FSA. In Tennessee last year, 250 NASCOE employees provided valuable assistance to 90,000 producers through a wide range of Federal programs from conservation to price support and helped them cope in times of emergency and disaster.

I think we can all recognize the value of the local Farm Service Agency office to farmers and ranchers, and I commend NASCOE on its dedication to FSA county employees and the farmers they serve. I congratulate NASCOE on its 50th anniversary and hope that they will continue to assist in conserving and improving our Nation's natural resources and agriculture industry. •

##### REMEMBERING JUDGE ROBERT M. TAKASUGI

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of

Judge Robert M. Takasugi, the first Japanese American appointed to the Federal bench. Judge Takasugi passed away on August 7, 2009, at the age of 78.

Robert Takasugi was born in Tacoma, WA, on September 12, 1930, to Japanese parents who had immigrated to the United States in search of a better life. His family moved to Los Angeles in 1942 in the wake of anti-Japanese sentiment following the Pearl Harbor attack. That same year, Robert and his parents were sent to an internment camp at Tule Lake, CA, 3 of 130,000 Japanese Americans who were interned during the war. In the years since, Judge Takasugi often called the experience "an education to be fair."

After being released from the internment camp in 1945, Robert returned to Los Angeles where he resumed his studies and graduated from Belmont High School. He went on to earn a bachelor's degree from UCLA in 1953. Robert was then drafted into the U.S. Army during the Korean War, where he served as a criminal investigator. Upon discharge, he went on to earn a law degree from USC in 1959 with the aid of the G.I. bill.

After graduating from USC, Robert joined his only Latino classmate, future Superior Court Judge Carlos Velarde, and together they opened a law practice in East Los Angeles. The firm represented many indigent minorities, including arrestees from the 1965 Watts riots, East Los Angeles riots, and other civil rights demonstrators in the 1960s.

Robert's first judicial appointment, by then-Governor Ronald Reagan, landed him on the Los Angeles Municipal Court in 1973. Two years later, then-Governor Jerry Brown promoted him to the Los Angeles County Superior Court and in 1976, Judge Takasugi became the first Japanese American to be appointed to the Federal bench after being named by President Gerald Ford.

Throughout his career, Judge Takasugi was known for his fairness and compassion. In his spare time, he served as a mentor to thousands of young lawyers. He founded a free bar review course, which he taught from his living room for many years, for students who were having trouble passing the bar exam. In 1999, the Robert M. Takasugi Public Interest Fellowship was created by his colleague to honor Judge Takasugi and ensure that his courage and vision of equal justice are carried out by generations to come.

Judge Takasugi was a trailblazer for Asian Americans in the field of law. His dedication to justice and equality was evident in everything that he did throughout his 36-year judicial career on the Federal bench. His many years of service to the City and County of Los Angeles, to the State of California, and to our Nation will not be forgotten.

Judge Takasugi is survived by his wife Dorothy; his son Jon; his daughter

Lesli; and his two grandchildren. I extend my deepest sympathies to his family.

Whether he was fighting for our country or fighting for integrity and equality under the law, Judge Robert Takasugi was undeterred in his efforts to make America a better place to live. He will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his passion and dedication to justice.●

#### 75TH ANNIVERSARY OF THE SAN FRANCISCO VA MEDICAL CENTER

● Mrs. BOXER. Mr. President, I ask my colleagues to join me today in honoring the San Francisco VA Medical Center, SFVAMC, on the occasion of its 75th anniversary. Since its official dedication on November 11, 1934, the SFVAMC has been honoring America's veterans by providing them with accessible, quality health care. Today the center provides state-of-the-art medical, neurological, surgical, and psychiatric care for the more than 310,000 veterans living in northern California.

Were it not for the leadership and persistence of Congresswoman Florence P. Kahn, the SFVAMC might never have come to be. Congresswoman Kahn was the first Jewish woman to serve in the U.S. Congress, and the fifth woman ever to serve in Congress. She was also the first woman to serve on the House Military Affairs Committee. In 1930, Congresswoman Kahn made an appeal to the Federal Board of Hospitalization—the precursor to the Veterans Administration—to build a veterans hospital in San Francisco. At the time, the only facility for veterans in California was in Los Angeles. Congresswoman Kahn recognized that veterans in the northern part of the state were in dire need of services, and worked tirelessly to garner support for building a medical center in San Francisco. I would like to acknowledge and honor the work of Congresswoman Kahn, as her efforts have ultimately improved the lives of countless American veterans.

Today the SFVAMC serves veterans in Marin, Napa, Sonoma, Lake, Mendocino, Humboldt, San Mateo, and San Francisco counties. The center operates five community-based outpatient clinics that provide primary and mental health care. These clinics offer a variety of services, including those that place veterans in supportive housing, provide case management, and offer individual and vocational counseling.

In addition to providing direct care, the SFVAMC hosts some of the largest funded research programs in the Veterans Health Administration. The Center for Imaging of Neurodegenerative Diseases, for example, works to develop treatments to prevent the development and slow the progression of

neurodegenerative diseases such as Alzheimer's, Parkinson's, vascular dementia, post traumatic stress disorder, Gulf War illness, depression, and other conditions associated with nerve loss in the brain.

Thanks to the Center for Imaging Neurodegenerative Diseases, the SFVAMC's three Medical Science Research Enhancement Award Programs, and partners such as the Veterans Health Research Institute, the SFVAMC is at the forefront of medical research and is working to extend and improve the lives of veterans across the country.

I applaud the staff and volunteers at the SFVAMC for the tremendous service they have provided to our veterans since 1934, and offer my best wishes for many more successful years of delivering care and advancing medical research. Please join me in celebrating the 75th Anniversary of the SFVAMC.●

#### REMEMBERING KENNETH BACON

● Mr. KERRY. Mr. President, as an accomplished journalist who served as spokesman for two Secretaries of Defense, Ken Bacon crafted a unique and forceful voice.

Then, as President of Refugees International, he lent that voice to those who needed it most.

When he died last month, the powerful and the destitute alike lost a trusted and beloved friend.

Ken Bacon was famously bespectacled, bow-tied, warm and whip-smart. He was someone who commanded your respect and won your affection in equal measure.

As a young intern, Bacon launched his journalistic career with a front-page Wall Street Journal story about a new car repair system that one mechanic had called "the greatest thing since girls." In the decades that followed, he went on to cover the Federal Reserve, the Securities and Exchange Commission and the Pentagon. Bacon was also a talented editor who never stopped writing on a dazzlingly wide array of topics, from banking reform to a crack addict's rehabilitation. In the last months of his life, he also wrote movingly and pointedly about health care reform and his struggles with the melanoma that eventually took his life.

Bacon's conscientious work earned the admiration of those he reported on. Defense Secretary William Perry finally convinced him to work from the other side of the podium. Bacon was unfailingly well-prepared, using the same skills that made him a standout reporter to anticipate reporters' questions and offer satisfyingly detailed answers.

He excelled as a spokesman because he never lost his respect for his former colleagues or for the truth. When things got tough, he did not revert to

hollow spin or talking points designed to misdirect. He was not interested in "gotcha games." Ken Bacon became a Pentagon spokesman because he believed he had an obligation to inform the public, and he took that duty seriously.

It was as Pentagon spokesman that Ken first encountered the problem that would become his defining passion and the capstone on his life's work. In 1999, he visited a refugee camp during a trip to the Balkans with Defense Secretary William Cohen. What he saw changed the last decade of his life—not to mention the lives of the countless refugees he helped.

Ken Bacon was transformed by the plight of those who had lost their homes to war. When he left the Pentagon, he became President of Refugees International in 2001.

Beneath his intellectual demeanor, Ken Bacon always had a sweet side. He fought for people displaced from their homes by war, civil conflict, famine, and drought. This mission gave Bacon's life new meaning, and it gave the refugee community a very powerful champion.

Ken Bacon's stellar reputation, his influence in a city that depends on known commodities, and his Pentagon credentials proved to be enormously helpful in calling attention to the plight of the powerless—including the humanitarian advocates who struggled to be heard in official Washington. Bacon's name and his voice lent legitimacy to causes too easily overlooked by those accustomed to defining America's mission abroad based on a very narrow definition of our security and our interests. Ken understood that our shared humanity belonged at the very center of that conversation—and he used his unique talents and energy to ensure that it was.

He saw the impressive effort to care for European refugees in the former Yugoslavia, and he wanted to ensure that it became the rule worldwide—not the exception. Ken visited refugee camps in forgotten corners of the world, from Cambodia to Colombia. He wanted to make sure that no refugee—anywhere slipped through the cracks.

Ken Bacon was tireless. Essays, speeches, press conferences, advocacy he threw himself into his work and refugees everywhere benefitted.

Ken's newsroom training and strategic thinking often put him ahead of the curve. He sounded an early alarm about the genocide in Darfur. He was also a forceful champion for Iraqi refugees—first decrying our neglect, and then urging on our actions as the State Department's funding for Iraqi refugees increased tenfold between 2006 and 2008.

Our sympathies are with Darcy, Ken's wife of 43 years; with his daughters Sarah and Katherine, to whom he was absolutely devoted, and with his father, brother and two grandchildren.

Ken Bacon gave voice to the voiceless. All who were fortunate enough to know him will miss him greatly. Many who never met him have benefitted from his work, and many more will continue to do so.

Recently, Ken and his wife Darcy raised the seed money for a new Refugees International center to address "the needs of the tens of millions expected to be displaced by climate change." The Ken and Darcy Bacon Center for the Study of Climate Displacement will undoubtedly be a valuable voice in raising attention to what is poised to become a staggering refugee crisis in the years to come. We only wish that Ken were still with us to help us meet this new challenge.

In newsrooms and humanitarian organizations, in windswept tent cities forgotten by most but never forsaken by Ken, an exceptional, exemplary life is being retold, mourned, and celebrated.●

#### CONGRATULATING MARK DAVIS

● Mr. LIEBERMAN. Mr. President, I would like to offer my sincere congratulations to Mr. Mark Davis of Granby, CT, for his 25 years of service in television news on WTNH Channel 8 in Connecticut. Mark has been "on the air" throughout our State in a variety of capacities over the years, and we honor him today for his generous spirit and his impeccable commitment to impartial and informative journalism.

With more than 35 years of broadcasting experience, Mark has taken an evenhanded approach to the news that he delivers with the kind of "plain talk" that engages a broad audience across our State. Mark made his first splash in Connecticut with his acclaimed radio show "Dial Mark Davis" and later as the host of Connecticut's first morning news show, "Good Morning Connecticut." He has been awarded several Emmys throughout his career and each stands as a testament to his talent and hard work.

Mark has said one of his favorite quotes of all time comes from U.S. Supreme Court Justice, Oliver Wendell Holmes, who said that so much in life is more nuanced than it seems because it is "determined by the majority and subject to change." This attitude captures, in many ways, what makes Mark's reporting fresh and relevant: though we live in a world where constant and often polarized judgments are made, in the end, nearly everyone and everything is subject to change. Mark's careful and nuanced presentation of the news reminds us of this important lesson.

Mark Davis is a fairminded and evenhanded journalist. That is one big reason why Connecticut citizens have named him the best television reporter in the State, according to Connecticut Magazine. Mark understands, as the

best journalists do, that to be a journalist is to bear witness, and that is no easy task.

Mark has a special place in the hearts and minds of Connecticut citizens. He performs an essential service that is essential to our democratic and liberal society. I am proud to have worked with Mark over the years, to have shared many of the big moments of my career with him, and now to thank and honor him for his continued service to Connecticut.●

#### REMEMBERING DAVID A. BAKER

● Mrs. SHAHEEN. Mr. President, I wish to express my sympathy over the loss of Newton, NH, Deputy Fire Chief David A. Baker. Following more than five decades of distinguished public service, Deputy Baker lost his battle with cancer.

Deputy Baker exemplified a life lived for others. His devotion to the greater Newton community could be seen following the crippling ice storm of December 2008. Despite suffering from severe pain caused by his yet to be discovered cancer, Deputy Baker was instrumental in coordinating efforts to help his community respond and recover from this major natural disaster.

Deputy Baker's service can be neither overstated nor limited to his work with the Newton Fire Department. During the summer, Deputy Baker, who also owned a successful tree service business, would close his business to help fight wildfires across the United States and Canada in his capacity as a western wildland firefighter. Additionally, he served his State and country as a member of the National Guard in his younger days.

Deputy Baker was always eager to share his loves of fire service and forestry with others. He would often sacrifice his own time for the benefit of others. You could often find him helping students study for an exam or teaching a class on fire attack. Deputy Baker's role as a mentor was something he held in high esteem, and by the number of firefighters and uniformed personnel who attended his funeral, it is clear that others also had a great deal of respect for what he accomplished.

New Hampshire is proud of citizens such as Deputy Chief David Baker, and his countless actions are worthy of this distinction. He will be missed dearly by all those who knew him, and his generosity will be missed by all.

I ask my colleagues to join me and all Americans in honoring Newton, NH, Deputy Fire Chief David A. Baker.●

#### REMEMBERING SEPTEMBER 11, 2001

● Mr. ROCKEFELLER. Mr. President, 8 years since one of the most devastating attacks in our Nation's history, we still feel the pain and horror

of that terrible day. We will never forget the nearly 3,000 lives lost on September 11, 2001, innocent victims of a heinous and cowardly terrorist attack on our country. We will be forever grateful to the countless first responders and fire fighters who courageously risked their lives to save so many.

In the wake of such a horrific tragedy, we came together to share our loss and seek a greater purpose. Our Nation was founded on the most enduring values of freedom, liberty, and opportunity that have made us resilient during even the greatest trials. We must continue to call on that great strength today, even as we continue to grieve for those we lost.

In West Virginia, we remember Dr. Paul Ambrose of Barboursville and Mary Lou Hague of Parkersburg. Their lives were taken too soon and their families remain in our hearts and prayers forever. I know that not even time can lessen the emptiness and pain they must feel.

For them, and so many others—parents and children, brothers, sisters, and friends, loved ones who died so needlessly—we pledge to keep our people safe, make our country stronger than ever before, and honor their memories always.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### PRESIDENT'S ADDRESS DELIVERED TO A JOINT SESSION OF CONGRESS ON SEPTEMBER 9, 2009 RELATIVE TO HEALTH CARE LEGISLATION—PM29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was which was ordered to lie on the table:

*To the Congress of the United States:*

When I spoke here last winter, this Nation was facing the worst economic crisis since the Great Depression. We were losing an average of 700,000 jobs per month. Credit was frozen. And our financial system was on the verge of collapse.

As any American who is still looking for work or a way to pay their bills will

tell you, we are by no means out of the woods. A full and vibrant recovery is many months away. And I will not let up until those Americans who seek jobs can find them; until those businesses that seek capital and credit can thrive; until all responsible homeowners can stay in their homes. That is our ultimate goal. But thanks to the bold and decisive action we have taken since January, I can stand here with confidence and say that we have pulled this economy back from the brink.

I want to thank the members of this body for your efforts and your support in these last several months, and especially those who have taken the difficult votes that have put us on a path to recovery. I also want to thank the American people for their patience and resolve during this trying time for our Nation.

But we did not come here just to clean up crises. We came to build a future. So tonight, I return to speak to all of you about an issue that is central to that future—and that is the issue of health care.

I am not the first President to take up this cause, but I am determined to be the last. It has now been nearly a century since Theodore Roosevelt first called for health care reform. And ever since, nearly every President and Congress, whether Democrat or Republican, has attempted to meet this challenge in some way. A bill for comprehensive health reform was first introduced by John Dingell Sr. in 1943. Sixty-five years later, his son continues to introduce that same bill at the beginning of each session.

Our collective failure to meet this challenge—year after year, decade after decade—has led us to a breaking point. Everyone understands the extraordinary hardships that are placed on the uninsured, who live every day just one accident or illness away from bankruptcy. These are not primarily people on welfare. These are middle-class Americans. Some can't get insurance on the job. Others are self-employed, and can't afford it, since buying insurance on your own costs you three times as much as the coverage you get from your employer. Many other Americans who are willing and able to pay are still denied insurance due to previous illnesses or conditions that insurance companies decide are too risky or expensive to cover.

We are the only advanced democracy on Earth—the only wealthy nation—that allows such hardships for millions of its people. There are now more than 30 million American citizens who cannot get coverage. In just a 2-year period, one in every three Americans goes without health care coverage at some point. And every day, 14,000 Americans lose their coverage. In other words, it can happen to anyone.

But the problem that plagues the health care system is not just a prob-

lem of the uninsured. Those who do have insurance have never had less security and stability than they do today. More and more Americans worry that if you move, lose your job, or change your job, you'll lose your health insurance too. More and more Americans pay their premiums, only to discover that their insurance company has dropped their coverage when they get sick, or won't pay the full cost of care. It happens every day.

One man from Illinois lost his coverage in the middle of chemotherapy because his insurer found that he hadn't reported gallstones that he didn't even know about. They delayed his treatment, and he died because of it. Another woman from Texas was about to get a double mastectomy when her insurance company canceled her policy because she forgot to declare a case of acne. By the time she had her insurance reinstated, her breast cancer more than doubled in size. That is heart-breaking, it is wrong, and no one should be treated that way in the United States of America.

Then there's the problem of rising costs. We spend one-and-a-half times more per person on health care than any other country, but we aren't any healthier for it. This is one of the reasons that insurance premiums have gone up three times faster than wages. It's why so many employers—especially small businesses—are forcing their employees to pay more for insurance, or are dropping their coverage entirely. It's why so many aspiring entrepreneurs cannot afford to open a business in the first place, and why American businesses that compete internationally—like our automakers—are at a huge disadvantage. And it's why those of us with health insurance are also paying a hidden and growing tax for those without it—about \$1000 per year that pays for somebody else's emergency room and charitable care.

Finally, our health care system is placing an unsustainable burden on taxpayers. When health care costs grow at the rate they have, it puts greater pressure on programs like Medicare and Medicaid. If we do nothing to slow these skyrocketing costs, we will eventually be spending more on Medicare and Medicaid than every other government program combined. Put simply, our health care problem is our deficit problem. Nothing else even comes close.

These are the facts. Nobody disputes them. We know we must reform this system. The question is how.

There are those on the left who believe that the only way to fix the system is through a single-payer system like Canada's, where we would severely restrict the private insurance market and have the government provide coverage for everyone. On the right, there are those who argue that we should end the employer-based system and leave

individuals to buy health insurance on their own.

I have to say that there are arguments to be made for both approaches. But either one would represent a radical shift that would disrupt the health care most people currently have. Since health care represents one-sixth of our economy, I believe it makes more sense to build on what works and fix what doesn't, rather than try to build an entirely new system from scratch. And that is precisely what those of you in Congress have tried to do over the past several months.

During that time, we have seen Washington at its best and its worst.

We have seen many in this chamber work tirelessly for the better part of this year to offer thoughtful ideas about how to achieve reform. Of the five committees asked to develop bills, four have completed their work, and the Senate Finance Committee announced today that it will move forward next week. That has never happened before. Our overall efforts have been supported by an unprecedented coalition of doctors and nurses; hospitals, seniors' groups and even drug companies—many of whom opposed reform in the past. And there is agreement in this chamber on about 80 percent of what needs to be done, putting us closer to the goal of reform than we have ever been.

But what we have also seen in these last months is the same partisan spectacle that only hardens the disdain many Americans have toward their own government. Instead of honest debate, we have seen scare tactics. Some have dug into unyielding ideological camps that offer no hope of compromise. Too many have used this as an opportunity to score short-term political points, even if it robs the country of our opportunity to solve a long-term challenge. And out of this blizzard of charges and counter-charges, confusion has reigned.

Well the time for bickering is over. The time for games has passed. Now is the season for action. Now is when we must bring the best ideas of both parties together and show the American people that we can still do what we were sent here to do. Now is the time to deliver on health care.

The plan I'm announcing tonight would meet three basic goals:

It will provide more security and stability to those who have health insurance. It will provide insurance to those who don't. And it will slow the growth of health care costs for our families, our businesses, and our government. It's a plan that asks everyone to take

responsibility for meeting this challenge—not just government and insurance companies, but employers and individuals. And it's a plan that incorporates ideas from Senators and Congressmen; from Democrats and Republicans—and yes, from some of my opponents in both the primary and general election.

Here are the details that every American needs to know about this plan:

First, if you are among the hundreds of millions of Americans who already have health insurance through your job, Medicare, Medicaid, or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have. Let me repeat this: nothing in our plan requires you to change what you have.

What this plan will do is to make the insurance you have work better for you. Under this plan, it will be against the law for insurance companies to deny you coverage because of a pre-existing condition. As soon as I sign this bill, it will be against the law for insurance companies to drop your coverage when you get sick or water it down when you need it most. They will no longer be able to place some arbitrary cap on the amount of coverage you can receive in a given year or a lifetime. We will place a limit on how much you can be charged for out-of-pocket expenses, because in the United States of America, no one should go broke because they get sick. And insurance companies will be required to cover, with no extra charge, routine checkups and preventive care, like mammograms and colonoscopies—because there's no reason we shouldn't be catching diseases like breast cancer and colon cancer before they get worse. That makes sense, it saves money, and it saves lives.

That's what Americans who have health insurance can expect from this plan—more security and stability.

Now, if you're one of the tens of millions of Americans who don't currently have health insurance, the second part of this plan will finally offer you quality, affordable choices. If you lose your job or change your job, you will be able to get coverage. If you strike out on your own and start a small business, you will be able to get coverage. We will do this by creating a new insurance exchange—a marketplace where individuals and small businesses will be able to shop for health insurance at competitive prices. Insurance companies will have an incentive to participate in this exchange because it lets them compete for millions of new customers. As one big group, these customers will have greater leverage to bargain with the insurance companies for better prices and quality coverage. This is how large companies and government employees get affordable insurance. It's how everyone in this Congress gets affordable insurance. And

it's time to give every American the same opportunity that we've given ourselves.

For those individuals and small businesses who still cannot afford the lower-priced insurance available in the exchange, we will provide tax credits, the size of which will be based on your need. And all insurance companies that want access to this new marketplace will have to abide by the consumer protections I already mentioned. This exchange will take effect in 4 years, which will give us time to do it right. In the meantime, for those Americans who can't get insurance today because they have pre-existing medical conditions, we will immediately offer low-cost coverage that will protect you against financial ruin if you become seriously ill. This was a good idea when Senator JOHN MCCAIN proposed it in the campaign, it's a good idea now, and we should embrace it.

Now, even if we provide these affordable options, there may be those—particularly the young and healthy—who still want to take the risk and go without coverage. There may still be companies that refuse to do right by their workers. The problem is, such irresponsible behavior costs all the rest of us money. If there are affordable options and people still don't sign up for health insurance, it means we pay for those people's expensive emergency room visits. If some businesses don't provide workers health care, it forces the rest of us to pick up the tab when their workers get sick, and gives those businesses an unfair advantage over their competitors. And unless everybody does their part, many of the insurance reforms we seek—especially requiring insurance companies to cover pre-existing conditions—just can't be achieved.

That's why under my plan, individuals will be required to carry basic health insurance—just as most States require you to carry auto insurance. Likewise, businesses will be required to either offer their workers health care, or chip in to help cover the cost of their workers. There will be a hardship waiver for those individuals who still cannot afford coverage, and 95% of all small businesses, because of their size and narrow profit margin, would be exempt from these requirements. But we cannot have large businesses and individuals who can afford coverage game the system by avoiding responsibility to themselves or their employees. Improving our health care system only works if everybody does their part.

While there remain some significant details to be ironed out, I believe a broad consensus exists for the aspects of the plan I just outlined: consumer protections for those with insurance, an exchange that allows individuals and small businesses to purchase affordable coverage, and a requirement that people who can afford insurance get insurance.

And I have no doubt that these reforms would greatly benefit Americans from all walks of life, as well as the economy as a whole. Still, given all the misinformation that's been spread over the past few months, I realize that many Americans have grown nervous about reform. So tonight I'd like to address some of the key controversies that are still out there.

Some of people's concerns have grown out of bogus claims spread by those whose only agenda is to kill reform at any cost. The best example is the claim, made not just by radio and cable talk show hosts, but prominent politicians, that we plan to set up panels of bureaucrats with the power to kill off senior citizens. Such a charge would be laughable if it weren't so cynical and irresponsible. It is a lie, plain and simple.

There are also those who claim that our reform effort will insure illegal immigrants. This, too, is false—the reforms I'm proposing would not apply to those who are here illegally. And one more misunderstanding I want to clear up—under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.

My health care proposal has also been attacked by some who oppose reform as a "government takeover" of the entire health care system. As proof, critics point to a provision in our plan that allows the uninsured and small businesses to choose a publicly-sponsored insurance option, administered by the government just like Medicaid or Medicare.

So let me set the record straight. My guiding principle is, and always has been, that consumers do better when there is choice and competition. Unfortunately, in 34 States, 75% of the insurance market is controlled by five or fewer companies. In Alabama, almost 90% is controlled by just one company. Without competition, the price of insurance goes up and the quality goes down. And it makes it easier for insurance companies to treat their customers badly—by cherry-picking the healthiest individuals and trying to drop the sickest; by overcharging small businesses who have no leverage; and by jacking up rates.

Insurance executives don't do this because they are bad people. They do it because it's profitable. As one former insurance executive testified before Congress, insurance companies are not only encouraged to find reasons to drop the seriously ill; they are rewarded for it. All of this is in service of meeting what this former executive called "Wall Street's relentless profit expectations."

Now, I have no interest in putting insurance companies out of business. They provide a legitimate service, and employ a lot of our friends and neighbors. I just want to hold them accountable. The insurance reforms that I've

already mentioned would do just that. But an additional step we can take to keep insurance companies honest is by making a not-for-profit public option available in the insurance exchange. Let me be clear—it would only be an option for those who don't have insurance. No one would be forced to choose it, and it would not impact those of you who already have insurance. In fact, based on Congressional Budget Office estimates, we believe that less than 5% of Americans would sign up.

Despite all this, the insurance companies and their allies don't like this idea. They argue that these private companies can't fairly compete with the government. And they'd be right if taxpayers were subsidizing this public insurance option. But they won't be. I have insisted that like any private insurance company, the public insurance option would have to be self-sufficient and rely on the premiums it collects. But by avoiding some of the overhead that gets eaten up at private companies by profits, excessive administrative costs, and executive salaries, it could provide a good deal for consumers. It would also keep pressure on private insurers to keep their policies affordable and treat their customers better, the same way public colleges and universities provide additional choice and competition to students without in any way inhibiting a vibrant system of private colleges and universities.

It's worth noting that a strong majority of Americans still favor a public insurance option of the sort I've proposed tonight. But its impact shouldn't be exaggerated—by the left, the right, or the media. It is only one part of my plan, and should not be used as a handy excuse for the usual Washington ideological battles. To my progressive friends, I would remind you that for decades, the driving idea behind reform has been to end insurance company abuses and make coverage affordable for those without it. The public option is only a means to that end—and we should remain open to other ideas that accomplish our ultimate goal. And to my Republican friends, I say that rather than making wild claims about a government takeover of health care, we should work together to address any legitimate concerns you may have.

For example, some have suggested that the public option go into effect only in those markets where insurance companies are not providing affordable policies. Others propose a co-op or another non-profit entity to administer the plan. These are all constructive ideas worth exploring. But I will not back down on the basic principle that if Americans can't find affordable coverage, we will provide you with a choice. And I will make sure that no government bureaucrat or insurance company bureaucrat gets between you and the care that you need.

Finally, let me discuss an issue that is a great concern to me, to members of this chamber, and to the public—and that is how we pay for this plan.

Here's what you need to know. First, I will not sign a plan that adds one dime to our deficits—either now or in the future. Period. And to prove that I'm serious, there will be a provision in this plan that requires us to come forward with more spending cuts if the savings we promised don't materialize. Part of the reason I faced a trillion dollar deficit when I walked in the door of the White House is because too many initiatives over the last decade were not paid for—from the Iraq War to tax breaks for the wealthy. I will not make that same mistake with health care.

Second, we've estimated that most of this plan can be paid for by finding savings within the existing health care system—a system that is currently full of waste and abuse. Right now, too much of the hard-earned savings and tax dollars we spend on health care doesn't make us healthier. That's not my judgment—it's the judgment of medical professionals across this country. And this is also true when it comes to Medicare and Medicaid.

In fact, I want to speak directly to America's seniors for a moment, because Medicare is another issue that's been subjected to demagoguery and distortion during the course of this debate.

More than 4 decades ago, this Nation stood up for the principle that after a lifetime of hard work, our seniors should not be left to struggle with a pile of medical bills in their later years. That is how Medicare was born. And it remains a sacred trust that must be passed down from one generation to the next. That is why not a dollar of the Medicare trust fund will be used to pay for this plan.

The only thing this plan would eliminate is the hundreds of billions of dollars in waste and fraud, as well as unwarranted subsidies in Medicare that go to insurance companies—subsidies that do everything to pad their profits and nothing to improve your care. And we will also create an independent commission of doctors and medical experts charged with identifying more waste in the years ahead.

These steps will ensure that you—America's seniors—get the benefits you've been promised. They will ensure that Medicare is there for future generations. And we can use some of the savings to fill the gap in coverage that forces too many seniors to pay thousands of dollars a year out of their own pocket for prescription drugs. That's what this plan will do for you. So don't pay attention to those scary stories about how your benefits will be cut—especially since some of the same folks who are spreading these tall tales have fought against Medicare in the past, and just this year supported a budget

that would have essentially turned Medicare into a privatized voucher program. That will never happen on my watch. I will protect Medicare.

Now, because Medicare is such a big part of the health care system, making the program more efficient can help usher in changes in the way we deliver health care that can reduce costs for everybody. We have long known that some places, like the Intermountain Healthcare in Utah or the Geisinger Health System in rural Pennsylvania, offer high-quality care at costs below average. The commission can help encourage the adoption of these common-sense best practices by doctors and medical professionals throughout the system—everything from reducing hospital infection rates to encouraging better coordination between teams of doctors.

Reducing the waste and inefficiency in Medicare and Medicaid will pay for most of this plan. Much of the rest would be paid for with revenues from the very same drug and insurance companies that stand to benefit from tens of millions of new customers. This reform will charge insurance companies a fee for their most expensive policies, which will encourage them to provide greater value for the money—an idea which has the support of Democratic and Republican experts. And according to these same experts, this modest change could help hold down the cost of health care for all of us in the long-run.

Finally, many in this chamber—particularly on the Republican side of the aisle—have long insisted that reforming our medical malpractice laws can help bring down the cost of health care. I don't believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs. So I am proposing that we move forward on a range of ideas about how to put patient safety first and let doctors focus on practicing medicine. I know that the Bush administration considered authorizing demonstration projects in individual States to test these issues. It's a good idea, and I am directing my Secretary of Health and Human Services to move forward on this initiative today.

Add it all up, and the plan I'm proposing will cost around \$900 billion over 10 years—less than we have spent on the Iraq and Afghanistan wars, and less than the tax cuts for the wealthiest few Americans that Congress passed at the beginning of the previous administration. Most of these costs will be paid for with money already being spent—but spent badly—in the existing health care system. The plan will not add to our deficit. The middle-class will realize greater security, not higher taxes. And if we are able to slow the growth of health care costs by just one-tenth of one percent each year, it

will actually reduce the deficit by \$4 trillion over the long term.

This is the plan I'm proposing. It's a plan that incorporates ideas from many of the people in this room tonight—Democrats and Republicans. And I will continue to seek common ground in the weeks ahead. If you come to me with a serious set of proposals, I will be there to listen. My door is always open.

But know this: I will not waste time with those who have made the calculation that it's better politics to kill this plan than improve it. I will not stand by while the special interests use the same old tactics to keep things exactly the way they are. If you misrepresent what's in the plan, we will call you out. And I will not accept the status quo as a solution. Not this time. Not now.

Everyone in this room knows what will happen if we do nothing. Our deficit will grow. More families will go bankrupt. More businesses will close. More Americans will lose their coverage when they are sick and need it most. And more will die as a result. We know these things to be true.

That is why we cannot fail. Because there are too many Americans counting on us to succeed—the ones who suffer silently, and the ones who shared their stories with us at town hall meetings, in emails, and in letters.

I received one of those letters a few days ago. It was from our beloved friend and colleague, Ted Kennedy. He had written it back in May, shortly after he was told that his illness was terminal. He asked that it be delivered upon his death.

In it, he spoke about what a happy time his last months were, thanks to the love and support of family and friends, his wife, Vicki, and his children, who are here tonight. And he expressed confidence that this would be the year that health care reform—"that great unfinished business of our society," he called it—would finally pass. He repeated the truth that health care is decisive for our future prosperity, but he also reminded me that "it concerns more than material things." "What we face," he wrote, "is above all a moral issue; at stake are not just the details of policy, but fundamental principles of social justice and the character of our country."

I've thought about that phrase quite a bit in recent days—the character of our country. One of the unique and wonderful things about America has always been our self-reliance, our rugged individualism, our fierce defense of freedom, and our healthy skepticism of government. And figuring out the appropriate size and role of government has always been a source of rigorous and sometimes angry debate.

For some of Ted Kennedy's critics, his brand of liberalism represented an affront to American liberty. In their mind, his passion for universal health

care was nothing more than a passion for big government.

But those of us who know Teddy and worked with him here—people of both parties—know that what drove him was something more. His friend, ORRIN HATCH, knows that. They worked together to provide children with health insurance. His friend JOHN MCCAIN knows that. They worked together on a Patient's Bill of Rights. His friend CHUCK GRASSLEY knows that. They worked together to provide health care to children with disabilities.

On issues like these, Ted Kennedy's passion was born not of some rigid ideology, but of his own experience. It was the experience of having two children stricken with cancer. He never forgot the sheer terror and helplessness that any parent feels when a child is badly sick; and he was able to imagine what it must be like for those without insurance; what it would be like to have to say to a wife or a child or an aging parent—there is something that could make you better, but I just can't afford it.

That large-heartedness—that concern and regard for the plight of others—is not a partisan feeling. It is not a Republican or a Democratic feeling. It, too, is part of the American character. Our ability to stand in other people's shoes. A recognition that we are all in this together; that when fortune turns against one of us, others are there to lend a helping hand. A belief that in this country, hard work and responsibility should be rewarded by some measure of security and fair play; and an acknowledgement that sometimes government has to step in to help deliver on that promise.

This has always been the history of our progress. In 1935, when over half of our seniors could not support themselves and millions had seen their savings wiped away, there were those who argued that Social Security would lead to socialism. But the men and women of Congress stood fast, and we are all the better for it. In 1965, when some argued that Medicare represented a government takeover of health care, members of Congress, Democrats and Republicans, did not back down. They joined together so that all of us could enter our golden years with some basic peace of mind.

You see, our predecessors understood that government could not, and should not, solve every problem. They understood that there are instances when the gains in security from government action are not worth the added constraints on our freedom. But they also understood that the danger of too much government is matched by the perils of too little; that without the leavening hand of wise policy, markets can crash, monopolies can stifle competition, and the vulnerable can be exploited. And they knew that when any government measure, no matter how

carefully crafted or beneficial, is subject to scorn; when any efforts to help people in need are attacked as un-American; when facts and reason are thrown overboard and only timidity passes for wisdom, and we can no longer even engage in a civil conversation with each other over the things that truly matter—that at that point we don't merely lose our capacity to solve big challenges. We lose something essential about ourselves.

What was true then remains true today. I understand how difficult this health care debate has been. I know that many in this country are deeply skeptical that government is looking out for them. I understand that the politically safe move would be to kick the can further down the road—to defer reform one more year, or one more election, or one more term.

But that's not what the moment calls for. That's not what we came here to do. We did not come to fear the future. We came here to shape it. I still believe we can act even when it's hard. I still believe we can replace acrimony with civility, and gridlock with progress. I still believe we can do great things, and that here and now we will meet history's test.

Because that is who we are. That is our calling. That is our character. Thank you, God Bless You, and may God Bless the United States of America.

BARACK OBAMA.  
THE WHITE HOUSE, September 9, 2009.

#### MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that it has passed the following joint resolution, without amendment:

S. J. Res. 9. Joint resolution providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 310. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

H.R. 1043. An act to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes.

H.R. 1287. An act to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

H.R. 1345. An act to amend title 5, United States Code, to eliminate the discriminatory

treatment of the District of Columbia under the provisions of law commonly referred to as the "Hatch Act".

H.R. 1858. An act to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes.

H.R. 2004. An act to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office".

H.R. 2760. An act to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building."

The message further announced that pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), and the order of the House of January 6, 2009, the Speaker appoints the following members on the part of the House of Representatives to the Board of Directors of the National Urban Air Toxics Research Center: Mrs. Herminia Palacio, M.D., M.P.H., of Bellaire, Texas and Mr. John Walke of Washington, D.C.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 310. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1043. An act to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1287. An act to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1345. An act to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the "Hatch Act"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1858. An act to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2004. An act to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2760. An act to designate the facility of the United States Postal Service located

at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES DISCHARGED

The following bill was discharged from the Committee on Armed Services, and referred as indicated:

S. 1599. A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws; to the Committee on the Judiciary.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2747. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Columbia; to the Committee on Foreign Relations.

EC-2748. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0096-2009-0106); to the Committee on Foreign Relations.

EC-2749. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act 2008 Annual Report to Congress"; to the Committee on Foreign Relations.

EC-2750. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware for the design, manufacture, and delivery of the QuetzSat-1 Commercial Communication Satellite for the United Kingdom in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2751. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services for the manufacture and overhaul of hydraulic steering systems for X300 transmissions of ground vehicles for the United Kingdom in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2752. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment with an original acquisition value of more than \$14,000,000 for New Zealand; to the Committee on Foreign Relations.

EC-2753. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed permanent export license for the export of defense articles and technical data related to the sale of 394 Colt Infantry Automatic Rifles for use by the Mexican Navy in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-2754. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the NSS-14 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2755. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and defense articles to Thailand related to the sale of three S-92A helicopters to the Royal Thai Air Force in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2756. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the transfer of technical data, defense services, and hardware to Japan to support the manufacture of Chukar II and Chukar III Aerial Target Systems for the Ministry of Defense of Japan in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2757. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of technical data, defense services, and defense articles for the sale of four C-27J Spartan Aircraft from Alenia Aeronautica S.p.A. to the Kingdom of Morocco in the amount of \$50,000,000; to the Committee on Foreign Relations.

EC-2758. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles and defense services for the manufacture of Power Amplifier Modules and High Voltage Power Supplies for the AN/TPQ-36 and AN/TPQ-37 Firefinder Radars, and the AN/MPQ-64 Sentinel Radar for end use by the U.S. Government in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2759. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and defense articles related to the Laser Based Directional Infrared Countermeasures System for end-use by the United Kingdom in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2760. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles and defense services for the manufacture of Tomahawk Cruise Missile Subassemblies for end-use by the U.S. Navy in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2761. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the ViaSat-1 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2762. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware related to the delivery and support of five Sentinel Radars and two Sentry Command and Control Systems for end-use by the Mexican Navy in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2763. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of technical data, defense services, and defense articles related to the sale of seven C-27J Spartan Aircraft from Alenia Aeronautica S.p.A. to the Government of Romania in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2764. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Foreign Officials: Definition of Immediate Family Members, As Amended" ((22 CFR Part 41)(Public Notice: 6676)) as received during adjournment of the Senate in the Office of the President of the Senate on August 7, 2009; to the Committee on Foreign Relations.

EC-2765. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, the report of the confirmation of a nomination in the position of Director of the Peace Corps; to the Committee on Foreign Relations.

EC-2766. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, an agenda for Parliamentary Briefings and Hearings at the 64th Session of the United Nations General Assembly; to the Committee on Foreign Relations.

EC-2767. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, a request for participation in a study on parliamentary oversight; to the Committee on Foreign Relations.

EC-2768. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 005-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2769. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 046-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2770. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 052-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2771. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 065-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2772. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 070-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2773. A communication from the Program Analyst, Office of Managing Director-Financial Operations, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order, In the Matter of Assessment of Regulatory Fees for Fiscal Year 2009" ((FCC 09-62; 09-65)(MD Docket No. 09-65)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2774. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules (Part 61)" ((FAA-2006-26661-8/20-21)(RIN2120-A186)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2775. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and 146-200A Series Airplanes" ((RIN2120-AA64)(7-30/7-29/0432/NM-168)) as re-

ceived during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2776. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes" ((RIN2120-AA64)(7-30/7-29/1005/NM-119)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2777. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes" ((RIN2120-AA64)(7-30/7-29/0211/NM-028)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney Canada (PWC) PW206A, PW206B, PW206B2, PW206C, PW206E, PW207C, PW207D, and PW207E Turbo shaft Engines; Correction" ((RIN2120-AA64)(7-30/7-27/0219/NE-46)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64)(8-17/8-18/0004/NM-160)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(8-17/8-18/0532/NM-124)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) and SAAB 340B Airplanes" ((RIN2120-AA64)(8-17/8-18/0447/NM-172)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(8-17/8-18/

1143/NM-136)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Model G-IV, GIV-X, and GV-SP Series Airplanes and Model GV Airplanes" ((RIN2120-AA64)(8-13/8-11/0683/NM-129)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers Model SD3-60 Airplanes" ((RIN2120-AA64)(8-13/8-12/0464/NM-189)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes" ((RIN2120-AA64)(8-3/8-5/0463/NM-065)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2786. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fokker Model F.27 Mark 050 Airplanes" ((RIN2120-AA64)(8-3/8-5/0691/NM-061)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2787. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(8-3/8-5/1213/NM-092)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2788. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(8-3/8-5/39173/NM-283)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2789. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 Airplanes" ((RIN2120-AA64)(8-3/8-5/0168/SW-33)) as received during adjournment of the Senate in the Office of the President of the Senate on

August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2790. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Limited Model PC-7 Airplanes" ((RIN2120-AA64)(8-6/8-5/0509/CE-029)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2791. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Teledyne Continental Motors (TCM) IO-520, TSO-520, and IO-550 Series Reciprocating Engines with Superior Air Parts, Inc. (SAP) Cylinder Assemblies Installed" ((RIN2120-AA64)(8-6/8-5/0051/NE-37)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2792. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 427 Helicopters" ((RIN2120-AA64)(8-6/8-3/0227/SW-65)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64)(8-3/8-5/25234/CE-064)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3335" ((RIN2120-AA65)(8-17/8-18/30682/3335)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3334" ((RIN2120-AA65)(8-17/8-18/30681/3334)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3332" ((RIN2120-AA65)(8-13/8-13/30678/3332)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3333" ((RIN2120-AA65)(8-13/8-13/30679/3333)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (215); Amendment No. 482" ((RIN2120-AA63)(8-13/8-12/30680/482)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2799. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators" (RIN2127-AK04) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1308. A bill to reauthorize the Maritime Administration, and for other purposes (Rept. No. 111-73).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Mr. KERRY, Mrs. GILLIBRAND, and Mr. BURRIS):

S. 1655. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. LEVIN, and Ms. KLOBUCHAR):

S. 1656. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of S corporations for purposes of election of the alternative tax on qualifying shipping activities, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1657. A bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from government plans for qualified public safety employees; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN:

S. Res. 256. A resolution recognizing the importance of "National Drug Facts Chat Day" on November 10, 2009; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. Res. 257. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 211

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 354

At the request of Mr. WEBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 369

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 422

At the request of Ms. STABENOW, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 439

At the request of Mr. INOUE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 439, a bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises, to stimulate the development of the private sector of Indian tribal economies, and for other purposes.

S. 453

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 453, a bill to authorize the Secretary of Housing and Urban Development

to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

S. 492

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 492, a bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage.

S. 512

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 512, a bill to amend chapter 1 of title 9, United States Code with respect to arbitration.

S. 548

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 548, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 604

At the request of Mr. SANDERS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 657

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 657, a bill to provide for media coverage of Federal court proceedings.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity

Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 755

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 755, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 779

At the request of Mr. LAUTENBERG, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 779, a bill to amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 832

At the request of Mr. NELSON of Florida, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 850

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 931

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 931, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 971

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 971, a bill to implement a pilot program to establish truck parking facilities.

S. 987

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1204

At the request of Mrs. MURRAY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1295

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1295, a bill to amend title XVIII of the Social Security Act to

cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program.

S. 1329

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1329, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 1339

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1339, a bill to provide for financial literacy education.

S. 1422

At the request of Mrs. MURRAY, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1517

At the request of Ms. MURKOWSKI, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1517, a bill to enhance domestic energy security by increasing production from fossil-based resources in the outer Continental Shelf in an economically and environmentally responsible manner.

S. 1518

At the request of Mr. BURR, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1524

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1542

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1542, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1593

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1593, a bill to authorize the establish-

ment of a Social Investment and Economic Development for the Americas Fund to reduce poverty, expand the middle class, and foster increased economic opportunity in that region, to promote engagement on the use of renewable fuel sources and on climate change in the Americas, and for other purposes.

S. 1595

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1595, a bill to amend the Truth in Lending Act to prohibit the distribution of any check or other negotiable instrument as part of a solicitation by a creditor for an extension of credit, to limit the liability of consumers in conjunction with such solicitations, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. RES. 231

At the request of Mr. BENNETT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 231, a resolution expressing the sense of the Senate that any health care reform proposal should slow the long-term growth of health costs and reduce the growth rate of Federal health care spending.

S. RES. 245

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 245, a resolution recognizing September 11 as a "National Day of Service and Remembrance".

S. RES. 254

At the request of Mrs. GILLIBRAND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 254, a resolution honoring, commemorating, and celebrating the historic ties of the United States and the Netherlands on the quadricentennial celebration of the discovery of the Hudson River, and recognizing the settlement and enduring values of New Netherland, which continue to influence American society.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 256—RECOGNIZING THE IMPORTANCE OF "NATIONAL DRUG FACTS CHAT DAY" ON NOVEMBER 10, 2009

Mr. LEVIN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

## S. RES. 256

Whereas the National Institute on Drug Abuse created "National Drug Facts Chat Day" to provide the opportunity for school-aged youth and teachers in classrooms across the United States to ask questions of the Nation's leading experts in the field of drug abuse and addiction;

Whereas on October 12, 2007, the first annual Drug Facts Chat Day yielded over 35,000 questions from school-aged youth across the United States, providing accurate information on drug abuse and addiction;

Whereas the National Survey on Drug Use and Health indicated that, in 2007, nearly 8 percent of youth in the United States between 12 and 17 years of age met diagnostic criteria for abuse or dependence (addiction) to illegal drugs or alcohol;

Whereas the Monitoring the Future Study has yielded encouraging news of generally declining past-month illicit drug use rates for school-aged youth, noting a 24 percent decline from 2001 to 2008 by students in the 8th, 10th, and 12th grades combined;

Whereas declines in youth cigarette smoking, now at its lowest rate since the Monitoring the Future Survey began collecting data in 1975, will translate into fewer deaths associated with the myriad medical consequences of smoking;

Whereas while progress continues to be made, troubling trends still abound, including widespread abuse of prescription drugs among youth in the United States;

Whereas research shows that as the perceived risks associated with drugs increases, the abuse of such drugs decreases;

Whereas youth often get information about drugs, drug abuse, and addiction from unreliable and inaccurate sources; and

Whereas "National Drug Facts Chat Day" is on November 10, 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of "National Drug Facts Chat Day"; and

(2) urges teachers, schools, and students to participate by submitting questions and using the information provided to increase their understanding of the science of drug abuse and addiction among school-aged youth.

Mr. LEVIN. Mr. President, the National Drug Facts Chat Day was designed by the National Institute on Drug Abuse of the National Institute of Health, NIDA, to provide the opportunity for school-aged youth and teachers in classrooms across the U.S. to ask questions of the Nation's leading experts in the field of drug abuse and addiction.

One of the many activities on this occasion involves students and teachers interacting with professionals, including exchanging questions with them on the issues of illicit drug use, tobacco use, and prescription drug abuse, the latter of which has become a significant problem among our Nation's teens. NIDA hopes that "the anonymous nature of the Internet will encourage youths to ask what is truly on their minds.

Now in its third year, there are expected to be thousands of questions from every region of the country received and answered, yielding an enlightening glimpse into students' misconceptions about drug use. Students

and teachers hunger for straightforward, scientific information on drug abuse and addiction. Drug Facts Chat Day, recognized on November 10, 2009, will provide them with timely, straightforward facts.

I urge my colleagues in the Senate to join me in supporting recognition of this innovative and worthwhile program by adopting this resolution. I am very pleased that Representative PATRICK KENNEDY is simultaneously introducing a companion resolution in the House. As we are all aware, Representative KENNEDY has been a passionate leader in increasing the understanding of the science of drug abuse and addiction among school-aged youth.

#### SENATE RESOLUTION 257—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

## S. RES. 257

*Resolved*, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY: Mrs. Lincoln (Chairman), Mr. Harkin, Mr. Leahy, Mr. Conrad, Mr. Baucus, Ms. Stabenow, Mr. Nelson (Nebraska), Mr. Brown, Mr. Casey, Ms. Klobuchar, Mr. Bennet, Mrs. Gillibrand.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Majority Leader designee.

#### NOTICE OF HEARING

##### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 10, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a business meeting on S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; S. 313, a bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; S. 375, a bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes; S. 965, a bill to approve the Taos Pueblo Indian Water Rights Settlement Agree-

ment, and for other purposes; S. 1105, a bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; and S. 1388, a bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes, to be followed immediately by a hearing to examine S. 1635, 7th Generation Promise: Indian Youth Suicide Prevention Act of 2009.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 9, 2009, at 10 a.m. in room 216 of the Hart Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee of Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 9, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 9, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Strengthening Forensic Science in the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 9, 2009, at 2:30 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

### AWARDING A GOLD MEDAL TO ARNOLD PALMER

Mr. DURBIN. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1243 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1243) to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, without any intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1243) was ordered to a third reading, was read the third time, and passed.

### MAKING MAJORITY PARTY COMMITTEE ASSIGNMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 257, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 257) was agreed to, as follows:

#### S. RES. 257

*Resolved*, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY: Mrs. Lincoln (Chairman), Mr. Harkin, Mr. Leahy, Mr. Conrad, Mr. Baucus, Mr. Stabenow, Mr. Nelson (Nebraska), Mr. Brown, Mr. Casey, Ms. Klobuchar, Mr. Bennet, Mrs. Gillibrand.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders,

Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Majority Leader designee.

### DISCHARGE AND REFERRAL—S. 1599

Mr. DURBIN. Mr. President, I ask unanimous consent the Armed Services Committee be discharged from further consideration of S. 1599 and the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

### REMOVAL OF INJUNCTION OF SE- CRETACY—TREATY DOCUMENT NO. 111-4

Mr. DURBIN. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 9, 2009, by the President of the United States:

Protocol Amending the Tax Convention with France (Treaty Document No. 111-4).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

#### *To the Senate of the United States:*

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol Amending the Convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994, as Amended by the Protocol signed on December 8, 2004, signed January 13, 2009, at Paris, together with a related Memorandum of Understanding, signed January 13, 2009 (the "proposed Protocol"). I also transmit for the information of the Senate the report of the Department of State, which includes an overview of the proposed Protocol.

The proposed Protocol provides for the elimination of withholding taxes on certain cross-border direct dividend payments and on cross-border royalty payments.

The proposed Protocol also provides for mandatory arbitration of cases that the competent authorities of the countries have been unable to resolve after a reasonable period of time. The proposed Protocol contains a comprehensive provision designed to prevent "treaty shopping," which is the inappropriate use of a tax treaty by third-country residents. It provides for the

exchange of information between tax authorities of the two countries to facilitate the administration of each country's tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, September 9, 2009.

### APPOINTMENT CORRECTION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Record reflect that the appointment of GEN Michael Hayden to the Public Interest Declassification Board made during the adjournment of the Senate was made by the Republican leader rather than the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECESS AND ORDERS FOR THURSDAY, SEPTEMBER 10, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate recess until 7:30 p.m. tonight; that at 7:40 p.m. the Senate proceed as a body to the Hall of the House of Representatives for a joint session to hear the President of the United States; that at the close of the joint session, the Senate adjourn until 9:30 a.m. tomorrow, Thursday, September 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 12:30 p.m., with the time equally divided and controlled between the two leaders or their designees; that following morning business the Senate proceed to executive session to resume consideration of Calendar No. 167, the nomination of Cass Sunstein; further, I ask that the time during any adjournment, recess or period of morning business count against the postcloture time.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. DURBIN. Mr. President, the time during morning business tomorrow will be dedicated for Senators to pay tribute to the late Senator Edward Kennedy.

Senators will be notified when the vote on the confirmation of the Sunstein nomination is scheduled. If all time is used, the vote would occur around 11:30 p.m. tomorrow night.

Finally, as a reminder to all Senators, at 2:45 p.m. tomorrow, George LeMieux will be sworn in as a Senator from the State of Florida.

## RECESS

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 6:43 p.m., recessed until 7:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

Mrs. SHAHEEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

# JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 111-62)

The PRESIDING OFFICER. Under the previous order, the Senate will proceed as a body to the Hall of the House of Representatives to receive a message from the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Barack H. Obama.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:07 p.m., the Senate adjourned until

Thursday, September 10, 2009, at 9:30 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be rear admiral

REAR ADM. (LH) STEVEN E. DAY

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. RALPH J. JODICE II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. WILLIAM J. REW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. CHRISTOPHER D. MILLER

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. BENJAMIN C. FREAKLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. JOHN D. GARDNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. FRANK G. HELMICK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. MARK P. HERTLING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be brigadier general

COLONEL ROBIN B. AKIN  
COLONEL ROBERT P. ASHLEY, JR.  
COLONEL JEFFREY L. BANNISTER  
COLONEL JOSEPH L. BASS  
COLONEL LEWIS M. BOONE  
COLONEL CLARENCE K. K. CHINN  
COLONEL KENNETH R. DAHL  
COLONEL GORDON B. DAVIS, JR.  
COLONEL SCOTT F. DONAHUE  
COLONEL EDWARD F. DORMAN III  
COLONEL RANDAL A. DRAGON  
COLONEL BILLY D. FARRIS II  
COLONEL TERRY R. FERRELL  
COLONEL PAUL E. FUNK II  
COLONEL RICKY D. GIBBS  
COLONEL HAROLD J. GREENE  
COLONEL CHRISTOPHER K. HAAS  
COLONEL WILLIAM C. HIX  
COLONEL STEPHEN B. LEISENRING  
COLONEL STEPHEN R. LYONS  
COLONEL JONATHAN A. MADDOX  
COLONEL MARK A. MCALISTER  
COLONEL JOHN J. MCGUINNESS  
COLONEL MICHAEL K. NAGATA  
COLONEL BRYAN R. OWENS  
COLONEL JAMES F. PASQUARETTE  
COLONEL VICTOR PETRENKO  
COLONEL AUNDRE F. PIGGEE  
COLONEL JOHN S. REGAN  
COLONEL BRYAN T. ROBERTS  
COLONEL JOHN G. ROSSI  
COLONEL WILLIAM J. SCOTT  
COLONEL THOMAS C. SEAMANDS  
COLONEL CHARLES L. TAYLOR  
COLONEL KELLY J. THOMAS  
COLONEL STEPHEN M. TWITTY  
COLONEL JEFFERY L. UNDERHILL  
COLONEL DARRELL K. WILLIAMS  
COLONEL PETER B. ZWACK

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. FRANK A. PANTER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. THOMAS D. WALDHAUSER

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be rear admiral (lower half)

CAPT. CHARLES A. RAINEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be rear admiral (lower half)

CAPT. JONATHAN W. WHITE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be rear admiral

REAR ADM. (LH) DAVID W. TITLEY

## HOUSE OF REPRESENTATIVES—Wednesday, September 9, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDEN).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

September 9, 2009.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,

*Speaker of the House of Representatives.*

### PRAYER

Dr. Benny Tate, Rock Springs Church, Milner, Georgia, offered the following prayer:

Our heavenly Father, as we bow our heads in Your presence, today we are reminded of the prayer of President Lincoln, who said, "I have been driven many times upon my knees by the overwhelming conviction that I had nowhere to go. My own wisdom, and that of all about me, seemed insufficient for that day." This morning, we also come to You, realizing we are insufficient and incapable. We come asking for divine protection for our men and women serving bravely in Iraq and Afghanistan and all over Your world. We acknowledge that freedom is not free and the trees of every generation are watered with the blood of its sons and daughters. We ask You to preserve and protect us. You said righteousness exalted the Nation but sin is a reproach to any people. May we seek righteousness and lives that please You.

We lift up our Congress, Senate, and President. May our leaders acknowledge their dependence upon You and seek wisdom and direction from You.

We pray this prayer, respecting all faiths, but we pray this prayer in the name of our Lord and Savior Jesus Christ. Until You come, we pray. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SAM JOHN-

SON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### HONORING THE REVEREND DR. BENNY TATE

The SPEAKER pro tempore. Without objection, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 1 minute.

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I rise today to pay tribute to our guest chaplain for the day here in the House, the Reverend Dr. Benny Tate. Dr. Tate has served the members of Rock Springs Congregational Methodist Church in Milner, Georgia, for 20 years, and I'm honored to count him as a friend.

Dr. Tate is a leader among God's followers. He's well known in Georgia for delivering powerful, informative, and even life-changing messages from the pulpit of his church and from behind the microphone of his radio show, Apples of Gold, which is broadcast statewide on 15 stations.

Rock Springs Congregational Methodist Church has thrived during Dr. Tate's tenure. The church has grown from 35 members when he took the helm 20 years ago to more than 4,600 worshippers today.

The church has put those resources into the service of God's people and the church's community. Every day, Rock Springs teaches the next generation to live by biblical principles at Rock Springs Christian Academy. Dr. Tate's church also conducts a prison ministry and a nursing home ministry, and it sponsors a medical clinic for the uninsured. Georgia's Third District is privileged to have wise and selfless religious leaders such as Dr. Tate. It's a great honor to have him with us here today.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

### HEALTH CARE REFORM WILL HELP SMALL BUSINESSES

(Ms. KILROY asked and was given permission to address the House for 1 minute.)

Ms. KILROY. Mr. Speaker, for the last couple of years I have been talking to small businesses in my district, and one of the things that I consistently hear from them that they ask for help with is the issue of the cost of health care for small business. Small business is telling me they can't afford to buy health care or they are precluded from buying it because one of the members in their small group has a pre-existing condition, and insurance companies don't even sell to them. I'm here to tell them that we are listening to them and that, if health care reform passes this House and is signed into law, it can reform dramatically the small business health care costs.

It can help small businesses by providing an exchange that they can access which will provide a bigger pool and shared risk and lower health care costs for them. And many small businesses would qualify for substantial tax credits to help small businesses make worker health care costs more affordable.

This bill will not cost small business jobs. In fact, it will help save jobs, giving them more opportunities to spend their money to help add to their jobs rather than paying extremely high health care costs.

### HEALTH CARE SOLUTIONS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, rather than complaining about the thousand-page, \$1 trillion health care bill that rations care and increases costs, in my district I hosted a forum on health care solutions.

A panel of experts shared some Texas-sized solutions they have used to fix what is broken in our health care system.

These folks didn't rely on government bureaucrats to solve their problems. They didn't wait for a Washington bailout. They forged ahead with innovative programs that improved the quality of life for Texans—ideas that both Democrats and Republicans can agree on.

My constituents have told me loud and clear: one, they don't want government-controlled health care; two, the President and Democrats in Congress need to start over and listen to America. Go for real bipartisan solutions.

## HISPANIC HERITAGE MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, which begins on September 15 and runs through October 15. During this time we will celebrate the culture of people who trace our roots to Spain, Mexico, Central America, South America, and the Caribbean, and their contributions to American life.

The achievements of the Hispanic community in America have positively affected so many aspects of our society. For example, there are now over 1.6 million Hispanic-owned businesses in America. Of these businesses, over 29,000 generate over \$1 million worth of revenues every year.

Hispanics in America are also succeeding in a wide variety of challenging fields. There are currently over 79,000 Hispanic executives, almost 51,000 Hispanic physicians and surgeons, almost 49,000 Hispanic post-secondary teachers, and over 38,000 Hispanic lawyers.

And lastly, let us not forget that there are over 1.1 million Hispanic veterans of the United States Armed Forces.

## THERE ARE MANY SOLUTIONS TO HEALTH CARE REFORM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the President continues to try to sell the false myth that the health care debate is only between the Democrat bill or the status quo. This is completely inaccurate.

Republicans have offered different solutions and legislation to fix what is wrong with our health insurance system. Unfortunately, Democrats are unwilling to acknowledge that there may be other proposals, reforms that do not add billions to the national debt, cost millions of jobs or expand the size and powers of the Federal Government. Republicans believe we can make health insurance more affordable by giving Americans more of their own tax dollars to purchase insurance, shop for plans across State lines, and association health plans for small businesses.

The debate should be built on the honest exchange over what proposals are best to expand health insurance coverage, not on the false effort that we enact a big government takeover or do nothing.

In conclusion, God bless our troops, and we will never forget September the 11th in the Global War on Terrorism.

## HEALTH CARE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. This was an important August for America and for Members of this House. Back in Missouri, I had a number and variety of health care forums, from traditional townhalls to telephone townhalls, to roundtables of health care experts to kitchen table conversations with constituents. What we know is that the current system is broken, unsustainable, and unaffordable.

So the number one contributor to our deficit, to personal bankruptcies and costs of those who have insurance has doubled in 10 years. We also know we consider the source of the opponents peddling this information in this debate, the political gamers who just want to bring the President down, the profiteers who are making massive profits over the broken system.

We need to have important insurance reforms to reduce costs through competition, and this needs to be deficit neutral.

As Congress reconvenes and we prepare to hear the President tonight, we need to continue this great debate, even a spirited debate that we have to find commonsense solutions for the American people. That's what they expect, and that's what they deserve.

## UTOPIAN ILLUSION: GOVERNMENT RUN HEALTH CARE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, my grandmother used to say "If you have your health, you have everything." Health is a personal and private matter with people. Individuals want to control who their doctor is. Now we are embarked upon a new philosophy regarding health care.

The government thinks it knows better how to take care of Americans than individuals do. Kind of like the sarcastic statement, "We're from the government, we're here to help you."

More government intrusion into personal lives alarms and scares people, especially seniors. They are afraid that additional government control of health care will take their personal choices away and give decisions and power to unelected, unaccountable 23-year-old bureaucrats in Washington, D.C. Frankly, many of my neighbors in Texas don't have the confidence that big government can provide better quality of health for this Nation.

People are also worried about the billions of dollars to pay for this utopian illusion: money that will have to be borrowed, then paid back in more taxes. The people I represent think this new plan will make matters worse.

Sort of like what my grandmother also said, "If you think the problems government creates are bad, just wait until you see government solutions."

And that's just the way it is.

## HEALTH CARE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. I have a quote from Republican Chief Justice Earl Warren, no longer with us. He said, Many people consider the things which government does for them to be social progress, but they consider the things government does for others as socialism. He said it. It is a message to everybody in this House. The fearmongering that's gone on in the last 2 months does not bring us any closer to resolution.

Look, private insurance companies are for-profit businesses. I can't blame them, you can't blame them for being in the business of denying access to needed care, avoiding and dumping the sick, and confusing consumers. They are, after all, driven by profits, not patients.

I aim in my business, what I have to do here in the House is look out for my constituents, for the hard-working families in New Jersey that are being tossed aside so that insurance companies can maximize their profits. I support America's Affordable Health Choice Act because it creates a rational marketplace where Americans can find transparent information about their insurance options, guaranteeing coverage that won't discriminate based on health, gender, or job, and meaningful coverage that won't leave families laden with debt.

## THE PRESIDENT'S RHETORIC SHOULDN'T BE TAKEN LITERALLY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in a speech before the American Medical Association, the President made a promise to the American people which he has often repeated: If you like your doctor, you will be able to keep your doctor. If you like your health care plan, you will be able to keep your health care plan. No one will take it away, no matter what end.

However, when asked about this, White House officials told the Associated Press, The President's rhetoric shouldn't be taken literally.

So when it comes to serious concerns that most Americans have about health care proposals, White House officials admit you can't believe what the President says. That's astounding. If we can't take the President literally on his promises to the American people, why aren't the national media all

over this? The American people need the facts about health care reform, not political cover for the President.

□ 1015

#### HEALTH CARE REFORM

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, during the August recess, not only did I conduct townhall meetings, but I toured medical facilities throughout my district. One of those visits has been etched vividly in my mind.

In Elizabeth City, North Carolina, I met Derrick Williams at DaVita Dialysis Center. He tearfully explained to me that he had received a kidney transplant from his sister. The kidney worked well, but he was required to take a variety of antirejection medicines. He liked his insurance.

His insurance company started reimbursing for the medicines, and he was very happy. But after just 2 years, the insurance company refused further reimbursement. Unable to afford the medicines, the kidney failed, he's back on dialysis, his sister is without a kidney, and Derrick is awaiting another kidney. What a tragedy.

Health insurers should work with us and their policyholders. Instead, they continue to rake in huge profits by raising premiums \$1,800 per year and cutting back on coverage.

I urge the insurance industry to embrace health care reform, please.

#### CONFIRMING CZARS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last Friday the so-called "green jobs czar" resigned from his post after it was revealed that he supported 9/11 Truth organization statements insinuating that the government permitted the attacks to happen.

This official was just one of the many czars the administration has appointed this year. There's a car czar, a pay czar, a science czar, a Great Lakes czar, plus 30 other czars.

Typically, high-ranking officials go through a Senate confirmation process to ensure their fitness for the position, but none of President Obama's czars went through this process required by the Constitution.

The Constitution calls for the Senate to give advice and consent for the appointment of its principal officers, a fitting definition for the power wielded by these czars.

It is not too late for the President to properly vet his next green jobs czar and to willingly submit all of these high officials to a transparent process

that can only strengthen his administration.

When he was Senator, Obama said, "The biggest problems that we're facing right now have to do with George Bush trying to bring more and more power into the executive branch and not go through Congress at all. And that's what I intend to reverse when I'm President of the United States."

Mr. Obama, it's time to keep your word.

#### HEALTH CARE REFORM: DISPELLING MYTHS FOR SENIORS

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. The most damaging aspect of the misinformation circulating about health care insurance reform is the use of scare tactics targeted at our seniors. The cynical irony is that the misinformation targeting seniors is largely perpetuated by the very people who fought the establishment of Medicare and wanted to privatize Social Security.

Here are the facts about some common myths:

Myth No. 1, there will be rationing of health care. Not true. The bill promotes effective treatments through research.

Myth No. 2, Medicare will be eliminated. Not true. In fact, reform will lower prescription drug costs for people in the doughnut hole, allow them to keep the doctors of their choice, improve the quality of care and eliminate billions in waste.

Closing the doughnut hole is especially important for Hawaii's seniors. We have the highest percentage; 36 percent compared to 26 percent nationally of our beneficiaries fall into this doughnut hole.

Our current health care system, the costliest in the world for what we get, with ever increasing costs year after year, can't be sustained. I urge my colleagues to support reform now.

#### UNACCOUNTABLE POLICY CZARS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the recent controversy and resignation by one of President Obama's policy czars highlights a very real problem: the President's use of unaccountable policy czars to circumvent the Constitution. Now, by one count, the White House has 32 policy czars, including a science czar, a regulatory czar, and even a Great Lakes czar.

These czars are tasked with leading major policy efforts for the administration and have simply been granted a great deal of authority. Yet each czar, unlike a Cabinet secretary, is not subject to congressional oversight.

Members of the Cabinet have to be approved by Congress, and they report to Congress. Policy czars have no such obligation. So what we have now is a situation where major policy decisions are being made by a group of people who are not approved by Congress, not subjected to congressional oversight, and operate without any transparency or accountability. This is not what our Constitution intended.

#### OUR AILING HEALTH CARE SYSTEM

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, we have a health care system that is ailing and is almost on life support. It needs a major operation, and it needs it in three ways.

First, we have to stop discriminating against people with prior illnesses. It's wrong and probably unconstitutional under the 14th Amendment.

Second, small businesses and individuals can't get health care insurance because they are too small or they're by themselves and have no pool. We need to make insurance and health care financing available to small businesses and to individuals.

Third, we are on the cusp of some tremendous breakthroughs in medicine and in health care which will help us with heart disease, diabetes and cancer, but in general, wellness across the board, which will save this country a lot of money.

We have the most expensive health care system in the world. We deserve the best health care system and financing, and that is the operation we are undertaking here in the Congress.

#### WHERE IS THE ACCOUNTABILITY OF CONGRESS?

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, before the August recess, I introduced a resolution to hold Members accountable for their health care reform decisions. House Resolution 615 simply states that if Members of Congress vote for the government takeover of health care, they agree to give up their private insurance paid for by the taxpayers and enroll in the government-run plan. So far, 78 Republican Members have joined as cosponsors but not one Democrat.

Over 750,000 Americans from every State have contacted my office in support of this resolution. They are demanding that if government-run health care is good enough for Americans young and old, then it should certainly be good enough for the Members of Congress and their families.

How dare Congress force government-run health care down the throats of our

fellow Americans and not be willing to choose it for themselves.

Mr. Speaker, you have heard people speak out on this. Isn't it time for every Member of this body to stand up and be accountable to the people they represent by taking a dose of their same medicine they prescribe to their constituents?

To my fellow Congressmen, won't you now join me in cosponsoring House Resolution 615 and prove that personal accountability finally does exist in Washington?

#### HEALTH CARE REFORM

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, throughout the August recess, like my colleagues, I met with thousands of my constituents in Maryland's Fourth Congressional District. I heard the stories of so many who go to work every day but who also go without health insurance or with inadequate insurance to meet their family's needs.

I heard from seniors whose out-of-pocket costs are soaring, families with insurance but who have been broken and bankrupt because of a tragic illness, parents concerned about their newly adult children who are no longer eligible for health benefits, and small businesses that want to provide health insurance but can't because of the staggering costs.

It's time for us to stop talking and to start acting to provide quality, affordable, and accessible health care for all. We can't allow the loudest voices backed by corporate special interests, health insurance companies, and drug companies to stand in the way of meaningful reform. And we can't just tinker around the edges of reform either without bringing down costs and providing accountability.

I join my colleagues in Congress in support of a robust public health insurance option that relies on Medicare providers as an essential mechanism to encourage real competition, lower costs for all Americans and keep insurance and drug companies honest.

#### HEALTH CARE REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, tonight President Obama will address a joint session of Congress to make yet another appeal for his health care plan.

According to an analysis by CBS News, the President has already delivered 27 speeches on the issue of health care. Tonight will mark speech number 28. Yet with each passing day, as the American public digs deeper into the

details of the plan, they learn that the President's rhetoric doesn't always fit with reality.

Pushing for a government takeover of health care with new spin will not change the minds of the American people who strongly and correctly oppose a government-run insurance plan.

Tonight the President should reset on his health care plan and begin working with Republicans on bipartisan reform that addresses the concerns of Americans and that the American people can support.

#### HEALTH CARE REFORM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, Maureen Dowd had it right in her column today when she said there's a lot of confusion and skepticism out in the American public about the health care plan. There isn't, however, a lot of opposition. What I've found is that once you spend time with the American people explaining things like the public option, they become very supportive, as national polls now show. And why shouldn't they? There are lots of examples of public and private competition in this country.

We spend billions of dollars as a society on bottled water every day when there is a public option, a much less expensive public option, turning on the faucet. Millions of Americans every day face the choice, they can drive their car to work or they can take the public option, a bus or a metro line.

We understand in this country that sometimes competition and choice make a difference for the American people. When we adopt the public option as part of our health care reform package, we will make a difference in the health care delivery system in this country, and the American people will benefit from it.

#### PASSING ALONG CONCERNS OF HEALTH CARE REFORM FROM ARKANSAS' THIRD DISTRICT RESIDENTS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, during the August work period, I heard from thousands of Arkansans about health care reform. I promised my constituents that I would bring their stories and thoughts back to Washington so we can enact commonsense health reforms and have wide support throughout the country.

While residents of the Third District are supportive of reform to cut the cost of health care and make it more affordable and accessible to all Americans, there is a consensus that the reforms

currently under consideration by Congress aren't what they want. The overwhelming majority of citizens I heard from don't want the government to federalize their health care.

We can create a better plan for health care reform that includes fixing the fraud in the Medicare and Medicaid systems, implementing tort reform and allowing Americans to own their own health insurance like they own their own car insurance.

Congress needs to listen to what the American public is saying. Do not support federalizing health care. Don't destroy the good things of the American health system while trying to fix the bad.

#### HEALTH CARE REFORM

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I, like other Members of Congress, went home and had a townhall meeting on health care and met with many doctors. What I found is that the American public knows that the system is broken and that we need to change. The difficulty I have got in my district is I'm for a public option. But I'm not drawing a line in the sand to say I won't vote for a bill that improves the health care system, that takes care of the problem concerning preexisting conditions, that gives more wellness and preventative programs and that sees that we have more family doctors and health centers.

For that, the liberals in my district, and I'm a liberal, are upset with me because I haven't said I won't vote for a bill that doesn't have a public option. On the other hand, there are people that are against health care at all, and if I vote for anything, they will be upset.

Tonight the President of the United States will address the Nation. I plan to listen, and I plan to support the President of the United States in providing health care and making the greatest reforms in welfare moves for the people of our Nation and improvement in health care since 1965 when Medicaid and Medicare were passed. Those were great days for America.

#### HONORING NEW JERSEY SUPERIOR COURT JUDGE MARILYN RHYNE HERR

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, I rise to recognize former New Jersey Superior Court Judge Marilyn Rhyne Herr for her 15 years of outstanding service to our State. I was honored to be part of the celebration recently honoring Judge Herr as her portrait was unveiled for permanent display in the

Hunterdon County, New Jersey, courthouse.

Judge Herr was sworn in to the New Jersey Superior Court in 1989, becoming the second woman resident of Hunterdon County to be named a Superior Court judge and the first assigned to the bench in our home County. She was for many years in the family division, a court Judge Herr called the most important court there is.

More than a jurist, Judge Herr served for many years as a Girl Scout leader and two terms as president of the Rolling Hills Girl Scout Council. She is a patron of the arts, an avid reader of historical biographies, a former pilot, world traveler, and competitive tennis player.

Like my wife and me, she is a resident of Clinton Township, Hunterdon County, New Jersey, and my wife and I are proud to call Marilyn Rhyne Herr our friend and neighbor.

Congratulations, Judge Herr, and thank you for your service to New Jersey.

□ 1030

#### THE WIND ENERGY RESEARCH AND DEVELOPMENT ACT OF 2009

(Mr. LUJÁN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, I want to take a moment to commend my colleague, Representative PAUL TONKO, for his work on the Wind Energy Research and Development Act of 2009, a bill that I proudly cosponsored and supported during the committee markup process.

Much of our clean energy future depends on our ability to harness and use the renewable power of wind. New Mexico is well positioned to be a leader in renewable energy development, and wind and solar energy have the potential to power an entire country.

New Mexico's wind energy resources are vast. And as home to Department of Energy national laboratories in New Mexico, with Sandia and Los Alamos, New Mexico is a hub of scientific discovery and innovative technology.

We are also investing in clean energy job training and education programs. In my district, the North American Wind Research and Training Center at Mesalands Community College has established curriculum and provided job training opportunities to create a strong labor force to support a robust renewable energy economy.

Still, we have a lot of work to do, and we must continue to invest in renewable energy research and development. Investment in science and technology will be the key to our clean energy future, and I urge my colleagues to support this legislation.

#### THE PRESIDENT'S JOINT SESSION ADDRESS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, tonight when the President addresses the joint session of Congress, I hope that he will turn a new page in the health care debate, setting aside demands for a government-run, taxpayer-funded health care system and instead he will express support for real reforms that will reduce costs and increase access to quality health care for everyone regardless of preexisting conditions.

I hope to hear that the President finally will fix the medical malpractice crisis that continues to drive costs up and drives doctors out of Illinois and other States. I hope the President will finally commit to our small businesses by allowing them to band together in an association health plan so that they can provide affordable health care to their employees. And, finally, I hope that the President will join Members on both sides of the aisle to end waste, fraud and abuse plaguing Medicare and robbing seniors of much-needed health benefits.

It is my hope that after tonight's address the President and congressional Democrats will focus on bipartisan, commonsense reforms that will actually increase health care affordability and accessibility for all.

#### IT'S TIME TO ENACT REAL HEALTH CARE REFORM

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. As Congress returns to Washington to focus on the Nation's business, we bring back the many stories we heard while we were home in our districts.

I spent much of August traveling around my district in southern Nevada talking to folks about health care. I held roundtables, I convened a Congress on the Corner, I participated in telephone town halls, and I visited community health clinics. I shared my views on reform; I dispelled many of the myths that were circulating by those who want to protect the status quo; and I heard from people who cannot afford health care or found out that they don't have the coverage for the medical treatment that they need.

It is clear that we can no longer afford business as usual. The worst we can do is do nothing. The current health care system obviously isn't working, so it's time to enact real health care reform, health care reform that provides people with choice, lowers the cost of care, expands access, and provides Nevadans and all Americans with peace of mind should they or their families become ill.

#### THE AMERICAN PEOPLE HAVE SPOKEN; IS WASHINGTON LISTENING?

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. After a tumultuous month of townhall meetings across the Nation, the American people have spoken, and House Republicans are on the side of the American people.

As the President comes into this well of Congress tonight to deliver a speech on health care reform, one thing is clear: the American people don't want just another speech on health care; they want another health care plan.

What I heard back home is that the folks want us to take action here in Washington that will lower the cost of health insurance and lower the cost of health care in the long term, but the American people don't want us to launch a new government-run insurance plan that will lead to a government takeover of health care paid for with \$800 billion in higher taxes.

As the President knows, House Republicans have a broad range of legislative ideas, and we hope to hear and reflect on some of them tonight. Why not let Americans purchase health insurance the way Members of Congress can across State lines? Why not bring about reasonable restrictions and limits on medical malpractice claims to end the era of defensive medicine?

House Republicans will welcome the President of the United States respectfully to the well of Congress tonight, and we stand ready to work with the Democratic majority to solve our health care challenges.

The American people have spoken. Tonight we'll see if Washington is listening.

#### HEALTH CARE REFORM

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, ever since President Truman proposed a system to keep Americans from going bankrupt due to medical bills, the for-profit insurance industry has painted any effort at reform as un-American. I want to talk today about health and wealth.

Unlike then, there is now broad consensus that our system is unsustainable. Premiums are rising at three times the rate of inflation, 4,000 Americans are losing their coverage every day, and more and more are unable to get insurance simply because they have preexisting conditions. Still, those who profit most by the status quo, the for-profit insurers, continue to lie to the American people while they take home between \$70,000 a day and \$300,000 a day.

Let me be clear: no one in Congress is trying to nationalize medical care. On

the contrary, providing Americans a basic low-cost public option simply expands access so that consumers can visit the doctors of their choice.

It's time we start caring less about making private insurance companies and their CEOs wealthy and get back to making Americans healthy.

#### WAKE UP AMERICA: THIS IS THE TIME FOR HEALTH CARE REFORM

(Mr. OLIVER asked and was given permission to address the House for 1 minute.)

Mr. OLIVER. Mr. Speaker, there are those in America who claim that we can't fix our broken health care system during an economic crisis. The truth is that we can't afford not to fix it.

Health care premiums have risen every year for more than a decade, at least three times as fast as family incomes have risen. If we doing nothing, those rising health insurance premiums will eat up an ever larger slice of family incomes. Businesses that provide health insurance as a benefit for workers and their families will be ever more competitively disadvantaged. That is a loss of jobs that America cannot afford to lose.

Others in America claim that reform will mean a government takeover of health care decisions. The opposite is true. Every American will be able to choose their insurance plan and their doctor, but dropping a person's coverage because of a preexisting condition will be prohibited from all insurance plans.

Reform will ensure that the doctor and the family make the critical decisions on needed care. Now the insurance company executives make those decisions, and they only care about their profits.

Wake up, America; this is the time for health care reform.

#### HEALTH INSURANCE REFORM DAILY MYTH BUSTER: IMPACT ON SENIORS

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, we have nothing but myths and scare tactics to our seniors about health care.

What is one of the myths? Under the health care reform, a government panel, a bureau, will tell you when you can die. Nothing can be further from the truth. It will be up to your doctor and your family. It simply provides reimbursement for Medicare for doing this.

Another myth: health care reform will lead to rationed care. No such thing. We have it now. As a matter of fact, nothing will stand between you and your doctor to make the best decision. Reform actually takes insurance

company bureaucrats out of this decision and let's you make it.

What about the myth about health care reform is a government takeover? Just another lie. Under the bill, there is no government takeover of health care. Every American will still be able to choose their doctor and their health insurance plan and make decisions that they want.

The fourth out of these five myths: health care will reform and end Medicare. Untrue. As a matter of fact, it will strengthen Medicare and it will lower prescription drug benefits—take that doughnut out of Medicare.

And, finally: We can't afford to fix health care during an economic downturn. We can't afford not to fix it.

#### COMMUNICATION FROM THE HONORABLE JEAN SCHMIDT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JEAN SCHMIDT, Member of Congress:

HOUSE OF REPRESENTATIVES  
Washington, DC, August 11, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Ohio Elections Commission.

After consultation with counsel, I will make the determinations required by Rule VIII.

Sincerely,

JEAN SCHMIDT,  
Member of Congress.

#### ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. PENCE. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 723

*Resolved*, That the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. Luetkemeyer.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate agreed to the following resolution:

S. RES. 255

In the Senate of the United States, September 8, 2009.

Whereas the Honorable Edward Moore Kennedy was elected to the Senate in 1962 and served the people of Massachusetts in the United States Senate with devotion and distinction for nearly 47 years, the third longest term of service in Senate history;

Whereas the Honorable Edward Moore Kennedy became the youngest Majority Whip in Senate history at the age of 36;

Whereas the Honorable Edward Moore Kennedy served as Chairman of the Senate Judiciary Committee from 1979–1981 and as Chairman of the Senate Health, Education, Labor and Pensions Committee for nearly 13 years between 1987–2009;

Whereas the Honorable Edward Moore Kennedy made the needs of working families and the less fortunate among us the work of his life, particularly those of the poor, the disenfranchised, the disabled, the young, the old, the working class, the servicemember and the immigrant;

Whereas his efforts on behalf of the citizens of Massachusetts and all Americans earned him the esteem and high regard of his colleagues;

Whereas more than 300 laws bear his name and he co-sponsored more than 2,000 others covering civil rights, health care, the minimum wage, education, human rights and many other issues; and

Whereas with his death his State and the Nation have lost an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That the Senate has received with profound sorrow and deep regret the announcement of the passing of the honorable Edward Moore Kennedy, the great Senator from the Commonwealth of Massachusetts.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the Kennedy family.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 179. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### WIND ENERGY RESEARCH AND DEVELOPMENT ACT OF 2009

Mr. TONKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3165) to provide for a program of

wind energy research, development, and demonstration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3165

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Wind Energy Research and Development Act of 2009".*

#### SEC. 2. WIND ENERGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) *IN GENERAL.*—The Secretary of Energy shall carry out a program of research and development to—

- (1) improve the energy efficiency, reliability, and capacity of wind turbines;
- (2) optimize the design and adaptability of wind energy systems to the broadest practical range of atmospheric conditions; and
- (3) reduce the cost of construction, generation, and maintenance of wind energy systems.

(b) *PROGRAM.*—The program under this section shall focus on research and development of—

- (1) new materials and designs to make larger, lighter, less expensive, and more reliable rotor blades;
- (2) technologies to improve gearbox performance and reliability;
- (3) automation, materials, and assembly of large-scale components to reduce manufacturing costs;
- (4) low-cost transportable towers greater than 100 meters in height to capitalize on improved wind conditions at higher elevations;
- (5) advanced computational modeling tools to improve—

(A) the reliability of aeroelastic simulations of wind energy systems;

(B) understanding of the interaction between each wind turbine component;

(C) siting of wind energy systems to maximize efficiency and minimize variable generation;

(D) integration of wind energy systems into the existing electric grid to ensure reliability; and

(E) understanding of the wake effect between upwind and downwind turbine operations;

(6) advanced control systems and blade sensors to improve performance and reliability under a wide variety of wind conditions;

(7) advanced generators, including—

(A) medium-speed and low-speed generators;

(B) direct-drive technology; and

(C) the use of advanced magnets in generator rotors;

(8) wind technology for offshore applications;

(9) methods to assess and mitigate the effects of wind energy systems on radar and electromagnetic fields;

(10) wind turbines with a maximum electric power production capacity of 100 kilowatts or less;

(11) technical processes to enable—

(A) scalability of transmission from remotely located renewable resource rich areas; and

(B) optimization of advanced infrastructure design, including high voltage transmission; and

(12) other research areas as determined by the Secretary.

#### SEC. 3. WIND ENERGY DEMONSTRATION PROGRAM.

(a) *IN GENERAL.*—The Secretary of Energy shall conduct a wind energy demonstration program. In carrying out this section, the Secretary shall ensure that—

- (1) the program is of sufficient size and geographic diversity to measure wind energy system performance under the full productive range of wind conditions in the United States;

(2) demonstration projects carried out under this program are—

(A) conducted in collaboration with industry and, as appropriate, with academic institutions; and

(B) located in various geographic areas representing various wind class regimes; and

(3) data collected from demonstration projects carried out under this program is useful for carrying out section 2(b).

(b) *COST-SHARING.*—The Secretary shall carry out the program under this section in compliance with section 988(a) through (d) and section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352(a) through (d) and 16353).

#### SEC. 4. EQUAL OPPORTUNITY.

In carrying out this Act, the Secretary of Energy shall—

(1) coordinate with the Office of Minority Economic Impact and with the Office of Small and Disadvantaged Business Utilization; and

(2) provide special consideration to applications submitted by institutions, businesses, or entities containing majority representation by individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

#### SEC. 5. COMPETITIVE AWARDS.

Awards under section 2 and section 3 shall be made on a competitive basis with an emphasis on technical merit.

#### SEC. 6. COORDINATION AND NONDUPLICATION.

To the maximum extent practicable the Secretary of Energy shall coordinate activities under this Act with other programs of the Department of Energy and other Federal research programs.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act \$200,000,000 for each of the fiscal years 2010 through 2014.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3165, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

I am pleased that today we are considering H.R. 3165, the Wind Energy Research and Development Act of 2009.

The United States has enough wind energy resources to meet all of our electricity needs several times over, but experience over the last several years has shown that many significant technical issues remain before wind can serve as a major provider of base-load electricity. This bipartisan bill will establish a far more comprehensive research, development and demonstration program for wind technologies at the Department of Energy than currently exists. It is based on

several recent assessments of the challenges that need to be overcome for wind power to reach its full potential in the United States and has been fully endorsed by the American Wind Energy Association.

If enacted, H.R. 3165 would become the first law to set an authorization level for wind research and development since DOE's immediate predecessor, the Energy Research and Development Administration, was established in 1975. As we continue to develop a national energy strategy, this will provide crucial guidance for the Department in the years ahead.

I would like to thank my colleagues on the Science and Technology Committee on both sides of the aisle for working with me to make this bill as strong as possible. In particular, I have great thanks for our chairman of the committee, who has made a stalwart effort in advancing our legislation.

In addition to the two Democratic amendments offered, we approved all five Republican amendments offered by voice vote. Thus, the bill ensures geographic diversity, coordination across the Federal Government, and a merit-reviewed award process, among other important provisions.

I ask my colleagues in the House to support H.R. 3165, and look forward to working with our counterparts in the Senate to get this to the President's desk as soon as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3165, the Wind Energy Research and Development Act of 2009.

Wind energy has been and continues to be a very important part of the electricity-generating portfolio in this country, and in particular in my State of Texas, which I understand is the largest producer of wind energy in our country. However, the technology can be improved upon to make the wind turbines, systems and farms more efficient and more effective at producing energy.

Renewable energy from wind currently makes up almost 2 percent of the energy generated in this country, but industry experts believe that number can be as high as 20 percent. H.R. 3165 can help this country reach that goal.

The bill addresses the key research areas needed to expand our country's production of wind energy, and I thank Mr. TONKO for his work on this important renewable energy source and for working with both sides of the aisle to move this bill unanimously out of the Science Committee and before the House today.

With that, I reserve the balance of my time.

□ 1045

Mr. TONKO. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of H.R. 3165, the Wind Energy Research and Development Act of 2009.

My home State of Nebraska is sixth in the Nation in wind energy potential, yet lacks in transmission capacity and development for additional generation. As this legislation made its way through the Science and Technology Committee, we adopted my amendment, which will allow for research and development into ways to efficiently and cost effectively create high-voltage transmission for renewable energy.

America needs a comprehensive national energy plan. An all-of-the-above approach to our energy policy, one which includes offshore oil and gas production, as well as the advancement of technologies to develop alternative sources of energy such as wind power, needs to be on the table.

Mr. TONKO. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, as we continue to grow our dependency on wind power to meet this Nation's energy needs, it is important, critically important that we move forward aggressively with all efforts towards energy efficiency. This measure will do that. I strongly encourage our colleagues to support H.R. 3165.

Ms. SUTTON. Mr. Speaker, I rise today in support of H.R. 3165, the Wind Energy Research and Development Act and would like to commend Rep. TONKO for his work on this issue.

Wind power is one of our nation's fastest growing sources of energy. By 2030, the Department of Energy estimates that this industry will support 500,000 jobs in the U.S. and produce at least 20 percent of our Nation's electricity.

And we must focus our investments, leveraging private dollars, to R & D areas that need to be improved. We must focus R & D to improve gearbox reliability and performance. We must focus R & D to make materials more reliable and more affordable. And we must focus R & D to utilize wind technology offshore.

In Ohio, we are on the verge of the first fresh water wind energy project in the United States. Our project could serve as a prototype for harnessing wind energy on similar bodies of water across the nation. By utilizing the wind over Lake Erie, we will find another use for our great natural resource.

We must pass the Wind Energy Research and Development Act today to harness wind energy's potential, both on shore and off, and move away from foreign sources of energy.

Mr. HARE. Mr. Speaker, I rise today in strong support of H.R. 3165, the Wind Energy Research and Development Act of 2009. I

commend my colleague from New York, Representative TONKO for authoring this important legislation which moves our Nation further down the path toward energy independence.

As a representative of west central Illinois, I have the privilege of personally witnessing the development of our nation's energy future. Various companies, community colleges, counties, cities, and others in my congressional district are actively pursuing initiatives to develop and produce alternative sources of energy, and educate the new work force for this emerging field. In addition to the great work being done with biofuels, my district is also home to several wind energy projects, which is why I am happy we are considering H.R. 3165 on the House floor today.

As its name implies, the Wind Energy Research and Development Act of 2009 would provide much-needed funding for the research and development of technologies to advance wind turbine design, create better control systems and increase production capacity of energy output. The bill would also authorize \$200 million annually for a new program aimed at developing technologies to improve the efficiency of wind turbines while reducing production costs.

Not only does this legislation have the potential to establish a vibrant wind energy industry in the United States, but it could also lead to the creation of thousands of jobs in the manufacturing and engineering of wind turbines, turbine components, and turbine maintenance.

Additionally, this investment in wind energy would address the looming energy crisis by capturing and harnessing a naturally produced and renewable alternative to fossil fuels. A recent report published by the Department of Energy confirmed the technical feasibility of producing an estimated 20 percent of America's energy from wind turbines by the year 2030. This important legislation would provide the funding we need for the development of the technologies to reach this goal.

We have known for decades that the United States must turn to renewables and other forms of clean energy to combat climate change, achieve energy independence from unstable foreign nations, gain greater control over the cost of energy sources, and ensure energy security. Representative TONKO's bill would provide our country the tools needed to help facilitate this transition.

The United States is poised to become the worldwide leader in clean energy development and production—we have the ingenuity, the will, the workers, and the resources. H.R. 3165 would ensure that we lead the next breakthrough in clean energy technology.

Again, I thank my friend from New York and urge my colleagues to join me in voting for the Wind Energy Research and Development Act.

Mr. TONKO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RECOGNIZING CONTRIBUTIONS OF AMERICAN COUNCIL OF ENGINEERING COMPANIES

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 447) recognizing the remarkable contributions of the American Council of Engineering Companies for its 100 years of service to the engineering industry and the Nation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 447

Whereas the American Council of Engineering Companies (ACEC) and its thousands of member firms are celebrating the Council's 100th anniversary in 2009;

Whereas the ACEC is the oldest and largest business association of America's engineering industry, representing more than 5,000 engineering firms that employ 500,000 professionals, engaged in a wide range of practices that propel our economy and ensure a high quality of life for all people in the United States;

Whereas the ACEC represents engineers in private practice, who design the infrastructure, energy, and technological projects that ensure our Nation enjoys the highest standard of living in the world and continues to compete successfully in the 21st century economy;

Whereas the ACEC member firms have been responsible for many of the Nation's most significant achievements over the past 100 years, including the roads, bridges, subways, airports, buildings, industrial facilities, and water systems that are the most advanced in the world; and

Whereas the ACEC member firms have also been at the forefront of the environmental movement, cleaning up hazardous waste sites and incorporating sustainable solutions in infrastructure works: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates the American Council of Engineering Companies for its 100 years of service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 447, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TONKO. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 447, recognizing the remarkable contributions of the American Council

of Engineering Companies for its 100 years of service to the engineering industry and our Nation. I also want to thank the gentleman from North Carolina (Mr. SHULER) for introducing this resolution.

The American Council of Engineering Companies is the oldest and largest business association representing America's engineering industry. It represents more than 5,000 engineering firms that employ more than 500,000 engineers, architects, land surveyors, scientists and others. Its members engage in a wide range of engineering work, including designing the infrastructure, energy and technological projects that contribute to our economy and our quality of life.

The American Council of Engineering Companies traces its roots back to 1909, when a group of engineers in private practice established the American Institute of Consulting Engineers. Today, the American Council of Engineering Companies is a large federation of 51 State and regional councils representing a large section of America's engineering industry.

I congratulate the American Council of Engineering Companies on its 100 years of service and urge passage of House Resolution 447.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today, of course, in support of House Resolution 447, recognizing the very remarkable contributions of the American Council of Engineering Companies for its 100 years of service to the engineering industry and to the Nation. ACEC is a large federation of 51 State and regional councils representing the great breadth of America's engineering industry. This includes one of the largest councils serving 325 firms in my home State of Texas.

ACEC represents more than 5,000 engineering firms that employ more than 500,000 engineers, architects, land surveyors, scientists and other specialists responsible for more than \$100 billion of private and public works annually.

It's an effective and growing advocate for advancing the practice of consulting engineering and the promotion of private enterprise, working to further the business interests and opportunities of the world's most respected engineering companies, those that design and build the roads, the bridges, the subways and the airports, industrial facilities and water systems of America. These buildings and infrastructure have truly been the backbone of American commerce and industry during the last 100 years. The ACEC member companies that have helped to construct them will no doubt be on the front lines of the economic recovery that lies ahead of us.

I commend ACEC and its member companies and employees for the immeasurable service and contribution to the country.

I reserve the balance of my time.

Mr. TONKO. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I rise today in support of H. Res. 447, which recognizes the significant contributions of the American Council of Engineering Companies during its 100 years of service.

The American Council of Engineering Companies, or ACEC, represents more than 5,000 engineering firms across the Nation who work to enhance and safeguard America's quality of life. These companies are involved in every aspect of our economy, from highways and infrastructure to drinking water to new technologies. In 1909, a loosely organized group of engineers in private practice established the American Institute of Consulting Engineers, AICE, the forerunner of ACEC.

Since then, the organization has grown to encompass member firms that employ more than hundreds of thousands of engineers, architects, land surveyors, scientists and other specialists responsible for more than \$200 billion of public and private works annually.

There are now 51 State and regional ACEC councils, including a chapter in my State of Arkansas. The 2008-2009 Arkansas chapter president, Jerry Martin; vice president, Matt Crafton; treasurer, Barry McCormick; and state director, Brent Massey, all are doing a tremendous job. I can attest firsthand to the Arkansas chapter's hard work and the tremendous job that they have done in contributing to the State of Arkansas.

Mr. Speaker, the American Council of Engineering Companies' mission is to contribute to America's prosperity and welfare. I believe they do just that, and I commend the Council and their members for 100 years of outstanding service to the United States and urge adoption of H. Res. 447.

Mr. TONKO. Mr. Speaker, I now yield 3 minutes to Representative EARL BLUMENAUER of the State of Oregon. He is an outspoken voice for energy and environment matters and understands the role of engineers in that entire process.

Mr. BLUMENAUER. Thank you. I appreciate the gentleman's courtesy and his leadership.

If you spend a little time around here and work on a variety of issues, occasionally the various awards and honorary memberships come your way. Well, I am pleased to be an honorary fellow of the American Society of Civil Engineers. Nothing gives me more pride.

In the fight to rebuild and renew America, the American Council of En-

gineering Companies is in the forefront. ACEC provides, as referenced by my colleagues on the floor, the technical know-how to plan, develop design projects and help manage them through construction. These companies are at the heart of the essential building blocks of the built environment, the bridges, roads, water, sanitation, transit, rail, buildings, environmental protection and cleanup. They are leaders in the policy areas as well.

We have watched the engineering profession provide leadership and insight, counsel and advice in dealing with the reauthorization of our transportation bill, dealing with the recent legislation we have offered for a water trust fund, and with the reinstitution of the Superfund, the accountability that the ASCE has provided with an invaluable report card on the State of American infrastructure. They have done the study on a repeated basis, most recently issuing a new report that showed that we are still rated about a "D" in all the different categories. They do this on an ongoing basis to provide information that policymakers, businesses, the media can rely upon. Nobody else does it as well and as systematically.

For years, Congress has ducked the tough questions of accountability and finance. Here again, ACEC is in the forefront.

There are lots of jokes about engineers and the pocket-protector crowd, but I am deeply appreciative of how the American Council of Engineering Companies, and their thousands of engineers across the country, are playing a critical role in rebuilding and renewing America and making sure our communities are more liveable, our families are safer, healthier and more economically secure.

I hope our Members not only celebrate this 100th anniversary, but maybe use this as an opportunity to take the time to look at the resources that ACEC gives to us to help us do our job better.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan, Dr. EHLERS.

Mr. EHLERS. I thank you for recognizing me, and I wish to join in the accolades. You just heard from the gentleman from Oregon (Mr. BLUMENAUER) about the pocket-protector crowd, and I am proud to say that I am a member of the pocket-protector crowd, although I am not an engineer; I am a physicist. But I rise to commend the engineers for the work that they do and to recognize not just the companies—you have already heard all the companies lauded, and they do great and marvelous work—but the engineers behind it are also essential.

Whenever you step on an elevator, whenever you drive your car, whenever you go down a road or across a bridge, you are using engineering products.

Throughout your entire life everything you touch, almost everything you do is related to engineers who designed and built the objects that you are using.

We fail to recognize the importance of this. Other countries have not failed to. India, for example, which has a much bigger population than the U.S., is now producing more engineers than we do.

China, with a very large population, is producing considerably more engineers than we do. If we want to maintain our preeminent position as a Nation, we have to provide more emphasis and more incentives to engineers, and especially incentives to students to get into the engineering profession.

And that is why it is extremely important that we improve our math and science curricula in the elementary and secondary schools, because it has become true that if students don't study enough math or science in the elementary and secondary schools, they will not go into engineering when they get to the university because they simply don't have the right background. So it is essential that we develop better programs and better-trained teachers for elementary and secondary school math and science courses, so that we can once again capture the lead in engineering and manufacturing that we have had for many years and which we are in danger of losing.

So I urge that, as we celebrate what this particular organization has done, we also recognize that they need good engineers to accomplish their objectives and we, as a Congress, have a responsibility to make sure that we train the people who will become the engineers of the future.

Mr. TONKO. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, as an engineer serving in the House, I want to commend Representative SHULER for his work on House Resolution 447, which recognizes the American Council of Engineering Companies for its 100 years of service. Obviously the impact made by engineers and related scientists on our society is profound.

We need them to continue through their professionalism to lead us along the ways of discovery of creating new concepts and certainly designs that will lift us as a society. This Nation relies heavily on their professionalism and their services, and they will be those agents that transition this economy to an innovation economy.

So I would ask that our colleagues strongly support House Resolution 447.

Mr. SOUDER. Mr. Speaker, I would like to express my support for H. Res. 447 and recognize the American Council of Engineering Companies for its 100 years of service to the engineering industry and the Nation. In Indiana, the American Council of Engineers has been active for 50 years and currently represents over 100 firms throughout the state.

The engineering industry has been responsible for tremendous developments in the transportation, environmental and energy infrastructure that contribute to our economic success. Indiana has long been known as the "Crossroads of America" and our transportation infrastructure is fundamental to our economic health. Engineers design and create critical infrastructure to help ensure the goods we produce in our area are able to move to market.

My Congressional District is the manufacturing center of the country and has the highest percentage manufacturing jobs in the United States. However, in recent years, these positions are increasingly becoming more hi-tech and require higher levels of skills and training.

The American Council of Engineering Companies of Indiana is helping to meet this need through college scholarship programs that awarded \$17,500 in 2009 to Indiana residents who are pursuing a Bachelors or Masters in engineering at an Indiana school. With programs like Project "Lead the Way," the American Council of Engineering Companies partners with Middle Schools and High Schools to promote engineering, and make science and math relevant to young students by demonstrating how these technical skills can be applied in every day life.

Through these educational outreach programs, the American College of Engineering Companies is working to address the need for a skilled workforce and helping to generate interest in the math and science skills necessary for the next generation to succeed in our competitive global economy.

I ask my colleagues to join me in recognizing the American Council of Engineering Companies on its 100th year anniversary.

Mr. TONKO. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 447.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TONKO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1100

#### SUPPORTING THE GOALS AND IDEALS OF NATIONAL AEROSPACE DAY

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 167), supporting the goals and ideals of National Aerospace Day, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 167

Whereas the missions to the Moon by the National Aeronautics and Space Administration are recognized around the globe as one of the most outstanding achievements of humankind;

Whereas the United States is a leader in the International Space Station, the first permanent human habitation and scientific laboratory in space;

Whereas the first aircraft flight occurred in the United States, and the United States operates the largest and safest aviation system in the world;

Whereas the United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing 831,000 people in the United States and supporting more than 2,000,000 jobs in related fields;

Whereas space exploration is a source of inspiration that captures the interest of young people;

Whereas aerospace education is an important component of science, technology, engineering, and mathematics education and helps to develop the science and technology workforce in the United States;

Whereas aerospace innovation has led to the development of advanced meteorological forecasting, which has saved lives around the world;

Whereas aerospace innovation has led to the development of the Global Positioning System, which has strengthened national security and increased economic productivity;

Whereas the aerospace industry assists and protects members of the Armed Forces with military communications, unmanned aerial systems, situational awareness, and satellite-guided ordinances; and

Whereas September 16 is an appropriate date to observe "National Aerospace Day":

Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) supports the goals and ideals of "National Aerospace Day"; and

(2) recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Concurrent Resolution 167, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Con. Res. 167, supporting the goals and ideals of National Aerospace Day. Since it opened in 1976, the Smithsonian Air and Space Museum has been

the most popular museum in our Nation's Capital, with over 6 million visitors each year. This is indicative of our Nation's love of flight and the importance of flight to our country's well-being.

In this museum, you can see the Wright Flyer, which was the world's first powered airplane. You can also see the X-1 that Chuck Yeager first powered past the speed of sound and the Apollo XI capsule that returned Neil Armstrong, Buzz Aldrin and Michael Collins from their remarkable trip to the Moon. These are truly great achievements, and they deserve their hallowed place in our Nation's history.

The industry and individuals that support our aerospace endeavors also deserve our recognition, because they are the ones that make the great achievements in flight and space exploration possible.

The aerospace industry directly employs over 800,000 people in the United States with high-paying and high-tech jobs. In addition, the industry supports more than 2 million jobs in related fields. The United States is the unquestioned leader in aerospace technology, and it is a leadership position made possible only through the dedication of the talented aerospace workforce.

I want to thank Representative EHLERS for introducing this resolution to recognize the contributions of the aerospace industry to our country and urge my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 167, supporting the goals and ideals of National Aerospace Day, introduced by my good friend Representative VERN EHLERS and cosponsored by a number of leading Members from both sides of the aisle.

Domestic aerospace products, services and technologies underpin the Nation's quality of life, our security and economic vitality. These are fundamental to our ability to travel safely and conveniently throughout this country and the world. This enables our military to reach trouble spots quickly, to monitor those who wish to do us harm, and to accurately defeat imminent threats. Just as importantly, aerospace makes it possible for people and industries all across our country to quickly and inexpensively be part of our economic mainstream.

The capabilities made possible by aerospace products in outer space are just as extraordinary. These have enabled safely landing men on the Moon, sending satellites to all the planets in our solar system, landing a satellite on an asteroid, building a permanently inhabited space station, monitoring weather, measuring changes to our

planet, and providing instant communications to all parts of the globe. Space applications have enriched our lives and our understanding of the universe.

The history of aerospace is long and storied, from the Wright Brothers, to the creation of the Federal National Advisory Committee on Aeronautics and NASA, to the vigorous industrial growth and technological innovation led by the likes of companies such as Rockwell, McDonnell Douglas, Grumman, North American, Boeing, Pratt and Whitney, and Beechcraft. That list could go on and on. These companies and many, many others have led the world in innovation and engineering excellence. It is because of their talented researchers, their engineers and machinists that our country leads the world in the production of aerospace products.

Before closing, it bears repeating that aerospace products and services are one of the largest sources of export income in our balance of trade. Not only is aerospace a large source of domestic sales to our airplanes and our government, it is also an extraordinarily large source of foreign income.

Mr. Speaker, H. Con. Res. 167 designates September 16th as National Aerospace Day to highlight the industry's importance to our economy and our way of life and to remind Americans of the extraordinary achievements it has fostered and continues to provide. I urge all Members to support this very worthwhile bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TONKO. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan, Dr. EHLERS.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding.

As the author of this resolution and as a co-Chair of the House Aerospace Caucus, along with co-Chair Congressman NORM DICKS, I rise in strong support of House Concurrent Resolution 167, which supports the goals and ideals of creating a National Aerospace Day, in addition to recognizing the contributions of the aerospace industry to the history, economy, security and the educational system of the United States. I thank the gentleman from New York and the gentleman from Texas for their detailed recital of the many successes that the American aerospace industry has had, and I will not repeat those.

But as we celebrate the 40th anniversary of the Apollo Moon landing this year, it is appropriate that we pass this resolution recognizing the important achievements made possible by the aerospace industry. In addition to landing on the Moon, some other noteworthy achievements include leading the International Space Station

project, innovative developments in meteorological forecasting, national defense, communications, and creating the Global Positioning System which has come to be used by consumers throughout the world in guiding them where they travel in their daily lives.

The United States also maintains the largest, most complex and safest aviation system in the world, comprised of more than 230,000 general aviation aircraft which use nearly 19,000 small and regional airports throughout our Nation, and more than 7,000 commercial passenger and cargo airline aircraft which utilize over 500 commercial airports. Our aviation system, especially business aviation, allows U.S. companies to stay competitive because our workers can be more productive and more efficient.

The United States aerospace industry is a powerful, reliable source of employment, innovation and export income, employing more than 840,000 people in the United States and supporting more than 2 million jobs in related fields. Although unemployment remains high, especially in my home State of Michigan, these high-value, good-paying jobs continue to be available because of the shortage of qualified workers in this field.

Therefore, in order for the United States to remain at the forefront of aerospace development, we must do a better job of educating our children in science, technology, engineering and mathematics, commonly referred to as STEM education. Flying and space exploration remain a powerful inspiration that captures the interest of young people, and I applaud the efforts by the aerospace community to get involved with children and schools to nurture this interest and improve our STEM education programs.

I am proud to report that in my hometown of Grand Rapids, Michigan, a young gentleman, Patrick Johnson, who is a pilot, has formed the West Michigan Flight Academy, and been teaching aviation to children in the elementary schools, particularly those who are lagging behind. He has been helping them build model airplanes and fly them. Just about a month ago, I was with him when we went to a local meeting of the Experimental Aircraft Association chapter in my community.

Many of these children went up in an airplane for the first time in their life. They got to stand by the airplanes and hear an explanation of what the different parts of the airplanes were and how they work. And, believe it or not, most of those children are now very interested in studying math and science to better understand aviation, and may enter an occupation they had never thought of before. So aviation also has a very important educational impact, and I am pleased that the aerospace industry has helped schools and teachers learn more and teach more about aviation, and through that has inspired

children to study science and mathematics.

I hope my colleagues will join me in honoring the aerospace industry for their good service by supporting the creation of a National Aerospace Day on September 16th. I also urge all members to vote for this concurrent resolution, H. Con. Res. 167.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, I would again like to commend Representative EHLERS for his outstanding work on this resolution, drawing our attention to a National Aerospace Day. It is no small feat to have seen the history of the aerospace arena grow in leaps and bounds over the last century, and certainly writing much of that history was America and Americans who have, through their investment, given great opportunities to careers, to jobs that have been developed in that arena of a high-tech capacity, and certainly that have provided great hope and inspiration to many.

With all that being said, I would strongly encourage the Members of the House to support H. Con. Res. 167.

Mr. KUCINICH. Mr. Speaker, I thank Congressman EHLERS for his leadership on this bill and I am proud to be a cosponsor of this important legislation. National Aerospace Day recognizes the importance of NASA, its world-class employees and the decades of successes those employees have accumulated for NASA. NASA contributes greatly to the advancement of scientific research and is responsible for technology that we use every single day.

Yesterday, the Summary Report by the Review of U.S. Human Spaceflight Plans Committee was released. The Committee's report confirms what we've known for a long time—NASA is underfunded. Supporting and adequately funding NASA's programs that contribute to its human space flight initiative is essential for the U.S. to maintain its global leadership.

While I agree with the Commission that NASA's research centers like NASA Glenn in Brook Park, Ohio need more funding in order to achieve the mandates given to them by Congress and the President, I am particularly concerned with the recommendations in the Committee Report to privatize important parts of NASA. Privatization of a public resource is dangerous. We must not let ourselves fall for the lure of the potential for short term savings when privatization frequently ends up costing the taxpayer much more than purported savings, not to mention well-paying, stable jobs. At a time of record high unemployment rates, we cannot afford to compromise the integrity of one of our nation's greatest assets by outsourcing NASA's work.

I want to also be clear that NASA must not become an arm of the Department of Defense. NASA has always focused on civilian research, which has allowed it to avoid becoming subsumed by the perpetual imperative of national security.

NASA's aeronautics research is particularly important because NASA is able to develop

longer term, high-risk enabling technologies that our private industry is unable and unwilling to perform. If we lose aeronautics at NASA, we will cede our global leadership in the field to Europe.

I have the privilege of having the NASA Glenn Research Center in my district. NASA Glenn serves as an economic engine for the Greater Cleveland Community and for the State of Ohio. In the year 2007 alone, the economic output of NASA Glenn was \$1.2 billion. As of 2007, NASA Glenn was responsible for over 8,000 jobs and household earnings amounting to \$402 million in Ohio alone.

NASA Glenn's employees have been global leaders in their field for decades. In fact, Glenn has won 98 of the 150 R&D 100 Awards from R&D Magazine that have been granted to NASA since 1966, more than all the other NASA centers combined. Of over 600 national laboratories, Glenn is in the top 10 for these awards.

NASA Glenn specializes in space flight systems development, aeropropulsion, space propulsion, power systems, communications, and human-related systems. They develop cleaner technologies for space propulsion that is safer, more reliable and more affordable. NASA's expertise in renewable energy and energy efficient technologies will be critical to a burgeoning green economy.

NASA Glenn plays a vital role in developing NASA's future generation of space flight vehicles and is the lead developer of the lunar lander's ascent stage propulsion system—the system responsible for getting our astronauts back to earth from the moon. The Center is vital in training and recruiting the next generation of employees that will work on future space flight missions to the Moon and Mars through its educational partnership programs with local universities.

I am proud of the work done at NASA Glenn and of the important contributions NASA has made to our Nation. Congress has an obligation to fully support NASA and I strongly urge passage of this bill.

Mr. TONKO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 167.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### HEAVY DUTY HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 2009

Mr. TONKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 445) to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 445

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act of 2009”.

#### SEC. 2. ADVANCED HEAVY DUTY HYBRID VEHICLE TECHNOLOGY RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive research, development, demonstration, and commercial application program (referred to in this Act as the “program”) to provide grants to applicants to carry out projects to advance research and development and to demonstrate technologies for advanced heavy duty hybrid vehicles.

(b) APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall issue requirements for applying for grants under the program.

(2) SELECTION CRITERIA.—The Secretary shall establish selection criteria for awarding grants under the program. In evaluating applications, the Secretary shall—

(A) consider the ability of applicants to successfully complete both phases described in subsection (c); and

(B) give priority to applicants who are best able to—

(i) fill existing research gaps and achieve the greatest advances beyond the state of current technology; and

(ii) achieve the greatest reduction in fuel consumption and emissions.

(3) PARTNERS.—An applicant for a grant under this section may carry out a project in partnership with other entities.

(4) SCHEDULE.—

(A) APPLICATION REQUEST.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to undertake projects under the program. Applications shall be due not later than 90 days after the date of such publication.

(B) APPLICATION SELECTION.—Not later than 90 days after the date on which applications for grants under the program are due, the Secretary shall select, through a competitive process, all applicants to be awarded a grant under the program.

(5) NUMBER OF GRANTS.—The Secretary shall determine the number of grants to be awarded under the program based on the technical merits of the applications received. The number of grants awarded under the program shall not be less than three or more than seven, and at least half of the grants awarded shall be for plug-in hybrid technology.

(6) AWARD AMOUNTS.—The Secretary shall award not more than \$3,000,000 to each recipient per year for each of the 3 years of the project.

(c) PROGRAM REQUIREMENTS; TWO PHASES.—Each grant recipient shall be required to complete two phases:

(1) PHASE ONE.—

(A) IN GENERAL.—In phase one, the recipient shall research and demonstrate advanced hybrid technology by producing or retrofitting one or more advanced heavy duty hybrid vehicles.

(B) REPORT.—Not later than 60 days after the completion of phase one, the recipient

shall submit to the Secretary a report containing data and analysis of—

(i) the performance of each vehicle in carrying out the testing procedures developed by the Secretary under subparagraph (E);

(ii) the performance during such testing of each vehicle's components, including the battery, energy management system, charging system, and power controls;

(iii) the projected cost of each vehicle, including acquisition, operating, and maintenance costs; and

(iv) the emissions levels of each vehicle, including greenhouse gas levels.

(C) **TERMINATION.**—The Secretary may terminate the grant program with respect to the project of a recipient at the conclusion of phase one if the Secretary determines that the recipient cannot successfully complete the requirements of phase two.

(D) **TIMING.**—Phase one begins upon receipt of a grant under the program and has a duration of one year.

(E) **TESTING PROCEDURES.**—The Secretary shall develop standard testing procedures to be used by recipients in testing each vehicle. Such procedures shall include testing a vehicle's performance under typical operating conditions.

(2) **PHASE TWO.**—

(A) **IN GENERAL.**—In phase two, the recipient shall demonstrate advanced manufacturing processes and technologies by producing or retrofitting fifty advanced heavy duty hybrid vehicles.

(B) **REPORT.**—Not later than 60 days after the completion of phase two, the recipient shall submit to the Secretary a report containing—

(i) an analysis of the technological challenges encountered by the recipient in the development of the vehicles;

(ii) an analysis of the technological challenges involved in mass producing the vehicles; and

(iii) the manufacturing cost of each vehicle, the estimated sale price of each vehicle, and the cost of a comparable non-hybrid vehicle.

(C) **TIMING.**—Phase two begins at the conclusion of phase one and has a duration of two years.

(d) **RESEARCH ON VEHICLE USAGE AND ALTERNATIVE DRIVE TRAINS.**—The Secretary shall conduct research into alternative power train designs for use in advanced heavy duty hybrid vehicles. Such research shall compare the estimated cost, including operating and maintenance costs, emissions reductions, and fuel savings of each design with similar non-hybrid power train designs under the conditions in which these vehicles are typically used, including, for each vehicle type—

(1) number of miles driven;

(2) time spent with the engine at idle;

(3) horsepower requirements;

(4) length of time the maximum or near maximum power output of the vehicle is needed; and

(5) any other factors that the Secretary considers appropriate.

(e) **REPORT TO THE CONGRESS.**—Not later than 60 days after the Secretary receives the reports from grant recipients under subsection (c)(2)(B), the Secretary shall submit to the Congress a report containing—

(1) an identification of the grant recipients and a description of the projects to be funded;

(2) an identification of all applicants who submitted applications for the program;

(3) all data contained in reports submitted by grant recipients under subsection (c);

(4) a description of the vehicles produced or retrofitted by recipients in phase one and phase two of the project, including an analysis of the fuel efficiency of such vehicles; and

(5) the results of the research carried out under subsections (d) and (h).

(f) **COORDINATION AND NONDUPLICATION.**—To the maximum extent practicable, the Secretary shall coordinate, and not duplicate, activities under this Act with other programs and laboratories of the Department of Energy and other Federal research programs.

(g) **COST SHARING.**—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to the program established pursuant to this section.

(h) **ELECTRICAL GRID RESEARCH PILOT PROGRAM.**—The Secretary shall establish a pilot program through the National Laboratories and Technology Centers of the Department of Energy to research and test the effects on the domestic electric power grid of the widespread use of plug-in hybrid vehicles, including plug-in hybrid vehicles that are advanced heavy duty hybrid vehicles.

(i) **DEFINITIONS.**—For purposes of this section:

(1) **ADVANCED HEAVY DUTY HYBRID VEHICLE.**—The term “advanced heavy duty hybrid vehicle” means a vehicle with a gross weight between 14,000 pounds and 33,000 pounds that is fueled, in part, by a rechargeable energy storage system.

(2) **GREENHOUSE GAS.**—The term “greenhouse gas” means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; or

(F) sulfur hexafluoride.

(3) **PLUG-IN HYBRID.**—The term “plug-in hybrid” means a vehicle fueled, in part, by electrical power that can be recharged by connecting the vehicle to an electric power source.

(4) **RETROFIT.**—The term “retrofit” means the process of creating an advanced heavy duty hybrid vehicle by converting an existing, fuel-powered vehicle.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) There are authorized to be appropriated to the Secretary \$16,000,000 for each of fiscal years 2010 through 2012 to carry out this section.

(2) Of the funds authorized under paragraph (1), not more than \$1,000,000 per fiscal year may be used for—

(A) carrying out the studies required under subsection (d);

(B) carrying out the pilot program required under subsection (h); and

(C) the administration of the program.

### SEC. 3. EXPANDING RESEARCH IN HYBRID TECHNOLOGY FOR LARGE VEHICLES.

Subsection (g)(1) of the United States Energy Storage Competitiveness Act of 2007 (enacted as section 641(g)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(g)(1))) is amended by inserting “vehicles with a gross weight over 16,000 pounds,” before “stationary applications”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. TONKO. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 445, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to put before the House today H.R. 445 by Mr. JIM SENSENBRENNER. The House passed a nearly identical bill, H.R. 6323, in the 110th Congress and, unfortunately, that is as far as the bill got. Hopefully we can get some movement on this measure this time around.

By enhancing the Department of Energy's research program in heavy duty hybrid trucks, this bill draws much needed focus to a very critical component of the transportation sector, that being commercial trucks.

We have repeatedly learned the hard way just how much the health of our economy can hinge on the commercial transportation sector. Costly fuel translates directly into higher prices for consumers since the large majority of products we consume or use, from food to building materials, are at some point transported by a medium to heavy duty truck. We must take measures to ensure that this remains a vibrant economic sector.

The heavy truck sector also plays a role in our energy security and environmental health. Approximately one-fourth of the Nation's fuel use and the majority of transportation-based emissions can be attributed to heavy duty trucks. One large tractor-trailer rig uses as much fuel annually as 48 passenger vehicles. We can see how even small improvements in their efficiency can have a substantial impact.

As with passenger vehicles, hybrid technologies hold the greatest promise for improving the fuel economy and emissions of commercial trucks, but considerable research and development is required to put these technologies on the road. While the technological requirements for hybrid trucks are very different, advances in this sector can benefit the domestic automotive sector as a whole by providing invaluable lessons learned in the designing and manufacturing of these systems.

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Mr. SENSENBRENNER's bill represents a commonsense approach to chipping away at our energy challenge. I believe this is an important piece of legislation in the large and complex puzzle that is our transportation sector. And I urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of H.R. 445, the Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act of 2009, sponsored by my good friend, Congressman SENSENBRENNER. H.R. 445 was originally introduced in the 110th Congress as H.R. 6323, where it passed out of the Committee on Science and Technology with bipartisan support and input from both sides of the aisle and was passed by the House of Representatives under suspension of the rules by voice vote.

I'm pleased that Mr. SENSENBRENNER reintroduced his bill in this Congress that we're debating on the floor today. While most of the attention on hybrid vehicles has been focused on passenger cars, large, heavy duty hybrid trucks have received limited funds for Federal research and development programs. However, because trucks generally use much more fuel per year than passenger vehicles, the overall potential on satisfaction is very significant. The Environmental Protection Agency establishes that a typical delivery truck using a hydraulic hybrid system could save up to 1,000 gallons of fuel per year.

In light of the proposed savings in fuel use and resulting emissions reduction, the Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act of 2009 aims to encourage the advancement of the needed technology to bring about these savings. The bill directs the Secretary of Energy to establish a grant program for the development of advanced heavy duty hybrid vehicles.

These grants are awarded in two phases. In phase one, grant recipients are required to build or retrofit one or more advanced heavy duty hybrid vehicles and to collect required data. In phase two, grant recipients are required to produce or retrofit 50 advanced heavy duty hybrid vehicles, collect required data, and report on the results.

In addition, the bill directs the Secretary to conduct a study of alternative power train designs for use in advanced heavy duty hybrid vehicles and, further, directs the Secretary to establish a pilot program through DOE's national laboratories to research and test the effects on the domestic electric power grid of the widespread use of plug-in hybrid vehicles, including heavy duty plug-in hybrid trucks.

Again, I thank Congressman SENSENBRENNER for introducing this bill, and Chairman GORDON for helping to advance it. I think it makes good sense and deserves passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, I again commend Representative SENSENBRENNER for his work on H.R. 445,

which will speak to heavy duty hybrid vehicle research and development. The deployment of the improvements that we can make in that transportation sector will aid us tremendously in responding favorably to the environment and to our energy needs. For that purpose and many of the related energy and environment benefits that come from such research and development, I strongly urge our colleagues to support H.R. 445.

Mr. SENSENBRENNER. Mr. Speaker, I rise to urge support for my Hybrid Truck bill. New taxes are not the only solution to climate change. We need to focus on our economy as we work to reduce our emissions. We can over-regulate our businesses, cripple our economic development, and watch as China and India race past us—sputtering greenhouse gases along the way—or Congress can create incentives that encourage the development of new technologies that will reduce our emissions, foster economic development, and allow U.S. manufacturers to export their energy-saving technologies worldwide.

Commercial traffic is truly vital to the American economy, and the fuel costs for trucks directly affect costs for all Americans. Higher prices for their fuel raise the prices of our food, healthcare, manufacturing, retail, waste removal, and other goods and services. While our economy would not survive without them, trucks consume huge quantities of oil, which raises the cost of their business, increases our dependence on oil, and injects greenhouse gases into our environment.

The answer is not to burden these businesses, already strained by high fuel costs, with additional taxes for the carbon dioxide they release. Instead, we need to encourage the development and introduction of technologies that will reduce their fuel consumption.

The technologies we need already exist. Everyone has seen hybrid cars. This technology, which combines gas and electric motors for a powerful and efficient engine, is even more practical in trucks. Even though there are fewer trucks on the road, trucks use more fuel.

Utility trucks, for example, typically drive short distances to and from a work site, but sit idle for hours while on site. A plug-in hybrid truck would use less fuel getting to and from the site, and could operate without any fuel while on site. Ultimately, a plug-in hybrid engine in a utility truck could use up to 60 percent less fuel.

Delivery trucks constantly stop and go. Hybrid engines excel at this type of driving because the engine can essentially turn off during short accelerations, while coasting, and when it is at a stop.

Developing these technologies will have benefits beyond fuel savings. By making our trucks more efficient, we will make our goods and services more affordable and become leaders in these new technologies. By helping American manufacturers research and commercialize new technologies, we can strengthen our economy, reduce our dependence on foreign oil, and lower our emissions.

H.R. 445 is one example of how technology, not taxes, can solve our energy crisis. This legislation will accelerate research of plug-in

hybrid technology in trucks by creating grants for manufacturers to build, test, and sell plug-in hybrid utility and delivery trucks. This bill will put plug-in hybrid trucks on the road and help advance research and accelerate commercialization of an important technology.

Mr. Speaker, I would like to submit the following memo regarding H.R. 445:

#### HEAVY DUTY HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 2009

##### I. PURPOSE OF THE BILL

The purpose of H.R. 445, the 'Heavy Hybrid Truck Research, Development, and Demonstration Act of 2009,' is to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty hybrid vehicles, and for other purposes.

##### II. BACKGROUND AND NEED FOR LEGISLATION

Because large, heavy duty trucks rely on a diesel or gasoline internal combustion engine for power, they typically have relatively low fuel economy and high emissions. This is especially evident in trucks with duty-cycles that require frequent starts and stops or long periods of engine idling to power auxiliary systems such as bucket lifters, trash compactors, off-board power tools, air conditioning, refrigeration, or other work-related equipment. Switching a portion of the driving and auxiliary power loads away from the internal combustion engine to an alternate power source would enable these vehicles to realize considerable fuel savings and emissions reductions compared to conventional models. The Environmental Protection Agency (EPA) estimates that an average delivery truck using a hybrid drive system could save approximately 1,000 gallons of diesel per year compared to one with a conventional drive system.

High fuel prices and tightening emissions standards provide an added impetus for the development of new heavy duty hybrid truck systems. Several manufacturers have technologies in various stages of development for a range of large commercial vehicle platforms such as package delivery vans, buses, refuse collection trucks, large utility 'bucket' trucks, construction vehicles, and short- and long-haul tractor trailer trucks. Research supported by the Department of Defense (DOD) has also been a key driver of innovation for heavy hybrids since these technologies can provide several strategic advantages including substantial noise reduction, a source of alternative power for radar and weapons systems, reduction of overall weight and maintenance requirements, and longer ranges between vehicle refueling. Despite substantial investment in both the defense and commercial sectors, the cost of research and development and the final price of heavy duty hybrid vehicles remain prohibitively high, even for military applications. Consequently, there remain significant technical obstacles to development and final commercial application of these technologies that federally-sponsored R&D activities can help to overcome.

Managing a comprehensive federal R&D program is complicated by the fact that there is no one-size-fits-all hybrid solution for the entire heavy duty vehicle sector. The power demands of heavy duty trucks are as varied as the applications, and deploying hybrid models into heavy truck fleets is more complicated than simply scaling up the hybrid systems used for passenger vehicles. For example, through the course of an average drive cycle the charging and discharging of a

hybrid system on a refuse truck with its frequent starts and stops, dumpster lifting, and trash compaction will be considerably different than that of a utility truck, which may idle in one place for several hours to operate a boom or other equipment. Furthermore, developing hybrid systems for long-haul tractor trailer rigs (Class VIII) presents an even greater challenge since these vehicles seldom brake during a drive cycle, providing few opportunities for battery systems to recharge through regenerative braking. The energy storage devices and related control systems may be altogether different for each of these platforms. Future generations of heavy trucks may also include plug-in hybrid electric models that can store more electric energy in larger banks of batteries and charge these batteries through direct connection to the electricity grid either while in operation on a jobsite or in a parking lot or garage.

The majority of federal funding for hybrid vehicle R&D has focused on passenger vehicles which far outnumber heavy trucks. However, the federal R&D portfolio should address the significant potential for fuel savings and emissions reductions through improvements in the heavy duty vehicle sector, and take advantage of the ability of this sector to deploy new technologies quickly. For example, according to the Oshkosh Truck Corporation, there are approximately 90,000 refuse trucks in the United States. Their collective fuel consumption is equivalent to 2.5 million passenger vehicles (based on 10,000 gallons/year per truck). Eaton Corporation estimates that as few as 10,000 hybrid electric trucks could reduce diesel fuel usage by 7.2 million gallons per year (approx. 1 million barrels of oil), reduce annual NOx emissions by the amount equivalent to removing New York City's passenger cars for 25 days, and reduce carbon dioxide emissions by 33,000 tons.

Energy storage technology options for hybrid trucks generally include batteries, hybrid hydraulic systems, and ultra-capacitors. Batteries receive the most attention and research funding because of their applicability throughout the transportation sector. To expand the use of electricity in the vehicles sector, batteries must be smaller, lighter, cheaper, and more powerful. Vehicle batteries typically fall into one of three families of technologies: lead-acid, nickel metal hydride (NiMH), and lithium-ion (Li-ion). Lead-acid batteries have many advantages including their relative simplicity and low cost, wide-scale availability, domestic manufacturing capacity, and established recycling infrastructure. NiMH batteries are found in the current generation of hybrid vehicles and will be the battery of choice for many of the first generation heavy hybrid trucks. However, high weight and low power density are significant issues for both lead-acid and NiMH batteries. Many in the industry believe the future of hybrids depends on breakthroughs in new battery technologies, such as the lithium-ion (Li-ion) batteries with their comparatively low weight and high power density. In addition to resolving remaining serious technical issues such as heat management, the cost of manufacturing Li-ion batteries remains prohibitively high for large-scale deployment in vehicles. There is also concern that the U.S. is falling behind countries like Japan, China and France in the race to develop and mass produce batteries for hybrid vehicles. Consequently, a significant effort is underway to build up a domestic supply chain.

Plug-in hybrid applications that include an energy storage system charged by an exter-

nal power source are a particularly attractive option for certain platforms of heavy duty vehicles. Furthermore, heavy truck fleets provide a valuable test-bed for demonstrating technologies that may ultimately end up in the passenger vehicle market. Plug-in Hybrid Vehicles (PHEV) is a critical near-to-mid term technology option for drastically reducing the nation's dependence on foreign oil. PHEV's, unlike traditional hybrid application, shift most of the vehicle's energy source from petroleum to domestically produced power from the electricity grid while still providing sufficient power to handle heavy duty applications. Some studies suggest that PHEV's may have the added benefit of reducing transportation-related carbon emissions, even if the electricity is generated solely from coal. Much research remains in developing the technology to reduce the weight and cost of the systems while improving reliability.

The Department of Energy (DOE) has funded limited research on the hybridization of trucks, most recently through the 21st Century Truck Partnership which conducts research and development through joint public and private efforts. Other federal agencies involved in the 21st Century Truck Partnership include the Department of Defense, the Department of Transportation, and EPA. Because of the highly fragmented nature of the heavy duty vehicle manufacturing industry, there is limited in-house research and testing capabilities for even the largest of firms. The industry often relies on research efforts of unique Federal facilities such as DOE's National Renewable Energy Laboratory and Argonne National Laboratory, the EPA's National Vehicle and Fuel Emissions Laboratory, and the Army's National Automotive Center. Despite the potential economic and environmental benefits of hybrid trucks and the considerable technical hurdles that remain, the 21st Century Truck Partnership is facing decreased funding and an uncertain future as the administration chooses to focus federal research on the passenger vehicle market. DOE does not currently offer any competitive grants that target the development of technologies applicable for use in hybrid trucks.

### III. SUMMARY OF MAJOR PROVISIONS OF THE BILL

H.R. 445 directs the Secretary of DOE (Secretary) to establish a grant program for the development of advanced heavy duty hybrid vehicles. The bill gives the Secretary the discretion to award between three and seven grants based on the technical merits of the proposals received. At least half of the awarded grants must be for the development of plug-in hybrid trucks.

Grants are awarded to applicants for two phases of research and development. In phase one, recipients must build at least one advanced heavy duty hybrid vehicle, conduct studies of the vehicle, and report to DOE on the performance, cost, and emissions levels of the vehicle. In phase two, recipients must produce 50 advanced heavy duty hybrid vehicles and report to DOE on the technological challenges and estimated costs involved in wide-scale manufacture.

H.R. 445 also directs the Secretary to conduct a study of alternative power train designs for use in advanced heavy duty hybrid vehicles. The study includes analysis of different designs under conditions of typical use. The bill also directs the Secretary to establish a pilot program through the National Laboratories to research and test the effects on the domestic electric power grid of widespread use of plug-in hybrid vehicles.

Grant applicants may include partnerships between manufacturers, electrical utilities, or other entities to fulfill the program's requirements. Awards under H.R. 445 will be for up to \$3 million per year for three years. The bill also amends the Energy Storage Competitiveness Act of 2007 (enacted as section 641(g)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(g)(1)) to include heavy trucks in the Secretary's priorities for applied energy storage research.

### IV. SECTION-BY-SECTION ANALYSIS OF THE BILL

#### Section 1. Short title

H.R. 445 can be cited as the "Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act of 2009."

#### Section 2. *Advanced Heavy Duty Hybrid Vehicle Technology Research, Development, Demonstration, and Commercial Application Program*

Section 2(a) directs the Secretary to establish a program to provide grants to carry out projects to advance research and demonstrate technologies for advanced heavy duty hybrid vehicles.

Section 2(b) requires the Secretary to issue application requirements and to establish criteria for making grant awards. The Secretary must give priority to applicants who are best able to advance the current state of technology and achieve the greatest reductions in fuel consumption and emissions. To be eligible, recipients must produce trucks with a gross weight between 14,000 and 33,000 pounds (e.g. Class IV through Class VII vehicles). The Secretary is given discretion to award between three and seven grants based on the technical merits of the applications received. At least half of the grants are to be awarded for plug-in hybrid technology. Applicants can partner with other entities to fulfill the obligations of the program.

Section 2(c) defines two phases of research by award recipients. In phase one, each recipient has one year to build or retrofit one or more advanced heavy duty hybrid vehicles. Recipients are required to collect and analyze data on the performance of key vehicle components; the estimated costs of producing, operating, and maintaining the vehicle; the emissions of the vehicle; and on overall vehicle performance according to guidelines established by the Secretary.

If, at the conclusion of phase one, it is clear that a grant recipient will be unable to complete the requirements of phase two, the Secretary has the discretion to waive the requirement for phase two research and terminate the grant to that recipient.

In phase two, recipients are required to demonstrate the advanced manufacturing processes of heavy duty plug-in vehicles by producing or retrofitting 50 advanced heavy duty hybrid vehicles within two years. Recipients must also report on the major technological obstacles they encounter in developing and producing the vehicles and on the projected costs of each vehicle.

Award recipients are eligible to receive three million dollars per year for three years to complete both phases of the development program.

Section 2(d) directs the Secretary to conduct a study of alternative power train designs for use in advanced heavy duty hybrid vehicles. The study would analyze these different designs under conditions which they are typically used, including the average number of miles driven, the time spent with the engine at idle, horsepower requirements, the length of time the maximum power is required, and other factors the Secretary determines to be appropriate.

Section 2(e) requires the Secretary to report to Congress within 60 days on the findings of the reports submitted by grant recipients.

Section 2(f) and 2(g) require the Secretary to coordinate the research conducted under this program with other research conducted by the Department. The cost sharing provisions of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) apply to the program.

Section 2(h) directs the Secretary to establish a pilot program through DOE's National Laboratories to research and test the effects on the domestic electric power grid of the widespread use of plug-in hybrid vehicles, including heavy duty plug-in hybrid trucks.

Section 2(i) defines the terms: advanced heavy duty hybrid vehicle, greenhouse gas, plug-in hybrid, retrofit, and Secretary for the purposes of this section.

Section 2(j) authorizes appropriations of \$16 million per year for fiscal years 2010 through 2012.

*Section 3. Expanding research in hybrid technology for large vehicles*

This section amends the United States Energy Storage Competitiveness Act of 2007 (enacted as section Sec. 641(g)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(g)(1)) to include vehicles with a gross weight over 8501 pounds in the Secretary's priorities for advanced energy storage.

#### V. VIEWS

The hybridization of heavy duty trucks is an important goal that has been largely overlooked by the Federal government. While numerous federal grants are available for the production of hybrid and plug-in hybrid passenger vehicles, there are no grants available that specifically target the development of heavy duty hybrid vehicles. This is an unfortunate oversight. Federal investment in this research will result in improvements in the fuel efficiency and emission profiles of heavy duty vehicles and is likely to provide significant economic benefits as well as benefits in energy efficiency and air quality.

The Secretary is encouraged to award the maximum number of grants if sufficient meritorious applications are received. Research applicable to heavy duty vehicles that make frequent stops such as delivery trucks, buses, and refuse collection vehicles and vehicles that idle on job sites for extensive periods to operate auxiliary functions such as utility 'bucket' trucks should receive the highest priority for funding under this program. This research and development program is not intended to provide support for research and development on large, Class IV, passenger trucks. The definition of Advanced Heavy Duty Hybrid Vehicle included in the legislation specifically excludes Class VIII heavy duty vehicles (e.g. long-haul tractor trailer trucks). Significantly different technical requirements of those platforms merits funding under separate programs.

It is important to provide funding to applicants best able to provide the greatest potential advancement over current technologies and for research that is most likely to lead to reduced fuel consumption and reduced emissions. In many cases, this will mean awarding applicants who propose hybrid designs that rely on multiple sources of energy for propulsion, and integration of propulsion and auxiliary power systems as this approach entails a greater technical challenge.

Intellectual property rights and ownership of actual vehicles built under this program are intended to benefit the grant recipients

who develop them. The Department of Energy is encouraged to grant waivers of such rights.

Mr. TONKO. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and pass the bill, H.R. 445, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RECOGNIZING 75TH ANNIVERSARY OF FEDERAL CREDIT UNION ACT

Mr. HIMES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 556) recognizing the 75th anniversary of the passage of the Federal Credit Union Act and the vibrant Federal credit union community that was created as a result of this important piece of legislation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 556

Whereas, on June 26, 1934, President Franklin Roosevelt signed into law the Federal Credit Union Act, thus enabling credit unions to be organized throughout the United States under the charters approved by the Federal Government;

Whereas the passage of the Federal Credit Union Act enabled credit unions to play an instrumental role in helping hard-working people in the United States recover after the Great Depression;

Whereas credit unions have continued to exemplify the American values of thrift, self-help, and volunteerism, carving out a special place for themselves among the Nation's financial institutions;

Whereas credit unions operate with the credo, "Not for profit, not for charity, but for service" and have consistently reflected this philosophical tradition and the cooperative spirit of "people helping people" that gave birth to the Federal Credit Union Act;

Whereas credit unions continue to provide valuable services to their members, financial alternatives for the underserved, and economic stimulus to our Nation even as we face a financial crisis today; and

Whereas, June 26, 2009, will mark the 75th anniversary of the enactment of the Federal Credit Union Act: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the 75th anniversary of the passage of the Federal Credit Union Act and the vibrant Federal credit union community that was created as a result of this landmark piece of legislation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. HIMES) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

##### GENERAL LEAVE

Mr. HIMES. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HIMES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 26, 1934, President Franklin Delano Roosevelt signed into law the Federal Credit Union Act, establishing the Federal credit union system and creating the Bureau of Federal Credit Unions, the predecessor to the National Credit Union Administration, to charter and oversee Federal credit unions. June 26, 2009 marked the 75th anniversary of the passage of that act to create a not-for-profit financial institution formed for the purpose of promoting thrift among its members and providing them with a source of low-cost credit.

Given the presence of some of the oldest Federal credit unions in my home State of Connecticut and their important role that they play in their communities, I am pleased to offer this resolution.

Today there are more than 4,700 federally chartered credit unions. Together they serve nearly 50 million Americans and have nearly \$500 billion in combined assets. In my district alone, Federal credit unions serve about 60,000 members and manage approximately \$430 million in assets. Private sector organizations such as Pitney Bowes, the Fairfield University employees, Arnold Bakers run Federal credit unions. The Bridgeport police, Bridgeport hospital run successful credit unions, labor organizations such as the UFCW Local 371 are running successful Federal credit unions.

In these turbulent times, the not-for-profit cooperative business model of credit unions has been an example of safety and soundness providing credit at reasonable rates and important financial services to its members. Federal credit unions continue to seek opportunities to extend crucial financial services to underserved areas. They are inherently invested in the their members and in their communities and have helped their members in these troubling economic times by promoting financial security and economic well-being for all.

I am happy to recognize the 75th anniversary of the passage of the Federal Credit Union Act and to acknowledge their valuable services to their members and communities across the Nation.

Mr. Speaker, with that I reserve the balance of my time.

Mr. GARRETT of New Jersey. I yield myself such time as I may consume.

I rise in support of the legislation, and I commend my colleague on the other side of the aisle as well for his

work on this piece as well and his support.

If you look to the legislation, page 2, I think this is an interesting portion and it really cuts to the quick of what we're talking about with regard to credit unions. It says: whereas credit unions operate with the credo, not for profit, not for charity, but for service and have consistently reflected this philosophical tradition and the cooperative spirit of people helping people that gave birth to the Federal Credit Union Act.

Well, when you think about it, that is exactly what the credit union industry is in this country: not for profit, not for charity but for service. And when I think of my district back in the great State of New Jersey in the Fifth Congressional District and the credit unions that are in that area, whether it was the very first credit union that I ever joined when I worked for Selective Insurance Company many years ago and the services that they provided to the employees of that company or other credit unions that have grown up over time in the various counties in northwest New Jersey and across the State of New Jersey, working to fill a particular niche for their members that perhaps were not being met by the rest of the industries for these individuals, they were doing so in a manner that was not for profit, the people coming together and saying that there is a need to be fulfilled and that they were going to make sure that they served it.

Now, it's interesting as I come to the floor here to speak to the benefits of credit unions that our country has seen over the last several decades. I just returned from meeting with officials from the European Union and also from Great Britain where they, right now, in light of all the financial difficulties they are experiencing in their financial markets, are looking across the Atlantic to see whether they can learn some things from us to see what they can do to provide, A, some services and, B, some stability to their markets as well.

And you know what the number one thing that the Conservative Party, the folks who I met with over there, said that they wanted to do and that was in Great Britain was to provide credit unions for the people of that country. So they have a problem that's a little bit different from our country and that is that we have the traditional entrepreneurial spirit in the banking industry, that we have so many banks across the country, which is a good thing that provides services from the small individual right up to the large. They don't have it quite as extensively as we do in this country, and so they have a need even greater than we do to provide that niche marketplace for the individual.

So they will be looking to the United States to take the lead in this area and probably emulate much of what we

have already learned and instituted with regard to the solvency issues and the prudential regulation issues and the like in that industry. So it's good to come back to the United States and say that in this area we have been a leader on this matter, and I stand in support of this legislation.

I reserve the balance of my time.

Mr. HIMES. I thank the gentleman from New Jersey. It's good to know that as we do the hard work of recasting the regulatory apparatus in this country, that there are models including the credit unions that others are looking to as things that we do right.

With that, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this bill. As we mark a year of near collapse of the American financial system, we're still trying to sort out exactly what happened and how to ensure it never happens again, to allow reckless behavior to drive our economy into the ditch.

With that as a background, it is appropriate for us to commemorate the 75 years of service by one part of the financial sector that didn't add to the problem, America's credit unions. Starting 75 years ago as small scale not-for-profit groups of people joined together to provide essential affordable financial services, we have watched it grow over the years. Personally, I can testify as a satisfied member of credit unions for over 25 years, including two currently, I've had firsthand experience of the personal, high-quality service. While certainly they've grown and expanded their services and membership over the years, we've seen that they still work well, managing to provide helpful competition.

When some of the largest banks in this country have stopped lending, not so with credit unions. Indeed, most credit unions have continued to lend to individuals and small businesses around the country, despite the challenging economic climate. Unlike many other lenders, credit unions saw their loans increase by 7 percent to over \$575 billion in 2008, up about \$35 billion from the previous year. By providing financial diversity, credit unions lend strength to American communities. By providing competition for other financial institutions, credit unions help hold down costs for borrowers and provide greater access to capital, more choices for individuals.

And on a small scale, I've watched as they've worked with people who otherwise would have fallen prey to payday lenders to design short-term loans to help people in financial difficulty who may not be particularly financially sophisticated.

I thank the gentleman for introducing this legislation. I think it's im-

portant to recognize the contributions of the credit unions and to continue to work with them to provide their vital services to American consumers.

Mr. GARRETT of New Jersey. I now yield such time as he may consume to Mr. ROYCE.

Mr. ROYCE. Mr. Speaker, I'd like to thank the gentleman from Connecticut (Mr. HIMES) for sponsoring this resolution. And this resolution recognizes the 75th anniversary of the passage of the Federal Credit Union Act and the vibrant Federal credit union community that was created as a result of this important piece of legislation. The purpose of this law passed back in 1934 was to make credit available and to promote savings through a national system of nonprofit cooperative credit unions.

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This act established what is now the federal credit union system, and it created the Bureau of Federal Credit Unions, which eventually became the National Credit Union Administration. Its intent was to charter and to regulate Federal credit unions.

While much of the economic downturn originated in the financial crisis, credit unions, for the most part, did not play a major role in the excessive risk-taking, over-leveraging or lax underwriting standards. Unlike many of the other mortgage originators throughout the housing bubble, credit unions held most of the mortgages they originated. They held them in their portfolios. As of late last year, roughly 70 percent of credit union mortgage originations were held in portfolio with only 30 percent having been sold into the secondary market.

Because credit unions generally took a conservative approach to banking, they avoided many of the problems that we saw in other institutions. This approach has left them well-suited to play a significant role in the economic recovery.

Certainly, the 90 million credit union members nationwide will continue to rely on these institutions for their everyday banking needs. I think it is worth noting the impact credit unions have had on communities around the world. Credit unions provide a great opportunity for people to pool resources. Thereby, they create an important source of liquidity for personal or capital investment.

Serving on the Foreign Affairs Committee has given me the opportunity to work on issues impacting countries around the globe and to see credit unions at work around the globe. In this capacity, I have seen credit unions take shape and give hope to thousands looking for a better life.

Credit unions have helped and continue to help many African countries build a safe financial system for the first time. The fact of the matter is

that credit unions work whether they're in Orange County, California or in Johannesburg, South Africa. They help families save hard-earned money, buy cars, purchase homes, and send their children to college. Indeed, credit unions are helping the futures of over 90 million members across this country and of countless others around the globe.

In closing, I would like to again thank the gentleman from Connecticut (Mr. HIMES) for taking the lead on this resolution. Hopefully, the credit unions that have served so many communities around our country will continue to do great work.

Mr. HIMES. I thank the gentleman for his very apt observations.

Mr. Speaker, clearly, we are in agreement here that credit unions are unique entities to be studied for the fact that they better, perhaps than other entities in our financial services world, align the interests of their shareholders with the interests of their customers, and as the gentleman from Oregon observed, are often the first point of entry into the formal financial system for families and for people who otherwise would be using informal or shady mechanisms of credit. As my friend from New Jersey points out, they're a model internationally and not just for foreign countries but for those of us who are really intent on studying how one balances prudence with the necessity for the availability of credit.

I urge my colleagues to pass House Resolution 556, and I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I would just close then by thanking the gentleman from California (Mr. ROYCE) for taking the lead role as the Republican sponsor of this legislation and also for his work in the past with regard and on behalf of credit unions as well and also for making the significant point that he just did, which is, with regard to this time of financial crisis, that the American public could look to the resounding, strong support of the credit unions. So I thank Mr. ROYCE for his lead role, and I appreciate the role Mr. HIMES as well has played in bringing this legislation to the floor.

Ms. WATERS. Mr. Speaker, I rise today to support H. Res. 556, which recognizes the 75th anniversary of the passage of the Federal Credit Union Act and the vibrant Federal credit union community that was created as a result of this important piece of legislation.

The Federal Credit Union Act was created to promote savings, fight against unfair lending practices and extend credit to people to whom banks and other financial institutions forgot.

I have long been a supporter of credit unions, especially federal credit unions. There was a period of time when the major banks and other financial institutions abandoned many Los Angeles communities, including those within my district. Federal credit unions

did the opposite and decided to invest in the people of communities such as Inglewood, Hawthorne, Gardena and Manhattan Beach. Credit unions have made a strong commitment to serve the communities where their members reside and have created a model more financial institutions should follow.

I am proud to recognize the improvements credit unions have made in Los Angeles and across our country. I urge other members to join me in supporting H. Res. 556.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 556, which recognizes the 75th anniversary of the passage of the Federal Credit Union Act.

Credit unions, not-for-profit financial cooperatives, are a form of economic democracy. Credit unions exist to serve their members, not turn a profit. Earnings beyond operating expenses are returned to members in the form of lower loan rates, higher interest on deposits, and lower fees.

While we are recognizing the 75th anniversary of the passage of the Federal Credit Union Act today, it is important to note that credit unions have been present in the United States since 1909, starting with the chartering of the first credit union in the State of New Hampshire.

As a Representative from Michigan, a State with 341 credit unions serving over 4.3 million members, I can speak to the positive impact of these vital financial institutions.

In Michigan, members of a credit union can expect to see a membership benefit of, on average, \$92 a year by working with a credit union. For the average household, the annual benefit rises to \$175. I know that in my district, \$175 goes a long way toward covering necessary household expenses.

For a member in Michigan, financing a new automobile through their credit union produces an average savings of \$156 per year in interest expense. The Invest in America program, a partnership between GM and Chrysler with credit unions, has helped to spur over 189,000 new vehicle sales. Sales from this program have reinvested over \$3.05 billion in the national economy, crucial support during the current economic downturn.

In addition to the direct financial benefits that credit unions provide to their members, credit unions positively impact their communities in other ways. Credit unions put on financial literacy seminars throughout Michigan in order to educate people about their financial options.

Because of these contributions to our Nation's communities, I am proud to support House Resolution 556.

Congratulations on the 75th anniversary of the Federal Credit Union Act and the first 100 years of credit unions in America.

I urge my colleagues to support the passage of this bill.

Mr. SOUDER. Mr. Speaker, I rise today in support of H. Res. 556 recognizing the 75th Anniversary of the Federal Credit Union Act and to acknowledge the great work of credit unions throughout the Third Congressional District.

Indiana has a long history with credit unions and in fact, was the first Midwestern state to pass a law permitting their founding. In October of 1923, the first credit union in the Mid-

west opened its doors in Indiana. Today there are 206 credit unions throughout my state that count over 2 million Indiana residents among its members.

The Federal Credit Union Act of 1934 was originally passed, in part, to help make credit available to underserved communities. These financial cooperatives were organized by people primarily tied together by some common bond. Today, credit unions continue to provide unique services to both their members and communities.

The Chiphone Federal Credit Union of Elkhart, IN has been providing service since 1947 and today has over 17,000 members. They have strong ties to the community and received honorable mention from the Indiana Credit Union League in both the Dora Maxwell Awards and Louise Herring Awards which recognize outstanding efforts in social responsibility and community service and the credit union that best puts the credit union philosophy in action respectively.

In Auburn Indiana, DeKalb Financial Credit Union provides both superior financial service and to support local charities through service activities and donations. The Relay for Life, March of Dimes and WFGA Kite Fly have all benefitted from its community-oriented philosophy. DeKalb Financial serves as a drop off point for Food Bank donations and this past year provided five area students scholarships for college. In addition, DeKalb Financial continues to be a proud corporate sponsor for one of the area's National Historic Landmarks, the Auburn Cord Duesenberg Museum.

The East Allen Credit Union provides quality financial services for over 2,400 members. Whether it is helping its members plan for the costs of college or assisting in the purchase of the new family car, East Allen has been an asset to the New Haven community for nearly 45 years.

Financial Members Federal Credit Union of Auburn, Indiana has been delivering quality service to the people of DeKalb County since 1972. During its years of operation, it has contributed to its valued members and surrounding community by providing low-cost financial products and service activity and donations.

In Woodburn, IN, the Financial Partners Federal Credit Union has been providing sound financial services to residents and employees of East Allen County for over 40 years. Through its regular contributions to the area food bank and the ice cream socials it hosts for its members, Financial Partners illustrates the personal attention and community-oriented service that make credit unions such unique institutions.

Founded over 75 years ago, The Fire Police City County Federal Credit Union of Fort Wayne, IN not only provides great service to its members, but has won awards from the Indiana Credit Union League for both community involvement and for demonstrating the credit union philosophy in its activities. Activities such as Making Strides Against Cancer, fundraising for the Turnstone Center for Disabled Children and Adults and volunteering for Fire Prevention Week are emblematic of credit unions commitment to the community.

Indiana Lakes Federal Credit Union in Warsaw, Indiana has been delivering quality, low

cost financial services to the people of Kosciusko County for over 30 years. During this time, it has proved to be a tremendous asset to its 3,600 members and has contributed to the community through various forms of service activities and donations.

In Elkhart, IN, INVOA Federal Credit Union recently contributed \$5000 to Project Healing Water to assist in its mission to aid the recovery of wounded, injured, or disabled veterans by introducing them to fishing and using these skills for lifelong recreation. Credit Union employees personally raised the funds and the contribution was used to help transport and host veterans at the 2009 event along the Albany River in Ontario, Canada. INOVA is also supporting the economic growth of its community and has partnered with the City of Elkhart to provide free internet service along the downtown Riverwalk and promote future downtown development. This commitment to service is exemplified by its President and CEO, Dallas Bergl, who recently received the Indiana Credit Union League's Professional Achievement award for his support and promotion of credit union ideals throughout Indiana.

In Goshen, Indiana, the Interra Credit Union has been recognized by the Indiana Credit Union League in nine consecutive years for its service activities. These include a financial pledge of \$10,000 to assist Goshen College fund the construction of a new music building, annual scholarships for high school seniors, along with regular involvement in events like the American Cancer Society's Relay for Life and the Michiana Menenonite Relief Sale. Interra also works to improve youth financial literacy by providing lessons and educational resources on budgeting, credit, investment and savings.

For over 70 years, ITT Employees Federal Credit Union has provided its members and community with first-rate service. Its efforts have led ITT to be recognized as the best credit union in Fort Wayne by an area newspaper survey. The nearly 4000 members of ITT are fortunate to have such a dedicated organization providing them financial services.

In my District, the Three Rivers Credit Union of Fort Wayne, Indiana was honored for its efforts to help alleviate poverty and was awarded 2nd Place in the 2008 national Dora Maxwell Awards for social responsibility. As the primary sponsor of "Canstruction," it brought together high school students and staff from various engineering and design firms to create giant structures entirely out of canned food. Over 80 members of the Three Rivers Credit Union volunteered for the event that resulted in a donation of 83,529 cans of food to the community food bank, the largest single donation in its history.

In Fort Wayne, IN the newly founded Union Baptist Federal Credit Union personifies the personal attention and community-oriented service that makes credit unions such unique institutions. Believing in self-sufficiency through empowerment, the Union Baptist Credit Union provides its 309 members quality financial services and is a welcomed addition to the Fort Wayne community.

United Credit Union in Warsaw, Indiana has been delivering quality service to the people of Kosciusko County since 1997. During the past

12 years, it has contributed to its valued members and surrounding community through service activity and donations.

The Weatherhead Federal Credit Union of Columbia City, IN provides quality financial service to over 2,000 members. Whether it is through financial counseling or low cost home loans, Weatherhead has been a tremendous asset to the Columbia City community for nearly 45 years.

Mr. GARRETT of New Jersey. I yield back the balance of my time.

Mr. HIMES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. HIMES) that the House suspend the rules and agree to the resolution, H. Res. 556.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROMOTING TRANSPARENCY IN FINANCIAL REPORTING ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2664) to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting.

The Clerk read the title of the bill.

The text of the bill is as follows:

H. R. 2664

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Transparency in Financial Reporting Act of 2009".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Transparent and clear financial reporting is integral to the continued growth and strength of our capital markets and the confidence of investors.

(2) The increasing detail and volume of accounting, auditing, and reporting guidance pose a major challenge.

(3) The complexity of accounting and auditing standards in the United States has added to the costs and effort involved in financial reporting.

#### SEC. 3. ANNUAL TESTIMONY ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.

The Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board shall annually provide oral testimony by their respective Chairpersons or a designee of the Chairperson, beginning in 2009, and for 5 years thereafter, to the Committee on Financial Services of the House of

Representatives on their efforts to reduce the complexity in financial reporting to provide more accurate and clear financial information to investors, including—

(1) reassessing complex and outdated accounting standards;

(2) improving the understandability, consistency, and overall usability of the existing accounting and auditing literature;

(3) developing principles-based accounting standards;

(4) encouraging the use and acceptance of interactive data; and

(5) promoting disclosures in "plain English".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

#### GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2664, the Promoting Transparency in Financial Reporting Act, drafted by the gentleman from New York, Congressman CHRIS LEE.

I commend his work on this bill, H.R. 2664. It is a bipartisan bill that is also sponsored by Congressmen DAVID SCOTT, GEOFF DAVIS, MIKE CASTLE, and ADAM PUTNAM.

Following the financial crisis our country faced last year, it is clear that we need to improve the oversight and transparency of the financial services industry. This bill would require the Securities and Exchange Commission, the Financial Accounting Standards Board and the Public Company Accounting Oversight Board to provide annual testimony to Congress for 5 years. Their testimony will help us to understand and support their efforts to reduce the complexity in financial reporting and to provide more accurate and clear financial information to investors.

Again, Mr. Speaker, I commend Congressman LEE for his work on this legislation, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. LEE of New York. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2664, the Promoting Transparency in Financial Reporting Act.

I would like to thank the cosponsors of this bipartisan measure, including Mr. DAVIS of Kentucky, who championed this proposal in earlier Congresses, Mr. PUTNAM, Mr. CASTLE, and Mr. SCOTT of Georgia.

Every day, I hear from constituents who are experiencing a great amount of anxiety over what is happening to their portfolios—from younger families who are trying to save for their first homes or older workers who have had to put off long-planned retirements. While they certainly understand most of these losses can be attributed to the turmoil of our economy, we now know the role that faulty financial reporting, be it intentional or otherwise, played in affecting investors' decisions.

This issue, of course, features prominently in ongoing discussions of regulatory reform frameworks, and rightly so. We won't be able to fully restore investor and consumer confidence unless we have a system that allows for the clearest and most accurate financial reporting. That's why we need transparency.

It's not enough, however, just to pursue and to promote transparency for its own sake. Having run a business, I know that, if you want to have a healthy corporate environment, you have to have sound financial reporting. I also understand how time-consuming and costly these accounting processes can be. So it is critical, in bringing information to light, that we also take care to identify the complexities that trip up everyone from small businesses to large corporations and then pursue reforms that may simplify and improve the process.

That's why, with this simple bipartisan measure, we would require annual congressional testimony by the Securities and Exchange Commission, by the Financial Accounting Standards Board and by the Public Company Accounting Oversight Board on efforts being undertaken to reduce the complexity and costs of financial reporting and to increase transparency for investors.

Specifically, H.R. 2664 helps Congress exercise legitimate oversight authority to hold these institutions accountable for protecting taxpayers and for making progress on the following critical issues: First, reassessing complex and outdated accounting standards; second, increasing the usability of the existing accounting and auditing literature; third, developing principle-based accounting standards; fourth, encouraging the use and acceptance of interactive data; and fifth, promoting disclosure in plain English.

This bipartisan Promoting Transparency in Financial Reporting Act represents a critical step towards protecting taxpayers by creating a process for simplifying and for improving our financial reporting framework. I urge the immediate passage of this important bipartisan legislation.

I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, the Promoting Transparency in Financial Reporting Act will help provide greater transparency and clarity for in-

vestors. I urge my colleagues to support this bill.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2664.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## NONADMITTED AND REINSURANCE REFORM ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2571) to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2571

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Nonadmitted and Reinsurance Reform Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Effective date.

#### TITLE I—NONADMITTED INSURANCE

Sec. 101. Reporting, payment, and allocation of premium taxes.

Sec. 102. Regulation of nonadmitted insurance by insured's home State.

Sec. 103. Participation in national producer database.

Sec. 104. Uniform standards for surplus lines eligibility.

Sec. 105. Streamlined application for commercial purchasers.

Sec. 106. GAO study of nonadmitted insurance market.

Sec. 107. Definitions.

#### TITLE II—REINSURANCE

Sec. 201. Regulation of credit for reinsurance and reinsurance agreements.

Sec. 202. Regulation of reinsurer solvency.

Sec. 203. Definitions.

#### TITLE III—RULE OF CONSTRUCTION

Sec. 301. Rule of construction.

Sec. 302. Severability.

### SEC. 2. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, this Act shall take effect upon the expiration of the 12-month period beginning on the date of the enactment of this Act.

#### TITLE I—NONADMITTED INSURANCE

### SEC. 101. REPORTING, PAYMENT, AND ALLOCATION OF PREMIUM TAXES.

(a) HOME STATE'S EXCLUSIVE AUTHORITY.—No State other than the home State of an insured may require any premium tax payment for nonadmitted insurance.

(b) ALLOCATION OF NONADMITTED PREMIUM TAXES.—

(1) IN GENERAL.—The States may enter into a compact or otherwise establish procedures

to allocate among the States the premium taxes paid to an insured's home State described in subsection (a).

(2) EFFECTIVE DATE.—Except as expressly otherwise provided in such compact or other procedures, any such compact or other procedures—

(A) if adopted on or before the expiration of the 330-day period that begins on the date of the enactment of this Act, shall apply to any premium taxes that, on or after such date of enactment, are required to be paid to any State that is subject to such compact or procedures; and

(B) if adopted after the expiration of such 330-day period, shall apply to any premium taxes that, on or after January 1 of the first calendar year that begins after the expiration of such 330-day period, are required to be paid to any State that is subject to such compact or procedures.

(3) REPORT.—Upon the expiration of the 330-day period referred to in paragraph (2), the NAIC may submit a report to the Committee on Financial Services and Committee on the Judiciary of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate identifying and describing any compact or other procedures for allocation among the States of premium taxes that have been adopted during such period by any States.

(4) NATIONWIDE SYSTEM.—The Congress intends that each State adopt nationwide uniform requirements, forms, and procedures, such as an interstate compact, that provides for the reporting, payment, collection, and allocation of premium taxes for nonadmitted insurance consistent with this section.

(c) ALLOCATION BASED ON TAX ALLOCATION REPORT.—To facilitate the payment of premium taxes among the States, an insured's home State may require surplus lines brokers and insureds who have independently procured insurance to annually file tax allocation reports with the insured's home State detailing the portion of the nonadmitted insurance policy premium or premiums attributable to properties, risks or exposures located in each State. The filing of a nonadmitted insurance tax allocation report and the payment of tax may be made by a person authorized by the insured to act as its agent.

### SEC. 102. REGULATION OF NONADMITTED INSURANCE BY INSURED'S HOME STATE.

(a) HOME STATE AUTHORITY.—Except as otherwise provided in this section, the placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements solely of the insured's home State.

(b) BROKER LICENSING.—No State other than an insured's home State may require a surplus lines broker to be licensed in order to sell, solicit, or negotiate nonadmitted insurance with respect to such insured.

(c) ENFORCEMENT PROVISION.—With respect to section 101 and subsections (a) and (b) of this section, any law, regulation, provision, or action of any State that applies or purports to apply to nonadmitted insurance sold to, solicited by, or negotiated with an insured whose home State is another State shall be preempted with respect to such application.

(d) WORKERS' COMPENSATION EXCEPTION.—This section may not be construed to preempt any State law, rule, or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a nonadmitted insurer.

### SEC. 103. PARTICIPATION IN NATIONAL PRODUCER DATABASE.

After the expiration of the 2-year period beginning on the date of the enactment of

this Act, a State may not collect any fees relating to licensing of an individual or entity as a surplus lines broker in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of surplus lines brokers and the renewal of such licenses.

#### SEC. 104. UNIFORM STANDARDS FOR SURPLUS LINES ELIGIBILITY.

A State may not—

(1) impose eligibility requirements on, or otherwise establish eligibility criteria for, nonadmitted insurers domiciled in a United States jurisdiction, except in conformance with such requirements and criteria in sections 5A(2) and 5C(2)(a) of the Non-Admitted Insurance Model Act, unless the State has adopted nationwide uniform requirements, forms, and procedures developed in accordance with section 101(b) of this Act that include alternative nationwide uniform eligibility requirements; and

(2) prohibit a surplus lines broker from placing nonadmitted insurance with, or procuring nonadmitted insurance from, a nonadmitted insurer domiciled outside the United States that is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the NAIC.

#### SEC. 105. STREAMLINED APPLICATION FOR COMMERCIAL PURCHASERS.

A surplus lines broker seeking to procure or place nonadmitted insurance in a State for an exempt commercial purchaser shall not be required to satisfy any State requirement to make a due diligence search to determine whether the full amount or type of insurance sought by such exempt commercial purchaser can be obtained from admitted insurers if—

(1) the broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(2) the exempt commercial purchaser has subsequently requested in writing the broker to procure or place such insurance from a nonadmitted insurer.

#### SEC. 106. GAO STUDY OF NONADMITTED INSURANCE MARKET.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the nonadmitted insurance market to determine the effect of the enactment of this title on the size and market share of the nonadmitted insurance market for providing coverage typically provided by the admitted insurance market.

(b) CONTENTS.—The study shall determine and analyze—

(1) the change in the size and market share of the nonadmitted insurance market and in the number of insurance companies and insurance holding companies providing such business in the 18-month period that begins upon the effective date of this Act;

(2) the extent to which insurance coverage typically provided by the admitted insurance market has shifted to the nonadmitted insurance market;

(3) the consequences of any change in the size and market share of the nonadmitted insurance market, including differences in the price and availability of coverage available in both the admitted and nonadmitted insurance markets;

(4) the extent to which insurance companies and insurance holding companies that

provide both admitted and nonadmitted insurance have experienced shifts in the volume of business between admitted and nonadmitted insurance; and

(5) the extent to which there has been a change in the number of individuals who have nonadmitted insurance policies, the type of coverage provided under such policies, and whether such coverage is available in the admitted insurance market.

(c) CONSULTATION WITH NAIC.—In conducting the study under this section, the Comptroller General shall consult with the NAIC.

(d) REPORT.—The Comptroller General shall complete the study under this section and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the findings of the study not later than 30 months after the effective date of this Act.

#### SEC. 107. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) ADMITTED INSURER.—The term “admitted insurer” means, with respect to a State, an insurer licensed to engage in the business of insurance in such State.

(2) AFFILIATE.—The term “affiliate” means, with respect to an insured, any entity that controls, is controlled by, or is under common control with the insured.

(3) AFFILIATED GROUP.—The term “affiliated group” means any group of entities that are all affiliated.

(4) CONTROL.—An entity has “control” over another entity if—

(A) the entity directly or indirectly or acting through one or more other persons owns, controls or has the power to vote 25 percent or more of any class of voting securities of the other entity; or

(B) the entity controls in any manner the election of a majority of the directors or trustees of the other entity.

(5) EXEMPT COMMERCIAL PURCHASER.—The term “exempt commercial purchaser” means any person purchasing commercial insurance that, at the time of placement, meets the following requirements:

(A) The person employs or retains a qualified risk manager to negotiate insurance coverage.

(B) The person has paid aggregate nationwide commercial property and casualty insurance premiums in excess of \$100,000 in the immediately preceding 12 months.

(C)(i) The person meets at least one of the following criteria:

(I) The person possesses a net worth in excess of \$20,000,000, as such amount is adjusted pursuant to clause (ii).

(II) The person generates annual revenues in excess of \$50,000,000, as such amount is adjusted pursuant to clause (ii).

(III) The person employs more than 500 full time or full time equivalent employees per individual insured or is a member of an affiliated group employing more than 1,000 employees in the aggregate.

(IV) The person is a not-for-profit organization or public entity generating annual budgeted expenditures of at least \$30,000,000, as such amount is adjusted pursuant to clause (ii).

(V) The person is a municipality with a population in excess of 50,000 persons.

(ii) Effective on the fifth January 1 occurring after the date of the enactment of this Act and each fifth January 1 occurring thereafter, the amounts in subclauses (I), (II), and (IV) of clause (i) shall be adjusted to

reflect the percentage change for such five-year period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(6) HOME STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “home State” means, with respect to an insured—

(i) the State in which an insured maintains its principal place of business or, in the case of an individual, the individual’s principal residence; or

(ii) if 100 percent of the insured risk is located out of the State referred to in subparagraph (A), the State to which the greatest percentage of the insured’s taxable premium for that insurance contract is allocated.

(B) AFFILIATED GROUPS.—If more than one insured from an affiliated group are named insureds on a single nonadmitted insurance contract, the term “home State” means the home State, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

(7) INDEPENDENTLY PROCURED INSURANCE.—The term “independently procured insurance” means insurance procured directly by an insured from a nonadmitted insurer.

(8) NAIC.—The term “NAIC” means the National Association of Insurance Commissioners or any successor entity.

(9) NONADMITTED INSURANCE.—The term “nonadmitted insurance” means any property and casualty insurance permitted to be placed directly or through a surplus lines broker with a nonadmitted insurer eligible to accept such insurance.

(10) NON-ADMITTED INSURANCE MODEL ACT.—The term “Non-Admitted Insurance Model Act” means the provisions of the Non-Admitted Insurance Model Act, as adopted by the NAIC on August 3, 1994, and amended on September 30, 1996, December 6, 1997, October 2, 1999, and June 8, 2002.

(11) NONADMITTED INSURER.—The term “nonadmitted insurer” means, with respect to a State, an insurer not licensed to engage in the business of insurance in such State.

(12) QUALIFIED RISK MANAGER.—The term “qualified risk manager” means, with respect to a policyholder of commercial insurance, a person who meets all of the following requirements:

(A) The person is an employee of, or third party consultant retained by, the commercial policyholder.

(B) The person provides skilled services in loss prevention, loss reduction, or risk and insurance coverage analysis, and purchase of insurance.

(C) The person—

(i)(I) has a bachelor’s degree or higher from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management; and

(II)(aa) has three years of experience in risk financing, claims administration, loss prevention, risk and insurance analysis, or purchasing commercial lines of insurance; or (bb) has one of the following designations:

(AA) a designation as a Chartered Property and Casualty Underwriter (in this subparagraph referred to as “CPCU”) issued by the American Institute for CPCU/Insurance Institute of America;

(BB) a designation as an Associate in Risk Management (ARM) issued by the American

Institute for CPCU/Insurance Institute of America;

(CC) a designation as Certified Risk Manager (CRM) issued by the National Alliance for Insurance Education & Research;

(DD) a designation as a RIMS Fellow (RF) issued by the Global Risk Management Institute; or

(EE) any other designation, certification, or license determined by a State insurance commissioner or other State insurance regulatory official or entity to demonstrate minimum competency in risk management;

(ii)(I) has at least seven years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; and

(II) has any one of the designations specified in subitems (AA) through (EE) of clause (i)(II)(bb);

(iii) has at least 10 years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; or

(iv) has a graduate degree from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management.

(13) **PREMIUM TAX.**—The term “premium tax” means, with respect to surplus lines or independently procured insurance coverage, any tax, fee, assessment, or other charge imposed by a government entity directly or indirectly based on any payment made as consideration for an insurance contract for such insurance, including premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.

(14) **SURPLUS LINES BROKER.**—The term “surplus lines broker” means an individual, firm, or corporation which is licensed in a State to sell, solicit, or negotiate insurance on properties, risks, or exposures located or to be performed in a State with nonadmitted insurers.

(15) **STATE.**—The term “State” includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

## TITLE II—REINSURANCE

### SEC. 201. REGULATION OF CREDIT FOR REINSURANCE AND REINSURANCE AGREEMENTS.

(a) **CREDIT FOR REINSURANCE.**—If the State of domicile of a ceding insurer is an NAIC-accredited State, or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, and recognizes credit for reinsurance for the insurer's ceded risk, then no other State may deny such credit for reinsurance.

(b) **ADDITIONAL PREEMPTION OF EXTRATERRITORIAL APPLICATION OF STATE LAW.**—In addition to the application of subsection (a), all laws, regulations, provisions, or other actions of a State that is not the domiciliary State of the ceding insurer, except those with respect to taxes and assessments on insurance companies or insurance income, are preempted to the extent that they—

(1) restrict or eliminate the rights of the ceding insurer or the assuming insurer to resolve disputes pursuant to contractual arbitration to the extent such contractual provision is not inconsistent with the provisions of title 9, United States Code;

(2) require that a certain State's law shall govern the reinsurance contract, disputes arising from the reinsurance contract, or requirements of the reinsurance contract;

(3) attempt to enforce a reinsurance contract on terms different than those set forth in the reinsurance contract, to the extent that the terms are not inconsistent with this title; or

(4) otherwise apply the laws of the State to reinsurance agreements of ceding insurers not domiciled in that State.

### SEC. 202. REGULATION OF REINSURER SOLVENCY.

(a) **DOMICILIARY STATE REGULATION.**—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, such State shall be solely responsible for regulating the financial solvency of the reinsurer.

(b) **NONDOMICILIARY STATES.**—

(1) **LIMITATION ON FINANCIAL INFORMATION REQUIREMENTS.**—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, no other State may require the reinsurer to provide any additional financial information other than the information the reinsurer is required to file with its domiciliary State.

(2) **RECEIPT OF INFORMATION.**—No provision of this section shall be construed as preventing or prohibiting a State that is not the State of domicile of a reinsurer from receiving a copy of any financial statement filed with its domiciliary State.

### SEC. 203. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) **CEDING INSURER.**—The term “ceding insurer” means an insurer that purchases reinsurance.

(2) **DOMICILIARY STATE.**—The terms “State of domicile” and “domiciliary State” means, with respect to an insurer or reinsurer, the State in which the insurer or reinsurer is incorporated or entered through, and licensed.

(3) **REINSURANCE.**—The term “reinsurance” means the assumption by an insurer of all or part of a risk undertaken originally by another insurer.

(4) **REINSURER.**—

(A) **IN GENERAL.**—The term “reinsurer” means an insurer to the extent that the insurer—

(i) is principally engaged in the business of reinsurance;

(ii) does not conduct significant amounts of direct insurance as a percentage of its net premiums; and

(iii) is not engaged in an ongoing basis in the business of soliciting direct insurance.

(B) **DETERMINATION.**—A determination of whether an insurer is a reinsurer shall be made under the laws of the State of domicile in accordance with this paragraph.

(5) **STATE.**—The term “State” includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

## TITLE III—RULE OF CONSTRUCTION

### SEC. 301. RULE OF CONSTRUCTION.

Nothing in this Act or amendments to this Act shall be construed to modify, impair, or supersede the application of the antitrust laws. Any implied or actual conflict between this Act and any amendments to this Act and the antitrust laws shall be resolved in favor of the operation of the antitrust laws.

### SEC. 302. SEVERABILITY.

If any section or subsection of this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provision to any other person or circumstance, shall not be affected.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

#### GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2571, the Nonadmitted and Reinsurance Reform Act of 2009.

I drafted this bipartisan legislation with Congressman SCOTT GARRETT, Congressman PAUL KANJORSKI, Chairman BARNEY FRANK, and Ranking Member SPENCER BACHUS. I appreciate their support and the support of the bill's 22 cosponsors.

This bill will provide much-needed reform in the nonadmitted and reinsurance markets. In the 109th Congress, this House unanimously approved the bill by a vote of 417-0. In the 110th Congress, our bill was unanimously approved by voice vote. Unfortunately, the Senate has yet to act, but I believe the third time will be the charm.

Before he retired, Senator MEL MARTINEZ introduced the Senate version of the bill with Senators EVAN BAYH, MIKE CRAPO, and BILL NELSON. I know the other three will pick up where Senator MARTINEZ left off to help enact this legislation into law. Often called the “safety net of the insurance market,” surplus lines provides for coverage when the traditional market is not available.

Under today's laws, the regulation of the surplus lines market is, unfortunately, fragmented and cumbersome. This situation reduces insurance availability, leaving policyholders uninsured and with little choice in providers. Similarly, regulation of the reinsurance market is outdated and needs to be improved.

Accordingly, H.R. 2571 specifies that only the tax policies, licensing and other regulatory requirements of the home State of the policyholder govern a surplus lines transaction; it allows sophisticated commercial entities direct access to the surplus lines market; and it prohibits States from voiding established contractual arbitration

agreements between reinsurers and primary companies.

Policyholders in a number of States are facing skyrocketing rates. The Nonadmitted and Reinsurance Reform Act provides commonsense solutions to the nonadmitted and reinsurance market. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. GARRETT of New Jersey. I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by thanking several people who played a significant role in getting us to where we are today, starting, of course, with the gentleman from Kansas (Mr. MOORE), who is the sponsor of the bill. He has exhibited tremendous leadership and persistence as well, as he indicated, in moving this legislation to the floor today, and so he should be commended for his hard work.

I would also like to congratulate the gentlewoman from Florida (Ms. BROWN-WAITE), for she was the Republican lead sponsor on this bill in the last two Congresses, and she has worked tirelessly on this very important issue. So I am pleased now to have the opportunity to take up the mantle from Ms. BROWN-WAITE and to move this legislation forward.

Finally, I would like to thank the National Association of Insurance Commissioners and specifically Dr. Theresa Vaughan for their efforts in working closely with all of the interested parties.

Now, I believe that the inclusive and deliberative process that this legislation has undergone should serve, really, as a model as we continue to work on revamping and modernizing other aspects of our financial regulatory framework. Mr. Speaker, H.R. 2571, the Nonadmitted and Reinsurance Reform Act of 2009, will reform and will streamline the regulation of the nonadmitted—that's surplus lines—insurance market as well as the reinsurance market.

Title I, which addresses the surplus lines market, will reduce regulatory overlap, and will clarify where the appropriate taxing authority really should lie with each market transaction. It also will establish the NAIC's eligibility requirements as a standard for the participation in the surplus lines marketplace. These provisions will basically increase efficiency. They will work to reduce transaction costs, and they will work to improve access to the entire market for our consumers.

□ 1145

Now, if we go into Title II legislation, that section addresses several important areas within the reinsurance market. What the bill will do is create a procedure to establish a single solvency regulator for each reinsurer, eliminate the extraterritorial applica-

tion of State law with regards to reinsurance, and it also will provide for a more meaningful and really a simplified process in determining the credit for reinsurance that the companies will receive. So both the surplus lines and the reinsurance titles are vital to promoting further harmonization for transactions occurring across State lines and eliminating unnecessary red-tape, which basically will help to reduce costs for consumers.

So in this increasingly complex world, it is essential that consumers and businesses be able to purchase insurance from risks outside of their traditional realm. And I believe this legislation will further increase efficiency and reduce costs for these very important transactions.

Similar variations of this legislation, as Mr. MOORE indicated, have passed the House in the last two Congresses by unanimous votes, and it is my hope that this bipartisan legislation will once again pass today unanimously. So I ask all of my colleagues on both sides of the aisle to support this legislation.

I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I want to thank, again, my friend, the gentleman from New Jersey, SCOTT GARRETT, for his work on the bill. The Nonadmitted and Reinsurance Reform Act provides bipartisan, commonsense solutions to improve the regulation of the nonadmitted and reinsurance markets. So I urge my colleagues to support this bill.

Mr. BACHUS. Mr. Speaker, I want to express my support of H.R. 2571, the Nonadmitted and Reinsurance Reform Act of 2009, and urge my colleagues to vote for its passage under suspension of the rules today.

While there are many complex regulatory programs pending before our committee, today we are seeking to advance a modest but long-overdue measure to streamline the current system for surplus lines insurance and for reinsurance.

Surplus lines insurance, also known as "nonadmitted" insurance, is highly specialized property and casualty insurance for exceptional risks, such as hazardous materials or amusement parks.

H.R. 2571 would adopt a "home state" approach to address inconsistencies in state regulation of the surplus lines insurance market, and the bill generally follows the model law on nonadmitted insurance adopted by the National Association of Insurance Commissioners.

This legislation also addresses reinsurance in a similar way by designating the home state of the insurer purchasing reinsurance as the primary regulator of credit for reinsurance and the home state of the reinsurer as the primary regulator for the reinsurer's solvency.

As an original cosponsor of H.R. 2571, I want to commend the bill's primary sponsors, Oversight and Investigations Subcommittee Chairman MOORE and Capital Markets Subcommittee Ranking Member GARRETT.

They deserve credit for working together to move this bipartisan legislation through the

House again this year and eventually we all hope into law.

I also want to commend Congresswoman BROWN-WAITE, the original champion of this effort in the 109th Congress as well as a lead cosponsor in the 110th Congress and an original cosponsor again in this Congress.

This will be the third time we are sending this important insurance reform proposal to the other body, and I hope our colleagues across the way will be able to see the value of enacting H.R. 2571 soon.

Mr. MOORE of Kansas. Mr. Speaker, I submit the following exchange of letters regarding H.R. 2571.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 9, 2009.

Hon. BARNEY FRANK,  
Chairman, Committee on Financial Services,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: In recognition of the desire to expedite consideration of H.R. 2571, the Nonadmitted and Reinsurance Reform Act of 2009, the Committee on the Judiciary agrees to waive formal consideration of the bill as to provisions that fall within its rule X jurisdiction.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2571 at this time, it does not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter, and for the cooperative working relationship between our two committees.

Sincerely,  
JOHN CONYERS, Jr.,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, September 9, 2009.

Hon. JOHN CONYERS,  
Chairman, Committee on the Judiciary, House  
of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: Thank you for your letter concerning H.R. 2571, the "Nonadmitted and Reinsurance Reform Act of 2009." This bill will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill. I acknowledge that portions of the bill fall within the jurisdiction of the Committee on the Judiciary and I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision to not to proceed with a markup on this bill will not prejudice the Committee on the Judiciary with respect to its prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction in the event of a House-Senate conference.

I will include your letter and this response in the Congressional Record. Thank you again for your assistance.

BARNEY FRANK,  
Chairman.

Mr. MOORE of Kansas. I yield back the balance of my time.

Mr. GARRETT of New Jersey. I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2571.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

### STAR-SPANGLED BANNER COMMEMORATIVE COIN ACT

Mr. WATT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2097) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2097

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Star-Spangled Banner Commemorative Coin Act”.

#### SEC. 2. FINDINGS.

The Congress finds as follows:

(1) During the Battle for Baltimore of the War of 1812, Francis Scott Key visited the British fleet in the Chesapeake Bay on September 7, 1814, to secure the release of Dr. William Beanes, who had been captured after the British burned Washington, DC.

(2) The release of Dr. Beanes was secured, but Key and Beanes were held by the British during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) On the morning of September 14, 1814, after the 25-hour British bombardment of Fort McHenry, Key peered through the clearing smoke to see a 42-foot by 30-foot American flag flying proudly atop the Fort.

(4) He was so inspired to see the enormous flag still flying over the Fort that he began penning a song, which he named *The Defence of Fort McHenry*, to commemorate the occasion and he included a note that it should be sung to the tune of the popular British melody *To Anacreon in Heaven*.

(5) In 1916, President Woodrow Wilson ordered that the anthem, which had been popularly renamed the *Star-Spangled Banner*, be played at military and naval occasions.

(6) On March 3, 1931, President Herbert Hoover signed a resolution of Congress that officially designated the *Star-Spangled Banner* as the National Anthem of the United States.

#### SEC. 3. COIN SPECIFICATIONS.

(a) **\$1 SILVER COINS.**—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins in commemoration of the bicentennial of the writing of the *Star-Spangled Banner*:

(1) **\$5 GOLD COINS.**—Not more than 100,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) **\$1 SILVER COINS.**—Not more than 500,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

#### SEC. 4. DESIGN OF COINS.

(a) **DESIGN REQUIREMENTS.**—

(1) **IN GENERAL.**—The design of the coins minted under this Act shall be emblematic of the War of 1812 and particularly the Battle for Baltimore that formed the basis for the *Star-Spangled Banner*.

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2012”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) **SELECTION.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Maryland War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

#### SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITY.**—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) **PERIOD FOR ISSUANCE.**—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

#### SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

#### SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins issued under this Act shall include a surcharge of—

(1) \$35 per coin for the \$5 coin; and

(2) \$10 per coin for the \$1 coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicenten-

nial Commission for the purpose of supporting bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812.

(c) **AUDITS.**—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2097, the Star-Spangled Banner Commemorative Coin Act, and applaud my colleague, Mr. RUPPERSBERGER, for introducing the bill.

The bill instructs the Secretary of the Treasury to mint and issue \$5 gold coins and \$1 silver coins in commemoration of the bicentennial of the writing of the “Star-Spangled Banner.” The issuing of this coin will would begin during the calendar year. The “Star-Spangled Banner” is set to music to a poem entitled “In Defense of Fort McHenry” written in 1814 by Francis Scott Key, who wrote the poem after seeing the bombardment of Fort McHenry in Baltimore, Maryland, by the Royal British Navy during the War of 1812. The American victory and the sight of the large American flag that survived the 25-hour British bombardment inspired the poem and the anthem.

In 1916, President Woodrow Wilson ordered that the anthem, which had been popularly renamed the “Star-Spangled Banner,” be played at military and naval occasions. On March 6, 1931, President Herbert Hoover signed a resolution of Congress that officially designated the “Star-Spangled Banner” as the national anthem of the United States.

Throughout the course of American history, the “Star-Spangled Banner” has played a significant role in the democracy and freedom of this country and symbolizes our enduring respect for those who have fought and died to preserve the future of this great nation.

In the 110th Congress, similar legislation passed the House and had 298 cosponsors. I again urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2097, the Star-Spangled Banner Commemorative Coin Act introduced by the gentleman from Maryland (Mr. RUPPERSBERGER).

This simple measure is designed to ensure that the United States properly pays tribute to an important moment in its history, namely, the writing of the "Star-Spangled Banner."

The story of Francis Scott Key at Fort McHenry is familiar to Americans old and young alike, but it bears some retelling. It was on the night of September 13, 1814, that Mr. Key negotiated the release of Dr. William Beanes, taken captive by the British and held on board a vessel in Baltimore Harbor. Not long after securing the doctor's release, Key and his party were not allowed to leave because they had become familiar with the British strength and positioning, as well as their attack strategy.

Over the next 25 hours they waited in the harbor as the British mercilessly bombarded Fort McHenry, all while remaining out of range of U.S. firepower.

When the barrage ended, Key peered out through the clearing smoke at daybreak to see in the distance the flag of the United States, its 15 stars and 15 stripes tattered but standing tall. Inspired, Key scribbled down a poem that he later set to a British melody. More than a century later, an act of Congress declared that tune was this Nation's anthem.

Mr. Speaker, as our Nation prepares to mark the 8th anniversary of the September 11 terrorist attacks, we are reminded not only of the many challenges that this Nation has faced in its history, but the symbols and words that have brought us together to endure these trials.

Five years from now the people of the State of Maryland will be joined by all Americans in celebrating the bicentennial of the writing of the "Star-Spangled Banner." H.R. 2097, the Star-Spangled Banner Commemorative Coin Act, provides for the minting of coins in commemoration of this historic event and ensures that surcharges on the sales of these coins will be used to support activities related to the bicentennial, including education and outreach activities. All of these will be done at no cost to the taxpayers.

I want to again commend my colleague from Maryland (Mr. RUPPERSBERGER) for introducing this bipartisan measure. I urge its immediate passage.

I reserve the balance of my time.

Mr. WATT. I yield to Mr. RUPPERSBERGER from Maryland as much time as he may consume.

Mr. RUPPERSBERGER. Thank you.

I rise today to ask my colleagues to support H.R. 2097, the Star-Spangled Banner Commemorative Coin Act. This legislation will create a commemorative coin to honor America's national anthem. I would particularly like to thank Chairman FRANK for his support.

The United States Mint creates two commemorative silver coins each year. The topic is congressionally directed. All expenses of minting, design and production of the coin are included in the final selling price of the coin. This bill does not trigger any PAYGO rules and is revenue neutral.

This happens to be the second time I've gathered more than 290 cosponsors and have been on the floor to speak about this bill.

The \$1 silver coin will be minted in 2012 for the 200th anniversary of the War of 1812. Proceeds will help fund the War of 1812 Bicentennial Commission, which will hold celebrations along the east coast kicking off in June of 2012 and running through September of 2014. These celebrations include a naval review, reenactment, festivals, historical lectures, parades, the creation of a national curriculum for students and the opportunity to honor the brave men and women who withstood the British during the War of 1812.

My hometown of Baltimore is proud to be the home of America's national anthem. During a nightlong attack on Baltimore by British forces, Francis Scott Key was held captive aboard a British ship in the Chesapeake Bay. The morning after the bombardment, he looked out his window and saw a large American flag had survived the assault, still flying proudly over Fort McHenry. He knew the American forces had successfully defended the city of Baltimore at the fort. The next day, he was inspired to pen his famous poem in honor of that event.

His brother-in-law, Judge Joseph H. Nicholson, set the poem to the tune of a popular British melody. A few days later, it was printed in Baltimore and quickly spread to newspapers from New Hampshire to Georgia. The song gained popularity and was often played at public events and Fourth of July celebrations. However, it would be many years before the "Star-Spangled Banner" became our official national anthem.

In 1916, President Woodrow Wilson ordered that the song be played at military events and other official occasions. By the late 1920s, a consensus formed across the country that America needed an official anthem. John Philip Sousa, a famous U.S. composer, argued in favor of the "Star-Spangled Banner" and on March 3, 1931, President Hoover signed legislation adopting it as the national anthem for the United States of America. For more than 75 years, the "Star-Spangled Banner" has evoked pride and patriotism among Americans.

I hope this collectable coin will inspire more Americans to learn the lyrics of the "Star-Spangled Banner" and the role Baltimore played in the history of our Nation during the War of 1812.

All Americans are welcome to come to Baltimore to visit Fort McHenry. Right now, Americans can enjoy the rich history of this country. There are Civil War battlefields being preserved; a Star-Spangled Banner trail being created which runs through Maryland, the District of Columbia, and Virginia; and the War of 1812 Commissions being organized in States from New York to Georgia.

Folks can visit the original Star-Spangled Banner flag here in Washington at the American Museum of National History.

I ask that my colleagues vote for H.R. 2097 and join me in honoring Francis Scott Key, "The Star-Spangled Banner," and the War of 1812—an event that changed the history of our Nation.

Mr. LEE of New York. Mr. Speaker, I have no further requests for time.

I yield back.

Mr. WATT. Mr. Speaker, I submit the following exchange of letters regarding H.R. 2097.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, September 8, 2009.

Hon. BARNEY FRANK,  
Chairman, Financial Services Committee,  
Washington, DC.

DEAR CHAIRMAN FRANK: I am writing regarding H.R. 2097, the "Star-Spangled Banner Commemorative Coin Act."

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 2097 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of Conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2097, and would ask that a copy of our exchange of letters on this matter be included in the Record.

Sincerely,

CHARLES B. RANGEL,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, September 8, 2009.

Hon. CHARLES B. RANGEL,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 2097, the "Star-Spangled Banner Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on April 23, 2009. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 2097 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,  
Chairman.

Mr. WATT. Mr. Speaker, I simply encourage my colleagues to support this historic bill and thank Mr. RUPPERSBERGER for its introduction.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 2097.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. WATT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. WATT. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

□ 1200

#### APPOINTING FRANCE A. CORDOVA TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 9) providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

S.J. RES. 9

*Resolved by the Senate and House of Representatives of the United States of America in*

*Congress assembled,* That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Eli Broad of California is filled by the appointment of France A. Córdova of Indiana. The appointment is for a term of 6 years, effective on the later of April 7, 2009, or the date of enactment of this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes. The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this joint resolution will appoint Dr. France Córdova as a citizen regent of the Smithsonian Institution for a 6-year term beginning on the day of its enactment into law. The appointment would fill a longstanding vacancy and would bring the Board of Regents back up to full strength again for the first time in several years.

Dr. Córdova is the president of Purdue University in Indiana. She also served as chief scientist at NASA in the 1990s. The members of the Committee on House Administration met with her in July, and we found her to be very qualified to represent the American people on the Smithsonian's governing body.

I urge approval of the joint resolution so that Dr. Córdova can assume her seat in time for the Regents' next meeting later this month.

I now reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Administration Committee, I am pleased to support the appointment of Dr. France Córdova to be a citizen regent of the Smithsonian Institution. Dr. Córdova recently joined committee members to discuss her extensive educational background and ongoing work which will be of inestimable benefit to the ongoing mission of the Smithsonian. Because she is so distinguished and is involved in many activities, I did ask her whether she could give the time to this appointment that it deserves, and she assured us that she could. She recognized the importance of the Smithsonian Institution and felt that this was a more than worthy obligation on her part and felt that it was a contribution she would make to the American people.

In addition to the many national boards of which she is a member, Dr. Córdova serves as the 11th president of Purdue University in Indiana. She was the first woman chancellor of a University of California campus, but perhaps also indicative of her leadership, in the area of discovery, she was, I'm informed, the youngest chief scientist at NASA.

As a scientist, administrator, and ongoing researcher, the richness of her background in academic exploration would be difficult to overstate. As the Smithsonian Institution continues toward new achievements, I am confident that Dr. Córdova will be a critical piece in ensuring that James Smithson's original intent, that the institution would be "an establishment for the increase and diffusion of knowledge," is preserved with excellence.

I would urge my colleagues to join me in supporting Dr. Córdova's appointment to the Smithsonian's Board of Regents.

Since I have no other speakers, I would yield back the balance of my time.

Mr. BRADY of Pennsylvania. I thank the ranking member on the House Administration Committee for his cooperation, as always.

Mr. PENCE. Mr. Speaker, I rise to congratulate Dr. France A. Córdova on her nomination by the Smithsonian Institution's Board of Regents and appointment by joint resolution of Congress to serve as one of the Smithsonian's nine citizen regents. Her outstanding scientific contributions in the areas of observational and experimental astrophysics, multi-spectral research on x-ray and gamma ray sources, and space-borne instrumentation make her an ideal candidate for this prestigious position.

Born in France, Dr. Córdova attended high school in California and went on to graduate cum laude from Stanford University in less than four years. She then earned a PhD in Physics from the California Institute of Technology, and in 1997, she was awarded an honorary doctorate by Loyola Marymount University. In 2007, Dr. Córdova moved to the Hoosier State and was appointed the eleventh president of Purdue University, as well as professor of physics and astronomy for the University.

Again, I commend the excellent work of Dr. Córdova and her many scientific contributions. Hoosiers are blessed to have the talent and expertise of Dr. Córdova at Purdue University, and her appointment to the Smithsonian's Board of Regents is a true honor for Indiana. I am confident that she will prove a valuable asset in her new position at the Smithsonian Institution.

Mr. SOUDER. Mr. Speaker, I would like to express my support for Senate Joint Resolution 9, and recognize Dr. France A. Córdova on her appointment as a citizen regent of the Smithsonian Institution's Board of Regents.

The Smithsonian's governing board is comprised of 17 members. These members include the Chief Justice of the Supreme Court, the Vice President of the United States, six

Members of Congress, and nine citizens who are nominated by the board and approved jointly in a resolution of Congress. The nine citizen members serve for a term of 6 years each and are eligible for reappointment to one additional term.

Having already established herself as an internationally recognized astrophysicist, and a national leader in postsecondary education, France A. Córdova is currently the 11th President of Purdue University. Known as the first woman and youngest person to hold the position of NASA chief scientist from 1993 to 1996, Dr. Córdova still follows her love of science. Currently, Dr. Córdova and two colleagues have a collaborative experiment flying on the European Space Agency's X-Ray Multi-Mirror Mission.

Prior to joining Purdue in 2007, she served in the University of California system for 11 years, first as the Professor of Physics and Vice Chancellor for Research at UC Santa Barbara and then as the Distinguished Professor of Physics and Astronomy and Chancellor for UC Riverside. Córdova's scientific career contributions have been in the areas of observational and experimental astrophysics. She has published more than 150 scientific papers and continues to pursue scholarly research. Dr. Córdova was also the winner of NASA's highest honor, the Distinguished Service Medal. As an influential leader in science policy and education, she also serves on numerous state and national boards, most recently accepting an appointment to the Board of Trustees for the Mayo Clinic in May 2008 and a six-year presidential appointment to the National Science Board, effective November 2008.

Dr. Córdova's honors and awards are almost as numerous as the stars in space that she studies. Her accomplishment in the field of astrophysics and her leadership as the head of a national research university provide her with tremendous experience that will benefit the Smithsonian's board and help improve its mission for the increase and diffusion of knowledge. Her impact on education and science has been remarkable.

I will conclude in saying that Dr. France A. Córdova would be an out of this world addition to the Smithsonian Institution's governing board. It will be an honor and pleasure to have her serve on that board, and I ask my colleagues to support Senate Joint Resolution 9.

Mr. BRADY of Pennsylvania. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the joint resolution, S.J. Res. 9.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING USE OF CAPITOL GROUNDS FOR CELEBRATION OF CITIZENSHIP DAY

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the con-

current resolution (H. Con. Res. 136) authorizing the use of the Capitol Grounds for a celebration of Citizenship Day.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 136

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. USE OF CAPITOL GROUNDS TO CELEBRATE CITIZENSHIP DAY.

(a) IN GENERAL.—The National Korean American Service and Education Consortium (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event (in this resolution referred to as the "event") on the Capitol Grounds to celebrate Citizenship Day.

(b) DATE OF EVENT.—The event shall be held on September 17, 2009, or on such other day as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

#### SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

#### SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

#### SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes. The Chair recognizes the gentlewoman from the District of Columbia.

#### GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 136.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 136 authorizes use of the Capitol Grounds for a celebration of Citizen-

ship Day. This event will be sponsored by the National Korean American Service and Education Consortium. The bill is sponsored by Congresswoman WATSON and has bipartisan support.

The Capitol Hill event will be part of a national program for Korean Americans who will gather in Washington on that day. The date for the event is planned for September 17, 2009. September 17 marks the anniversary of the ratification of the U.S. Constitution and is commemorated as Constitution Day and Citizenship Day. Citizenship Day was authorized by P.L. 108-447. As is required of all events on the Capitol Grounds, this event will be free and open to the public.

I support this resolution and reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that I might yield my time to the gentleman from Florida (Mr. MARIO DIAZ-BALART) to control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARIO DIAZ-BALART of Florida. The chairwoman has just explained this legislation, and it is obviously one that I support. It authorizes the use of the Capitol Grounds for a celebration of Citizenship Day, something that many people take for granted and yet we should not take for granted. This is the freest, the most wonderful, the most generous country that God has ever allowed men and women to create on this planet, and nothing is more sacred than citizenship of this wonderful land.

Again, it is wonderful that we are actually going to be celebrating that along with Constitution Day. The Constitution, again, is that document that has allowed all of this enterprise to take place, limited government, which our Founding Fathers understood was the key to greatness.

So, again, she already explained what this does, allowing the use of the Capitol Grounds for a celebration of Citizenship Day, and I would urge the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. I thank the gentleman. I ask the gentleman if he has any further speakers.

Mr. MARIO DIAZ-BALART of Florida. I do not.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in support of House Concurrent Resolution 136, to authorize the use of the Capitol Grounds for a public event to honor citizenship day.

September 17th marks the anniversary of the ratification of the U.S. Constitution and is commemorated as Constitution Day and Citizenship Day. It designates a time to honor the Constitution of the United States and learn more about this famous piece of legislation.

Constitution Day and Citizenship Day also recognizes "all those who, whether by coming of age or by naturalization, have become citizens." The day is intended to encourage "the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside."

H. Con. Res. 136 authorizes the National Korean American Service and Education Consortium to sponsor a free public event on the Capitol Grounds to celebrate Citizenship Day on September 17, 2009.

Activities on the Capitol Grounds conducted under H. Con. Res. 136 will be coordinated with the Architect of the Capitol, and will be free and open to the public.

I urge my colleagues to join me in supporting H. Con. Res. 136.

Ms. NORTON. I yield back the remainder of my time and ask that the bill be approved by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 136.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### WILLIAM O. LIPINSKI FEDERAL BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2498) to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2498

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The Federal building located at 844 North Rush Street in Chicago, Illinois, shall be known and designated as the "William O. Lipinski Federal Building".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "William O. Lipinski Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes. The Chair recognizes the gentlewoman from the District of Columbia.

#### GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-

marks and to include extraneous material on H.R. 2498.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2498 and am pleased today to speak in support of a bill that names a Federal building located in Illinois as the "William O. Lipinski Federal Building."

Representative William Lipinski was a leader on the Public Works and Transportation Committee and later on the Transportation and Infrastructure Committee throughout the time of his service in the Congress when he represented the Third and Fifth Congressional District of Illinois. He served as a senior Democrat on the Railroads Subcommittee, the Aviation Subcommittee, and the Highways and Transit Subcommittee.

He had a lifelong passion to address transportation and connectivity issues in his district, whether it was providing a local airport with access for financing infrastructure improvements or providing public transit options to areas in his congressional district that lacked access. Representative Lipinski also played a large role in national transportation policy by taking leadership roles in the past two transportation authorization bills that provided funding for local priorities in highways, highway safety, mass transit and surface transportation programs.

Representative Lipinski was born in Chicago on December 22, 1937. He attended Loras College in Dubuque, Iowa, and served in the United States Army Reserves from 1961 to 1967. After serving in the Armed Forces, Representative Lipinski served in several different public service capacities in Chicago, Illinois. He was an alderman in Chicago, a city councilman, and later held several different positions within the Democratic Party in Chicago. Congressman Lipinski was eventually elected to Congress in 1982 and served in the 10 succeeding Congresses.

Representative Lipinski retired in 2005 and is succeeded by his son, Representative DANIEL LIPINSKI.

I urge my colleagues to support H.R. 2498, which names this building located at 844 North Rush Street in Chicago as the "William O. Lipinski Federal Building."

I reserve the balance of my time, Mr. Speaker.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, again, the chairwoman described this very, very well. I want to add just one more thing. I'm not quite sure if she touched on it.

Obviously he has a long and distinguished career in this body and in the Transportation Committee as well, but he was also in the United States Army

Reserve. And one of the things we should never, never forget are those who are willing to serve in our Nation's Armed Forces. He was willing to do so, and he did so honorably.

So, again, naming this Federal building in Chicago after Representative Lipinski I think is an appropriate recognition of his commitment to public service.

I do not believe that I have any other speakers. Can I inquire if there are any other speakers?

Ms. NORTON. I have no other speakers.

Does the gentleman have any other speakers?

Mr. MARIO DIAZ-BALART of Florida. I have no other speakers, so I would yield back the remaining part of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of the bill, H.R. 2498, which I introduced, to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building" in honor of our former colleague and national leader in transportation issues, Bill Lipinski.

William O. Lipinski was born in Chicago, and lived there for most of his life. He attended Loras College in Dubuque, Iowa, and served in United States Army Reserves from 1961 to 1967. After serving in the armed forces, he was active in public service in Chicago, Illinois. He served as an Alderman, a city councilman, and several different positions within the Democratic Party in Chicago. William O. Lipinski was elected to Congress in 1982, where he went on to serve in 10 succeeding Congresses. In his Congressional career, Congressman Lipinski served as the senior Democrat on the Subcommittee on Railroads, the Subcommittee on Aviation, and the Subcommittee on Highways and Transit.

Our colleague, Bill Lipinski, was a leader on transportation issues while he represented the 3rd and 5th Congressional Districts of Illinois. He strongly advocated for the transportation and connectivity issues in his district, whether it was providing a local airport with access for financing for infrastructure improvement or providing public transit options to areas in his Congressional district that lacked access.

In the early 1990s, Congressman Lipinski was instrumental in securing the Passenger Facility Charge (PFC), which enabled airports to finance infrastructure improvements. He also served in leadership roles in the past two surface transportation authorization bills, providing funding for highway, highway safety, and public transit programs.

It is most fitting that we honor his civic career, his leadership role on the Committee on Transportation and Infrastructure, and his contributions to the transportation industry with this designation.

I urge my colleagues to join me in supporting H.R. 2498.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

□ 1215

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). The question is on the

motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 2498.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### TRANSFER OF CERTAIN FEDERAL PROPERTY TO GALVESTON HISTORICAL FOUNDATION

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2121) to provide for the transfer of certain Federal property to the Galveston Historical Foundation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2121

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONVEYANCE OF REAL PROPERTY IN GALVESTON, TEXAS, TO GALVESTON HISTORICAL FOUNDATION.

(a) CONVEYANCE.—Not later than 90 days after the date of enactment of this Act, the Administrator of General Services shall offer to convey, by quitclaim deed, to the Galveston Historical Foundation all right, title, and interest of the United States in and to the parcel of real property located at 502 20th Street in Galveston, Texas, including the improvements thereon.

(b) CONSIDERATION.—As consideration for conveyance of the parcel under subsection (a), the Administrator shall require the Galveston Historical Foundation to pay to the Administrator the fair market value of the parcel, as determined based on an appraisal that is acceptable to the Administrator.

(c) COSTS OF CONVEYANCE.—The Galveston Historical Foundation shall be responsible for the costs of an appraisal conducted under subsection (b) and for all other costs related to the conveyance.

(d) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (b) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator, except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require that any conveyance under subsection (a) be subject to such additional terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

#### GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2121.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2121, as amended, authorizes the Administrator of General Services to convey a parcel of real property located at 502 20th Street in Galveston, Texas, to the Galveston Historical Foundation subject to certain requirements, but not later than 90 days after the date of enactment of the bill.

The bill was introduced by Congressman PAUL. The building is the U.S. Custom House and is currently occupied by the historical foundation, which has a long-term lease on the facility. In 1998, the historical foundation signed a cooperative agreement with the General Services Administration to permit the foundation to lease and rehabilitate the building. Despite a dedicated and unanimous commitment to preservation, the building is not well suited for Federal tenants and the needs that we have for modern office space.

This bill allows the Galveston Historical Society to purchase the building outright at fair market value as determined by the administrator. The proceeds will be deposited into the Federal building fund. The General Services Administration supports the bill, and I strongly urge its passage as Chair of the Subcommittee.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I also support this resolution by the gentleman from Texas (Mr. PAUL). The chairwoman has done a great job explaining what it does, and I would urge my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, H.R. 2121, as amended, authorizes the Administrator of the General Services Administration (GSA) to transfer to the Galveston Historical Foundation the Federal property located at 502 20th St. Galveston, Texas.

The parcel of real property is the 1861 U.S. Custom House, one of the oldest buildings in Galveston, Texas, and was added to the National Register of Historic Places in 1970. The Galveston Historical Foundation was incorporated in 1954, and has since cultivated its work to cover community redevelopment, public education, historic preservation advocacy, maritime preservation, and stewardship of his-

toric properties on Galveston Island. To date, the Galveston Historical Foundation has more than 2,000 members and has twice been awarded the National Trust for Historic Preservation's Honor Award.

In 1998, GSA and the Galveston Historical Foundation entered into a long-term lease agreement with respect to the 1861 U.S. Custom House. In exchange for the Galveston Historical Society rehabilitating the historical building, it was granted a long-term lease. This bill allows the Galveston Historical Society to purchase the building outright.

H.R. 2121 would convey the property at fair market value to the Galveston Historical Foundation. The proceeds will be deposited into the Federal Building Fund.

I urge my colleagues to join me in supporting H.R. 2121.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 2121, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation."

A motion to reconsider was laid on the table.

#### ALBERT ARMENDARIZ, SR., UNITED STATES COURTHOUSE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2053) to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2053

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, shall be known and designated as the "Albert Armendariz, Sr., United States Courthouse".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Albert Armendariz, Sr., United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2053.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2053 honors an outstanding American jurist. Judge Albert Armendariz, Sr. had a long and distinguished career of public service and was a true patriot of the United States of America.

Judge Armendariz was a native Texan. After he served his country in World War II, he left the U.S. Army and used the GI bill to continue his education. He graduated from the University of Texas at El Paso, then the University of Southern California Law School where he was the only Mexican American in attendance. After graduating from USC law school in 1950, Judge Armendariz returned to El Paso, Texas.

Early in his career, Judge Armendariz tackled discrimination head on while serving on the El Paso Civil Service Commission and pushing the agency to end discrimination against Latino applicants for civil service positions. Judge Armendariz also served as an immigration judge within the U.S. Department of Justice. He was the first Latino judge to serve as a justice on the Eighth Judicial District Court of Appeals for the State of Texas.

In addition to his service in the government, Judge Armendariz also found time to serve in leadership positions in several influential civic organizations and helped form the influential Mexican American Legal Defense and Education Fund in 1968.

Judge Armendariz had a never-ending passion for service to his community and practiced law until his death at the age of 88 on October 4, 2007. Given his extraordinary service, it is fitting and proper to honor Judge Armendariz by designating the United States Courthouse located at 525 Magoffin Avenue in El Paso, Texas, in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, again, the gentlelady has explained this resolution. I obviously have no objection to the passage of this bill. And I also want to thank the gentlelady for highlighting not only his distinguished career as a judge, but also the fact that he was part of what is known as the greatest generation.

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of H.R. 2053, a bill to name the

new El Paso Federal courthouse after the late Judge Albert Armendariz, Sr.

Judge Armendariz helped change the landscape for Latinos in Texas and nationwide. He dedicated his life to representing immigrants and is best remembered for his work on the landmark case, *Hernandez v. the State of Texas*, which established Latinos as a distinct class entitled to protection under the 14th amendment.

Over his lifetime, Judge Armendariz had a wide and varied career. Not only was he a distinguished judge and civil rights leader, but he was a WWII veteran, the founder of the Mexican American Legal Defense and Educational Fund (MALDEF), national president of the League of United Latin American Citizens (LULAC), a Federal immigration judge and founding board member of the Mexican American Bar Association of El Paso.

In addition, in the late 1950s and early 1960s, Judge Armendariz served on the El Paso Civil Service Commission and is credited with helping to open the city's police and fire departments to Mexican-Americans.

Judge Armendariz gave so much to the El Paso community and to our Nation. I urge all of my colleagues to support this resolution to honor this great American.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2053, which designates the U.S. courthouse located at 525 Magoffin Avenue in El Paso, Texas, in honor of Albert Armendariz, Sr.

Judge Armendariz was one of the most significant figures in Latino history, especially in the southwest region of the United States. He was the president of the League of United Latin American Citizens (LULAC), and the founder of the Mexican American Legal Defense Education Fund. He was a life-long champion of civil rights, a fighter against racism, and a defender of the underserved.

Judge Armendariz was a World War II veteran, and obtained his law degree from the University of Southern California Law School. Upon graduation, he returned to El Paso, where he set up his law office. He quickly became a community leader and activist.

His judicial legacy includes his work on *Hernandez v. The State of Texas*, which established Latinos as a protected class entitled to protection under the 14th amendment of the U.S. Constitution. Judge Armendariz also served as an immigration judge within the U.S. Department of Justice. In addition, he was the first Latino judge to serve as a Justice on the Eighth Judicial District Court of Appeals for the State of Texas. Judge Armendariz had a never ending passion for service to his community and practiced law until his death at age 88 on October 4, 2007.

Given his extraordinary service, it is fitting and proper to honor Judge Armendariz by designating the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse".

I urge my colleagues to join me in supporting H.R. 2053.

Mr. REYES. Mr. Speaker, it is with deep pride that I rise in strong support of H.R. 2053, a bill that seeks to name the new El Paso Federal courthouse after the late Judge Albert Armendariz, Senior.

Judge Armendariz dedicated his life to advocating on behalf of underserved communities and it is through his leadership and tireless efforts that we witnessed an improved landscape for Latinos in Texas and nationwide. He was a trailblazer who began his distinguished legal career by opening his law office in downtown El Paso with a \$50 loan from his father. Judge Armendariz maximized that small investment by quickly becoming a national leader who served on countless committees and boards that addressed the issues he would advance in his legal practice. Judge Armendariz would go on to practice law in Texas for over 50 years and would argue before the United States Supreme Court. He is best remembered for his work on the landmark case, *Hernandez v. The State of Texas*, which established Latinos as a distinct class entitled to protection under the 14th Amendment.

Judge Armendariz graduated from El Paso High School in 1934. After graduation, he became a sergeant in the military and was responsible for overseeing the motor pool at Ft. Bliss in El Paso. He was later assigned to oversee the Italian prisoners of war at Ft. Bliss. When the war ended, he used the GI Bill to attend the University of Texas at El Paso for his undergraduate studies and then the University of Southern California Law School, where he was the only Mexican-American student at that time.

Judge Armendariz was a proud American who possessed a deep commitment to ensuring equal opportunity for all. In the late 1950s and early 1960s, Judge Armendariz served on the El Paso Civil Service Commission and is credited with helping to open the city's police and fire departments to Mexican-Americans. In 1976, Judge Armendariz was appointed an administrative judge for the Immigration and Naturalization Service and served in that capacity until 1985. He was later appointed to the 8th Court of Appeals of Texas. He was a founder of the Mexican American Legal Defense and Educational Fund (MALDEF); national president of the League of United Latin American Citizens (LULAC); and founding board member of the Mexican American Bar Association of El Paso.

Judge Armendariz was a great American who gave so much to the El Paso community and to our nation. I urge all Members to join me in voting in favor of H.R. 2053.

Mr. ORTIZ. Mr. Speaker, I want to take this opportunity to support my colleague from Texas, Congressman SILVESTRE REYES, and his bill, H.R. 2053.

Albert Armendariz, Sr. was a great citizen and legal mind. His tireless work for the Latino community and under-represented citizens is his legacy that will be long remembered. His work on the landmark case, *Hernandez v. The State of Texas*, is part of this legacy and our judicial history. This case established protections under the 14th Amendment for Latinos and was a step forward in the American Civil Rights Movement.

Judge Armendariz served his community of El Paso, Texas, and his nation in WWII. He attended the University of Southern California, School of Law and was the only Mexican-American graduate at that time. He was the founder of the Mexican American Legal Defense and Educational Fund (MALDEF), a

founding board member of the Mexican American Bar Association of El Paso, and a federal immigration judge.

Judge Armendariz dedicated his life to the El Paso community and to our nation and it is fitting that we honor him in this manner.

I ask your support for this bill which will name the new El Paso Federal Courthouse after the late Judge Albert Armendariz, Sr.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 2053.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ALTO LEE ADAMS, SR., UNITED STATES COURTHOUSE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3193) to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3193

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, shall be known and designated as the "Alto Lee Adams, Sr., United States Courthouse".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Alto Lee Adams, Sr., United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

#### GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3193.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3193 and am pleased today to speak in support of a bill that names the courthouse located in Fort Pierce, Florida, as the Alto Lee Adams, Sr. United States Courthouse.

Judge Alto Lee Adams was born in 1899 in Florida and served as a member of the U.S. Navy in World War I. Judge Adams later graduated from the University of Florida Law School in 1921 and began practice in Fort Pierce in 1924. After practicing law in Fort Pierce County for 14 years, Judge Adams was appointed to the Florida State Circuit Court in 1938. After serving as a circuit court judge, Judge Adams served two stints as a member of the Florida Supreme Court. He was an active member of his community, serving as president of the Florida State Elks Association and vice-chair of the State Welfare Board.

Because of Judge Adams' exemplary career in public service as both a member of the military and as a Florida Supreme Court justice, I urge my colleagues to support H.R. 3193, which names the Federal courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the Alto Lee Adams, Sr. United States Courthouse.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would like to first thank Representative ROONEY for his leadership and work on this bill and would like to also yield the distinguished gentleman from Florida 3 minutes.

Mr. ROONEY. I thank the gentleman for yielding.

Today is a great day for the residents of Fort Pierce, Florida, and the Treasure Coast.

Over two decades ago, the late Congressman Tom Lewis and his district director, Ann Decker, started the long process of bringing a Federal courthouse to St. Lucie County. I was greatly honored that one of my first official events as Congressman was to participate in the historic groundbreaking of this new building. Shortly thereafter, I introduced legislation to honor the distinguished life and career of the late Florida supreme court chief justice, Alto Lee Adams, by naming this new building in his memory.

This courthouse will fill a vital role for the city of Fort Pierce, bringing much-needed jobs and investment to the community with a greatly needed new Federal courthouse to the area. It is only fitting that this courthouse be named in honor of a man who himself gave so much to his community.

Chief Justice Alto Lee Adams, Sr., attended the University of Florida College of Law and graduated in 1921. He

practiced law in Fort Pierce from 1924 to 1938 until he was appointed as a circuit court judge for St. Lucie County.

After Florida voters adopted an amendment which created a seventh justice in the State supreme court in 1940, Alto Lee Adams, Sr. was appointed to the court by then-Governor Fred P. Cone. He served as a justice on the Florida supreme court from 1940 to 1951 and 1967 to 1968, and as chief justice from 1949 to 1951.

Chief Justice Adams believed it was important to give back to his community and even served as president of the Florida State Elks Association in 1937. His service to the St. Lucie community served as an example to his children and those who knew him. In addition to his distinguished career, Judge Adams started a successful cattle ranch named Adams Ranch in St. Lucie County which is still run by the Adams family.

Judge Adams set a standard of integrity and community service that lives on today, and I believe it's only fitting that a new courthouse be named in his honor.

I would like to thank Chairman OBERSTAR, Ranking Member MICA, Mr. DIAZ-BALART, and their staff, for helping support the moving of this legislation. I am proud to sponsor H.R. 3193 and ask my colleagues for their support.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3193, a bill to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

Alto Lee Adams, Sr. was born and raised in Walton County, Florida, and graduated from the University of Florida Law School in 1921. After practicing law in Fort Pierce County for 14 years, Judge Adams was appointed to the Florida state circuit court in 1938.

In 1940, Florida citizens voted for the creation of a seventh seat on the State Supreme Court. Then-Governor Cone appointed Judge Adams to the State's highest court. He served on the Florida Supreme Court until 1951, the last two years as the Chief Justice. During this time, Justice Adams authored one of his most highly-regarded decisions in *Taylor v. State*, which illustrated Justice Adams' dedication to civil rights. He wrote that "[a]s to the relative rights and duties, the law makes no [racial] distinction." Justice Adams also continually advocated for individual property rights over the Federal Government's power of eminent domain. In 1967, then-Governor Kirk re-appointed Justice Adams to the State Supreme Court, where he remained on the court until his mandatory retirement in 1968.

Throughout his legal career, Justice Adams co-authored a book and wrote several articles regarding legal history and philosophy. His 13 years of service on the Florida State Supreme Court are marked by his fairness on the bench.

He was also an active member of his community serving as President of the Florida State Elks Association and as Vice Chair of the State Welfare Board.

Because of Judge Adams' exemplary career in public service, it is fitting to designate the United States Courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

I urge my colleagues to join me in supporting H.R. 3193.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3193.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1230

#### NATIONAL NIGHT OUT

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 623) requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 623

Whereas neighborhood crime is of continuing concern to the American people;

Whereas child safety is a growing concern for parents and communities, as evidenced by several cases of missing and abducted children;

Whereas homeland security remains an important priority for communities and the Nation;

Whereas crime, drugs, and violence in schools is of continuing concern to the American people due to the recent high-profile incidents that have resulted in fatalities at several schools in the United States;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement personnel;

Whereas neighborhood crime watch organizations effectively promote awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent communities from becoming markets for drug dealers;

Whereas neighborhood crime watch programs play an integral role in combating domestic terrorism by increasing vigilance and awareness and encouraging citizen participa-

tion in community safety and homeland security;

Whereas community-based programs involving law enforcement, school administrators, teachers, parents, and local communities work effectively to reduce school violence and crime and promote the safety of children;

Whereas citizens throughout the United States will take part in National Night Out, a unique crime prevention event that will demonstrate the importance and effectiveness of community participation in crime prevention efforts;

Whereas over 37,000,000 people in more than 15,000 communities from all 50 States, territories, District of Columbia, and military bases worldwide participated in National Night Out in 2007;

Whereas National Night Out will celebrate its 26th anniversary on Tuesday, August 4, 2009, when citizens, businesses, local law enforcement officers, mayors, State and Federal officials, and others will celebrate "America's Night Out Against Crime" and participate in events to support community crime prevention;

Whereas National Night Out is supporting the Department of Homeland Security's Ready campaign by handing out materials and educating and empowering the public on how to prepare for, and respond to, potential terrorist attacks or other emergencies;

Whereas National Night Out is supporting the National Child Identification Program, a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation, to provide identification kits to parents to help locate missing children;

Whereas the National Sheriffs Association, the United States Conference of Mayors, and the National League of Cities have officially expressed support for National Night Out; and

Whereas citizens and communities that participate on August 4, 2009, will send a positive message to other communities and the Nation, showing their commitment to reduce crime and promote homeland security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Night Out; and

(2) requests that the President—

(A) issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for National Night Out;

(B) focus appropriate attention on neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing the Administration to make crime reduction an important priority; and

(C) coordinate the efforts of the Federal Emergency Management Agency, the USA Freedom Corps, the Citizen Corps, the National Senior Service Corps, and AmeriCorps to participate in National Night Out by supporting local efforts and neighborhood watches and by supporting local officials, including law enforcement personnel, to provide homeland security and combat terrorism in the United States.

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, this resolution supports this year's National Night Out events coordinated by the National Association of Town Watch and encourages the President to focus attention on neighborhood crime prevention, community policing and Federal efforts to participate in various local events. The 26th Annual National Night Out, America's night out against crime, was held on Tuesday, August 4, 2009.

The National Night Out is designed to promote crime and drug prevention efforts, create support for local anti-crime programs and strengthen neighborhood camaraderie and police-community partnerships. Last year's National Night Out campaign involved citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials from over 15,000 communities from all 50 States, as well as U.S. territories, Canadian cities and military bases worldwide.

In 2008, over 37 million people participated in National Night Out events. National Night Out has the support of many agencies and organizations, including the National Sheriffs Association, the United States Conference of Mayors, and the National League of Cities.

On August 4, people from communities around the country sat on their porches with their lights on to show their support for neighborhood crime prevention and drug abuse prevention efforts. Local sponsors also organized events such as block parties, cookouts, parades and visits with local law enforcement agencies, as well as rallies and marches. National Night Out events have become a very popular way to build police-community relations and to encourage people to volunteer in their communities.

For those reasons, Mr. Speaker, I urge my colleagues to support the resolution introduced by the gentleman from Michigan (Mr. STUPAK).

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker I yield myself such time as I may consume.

I want to thank the gentleman from Michigan (Mr. STUPAK) for sponsorship of this legislation.

On August 4, 2009, communities, businesses, local law enforcement officials and other individuals from all 50 States got together for what we call National

Night Out. National Night Out, an annual event created to bring attention to the importance of community involvement in preventing crime and community awareness efforts throughout the country. It has successfully reached millions of people and thousands of communities in every State in our Nation.

Not only has the event grown in participation and size, but in production as well. The traditional "lights on," in which neighborhood families coordinate in turning on their porch lights, has grown to include block parties, neighborhood walks, police meetings, cookouts and even parades.

Mr. Speaker, this is the only time of the year that many neighbors see each other. My grandfather used to say that people quit being as neighborly when builders quit building front porches on their homes. Anyway, National Night Out gives people the chance to visit with each other and be neighborly.

House Resolution 623 calls on the administration not only to highlight and urge participation in this nationwide campaign, but also to coordinate Federal efforts in other community crime-prevention initiatives.

The resolution reminds us that crime is local. Crime affects all Americans, regardless of where they live or who they are. In my 30 years as a prosecutor and a former judge, I saw for myself the terrible toll that crime puts on neighborhoods and on families and individuals.

We all suffer. Crime, especially violent crime, is a national health concern. Volunteer organizations such as neighborhood crime watch groups have proven to be invaluable, not just in awareness and prevention, but also in their coordination with local law enforcement.

National Night Out was created in 1984 to help bring members of our communities together to fight the scourge of crime in local neighborhoods. Since then, it has been the mission of Association of Town Watch and National Night Out to send a message to criminals that neighborhoods and communities are united in their fight against criminal conduct. Through the participation in local crime fighting programs and organizations, every American can make a difference in the safety of their community. Strong communities are safer communities.

In today's world, crime and violence can be found everywhere we look. Urban communities, rural communities, parks and even our schools. And while Federal coordination with local law enforcement plays a tremendous role in curbing criminal activity, the coordination of local law enforcement officials, volunteer groups and community leaders and neighbors is, without a doubt, the most effective way of attacking crime and protecting America's families.

So I urge all my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the sponsor of the resolution, a law enforcement officer himself, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Stupak-Reichert resolution, House Resolution 623. This resolution commemorates the 26th Annual National Night Out event, which is sponsored by the National Association of Town Watch.

I would like to thank my Law Enforcement Caucus cochair, Congressman DAVE REICHERT, for introducing this resolution with me.

National Night Out, an annual nationwide grassroots crime prevention event, took place on Tuesday, August 4, and will actually take place in Texas on October 6, 2009. I appreciate the work of the Judiciary Committee and Chairman CONYERS and Chairman SCOTT in placing this resolution on the House calendar.

However, I must admit I am disappointed in the partisan, obstructionist tactics that precluded the recognition of National Night Out in a timely fashion in July. I am disappointed that this truly bipartisan resolution, that has been introduced year after year and passed by this House urging citizens to take back their streets from criminals, is hijacked by partisan politics. Now, a month later, we have to talk about this year's event in the past tense.

This year's event did bring together citizens, law enforcement agencies and civic groups throughout the United States. As Chairman SCOTT said, about 15,000 communities participated to heighten crime and drug prevention awareness and to strengthen neighborhood spirit and police-community partnerships.

National Night Out is the largest, most cost-effective crime prevention campaign. Whether it is stopping illegal drug sales, making schools safer, locating missing children or remaining vigilant against terrorism, local law enforcement officials depend on the support of community networks to succeed.

This high profile, high impact National Night Out sends a message to criminals, letting them know that neighborhoods are organized and fighting back. The active involvement of citizens and the presence of law enforcement in our communities is a winning combination that makes and keeps neighborhoods safe.

The Stupak-Reichert resolution expresses Congress' support for community crime prevention and asks that the President focus Federal attention on this issue. I urge all our Members to support this resolution.

Mr. POE of Texas. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Ohio, a strong supporter of law enforcement, Ms. SUTTON.

Ms. SUTTON. I thank the gentleman for the time and for his leadership on this very important issue.

I rise today, Mr. Speaker, in strong support of H. Res. 623, and I commend Representative STUPAK for bringing this great resolution to the floor.

National Night Out is an innovative and unique crime fighting tool, and the administration's support for this effort is critically important. This resolution sends a strong message to criminals, letting them know that neighborhoods are organized and are fighting back.

It also sends a strong message to volunteers and neighbors and block leaders that their hard work is not going unnoticed by this Congress and this administration. When people volunteer in their community, they are telling the world that their neighborhood matters, that their neighborhood is important, and that it has value. And we hear them, Mr. Speaker.

In these difficult times, volunteering is critical to supporting both our neighbors and our communities. While neighborhood watch groups work tirelessly every night throughout this country, a special night of the year is reserved to celebrate National Night Out.

And on the first Tuesday of every August, nearly 37 million Americans gather together to participate in National Night Out, walking door to door, handing out important safety information, greeting old neighbors and meeting some new people on their block. It takes a community to keep a neighborhood safe, and on August 4 people across America helped keep their neighborhoods just that much safer.

This August 4, I had the honor to participate in the 26th Annual National Night Out in Akron. It was a great experience, and I hope to participate again next year, along with millions of my fellow crime fighting Americans.

I commend the gentleman again for bringing the resolution to the floor.

Mr. POE of Texas. We have no other speakers, Mr. Speaker.

I will close by saying that this is a bipartisan piece of legislation. This body here contains many former law enforcement officers, peace officers, sheriffs, prosecutors, former judges, and victims of crime as well. Crime knows no boundaries in this country, and it affects all of us. This legislation is a stand for the volunteers who support National Night Out and the good work that they do.

I strongly urge the adoption of this resolution.

Mr. REICHERT. Mr. Speaker, I rise today in support of H. Res. 623, which requests that

the President focus appropriate attention on neighborhood crime prevention and coordinate Federal efforts to participate in National Night Out.

Today our suburban communities and neighborhoods throughout the nation are under attack. When our children are no longer free to play outside after school and families no longer feel safe in their suburban communities because gangs, and all the violence and drugs they bring with them, have spread to their communities; and when children are no longer safe in their own homes because thousands of sex offenders are online just waiting for their next prey; when the "bad guy" has no face and there are no boundaries thanks to the Internet—our very freedom itself is threatened.

National Night Out is an extraordinary opportunity for citizens, law enforcement, businesses, and local officials to come together to raise awareness about these threats and fight crime where we live. Last year, over 37 million people participated in National Night Out.

As a former Sheriff, I know how important it is to foster relationships between the community, law enforcement and local businesses and organizations. By coming together we really can create safer places for our children to grow and thrive.

I urge all my colleagues to support H. Res. 623 and community policing efforts throughout their communities.

Mr. POE of Texas. I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from Michigan for his introduction of the resolution and urge support of the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 623.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING SEPTEMBER 11 AS A NATIONAL DAY OF SERVICE AND REMEMBRANCE

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 718) Recognizing September 11 as a "National Day of Service and Remembrance".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 718

Whereas, on September 11, 2001, terrorists ruthlessly attacked the United States leading to the tragic deaths and injuries of thousands of innocent United States citizens and other citizens from more than 90 different countries and territories;

Whereas in response to the attacks in New York City, Washington, DC, and Shanksville,

Pennsylvania, firefighters, police officers, emergency medical technicians, physicians, nurses, military personnel, and other first responders immediately and without concern for their own well-being rose to service, in a heroic attempt to protect the lives of those still at risk, consequently saving thousands of men and women;

Whereas in the immediate aftermath of the attacks, thousands of recovery workers including trades personnel, iron workers, equipment operators, and many others, joined with firemen, police officers, and military personnel to help to search for and recover victims lost in the terrorist attacks;

Whereas in the days, weeks, and months following the attacks, thousands of people in the United States and others spontaneously volunteered to help support the rescue and recovery efforts, braving both physical and emotional hardship;

Whereas many first responders, rescue and recovery workers, and volunteers, as well as survivors of the 9/11 terrorist attacks, continue to suffer from serious medical illnesses and emotional distress related to the physical and mental trauma of the 9/11 tragedy;

Whereas hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of our nation's armed forces, with thousands having given their lives, or been injured to defend our nation's security and prevent future terrorist attacks;

Whereas the entire nation witnessed and shared in the tragedy of 9/11 and in the immediate aftermath of the September 11 attacks became unified under a remarkable spirit of service and compassion that inspired and helped heal the nation;

Whereas in the years immediately following the September 11, 2001, attacks, the U.S. Bureau of Labor Statistics documented a marked increase in volunteerism among citizens in the United States;

Whereas families of 9/11 victims, survivors, first responders, rescue and recovery workers, and volunteers called for Congress to pass legislation to formally authorize the establishment of September 11 as an annually recognized "National Day of Service and Remembrance", and for the President of the United States to proclaim the day as such;

Whereas in 2004, Congress unanimously passed H. Con. Res. 473, expressing the sense of Congress that it is appropriate to observe the anniversary of the September 11, 2001, attacks with voluntary acts of service and compassion;

Whereas hundreds of thousands of people in the United States from all 50 States, as well as others who live in 170 different countries already observe the anniversary of the September 11, 2001, attacks each year by personally engaging in service, good deeds, and other charitable acts; and

Whereas, on March 31, 2009, Congress passed the Edward M. Kennedy Serve America Act, which included for the first time authorization and Federal recognition of September 11 as a "National Day of Service and Remembrance", a bill signed into law on April 21, 2009, by President Barack Obama: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) calls upon all people in the United States to annually observe a "National Day of Service and Remembrance", with appropriate and personal expressions of reflection, including performing good deeds, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own

choosing in honor of those who lost their lives or were injured in the September 11, 2001, attacks, in tribute to those who rose to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people in the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the September 11, 2001, terrorist attacks.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

##### GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. I yield myself such time as I may consume.

As we take time today to remember the tragic events of September 11, 2001, let us also remember the great compassion that Americans showed each other following the attacks. They donated blood, searched through wreckage, and sat to comfort one another. The service of volunteers helped our country through their time of crisis, as it has so often during our history.

It is in their spirit that we observe the anniversary of the attacks by not only remembering those lost and injured on September 11, 2001, but by serving our fellow Americans in their honor. This is the proper tribute to those who served those in need on that day.

I am proud that we are taking time today to recognize these heroic volunteers. I would like to thank the leadership for allowing us to bring this bill to the floor today.

□ 1245

I would also like to thank the ranking member of the Committee on Oversight and Government Reform, Mr. ISSA of California, for his support of the bill. I urge my colleagues to join us in supporting it.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. BILBRAY) will control 20 minutes.

There was no objection.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

The resolution before us is a commitment to reaffirm a sense of urgency, of reminding all of us of the crisis that occurred not so long ago in the crumbling towers in New York and the crisis at the Pentagon and in Pennsylvania. I appreciate the chairman bringing this

item before us, and as a representative of the minority on the committee, I want to strongly urge its support.

I appreciate the fact that the gentleman has worked in a bipartisan fashion. I think this is one committee where the chairman and ranking member have proven that Washington, especially the House of Representatives, can work in a cooperative manner, and I think if there is any place the American people not only expect but demand that we find that bipartisan ground, I think we have found it in this resolution and on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the chairman and my good friend from New York for yielding to me.

Mr. Speaker, September 11 will always have a special meaning in our hearts and in our lives. I guess the previous generation, when you said December 7, Pearl Harbor Day, that was something that stuck in their minds. But, for us, September 11 is a date that will live, as President Roosevelt said, in infamy.

September 11 showed us the worst in people, the terrorists that killed approximately 2,000 people in New York and at the Pentagon and in Pennsylvania, but it also showed the best in people, New Yorkers and others who came to try to save people, certainly at the World Trade Center.

Every week when I go back to New York, I look at the skyline of New York and something is missing. It always feels, to me, empty. It always feels wrong. Of course, the Twin Towers of the World Trade Center are missing. But as much as I have pain in my heart for the missing towers, it is nothing like the pain in my heart and the grief I have for the thousands of people that were killed and for their families.

I was very proud to be a New Yorker that day. I said it on the floor of this House soon afterwards 8 years ago. I am still very, very proud to be a New Yorker.

But there is still much more work to be done. We have been fighting for years for a health care bill that would enable first responders and good Samaritans who came to the World Trade Center day in and day out, digging sometimes with their bare hands to try to find victims and who very often did find victims, and now who are suffering from irreparable injuries to their lungs and to their health. We need a bill, and the New York delegation has been fighting for a bill that will take care of these people who, by the way, came from all 50 States, and we need to do that. This Congress needs to do that.

But also, as Mr. TOWNS said, we need to remember those people, the people who perished and the thousands of peo-

ple who came to the aid of and to help the victims, to save their lives, to escort them to safety, to come and try to find people in the rubble. That again showed the best of humanity, the best of Americans, the best of New Yorkers, the best of what this country has to offer.

Again, Mr. Speaker, September 11 will obviously never be the same and will hold a special meaning. I generally have not attended meetings or any kind of things on that day in the 8 years because it is, for me, a day of reflection, but I am very, very proud that this Congress is taking up this resolution, and I urge my colleagues to support it.

Mr. BILBRAY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. KING), the ranking member on the Committee on Homeland Security.

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding.

I want to commend Chairman TOWNS and Ranking Member ISSA for bringing this bill to the floor. I want to thank Congresswoman MATSUI for the tremendous work that she has done in leading the way on this legislation. I am proud to be a cosponsor of the legislation.

Mr. Speaker, I listened carefully to my good friend from New York, Mr. ENGEL, and he really articulated the way all New Yorkers feel. September 11 will be a day that none of us will ever forget. It is a day that will just be embedded into us because of the terrible horror, the tragedy, all that occurred on that day, but also because of the tremendous valor, the tremendous dedication, and the tremendous sense of courage which was also demonstrated on that day.

I lost probably 150 constituents, friends, neighbors that day, and that is just all throughout downstate New York. Almost every Member of Congress can say the same thing about the large numbers of deaths in their districts and their friends, their neighbors who were murdered that day.

So it is really important, as we go forward, that September 11 never just be a day, never just be a holiday, never just be a day where maybe some people get off and some don't or a day that you use to go shopping. It should be a day where we find a way to remind ourselves of the sacrifice of that day, of the police officers and the firefighters and the EMTs and construction workers who actually ran into the burning towers and suffered those incalculable deaths, 343 firefighters, 60 police officers, a number of EMTs, a number of construction workers, all of whom were killed rescuing people that day.

Mr. Speaker, just as a historical note, this legislation initiated from an organization called MyGoodDeed, and this organization, one of the founders was Jay Winuk. His brother Glenn was a constituent of mine.

Glenn was actually working in Lower Manhattan that day as a lawyer, but he was also a volunteer firefighter. After he evacuated his own building, he ran into the World Trade Center and was killed. Just this past week, he was finally awarded the 9/11 Medal of Valor. But the Winuk family, in honor of Glenn, who really personified September 11 in that he was one of both a civilian and a firefighter, who in both capacities performed so brilliantly that day, his family was the starter of this organization, which was the genesis of this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BILBRAY. I yield the gentleman an additional 2 minutes.

Mr. KING of New York. Mr. Speaker, also, for instance, tomorrow, throughout my district, there will be various types of services being carried out. For instance, in my own office, we have a blood drive which is run by my assistant, Patricia Gartland, who will have people lined up from morning to night giving blood in honor of those killed on September 11.

In my own school district, the Seaford School District, there will be a large commemoration, and the coordinator, Ken Haskell, is a firefighter who lost two brothers on September 11. He is coordinating an effort where the students will show the good works that they did in honor of those who died on September 11.

So, Mr. Speaker, this is a day which, again, as tragic as it was, as horrible as it was, it is also a day from which tremendous good came from that. So let's go forward. Let's adopt this legislation in the spirit of what happened on September 11, both in memory of those who were murdered and in honor of those who gave their lives, and in honor of those who in the days afterwards, as Congressman ENGEL said, not just from New York but from all over the country, came to Lower Manhattan, came to the World Trade Center, came to the Pentagon, went to Pennsylvania to try to do what they could to help those and to take part in the rescue operation and recovery operation and really showed the unity of the Nation, maybe as never before.

With that, again, I thank the chairman, I thank the ranking member, I certainly thank Congresswoman MATSUI, and I urge the adoption of the resolution.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. MATSUI), who really is responsible for us being here today. I want to thank her for her insight and, of course, making it possible for us to recognize people who really contributed so much on September 11.

Ms. MATSUI. Thank you very much, Mr. Chairman.

Mr. Speaker, I rise today in support of House Resolution 718, which recognizes September 11 as a National Day

of Service and Remembrance. On April 21 of this year, with Senator Ted Kennedy standing by his side, President Obama signed into law the Edward M. Kennedy Serve America Act. This landmark legislation makes historical investments in both national and community service programs and helps to facilitate the extraordinary interest in volunteerism we are seeing throughout the country and in my hometown of Sacramento certainly, too.

The Serve America Act also designates September 11 of every year as a National Day of Service and Remembrance. This year, and with this resolution, we are recognizing the observance of the first-ever federally recognized National Day of Service and Remembrance.

This bipartisan resolution calls upon all Americans to engage in community service and contribute to local projects in their neighborhood on September 11 in tribute to those who selflessly served their communities during the attacks on that day, as was mentioned by our New Yorkers here and people throughout the country.

On that day and the days following, first responders, rescue and recovery workers and perfect strangers came together to help those in need. Their sense of patriotism and service truly made our Nation great. This year we will honor them not only by remembering their heroism, but by recommitting ourselves to bettering our communities and our country.

This Friday, we will join with Americans across the country and give back to our communities by volunteering to build houses, participate in literacy programs, lead neighborhood cleanups, collect food and clothing for the coming winter, and really much, much more. As a result, extraordinary things will be happening all through this country. The service events taking place will help address some of our Nation's toughest problems, from poverty and unmet education needs to preparing for natural disasters.

As co-Chair of the National Service Caucus, it is a pleasure to call attention to the tremendous work of volunteers participating in the first-ever National Day of Service and Remembrance and to partner with my colleague PETER KING of New York on this legislation.

I also want to thank MyGoodDeed.org, the Corporation for National and Community Service, and the families of 9/11 who helped make this a reality and for promoting volunteerism and service in every corner of our country.

I am really proud that this body has come together and has been a leader in recognizing the importance of volunteerism and community service. Please join me in honoring this spirit of service by voting in support of this resolution.

Mr. BILBRAY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I have to say that I am rather struck as I listened to my California colleagues, Ms. MATSUI and Mr. BILBRAY. We have had three New Yorkers and now three Californians who have stood here to recognize the significance of what, unfortunately, is one of the most tragic days in the 220-year history of the United States of America.

All of the remarks have been extraordinarily thoughtful. They have focused on why it is that we are here, and it is to remember those thousands of lives that were lost. But, as was said by Mr. ENGEL, Mr. TOWNS and Mr. KING as well, and Ms. MATSUI and, I know, Mr. BILBRAY, the good that has come from one of the most tragic days in our Nation's history is that we saw a solidarity, the likes of which we have not seen in a long period of time, and we saw so many great things done by courageous people.

□ 1300

Now, we've heard about the New Yorkers, and no one sacrificed more than New Yorkers as we, for literally months, watched the cleanup take place at the World Trade Center. But I'm reminded of the Rancho Cucamonga Fire Department in Southern California. It was so moved they came together and provided a fire truck to the New York City Police Department. And when we've had three New Yorkers and three Californians, I know that we speak for everyone across this country when we underscore how important it is to recognize this, one of the most tragic days in our Nation's history.

Now, there are other things that have come from this. And as I look at my friend, Mr. KING, I'm reminded that he is the former chairman, now the ranking member, of the Committee on Homeland Security that was established in the aftermath of September 11. And as we sit here, prepared to mark the eighth anniversary, I think it's important to note that another good thing has emerged.

That good thing is the fact that while most predicted that within a matter of months, and certainly years, we would have another terrorist attack on U.S. soil, it's due to the work of PETER KING and lots of other people in this institution, in the executive branch and around the country that have ensured that we have not to this point, and we hope and pray that this vigilance will continue and that we will never have an attack like we saw on September 11 of 2001.

And we also need to use this resolution, Mr. Speaker, to remind ourselves that we still live in a very, very dan-

gerous world. There are people who would like to do us in. We know that. We find it out on a daily basis, and we see it in tragic terrorist attacks that take place in other parts of the globe.

And so I join, Mr. Speaker, with my colleagues in strong support of the effort that Ms. MATSUI and Mr. KING and others have put together on this resolution in hopes that this will be a learning experience, just, as Mr. ENGEL mentioned, as December 7, 1941, was a date for past generations. We all remember the history of December 7, 1941; and, similarly, we hope that this resolution will ensure that future generations will never forget what happened on September 11, 2001.

Mr. TOWNS. Mr. Speaker, I would like to join my colleagues in saying that this was a day that I will never, never forget as I stood and I watched the second plane hit, and then I realized that this was a day that we would never, never forget. I also want to recognize those firefighters and those police officers and people who came from all over the Nation to help us at that time, and I mean New Yorkers. And of course, that's something that we cannot forget. People just packed up, came to help us clean up. And I've never seen people work together the way they worked during the crisis of September the 11.

So I think it's only fitting that we stop and we recognize the great work of those volunteers. And I want to thank Congresswoman MATSUI, I want to thank Congressman PETER KING for sponsoring this resolution.

I remember on that day a gentleman by the name of Al Walden, who worked here in the Congress, served in the Congress with us, who was a judge, and his office was in the building that caught on fire, the first building. And I recall standing out there talking to him as we were looking at the problem and the smoke coming from the building. And then as we heard the fire trucks and the volunteers running to help each other, and, of course, that's a day that I will never, never forget. I remember getting a call indicating that Fireman Glascoe, who was a very, very dear friend, was in the building, and that Officer Venable, I mean, I just can go down the list, calling the roll of all these people that lost their lives on that day.

But I can't help from thinking about the togetherness that came from this and how people said, let's do everything we can to assist the people in New York. So I want to thank people from all over this land for doing that.

I have no other speakers, and I reserve my time.

Mr. BILBRAY. Mr. Speaker, I appreciate the chairman's words. And let me just say, December 7, 1941, was brought up earlier, and my father's birthday actually was December 7 and he was actually stationed at Pearl Harbor in

1941. And I think the big slogan we've always heard about December 7 is, never again shall we be not prepared to avoid this. I guess the goal that we need to say in remembrance is, never again with 9/11.

How many of us around this country, especially if you asked those in New York, how many thought that flight schools in Florida or California were going to affect their lives? Most New Yorkers would probably say, it doesn't affect me. I guess how many people around this country would think that if Virginia gave driver's licenses to people who were not legally in the country, did it really matter? And they would think, no it probably doesn't matter in my life. I think 9/11 has proven that what happens anywhere in the United States may have a major impact at corners across this country.

I'd have to say that we do talk about what happened at New York. We can identify where the Pentagon was hit. And, sadly, I don't think most of us could point out where in the field in Pennsylvania the heroes of that flight perished. In that field, somewhere in Pennsylvania, there were the heroes who chose to stop an act of terrorism dead in its tracks. And I think every Member of Congress, when we do a tour of the Capitol, we walk into the Capitol, every Member of Congress should remember those heroes who perished in that field in Pennsylvania because, Mr. Speaker, we stand here today and we have the privilege of showing our constituents this structure to representative government, the Capitol.

We stand today probably because these heroes were willing to give it all to protect the Capitol of the United States. As far as I know, this was, we were the next one in line. And so, as we stand here today and recognizing the sacrifice, the heroism and the loss of 9/11, I think that we should remember every day that a Member of Congress or the President has the privilege of serving the public in this building, in this temple of representative government, that we ought to thank those heroes for preserving for us the right to be able to represent them here in this structure because without that heroism, not only would the structure not be here, but there's many of us that will vote on this resolution today who may not be here today if it wasn't for their heroism.

So I ask that we support this resolution. I ask that we remember what it's about and we remember that the only way to make sure it doesn't happen again is to take the time to do the right things, learn from the mistakes of 9/11 and make sure we don't forget the mistakes of 9/11 so that we never repeat the tragedy of 9/11. s

Mr. TOWNS. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman has 10 minutes.

Mr. TOWNS. Let me just make the statement, then I will be prepared to yield back. Again, I want to thank the gentleman from California. I want to thank PETER KING. I want to thank Congresswoman MATSUI; I want to thank my colleague, of course, Congressman ENGEL, for his participation. And again I would like to urge my colleagues to join me in recognizing September 11 as an ideal opportunity for giving back to our Nation through service.

Mr. EHLERS. Mr. Speaker, I rise in support of House Resolution 718, which recognizes September 11 as a "National Day of Service and Remembrance."

I am honored to cosponsor this resolution, and I thank Representatives DORIS MATSUI and PETER KING for their work on it.

The horrific events of September 11, 2001 made a permanent mark on our Nation's history and the lives of thousands of American families.

In recognition of this, Congress passed the Edward M. Kennedy Serve America Act, which included for the first time authorization and Federal recognition of September 11 as a "National Day of Service and Remembrance."

As a co-chair of the National Service Caucus, I believe that it is very fitting that Americans be encouraged to voluntarily engage in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the September 11, 2001 attacks.

Charitable activities have a positive and immediate impact in our communities and often make a notable difference in the lives of the people whom they benefit. Recently, I had the opportunity to serve in my community by reading books to children at the local public library and through the Reach Out and Read program. I encourage other Members of Congress and staff to set an example by voluntary service in their communities.

I encourage all Members to support this important resolution.

Mr. VAN HOLLEN. Mr. Speaker, I join my colleagues today to honor the memory and sacrifice of almost 3,000 innocent men and women who lost their lives 8 years ago in the worst act of terrorism this country has ever endured.

Terrorism anywhere is a threat to life, freedom and democratic values everywhere. The tragedy of September 11th was not just a tragedy for Americans, it will forever remain a global reminder that there are people who will stop at nothing and cross any border to spread hate and visit violence upon the innocent.

The President has expressed his determination to face the cancer of global terrorism with renewed purpose and to defeat it at its source. He has made this commitment not only to safeguard lives, but also to honor the commitment of the dedicated men and women in uniform serving in harm's way, here at home, and around the world.

September 11th is a day to remember those who lost their lives and to express our solidarity with the families they left behind. It is a day to honor the heroic public servants who help keep us safe here and abroad and a day

for Americans to express their gratitude for their sacrifice.

September 11th is also a day of acknowledgment of the dangerous world we live in today and of the difficult task that still lies ahead.

Mr. RAHALL. Mr. Speaker, I rise today to recognize the first-ever federally-designated National Day of Service and Remembrance for September 11, 2001.

Yesterday, as I stood in Statuary Hall with members of Congress and President Obama in the Ceremony of Remembrance for the more than 2,000 people who lost their lives as a result of this act of terror, I was overwhelmed by a sense of sadness, but also a sense of pride. Although the world was irrevocably changed by these senseless acts of violence, tomorrow as Americans we have decided to honor those who died not with anger and violence, but by serving others through the Edward M. Kennedy Serve America Act—which was supported by the 9/11 families—and designates each September 11 as a National Day of Service and Remembrance.

The Edward M. Kennedy Serve America Act of 2009 is bipartisan, landmark legislation that will triple volunteer opportunities across the country and create a new service corps for education, health care, energy, and veterans. It is through this bill that the United We Serve initiative was born to encourage Americans to give back to their communities through continuous community service.

September 11th is a somber day, but the service work inspired by this legislation has and will continue to celebrate West Virginia and our great Nation, a country that has not and will not sink to a level of hatred and violence. Instead, our nation will face forward and choose to make a positive impact by donating our time to better our communities and our fellow citizens while truly honoring the victims who died eight years ago.

On September 11, 2001 two hijacked passenger planes were flown into each tower of the World Trade Center, while a third plane was flown into the Pentagon. The fourth and final hijacked plane crashed into a field in Pennsylvania after the heroic efforts of passengers to take back control of the plane. These events had a profound impact across southern West Virginia. Not only because of the monumental damage and loss of life caused by the attack, but also because one of our own, Dr. Paul Ambrose, a Cabell County native and Marshall University School of Medicine graduate, died in the terrorist attack on the Pentagon.

In West Virginia we truly do know our neighbors and the death of this West Virginian deeply affected our community. However, each year we gather in his honor to celebrate the great things about our state and its people. This year Fit Fest '09 will be held to honor Dr. Paul Ambrose, and will feature fitness activities including kids' races, and a 5k walk/run.

Other activities to honor the victims of the 9/11 attacks include a Day of Service, sponsored by the Rahall Transportation Institute, in cooperation with the Citizens Conservations Corps and the Greater Huntington Park and Recreation District at St. Clouds Commons, which will help bring attention to the Paul Ambrose Trail for Health, as Dr. Ambrose was

passionate about improving the health of his community and the Nation.

Today, I commend the incredible bravery and patriotism of the families and friends of the victims of 9/11, who have been working for years to make September 11th a national day of both remembrance and service. Their unending contributions to honor their loved ones' memories and unfulfilled promises continue to enhance the lives of others. I also want to recognize Dr. Ken and Sharon Ambrose, whose constant vigil has enriched their son's legacy and the livelihoods of countless West Virginians.

This day is truly a tribute to the loved ones that we all have lost and the spirit of freedom that this great Nation holds so close to its heart.

Mr. TOWNS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 718.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### HONORING THE FIRST RESPONDERS AND VICTIMS OF THE CALIFORNIA WILDFIRES

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 724) honoring the first responders, paying tribute to the victims of the Southern California wildfires, and mourning the loss of Firefighter Captain Tedmund "Ted" Hall, and Firefighter Specialist Arnaldo "Arnie" Quinones.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 724

Whereas beginning in August 2009, California has experienced a number of devastating wildfires which have burned hundreds of thousands of acres of public and private lands, destroyed and damaged structures and homes, and forced the evacuation of thousands of homes and businesses;

Whereas high temperatures and erratic winds caused the multiple fires to rapidly progress to a point that the Governor of California proclaimed a state of emergency in the counties of Los Angeles, San Bernardino, Santa Cruz, Monterey, Placer, and Mariposa;

Whereas loss of life and serious injuries have resulted from the fires;

Whereas beginning on August 26, 2009, the Station Fire, ignited by arson, has burned more than 160,000 acres of public lands and private property in Los Angeles County and the Angeles National Forest, including over 200 structures and homes;

Whereas the Station Fire is one of the largest in modern California history and the largest wildfire in the modern history of Los Angeles County;

Whereas as of September 9, 2009, the Station Fire continues to threaten 7,000 structures in the Angeles National Forest and nearby communities like Altadena, La Cañada Flintridge, Acton, Glendale, La Crescenta, Pasadena, Littlerock, Sunland, Sierra Madre, and Tujunga;

Whereas more than 8,000 fire personnel, 800 fire engines, approximately 40 helicopters, 13 fixed-winged aircraft, and 88 water tenders have been deployed statewide to assist with firefighting efforts;

Whereas the extraordinary effort made by firefighters throughout the region contributed to the preservation of the historic Mount Wilson Observatory, a national landmark for astronomical research;

Whereas on August 30, 2009, the lives of two firefighters with the County of Los Angeles Fire Department were lost while battling the Station Fire: Fire Captain Tedmund "Ted" Hall, 47, and Firefighter Specialist Arnaldo "Arnie" Quinones, 34;

Whereas Fire Captain Tedmund Hall, of San Bernardino County, was a 26-year veteran of the fire service, and is survived by his wife, two sons, and his parents;

Whereas Firefighter Specialist Arnaldo Quinones, of Palmdale, was an 8-year veteran of the fire service and soon-to-be father and is survived by his wife and his mother;

Whereas more than 10 firefighters were injured as they put their lives on the line to respond to wildfires in California;

Whereas it is clear that the continued commitment and heroism exhibited by firefighters have saved countless lives, homes, and businesses;

Whereas additional emergency personnel, such as law enforcement and medical personnel, have coordinated with local authorities and firefighters and have performed beyond the call of duty in the preservation and protection of human lives; and

Whereas hundreds of volunteers gave their time to help ensure that evacuees are sheltered, clothed, fed, and emotionally comforted through this traumatic event: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its deepest sympathy to the families of those servicemen who lost their lives fighting the Station Fire in Southern California;

(2) commends the thousands of firefighters and emergency responders who continue to risk their lives fighting the wildfires throughout California;

(3) expresses condolences to the individuals and families who lost their homes and other property in the wildfires;

(4) extends its appreciation for the ongoing work to protect the communities and businesses that continue to be threatened by fire; and

(5) condemns the acts of arson perpetrated in igniting the Los Angeles County Station Fire.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

##### GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. I now recognize the gentleman from California (Mr. SCHIFF) for 5 minutes.

Mr. SCHIFF. At the outset, Mr. Speaker, I want to thank the chairman for moving this resolution so expeditiously and in time for a memorial service that will be conducted at Dodger Stadium this Saturday. I rise today to speak in support of legislation I've introduced with my colleague, DAVID DREIER, my neighbor in California, honoring the first responders to the recent California wildfires, paying tribute to all those who helped during this crisis, and mourning the loss of Firefighter Captain Tedmund "Ted" Hall and Firefighter Specialist Arnaldo "Arnie" Quinones who died while bravely fighting the Station fire. These courageous men made the ultimate sacrifice for their family and friends and greater community, deserve our recognition and have earned our undying gratitude.

It is, I suppose, fitting, Mr. Speaker, that we take up this resolution following the September 11 resolution. When we think of September 11, in addition to the terrible tragedy and the loss of so many innocent lives, we think of the bravery of the emergency responders who, while others were rushing out of those collapsing buildings, they were rushing in.

Similarly, in California, 3,000 miles away from the site of that terrible tragedy, we, once again see firefighters rushing in while others are rushing out. And none could exemplify this courage and this call to service more than Specialist Quinones and Captain Hall. Our thoughts today go out to the families of these brave men. And with this resolution we seek to honor their lives and also highlight the contributions of thousands of other personnel who helped fight these massive wildfires which have burned hundreds of thousands of acres of public and private lands, destroyed and damaged structures and homes and forced the evacuation of thousands of families.

The weather conditions in California have been mixed. At times the weather has been still; the wind has been still. But that has caused smoke to accumulate and hampered emergency aircraft. At other times the winds have fanned the flames and started new fires. Low humidity has also, and high ambient temperatures have, contributed to the heat of the blaze, to the point where the Governor of California proclaimed a state of emergency in several counties in Los Angeles, San Bernardino, Santa Cruz, Placer, Monterey and Mariposa.

The Station fire, ignited by arson, began on August 26 and burned more than 160,000 acres of public lands and

private property in L.A. County and the Angeles National Forest where it continues to burn, including over 200 structures and homes. It is currently one of the largest fires in modern California history, and the largest wild fire in the history of Los Angeles County, as far as we can tell.

The Station fire continues to threaten 7,000 structures in the national forest and nearby communities like Altadena, Acton, Glendale, La Canada Flintridge, La Crescenta, Pasadena, Littlerock, Sunland, Sierra Madre, and Tujunga. More than 8,000 fire personnel, 800 fire engines and approximately 40 helicopters, 13 fixed-wing aircraft and 88 water tenders have been deployed statewide to assist with firefighting efforts.

The continuing commitment and heroism exhibited by fire fighters have saved countless lives, homes and businesses. We also recognize the additional emergency personnel such as law enforcement and medical personnel who have coordinated with local authorities and fire fighters and performed beyond the call of duty in the preservation and protection of human lives.

We also recognize hundreds of volunteers who gave their time to help ensure that evacuees are sheltered, clothed, fed and comforted during this traumatic event. I can recall visiting some of the shelters in La Crescenta and La Canada, meeting with volunteers for the Red Cross. One, Kim Lardia, who's a Glendale police officer, worked a full day in uniform as a police officer, then came out in the evening to volunteer at the shelter to make sure that people had a place to sleep. It's people like this, bravely serving the community that are such an inspiration to us and give us confidence that we will finally get this fire put out.

So I want to join with my colleague again, DAVID DREIER. We had the chance to visit the command center and speak with the fire chief and the incident commander, see the incredible coordination of Federal, State and local resources, had the chance to see not only acres and acres of burned forest land, but also homes that had been destroyed and devastated.

And we wanted to introduce this resolution today to acknowledge all the superb people who have come together to fight these fires and to pledge our commitment to make sure that the Federal Government continues to be a good partner. And once again, I urge support for this resolution.

□ 1315

Mr. BILBRAY. Mr. Speaker, I would like to yield as much time as he may consume to my colleague from California (Mr. DREIER), the coauthor of this resolution.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me begin by expressing appreciation to my friend, colleague and partner in dealing with this and with a wide range of issues that affect the Los Angeles area, Mr. SCHIFF.

It is true that we are in the midst, Mr. Speaker, of what is the largest recorded fire in the history of Los Angeles County, and it has been a difficult time. It started in a little, tiny area above La Canada Flintridge. Immediately, we saw the wonderful local, county and State officials come together, as is so often the case, to deal with this tragedy. We also were able to see—and we continue to see at this moment, Mr. Speaker—one of the unique capabilities shown by California, because of the fact that we regularly deal with fire, that being the Unified Command.

Under Captain Mike Dietrich, the incident commander, we have seen all of these firefighters—the 8,000, the number mentioned by my colleague Mr. SCHIFF—come from near and far to join together under this Unified Command to prosecute this fire, which, as of right now, has burned over 160,000 acres.

Now, to put this in context, the Angeles National Forest is made of 650,000 acres, and it is the number one, most utilized national park in the United States of America. Why? Because of its proximity to the Los Angeles basin. In excess of 160,000 acres have burned at this point, and it's about 60 percent contained. It is hoped that full containment will take place around the 15th of this month, meaning sometime next week.

So this is a problem with which we have dealt for a long period of time, and it is obviously one we will continue to face. We all know, Mr. Speaker, that fires are a national phenomenon, but when we see lives and property threatened, it is essential that we do everything that we can to put forward priority number one, and that is the protection first of life and then of property.

As Mr. SCHIFF has said, we also know that we have tragically lost two courageous firefighters, and having just gone through the resolution dealing with September 11 and the loss of those firefighters, we are reminded again of the courage of these individuals.

Just before getting onto the airplane at LAX yesterday, I had a lengthy conversation with Laurie Barrios, who is the sister of Captain Ted Hall. She talked about the sacrifice that their family has made.

In fact, I should say, with Mr. TOWNS here, jokingly, she said, We're like a New York family.

Her father had been a battalion chief. Her brothers and other relatives are firefighters in this California family. She quoted her brother, who said at a reunion that they had had just recently, I am not a hero. I am just an average guy, doing the job that I love.

That, I believe, really is the vision and the goal that so many firefighters have. They're not selfish. They very much want to make sure that they can ensure the safety of people and property. The sacrifice. Mr. SCHIFF mentioned the Glendale officer who was in uniform at day and who volunteered at night. These people are so extraordinarily dedicated.

So Captain Ted Hall was one of those tragically killed, working to save lives and property. Specialist Arnie Quinones is the other, and I know that he is a constituent of our colleague Mr. MCKEON. Mr. BERMAN is here. I know that his area has been impacted, Mr. SHERMAN's as well, Mr. LEWIS', Mr. BACA's. This has had an impact all over the southern California area; but the unique tragedy here in the case of Mr. Quinones is that his wife, Laurie, is expecting a child in 2 weeks. So, as we look at the two lives that have been lost, Specialist Quinones will have passed away before his child is born. It underscores the fragility of life and the importance of the work that these people have engaged in.

Mr. Speaker, I would like to also share a little bit more of the conversation that I had with Captain Hall's sister. She referred to their family as having been firefighters for—I guess now—generations, and she talked about their respect and reverence for the environment. She said that her father would always say, when they were out hiking, to put the pinecone back exactly where it was because that is God's gift to us. She had, as had every member of their family, a wonderful reverence for the environment.

Mr. Speaker, there is no way that I can stand here and articulate the emotion that Captain Hall's sister, Laurie Barrios, shared with me when she insisted that we pursue a balanced policy when it deals with the preservation of our environment. She went so far as to say that there are, obviously, steps that could have been taken that would have diminished the magnitude of this fire. Again, I can't speak as strongly as she, but I do believe that it is absolutely essential that we pursue that very, very balanced approach in dealing with fires.

With 160,000 acres burning, one of the challenges has been, as Mr. SCHIFF said, what has happened to the air quality in the area. Well, I think that controlled burns and taking steps to ensure that fires do not spread are essential. The great team in Los Angeles County, led by Fire Chief P. Michael Freeman, and others in the State of California, in the County of Los Angeles, and in these great cities that we're privileged to represent make it very, very clear that we want to take those preemptive steps to ensure that, while we'll always face fires in the future, we can diminish the level of damage that we have seen in the past 10 days in southern California.

So, Mr. Speaker, we recognize most importantly the loss of two heroes, Captain Ted Hall and Specialist Arnie Quinones. We at the same time recognize the continued sacrifice that at this moment is going on in southern California to do everything that they possibly can to get this fire under control. In the names of Arnie Quinones and Ted Hall, I hope very much that we will do everything that we can to ensure that all levels of government and individuals take steps to make sure that we don't have the kind of tragedy through which we're going at this moment.

Mr. TOWNS. Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I would just like to close by saying I thank everyone for the cooperative effort here. Sadly, recently, we've talked a lot about heroes, and too often we mix up heroes and victims. I think we've got to remind ourselves that, when we talk about Ted Hall and Arnie Quinones, we're talking about true heroes. Victims are individuals who are at the wrong place at the wrong time and who have paid the ultimate price. Heroes are individuals who willfully put themselves in the wrong place at the wrong time and who pay the ultimate price. There is a huge difference between a hero and a victim.

Today, with this resolution, we're not only recognizing the men and women who are out fighting the fires today, but we're recognizing the heroes—all of the individuals who are fighting fires and who are addressing this issue—in the persons of Messrs. Hall and Quinones, the heroes who chose to serve their community and to put themselves in harm's way as a service. With this resolution, we do them honor and respect, not only to the two individuals but to everyone who chooses to put themselves in harm's way to protect others.

I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I would also like to associate myself with the remarks made by the gentleman from California by saying that, yes, they are truly real heroes. There is no question about it.

Again, I would like to urge my colleagues to join me in paying tribute to the first responders who are fighting the California wildfires. I will tell you that that has been something that I have watched. Seeing people coming together around an issue is something for which we should all pause and say thank you.

Ms. PELOSI. Mr. Speaker, I rise today to offer deep condolences to the victims of the recent California wildfires and the residents who have lost their homes and businesses; and to pay tribute to the brave firefighters and first responders still standing in harm's way.

The wildfires broke out in the last week of August. Since then, more than 160,000 acres have burned. More than 160 structures—

houses and businesses—have been destroyed; nearly 4,000 more remain in harm's way.

At this stage, thousands of residents and families have been affected by the flames—forced into shelters; displaced; facing the horrifying prospect of a home burned to the ground or a workplace caught in the blaze.

The prayers of every Member of Congress go out to every resident impacted by the fires.

As the Nation has watched the rapid spread of the wildfires, no one deserves greater praise or gratitude than our firefighters on the front lines.

These dedicated men and women stay through the night to get the job done. Their bravery is unparalleled, their heroism unmatched. Their efforts are the front line of defense against the fires, and their sacrifice is saving lives.

Two of these firefighters paid the ultimate price for the safety of LA County's residents.

Captain Tedmund "Ted" Hall and Specialist Arnaldo "Arnie" Quinones represent our nation's best values: service and sacrifice, an obligation to help others and a responsibility to protect your community.

To ensure our firefighters have the resources they need to beat back the flames, Congress provided nearly \$490 million in extra funding this year, boosting the federal government's commitment to helping the people standing in the line of fire each year.

Congress will continue to watch closely the developments and spread of the wildfires across the State of California, and we will remain steadfast in our support for state and county emergency agencies in their efforts to protect local residents and rebuild in the days ahead.

In the words of this resolution, the Congress "condemns the acts of arson perpetrated in igniting the Los Angeles County Station Fire," and we extend our appreciation to the volunteers, law enforcement and medical personnel for helping evacuees, sheltering the displaced, and treating injuries in recent weeks.

Mr. MCKEON. Mr. Speaker, I rise today to both send my deepest condolences to the families of the two brave firefighters lost in the "Station Fire," which directly impacted my district, and to thank the thousands of fire and rescue personnel who have fought the largest blaze in Los Angeles County history.

The tragic loss of Fire Captain Tedmund "Ted" Hall, 47, of San Bernardino County, and Firefighter Specialist Arnaldo "Arnie" Quinones, 35, of Palmdale, has hit our communities very hard. These brave men paid the ultimate price to protect lives and property of individuals they had never met before. This kind of heroism serves as a constant reminder of what it means to "sacrifice." Each man and woman who dons a fireman's uniform does so knowing that there is always the possibility that they may not make it home to see their families. But in the face of this adversity, they still serve.

Firefighter Specialist Quinones was a constituent of mine. He lived in Palmdale, California, with his wife Loressa. They are expecting their first child in the next few weeks. My heart goes out to his family. I know his spirit will live on and endure forever within their family.

Fire Captain Ted Hall was a resident of Hesperia, California. He graduated from the Fire Academy in 1983 and served ever since. He was survived by his wife Katherine, and sons Randall, 21, and Steven, 20. My deepest condolences go out to his family as well.

I was on the ground the past couple of weeks and witnessed, first hand, the bravery of the firefighters and rescue personnel during this fire. As I speak, firefighters have contained 61 percent of a fire that has, thus far, scorched 160,357 acres in the Angeles National forest. Firefighters have greatly limited the loss of property because of their valiant efforts to beat back the flames. The hot, dry conditions of southern California, coupled with swift winds make fighting these fires treacherous. Add in the geographic landscape that the firefighters must deal with and you can begin to understand the risk that every firefighter takes.

For all of the work that I have witnessed and for all that none of us has seen, I thank you. Thank you for putting your lives in danger to protect those you don't know. Thank you for giving us all that comfort, knowing that you are there to help us in our time of need. And thank you to the families that must endure sleepless nights, wondering whether they will see their loved ones walk through the door one more time.

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 724, a resolution that honors the first responders who are courageously fighting the California wildfires and that pays tribute to the victims who lost their lives.

Hundreds of firefighters throughout the country have been working tirelessly in this effort, risking their lives to put out wildfires so that the lives of others can be protected. Included in this group of brave responders are 20 firefighters from the National Park Service in Hawaii, including William Akima, Jordan Barthold, Tessa Chieves, Andrew Christie, Christopher Derman, Raymond Eselu, Michael Ferguson, Brandon Figueroa, Sean Grossman, William Konanui, Elias Kuamoo, Michael Kyser, Paul Kelihoomalua, Jon Makaiki, Nicholas Martin, Sky Mullins, Arnold Nakata, Dexter Pacheco, Jr., Russell Rosario, and Lowe Thomas, who have put themselves in harm's way to battle the raging wildfires. We are proud of your commitment and grateful for your service. We also pay tribute to the two firefighters who died, Captain Tedmund Hall and Specialist Arnaldo Quinones, and hope that the eleven people who have been injured make a full and speedy recovery.

I urge my colleagues to honor those who have served by voting for H. Res. 724.

Mr. TOWNS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 724.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

# EXPRESSING SENSE OF THE HOUSE REGARDING SEPTEMBER 11, 2001

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 722) expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 722

Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside of Washington, DC;

Whereas the passengers and crew aboard United Flight 93 fought heroically and sacrificed their own lives by crashing the plane in Shanksville, Pennsylvania, to prevent terrorist hijackers from killing additional innocent Americans;

Whereas nearly 3,000 innocent men, women, and children were murdered in the attacks;

Whereas eight years later, the United States of America continues to mourn the lives lost on September 11, 2001;

Whereas by targeting symbols of American strength and prosperity, the attacks were intended to assail the principles and values of the American people and to intimidate the Nation and its allies;

Whereas the United States remains steadfast in its determination to defeat, disrupt, and destroy terrorist organizations and seeks to harness all elements of national power, including its military, economic, and diplomatic resources, to do so;

Whereas Congress has passed, and the President has signed, numerous laws to protect the Nation, prevent terrorism at home and abroad, assist victims of terrorism, and support, in the field and upon return, the members of the Armed Forces who courageously defend the United States;

Whereas the terrorist attacks that have occurred around the world since September 11, 2001, serve as reminders that the hateful inhumanity of terrorism poses a common threat to the free world and to democratic values;

Whereas the United States has worked cooperatively with the nations of the free world to capture terrorists and bring them to justice;

Whereas the United States remains committed to building strong and productive counterterrorism alliances;

Whereas immediately following September 11, 2001, the United States Armed Forces moved swiftly against al-Qaeda and the Taliban, which the President and Congress had identified as enemies of America;

Whereas in doing so, brave members of the Armed Forces left loved ones in order to defend the Nation; and

Whereas many members of the Armed Forces remain abroad, defending the Nation from further terrorist attacks and continuing to battle al-Qaeda and the Taliban: Now, therefore, be it

*Resolved*, by the House of Representatives, That the House of Representatives—

(1) recognizes September 11 as both a day to mourn and remember those taken from their loved ones and fellow citizens, and a

day for the people of the United States to recommit to the Nation and to each other;

(2) once again extends its deepest sympathies to the friends, families, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the victims and, in so doing, bravely risked and often sacrificed their own lives and health;

(4) expresses gratitude to the foreign leaders and citizens of all nations who continue to stand in solidarity with the United States against the international scourge of terrorism;

(5) asserts, in the strongest possible terms, that the fight against terrorism is not a war on any nation, any people, or any faith;

(6) recognizes the heroic service of United States personnel, including members of the United States Armed Forces, United States intelligence agencies, and the United States diplomatic service, and their families, who have sacrificed much, including their lives and health, to defend their country against terrorists;

(7) vows that it will continue to take whatever actions are appropriate to defend the people of the United States and to identify, intercept, and defeat terrorists, including providing the United States Armed Forces, United States intelligence agencies, and the United States diplomatic service with the resources and support to effectively accomplish this mission; and

(8) calls on all Americans to renew their devotion to the universal ideals that make the Nation great: freedom, pluralism, equality, and the rule of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

## GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. I rise in strong support of this resolution, and I yield myself as much time as I may consume.

Mr. Speaker, this resolution pays homage to the lives lost on September 11, 2001, and recognizes the anniversary as not only a time of solemn commemoration but also as a demonstration of America's great resolve in combating terrorism. It extends our enduring and deeper condolences to the friends, families and loved ones of the innocent victims, and recognizes the heroism of U.S. service men and women who defend our country today. It honors the Nation's first responders and others whose valiant efforts were a credit to their country on that horrible day, and it honors them as they continue to help keep us safe.

□ 1330

It expresses gratitude to the leaders and citizens of other countries who assisted, supported, and stood by the United States in the aftermath of the attack.

In America's modern and fragmented society, collective memories are few. But each of us remembers where we were on 9/11 when we heard the news. We remember the days of unity that followed when we acted together to protect this country from those who were determined to bring us to our knees. We remember the efforts that Congress, the executive branch, and the American people have made since then to protect our Nation from a real and ongoing threat. And even though 8 years have passed, we must remember that al Qaeda, while under pressure everywhere, remains a serious threat to the United States.

The very al Qaeda leadership responsible for ordering the attacks on September 11 continues to rally those who would do us harm and, along with its Taliban allies, seeks to defeat our troops in Afghanistan.

This is a time when we must transcend partisan politics and stand together to recall a moment when terrorists targeted the very symbols of American strength. Our values and our very foundation were under attack, and yet we persevered, and we will carry on the fight against extremists who seek to do us harm.

In this battle, the global realities of the 21st century require that we use not only our military but all of the tools available to us: economic, financial, diplomatic, and cultural resources to promote a better alternative to extremism and to protect our national security.

Mr. Speaker, none of us will forget what happened 8 years ago. We will always remember the victims of 9/11 and the loved ones who survived them. We will always honor the first responders who lost their lives that day and those in uniform at home and abroad who risk their lives today and every day to defend America.

We will continue to promote our founding principles of freedom and equality and ensure that the lives lost in pursuit of our ideals are never forgotten.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been 8 years since our country and the entire world stopped and looked on helplessly as the slaughter of innocents at the hands of al Qaeda unfolded before our eyes. And although we watched in safety, our fear and hopes were enmeshed with those who, without warning, were suddenly forced to fight for their lives and for those of the friends and strangers

around them. It is a true miracle that so many escaped destruction, but we will forever mourn the thousands who perished on that terrible day. Our sorrow, however deep, cannot match those whose loved ones were taken away from them on 9/11. But we will always share a part of it even for those whom we will never know. The passage of years has not smoothed the deep impressions that we will bear for the rest of our lives.

But as Americans, it is not in our nature to resign ourselves to helplessness, even when facing seemingly impossible challenges. Instead, we instinctively rally and focus our minds and efforts on meeting and overcoming the threats that we face. We have always done so, and we have always won.

If there is anything useful that we could take away from this tragedy it is the unmistakable warning we have been given of the unseen dangers that we face in this new century. From that, a clarity of vision and a new understanding of the world has emerged. Over the past 8 years we have come to know our enemies. We have learned that their hatred of us, our success, and our freedom is too deep to be changed by concessions and appeals to reason. We now grasp the magnitude of the threat, and it is a global one. Other countries have come under attack and so can no longer deceive themselves that, once again, this is a menace for the United States to handle alone while they stand safely on the sidelines. We have uncovered their hiding places in caves, in villages, in deserts, in cities, in jungles, in back alleys in nations far away, as well as right here in our own homeland.

But it would be a mistake if our successes lead us to believe that the danger has passed. We have seen destruction descend from clear and sunny skies and know that it can happen again. To hope that our enemies will abandon their mission, to relax our watch, is to invite destruction.

President Lincoln said that those who are responsible for our Nation's course, which includes the Members of this body, cannot escape history. We have a responsibility to do all in our power to ensure that our country is secure and that America's promise for the world that generations have labored and fought for and died to protect remains whole and unbounded.

How we meet this reality will repeatedly test our national character. We are right to remember and mourn those men, women, and children who died on that day so sharply etched in our minds that it seems like yesterday. But this tragedy must be redeemed by a new understanding of our duty to our beloved country and to our fellow citizens and by what it is to be an American.

As long as we draw breath, we will remember those who, asking nothing

other than to live their lives in peace, were brutally murdered by men without conscience or mercy. Let those of us who remain be steadfast, be courageous, and live lives worthy of their great sacrifice and thereby honor their memories.

With that, Mr. Speaker, I reserve the balance of our time.

Mr. BERMAN. I am very pleased to yield 3 minutes to the distinguished chairman of the House Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, 8 years ago on September 11, 2001, this Chamber was empty, the Capitol was evacuated, the Pentagon was burning, the Twin Towers in New York lay crumpled, and almost 3,000 of our citizens were dead. We can never forget them, and we should never forget what we owe them.

Today we will once again mourn the families and those that are fallen, and we express our deepest sympathy to their friends and their loved ones. This is only right, but it's not enough. We owe it to the victims, to their loved ones, to the survivors, to ourselves to make sure that those who carried out this awful attack are brought to justice and to ensure that they can never again attack and kill our people here at home.

For too long the war in Afghanistan was the forgotten war. Only recently have we refocused our attention on the war on al Qaeda and the Taliban who sheltered them as they carried out their plot to murder thousands of Americans.

We can debate the best way to prosecute the fight against al Qaeda and the Taliban. For my part, the President has proposed a strategy for Afghanistan with which I agree. What we cannot do is walk away from the fight. We cannot allow the memory of this horrific event to be forgotten, and we cannot forget how important it is to bring those who caused it to justice.

Failing in Afghanistan brings clear and compelling dangers. Failing means the Taliban will once again control Afghanistan and permit their al Qaeda terrorist allies to operate from there. Failure means we let down those who died on 9/11. We can and we should consider how best to prosecute the war in Afghanistan. It's not a simple war, it's not an easy war. But for the first time, we have a real strategy. And for the first time, we are providing the resources needed for the fight. We have a new commander who is breathing new life into our effort, and now we must show that we have the resolve to give our men and women in uniform the time and resources they need to show progress in the fight against enemies who carried out this and supported the attacks of 9/11.

America was attacked on 9/11 by a ruthless, callous enemy. We cannot for-

get that. And we cannot walk away from the war in Afghanistan against them.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), our respected Republican leader.

Mr. BOEHNER. Let me thank my colleagues for yielding and thank them for this resolution that's on the floor.

All of us will remember, I think quite clearly, where we were on the morning of September 11, 2001. I think all of us will remember the victims of this heinous act that occurred that day. But while we today remember those victims and remember their families and we remember those first responders who put their lives in danger as well, I think we, today, need to resolve that we will never forgive those who perpetrated that attack and vow that we will continue to go after them.

I want to associate myself with the remarks of the gentleman from Missouri, the chairman of the Armed Services Committee, who understands quite clearly that if we walk away from our efforts in Afghanistan, the Taliban will once again be in control, providing safe haven for those who perpetrated these attacks.

And while it's been now 8 years since that attack, our enemies are still out there, still attempting to injure Americans, kill Americans, both here and abroad.

I think it's critically important that we, as a Nation, never forget what happened on 9/11 and vow what many of us believe is important: that our number one job is to provide safety and security to the American people.

So I thank my colleagues for the resolution that's on the floor and honor those who gave their lives on 9/11 and think of their families and the first responders who continue to suffer today.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to a member of our committee, the distinguished Member from New York, Mr. ENGEL.

Mr. ENGEL. I thank the chairman for his yielding to me, and I rise in strong support of this resolution. And I want to reiterate some of the things I said before with Mr. TOWNS.

When I go back to New York every week and look at the skyline of New York, it will never be the same. The World Trade Center is no longer there, and as much as that pains me, it pales in comparison to the fact that we lost nearly 3,000 people that day, and each and every one of those lives was precious.

And what September 11 means to me, it means to me what the previous generation talked about December 7. President Roosevelt said during December 7, 1941, Pearl Harbor, that was a day of infamy. Well, to us, September 11, 2001, will always be a day of infamy.

But yet it was a day that showed the best in people as well as obviously the

worst in people. The terrorists who attacked us showed the worst in people. But the first responders and the people from all parts of the country who came to save people's lives and try to dig people out of the rubble, that's the best in people.

I want to mention that the New York delegation has been fighting for a health bill which would ensure that those who were first responders and others who came as volunteers at the World Trade Center saving lives, that their health needs should be taken care of by this country, and there are people who live in all 50 States.

So, Mr. Speaker, as we commemorate and mourn the lives that were lost at the World Trade Center, at the Pentagon, and at Shanksville, Pennsylvania—and there were many people in my district who were killed, as there were in all districts in New York—we have to redouble our efforts to fight terrorism.

But I want to say that I was very, very proud that day to be an American and proud to be a New Yorker because the way the people of New York responded was exemplary.

So every day we hear more and more people who were lost at the World Trade Center. So I hope we can pass this unanimously.

Ms. ROS-LEHTINEN. I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. PENCE), the chairman of our Republican Conference.

□ 1345

Mr. PENCE. Mr. Speaker, let me rise in gratitude to the distinguished majority leader, Mr. HOYER, and the minority leader, Mr. BOEHNER, for bringing this important resolution to the floor. Bringing a bipartisan resolution to the floor is perhaps the best way to commemorate the bipartisanship that followed the extraordinary events of 8 years ago this Friday.

I was here on Capitol Hill that day as my colleagues were. It was just as pretty a day as it is today, and the shock and horror of the images on the television screens, the smoke rising from the Pentagon, still are with me today and informs my service in this building, as it does all of our colleagues.

Let me say today's resolution is important because, as the Old Book says, we are to mourn with those who mourn and grieve with those who grieve. And we are also to pay the debts of honor and gratitude to those that are owed. This resolution today remembers those we lost that day, and this Nation should never forget the lives that were lost at the Pentagon, in the heart of our great City of New York, or in a field in Pennsylvania. So we remember them today, and we think of their families.

We rise to pay a debt of gratitude to all those who rushed in when others were rushing out, who filled recruiting

offices, who put on the uniform of the United States and went in and confronted this terror where it all began. As we grieve and as we mourn, as we remember and as we pay debts of gratitude, let us also resolve to continue to do all that we can to maintain that bipartisan commitment that began on that very day and continues to this day to make sure that our Nation and our soldiers and those who protect us at home and abroad have the resources that they need to get the job done and come home safe.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. ACKERMAN) will control the remainder of the time.

There was no objection.

Mr. ACKERMAN. Mr. Speaker, it is my privilege now to recognize the cosponsor, the main sponsor of the resolution, the majority leader of the House.

Mr. HOYER. I thank the distinguished chairman and gentleman from New York. I thank Mr. PENCE for his remarks. On many days, this floor is a place for heated debate, and that is, of course, as it should be. That is what our Founders intended. But at this moment, as Mr. PENCE, the chairman of the Republican Conference pointed out, and as I will point out as the majority leader on the Democratic side, there are no Democrats or Republicans on this floor because we join to remember and mourn the attack on America, not on Democrats or Republicans, but on America and on its values and on what it stands for throughout the world: freedom and justice.

September 11, 2001, was a day of grief and of shock, of fear and of anger. But today it can and must be something more: a day to rededicate ourselves with memory and with service to the ideals that make our Nation great, as I said earlier, freedom, pluralism, equality, the rule of law, and justice. Those, no less than our buildings and our citizens, were the targets of the 9/11 terrorists.

Though buildings crumbled and the dead are lost to us, it is in our power to see our ideals remain strong and unscathed.

So on this eighth anniversary, along with the Republican leader, Mr. BOEHNER, I am proud to introduce this resolution marking September 11 not only as a day of remembrance, but also a day of resolve.

So many conflicting emotions marked this indelible day: grief for nearly 3,000 men, women and children murdered; heartfelt sympathy for those who loved and lost them; and an unspeakable pride in the first responders, firemen, policemen and medical personnel who served and, indeed, sacrificed on that day. Among the 3,000 are numbered 343 firefighters, 37 port authority officers and 23 police officers who died serving their fellow citizens

as they ran into danger's jaws, not away from.

Alongside them in honor stand the passengers of the United Flight 93, ordinary Americans, who discovered their extraordinary heroism at a moment of crisis and who quite possibly saved this building, this Chamber, and the Capitol dome from ruin. It is my own view that that was the target of this third plane, to strike down that dome which here in America and throughout the world is a symbol of freedom, pluralism, justice and, yes, democracy.

We also remember the sacrifices of our troops, not only those who lost their lives under our flag, but those who make the everyday sacrifice of separation from family and home. Not all of us are called to serve as heroically, but in hundreds of small acts of dedication to our communities, we can emulate their service in ways both large and small. That is our resolve today. And along with it, we resolve to take the lesson of our vulnerability to heart.

We commit ourselves to defending America from whatever threats may confront it, with all of our military force, all of our diplomatic skill, and all the power of our moral example.

Our lives are limited, but we have in our keeping the ideals and truths that have animated our Nation since its founding, and that, we trust, will outlive us, outlive all of us, to light the lives of our children and grandchildren, and as a great-grandfather, let me say for generations to come.

They have lived through war, through economic crisis, and through the gravest attacks. Now, while they are in our keeping, let us defend them, serve them, live for them, and pass them down unharmed and undamaged.

All that, my fellow colleagues, on behalf of the 300 million people who have sent 435 of us here to represent their views and their aspirations, their courage and their commitment. Let us again resolve today, may we hold it for tomorrow and every day thereafter.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 3 minutes to the gentleman from New York (Mr. KING), the ranking member of the Committee on Homeland Security, who lost so many of his constituents that day on 9/11.

Mr. KING of New York. I thank the gentlelady for yielding.

Mr. Speaker, I am proud to rise in support of this resolution today. And at the outset, let me commend the majority leader, Mr. HOYER, and the Republican leader, Mr. BOEHNER, for introducing the resolution and showing the spirit of bipartisanship that is so essential.

Mr. Speaker, September 11 is not just history. It is real. It is with us every day. As the ranking member, Ms. ROS-LEHTINEN, said, I lost approximately

150 friends, neighbors and constituents on September 11, and that is true of almost every Member of the downstate delegation from New York. In fact, I can't drive throughout my district without seeing sign after sign, street signs commemorating the police officers and firefighters who were killed on that day. So this was a real tragedy. It is a real tragedy that continues today in those families, with their friends and with their neighbors.

It is also an ongoing threat against the United States of America. The attacks on September 11 do not end on September 11. The fact is we have an enemy of Islamic terrorism, al Qaeda, which threatens us throughout the world and, indeed, here in our own country. In New York alone, there have been attacks foiled against the Brooklyn Bridge, Herald Square, against Fort Dix in neighboring New Jersey, against the synagogues in Riverdale in the north Bronx. So these are issues. This is a threat which is ongoing and it is real. We always have to keep our defenses up.

We have to thank the men and women of our Armed Forces who are fighting throughout the world, the men and women of our intelligence agencies, the men and women of the State and local police departments in New York, of the New York City Police Department, of the Nassau County Police Department, and of the Suffolk County Police Department. There are more than 1,000 police officers dedicated to fighting terrorism in counterterrorism units. And again, it is a daily, daily effort.

As the ranking member of the Homeland Security Committee, I'm aware of many of the threats we have stopped, and we are realizing again how the enemy is never going to stop, and we can't let our guard down.

Also, in the interests of bipartisan-ship, I believe we should give President Bush credit for setting up the international level of cooperation with so many countries throughout the world and also for breaking down barriers with their own intelligence agencies and requiring them to share information with local police departments. It is not because of luck we haven't been attacked in 8 years. On September 12, 2001, no one would have thought we would go 8 years without being attacked the way we were on that horrible day of September 11.

Also, in the interest of bipartisan-ship, it is important for us, as Republicans, to stand with President Obama with his policy in Afghanistan, which is a continuation of efforts that we began against the Taliban and al Qaeda after the attacks of September 11. This issue of international terrorism is too important to allow us to be divided by partisan politics. We came together as a Nation on September 11 and the days after. It is important that we stay together.

This, as President Kennedy said in 1961, is going to be a long twilight struggle. But we won that Cold War, and we're going to win this war. We are going to prevail if we stand together as one, stand together as a Nation and realize that our enemy is attempting to destroy us. But if we stand together as one with our allies and with our forces here in this country, we can never be defeated.

Mr. ACKERMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of the resolution and commend the majority leader and the minority leader for their good work. We have before us an excellent memorial resolution. It is succinct and strong and truly expresses what I believe to be the position of the entire House.

As we consider this resolution, I would suggest that every Member take a moment to close their eyes, if they are in their offices, turn off the chattering of the television or the importuning of their staff and try to think back to September 11, 2001. It really was 8 years ago.

Remember how beautiful that day was. Perfect. A clear, crisp September day with a cloudless sky. Remember where you were when you heard that our Nation was under attack, when you first saw those awful images of the towers gushing black smoke and the Pentagon in flames. Remember the thousands of our fellow Americans who perished in the World Trade Center and at the Pentagon. Remember the inconceivable heroism of the first responders who rushed into the flames and the chaos in order to save others.

Remember the defiant courage of the passengers on United Flight 93 who lost their lives but probably saved the most glorious symbol of our democracy in the world, the U.S. Capitol, and many, many who were working here on that day. Remember our shock and fury. Remember our national unity and the feeling of common purpose. Remember how the whole world stood with us and shared our outrage and our agony.

These memories are available to all of us if we take but that one moment. We all experienced these events, and all that's needed is to take a moment, to set aside a little bit of time and let it all come back. Why? Is it a morbid fascination with catastrophe? Is it merely to justify some policy or expenditure? I would suggest two other reasons.

First, memory is what we owe to those who were so unjustly murdered. We cannot bring them back and we cannot give meaning to the horrific act that took them from us, but we can remember them as our fellow Americans, as people whose lives were connected to thousands of our fellow citizens who still mourn them to this very day.

Second, I think we should take a moment to ponder the last 8 years. What

have we done in response to that day? What have we learned? What do we still owe to those who died? And what we have used their deaths to justify? Have we made the world a safer place? Have we made our homeland more secure? Will the next generation of Americans face more or less danger because of our actions? Each of us will still have our own answers to those questions, just as each one of us remembers that awful day uniquely.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ACKERMAN. I yield myself another 15 seconds.

In this great Nation which gives each person complete freedom of thought, belief and expression, in which the governed choose who will govern them, the meaning of 9/11 and the consequences of that terrible, terrible, terrible day remain for us to decide, each man and woman for themselves. All it takes is that moment to remember.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member on the Subcommittee on the Middle East and South Asia.

□ 1400

Mr. BURTON of Indiana. I thank the gentlelady from Florida for yielding me this time.

I would just like to say to my colleague, Mr. ACKERMAN, I really appreciate your remarks; I think they were right on the money.

I've heard a lot of my colleagues talking about how we should remember those who died and sacrificed their lives on September 11, and I think that's fitting and proper; but one of the things that I don't want to ever happen again is a repeat of 9/11. And for the past 8 years, we have not had another attack due in very large part to the Homeland Security people and to the CIA and to the FBI. We have intercepted information from terrorists and we've been able to prevent additional attacks because of the work they've done. And I think it is improper for us today, while we're remembering those who sacrificed their lives on that day, the firemen and the people on those planes, I think we would be remiss if we didn't think about the future and be concerned about that never happening again.

Right now, the Justice Department of the United States is investigating the CIA. And those people have been involved in stopping terrorist activity by going after the terrorists and making them give us information that would stop an additional terrorist attack. Today they are under scrutiny, and some of them may be prosecuted for doing their job. I think that's improper.

Everybody in America owes our intelligence agencies a debt of gratitude

and Homeland Security a debt of gratitude for protecting this country for the last 8 years. And if we don't want to see another 9/11—and none of us do, and there have been some prevented like the one in California that was going to take place—if we don't ever want to see that again, we must support the intelligence agencies who are stopping the terrorists. And right now, the attack that's taking place by the Justice Department on the CIA only discourages those who do their job to protect this country from doing their job.

If you're a CIA agent today and you know the Justice Department is watching every single thing you do in trying to stop a terrorist attack, are you going to want to take the risk of being prosecuted because you're going after a terrorist to make him give you information that will stop another terrorist attack?

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. ROS-LEHTINEN. I yield the gentleman an additional 30 seconds.

Mr. BURTON of Indiana. We're demoralizing our intelligence agencies by doing this right now. It may be unintentional, I don't know, but we certainly should not be doing it. They were doing their job. If you don't agree with waterboarding, or whatever it was, okay, but that's something that's in the past. We shouldn't discourage our intelligence agencies from doing their jobs now. We want to protect every single American from another terrorist attack, and the way to do it is certainly not by attacking our intelligence people.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. SIREs).

Mr. SIREs. Mr. Speaker, I rise today in support of the resolution expressing the sense of the House regarding the terrorist attacks launched against the United States on September 11, 2001. As the district I represent sits across from downtown Manhattan, my constituents and I are faced with a constant visual reminder of that day's tragic events.

As time passes, we must continue to commemorate this sad day. We will remember the innocent lives that were lost, the heroes that emerged from this disaster, and we will remember how this day forever changed our lives.

As new generations grow older, we must pass on the lessons of this day and its significance to our country. For 8 years, we have mourned the lives lost, and we have worked at home and abroad to protect our great Nation, its people, and the ideals it represents.

I am pleased to join my colleagues in remembering this significant day and recognize how it continues to affect all our lives. I thank my colleagues for introducing this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Texas (Mr. McCAUL).

Mr. McCAUL. I thank the gentlelady.

Mr. Speaker, today we rise as Americans, first and foremost, to remember: to remember the victims of 9/11, the 3,000 Americans who were killed on that day; to remember the fallen heroes, the firefighters, the police officers who rescued so many lives and some who gave the ultimate sacrifice.

I remember watching the television on 9/11 with my daughter as the second airplane flew into the building and she said, Daddy, why did that airplane fly into the building? And by the time the second one hit, we all knew that this was no accident; this was an intentional act of terrorism, an act of war against the United States.

I was a counterterrorism prosecutor in the Justice Department. We saw many warning signs—the embassies in Africa, the USS Cole, 1993 World Trade Center, Ramzi Yousef, who almost brought the World Trade Center down that day—when they arrested him in Islamabad, many of you may not know this, but they found 12 baby dolls stuffed with chemical explosives that he intended to take on airplanes, part of the Bojinka plot to blow up 12 airplanes simultaneously.

The evil genius, his uncle, Khalid Sheikh Mohammed, the mastermind of 9/11, who to this day the information we obtained from him has saved American lives, the most chilling experience I've had as a Member of Congress was to see Khalid Sheikh Mohammed imprisoned down in Guantanamo, the man who was responsible for killing 3,000 Americans.

As the 9/11 Commission said, the only way we will ultimately prevail in this twilight struggle is through good intelligence. We cannot tie the hands of the intelligence community. We cannot threaten them with prosecution. We cannot have a global justice policy that Mirandizes terrorists captured on the battlefield in Afghanistan when the first words we say to them is, You have the right to remain silent. How in the world will we get good intelligence with that kind of policy?

And if I could close with an FBI quote before 9/11 that said, "Some day someone will die and the public will not understand why we were not more effective at throwing every resource we had at certain problems, especially since the biggest threat to us now, Osama bin Laden, is now getting the most protection."

The SPEAKER pro tempore (Mr. ROSS). The gentleman's time has expired.

Ms. ROS-LEHTINEN. I yield the gentleman an additional 30 seconds.

Mr. McCAUL of Texas. I thank the gentlelady.

We will never forget that day. We can never make the same mistake again. We owe that to the victims and the heroes of 9/11. It is our most solemn obligation to first and foremost protect and defend the American people.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. McMAHON).

Mr. McMAHON. Mr. Speaker, I rise today in strong support of House Resolution 722 and to honor all those who were murdered or injured in the terrorist attacks of September 11.

As we honor that day, we are reminded that on that day we saw the worst in humanity and the best in humanity. And let us focus on the best, because when I think of that day, I think of people like one of the more than 300 people from my district who lost their lives that day, like Stephen Siller, a devoted husband and father of five who served as a member of the New York City Fire Department.

Stephen was on his way home from a tour of duty that ended at 9 o'clock that morning when he was on the Verrazano Bridge and heard the call of what happened. He turned his private vehicle around and drove back to the Brooklyn Battery Tunnel, took all his gear out, put it on—because of traffic he couldn't get through—ran back through that tunnel to the World Trade Center, where he joined his brothers from the fire department, and others, rescued tens of thousands, but they lost their lives.

Each September since that day Stephen's family and the people of New York City honor his memory and bravery with a 5K race known as the "Tunnel to Towers" race that retraces Stephen's steps. In addition, Stephen's memory lives on in the good works the family has done by building Stephen's House and Home for Orphans.

So today I urge all of my colleagues and all Americans to not only honor those we lost, but to honor the bravery and spirit of countless people like Stephen Siller who made the ultimate sacrifice to save others.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), an esteemed member of the Committee on Appropriations who also lost constituents that day.

Mr. FRELINGHUYSEN. I thank the gentlewoman for yielding to me, and I rise in support of the resolution.

Eight years have now passed since tragedy struck our Nation. In lower Manhattan, the fields of Pennsylvania, and across the river at the Pentagon more than 3,000 of our fellow Americans lost their lives. The events of that day remain indelibly etched in our collective memory.

Of those lost, 700 of the victims came from New Jersey, many from my congressional district, and many more from New York, other States, and 80 nations. For those of who us had this tragedy hit so close to home, I know that each September 11 brings with it a great deal of sorrow. Later this week,

all of us will have the honor of attending a number of 9/11 remembrances, especially in New Jersey, the home of so many good people who died, as well as to honor those who sought to save them, our first responders.

My constituents remember that day every day. That day dawned like most days in New Jersey, bright and clear; crowded train stations in the morning taking people across the Hudson to lower Manhattan, parking lots packed with cars as they are most mornings. That evening, however, the scene was far different; trains weren't full, cars remained unclaimed in parking lots, and many families were left wondering what had happened to their loved ones. A single day that changed how each of us would think for the rest of their lives.

At one of those small train stations in Chatham there is a tree at whose base is a plaque inscribed: "We shall never forget our friends and neighbors who rode the rails with us that morning but did not return with us that night." That remarkable poignant quotation. We will never forget those victims. We will never forget those who sought to save them at the Pentagon, in Pennsylvania, and in lower Manhattan. Their bravery will never be forgotten.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentle lady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from New York and the distinguished gentle lady from Florida.

This is a duty that we do not relish, but that we obligate ourselves to be able to be reminded of the lost souls of September 11, 2001. It changed the innocence of America, but yet we stood tall as we mourned with these families from far and wide that we are America that believes in justice and civil liberties and, yes, the Bill of Rights.

The Homeland Security effort was born during that time. I began to serve on the Select Committee and now the Homeland Security Committee. The work we do every day should be silent work, but it is work to ensure that the Nation's airlines and airports, train stations and railroads and mass transit and everywhere we go protects the American people. It is a world that stands up against terrorism, but understands that America can be a friend.

So today, as we come together as a Congress, as we did those few years ago and stood on the front steps singing "God bless America," I rise today to tell those families we will never forget them. And it is our obligation to be diligent, to be responsive, and to be remembered.

God bless America.

Mr. Speaker, I rise today in support of the H. Res. 722. The legacy of the events of September 11, 2001 still resonates today. We will never forget the harrowing experience of the

loss of more than 3,000 lives that marked this national tragedy. We will never forget the events of that day, nor those who paid the ultimate price. We will forever remember how the country suffered profound sadness, the likes of which we as a nation hope to never experience again.

Mr. Speaker, I recall vividly the intense emotions evoked as the attacks unfolded. The nation watched in horror as two airliners crashed into the Twin Towers and brought down the World Trade Center. That horror intensified as we witnessed an attack on the Pentagon, and a crashed airplane in Pennsylvania. Horror turned to anger as it came to light that the attacks were the actions of hate-filled cowards who had no respect for human life. I remember too, that in the aftermath of these senseless attacks, we came together as a nation and with friends from around the world united in grief and sadness. That moment transformed our country and the world, as the resolve of our nation strengthened and our principles hardened.

We remember the heroes from that day; those who ran into the danger, sacrificing themselves to save strangers. They were the brave firefighters, police officers, and civil servants who died in the service of protecting others. We remember the heroes from United Flight 93 who overpowered the terrorists and gave their own lives to prevent the deaths of countless others. We hope that their families can take some small measure of comfort knowing that Americans have made a permanent place for those heroes in our hearts.

In Houston, we mourned the loss of two of our own: Naval Petty Officer 3rd Class Daniel Martin Caballero and Army Lieutenant Colonel Karen Wagner. Twenty-one year old Petty Officer Caballero was an electronics technician who had a bright life ahead of him. Forty-year-old Lt. Col. Wagner had a distinguished career as a medical personnel officer in the office of the Army surgeon general. Both lives were taken when United Flight 77 was steered into the Pentagon. Also Councilmember Toni Lawrence lost her dear sister to this horrible tragedy.

Mr. Speaker, I ask that we also pay tribute today to those who have fought the wars born from September 11. In the years since that tragic day, our country has fought ardently to eliminate the enemies who would work to perpetuate the culture of fear and violence born from 9/11.

The men and women of the U.S. military prove daily that their commitment to protecting and defending our country is steadfast. Let us remember those who fought and died while serving the country, let us honor those who continue to fight, and let us pledge our unending support for our soldiers and their families.

As a Senior Member of the Foreign Affairs and Homeland Security Committees, I believe that we must continue to honor the fallen by working to prevent needless deaths. In the years since September 11, 2001, Congress has worked hard to make sure that such a tragedy will never happen again. In large part, we have taken heed of the advice of the 9/11 Commission and built a strong system to prevent future attacks.

Mr. Speaker, I rise before this body to say that our work is not yet done. Our nation's rail

and mass transit lines continue to be vulnerable. Millions of Americans rely on our rail and mass transit for transportation. Terrorist attacks in Madrid in 2004 and London in 2006 indicate that transportation routes continue to be potential security threats. We must not let another tragedy occur. As Chair of the Transportation Security Subcommittee—we are working to increase America's security.

Preventing terrorism at home begins with addressing terrorism abroad. We must engage nations that are susceptible to the influence of extremists and arm them with the tools to fight radicalism. That means increasing education, improving living conditions, and increasing the capacity to govern. The struggle against terrorism will be won in the hearts and minds of people around the world.

Mr. Speaker, I urge all members to join me in supporting H. Res. 722. Let us remember this day and the tragedy that befell the nation by properly honoring the victims with our renewed commitment to America's security and Democracy.

Mr. ACKERMAN. Mr. Speaker, I am privileged to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I rise in support of the resolution. It's important that we remember 9/11, those innocents who lost their lives, those who put their lives at risk while saving lives, and those who survived to grieve the loss of irreplaceable loved ones.

We have a responsibility to remember 9/11. It would be good, too, for us to remember the course of action our Nation embarked upon as a consequence of 9/11. We have a right, a duty to defend ourselves, but in the name of 9/11 war was waged against the people of Iraq who had nothing to do with 9/11.

At this point, let us remember our troops, too, and their sacrifices since 9/11, and the over 1 million innocent civilian casualties everywhere who also paid a price because of 9/11. We should never forget 9/11, and we should never forget the truth.

In our grief, we know the truth is our ultimate defense. The truth is our security. It is the truth which sets us free and the truth which keeps us free. God bless America.

WASHINGTON, SEPT. 11, 2001.—America grieves this day for the victims of these terrorist attacks, and for their families and friends. Our prayers are with them and our hearts go out to those who have endured unbearable loss today. Our most hopeful thoughts are with those who have risked their lives in heroic rescue efforts. In this grim moment, we must be resolute in protecting the fabric of our democracy and the individual freedoms that make America a great nation. As we grieve, we cannot let terrorists win by turning the United States into a national security state. We cannot let their dialogue become our dialogue.

America must remain calm because such calm is essential to preserving our liberties. America must bring to justice those responsible for these cowardly deeds. We must be cautious about rolling back freedoms at home or placing blame in the wrong place.

America must continue to be a beacon of democracy for the world. Let this sad moment cause all governments and all people of

good will around the world to unite and to move together to challenge and uproot those who have destructive goals which seek to create death and drive the world toward chaos. Now, more than ever, America must continue to be a force for peace in the world. We must not let the terrorists win.

Mr. ACKERMAN. Mr. Speaker, could I request of the gentlewoman from Florida if she has the time and would be willing to lend us one of her minutes.

Ms. ROS-LEHTINEN. Yes, we would be more than happy to do so. We were waiting to see if some of the speakers who had reserved time would show up; but since they are not here yet, we would be more than pleased to give you some of our time, 1 minute.

Mr. ACKERMAN. Thank you so much. And if someone shows up and you need the time, I would be happy to make a unanimous request that that be restored to you.

Mr. Speaker, it is now my pleasure to recognize the gentleman from New Jersey (Mr. PASCRELL) for 1½ minutes.

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Mr. PASCRELL. Thank you, Mr. Chairman.

I rise today as this Congress commemorates perhaps the most horrific day in our Nation's history, that day being September 11, 2001. So many of us in New Jersey and New York lost our friends, our loved ones, acquaintances and people we never met before.

It's difficult to believe that it was almost 8 years to the day when our Nation was attacked by foreign terrorists and claimed almost 3,000 lives, including 411 of our Nation's bravest first responders. As a Member of the Homeland Security Committee, I am proud of the steps that we have taken since that fateful day to make the American people safer, but our work obviously is far from complete. This is a mission we, as public servants, can never stop striving to achieve.

I am also proud that earlier this year we passed the aptly named Edward M. Kennedy Serve America Act, which will designate September 11 as the first annual National Day of Service and Remembrance. On September 11, more so than any other day of the year, we should come together as Americans and find new ways to save our Nation, and hopefully that will spill over to the days after.

So I say to all of you that many of the wounds of that fateful day will heal over time, but that we will never forget the heroism we witnessed, the lessons we learned, the redemption the American people earned through our own strength. And so we pray that this never happens again.

Mr. ACKERMAN. I yield myself 10 seconds.

We have no further additional Members, so if the gentlewoman would like to close we will wait on the Speaker if she chooses to close as well.

Ms. ROS-LEHTINEN. Do you need an additional minute? I think we only have how much time, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman from Florida has 2 minutes remaining, and the gentleman from New York has 3 minutes remaining.

Mr. ACKERMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the day after that horrific event, I was back in New York. I went to the piers where the people were waiting to claim bodies and hear of missing loved ones.

There was a gentleman before this huge wall where people had posted pictures of relatives that were missing. And there was one gentleman standing there—it was close to midnight—all by himself, in traditional Orthodox Jewish garb, with a long black coat and large black-brimmed hat standing in front of a picture of someone who looked remarkably like him.

And he just stood there stone-faced. And I just went over and stood next to him as one of the firemen called him to my attention. And he said, without turning away from the picture that he was looking at on the wall, the missing person, he said, That was my brother. He is gone. He called me moments before the building collapsed. He said he knew what was happening, but he would not leave his workplace.

He worked in a station next to a young man from Puerto Rico who was sitting in a wheelchair and who was frightened. And he said, My brother told me I will not let him stay here to die alone. And they were holding hands when his brother hung up the phone. That was the kind of bravery we saw from Americans, all kinds of Americans on that fateful day.

Let us remember them and the sacrifice they made.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

I thank my good friend from New York and our chairman, Mr. BERMAN, and Mr. HOYER and Mr. BOEHNER for this resolution.

Mr. Speaker, when we talk about the 9/11 attacks on our Nation, we must also recall that it was an attack on our way of life. It was an attack on what we stand for, on what we represent. What is it that we represent? Freedom, democracy, liberty.

These are the values that distinguish our Nation, our people, from our attackers, the belief in freedom, the belief in democracy, the belief in liberty. And as we recall this somber anniversary of this resolution before us, let us honor the memory of those whom we lost, the murdered, for it was a crime, and the heroism of our public servants, our first responders, our ordinary fellow citizens who were so extraordinary that day, who discovered

the extraordinary courage of self-sacrifice on behalf of their fellow citizens, some of whom they had never met, including many of us in this building.

And let us resolve that 9/11 will not just be an anniversary that we commemorate with an interesting and touching ceremony, but that 9/11 is really a symbol of what America is about, how we dealt with that struggle, how we dealt with that devastation, how we dealt with that sorrow and what we said we would do as a people, that we would not let this attack go unanswered.

And to frame the events of that day as they should be framed, as freedom versus oppression, as tolerance versus hatred, as incitement versus understanding. And this is what we fight for to this day: for freedom, for tolerance, to make sure that we can just not recall the days of 9/11, but also honor the memory and what they stood for.

Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield for the purpose of a unanimous consent request to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE. Mr. Speaker, I rise to add my voice to those who have spoken in support of this bipartisan 9/11 resolution, H. Res. 722.

Mr. Speaker, I proudly rise in support of the bipartisan 9–11 Resolution, H. Res 722, which recognizes September 11 as both a day to mourn and remember those that were taken from us, and a day for the people of the United States to recommit to the Nation and to each other.

Today, Congress pauses to reflect on the life and legacy of the men and women whose lives were tragically altered or cut short as a result of the violent attacks on 9–11–01.

I began my public life as a member of the New York City Council shortly after the attacks of September 11th changed America's perception on the world. From that first day, I have dedicated myself to the issues of security and preparedness.

As the only New York City member of the House Committee on Homeland Security, I am humbled at the opportunity to commemorate this day with my colleagues and victims' families.

We will never forget that almost 3,000 lives were lost, including 343 firefighters and 23 police officers, on that day. Their contributions and legacies will forever be honored and revered.

I salute the many World Trade Center and Pentagon workers who may not have held a corner office with their names on the door, but were an integral part of our thriving economy and communities.

I salute the mothers, teachers, doctors, flight crews and other valuable members of our society that were taken from us on that tragic day.

As we prepare to commemorate that tragic day with several victims' families on the front steps of the U.S. Capitol, I offer my prayers to all 9–11 families and the survivors whose lives are forever changed.

I especially send my condolences to the parents and families of the children whose precious lives were tragically taken from us on that fateful day.

The collective sacrifices, strength, and compassion of these individuals and all Americans, as well as the fallen soldiers that we have lost in the fight against terror and the families they've left behind—all of whom represent diverse backgrounds and beliefs—remind us that our national resiliency lies within our ability to come together as a nation for the greater good of our society.

Mr. ACKERMAN. I thank the distinguished gentlelady from Florida for her cooperation in this bipartisan effort and expression of the House.

I yield the balance of our time, 1 minute, to the distinguished Speaker of the House to close the debate, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding. I thank Congressman ACKERMAN and Congresswoman ROS-LEHTINEN for bringing this opportunity to the floor to speak about the unspeakable horror of 9/11.

When we talk about this subject, Mr. Speaker, we are treading on sacred ground, a ground we thought we would never see in our country.

But as Congresswoman ROS-LEHTINEN said, it has defined us, how we dealt with it, and how we carry on afterward. One of the goals of terrorists is to instill fear. So not only do they take lives and destroy a community, try to destroy a community, they also instill fear as to how we will act upon the challenges that we have as we go forward. That did not happen with 9/11.

The American people rallied in a way that removed all doubt that we would not suffer that consequence. But it's the families of 9/11 who made the biggest sacrifice, that's self-evident. But when they turned their grief into action, working with the 9/11 Commission to help ensure that this doesn't happen again, they did a great service to our country.

In just a few moments, in the Capitol, we will unveil a marker of bravery to recall the sacrifice, in particular of the men and women on Flight 93 who died in rural Pennsylvania. We gather to honor their families, who will be with us. This is the day that they have chosen for that and to ensure that we never forget their heroic deeds, their bravery and the sacrifices of those individuals. They made a decision in that flight not to fly into Washington, D.C., perhaps into this Capitol.

Again, it is to those families that we owe so much, whether it was in rural Pennsylvania, in the Pentagon, or in New York at the Twin Towers.

Following that ceremony, we will go to Statuary Hall where leaders of both parties in both Houses of Congress will gather to recognize the heroes of 9/11, the firefighters and first responders, the rescue workers and all who perished on Flight 93, in the Pentagon and

the World Trade Center on that terrible morning. It is in their names that we mark this day.

It is in memory of those who died that we, in the words of this resolution, renew our devotion to the universal ideals that make this Nation great: freedom, pluralism, equality and the rule of law. It is their voices that remind us not just of the images of destruction and despair, but of the unity we all felt in the wake of the attacks and of our common humanity and shared strength, of our potential to move forward as one community, one Nation. When we take inspiration from the memories of the heroes of 9/11, may this resolution rekindle a spirit of service and sacrifice among all Americans.

May God continue to bless the United States of America.

Mr. TEAGUE. Mr. Speaker, like all Americans I still mourn the innocent lives that were lost on September 11, 2001. Though I was not in Washington, DC or New York City on that day, I am often reminded of the attacks when I pass the Pentagon on my way to the Capitol. And when I think of the thousands of family members that lost a loved one on that day, I admit that it makes me want to visit with my own children a little more often, play with my grandchildren a little longer and hold my wife a little closer.

On September 11th, 2001, America was exposed to a darker side of the human condition—one that is so fueled by hate and fear that it would drive individuals to come to a foreign land and dedicate themselves to studying the most efficient way to murder innocent civilians.

The 9/11 attacks were cowardly actions by desperate, evil men, but, like we've seen on other tragic days in our Nation's history, the attacks also shined a light on American bravery and heroism.

Our firefighters and other first-responders ran into buildings that were about to collapse, sometimes sacrificing their own lives to save others. The passengers of United Flight 93 became true citizen-soldiers when they chose to take on the hijackers and sacrifice themselves to save others, demonstrating to the world what makes us strong and good as a country.

These brave people showed that even in one of the darkest hours in our history, Americans were resolute, resilient and committed to see the light of our liberty burn steady and bright.

Let us remember that while these horrendous acts may have toppled over buildings and taken the lives of innocent Americans, they neither destroyed our Republic nor the principles upon which our country was built.

Eight years after that dark day, it is appropriate for us to take time to remember those that lost their lives in these attacks and those who gave their lives so that others would live. And it is equally important for us to acknowledge that despite these tragic events America has remained free, strong and committed to liberty.

Mr. MARKEY of Massachusetts. Mr. Speaker, this week we commemorate the eighth anniversary of the most devastating attack on our country since Pearl Harbor. The planes

which destroyed the World Trade Center towers took off from Boston. The planes carried 142 passengers and crew members, many of them were our neighbors, and the catastrophe almost 200 miles south in Manhattan was also a catastrophe for victims' families and their loved ones and friends in communities across Massachusetts.

The September 11th attacks demonstrated that America's very strengths—its technology and its open society—could be turned into weapons and used against us. We have spent much of the past eight years trying to reduce the opportunities for terrorists to exploit our vulnerabilities; while we can claim significant achievements we must admit that the job is not done.

Two years ago, the Democratic Congress passed legislation to implement the recommendations of the 9/11 Commission, designating it as our top priority—H.R. 1. But much work to implement the bill's provisions and other needed homeland security upgrades is still needed, and it is now up to the Obama Administration to end the years of delays, obstruction and catering to industry's demands that was characteristic of the Bush Administration's homeland security policy.

I authored a provision in the 9/11 law to require the screening, within three years, of all the cargo carried on passenger planes to a level of security commensurate with the level of security applied to passengers' checked bags. The statutory deadline is less than one year from now, in August 2010. I am concerned that the system developed by the previous administration to implement the 100 percent screening requirement is facing significant challenges and must be quickly remedied by this Administration in order to comply with the law.

A requirement that I helped to insert into the 9/11 law contains a mandate to scan all inbound maritime cargo at its point of origin by 2012, unless the Department of Homeland Security chooses to extend the deadline for a particular port or group of ports because of technological, economic or other barriers. I believe that Congress included sufficient flexibility in the statutory requirements to address any delays in meeting the 2012 statutory deadline for maritime scanning that may have been caused as a result of inaction by the last Administration, and now the Obama Administration is tasked with implementing this vital security safeguard.

Since 9/11, Congress has enacted legislation to secure the aviation, maritime, rail, mass transit, nuclear energy and other sectors. But what we have yet to do is act on comprehensive legislation to secure the facilities that make or store dangerous chemicals. Instead, we have relied on the incomplete, inadequate and loophole-ridden legislative language that was inserted into a 2007 Appropriations bill behind closed doors that amounted to little more than a long run-on sentence. The Energy and Environment Subcommittee which I chair will soon act on comprehensive chemical security legislation that will close the loopholes in part by requiring each high-risk facility to assess whether it could use safer processes or technologies and provide authority to ensure that the highest-risk facilities do so if it is economically and technologically possible.

The upcoming anniversary is a time for reflection and commemoration. But it is also an opportunity to review the progress we have made towards improving the security of all Americans.

On this 8th anniversary of a terrible tragedy, I am taking time to both remember those who we lost and to rededicate myself to ensuring that such a tragedy will never again be allowed to occur.

Mr. AL GREEN of Texas. Mr. Speaker, as an American and Representative of the 9th Congressional District of Texas I would like to express my support for H. Res. 722, which recognizes the victims and heroes of the terrorist attacks launched against the United States on September 11, 2001.

This year commemorates the eighth anniversary of 9/11, which lives on in the hearts and minds of Americans as we mourn and remember the lives lost in that tragedy. On September 11, we will honor the memory of the 3,000 men, women, and children who were taken from us, pay homage to the countless lives who have died defending our freedom, and service men and women currently fighting in combat zones across the world.

Moreover, on this September 11, Americans will for the first time honor the victims and heroes of 9/11 by serving their neighbors and communities in the first National Day of Service and Remembrance. This federally designated day was created as a part of bipartisan legislation in the Edward M. Kennedy Serve America Act, which was signed into law by President Obama on April 21, 2009. In the spirit of unity and compassion, Americans everywhere will join the President and Mrs. Obama in service projects at schools, hospitals, and communities.

As we honor the sacrifices of our fellow Americans through our own service in communities across the nation, let us renew our devotion to the universal ideals that make our Nation great: freedom, equality, and democracy. On September 11, 2009, let us forget our differences and embrace our common heritage as one people, the American people. I urge my colleagues to support H. Res. 722.

Mr. BLUMENAUER. Mr. Speaker, this Friday, we come together as a Nation once again to commemorate those who perished on September 11, 2001, and to renew our commitment to each other and to our Nation's ideals of tolerance and freedom. Though the years have passed, the memory of that day and of the heroism displayed by rescue workers and ordinary Americans is not diminished.

I hope you will join me in a day of reflection, as we contemplate how each of us can draw strength from this tragedy and help create the America we'd like to see. Our Nation's strength lies in the ability to welcome dissent, but it is my hope that this day can remind us of our common humanity: that we are more joined than divided. And although we may disagree on the means for how to deal with climate change, health care, and economic recovery, to name but a few of our challenges, these are priorities for us all.

Let us remember this day, and let us pledge to work harder and more constructively to build a stronger America.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in strong support of H. Res.

722, which marks the eighth anniversary of September 11, 2001 and solemnly recognizes the lives lost and the sacrifices made on that day.

I want to commend Mr. HOYER and Mr. BOEHNER for bringing this bipartisan resolution to the floor.

None of us will ever forget where we were and what we were doing on the morning of September 11, 2001. The images of the planes hitting the World Trade Center towers, the smoke rising above the Pentagon, and the scattered remnants of flight 93 in that Shanksville, Pennsylvania field will forever be seared in our Nation's consciousness.

This resolution affirms that we continue to mourn the innocent loss of life that occurred that horrific morning and extend our deepest sympathies and prayers to family and friends of the victims. It also pays tribute to the heroism of the first responders, law enforcement personnel, and ordinary citizens who rushed to the aid of their fellow Americans on that darkest of days.

With this resolution, the House not only recognizes the extraordinary heroism of that day but acknowledges the significant strides we have made as a Nation to improve information sharing, strengthen our borders, and enhance our resilience. As a result, the United States is more secure today than it was on September 11, 2001. However, we must not lose sight of what still needs to be done or grow complacent about security. The nature of the terrorist threat demands vigilance at all levels of government and in our communities.

Mr. Speaker, this anniversary represents an opportunity to rededicate ourselves to these efforts and H. Res. 722 is a fitting remembrance of how September 11 changed the course of our Nation's history.

Let us never forget the lives that were lost and the lessons that were learned that day.

Ms. BALDWIN. Mr. Speaker, I rise on the eighth anniversary of September 11th to commemorate this momentous day in American history. My heart goes out to the thousands of innocent people who were taken from their loved ones and fellow citizens, and I am mindful of the many sacrifices made by the members of our armed forces and their families as they stand in harm's way to protect our great nation.

The victims of the September 11th attacks were a microcosm of America. In the Twin Towers, on the hijacked planes, at the Pentagon, there were mothers, fathers, sons, daughters, brothers, sisters, friends; there were millionaire bond traders and minimum wage busboys; there were service men and women, police officers and firefighters; there were people of every race and religion, from dozens of countries, all with their own dreams and disappointments; all bound by an invisible thread . . . our common humanity. And we are forever bound to them, and to each other.

September 11th, 2001 was one of our nation's darkest days. But it illuminated some simple and important truths . . . that it means something special to be an American—something more than the happenstance of where you were born. It relates to the unending quest on the part of “we the people” to “form a more perfect union” and to a concept of the common good. Being an American means

having a commitment to our collective well-being.

In memory of all those who perished on September 11th, in respect to the survivors, in gratitude to the rescuers, and for the sake of ourselves and our posterity, I recall the words of President Kennedy: “Let us not be blind to our differences—but let us also direct attention to our common interests and to the means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity. For, in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal.”

Mr. Speaker, during the vote on H. Res. 722, a resolution expressing the sense of the House of Representatives regarding the terrorist attacks launched against the U.S. on September 11th, 2001, I was absent from the House. I want my colleagues and constituents of the 2nd District of Wisconsin to know that I intended to vote yes on this resolution. I am grateful to my colleagues, Mr. HOYER and Mr. BOEHNER, for their work in seeing it passed.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 722.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ACKERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 965, CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-249) on the resolution (H. Res. 726) providing for consideration of the bill (H.R. 965) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 447, by the yeas and nays;

H.R. 2097, by the yeas and nays;

H.R. 2498, by the yeas and nays;

House Resolution 722, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

# RECOGNIZING CONTRIBUTIONS OF AMERICAN COUNCIL OF ENGI- NEERING COMPANIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 447, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 447.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 690]  
YEAS—420

Abercrombie	Calvert	Donnelly (IN)
Ackerman	Camp	Doyle
Aderholt	Campbell	Dreier
Adler (NJ)	Cantor	Driehaus
Akin	Cao	Duncan
Alexander	Capito	Edwards (MD)
Altmire	Capps	Edwards (TX)
Andrews	Capuano	Ehlers
Arcuri	Cardoza	Ellison
Austria	Carnahan	Ellsworth
Baca	Carney	Emerson
Bachmann	Carson (IN)	Engel
Bachus	Carter	Eshoo
Baird	Cassidy	Etheridge
Barrett (SC)	Castle	Fallin
Barrow	Castor (FL)	Farr
Bartlett	Chaffetz	Fattah
Barton (TX)	Chandler	Filner
Bean	Childers	Flake
Becerra	Chu	Fleming
Berkley	Clarke	Forbes
Berman	Clay	Fortenberry
Berry	Cleaver	Foster
Biggert	Clyburn	Fox
Bilbray	Coble	Frank (MA)
Bilirakis	Coffman (CO)	Franks (AZ)
Bishop (GA)	Cohen	Frelinghuysen
Bishop (NY)	Cole	Fudge
Bishop (UT)	Conaway	Galleghy
Blackburn	Connolly (VA)	Garrett (NJ)
Blumenauer	Conyers	Gerlach
Blunt	Cooper	Giffords
Boccheri	Costa	Gingrey (GA)
Boehner	Costello	Gohmert
Bonner	Courtney	Gonzalez
Bono Mack	Crenshaw	Goodlatte
Boozman	Crowley	Gordon (TN)
Boren	Cuellar	Granger
Boswell	Culberson	Graves
Boucher	Cummings	Grayson
Boustany	Dahlkemper	Green, Al
Brady (PA)	Davis (AL)	Green, Gene
Brady (TX)	Davis (CA)	Griffith
Braley (IA)	Davis (KY)	Grijalva
Bright	Davis (TN)	Guthrie
Brown (GA)	Deal (GA)	Gutierrez
Brown (SC)	DeFazio	Hall (NY)
Brown, Corrine	DeGette	Hall (TX)
Brown-Waite,	DeLauro	Halvorson
Ginny	Dent	Hare
Buchanan	Diaz-Balart, L.	Harman
Burgess	Diaz-Balart, M.	Harper
Burton (IN)	Dicks	Hastings (FL)
Butterfield	Dingell	Hastings (WA)
Buyer	Doggett	Heinrich

Heller	McClintock
Hensarling	McCollum
Herger	McCotter
Hereth Sandlin	McDermott
Higgins	McGovern
Hill	McHenry
Himes	McHugh
Hinche	McIntyre
Hinojosa	McKeon
Hirono	McMahon
Hodes	McNerney
Hoekstra	Meek (FL)
Holden	Meeks (NY)
Holt	Melancon
Honda	Mica
Hoyer	Michaud
Hunter	Miller (FL)
Inglis	Miller (MI)
Inslee	Miller (NC)
Israel	Miller, Gary
Issa	Miller, George
Jackson (IL)	Minnick
Jackson-Lee	Mitchell
(TX)	Mollohan
Jenkins	Moore (KS)
Johnson (GA)	Moore (WI)
Johnson (IL)	Moran (KS)
Johnson, E. B.	Moran (VA)
Johnson, Sam	Murphy (CT)
Jones	Murphy (NY)
Jordan (OH)	Murphy, Patrick
Kagen	Murphy, Tim
Kanjorski	Murtha
Kaptur	Myrick
Kennedy	Nadler (NY)
Kildee	Napolitano
Kilpatrick (MI)	Neal (MA)
Kilroy	Neugebauer
Kind	Nunes
King (IA)	Nye
King (NY)	Oberstar
Kingston	Obey
Kirk	Olson
Kirkpatrick (AZ)	Olver
Kissell	Ortiz
Klein (FL)	Pallone
Kline (MN)	Pascarell
Kosmas	Pastor (AZ)
Kratovil	Paul
Kucinich	Paulsen
Lamborn	Payne
Lance	Pence
Langevin	Perlmutter
Larsen (WA)	Perriello
Larson (CT)	Peters
Latham	Peterson
LaTourette	Petri
Latta	Pingree (ME)
Lee (CA)	Pitts
Lee (NY)	Platts
Levin	Poe (TX)
Lewis (CA)	Polis (CO)
Lewis (GA)	Pomeroy
Linder	Posey
Lipinski	Price (GA)
LoBiondo	Price (NC)
Loebach	Putnam
Lofgren, Zoe	Quigley
Lowe	Radanovich
Lucas	Rahall
Luetkemeyer	Rangel
Luján	Rehberg
Lummis	Reichert
Lungren, Daniel	Reyes
E,	Richardson
Mack	Rodriguez
Maloney	Roe (TN)
Manzullo	Rogers (AL)
Marchant	Rogers (KY)
Markey (CO)	Rogers (MI)
Markey (MA)	Rohrabacher
Marshall	Rooney
Massa	Ros-Lehtinen
Matheson	Roskam
Matsui	Ross
McCarthy (CA)	Rothman (NJ)
McCauley	Roybal-Allard

## NOT VOTING—13

Baldwin	Maffei	Smith (NJ)
Boyd	McCarthy (NY)	Sutton
Davis (IL)	McMorris	Tanner
Delahunt	Rodgers	Young (AK)
Lynch	Slaughter	

Royce	Ruppersberger
Rush	Rush
Ryan (OH)	Ryan (WI)
Salazar	Salazar
Sánchez, Linda	T.
Sanchez, Loretta	Sanchez, Loretta
Sarbanes	Sarbanes
Scalise	Scalise
Schakowsky	Schakowsky
Schauer	Schauer
Schiff	Schiff
Schmidt	Schmidt
Schock	Schock
Schrader	Schrader
Schwartz	Schwartz
Scott (GA)	Scott (GA)
Scott (VA)	Scott (VA)
Sensenbrenner	Sensenbrenner
Serrano	Serrano
Sessions	Sessions
Sestak	Sestak
Shadeegg	Shadeegg
Shea-Porter	Shea-Porter
Sherman	Sherman
Shimkus	Shimkus
Shuler	Shuler
Shuster	Shuster
Simpson	Simpson
Sires	Sires
Skelton	Skelton
Smith (NE)	Smith (NE)
Smith (TX)	Smith (TX)
Smith (WA)	Smith (WA)
Snyder	Snyder
Souder	Souder
Space	Space
Speier	Speier
Spratt	Spratt
Stark	Stark
Stearns	Stearns
Stupak	Stupak
Sullivan	Sullivan
Taylor	Taylor
Teague	Teague
Terry	Terry
Thompson (CA)	Thompson (CA)
Thompson (MS)	Thompson (MS)
Thompson (PA)	Thompson (PA)
Thornberry	Thornberry
Tiahrt	Tiahrt
Tiberi	Tiberi
Tierney	Tierney
Titus	Titus
Tonko	Tonko
Towns	Towns
Tsongas	Tsongas
Turner	Turner
Upton	Upton
Van Hollen	Van Hollen
Velázquez	Velázquez
Visclosky	Visclosky
Walden	Walden
Walz	Walz
Wamp	Wamp
Wasserman	Wasserman
Schultz	Schultz
Waters	Waters
Watson	Watson
Watt	Watt
Waxman	Waxman
Weiner	Weiner
Welch	Welch
Westmoreland	Westmoreland
Wexler	Wexler
Whitfield	Whitfield
Wilson (OH)	Wilson (OH)
Wilson (SC)	Wilson (SC)
Wittman	Wittman
Wolf	Wolf
Woolsey	Woolsey
Wu	Wu
Yarmuth	Yarmuth
Young (FL)	Young (FL)

□ 1452

Mr. NUNES changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE COMMEMORATING THE 9/11 ATTACKS

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence. The Chair asks that the House now observe a moment of silence in memory of the victims of the terrorist attacks on September 11, 2001.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Ross). Without objection, 5-minute voting will continue.

There was no objection.

## STAR-SPANGLED BANNER COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2097, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 2097.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 1, not voting 13, as follows:

[Roll No. 691]  
YEAS—419

Abercrombie	Blunt	Cardoza
Ackerman	Boccheri	Carnahan
Aderholt	Boehner	Carney
Adler (NJ)	Bonner	Carson (IN)
Akin	Bono Mack	Carter
Alexander	Boozman	Cassidy
Altmire	Boren	Castle
Andrews	Boswell	Castor (FL)
Arcuri	Boucher	Chaffetz
Austria	Brady (PA)	Chandler
Baca	Brady (TX)	Childers
Bachmann	Braley (IA)	Chu
Bachus	Bright	Clarke
Baird	Brown (GA)	Clay
Barrett (SC)	Brown (SC)	Cleaver
Barrow	Brown, Corrine	Clyburn
Bartlett	Brown-Waite,	Coble
Barton (TX)	Ginny	Coffman (CO)
Bean	Buchanan	Cohen
Becerra	Burgess	Cole
Berkley	Burton (IN)	Conaway
Berman	Butterfield	Connolly (VA)
Berry	Buyer	Conyers
Biggert	Calvert	Cooper
Bilbray	Camp	Costa
Bilirakis	Campbell	Costello
Bishop (GA)	Cantor	Courtney
Bishop (NY)	Cao	Crenshaw
Bishop (UT)	Capito	Crowley
Blackburn	Capps	Cuellar
Blumenauer	Capuano	Culberson

Cummings	Johnson (GA)	Myrick	Stupak	Towns	Waxman	Crowley	Jackson-Lee	Murphy (NY)
Dahlkemper	Johnson (IL)	Nadler (NY)	Sullivan	Tsongas	Weiner	Cuellar	(TX)	Murphy, Patrick
Davis (AL)	Johnson, E. B.	Napolitano	Sutton	Turner	Welch	Culberson	Jenkins	Murphy, Tim
Davis (CA)	Johnson, Sam	Neal (MA)	Taylor	Upton	Westmoreland	Cummings	Johnson (GA)	Murtha
Davis (KY)	Jones	Neugebauer	Teague	Van Hollen	Wexler	Dahlkemper	Johnson (IL)	Myrick
Davis (TN)	Jordan (OH)	Nunes	Terry	Velázquez	Whitfield	Davis (AL)	Johnson, E. B.	Nadler (NY)
Deal (GA)	Kagen	Nye	Thompson (CA)	Visclosky	Wilson (OH)	Davis (CA)	Johnson, Sam	Napolitano
DeFazio	Kanjorski	Oberstar	Thompson (MS)	Walden	Wilson (SC)	Davis (KY)	Jones	Neal (MA)
DeGette	Kaptur	Obey	Thompson (PA)	Walz	Wittman	Davis (TN)	Jordan (OH)	Neugebauer
DeLauro	Kennedy	Olson	Thornberry	Wamp	Wolf	Deal (GA)	Kagen	Nunes
Dent	Kildee	Olver	Tiahrt	Wasserman	Woolsey	DeFazio	Kanjorski	Nye
Diaz-Balart, L.	Kilpatrick (MI)	Ortiz	Tiberi	Schultz	Wu	DeGette	Kaptur	Oberstar
Diaz-Balart, M.	Kilroy	Pallone	Tierney	Waters	Yarmuth	DeLauro	Kennedy	Obey
Dicks	Kind	Pascrell	Titus	Watson	Young (FL)	Dent	Kildee	Olson
Dingell	King (IA)	Pastor (AZ)	Tonko	Watt		Diaz-Balart, L.	Kilpatrick (MI)	Olver
Doggett	King (NY)	Paulsen				Diaz-Balart, M.	Kilroy	Ortiz
Donnelly (IN)	Kingston	Payne				Dicks	Kind	Pallone
Doyle	Kirkpatrick (AZ)	Pence				Dingell	King (IA)	Pascrell
Dreier	Kissell	Perlmutter				Doggett	King (NY)	Pastor (AZ)
Driehaus	Klein (FL)	Perriello				Donnelly (IN)	Kingston	Paul
Duncan	Kline (MN)	Peters				Doyle	Kirk	Paulsen
Edwards (MD)	Kosmas	Peterson				Dreier	Kirkpatrick (AZ)	Payne
Edwards (TX)	Kratovil	Petri				Driehaus	Kissell	Pence
Ehlers	Kucinich	Pingree (ME)				Duncan	Klein (FL)	Perlmutter
Ellison	Lamborn	Pitts				Edwards (MD)	Kline (MN)	Perriello
Ellsworth	Lance	Platts				Edwards (TX)	Kosmas	Peters
Emerson	Langevin	Poe (TX)				Ehlers	Kratovil	Peterson
Engel	Larsen (WA)	Polis (CO)				Ehlers	Kucinich	Petri
Eshoo	Larson (CT)	Pomeroy				Ellison	Lamborn	Pingree (ME)
Etheridge	Latham	Posey				Ellsworth	Lance	Pitts
Fallin	LaTourette	Price (GA)				Emerson	Langevin	Platts
Farr	Latta	Price (NC)				Engel	Larsen (WA)	Poe (TX)
Fattah	Lee (CA)	Putnam				Eshoo	Larson (CT)	Polis (CO)
Filner	Lee (NY)	Quigley				Etheridge	Latham	Pomeroy
Flake	Levin	Radanovich				Fallin	LaTourette	Posey
Fleming	Lewis (CA)	Rahall				Farr	Latta	Price (GA)
Forbes	Lewis (GA)	Rangel				Fattah	Lee (CA)	Price (NC)
Fortenberry	Linder	Rehberg				Filner	Lee (NY)	Putnam
Foster	Lipinski	Reichert				Flake	Levin	Quigley
Fox	LoBiondo	Reyes				Fleming	Lewis (CA)	Radanovich
Fox	LoBiondo	Richardson				Forbes	Lewis (GA)	Rahall
Frank (MA)	LoBiondo	Rodriguez				Fortenberry	Linder	Rangel
Franks (AZ)	Lofgren, Zoe	Roe (TN)				Foster	Lipinski	Rehberg
Frelinghuysen	Lowey	Rogers (AL)				Fox	LoBiondo	Reichert
Fudge	Lucas	Rogers (KY)				Franks (AZ)	LoBiondo	Reyes
Gallegly	Luetkemeyer	Rogers (MI)				Frelinghuysen	LoBiondo	Richardson
Garrett (NJ)	Lujan	Rohrabacher				Fudge	Lofgren, Zoe	Rodriguez
Gerlach	Lummis	Rooney				Gallegly	Lowey	Roe (TN)
Giffords	Lungren, Daniel	Ros-Lehtinen				Garrett (NJ)	Lucas	Rogers (AL)
Gingrey (GA)	E.	Roskam				Gerlach	Luetkemeyer	Rogers (KY)
Gohmert	Mack	Ross				Giffords	Lujan	Rogers (MI)
Gonzalez	Maloney	Rothman (NJ)				Gingrey (GA)	Lummis	Rogers (MI)
Goodlatte	Manzullo	Roybal-Allard				Gohmert	Lungren, Daniel	Rohrabacher
Gordon (TN)	Marchant	Royce				Gonzalez	E.	Rooney
Granger	Markey (CO)	Ruppersberger				Goodlatte	Mack	Ros-Lehtinen
Graves	Markey (MA)	Rush				Gordon (TN)	Maloney	Roskam
Grayson	Marshall	Ryan (OH)				Granger	Manzullo	Ross
Green, Al	Massa	Ryan (WI)				Graves	Marchant	Rothman (NJ)
Green, Gene	Matheson	Salazar				Grayson	Markey (CO)	Roybal-Allard
Griffith	Matsui	Sánchez, Linda				Green, Al	Markey (MA)	Royce
Grijalva	McCarthy (CA)	T.				Green, Gene	Marshall	Ruppersberger
Guthrie	McCaul	Sanchez, Loretta				Grijalva	Massa	Ryan (OH)
Gutierrez	McClintock	Sarbanes				Guthrie	Matheson	Ryan (WI)
Hall (NY)	McCollum	Scalise				Gutierrez	Matsui	Salazar
Hall (TX)	McCotter	Schakowsky				McCaul	McCarthy (CA)	Sánchez, Linda
Halvorson	McDermott	Schauer				Hare	McCaul	T.
Hare	McGovern	Schiff				Hall (NY)	McClintock	Sanchez, Loretta
Harman	McHenry	Schmidt				Hall (TX)	McCollum	Sarbanes
Harper	McHugh	Schock				Halvorson	McCotter	Scalise
Hastings (FL)	McIntyre	Schrader				Hare	McDermott	Schakowsky
Hastings (WA)	McKeon	Schwartz				Harman	McGovern	Schauer
Heinrich	McMahon	Scott (GA)				Harper	McHenry	Schiff
Heller	McMorris	Scott (VA)				Hastings (FL)	McHugh	Schmidt
Hensarling	Rodgers	Scott (VA)				Hastings (WA)	McIntyre	Schock
Herger	McNerney	Sensenbrenner				Heinrich	McKeon	Schrader
Herseth Sandlin	Meek (FL)	Serrano				Heller	McKeon	Schwartz
Higgins	Meeks (NY)	Sessions				Hensarling	McMahon	Scott (GA)
Hill	Melancon	Sestak				Herger	McMorris	Scott (VA)
Himes	Mica	Shadegg				Herseth Sandlin	Rodgers	Sensenbrenner
Hinche	Michaud	Shea-Porter				Higgins	McNerney	Serrano
Hinojosa	Miller (FL)	Sherman				Hill	Meek (FL)	Sessions
Hirono	Miller (MI)	Shimkus				Himes	Meeks (NY)	Sessions
Hodes	Miller (NC)	Shuler				Hinche	Melancon	Sestak
Hoekstra	Miller, Gary	Shuster				Hinojosa	Mica	Shadegg
Holden	Miller, George	Simpson				Hirono	Michaud	Shea-Porter
Holt	Minnick	Sires				Hoekstra	Miller (FL)	Sherman
Honda	Mitchell	Skelton				Hodes	Miller (MI)	Shimkus
Hoyer	Mollohan	Smith (NE)				Miller, Gary	Miller (NC)	Shuler
Hunter	Moore (KS)	Smith (TX)				Holden	Miller, George	Shuster
Inglis	Moore (WI)	Smith (WA)				Holt	Simpson	Simpson
Inslee	Moran (KS)	Snyder				Honda	Sires	Sires
Israel	Moran (VA)	Souder				Hoyer	Mitchell	Skelton
Issa	Murphy (CT)	Space				Hunter	Mollohan	Smith (NE)
Jackson (IL)	Murphy (NY)	Speier				Inglis	Moore (KS)	Smith (TX)
Jackson-Lee	Murphy, Patrick	Spratt				Inslee	Moore (WI)	Smith (WA)
(TX)	Murphy, Tim	Stark				Israel	Moran (KS)	Snyder
Jenkins	Murtha	Stearns				Issa	Moran (VA)	Souder
						Jackson (IL)	Murphy (CT)	Space

## NAYS—1

Paul  
NOT VOTING—13

□ 1503

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## WILLIAM O. LIPINSKI FEDERAL BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2498, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 2498.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 692]

YEAS—419

Abercrombie	Blumenauer	Capps
Ackerman	Blunt	Capuano
Aderholt	Bocciari	Cardoza
Adler (NJ)	Boehner	Carnahan
Akin	Bonner	Carney
Alexander	Bono Mack	Carson (IN)
Altmire	Boozman	Carter
Andrews	Boren	Cassidy
Arcuri	Boswell	Castle
Austria	Boucher	Castor (FL)
Baca	Brady (PA)	Chaffetz
Bachmann	Brady (TX)	Chandler
Bachus	Brady (IA)	Childers
Baird	Bright	Chu
Barrett (SC)	Brown (GA)	Clarke
Barrow	Brown (SC)	Clay
Bartlett	Brown, Corrine	Cleaver
Barton (TX)	Brown-Waite,	Clyburn
Bean	Ginny	Coble
Becerra	Buchanan	Coffman (CO)
Berkley	Burgess	Cohen
Berman	Burton (IN)	Cole
Berry	Butterfield	Conaway
Biggett	Buyer	Connolly (VA)
Bilbray	Calvert	Conyers
Bilirakis	Camp	Cooper
Bishop (GA)	Campbell	Costa
Bishop (NY)	Cantor	Costello
Bishop (UT)	Cao	Courtney
Blackburn	Capito	Crenshaw

Speier Tierney  
Spratt Titus  
Stark Tonko  
Stearns Towns  
Stupak Tsongas  
Sullivan Turner  
Sutton Upton  
Taylor Van Hollen  
Teague Velázquez  
Terry Velázquez  
Thompson (CA) Walden  
Thompson (MS) Walz  
Thompson (PA) Wamp  
Thornberry Wasserman  
Tiahrt Schultz  
Tiberi Waters

## NOT VOTING—14

Baldwin Frank (MA)  
Boustany Lynch  
Boyd Maffei  
Davis (IL) McCarthy (NY)  
Delahunt Rush

## □ 1510

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# EXPRESSING SENSE OF THE HOUSE REGARDING SEPTEMBER 11, 2001

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 722, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 722.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 693]

## YEAS—416

Abercrombie Blackburn  
Ackerman Blumenauer  
Aderholt Blunt  
Adler (NJ) Boccieri  
Akin Boehner  
Alexander Bonner  
Altmire Bono Mack  
Andrews Boozman  
Arcuri Boren  
Austria Boswell  
Baca Boucher  
Bachmann Boustany  
Bachus Brady (PA)  
Baird Brady (TX)  
Barrett (SC) Braley (IA)  
Barrow Bright  
Bartlett Broun (GA)  
Barton (TX) Brown (SC)  
Bean Brown, Corrine  
Becerra Brown-Waite,  
Berkley Ginny  
Berman Buchanan  
Berry Burgess  
Biggert Burton (IN)  
Bilbray Butterfield  
Billirakis Buyer  
Bishop (GA) Calvert  
Bishop (NY) Camp  
Bishop (UT) Campbell

Watson Watt  
Waxman Waxman  
Weiner Weiner  
Welch Welch  
Westmoreland Westmoreland  
Wexler Wexler  
Whitfield Whitfield  
Wilson (OH) Wilson (OH)  
Wilson (SC) Wilson (SC)  
Wittman Wittman  
Wolf Wolf  
Woolsey Woolsey  
Wu Wu  
Yarmuth Yarmuth  
Young (FL) Young (FL)

Courtney Crenshaw  
Crenshaw Crenshaw  
Crowley Crowley  
Cuellar Cuellar  
Culberson Culberson  
Cummings Cummings  
Dahlkemper Dahlkemper  
Davis (AL) Davis (AL)  
Davis (CA) Davis (CA)  
Davis (KY) Davis (KY)  
Davis (TN) Davis (TN)  
Deal (GA) Deal (GA)  
DeFazio DeFazio  
DeGette DeGette  
DeLauro DeLauro  
Dent Dent  
Diaz-Balart, L. Diaz-Balart, L.  
Dicks Dicks  
Dingell Dingell  
Doggett Doggett  
Donnelly (IN) Donnelly (IN)  
Doyle Doyle  
Dreier Dreier  
Driehaus Driehaus  
Duncan Duncan  
Edwards (MD) Edwards (MD)  
Edwards (TX) Edwards (TX)  
Ehlers Ehlers  
Ellison Ellison  
Ellsworth Ellsworth  
Emerson Emerson  
Engel Engel  
Eshoo Eshoo  
Etheridge Etheridge  
Fallin Fallin  
Farr Farr  
Fattah Fattah  
Finer Finer  
Flake Flake  
Fleming Fleming  
Forbes Forbes  
Fortenberry Fortenberry  
Foster Foster  
Foxy Foxx  
Frank (MA) Frank (MA)  
Franks (AZ) Franks (AZ)  
Frelinghuysen Frelinghuysen  
Fudge Fudge  
Gallegly Gallegly  
Garrett (NJ) Garrett (NJ)  
Gerlach Gerlach  
Giffords Giffords  
Gingrey (GA) Gingrey (GA)  
Gohmert Gohmert  
Gonzalez Gonzalez  
Goodlatte Goodlatte  
Gordon (TN) Gordon (TN)  
Granger Granger  
Graves Graves  
Grayson Grayson  
Green, Al Green, Al  
Green, Gene Green, Gene  
Griffith Griffith  
Grijalva Grijalva  
Guthrie Guthrie  
Gutierrez Gutierrez  
Hall (NY) Hall (NY)  
Hall (TX) Hall (TX)  
Halvorson Halvorson  
Hare Hare  
Harman Harman  
Harper Harper  
Hastings (FL) Hastings (FL)  
Hastings (WA) Hastings (WA)  
Heinrich Heinrich  
Heller Heller  
Hensarling Hensarling  
Herger Herger  
Herse Sandlin Herse Sandlin  
Higgins Higgins  
Hill Hill  
Himes Himes  
Hinchey Hinchey  
Hinojosa Hinojosa  
Hirono Hirono  
Hodes Hodes  
Hoekstra Hoekstra  
Holden Holden  
Holt Holt  
Honda Honda  
Hoyer Hoyer  
Hunter Hunter  
Inglis Inglis  
Inslee Inslee  
Israel Israel

Issa Issa  
Jackson (IL) Jackson (IL)  
Jackson-Lee Jackson-Lee  
(TX) (TX)  
Jenkins Jenkins  
Johnson (GA) Johnson (GA)  
Johnson (IL) Johnson (IL)  
Johnson, E. B. Johnson, E. B.  
Johnson, Sam Johnson, Sam  
Jones Jones  
Jordan (OH) Jordan (OH)  
Kagen Kagen  
Kanjorski Kanjorski  
Kaptur Kaptur  
Kennedy Kennedy  
Kildee Kildee  
Kilpatrick (MI) Kilpatrick (MI)  
Kilroy Kilroy  
Kind Kind  
King (IA) King (IA)  
King (NY) King (NY)  
Kingston Kingston  
Kirk Kirk  
Kirkpatrick (AZ) Kirkpatrick (AZ)  
Kissell Kissell  
Klein (FL) Klein (FL)  
Kline (MN) Kline (MN)  
Kosmas Kosmas  
Kratovil Kratovil  
Kucinich Kucinich  
Lamborn Lamborn  
Lance Lance  
Langevin Langevin  
Larsen (WA) Larsen (WA)  
Larson (CT) Larson (CT)  
Latham Latham  
LaTourette LaTourette  
Latta Latta  
Lee (CA) Lee (CA)  
Lee (NY) Lee (NY)  
Levin Levin  
Lewis (CA) Lewis (CA)  
Lewis (GA) Lewis (GA)  
Linder Linder  
Lipinski Lipinski  
LoBiondo LoBiondo  
Loeb sack Loeb sack  
Lofgren, Zoe Lofgren, Zoe  
Lowey Lowey  
Lucas Lucas  
Luetkemeyer Luetkemeyer  
Lujan Lujan  
Lummis Lummis  
Lungren, Daniel Lungren, Daniel  
E. E.  
Mack Mack  
Maloney Maloney  
Manzullo Manzullo  
Marchant Marchant  
Markey (CO) Markey (CO)  
Markey (MA) Markey (MA)  
Marshall Marshall  
Massa Massa  
Matheson Matheson  
Matsui Matsui  
McCarthy (CA) McCarthy (CA)  
McCauley McCauley  
McClintock McClintock  
McCollum McCollum  
McCotter McCotter  
McDermott McDermott  
McGovern McGovern  
McHenry McHenry  
McIntyre McIntyre  
McKeon McKeon  
McMahon McMahon  
McMorris McMorris  
Rodgers Rodgers  
McNerney McNerney  
Meek (FL) Meek (FL)  
Meeks (NY) Meeks (NY)  
Melancon Melancon  
Mica Mica  
Michaud Michaud  
Miller (FL) Miller (FL)  
Miller (MI) Miller (MI)  
Miller (NC) Miller (NC)  
Miller, Gary Miller, Gary  
Miller, George Miller, George  
Minnick Minnick  
Mitchell Mitchell  
Mollohan Mollohan  
Moore (KS) Moore (KS)  
Moore (WI) Moore (WI)  
Moran (KS) Moran (KS)  
Moran (VA) Moran (VA)

Murphy (CT) Murphy (CT)  
Murphy (NY) Murphy (NY)  
Murphy, Patrick Murphy, Patrick  
Murphy, Tim Murphy, Tim  
Murtha Murtha  
Myrick Myrick  
Nadler (NY) Nadler (NY)  
Napolitano Napolitano  
Neal (MA) Neal (MA)  
Neugebauer Neugebauer  
Nunes Nunes  
Nye Nye  
Oberstar Oberstar  
Obey Obey  
Olson Olson  
Oliver Oliver  
Ortiz Ortiz  
Pallone Pallone  
Pascarelli Pascarelli  
Pastor (AZ) Pastor (AZ)  
Paul Paul  
Paulsen Paulsen  
Payne Payne  
Pelosi Pelosi  
Pence Pence  
Perlmutter Perlmutter  
Perriello Perriello  
Peters Peters  
Peterson Peterson  
Petri Petri  
Pingree (ME) Pingree (ME)  
Pitts Pitts  
Platts Platts  
Poe (TX) Poe (TX)  
Polis (CO) Polis (CO)  
Pomeroy Pomeroy  
Posey Posey  
Price (GA) Price (GA)  
Price (NC) Price (NC)  
Putnam Putnam  
Quigley Quigley  
Radanovich Radanovich  
Rahall Rahall  
Rangel Rangel  
Rehberg Rehberg  
Reichert Reichert  
Reyes Reyes  
Richardson Richardson  
Rodriguez Rodriguez  
Roe (TN) Roe (TN)  
Rogers (AL) Rogers (AL)  
Rogers (KY) Rogers (KY)  
Rogers (MI) Rogers (MI)  
Rohrabacher Rohrabacher  
Rooney Rooney  
Roskam Roskam  
Ross Ross  
Rothman (NJ) Rothman (NJ)  
Roybal-Allard Roybal-Allard  
Royce Royce  
Ruppersberger Ruppersberger  
Rush Rush  
Ryan (OH) Ryan (OH)  
Ryan (WI) Ryan (WI)  
Salazar Salazar  
Sanchez, Linda Sanchez, Linda  
T. T.  
Sanchez, Loretta Sanchez, Loretta  
Sarbanes Sarbanes  
Scalise Scalise  
Schakowsky Schakowsky  
Schauer Schauer  
Schiff Schiff  
Schock Schock  
Schradler Schradler  
Schwartz Schwartz  
Scott (GA) Scott (GA)  
Scott (VA) Scott (VA)  
Sensenbrenner Sensenbrenner  
Serrano Serrano  
Sessions Sessions  
Sestak Sestak  
Shadegg Shadegg  
Shea-Porter Shea-Porter  
Sherman Sherman  
Shimkus Shimkus  
Shuler Shuler  
Shuster Shuster  
Simpson Simpson  
Sires Sires  
Skelton Skelton  
Smith (NE) Smith (NE)  
Smith (TX) Smith (TX)  
Smith (WA) Smith (WA)  
Snyder Snyder  
Souder Souder

## NOT VOTING—18

Baldwin Lynch  
Boyd Maffei  
Carnahan McCarthy (NY)  
Coble McHugh  
Davis (IL) Ros-Lehtinen  
Delahunt Schmidt  
Young (AK) Young (AK)

## □ 1528

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall votes Nos. 690, 691, 692 and 693. Had I been present, I would have voted "yea" on rollcall votes Nos. 690, 691, 692 and 693.

# COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, August 6, 2009.

Hon. NANCY PELOSI,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 6, 2009, at 8:27 p.m.:

That the Senate passed without amendment H.R. 3435.

With best wishes, I am  
Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

# COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, August 7, 2009.

Hon. NANCY PELOSI,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of Rule II

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 7, 2009, at 9:16 a.m.:

That the Senate passed with an amendment H.R. 1016.

That the Senate passed without an amendment H.R. 3325.

Appointments:  
British-American Interparliamentary Group.

Board of Directors of the Mickey Leland National Urban Air Toxics Research Center.  
With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, August 7, 2009.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 7, 2009, at 12:52 p.m.:

Appointments:  
Advisory Committee on Student Financial Assistance.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

□ 1530

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet tonight in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats only by physical presence following the security sweep of the Chamber.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule 1, the Chair

declares the House in recess until approximately 7:35 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 3 o'clock and 31 minutes p.m.), the House stood in recess until approximately 7:35 p.m.

□ 1945

#### AFTER RECESS

The recess having expired, the House was called to order at 7 o'clock and 45 minutes p.m.

#### JOINT SESSION OF CONGRESS PURSUANT TO HOUSE CONCURRENT RESOLUTION 179 TO RE- CEIVE A MESSAGE FROM THE PRESIDENT

The Speaker of the House presided.

The Majority Floor Services Chief, Mr. Barry Sullivan, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. BECERRA);

The gentleman from Maryland (Mr. VAN HOLLEN);

The gentleman from California (Mr. GEORGE MILLER);

The gentlewoman from Connecticut (Ms. DELAULO);

The gentleman from Rhode Island (Mr. KENNEDY);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Virginia (Mr. CANTOR);

The gentleman from Indiana (Mr. PENCE);

The gentleman from Michigan (Mr. MCCOTTER);

The gentleman from Texas (Mr. CARTER);

The gentleman from Texas (Mr. SESSIONS);

The gentleman from California (Mr. MCCARTHY); and

The gentleman from Missouri (Mr. BLUNT).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from New York (Mr. SCHUMER);

The Senator from Washington (Mrs. MURRAY);

The Senator from New Jersey (Mr. MENENDEZ);

The Senator from North Dakota (Mr. DORGAN);

The Senator from Michigan (Ms. STABENOW);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Arizona (Mr. KYL);

The Senator from Tennessee (Mr. ALEXANDER);

The Senator from Alaska (Ms. MURKOWSKI);

The Senator from South Dakota (Mr. THUNE); and

The Senator from Texas (Mr. CORNYN).

The Majority Floor Services Chief announced the Acting Dean of the Diplomatic Corps, His Excellency Abdulwahab A. Al Hajjri, Ambassador of the Republic of Yemen.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Majority Floor Services Chief announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 8 o'clock and 10 minutes p.m., the Majority Floor Services Chief and the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

The PRESIDENT. Madam Speaker, Vice President BIDEN, Members of Congress, and the American people:

When I spoke here last winter, the Nation was facing the worst economic crisis since the Great Depression. We were losing an average of 700,000 jobs per month. Credit was frozen. And our financial system was on the verge of collapse.

As any American who is still looking for work or a way to pay their bills will tell you, we are by no means out of the woods. A full and vibrant recovery is still many months away. And I will not let up until those Americans who seek jobs can find them; until those businesses that seek capital and credit can thrive; until all responsible homeowners can stay in their homes. That is

our ultimate goal. But thanks to the bold and decisive action we have taken since January, I can stand here with confidence and say that we have pulled this economy back from the brink.

I want to thank the Members of this body for your efforts and your support in these last several months, and especially those who have taken the difficult votes that have put us on a path to recovery. I also want to thank the American people for their patience and resolve during this trying time for our Nation.

But we did not come here just to clean up crises. We came here to build a future. So tonight, I return to speak to all of you about an issue that is central to that future—and that is the issue of health care.

I am not the first President to take up this cause, but I am determined to be the last. It has now been nearly a century since Theodore Roosevelt first called for health care reform. And ever since, nearly every President and Congress, whether Democrat or Republican, has attempted to meet this challenge in some way. A bill for comprehensive health reform was first introduced by John Dingell, Sr. in 1943. Sixty-five years later, his son continues to introduce that same bill at the beginning of each session.

Our collective failure to meet this challenge—year after year, decade after decade—has led us to a breaking point. Everyone understands the extraordinary hardships that are placed on the uninsured, who live every day just one accident or illness away from bankruptcy. These are not primarily people on welfare. These are middle-class Americans. Some can't get insurance on the job. Others are self-employed and can't afford it, since buying insurance on your own costs you three times as much as the coverage you get from your employer. Many other Americans who are willing and able to pay are still denied insurance due to previous illnesses or conditions that insurance companies decide are too risky or too expensive to cover.

We are the only advanced democracy on Earth—the only wealthy nation—that allows such hardships for millions of its people. There are now more than 30 million American citizens who can't get coverage. In just a 2-year period, one in every three Americans goes without health care coverage at some point. And every day, 14,000 Americans lose their coverage. In other words, it can happen to anyone.

But the problem that plagues the health care system is not just a problem for the uninsured. Those who do have insurance have never had less security or stability than they do today. More and more Americans worry that if you move, lose your job, or change your job, you'll lose your health insurance too. More and more Americans pay their premiums, only to discover

that their insurance company has dropped their coverage when they get sick, or won't pay the full cost of care. It happens every day.

One man from Illinois lost his coverage in the middle of chemotherapy because his insurer found that he hadn't reported gallstones that he didn't even know about. They delayed his treatment, and he died because of it. Another woman from Texas was about to get a double mastectomy when her insurance company canceled her policy because she forgot to declare a case of acne. By the time she had her insurance reinstated, her breast cancer had more than doubled in size. That is heart-breaking, it is wrong, and no one should be treated that way in the United States of America.

Then there's the problem of rising costs. We spend one-and-a-half times more per person on health care than any other country, but we aren't any healthier for it. This is one of the reasons that insurance premiums have gone up three times faster than wages. It's why so many employers—especially small businesses—are forcing their employees to pay more for insurance, or are dropping their coverage entirely. It's why so many aspiring entrepreneurs cannot afford to open a business in the first place, and why American businesses that compete internationally—like our automakers—are at a huge disadvantage. And it's why those of us with health insurance are also paying a hidden and growing tax for those without it—about \$1,000 per year that pays for somebody else's emergency room and charitable care.

Finally, our health care system is placing an unsustainable burden on taxpayers. When health care costs grow at the rate they have, it puts greater pressure on programs like Medicare and Medicaid. If we do nothing to slow these skyrocketing costs, we will eventually be spending more on Medicare and Medicaid than every other government program combined. Put simply, our health care problem is our deficit problem. Nothing else even comes close.

These are the facts. Nobody disputes them. We know we must reform this system. The question is how.

There are those on the left who believe that the only way to fix the system is through a single-payer system like Canada's, where we would severely restrict the private insurance market and have the government provide coverage for everybody. On the right, there are those who argue that we should end the employer-based system and leave individuals to buy health insurance on their own.

I have to say that there are arguments to be made for both these approaches. But either one would represent a radical shift that would disrupt the health care most people currently have. Since health care rep-

resents one-sixth of our economy, I believe it makes more sense to build on what works and fix what doesn't, rather than try to build an entirely new system from scratch. And that is precisely what those of you in Congress have tried to do over the past several months.

During that time, we have seen Washington at its best and at its worst.

We've seen many in this Chamber work tirelessly for the better part of this year to offer thoughtful ideas about how to achieve reform. Of the five committees asked to develop bills, four have completed their work, and the Senate Finance Committee announced today that it will move forward next week. That has never happened before. Our overall efforts have been supported by an unprecedented coalition of doctors and nurses; hospitals, seniors' groups, and even drug companies—many of whom opposed reform in the past. And there is agreement in this Chamber on about 80 percent of what needs to be done, putting us closer to the goal of reform than we have ever been.

But what we have also seen in these last months is the same partisan spectacle that only hardens the disdain many Americans have toward their own government. Instead of honest debate, we've seen scare tactics. Some have dug into unyielding ideological camps that offer no hope of compromise. Too many have used this as an opportunity to score short-term political points, even if it robs the country of our opportunity to solve a long-term challenge. And out of this blizzard of charges and countercharges, confusion has reigned.

Well, the time for bickering is over. The time for games has passed. Now is the season for action. Now is when we must bring the best ideas of both parties together, and show the American people that we can still do what we were sent here to do. Now is the time to deliver on health care.

The plan I'm announcing tonight would meet three basic goals:

It will provide more security and stability to those who have health insurance. It will provide insurance to those who don't. And it will slow the growth of health care costs for our families, our businesses, and our government. It's a plan that asks everyone to take responsibility for meeting this challenge—not just government, not just insurance companies, but everybody, including employers and individuals. And it's a plan that incorporates ideas from Senators and Congressmen; from Democrats and Republicans—and yes, from some of my opponents in both the primary and general election.

Here are the details that every American needs to know about this plan:

First, if you are among the hundreds of millions of Americans who already have health insurance through your

job, or Medicare, or Medicaid, or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have. Let me repeat this: nothing in our plan requires you to change what you have.

What this plan will do is make the insurance you have work better for you. Under this plan, it will be against the law for insurance companies to deny you coverage because of a pre-existing condition. As soon as I sign this bill, it will be against the law for insurance companies to drop your coverage when you get sick or water it down when you need it the most. They will no longer be able to place some arbitrary cap on the amount of coverage you can receive in a given year or in a lifetime. We will place a limit on how much you can be charged for out-of-pocket expenses, because in the United States of America, no one should go broke because they get sick. And insurance companies will be required to cover, with no extra charge, routine checkups and preventive care, like mammograms and colonoscopies—because there's no reason we shouldn't be catching diseases like breast cancer and colon cancer before they get worse. That makes sense, it saves money, and it saves lives.

That's what Americans who have health insurance can expect from this plan—more security and more stability.

Now, if you're one of the tens of millions of Americans who don't currently have health insurance, the second part of this plan will finally offer you quality, affordable choices. If you lose your job or you change your job, you will be able to get coverage. If you strike out on your own and start a small business, you'll be able to get coverage. We will do this by creating a new insurance exchange—a marketplace where individuals and small businesses will be able to shop for health insurance at competitive prices. Insurance companies will have an incentive to participate in this exchange because it lets them compete for millions of new customers. As one big group, these customers will have greater leverage to bargain with the insurance companies for better prices and quality coverage. This is how large companies and government employees get affordable insurance. It's how everyone in this Congress gets affordable insurance. And it's time to give every American the same opportunity that we've given ourselves.

For those individuals and small businesses who still can't afford the lower-priced insurance available in the exchange, we'll provide tax credits, the size of which will be based on your need. And all insurance companies that want access to this new marketplace will have to abide by the consumer protections I already mentioned. This exchange will take effect in 4 years, which will give us time to do it right.

In the meantime, for those Americans who can't get insurance today because they have preexisting medical conditions, we will immediately offer low-cost coverage that will protect you against financial ruin if you become seriously ill. This was a good idea when Senator JOHN MCCAIN proposed it in the campaign, it's a good idea now, and we should all embrace it.

Now, even if we provide these affordable options, there may be those—especially the young and the healthy—who still want to take the risk and go without coverage. There may still be companies that refuse to do right by their workers by giving them coverage. The problem is, such irresponsible behavior costs all the rest of us money. If there are affordable options and people still don't sign up for health insurance, it means we pay for these people's expensive emergency room visits. If some businesses don't provide workers health care, it forces the rest of us to pick up the tab when their workers get sick, and give those businesses an unfair advantage over their competitors. And unless everybody does their part, many of the insurance reforms we seek—especially requiring insurance companies to cover preexisting conditions—just can't be achieved.

That's why under my plan, individuals will be required to carry basic health insurance—just as most States require you to carry auto insurance. Likewise, businesses will be required to either offer their workers health care, or chip in to help cover the cost of their workers. There will be a hardship waiver for those individuals who still can't afford coverage, and 95 percent of all small businesses, because of their size and narrow profit margin, would be exempt from these requirements. But we can't have large businesses and individuals who can afford coverage game the system by avoiding responsibility to themselves or their employees. Improving our health care system only works if everybody does their part.

While there remain some significant details to be ironed out, I believe a broad consensus exists for the aspects of the plan I just outlined: consumer protections for those with insurance, an exchange that allows individuals and small businesses to purchase affordable coverage, and a requirement that people who can afford insurance get insurance.

And I have no doubt that these reforms would greatly benefit Americans from all walks of life, as well as the economy as a whole. Still, given all the misinformation that's been spread over the past few months, I realize that many Americans have grown nervous about reform. So tonight I want to address some of the key controversies that are still out there.

Some of people's concerns have grown out of bogus claims spread by

those whose only agenda is to kill reform at any cost. The best example is the claim, made not just by radio and cable talk show hosts, but by prominent politicians, that we plan to set up panels of bureaucrats with the power to kill off senior citizens. Such a charge would be laughable if it weren't so cynical and irresponsible. It is a lie, plain and simple.

There are also those who claim that our reform efforts will insure illegal immigrants. This, too, is false. The reforms I am proposing would not apply to those who are here illegally. And one more misunderstanding I want to clear up—under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.

My health care proposal has also been attacked by some who oppose reform as a "government takeover" of the entire health care system. As proof, critics point to a provision in our plan that allows the uninsured and small businesses to choose a publicly sponsored insurance option administered by the government just like Medicaid or Medicare.

So let me set the record straight here. My guiding principle is, and always has been, that consumers do better when there is choice and competition. That's how the market works. Unfortunately, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. In Alabama, almost 90 percent is controlled by just one company. Without competition, the price of insurance goes up and the quality goes down. And it makes it easier for insurance companies to treat their customers badly—by cherry-picking the healthiest individuals and trying to drop the sickest; by overcharging small businesses who have no leverage; and by jacking up rates.

Insurance executives don't do this because they are bad people. They do it because it's profitable. As one former insurance executive testified before Congress, insurance companies are not only encouraged to find reasons to drop the seriously ill; they are rewarded for it. All of this is in service of meeting what this former executive called "Wall Street's relentless profit expectations."

Now, I have no interest in putting insurance companies out of business. They provide a legitimate service, and employ a lot of our friends and neighbors. I just want to hold them accountable. The insurance reforms that I've already mentioned would do just that. But an additional step we can take to keep insurance companies honest is by making a not-for-profit public option available in the insurance exchange. Let me be clear—it would only be an option for those who don't have insurance. No one would be forced to choose it, and it would not impact those of you who already have insurance. In

fact, based on Congressional Budget Office estimates, we believe that less than 5 percent of Americans would sign up.

Despite all this, the insurance companies and their allies don't like this idea. They argue that these private companies can't fairly compete with the government. And they'd be right if taxpayers were subsidizing this public insurance option. But they won't be. I have insisted that like any private insurance company, the public insurance option would have to be self-sufficient and rely on the premiums it collects. But by avoiding some of the overhead that gets eaten up at private companies by profits, excessive administrative costs and executive salaries, it could provide a good deal for consumers. It would also keep pressure on private insurers to keep their policies affordable and treat their customers better, the same way public colleges and universities provide additional choice and competition to students without in any way inhibiting a vibrant system of private colleges and universities.

It's worth noting that a strong majority of Americans still favor a public insurance option of the sort I've proposed tonight. But its impact shouldn't be exaggerated—by the left, or the right, or the media. It is only one part of my plan, and shouldn't be used as a handy excuse for the usual Washington ideological battles. To my progressive friends, I would remind you that the driving idea behind reform has been to end insurance company abuses and make coverage affordable for those without it. The public option is only a means to that end—and we should remain open to other ideas that accomplish our ultimate goal. And to my Republican friends, I say that rather than making wild claims about a government takeover of health care, we should work together to address any legitimate concerns you may have.

For example, some have suggested that the public option go into effect only in those markets where insurance companies are not providing affordable policies. Others have proposed a co-op or another nonprofit entity to administer the plan. These are all constructive ideas worth exploring. But I will not back down on the basic principle that if Americans can't find affordable coverage, we will provide you with a choice. And I will make sure that no government bureaucrat or insurance company bureaucrat gets between you and the care that you need.

Finally, let me discuss an issue that is a great concern to me, to Members of this Chamber, and to the public—and that's how we pay for this plan.

Here's what you need to know. First, I will not sign a plan that adds one dime to our deficits—either now or in the future. Period. And to prove that I'm serious, there will be a provision in

this plan that requires us to come forward with more spending cuts if the savings we promised don't materialize. Part of the reason I faced a trillion-dollar deficit when I walked in the door of the White House is because too many initiatives over the last decade were not paid for—from the Iraq war to tax breaks for the wealthy. I will not make that same mistake with health care.

Second, we've estimated that most of this plan can be paid for by finding savings within the existing health care system—a system that is currently full of waste and abuse. Right now, too much of the hard-earned savings and tax dollars we spend on health care don't make us any healthier. That's not my judgment—it's the judgment of medical professionals across this country. And this is also true when it comes to Medicare and Medicaid.

In fact, I want to speak directly to seniors for a moment, because Medicare is another issue that's been subjected to demagoguery and distortion during the course of this debate.

More than four decades ago, this Nation stood up for the principle that after a lifetime of hard work, our seniors should not be left to struggle with a pile of medical bills in their later years. That's how Medicare was born. And it remains a sacred trust that must be passed down from one generation to the next. That is why not a dollar of the Medicare trust fund will be used to pay for this plan.

The only thing this plan would eliminate is the hundreds of billions of dollars in waste and fraud, as well as unwarranted subsidies in Medicare that go to insurance companies—subsidies that do everything to pad their profits but don't improve the care of seniors. And we will also create an independent commission of doctors and medical experts charged with identifying more waste in the years ahead.

These steps will ensure that you—America's seniors—get the benefits you've been promised. They will ensure that Medicare is there for future generations. And we can use some of the savings to fill the gap in coverage that forces too many seniors to pay thousands of dollars a year out of their own pockets for prescription drugs. That's what this plan will do for you. So don't pay attention to those scary stories about how your benefits will be cut—especially since some of the same folks who are spreading these tall tales have fought against Medicare in the past, and just this year supported a budget that would essentially have turned Medicare into a privatized voucher program. That will not happen on my watch. I will protect Medicare.

Now, because Medicare is such a big part of the health care system, making the program more efficient can help usher in changes in the way we deliver health care that can reduce costs for everybody. We have long known that

some places, like the Intermountain Healthcare in Utah or the Geisinger Health System in rural Pennsylvania, offer high-quality care at costs below average. So the commission can help encourage the adoption of these commonsense best practices by doctors and medical professionals throughout the system—everything from reducing hospital infection rates to encouraging better coordination between teams of doctors.

Reducing the waste and inefficiency in Medicare and Medicaid will pay for most of this plan. Much of the rest would be paid for with revenues from the very same drug and insurance companies that stand to benefit from tens of millions of new customers. This reform will charge insurance companies a fee for their most expensive policies, which will encourage them to provide greater value for the money—an idea which has the support of Democratic and Republican experts. And according to these same experts, this modest change could help hold down the cost of health care for all of us in the long run.

Finally, many in this Chamber—particularly on the Republican side of the aisle—have long insisted that reforming our medical malpractice laws can help bring down the cost of health care. I don't believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs. So I am proposing that we move forward on a range of ideas about how to put patient safety first and let doctors focus on practicing medicine. I know that the Bush administration considered authorizing demonstration projects in individual States to test these ideas. I think it's a good idea, and I am directing my Secretary of Health and Human Services to move forward on this initiative today.

Add it all up, and the plan I'm proposing will cost around \$900 billion over 10 years—less than we have spent on the Iraq and Afghanistan wars, and less than the tax cuts for the wealthiest few Americans that Congress passed at the beginning of the previous administration. Most of these costs will be paid for with money already being spent—but spent badly—in the existing health care system. The plan will not add to our deficit. The middle class will realize greater security, not higher taxes. And if we are able to slow the growth of health care costs by just one-tenth of 1 percent each year, it will actually reduce the deficit by \$4 trillion over the long term.

This is the plan I'm proposing. It's a plan that incorporates ideas from many of the people in this room tonight—Democrats and Republicans. And I will continue to seek common ground in the weeks ahead. If you come to me with a serious set of proposals, I will be there to listen. My door is always open.

But know this: I will not waste time with those who have made the calculation that it's better politics to kill this plan than to improve it. I won't stand by while the special interests use the same old tactics to keep things exactly the way they are. If you misrepresent what's in this plan, we will call you out. And I will not accept the status quo as a solution. Not this time. Not now.

Everyone in this room knows what will happen if we do nothing. Our deficit will grow. More families will go bankrupt. More businesses will close. More Americans will lose their coverage when they are sick and need it the most. And more will die as a result. We know these things to be true.

That is why we cannot fail. Because there are too many Americans counting on us to succeed—the ones who suffer silently, and the ones who shared their stories with us at town halls, in e-mails, and in letters.

I received one of those letters a few days ago. It was from our beloved friend and colleague, Ted Kennedy. He had written it back in May, shortly after he was told that his illness was terminal. He asked that it be delivered upon his death.

In it, he spoke about what a happy time his last months were, thanks to the love and support of family and friends, his wife, Vicki, and his amazing children, who are all here tonight. And he expressed confidence that this would be the year that health care reform—"that great unfinished business of our society," he called it—would finally pass. He repeated the truth that health care is decisive for our future prosperity, but he also reminded me that "it concerns more than material things." "What we face," he wrote, "is above all a moral issue; at stake are not just the details of policy, but fundamental principles of social justice and the character of our country."

I've thought about that phrase quite a bit in recent days—the character of our country. One of the unique and wonderful things about America has always been our self-reliance, our rugged individualism, our fierce defense of freedom and our healthy skepticism of government. And figuring out the appropriate size and role of government has always been a source of rigorous and, yes, sometimes angry debate. That's our history.

For some of Ted Kennedy's critics, his brand of liberalism represented an affront to American liberty. In their minds, his passion for universal health care was nothing more than a passion for big government.

But those of us who knew Teddy and worked with him here—people of both parties—know that what drove him was something more. His friend ORRIN HATCH knows that. They worked together to provide children with health insurance. His friend JOHN MCCAIN

knows that. They worked together on a Patient's Bill of Rights. His friend CHUCK GRASSLEY knows that. They worked together to provide health care to children with disabilities.

On issues like these, Ted Kennedy's passion was born not of some rigid ideology, but of his own experience. It was the experience of having two children stricken with cancer. He never forgot the sheer terror and helplessness that any parent feels when a child is badly sick; and he was able to imagine what it must be like for those without insurance; what it would be like to have to say to a wife or a child or an aging parent—there is something that could make you better, but I just can't afford it.

That large-heartedness—that concern and regard for the plight of others—is not a partisan feeling. It is not a Republican or a Democratic feeling. It, too, is part of the American character. Our ability to stand in other people's shoes. A recognition that we are all in this together; that when fortune turns against one of us, others are there to lend a helping hand. A belief that in this country, hard work and responsibility should be rewarded by some measure of security and fair play; and an acknowledgment that sometimes government has to step in to help deliver on that promise.

This has always been the history of our progress. In 1935, when over half of our seniors could not support themselves and millions had seen their savings wiped away, there were those who argued that Social Security would lead to socialism. But the men and women of Congress stood fast, and we are all the better for it. In 1965, when some argued that Medicare represented a government takeover of health care, Members of Congress, Democrats and Republicans, did not back down. They joined together so that all of us could enter our golden years with some basic peace of mind.

You see, our predecessors understood that government could not, and should not, solve every problem. They understood that there are instances when the gains in security from government action are not worth the added constraints on our freedom. But they also understood that the danger of too much government is matched by the perils of too little; that without the leavening hand of wise policy, markets can crash, monopolies can stifle competition, and the vulnerable can be exploited. And they knew that when any government measure, no matter how carefully crafted or beneficial, is subject to scorn; when any efforts to help people in need are attacked as un-American; when facts and reason are thrown overboard and only timidity passes for wisdom, and we can no longer even engage in a civil conversation with each other over the things that truly matter—that at that point

we don't merely lose our capacity to solve big challenges. We lose something essential about ourselves.

What was true then remains true today. I understand how difficult this health care debate has been. I know that many in this country are deeply skeptical that government is looking out for them. I understand that the politically safe move would be to kick the can further down the road—to defer reform one more year, or one more election, or one more term.

But that is not what this moment calls for. That's not what we came here to do. We did not come to fear the future. We came here to shape it. I still believe we can act even when it's hard. I still believe we can replace acrimony with civility, and gridlock with progress. I still believe we can do great things, and that here and now we will meet history's test.

Because that is who we are. That is our calling. That is our character. Thank you, God bless you, and may God bless the United States of America.

(Applause, the Members rising.)

At 9 o'clock and 6 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Majority Floor Services Chief escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

#### JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 7 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

#### MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the state of the Union and ordered printed.

The motion was agreed to.

#### ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, September 10, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3203. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [USCG-2008-1269] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3204. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 532 to 530, Greenville, MS [COTP Lower Mississippi River-08-020] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3205. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apalachicola River, Chattahoochee, FL [COTP Mobile-08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3206. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-009] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3207. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-017] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3208. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM45 to MM47, WHL, bank to bank [COTP Morgan City-08-006] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3209. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Position 29-37.30N, 090-55.54W on Shell Canal, off Bayou Black, extending 500 yards in all directions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3210. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 138.5 to Mile Marker 139.85, Above Head of Passes, Reserve, LA [COTP New Orleans-07-012] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3211. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 175 to Mile Marker 176, Above Head of

Passes, Donaldsonville, LA [COTP New Orleans-07-013] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3212. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harvey Canal, Mile Marker 4.0 to Mile Marker 5.0, Harvey, LA [COTP New Orleans-07-016] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3213. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 228.8 to Mile Marker 229.8, Above Head of Passes, Baton Rouge, LA [COTP New Orleans-07-017] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3214. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 229.4 to Mile Marker 230, Above Head of Passes, Baton Rouge, LA [COTP New Orleans-07-018] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3215. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile 105.6 to Mile 106.6, Above Head Passes, Jefferson Parish, LA [COTP New Orleans-08-012] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3216. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 338 to 339 Galveston County, TX [Docket No.: USCG-2008-1027] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3217. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wolf River Chute, Mile Marker 1 to Mile Marker 2, Memphis, TN [Docket No.: USCG-2008-1047] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3218. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ouachita River, Mile Marker 167 to Mile Marker 169, Monroe, LA [Docket No.: USCG-2008-1160] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3219. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile 446.0 to 455.0, Chattanooga, TN [Docket No.: USCG-2008-1271] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3220. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regattas and Marine Parades; The Snow Row, Hull, MA [Docket No.: USCG-2009-0012] (RIN: 1625-

AA08) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3221. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 377.6 to 377.8 [COTP Upper Mississippi River-08-40] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3222. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River, Mile 162.5 to 162.7 [COTP Upper Mississippi River-08-41] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3223. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 469.2 to 470.2, Cincinnati, OH [Docket No.: USCG-2008-0518] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3224. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River Mile 46.1 to 47.1, Saint Albans, WV [Docket No.: USCG-2008-0528] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3225. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clinch River Mile Marker 0.5 to 1.5, Kingston, TN [Docket No.: USCG-2008-0567] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3226. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River, Mile Marker 54.6 to 56.00, Charleston, WV [Docket No.: USCG-2008-0577] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3227. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River, Mile 190.6 to 191.1, Nashville, TN [Docket No.: USCG-2008-0797] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3228. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 601.5 to 603.8, Louisville, KY [Docket No.: USCG-2008-0868] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3229. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River Mile 57.8 to 59.3, Charleston, WV [Docket No.: USCG-2008-0980] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3230. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone: Upper Mississippi River at MM 0.5 — 2.0 [Docket No.: USCG-2008-0994] (RIN: 1625-AA00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3231. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICW) [COTP Port Arthur-08-002] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3232. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Sabine, TX [COTP Port Arthur-08-003] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3233. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICW) [COTP Port Arthur-08-004] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3234. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River and Sabine-Neches Canal [COTP Port Arthur-08-005] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3235. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 469.0 to 471.0, Cincinnati, OH [Docket No.: USCG-2008-0767] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3236. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River and Sabine-Neches Canal [COTP Port Arthur-08-008] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3237. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal [COTP Port Arthur-08-009] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3238. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Calcasieu Ship Channel [COTP Port Arthur-08-011] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3239. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Safe Passing Distance and Minimum Safe Speed for Vessels Operating near Coast Guard ATON Vessels, Sector Houston-Galveston; Harris, Galveston, Brazoria and Chambers Counties, Texas [Docket No.: USCG-2008-1025] (RIN: 1625-AA00) received July 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3240. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No.: FAA-2008-0645; Directorate Identifier 2007-NM-358-AD; Amendment 39-15969; AD 2009-15-06] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3241. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAE 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0398; Directorate Identifier 2008-NM-193-AD; Amendment 39-15971; AD 2009-15-08] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3242. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Series Airplanes, and Airbus Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes [Docket No.: FAA-2009-0645; Directorate Identifier 2009-NM-034-AD; Amendment 39-15973; AD 2009-15-10] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3243. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes [Docket No.: FAA-2009-0644; Directorate Identifier 2009-NM-059-AD; Amendment 39-15972; AD 2009-15-09] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3244. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model SN-601 (Corvette) Airplanes [Docket No.: FAA-2009-0646; Directorate Identifier 2009-NM-055-AD; Amendment 39-15974; AD 2009-15-11] (RIN: 2120-AA64) received July 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 726. Resolution providing for consideration of the bill (H.R. 965) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. 111-249). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DANIEL E. LUNGREN of California:

H.R. 3542. A bill to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; to the Committee on House Administration.

By Ms. BALDWIN:

H.R. 3543. A bill to direct the Environmental Protection Agency to establish a product carbon disclosure program to facilitate carbon content labeling, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 3544. A bill to amend title 38, United States Code, to provide guidelines for the establishment of new national cemeteries by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOYER (for himself, Mr. GEORGE MILLER of California, Mr. LOEBSACK, Mr. CONYERS, Ms. DELAURO, Ms. FUDGE, Mr. MASSA, Mr. SARBANES, Mrs. CAPPS, Mr. ELLSWORTH, Mr. SIREN, Ms. MARKEY of Colorado, Mr. FATTAH, Mr. GRIJALVA, Mr. BERMAN, Ms. CLARKE, Mr. HIMES, Mr. KENNEDY, Mr. MCGOVERN, Mr. STARK, Ms. BORDALLO, Ms. SCHAKOWSKY, Mr. HONDA, Mr. TONKO, Ms. NORTON, Mr. CARSON of Indiana, Ms. LINDA T. SANCHEZ of California, Mr. ELLISON, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Mr. COHEN, Mr. HARE, Ms. RICHARDSON, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. SERRANO, Mr. CROWLEY, Mr. LUJAN, Mr. ENGEL, Mr. OLVER, Mr. SABLON, Mr. HEINRICH, Mr. BUTTERFIELD, Mr. CONNOLLY of Virginia, Mr. SESTAK, Mr. DAVIS of Illinois, Mr. SCHAUER, and Mr. RUSH):

H.R. 3545. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Education and Labor.

By Mr. SESTAK (for himself, Ms. BORDALLO, and Mr. KAGEN):

H.R. 3546. A bill to amend the Small Business Act to make permanent the Community Express Program, and for other purposes; to the Committee on Small Business.

By Mr. PENCE:

H. Res. 723. A resolution electing a minority member to a standing committee; considered and agreed to.

By Mr. SCHIFF (for himself, Mr. DREIER, Ms. PELOSI, Ms. ZOE LOFGREN of California, Mr. MCKEON, Mrs. NAPOLITANO, Mr. RADANOVICH, Ms. ROYAL-ALLARD, Mrs. BONO MACK, Ms. LEE of California, Mr. DANIEL E. LUNGREN of California, Mrs. DAVIS of California, Mr. CALVERT, Mr. BERMAN, Mr. ROHRBACHER, Mr. CARDOZO, Mr. NUNES, Ms. LORETTA SANCHEZ of California, Mr. ISSA, Mrs. CAPPS, Mr. HERGER, Ms. MATSUI, Mr. MCCLINTOCK, Ms. WOOLSEY, Mr. BILBRAY, Mr. COSTA, Mr. GARY G. MILLER of California, Mr. FARR, Mr. CAMPBELL, Ms. LINDA T. SANCHEZ of California, Mr. MCCARTHY of California, Mr. SHERMAN, Mr. LEWIS of California, Mr. GEORGE MILLER of California, Mr. GALLEGLY, Ms. SPEIER, Mr. ROYCE, Mr. BACA, Mr. MCNERNEY, Ms. HARMAN, Mr. THOMPSON of California, Ms. RICHARDSON, Mr. FILNER, and Ms. CHU):

H. Res. 724. A resolution honoring the first responders, paying tribute to the victims of the Southern California wildfires, and mourning the loss of Firefighter Captain Tedmund "Ted" Hall, and Firefighter Specialist Arnaldo "Arnie" Quinones; to the Committee on Oversight and Government Reform; considered and agreed to.

By Mr. FILNER (for himself, Mr. BILBRAY, Mr. THOMPSON of Pennsylvania, Mr. GRIJALVA, Mr. BACA, Mr. ROHRABACHER, Mr. COSTA, Mrs. NAPOLITANO, Mr. FARR, Ms. SPEIER, Mr. CARDOZA, Mr. THOMPSON of California, Mr. SHERMAN, Ms. LINDA T. SANCHEZ of California, and Mrs. DAVIS of California):

H. Res. 725. A resolution congratulating the Chula Vista Park View Little League team of Chula Vista, California, for winning the 2009 Little League World Series Championship; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL (for himself, Ms. DELAURO, Mr. BURTON of Indiana, and Mr. ISSA):

H. Res. 727. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. KENNEDY (for himself, Mrs. BONO MACK, and Mr. LARSEN of Washington):

H. Res. 728. A resolution recognizing the importance of "National Drug Facts Chat Day" on November 10, 2009; to the Committee on Education and Labor.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BONNER.  
H.R. 43: Mr. ROGERS of Kentucky, Mr. JOHNSON of Georgia, and Mr. MURPHY of Connecticut.  
H.R. 82: Mr. MARSHALL.  
H.R. 104: Mr. JACKSON of Illinois.  
H.R. 156: Mr. BURGESS.  
H.R. 197: Mr. WALDEN, Mrs. SCHMIDT, and Mr. BOCCIERI.  
H.R. 240: Mr. DAVIS of Kentucky.  
H.R. 275: Mr. DAVIS of Kentucky, Mrs. KIRKPATRICK of Arizona, Mr. KING of Iowa, Mr. CHANDLER, and Mr. LOBIONDO.  
H.R. 303: Mr. ROE of Tennessee.  
H.R. 422: Mr. VAN HOLLEN.  
H.R. 450: Mr. WILSON of South Carolina, Mr. SOUDER, and Mr. TIAHRT.  
H.R. 460: Mr. WAXMAN.  
H.R. 510: Mr. BLUNT, Mr. SCALISE, Mr. LEE of New York, and Mr. POSEY.  
H.R. 615: Mr. UPTON.  
H.R. 621: Mr. MASSA, Mr. BOUCHER, Mr. STARK, and Mr. DAVIS of Alabama.  
H.R. 673: Mr. SESTAK.  
H.R. 678: Mr. MASSA.  
H.R. 690: Mr. ALTMIRE.  
H.R. 721: Mr. CARNEY.  
H.R. 725: Mrs. KIRKPATRICK of Arizona, Mr. REYES, and Mr. GRIJALVA.  
H.R. 734: Mr. MILLER of North Carolina and Mr. SHULER.  
H.R. 745: Mr. PRICE of North Carolina, Mr. RYAN of Wisconsin, and Mr. MILLER of North Carolina.  
H.R. 758: Mr. MARKEY of Massachusetts.  
H.R. 795: Ms. GIFFORDS and Mr. STARK.  
H.R. 848: Mr. BRADY of Pennsylvania.  
H.R. 884: Mr. PLATTS.  
H.R. 949: Mr. COSTELLO and Mr. LATOURETTE.  
H.R. 959: Mr. CARNEY.  
H.R. 983: Mr. SHUSTER.  
H.R. 995: Mr. WU.  
H.R. 1017: Ms. LINDA T. SANCHEZ of California.  
H.R. 1142: Mr. BUCHANAN.  
H.R. 1176: Mr. MORAN of Kansas.  
H.R. 1182: Mr. ADLER of New Jersey, Ms. MARKEY of Colorado, and Mr. MORAN of Kansas.

H.R. 1207: Mr. DELAHUNT.  
H.R. 1210: Mr. LATOURETTE.  
H.R. 1215: Ms. TSONGAS.  
H.R. 1255: Mr. MANZULLO, Mr. ROSS, and Mr. HELLER.  
H.R. 1278: Ms. JACKSON-LEE of Texas.  
H.R. 1283: Ms. CHU.  
H.R. 1339: Mr. BAIRD.  
H.R. 1361: Mr. HOLT and Mr. LANGEVIN.  
H.R. 1362: Mr. EHLERS, Mr. BERMAN, Mr. MURPHY of Connecticut, Mr. WILSON of South Carolina, Mr. BRALEY of Iowa, and Mr. WU.  
H.R. 1378: Mr. TIM MURPHY of Pennsylvania.  
H.R. 1423: Mr. CROWLEY, Mr. VAN HOLLEN, Mr. LEVIN, and Ms. BERKLEY.  
H.R. 1476: Ms. ROS-LEHTINEN and Mr. ACKERMAN.  
H.R. 1479: Mrs. NAPOLITANO, Ms. MATSUI, and Mrs. CAPPS.  
H.R. 1503: Mr. FRANKS of Arizona.  
H.R. 1557: Mr. EDWARDS of Texas.  
H.R. 1581: Mr. PLATTS.  
H.R. 1585: Mr. PETRI.  
H.R. 1618: Mr. VISCLOSKEY.  
H.R. 1625: Mr. JOHNSON of Illinois, Mr. BERRY, Mr. RUPPERSBERGER, and Mr. PAYNE.  
H.R. 1646: Mr. RYAN of Ohio and Mr. ETHERIDGE.  
H.R. 1682: Mr. CARNEY.  
H.R. 1691: Mr. ABERCROMBIE.  
H.R. 1702: Mr. HOLT.  
H.R. 1799: Mr. DAVIS of Alabama.  
H.R. 1826: Mr. STARK and Mr. DEFAZIO.  
H.R. 1866: Mr. HONDA.  
H.R. 1908: Mr. BARTLETT, Ms. BERKLEY, Mr. SESSIONS, Mr. CROWLEY, and Mr. MCCOTTER.  
H.R. 1928: Mr. SESTAK.  
H.R. 1964: Mr. COHEN.  
H.R. 1995: Mr. WU and Mr. SESTAK.  
H.R. 2000: Mrs. HALVORSON, Mr. AL GREEN of Texas, and Mr. GUTIERREZ.  
H.R. 2002: Mr. SESTAK.  
H.R. 2016: Mr. SESTAK.  
H.R. 2024: Mr. HOEKSTRA.  
H.R. 2067: Ms. LEE of California.  
H.R. 2068: Ms. SHEA-PORTER and Mr. COHEN.  
H.R. 2149: Ms. ZOE LOFGREN of California.  
H.R. 2156: Ms. BALDWIN.  
H.R. 2170: Mr. MINNICK.  
H.R. 2239: Mr. SESTAK.  
H.R. 2254: Mr. ROTHMAN of New Jersey and Ms. SCHAKOWSKY.  
H.R. 2280: Mr. ABERCROMBIE.  
H.R. 2310: Mr. SMITH of Washington.  
H.R. 2339: Mrs. MALONEY.  
H.R. 2365: Mr. LOBIONDO, Mr. KLEIN of Florida, Mr. ROONEY, Mr. OLVER, and Mr. BISHOP of New York.  
H.R. 2377: Mr. MCNERNEY.  
H.R. 2406: Mr. DAVIS of Kentucky, Mr. DEAL of Georgia, and Mr. KING of Iowa.  
H.R. 2425: Mr. PAUL and Mr. WU.  
H.R. 2452: Mr. PALLONE, Mr. SIRES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SPACE, Mr. LANGEVIN, Mr. GRAYSON, Mr. LOBIONDO, Mr. OLSON, and Mr. COSTA.  
H.R. 2456: Ms. SUTTON.  
H.R. 2528: Mrs. McMORRIS RODGERS and Mr. HERGER.  
H.R. 2538: Mr. SESTAK.  
H.R. 2554: Mr. MANZULLO.  
H.R. 2555: Mr. SHULER, Ms. WOOLSEY, and Mr. CHILDERS.  
H.R. 2556: Mr. KLINE of Minnesota.  
H.R. 2562: Mr. PLATTS.  
H.R. 2590: Mr. WU.  
H.R. 2626: Mr. MINNICK.  
H.R. 2676: Mr. POMEROY.  
H.R. 2692: Mr. MOORE of Kansas, Mr. MASSA, and Mr. CARNEY.  
H.R. 2695: Mr. SULLIVAN.  
H.R. 2697: Mr. KRATOVLIL.  
H.R. 2698: Mr. ROONEY.

H.R. 2699: Mr. ROONEY.  
H.R. 2711: Mr. CHAFFETZ and Ms. SHEA-PORTER.  
H.R. 2713: Ms. SHEA-PORTER.  
H.R. 2835: Ms. CLARKE.  
H.R. 2866: Mr. HINCHEY.  
H.R. 2894: Ms. MCCOLLUM and Mr. CUMMINGS.  
H.R. 2897: Ms. BALDWIN, Mr. LUETKEMEYER, Mr. HOLDEN, Mr. FOSTER, and Mr. CLAY.  
H.R. 2900: Mr. CULBERSON.  
H.R. 2909: Mr. ELLISON, Ms. MOORE of Wisconsin, and Mr. SIRES.  
H.R. 2941: Mr. POSEY, Mr. WU, Ms. EDWARDS of Maryland, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, and Mr. ELLISON.  
H.R. 2954: Mr. DELAHUNT.  
H.R. 2964: Mr. SESTAK.  
H.R. 3019: Mr. DINGELL, Mr. BUYER, and Mr. STEARNS.  
H.R. 3164: Mr. PLATTS and Mr. PRICE of North Carolina.  
H.R. 3166: Mr. HALL of New York.  
H.R. 3167: Mr. TIAHRT.  
H.R. 3178: Mr. BOCCIERI.  
H.R. 3226: Mr. CULBERSON, Mr. MORAN of Kansas, Mr. LUETKEMEYER, Mr. BURGESS, Mr. COLE, Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. POSEY, Mr. NEUGEBAUER, Mr. MARIO DIAZ-BALART of Florida, Mr. MCCAUL, Mr. CASSIDY, Mrs. LUMMIS, Mr. KLINE of Minnesota, Mr. BROWN of South Carolina, Mr. TERRY, Mr. COFFMAN of Colorado, Mr. DENT, Mr. SHUSTER, Mr. STEARNS, Mr. SULLIVAN, Mr. JORDAN of Ohio, Mr. MICA, Mr. WALDEN, Mr. LATHAM, Mr. AKIN, Mr. HUNTER, Mr. BUCHANAN, Mr. BACHUS, Mr. WOLF, and Mr. WILSON of South Carolina.  
H.R. 3238: Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Mr. REYES, Mr. MEEK of Florida, and Ms. ROYBAL-ALLARD.  
H.R. 3266: Mr. CAO, Mr. ROONEY, Mr. MEEK of Florida, Mr. PETERSON, and Mr. BOSWELL.  
H.R. 3286: Mr. MCGOVERN, Ms. SHEA-PORTER, Mr. CUMMINGS, Ms. WATERS, Mr. VAN HOLLEN, Mr. COSTELLO, Mr. SULLIVAN, Mr. ISRAEL, Mr. BOUCHER, and Mr. TONKO.  
H.R. 3295: Mr. BLUMENAUER and Mr. JOHNSON of Georgia.  
H.R. 3382: Mr. PITTS.  
H.R. 3404: Mr. SESTAK, Ms. KAPTUR, Mr. CUMMINGS, Mr. KILDEE, Mr. YARMUTH, and Ms. ROYBAL-ALLARD.  
H.R. 3464: Mr. BERRY and Mr. WILSON of South Carolina.  
H.R. 3472: Mr. SCHRADER, Mr. LUJÁN, and Mr. MASSA.  
H.R. 3519: Mr. MICHAUD, Ms. SHEA-PORTER, Mr. MCCOTTER, Mr. MOORE of Kansas, Mr. EDWARDS of Texas, and Mr. JOHNSON of Illinois.  
H.R. 3522: Mr. BOCCIERI and Mr. RODRIGUEZ.  
H.R. 3532: Ms. CHU.  
H.R. 3535: Ms. SUTTON.  
H.R. 3536: Mr. STUPAK, Mr. MAFFEI, Ms. DELAURO, Mr. KENNEDY, and Mr. HINCHEY.  
H. Con. Res. 42: Ms. JACKSON-LEE of Texas.  
H. Con. Res. 43: Ms. JACKSON-LEE of Texas.  
H. Con. Res. 44: Mr. PAYNE and Ms. JACKSON-LEE of Texas.  
H. Con. Res. 46: Ms. JACKSON-LEE of Texas.  
H. Con. Res. 73: Mr. PAYNE.  
H. Con. Res. 94: Ms. KILPATRICK of Michigan.  
H. Con. Res. 97: Ms. BALDWIN.  
H. Con. Res. 129: Mr. SPRATT, Mr. LANGEVIN, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mr. HOLDEN, Mr. DRIEHAUS, and Ms. SHEA-PORTER.  
H. Con. Res. 147: Mr. MASSA.  
H. Con. Res. 158: Mr. LUETKEMEYER, Mr. COURTNEY, and Mr. LEVIN.  
H. Con. Res. 178: Mr. CARNAHAN, Mrs. MALONEY, Mr. MEEKS of New York, Mr. MCMAHON, and Mr. UPTON.

H. Res. 148: Ms. JACKSON-LEE of Texas.  
 H. Res. 167: Mr. MANZULLO, Mr. GERLACH, Mr. MCGOVERN, Mr. CONYERS, and Mr. RUPERSBERGER.  
 H. Res. 252: Mr. THOMPSON of California, Mr. HALL of New York, Mr. ISRAEL, Mr. GALLEGLY, and Ms. RICHARDSON.  
 H. Res. 291: Mr. PLATTS and Mr. LOBIONDO.  
 H. Res. 364: Mr. HELLER.  
 H. Res. 419: Mr. SESTAK.  
 H. Res. 458: Mr. SESTAK.  
 H. Res. 459: Mr. PAULSEN.  
 H. Res. 487: Mr. KIND.  
 H. Res. 494: Mr. TURNER.  
 H. Res. 510: Mr. GRIJALVA.  
 H. Res. 547: Mr. SESTAK.  
 H. Res. 601: Mr. SESTAK.  
 H. Res. 605: Ms. SCHAKOWSKY, Mr. PALLONE, Mr. CAPUANO, Ms. SHEA-PORTER, Mr. AL GREEN of Texas, Mr. SCHIFF, and Mr. LUETKEMEYER.  
 H. Res. 615: Mr. THORNBERRY and Ms. FOXX.  
 H. Res. 633: Ms. MCCOLLUM.  
 H. Res. 638: Mr. COBLE.  
 H. Res. 649: Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. LEE of California, Ms. MCCOLLUM, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. SESTAK, and Ms. WOOLSEY.

H. Res. 655: Mr. BACA.  
 H. Res. 659: Ms. RICHARDSON.  
 H. Res. 671: Mr. DUNCAN, Mr. FORBES, and Mr. PITTS.  
 H. Res. 677: Mr. WEINER, Mr. BLUMENAUER, Mr. RYAN of Ohio, Mr. AL GREEN of Texas, Mr. TOWNS, and Mr. PETERS.  
 H. Res. 686: Mr. ADLER of New Jersey, Mr. NADLER of New York, Ms. SHEA-PORTER, Mr. SCHIFF, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mr. VAN HOLLEN, Mr. DANIEL E. LUNGREN of California, Mr. ENGEL, Mr. MCINTYRE, Mr. TURNER, and Mr. MORAN of Kansas.  
 H. Res. 704: Mr. CLAY, Mr. CAPUANO, Mr. ROHRBACHER, Mr. PRICE of North Carolina, Mr. BARTLETT, and Mr. POE of Texas.  
 H. Res. 707: Mr. TONKO and Mr. HARE.  
 H. Res. 712: Mr. BLUNT and Mr. GORDON of Tennessee.  
 H. Res. 716: Mr. LANCE, Mr. CONNOLLY of Virginia, Mr. MANZULLO, Ms. TITUS, Mr. SABLAN, Ms. HARMAN, Mr. PIERLUISI, Mr. MCGOVERN, and Mr. SCHAUER.  
 H. Res. 718: Ms. ZOE LOFGREN of California, Mr. POE of Texas, Ms. MCCOLLUM, Ms. SUTTON, Mr. TONKO, and Mr. POLIS.

# CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative BISHOP of Utah, or a designee, to H.R. 965, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. RAHALL

The provisions that warranted a referral to the Committee on Natural Resources, in H.R. 965, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

## EXTENSIONS OF REMARKS

HONORING PHYLLIS ELLMAN

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. WOOLSEY. Madam Speaker, I rise today to honor Phyllis Ellman, who died on June 2 at the age of 86. An activist in Marin and Sonoma Counties for more than 40 years, Phyllis was a leader who cared deeply about her community, its people and the environment.

The oldest of four children born in 1923 in Des Moines, Iowa, Phyllis had deep roots in America as one of her ancestors was the military secretary to Gen. George Washington. Phyllis joined the U.S. Army during World War II, and after her honorable discharge, she earned a BS in biology at Kansas State University. She earned a master's degree in biochemistry at Washington State College, where she also met her future husband, George. Six months later they married and moved to Pasadena, California, where Phyllis taught at Cal Tech while George completed his PhD.

In 1958 the Ellmans moved to Tiburon, Marin County, where Phyllis became an avid hiker. She developed a passion for wildflowers and was expert in identifying the unique flowers of the Tiburon hills earning the moniker, "Mother Botany." A member of the California Native Plant Society, she wrote two booklets on the local flora of Ring Mountain.

Always an activist, she pushed for the creation of the Tiburon Bike Path, was appointed to the Tiburon Parks and Recreation Commission in 1973, helped launch the first South of the Knoll playground in Richardson Bay Lineal Park, and with Marilyn Knight, Phyllis established the Belvedere Tiburon Child Care Center, the first such center on the peninsula.

It is Ring Mountain for which she is fondly remembered as being the catalyst saving it from development. Walkers can now hike to the top of Ring Mountain on the Phyllis Ellman Trail which honors her years of public service and devotion to her community.

In 1980 the Ellmans moved to Glen Ellen, Sonoma County, where Phyllis was a dedicated docent at the Bouverie Preserve. She also sang with the Quercus Quire, a group she helped start who performs for elementary school audiences, singing about environmental issues to about 2,000 children each year.

Phyllis leaves her husband of 60 years, George Eliman of Glen Ellen, who is a former Tiburon mayor and town councilmember. Devoted to her family, she also leaves a daughter, brother, two sisters, and seven nieces and nephews.

Madam Speaker, Phyllis Eliman will be missed by so many who shared in her work and passions. An activist in the best sense, she was a valued member of the Marin and Sonoma communities. Her friendship and

bright spirit will be missed by all who had the opportunity to know her.

### EARMARK DECLARATION

**HON. JOHN LINDER**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. LINDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Representative JOHN LINDER

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: U.S. Army Corps of Engineers Construction General

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Savannah District

Address of Requesting Entity: 100 W. Oglethorpe Avenue, Savannah, GA 31401

Description of Request: This project proposes to deepen the Savannah River Federal navigation channel an additional 6 feet, allowing the Georgia Ports Authority to more efficiently serve the demands of U.S. commerce; remain a valuable asset to the marine transportation system; and handle the currently constrained vessels calling the port, and allow for larger vessels expected to call the port following the Panama Canal expansion. \$1.3 million of the funds are critical for the completion of ongoing environmental studies in order to move to the construction phase. General construction funding of \$33.7 million is necessary to continue the initial construction phase of the Savannah Harbor Expansion Project. The expansion will allow the Port of Savannah to accommodate larger ships and provide the economic stimulus that new, larger ships currently bring rival East Coast ports in New York and Norfolk, Virginia.

### CONGRATULATING THE AMERICAN COUNCIL OF ENGINEERING COMPANIES

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Res. 447 to congratulate the American Council of Engineering Companies for its dedicated service to America's engineering industry and to celebrate its 100th anniversary this year.

As a strong supporter of the engineering industry and someone who recognizes the vital work that engineers and related professionals perform, I believe it is of the utmost importance to honor the American Council of Engineering Companies for its role in supporting the engineering industry. With more than 5,500 firms throughout the country, this Council has grown from a small group of engineers to an incredibly influential federation of 51 state and regional councils that represent a large cross-section of America's engineering industry. Through its help, America has some of the best engineering structures in the world that allow us to drink fresh water, travel efficiently, and lead an all-around healthier and happier lifestyle.

I ask my fellow colleagues to join me today and support H. Res. 447 to honor the American Council of Engineering Companies for their 100 years of service. Truly, we have all benefitted immensely from the council's efforts and dedication to improving the lives of every American citizen, and I extend my deepest thanks and appreciation for their hard work.

### EARMARK DECLARATION

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. BROWN of South Carolina. Madam Speaker, I submit the following:

Requesting Member: HENRY E. BROWN, Jr.  
Bill Number: H.R. 3326, Department of Defense Appropriations Act, 2010

Account: RDTE, Army

Legal Name of Requesting Entity: ALS TDI

Address of Requesting Entity: 215 First Street, Cambridge, MA 02142

Description of Project: Continued support of its cutting edge fast track drug discovery & translational research program and to support clinical trials of effective drugs. (1) Identify physiological pathways and molecules in animal models of disease progression. Compare animal gene expression (transcriptome) to that of humans by employing the largest database ever compiled of animal and ALS patient samples. (2) Operate large scale validation program, using profiling technologies, to modulate gene expression in those genes determined to be candidates for disease effect. (3) Create a comprehensive translational medicine initiative to identify biomarkers for disease staging and prognosis, and drug efficacy and patient response.

Requesting Member: HENRY E. BROWN, Jr.  
Bill Number: H.R. 3326, Department of Defense Appropriations Act, 2010

Account: RDTE, Army

Legal Name of Requesting Entity: South Carolina Research Authority

Address of Requesting Entity: 5300 International Boulevard, Charleston, SC 29418

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Description of Project: Once fully configured, the Army expects a 5x–10x reduction in delivery times for poured metal part base shapes using TacFab versus conventional procurement processes. Given the Army's considerable interest in and support for the TacFab program to date, it is essential that the program be expeditiously completed to deliver the critical support the warfighters are seeking. This final increment being requested in FY 2010 will result in a mobile, rapidly deployable asset, both in theater and within the U.S. in support of RESET operations. This program will cut costs and improve efficiency, cutting waiting time for parts from weeks or months to only 24 hours.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, 2010

Account: RDTE, Army

Legal Name of Requesting Entity: South Carolina Research Authority

Address of Requesting Entity: 5300 International Boulevard, Charleston, SC 29418

Description of Project: This project will have an important impact on the Army as it will contribute greatly to the military efforts our troops are currently engaged in around the world and here at home. HIPER will implement a program which ensures the provision of the best and safest weaponry to the warfighter and in the quickest and most efficient way, by replacing parts and resetting weapons more quickly and at reduced cost. This will help keep our troops safe and fully equipped with the optimum defense mechanisms they need to effectively complete their missions, while using cutting-edge technology to reduce costs and lower wait times. To achieve this goal we will be relying on industrial and government partners in numerous states, resulting in employment sustained and created via manufacturing and research requirements.

#### IN RECOGNITION OF THE DEDICATION OF A NEW SERVICE AND WORSHIP CENTER AT PINE TERRACE BAPTIST CHURCH

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the dedication of a new worship center at Pine Terrace Baptist Church in Milton, Florida. Pine Terrace Baptist has long been a positive force in Northwest Florida, and I am proud of their tremendous contributions to the community.

Pine Terrace Baptist Church began as a mission of another Milton church, Ferris Hill Baptist. In March of 1970, church members of Ferris Hill Baptist set out to create a mission northwest of Milton, and on July 5, 1972, several church families met at a congregant's home. 42 people were present at the first meeting, and continued to meet at members' homes until the church's first building was completed. The first worship service was held in the new building on May 13, 1973, and the mission was officially constituted as Pine Terrace Baptist Church on August 19, 1973 with 48 members.

Since 1973, Pine Terrace has grown to over 1,600 members. A fellowship hall was added in 1976, a children's wing was built in 1978, and a new sanctuary was constructed in 1984. Today the church owns close to 19 acres of land. Seven pastors have served at Pine Terrace since its foundation, and current Pastor Dr. Michael Wiggins has served since 1987. This year the church celebrates the opening of a new worship and service center which will also house administrative facilities and the music suite. The construction of this new building can be traced directly back to the passion of the congregation and its leaders. The church's motto encompasses what all Americans should strive to achieve: "Loving God. Loving People. Serving the World."

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Pine Terrace Baptist Church upon the dedication of their new worship center. My wife Vicki and I wish the best for continued growth and service to Pastor Wiggins and the entire church family.

#### EARMARK DECLARATION

### HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010:

Requesting Member: Representative DENNY REHBERG

Bill Number: H.R. 3326

Account: 10 0602303A Missile Technology

Name and Address: MSE Technology Applications, Inc. of 200 Technology Way, Butte, MT 59701

Description: \$4,000,000 in funding will be used to develop the wind tunnel technology required to test and evaluate a new generation of missiles, space access vehicles, and high-speed aircraft utilizing ramjet and scramjet propulsion technology.

Requesting Member: Representative DENNY REHBERG

Bill Number: H.R. 3326

Account: 11 0602204F Aerospace Sensors

Name and Address: MSE Technology Applications, Inc. of 200 Technology Way, Butte, MT 59701

Description: \$2,000,000 in funding will be used to develop a ground sensor system, Watchkeeper, which offers unattended use for months at a time, high resolution night/day imaging and global wireless data transfer to command authority.

Requesting Member: Representative DENNY REHBERG

Bill Number: H.R. 3326

Account: 171 0204571N Consolidated Training Systems Development

Name and Address: Advanced Acoustic Concepts of 920 Technology Blvd., Suite C, Bozeman, MT 59718.

Description: \$3,000,000 in funding will be used to increase operator proficiencies by in-

tegrating the current Oceanographic and Atmospheric Master Library (OAML) Navy-standard coremodels, algorithms and data bases into a processing efficient Ocean Model for effective high fidelity simulated sonar training.

Requesting Member: Representative DENNY REHBERG

Bill Number: H.R. 3326

Account: 04 Administration and Servicewide Activities DoD Human Resources Activity

Name and Address: University of Montana of University Hall 116, Missoula, MT 59812.

Description: \$2,000,000 in funding will be used to expand training capacity in critical languages and cultures to supplement DoD and related federal programs that are now operating at or beyond capacity.

#### RECOGNIZING THE ACCOMPLISHMENTS OF JUNIOR ACHIEVEMENT OF THE MISSISSIPPI RIVER VALLEY

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. AKIN. Madam Speaker, I rise today to recognize the accomplishments of Junior Achievement of Mississippi River Valley. In particular, I would like to congratulate the organization's President, Lori Jacob, for winning JA Worldwide's 2009 Karl Flemke Pioneer Achievement Award. This award recognizes significant achievements and contributions of new Junior Achievement USA Member Presidents.

Junior Achievement is the world's largest organization dedicated to teaching students in Kindergarten through 12th grade about the importance of economics, entrepreneurship, and financial literacy. The organization reaches over 9 million students around the world each year, with over 130 local offices in the United States and operations in over 110 countries worldwide. One of the things that makes JA so unique is its use of adult volunteers to bring business to life for students. In the U.S. alone, young people in more than 188,000 classrooms benefit annually from these positive role models.

Ms. Jacob is clearly deserving of receiving this year's Flemke Award.

She began her career with Junior Achievement in 1987, serving in many roles within the Marketing, Education, Development, and Operation departments until she assumed her current position in 2007. Under her leadership, the area reached 127,000 students in over 700 schools this year, on a \$2.7 million budget, making Junior Achievement of Mississippi Valley one of the organization's largest operations in the United States. Ms. Jacobs led the area to become a national two-time winner of JA's most prestigious funding award—the MetLife Entrepreneurial Award. She has been a champion in creating more awareness of JA, and has a volunteer board of directors composed of over 60 leaders of the St. Louis community.

In this current economic climate, teaching students the importance of economics and financial literacy is of the utmost importance,

and I congratulate Ms. Jacobs and Junior Achievement of the Mississippi River Valley for their efforts throughout the St. Louis metropolitan area.

HONORING THE SERVICE AND SACRIFICE OF U.S. ARMY 1ST SERGEANT JOSE SAN NICOLAS CRISOSTOMO

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. BORDALLO. Madam Speaker, I rise today to honor the service and sacrifice of United States Army 1st Sergeant Jose San Nicolas Crisostomo. 1st SGT Crisostomo, originally from the village of Inarajan, Guam, was assigned to International Security Assistance Force in Kabul, Afghanistan. 1st SGT Crisostomo passed away on August 18, 2009 while on duty in Afghanistan. He was 59 years old and the oldest servicemember to perish in Afghanistan.

1st SGT Crisostomo was born on August 29, 1949 to Joaquin and Joaquina Crisostomo and lived a life of honor, service, and dedication to preserving his culture. Known to his friends and family as "Joe" or "Uncle Sinbad," 1st SGT Crisostomo is remembered for his altruism, patriotism, and vibrant personality. He was active in promoting the Chamorro culture and was a founder and former president of "Grupun Minagof," an organization established to help Guamanians living in Washington state. His leadership and dedication to his community and his family will remain an enduring legacy.

A longtime member of the U.S. Army, 1st SGT Crisostomo re-enlisted in 2008 after previously serving for 24 years, which included tours of duty in the Vietnam War and the first Gulf War. 1st SGT Crisostomo was a two-time recipient of the Bronze Star for combat valor and received the Purple Heart for wounds sustained in combat. He was also awarded the Kuwait Liberation Medal in 1991.

I join our community in mourning the loss of 1st SGT Crisostomo and in offering condolences to his wife, Patricia Leon Guerrero Crisostomo; his children, Tricia Renee, Jeffrey Joe ("Jay"), and Dominic Jay; his 10 grandchildren and to his many family and friends. 1st SGT Crisostomo served with honor and distinction, like the many sons and daughters of Guam who served before him, and he gave the ultimate sacrifice in defense of our country.

God bless the family and friends of 1st Sergeant Jose San Nicolas Crisostomo, God bless our men and women in uniform protecting our country, God bless Guam, and God bless the United States of America.

CITY OF DUNEDIN, FLORIDA, RECOGNIZED AS A COMMUNITY FOR A LIFETIME

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. YOUNG of Florida. Madam Speaker, The city of Dunedin, Florida, that I have the privilege to represent has been honored with a "Communities for a Lifetime Award" by the Florida Department of Elder Affairs.

The award is given to communities that demonstrate successful best practices that foster community initiatives to address the benefits and challenges of an increasing elder population.

A total of 105 Florida towns and cities participate in the Communities for a Lifetime Initiative and Dunedin was the very first city to sign up for the program.

One of the major initiatives for which Dunedin was honored was a 2008 project between the city and Mease Hospital to turn a vacant building into an adult day care center where family caregivers can receive valuable respite care so they can continue caring for their aging loved ones.

This is the second time Dunedin has been honored by the program. Two years ago, the city received a Continual Progress Award for creating a Lifetime Bureau.

Madam Speaker, Dunedin is an outstanding place to live, to work, to play, and to retire. This latest recognition is not only a reflection of the work of the Mayor and City Commissioners, but of the entire community which makes Dunedin such a welcoming place for residents of all ages.

### EARMARK DECLARATION

### HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, FY2010 Financial Services and General Government Appropriations Bill.

Requesting Member: Representative REHBERG

Bill Number: H.R. 3170

Account: Small Business Administration—Salaries and Expenses

Requesting Entity: Montana State University, HTAP: High-Technology Assistance Program

Description: \$133,000 in federal funds will enable Montana State University to assist Montana's high-technology businesses in adopting micro and nanotechnologies as a means to improving their products and increasing competitiveness in the high-tech market.

Requesting Member: Representative REHBERG

Bill Number: H.R. 3170

Account: Small Business Administration—Salaries and Expenses

Requesting Entity: Montana World Trade Center

Description: The Montana World Trade Center has a long and successful history of export and trade assistance. \$134,000 will go toward assisting "new to export" Montana businesses in marketing and selling their products and services globally.

Requesting Member: Representative REHBERG

Bill Number: H.R. 3170

Account: Small Business Administration—Salaries and Expenses

Requesting Entity: TechRanch at Montana State University

Description: The TechRanch at Montana State University is a cohesive center that will provide comprehensive business development services and business support services to high-tech Montana companies. \$133,000 will help maintain their goal of attracting technology businesses to the State.

RECOGNIZING THE CONTRIBUTIONS OF WOMEN TO THE LABOR MOVEMENT

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. KILDEE. Madam Speaker, I rise today to recognize the achievements of women in the labor and social movements. The UAW held a ceremony this past Labor Day in Flint Michigan to honor the contributions of women in labor, civil rights, the military, women's rights, and the political arena.

From the 300 women that came together in Seneca Falls, New York, in 1848, to promote women's rights and suffrage, women have banded together to improve our country. Jane Addams, "the mother of social work," worked with the labor movement in Chicago to eliminate poverty, and advance the living conditions of workers. From her work at Hull-House in Chicago, Jane Addams became a moving force in the passage in the first Federal child labor law passed in 1916.

Women have played a pivotal role in the organization and development of every social movement of the past century, including the labor movement. In my hometown of Flint, the Women's Auxiliary provided support for the families of the sit-down strikers. The Women's Emergency Brigade was on the front lines as the police attempted to stop the union. Since the formation of the UAW, women have toiled side by side with men in the factories and have taken their place at the bargaining table.

The labor movement had one of its greatest advocates in Frances Perkins. She was the first female Secretary of Labor and was the first female member of a President's Cabinet. During her younger days she lived at Hull-House and embraced the concept of unionism but it was witnessing firsthand the Triangle Shirtwaist Company fire in 1911 that cemented her commitment to the workers of our country. As the architect of Franklin Delano Roosevelt's New Deal, her vision of a better life for all cannot be underestimated. She was

at the center of the 15 major pieces of legislation passed during the first 100 days of Roosevelt's Administration. She conceived the Social Security Act of 1935, the most important piece of social legislation in U.S. history, and the Fair Labor Standards Act of 1938 and shepherded them through Congress until they were enacted into law. Social Security, unemployment compensation, minimum wage, maximum work hours and the right to collective bargaining are just part of her legacy to the American people.

Madam Speaker, today the number of women registered to vote exceeds the number of registered men by 8.3 million. Women make up 14 percent of active duty military personnel, and two-thirds of all new union members in the United States are women. Women have organized, financed, marched, volunteered, worked and are still working to fulfill the dreams of those 300 women that came together in 1848 and because of their efforts we all live in a better world.

HONORING CHIEF MAURICE L.  
KEMP

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and honor Chief Maurice L. Kemp, the first African-American Fire-Rescue Chief in the city of Miami's history. This outstanding public servant has worked with the City of Miami Fire Department for 24 years and has held the positions of lieutenant, captain, assistant fire chief, and deputy fire chief.

Chief Kemp received a bachelor of science degree in biology from Allen University in Columbia, South Carolina and a master's degree in public administration from Nova Southeastern University.

As Deputy Fire Chief since 1999, Chief Kemp has overseen the technical, management, support, communication, and emergency management services, as well as developed and managed budget and legislative functions. In 2006, he was appointed the Program Chief and Task Force Leader for the United States Department of Homeland Security, FEMA Urban Search and Rescue.

Moreover, Chief Kemp has received accolades throughout his career including the Dr. A. Mancebo Memorial Award and recognition from the 5000 Role Models of South Florida.

Since 1735, professional and volunteer firefighters have been an invaluable facet of our communities, towns, and cities. Through the City of Miami's mission to "serve the citizens of Miami in a professional manner by providing rapid emergency response and other services to save lives and protect property" and their motto, "Excellence through Service," I commend the tremendous bravery of Miami's firefighters and am proud to honor each one today on the Floor of the House. Ever vigilant, this Nation's firefighters respond quickly to emergencies of all kinds and protect and save lives each and every day. From the earliest days of Benjamin Franklin's Union Fire Company to the famous fire departments of New

York City, Chicago, and Boston, every fire station in this country has a proud history and tradition of distinguished service.

Today, men such as Chief Kemp along with over one million firefighters answer the call of duty and perform extraordinary acts of selflessness and valor without hesitation.

Madam Speaker and my colleagues, I ask that you join me and the public safety community in this remarkable show of solidarity. Chief Kemp is an outstanding American worthy of our collective honor and appreciation. It is with deep respect and admiration that I commend Chief Kemp, and thank the men and women in the fire service field that dedicate to the selfless protection of others stand together in the face of adversity, bonded by sacrifice and a sense of duty.

WELCOME HOME IN HONOR OF A  
AMERICAN HERO CAPT SCOTT  
SPEICHER THE UNITED STATES  
NAVY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I have come here today to honor a fallen hero who, after 18 years, has finally been reunited with his family. Captain Speicher was a man of great distinction who gave the ultimate sacrifice so that others might know a more peaceful world. The following poem from Capitol Guide Albert Carey Caswell reflects on his final journey home.

WELCOME HOME

Welcome Home!

Scott, may your sacred body rest!

America's Finest, of all Sons, but one of her very best!

How over the years, have so have so our tears . . . have so run!

And all of those sleepless nights, keeping hope alive . . . as we have all so done!

As your beautiful Children, have so missed you my Son!

And your Wonderful Wife, with hope burning bright . . . how the tears begun!

And your Mom and Dad, praying from evening to morning sun . . .

But, it's over now . . . we can rest!

But, oh how so bittersweet . . . this answer, this emptiness . . . Thy Will Be Done!

For you were and will always be, one of America's best!

Welcome Home, Our Most Heroic One!

For you are now, One of America's Chosen Sons . . .

Sons of Freedom and Peace, who defend us with but only their beliefs!

'Oh how so Magnificent, are but all of these . . . such splendid ones!

Just moments, are all that we so have . . .

To make a difference, to heart's grab!

To change the world!

To go off so valiantly, with but out flags unfurled . . .

It's been eighteen long . . . long years!

With all of that heartache, and all of those most swollen tears . . .

Still, in all our pain . . . there are so many families, who will never know . . .

Will never know, but where there loved ones so remain . . .

Bless you, our Fine Son!

And your family, for our country . . . for what you have all so done!

For your last flight Scott, was not over Iraq! But, up to our Lord . . . as straight up to Heaven as was that!

For Scott now, now are an Angel with wings . . .

In the Army of our Lord, of all things! And on the day you arrived, could you not hear our Lord and his Angels cry!

Scott, Welcome Home!

In honor of a real American Hero, Navy Captain Scott Speicher and his family . . . may they find peace . . .

SPECIAL TRIBUTE TO BLIND  
LEMON JEFFERSON AND THE  
BLIND LEMON BLUES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. RANGEL. Madam Speaker, as the famed York Theatre Company of New York celebrates its 40th anniversary, today I rise to recognize their newest musical genius, "Blind Lemon Blues" and to pay tribute to the Legendary Father of the Texas Blues, "Blind" Lemon Jefferson.

Blind Lemon Blues celebrates the legacy of Blind Lemon Jefferson and his profound influence upon the development of American popular music. Blind Lemon Blues is set in New York City in 1948 at the last recording session of the legendary Huddie Ledbetter, better known as Lead Belly, and combines elements of traditional blues, gospel, rhythm and blues, soul, doo-wop, and rap to evoke the enduring legacy of Blind Lemon and his contemporaries, Blind Willie Johnson, Lillian Glinn, Hattie Hudson, Bobbie Cadillac, Lillian Miller and Lead Belly himself.

"Blind" Lemon Jefferson was one of the most popular blues singers of the 1920s, and has been titled "Father of the Texas Blues." Jefferson's singing and self-accompaniment were distinctive as a result of his high-pitched voice and originality on the guitar. He used Dallas as a base to launch an extraordinary blues career, during which he made over 80 recordings of his intricate melodic rhythms and influenced countless artists, including B.B. King. Other later blues and rock and roll musicians attempted to imitate both his songs and his musical style.

Often heralded as one of the most influential bluesmen of all time, "Blind" Lemon Jefferson was born blind near Couthman, Texas, in Freestone County, near present-day Wortham, Texas, in September 1893. Jefferson was one of eight children born to sharecroppers Alex and Clarissa Jefferson. Jefferson began playing the guitar in his early teens, and soon after he began performing at picnics and parties. He also became a street musician, playing in east Texas towns in front of barbershops and on corners.

In the early 1920s, Jefferson traveled to Dallas, where he met Huddie "Leadbelly" Leadbetter and established the blues scene in Dallas' Deep Ellum district. Five years later, he was on the road of instant success. Between the years of 1925 and 1929, Jefferson

made over 80 recordings for Paramount Records and became the first commercially successful male black artist. Some of his most notable recordings are "Black Snake Moan," "Boll Weevil Blues," "Matchbox Blues," and the song that would become his trademark, "See That My Grave Is Kept Clean."

Jefferson died from mysterious circumstances on the streets of Chicago on December 22, 1929, and was buried in the old Wortham Negro Cemetery. His grave was unmarked until 1967, when a Texas state historical marker was dedicated to him. He was inducted in the Blues Foundation's Hall of Fame in 1980. In 1997 the town of Wortham began a blues festival named for the singer, and a new granite headstone was placed at his gravesite—a fitting tribute to the man who sang ". . . Lord, there's just one favor I ask of you, see that my grave is kept clean." In 2007 the name of the cemetery was changed to Blind Lemon Memorial Cemetery.

So Madam Speaker, I ask that you and my distinguished colleagues join me in recognizing the good work of Director and Choreographer Akin Babatunde and Producer Alan Govenar for such a magnificent rendition of the life of Blind Lemon Jefferson and those Blind Lemon Blues.

#### HONORING THE FLINT CENTRAL HIGH SCHOOL CLASS OF 1959

#### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. KILDEE. Madam Speaker, I would like to recognize the Flint Central High School Class of 1959 as they celebrate their 50th Class Reunion. A party was held in my hometown of Flint, Michigan, on September 4 in honor of this milestone. I am proud to say that I was their teacher.

Over 1,000 students graduated from Flint Central High School in 1959 and their senior year was highlighted by outstanding academic and athletic programs. The football team won the State Championship, the cross-country team won the State Championship, the basketball team won the Regional Championship, and the track team won the State Championship.

The Class of 1959 boasted six Valedictorians. Many students accepted college scholarships and military academy appointments. Over 350 students participated in the 33rd Annual Kaleidoscope and the theatrical production that year was "A Connecticut Yankee in King Arthur's Court."

The graduates spanned all walks of life and went on to careers in law, research, education, medicine, the fine arts and manufacturing. The surviving 700 classmates live in almost every state in the United States. Members of the Class of 1959 spread out over the globe and currently can be found in Scotland, Japan, and Mexico.

Madam Speaker, I ask the House of Representatives to join me in commending the achievements of the Flint Central High School Class of 1959. As their former teacher, I take deep pride in helping to shape the minds and

abilities of these graduates and I congratulate them on their talents, accomplishments, and triumphs.

#### CONGRATULATING TED AND VEE STUBAN ON THEIR 60TH WED- DING ANNIVERSARY

#### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. and Mrs. Ted Stuban of Berwick, Luzerne County, Pennsylvania, on the occasion of their 60th wedding anniversary that was celebrated on September 3.

Throughout their remarkable lives, Ted and Vee Stuban have exemplified what it means to be personal and community role models.

As lifelong residents of northeastern Pennsylvania, Ted was associated with the excavation business and the Pennsylvania Department of Transportation before starting an auction business which he and Vee operated for about 25 years.

Ted was also deeply involved in his community, initially as a member of the Berwick Council, then as mayor of Briar Creek and, later, as a member of the Pennsylvania General Assembly as State Representative of the 109th District for eight successive terms, from 1976 to 1992.

In his capacity as State Representative, Ted was instrumental in crafting legislation and serving constituents in a manner that earned him much respect among his colleagues in Harrisburg and among the thousands of citizens in his district whom he represented so well.

Ted was also deeply involved in civic activities over the years. He was a member of the West End Fire Company, the Knights of Columbus, the Bloomsburg Elks Lodge, past president of the Columbia Montour Aging Board, the Columbia-Montour Visiting Nurses Association board of directors, the PPL Advisory Commission and Ss. Cyril and Methodius Ukrainian Catholic Church.

Vee Stuban is the former Charlotte Hetler, of Berwick. Formerly employed by the Wise Potato Chip Company in Berwick, Vee has been active in Democrat political circles for many years. She is a member of the Columbia County Democratic Women's Club and the Columbia County Democratic Caucus. She has also been active over the years as a 4H leader and as a member of the Calvary United Methodist Church in Berwick.

Ted and Vee are the parents of a daughter, Mrs. Joseph R., Kathy, Duda.

Madam Speaker, please join me in congratulating Ted and Vee Stuban on this very special occasion. Not only has this remarkable couple contributed greatly to the quality of life in their community, but they have also been an inspiration to their peers and to future generations as they illustrated, through their actions as well as their words, how to live lives focused on community service to others as a means of deriving personal happiness and contentment.

JARED C. MONTI: AMERICAN HERO

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. FRANK of Massachusetts. Madam Speaker, the hardest part of our job is attending the funerals of those young men and women who have given their lives in the service of our country. Having voted to send American military forces into war in Afghanistan, I was profoundly moved—and troubled—when I attend the funeral of Sergeant Jared C. Monti of Raynham, Massachusetts, who lost his life in a brave effort to save a comrade in that country. These occasions are for us an important reminder that voting to send people to war is a last resort done only after the most thorough and thoughtful consideration, and only when no alternative is consistent with our security.

But Madam Speaker, to talk about the difficulty of our jobs in the context of the death in battle of this brave young man is an example of grave disproportion. For me, this was a sad day. For the family of Jared Monti, it was part of a period of deep and enduring sadness, and of course with Sergeant Monti himself it was the ultimate tragedy—a promising young life lost.

Madam Speaker, in the Boston Globe for Sunday, September 6, Bryan Bender of the Globe staff wrote a moving, eloquent article about Sergeant Monti, describing the battle in which he was killed as he with no regard for his own safety tried to save a wounded comrade. Next week I will be at the White House when Sergeant Monti's family receives the Medal of Honor that was posthumously awarded to him. Madam Speaker, as a tribute to an extraordinary young man, whose dedication to his comrades was unlimited, and as a reminder of what war really means to those who must fight it, I ask that Mr. Bender's excellent, sad article be printed here.

[From the Boston Globe, Sept. 6, 2009]

HE COULD NOT LEAVE A COMRADE BEHIND

(By Bryan Bender)

The sound of feet shuffling in the woods, high on a ridge in remote Afghanistan, was the only warning that Sergeant Jared C. Monti and the 15 men under his command were about to be attacked. Before they could even react, they were bombarded with rocket-propelled grenades and machine-gun fire.

The ambush by mountain tribesmen allied with the Taliban came so suddenly and with such ferocity that some members of Monti's unit "had their weapons literally shot out of their hands," according to an Army report.

Monti, a 30-year-old staff sergeant from Raynham, shouted orders and radioed for support as he found cover behind some large rocks. An officer a few miles away asked whether he could pinpoint the enemy's position.

"Sir, I can't give you a better read or I'm gonna eat an RPG," Monti replied.

But later, when one of his men was wounded and lying in the open, Monti braved intense fire to try to rescue him—not once, but three times. It cost him his life.

Three years later, after an Army review of Monti's actions that day, President Obama will award him the Medal of Honor, the highest recognition for valor in the US military.

When Monti's parents, Paul and Janet, accept the award in a White House ceremony on Sept. 17, it will be only the sixth time the Medal of Honor has been awarded since Sept. 11, 2001, and the first time someone from Massachusetts has earned it since the Vietnam War.

Monti's story reveals not just the courageous actions of a 12-year Army veteran. It also illustrates the extreme conditions of combat in Afghanistan, where increasing numbers of US forces are dying, and the sheer chaos of the war.

Everything went wrong for Monti and his patrol. The unit was left on that narrow ridge longer than intended, exposing it to a much larger enemy. And while Monti's display of "extreme personal courage and extraordinary self-sacrifice," as the Army described it, helped turn the tide, disaster struck again when the soldier Monti tried to save was killed in a freak accident while being airlifted out. Including Monti, four soldiers died.

"True valor is not defined so much by results," an Army general wrote in recommending Monti for the medal, "as it is by the depth of conviction that inspires its expression. On rare occasions, the actions of men are so extraordinary that the nobility rests, not in their outcome, but in the courage of their undertaking."

"HE WAS VERY HUMBLE"

When Charlie Witkus learned his buddy Jared had been killed, he organized a "Viking" funeral.

After his burial at the Massachusetts National Cemetery in Bourne, Monti's friends collected cards, letters, and other mementos of him and set them ablaze on a makeshift pyre floating on a Taunton pond.

It was a fitting tribute, Witkus felt, for a guy who once organized a "survival style" canoe trip down the Taunton River, with no food or water.

"I was devastated," said Witkus, who last spoke with his friend about three weeks before he died. "He was the most stand-up guy I ever knew."

Monti was born in Abington and grew up in Raynham, 35 miles south of Boston, the son of a schoolteacher and a nurse.

Stories of his generous spirit abound: As a youngster he made lunches for his brother and sister to help his mom get to nursing school on time. During his high school years, he once cut down a spruce tree in their yard to give to a single mother who could not afford a Christmas tree for her kids. He even collected enough money for gifts.

But he rarely took credit for his deeds, relatives and friends said. Only after he died did his father, Paul, find a 3-foot tall trophy Jared won in a weight-lifting championship.

"That is the way he was," said Paul Monti. "He was very humble. He believed in doing things for other people."

To honor his son's memory, Paul Monti has established an annual scholarship fund for a Raynham senior headed to college.

He also finds comfort driving Jared's pickup, still covered with stickers from his beloved 10th Mountain Division.

Jared set his sights on the military early, inspired by an uncle in the Navy. He joined the Massachusetts National Guard's delayed entry program in 11th grade at Bridgewater-Raynham Regional High School, attending weekend drills at the recruiting station in Taunton until he graduated.

"I wanted to be that same person," he later wrote of how the image of his uncle's crisp uniform captured his imagination.

A STEADY HAND

Monti was not a perfect soldier, but he proved that he could earn the trust and re-

spect of those he led; he called them his "boys," and some of them called him "grandpa."

When he left for basic training in Missouri in 1993, barely 18 years old, he had never been out of Massachusetts. Army life was tough, he recalled, but he adjusted quickly and eventually decided to enlist full time. He was disappointed other soldiers didn't take it as seriously—a feeling he later expressed in his own words in a journal his family found on his computer after his death.

"I wanted to fight for my country at a time when everybody else was smoking weed and or just there to earn a couple of bucks toward college," he wrote.

He got into several bar fights, including with one of his sergeants in Kansas who ridiculed him by calling him "Rambo," and he did 14 days of hard labor for violating a weekend pass when he was stationed in South Korea in the 1990s. "I drank till there was no tomorrow," he wrote of the incident.

But as he rose through the enlisted ranks, his superiors quickly saw he had a steadiness and maturity that others didn't. Monti was one of the first enlisted soldiers in the 82nd Airborne Division selected to be trained to call in air strikes on enemy positions, an enormous responsibility that brought the risk of civilian casualties.

"If a lot of guys were just sitting around, he was always willing to teach us something," recalled Sergeant Clifford Baird, who first met Monti, with his ever-present chewing tobacco tucked under his lip, when they were posted together at Fort Drum, N.Y. "He'd sit there and give us a class. He was very respected around here."

Monti also had a special bond with junior soldiers. While soldiers are required to shave every day, even in the field, Monti would let his beard grow and shave only before returning to base. The new guys loved that he would bend the rules like that.

And he was as loyal to his men as they were to him. He once gave up his leave to fill in for a soldier who hadn't seen his family in two years. When stationed at Fort Bragg in North Carolina, he gave his new kitchen set to a soldier whose kids were eating on the floor. When his girlfriend, Sherri, sent care packages with his favorite cigars, he would promptly hand them out to his unit.

"One of the things that sets him apart was that he had a great deal of compassion," said Lieutenant Colonel Jeffrey Abbott, the operations officer for Monti's squadron in Afghanistan.

A HEAVY BURDEN

He earned a chestful of medals, but Monti agonized over all the killing war required, his family said. He returned from Afghanistan in 2003 with a Bronze Star for valor, but his mother recalled: "He didn't like talking about it. Most of the time he just liked to be left alone. He'd say, 'Don't tell anybody I am here.' He wasn't proud of it."

When he was pressed about how he earned it, Janet Monti said, he'd finally blurt out something like, "I had to kill someone's brother, or father, or sister."

Monti described his private anxieties in an undated entry, titled "My story," that his father recently found on his personal computer. "We are not fighting in World War II," Monti wrote. "We don't have the ability to justify any means to our end. Wars of today are not black and white."

Monti's job to call in air strikes "weighed heavily on him," said Jon Krakauer, a mountaineer and author of the best-seller "Into Thin Air" who, while working on a book, spent nearly five weeks with Monti's unit.

"It was always this tough call," Krakauer said. "He was conservative about it."

Krakauer recalled a patrol with Monti when a Toyota Corolla came barreling down the road. Fearing the driver was a suicide bomber, a soldier prepared to open fire. But Monti stopped him just in time. It turned out the driver was just a local in a hurry.

"A split-second later it would have been really bad," said Krakauer.

It was Monti's humanity that also helped him get along especially well with the locals, Krakauer said. He was called on frequently to negotiate, through an interpreter, with tribal leaders, who liked him so much they gave him a Muslim name.

"He was only 30-years-old but he was an old soul," said Krakauer.

"WORST-CASE SCENARIO"

The nearly 300 members of the 3rd Squadron, 71st Calvary Regiment had a grueling mission; they lost an average of 15 to 20 percent of their body weight, pulling 16- to 18-hour days, seven days a week, often in 100-plus degree temperatures.

In one of the longest maneuvers in recent US military history, they trekked by Humvee along dirt paths and steep mountain passes from a US base in southern Afghanistan to remote Nuristan province in the northeast, about the distance between New York and Washington, D.C.

"We moved into unknown terrain," recalled Abbott, the squadron's operations officer, noting even the Soviet army did not venture there during its brutal occupation of Afghanistan in the 1980s.

"Sergeant Monti went out with reconnaissance teams to learn the people," he said, "to learn the populace, and to gain knowledge of a terrain that nobody had ever been employed in before."

Monti's last mission was to scout Taliban positions near infiltration routes from neighboring Pakistan—mainly goat trails thousands of feet up—and gather targeting data for a larger offensive, dubbed Operation Gowardesh after the nearby town, to take place a few days later.

On the evening of June 17, 2006, the patrol was ferried by helicopter a few miles from the town. To avoid detection and the sweltering heat, they moved mostly in the dark, using night-vision equipment to navigate the rugged terrain.

On June 20, they stopped on a narrow ridge overlooking the Gremen Valley, with steep inclines on both sides, that commanded a view of several enemy positions.

The 16 soldiers set up their observation post on a sloping patch of ground, about 165 feet long and 65 feet wide, with a tree line at the top end and a few large rocks, a portion of an old stone wall, and a few small trees at the lower end, according to the Army's recreation of the battle.

The next morning Monti was informed that the larger US assault would be delayed for three days—the helicopters and troops were needed elsewhere—leaving them low on food and water. The plan had been to use the cover of the US assault to resupply them by helicopter; now the resupply could expose them to the enemy.

At about 1:30 p.m., Monti took most of the patrol to meet a resupply helicopter about 500 feet away. A small group stayed behind. They soon spotted a local man down in the valley using military-style binoculars to look up toward their position before he picked up a satchel and disappeared.

"It was the worst-case scenario," said former Army Captain Ross A. Berkoff, the squadron's intelligence officer, who was

monitoring the situation from about 6 miles away. "We stirred up a hornet's nest."

#### WELL-COORDINATED ATTACK

When the enemy fighters opened fire on the patrol just before nightfall, the two soldiers nearest the woods bolted down the slope to seek cover behind rocks.

Sergeant Patrick Lybert, 28, of Ladysmith, Wis., was crouched behind a low stone wall, in the best position to fire back. The others could barely raise their heads to aim.

The patrol faced between 60 and 80 fighters, most of them members of Hezb-e-Islami Gulbuddin, a local tribal militia aligned with the Taliban, according to Berkoff.

Monti calmly reported over the radio that the patrol was at risk of being overrun, according to officers in the operations center a few miles away. As shoulder-launched RPGs (rocket-propelled grenades) skipped off the rocks right above his head, he began plotting grid coordinates for another group of soldiers on another ridge to fire mortar shells at the advancing fighters.

Within minutes, Lybert, who had been holding off the enemy from behind the stone wall, slumped forward, blood coming out of his ears.

The tribal militia split into two groups to try to encircle the patrol. Soldiers who still had weapons passed them back and forth to the one in the best position to fire back.

The enemy "had one goal in mind," said Abbott, who was monitoring the battle from the command post. "To overrun and kill everybody in Monti's squad."

Monti saw a group of fighters closing in fast. When they came within 30 feet, he threw a grenade in their path. He then took a head count. Private Brian Bradbury, who had been near the tree line, was missing.

#### A DARK ENDING

Monti called out for him over the din of the battle. He called again. Finally, the 22-year-old from Lowville, N.Y., replied weakly that he was badly injured and couldn't move. He was lying about 30 feet away, where Monti couldn't see him, but directly in the enemy's sights.

Monti told Bradbury he was coming to get him. He handed off his radio, tightened the chin strap of his helmet, and ran out into the open. The woods, about 100 feet past Bradbury, immediately erupted with more gunfire and RPGs.

Moving low and fast, according to the testimony of his fellow soldiers, Monti got within less than a dozen feet of Bradbury before he had to dive behind the low stone wall where Lybert lay dead. After a brief pause, he made another attempt but the shooting was even more intense. He scrambled back behind the low wall.

He prepared to make another attempt to save Bradbury, this time asking some of his men to cover him with more gun fire trained on the woods. But as he lunged toward Bradbury the third time, an RPG exploded in his path.

The blast blew off his legs, but Monti struggled to get back to the stone wall, his men calling out in encouragement. With his last breaths, his soldiers later reported, Monti said he made his peace with God. And right before he died he asked them to tell his family he loved them.

As darkness fell over the valley, the mortar rounds Monti called for began to hit the enemy positions. US aircraft also dropped several bombs into the woods.

"Monti's selfless act of courage rallied the patrol to defeat the enemy attack," the Army concluded.

It was dark by the time Bradbury was pulled to safety and treated by the medic. A helicopter arrived but couldn't land because of the rough terrain. Staff Sergeant Heathe Craig, 28, a medic from Severn, Md., was lowered to Bradbury, who had a team of doctors waiting to treat him back at the base. But as they were being hoisted up, the winch broke. Both fell to their deaths.

Berkoff remembered standing in front of the field hospital and thinking, "Could anything possibly go right today?"

Monti was posthumously promoted to sergeant first class.

As she prepares to accept the Medal of Honor from the president for her son's sacrifice, Janet Monti says she can't help but wonder what Jared would think about it. "He would say this medal isn't just for me. He would want to share this medal with everybody who died that day."

#### HONORING RICHARD KUCKENBECKER

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Richard Kuckenbecker upon being named by the Madera District Chamber of Commerce as a 2009 Lifetime Achievement Award Honoree. Mr. Kuckenbecker will be recognized on Wednesday, August 26, 2009 at the Fifth Annual Lifetime Achievement Awards and Installation Dinner.

Richard Kuckenbecker was born in Sanger, California. At the age of five, he began to spend time in his father's business, Kuckenbecker Tractor Company. As a young man, he would assist by sweeping the floors, cleaning the lavatory and completing tasks that needed to be done around the shop. Upon graduating from high school, Mr. Kuckenbecker attended Fresno State, where he played baseball. Just shy of completing his Bachelor's Degree, he left school and returned to the family business. Mr. Kuckenbecker was twenty-one years old when he took over Kuckenbecker Tractor Company, he was the youngest tractor dealer in the nation. During college he met Lynn Bashian, and in May 1964 they were married and promptly moved to Madera from Fresno. Kuckenbecker Trucking Company has been in the family for sixty-five years. Since Mr. Kuckenbecker took the reigns the business has changed locations and expanded to include a dealership in Fresno in 1982.

Mr. Kuckenbecker has always been dedicated to his community. He is a founding member and President of the Madera County Ag Boosters, serves on the board of the California State University, Fresno Ag One. He is a member of the Far West Equipment Dealers Association, National Association of Farm Equipment Dealers, Ford Motor Company Dealer Council, Madera Historical Society. Mr. Kuckenbecker served as a judge for the Fresno Bee Excellence in Business award. He has also won the Madera District Fair Blue Ribbon award. For his civic duty, he served on the Madera Planning Commission. For all that he

has done for the community, Mr. Kuckenbecker was selected as the first Madera District Chamber of Commerce Agribusiness Person of the Year. He has received the Fresno County Farm Bureau Distinguished Service award and the Fresno Bee Excellence in Business Award for Agriculture.

Mr. Kuckenbecker and his wife Lynn have three children and five grandchildren, with another grandchild on the way. He continues to own and operate Kuckenbecker Trucking Company in Madera and Fresno.

Madam Speaker, I rise today to commend and congratulate Richard Kuckenbecker upon being honored as the Madera Chamber of Commerce 2009 Lifetime Achievement Award. I invite my colleagues to join me in wishing Mr. Kuckenbecker many years of continued success.

#### RECOGNIZING THE CONTRIBUTIONS OF CHASE SIMMONS

#### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 2009

Mr. HALL of Texas. Madam Speaker, I want to thank a member of my staff who is leaving us to move back to "our" home state of Texas. After earning a degree in Psychology from Texas A&M University, Chase Simmons came to Washington and spent the last 4 years here on Capitol Hill. He served as a Senior Staff Assistant for the Committee on Energy and Commerce and joined the Committee on Science and Technology in 2007 as our Committee Clerk. Chase first came to Capitol Hill in 2005 serving as an intern in my office.

Chase has worked hard to help me serve the people of the 4th District of Texas and assisted the Members of Congress serving on the Committee on Science and Technology.

I thank him for his efforts and wish him well in the future.

#### AGAINST THE CONSOLIDATION OF THE OTEEN POST OFFICE IN ASHEVILLE, NORTH CAROLINA

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 2009

Mr. SHULER. Madam Speaker, as the son of a rural postal carrier, I was raised with the United States Postal Service as an integral part of my community, my family, and my life. I grew up understanding the vital role a rural post office can play in terms of jobs, small businesses, and local economies. Today the Postal Service is in jeopardy. With increasing reliance on electronic communication, fewer and fewer citizens are using standard mail to send and receive correspondence.

To counter the reduction in usage and their enormous deficit, the United States Postal Service has been forced to implement difficult cost-cutting measures. Among these measures is the consolidation of numerous post office branches throughout the country. In my

postal region alone, the Mid-Carolinas District, 6 of the 80 post offices that service the area have been closed in the past year. The Post Master General estimates that over the next year, approximately 300 post offices nationwide will be forced to shut their doors. This will result in job losses and reduced community access to postal services for individuals and businesses.

I am particularly concerned about the Oteen Post Office in Asheville, which is currently under review for consolidation in my district. There has been tremendous local resistance to the possible closing of the Oteen Post Office, especially because the facility is located directly across the street from the Charles George Veterans Affairs Medical Center. The VA hospital is reliant on the Oteen Post Office to meet the correspondence needs of its patients, as well as the critical administrative needs of the medical center staff. For example, the Oteen facility provides fee-based presorting services to 18 different departments of the VA hospital and early mail pick-up to expedite the delivery of vital medical paperwork. Should the facility close, employees of the VA hospital and citizens in the area would have to drive almost 14 miles roundtrip to access the nearest retail postal facility.

Furthermore, it is important to remember that many elderly and rural citizens, poor people and people without permanent residences rely solely on post office boxes to receive their mail. By closing the Oteen Post Office, as with many post offices around the country, we are complicating access to these post office boxes and putting further strain on our veterans, senior citizens, and those with limited means.

Consolidation of post offices is not the best solution to this crisis. In many instances, it is detrimental. Rather than shutting post office doors, we should look at other streamlining solutions that are already being successfully implemented. We should explore proven solutions such as adjusting post office hours to reflect customer use, extending early retirement eligibility to USPS employees, and adjusting postal delivery routes to better reflect the diminished volume of mail.

Madam Speaker, we need to keep Oteen and post offices like it open. I strongly encourage my colleagues to consider alternatives to rural post office consolidation and job loss that will help streamline the efforts of the postal service, cut costs, and increase efficiency.

#### RECOGNIZING JOSH ECKHOFF

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mrs. EMERSON. Madam Speaker, I rise today to commend Josh Eckhoff to the U.S. House of Representatives and to recognize his tremendous contribution to our nation. Josh's story is a testament to his selflessness and an example of service every American citizen should take to heart.

After he graduated high school, Josh volunteered to join the Missouri National Guard. He was called to service in Iraq on two occasions. On his first deployment, Josh trained Iraqi sol-

diers to provide security for convoys tasked with transporting supplies. When he returned home, Josh enrolled in the University of Missouri at St. Louis. He was then deployed to New Orleans in the aftermath of Hurricane Katrina.

Then, in September of 2007, Josh was called to duty in Iraq again. This time his mission was clearing roads. He had been in Iraq for six months when an improvised explosive device exploded, causing him serious injury. After several surgeries, tremendous hardship, difficult rehabilitation and a long recovery, Josh is now back in St. Louis, where he will complete his degree.

He has received the Purple Heart and the Bronze Star for his courage, and he is a great example of perseverance to everyone in my home state of Missouri. He will be the Parade Marshall in the annual Cotton Carnival Parade in Sikeston, Missouri, on October 3 this fall. We will give him a hero's welcome in Southern Missouri, and I think it is highly appropriate that Josh Eckhoff receive the same recognition in this Congress for his many accomplishments, past, present and future.

#### RECOGNIZING ELOISE MCCALL OF ZEPHYRHILLS, FLORIDA

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Eloise Enoyer McCall of Pasco County, Florida. In a couple of days, Eloise will do something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Born September 11, 1909 in South Sabius, New York, she now resides in Zephyrhills, Florida. Eloise was married for 53 blissful years to her late husband Carl McCall. Together they had three sons, Gerald, Leonard and Bernard.

For the past 27 years Eloise has been a member of the Zephyrhills tourist club where she still goes dancing every week.

Madam Speaker, I ask that you join me in honoring Eloise Enoyer McCall for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

#### IN RECOGNITION OF THE 150TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF BOLIVAR, MISSOURI

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. BLUNT. Madam Speaker, I rise today to honor the First Baptist Church in Bolivar, Missouri, which is celebrating its 150th anniversary of serving its community guided by the teachings of Jesus Christ. Starting with a charter group of seven believers in early September, 1859, today the First Baptist Church in Bolivar includes more than 1,500 members.

Its 150 year history has been marked by steady growth and renewed commitments of service to the community and members of its congregation. Today, First Baptist in Bolivar provides more than spiritual richness; it offers recreation, child care, educational and family support through an array of missions, programs and services all geared to serve God.

It started as a small charter group organized as the "United Baptist Church of Jesus Christ at Bolivar" and at its second meeting voted to build a house of worship—the first of what would be five structures. With unrest in the nation caused by events that would lead to civil war, the church treasury was empty in January, 1861. Three months later with the start of the Civil War, construction of the new church for its 17 worshipers was halted. The building was left unfinished and in debt.

The conclusion of the war left only four members of the original congregation living in Bolivar. It was 1866 when D.R. Murphy stepped into the leadership role at the struggling church. As pastor, Murphy took up the call to resume construction of the church building and mount a donated church bell in the new tower.

Two years later the church was still under construction, but the congregation decided to move their worship services from the courthouse to the new church in August, even before the walls were plastered. The building was painted with pews and kerosene lamps in place by the end of the year, and the Bolivar church began to grow.

The first organized choir could be heard in 1869 accompanied by organ music. And the size of the congregation underwent a dramatic increase when Southwest Baptist College was moved from Lebanon to Bolivar in 1880. A month-long revival in January saw the congregation more than double, including the baptism of 28 people on February 8, 1880.

By 1888, the church's name had been changed to the First Baptist Church, and membership continued to increase as the town and nearby college grew in population. In 1897 an entirely new building, complete with baptistry and gravity furnace, was in place. It was wired for electricity in 1901. It was replaced in 1926 with larger quarters on the northern half of Block #32 as Sunday school enrollments and congregational growth demanded expanded educational quarters. Other expansions came in 1959 and in the early 1980s.

The character of the First Baptist Church in Bolivar has been shaped over the decades by its location in the bedrock center of the nation and its close relationship with Southwest Baptist University, where I had the privilege of serving as President before my tenure in Congress. Education and leadership have given the church a unique outlook on the world, its community and the good works it does in the Lord's name.

First Baptist is making plans for their 150th anniversary celebration events throughout the month of September. The anniversary theme is Celebrate God's Faithfulness—Yesterday, Today, Forever. As my former house of worship, I know the people of this congregation, their work ethic, their love of God and the strength of their faith as they serve their community and the world.

## PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday, September 8, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 687 (on motion to suspend the rules and agree to H.R. 324); "aye" on rollcall vote No. 688 (on motion to suspend the rules and agree to H.R. 310); "aye" on rollcall vote No. 689 (on motion to suspend the rules and agree to H.R. 3123).

## EARMARK DECLARATION

**HON. FRANK D. LUCAS**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. LUCAS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010: This project, a SOCOM/Oklahoma State University collaboration, will perform testing, integration and commercialization of chemical, biological, radiological, nuclear and explosive (CBRNE) and command, control, communications, computers, intelligence surveillance, reconnaissance (C4ISR) sensor-related technologies.

IN HONOR OF CONGRESSMAN  
WILLIE GATHREL "BILL" HEFNER

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. MURTHA. Madam Speaker, I rise today to recognize Willie Gathrel "Bill" Hefner. Bill was a unique Member of Congress and served with distinction as the Chair of the Military Construction Subcommittee for many years. Few Members could match his contribution to the defense of this country. He represented his congressional district well, but never lost sight of national goals, whether those dealt with education, law enforcement, or defense. Many times he would sit on the floor listening intently to debate and he became one of the best extemporaneous speakers that ever served in Congress. Madam Speaker, Bill Hefner was a good friend and an outstanding American.

CELEBRATING THE FRANKLIN  
SCHOOL 100TH ANNIVERSARY

**HON. SCOTT GARRETT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. GARRETT of New Jersey. Madam Speaker, this evening, the Franklin School in

Bergenfield will celebrate 100 years of exceptional education offered in New Jersey's 5th District. Erected in 1908, Franklin School arose to meet the need for a notable educational facility within this expanding community in Bergen County. Its humble beginnings were made up of a \$15,000 budget and only 10 students grades K-12. Since then, Franklin School has grown to a diverse group of 365 students from grades K-5 that captures the excellence of what Bergen County students have to offer. With a dedicated teaching staff, Franklin School has found new and exciting strategies for enabling its students to excel in all areas of their instruction. Their mission is to put children first and this directive has given incentive to provide the student body with the necessary tools and guidance to obtain success. With laptop labs to teach communication skills, learning centers to further judge and improve performance, and performance measures put in place to continually improve all educational offerings delivered to those who attend, Franklin School has established the gold standard in educational offerings.

The Franklin School is an exceptional educational facility that has nurtured and sent forth successful students for the past 100 years. I am proud of its accomplishments and expect great things from those who have been offered invaluable guidance from this notable school. Because of committed administrators and selfless teachers who have put their time and effort into the educational program offered to their students, Franklin School has made this community in my district a better place. I wish all the very best to the Franklin School and all its staff and students in their next 100 years to come.

## EARMARK DECLARATION

**HON. CONNIE MACK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, The Departments of Labor, Health and Human Services, and Education Appropriations Act, 2010.

Project Name: FGCU Impact of Freshwater Flow into Coastal Waters—FGCU Coastal Watershed Institute

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 3293, The Departments of Labor, Health and Human Services, and Education Appropriations Act, 2010.

Account: Higher Education (includes FIPSE)  
Legal Name of Requesting Entity: Florida Gulf Coast University

Address of Requesting Entity: 10501 FGCU Blvd., South, Fort Myers, FL 33965

Description of Request/Justification of Federal Funding: \$350,000; Florida's coast is a principal economic driver attracting millions of tourists and thousands of residents to the coastal communities of Southwest Florida. Proper management of the freshwater that the coastal environment receives is critical to pre-

venting toxic algal blooms and negative impacts on recreational and commercial fisheries. FGCU is requesting federal funding for their Coastal Watershed Institute to address the impacts associated with changes in the freshwater flows into the area. This project is geared to students learning about future management of our fragile ecosystems.

## PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mrs. MCCARTHY of New York. Madam Speaker, I am continuing to recover from back surgery. Yesterday, I missed 3 votes. Had I been present, I would have voted as follows.

Rollcall No. 687, on the Motion to Suspend the Rules and Pass H.R. 324, I would have voted "yea."

Rollcall No. 688, on the Motion to Suspend the Rules and Pass H.R. 310, I would have voted "yea."

Rollcall No. 689, on the Motion to Suspend the Rules and Pass, as Amended, H.R. 3123, I would have voted "yea."

## HONORING DONNA GARSKE

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. WOOLSEY. Madam Speaker, it is with great pleasure that I rise today to recognize Donna Garske for her deep commitment to ending violence against women. Congratulations to Donna as she celebrates this milestone of three decades of service to the Marin Abused Women's Services, and the survivors of domestic violence that the organization serves.

Through her leadership, Donna has raised awareness of the importance and prominence of domestic violence in Marin County and beyond. As a result of her devoted efforts, abused and battered women and girls have increased access to safety and justice.

The enthusiasm and passion she exhibits for her work is truly commendable. From her directorship of the Marin Abused Women's Services, to her service with the California Alliance Against Domestic Violence and her scholastic focus on abuse prevention, she has remained an influential and inspiring leader.

Donna's work on behalf of women knows no borders. With the Network of East/West Women, Donna creates dialogue with women in Eastern/Central Europe and the former Soviet Union about violence against women. Earlier in her career, Donna's passion and commitment took her to the Institute for the Study of Male Violence at Stirling University in Scotland where she studied violence issues.

Since her early work as a counselor at the Women's Transitional Living Center and board member of the National Coalition Against Domestic Violence, Donna's advocacy on behalf of women remains firm and strong.

Madam Speaker, Donna Garske's unstinting dedication to ending violence against women shows citizens in our community the power one person has to make an important difference. Over the years, it has truly been a pleasure for me to work with her. Thank you, Donna, and congratulations.

#### TRIBUTE TO HARRIET BUCY

**HON. JOHN M. SPRATT, Jr.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. SPRATT. Madam Speaker, I want to call the attention of the House to the remarkable life and work of Harriet Bucky, because it is inspiring and a shining model of what citizenship in a democracy is all about.

When Harriet Bucky died on May 8, 2008, she left a void in her community. She was one of those rare individuals who seem to have more energy and enterprise than the rest of us. Only a week before her death, the City Council of Rock Hill recognized Harriet Bucky for her role in having Rock Hill selected among the one hundred best communities in America for young people. Accomplishments like these will last long after her.

Harriet Bucky was an artist and used her passion for art to teach it to others. Her spirit and ability as a teacher won her the notice of school district officials, and she was drafted for a succession of assignments. In each, it became clear that she had a gift for inspiring and managing others.

Harriet Bucky was a founder of the Rock Hill School District Foundation, and helped it build a network of support, and provide numerous teachers with thousands of dollars in scholarship grants. Like other institutions she created, it carries on.

Harriet Bucky started the Community and Leadership Support Program, better known as CLASP, and continued forging relationships between schools and organizations in the community. Governor Riley's Education Improvement Act mandated more involvement between schools and community, without specifying how these relationships were to be created. Harriet Bucky built the model that worked, not only in Rock Hill but in other districts who came to see what Rock Hill had accomplished under her guidance.

I have attached a eulogy in tribute to Harriet Bucky published in the Herald, shortly after her death, and ask that it be printed after my statement, as a memorial to this woman "with an overarching ability of bringing people together."

[From the Herald, Sept. 9, 2009]

#### BUCY SERVED COMMUNITY

Harriet Bucky always contended that a community partnership was more than just a financial contribution. A real partnership involved families, business and industry, clubs, the faith community and organizations.

Bucky, who died Thursday at the age of 69, proved how important such a partnership could be during her 23 years as the Rock Hill school district's first community leadership director. That partnership has endured.

The Rock Hill school district was among the first in the state to fully embrace man-

dates in the 1984 Education Improvement Act to involve parents, businesses and the community more in schools. But the EIA did not provide a blueprint for how to do that and, when Bucky signed on, she practically had to invent her own job.

Fortunately, she was not at all reluctant to do that. One goal was to bring in donations, and she was particularly adept at the business end of the job, soliciting millions of dollars worth of donations and volunteer hours each year.

But she also had taught private art classes while her three sons were growing up and had taught art and history at Rawlinson Road Middle School from 1982 to 1985 when the school was a junior high school. So, she brought both a love of art and a passion for educating children to the job.

She worked with Rock Hill Clean & Green to create an environmental education and recycling program. She worked with what then was the Rock Hill Chamber of Commerce to sponsor an education initiative. She enlisted teachers and parents to create the Rock Hill Reads program.

Much of this came under the umbrella of CLASP, the district's Community Leadership and Support Program. Bucky also worked closely with the district's Dropout Prevention Network, New Teacher Institute and America's Promise project, and was active in civic work such as supporting the York County Museum.

Bucky soon was being consulted by other school districts in the state. Rock Hill's program became a model not only for school districts in the state but also nationwide.

Her overarching talent was an ability to bring together people from all parts of the community, from different backgrounds and different lifestyles, all for the purpose of furthering the quality of education. That good work has provided the foundation for programs that will continue to serve the needs of children for generations to come.

A grateful community joins her family and many friends in mourning her loss.

#### PERSONAL EXPLANATION

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. WOOLSEY. Madam Speaker, on July 31, 2009, I was unavoidably detained and was unable to record my vote for rollcall No. 685. Had I been present I would have voted:

Rollcall No. 685: No—On Motion to Recommend with Instructions, Corporate and Financial Institution Compensation Fairness Act.

#### HONORING TOM AND DAVE SCHOETTLE

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Tom and Dave Schoettler upon being named by the Madera District Chamber of Commerce as a 2009 Lifetime Achievement Award Honorees. They will be recognized on Wednesday, Au-

gust 26, 2009 at the Fifth Annual Lifetime Achievement Awards and Installation Dinner.

Tom was born in Glendale, California and Dave was born in Fresno, California to Hal and Loretta Schoettler. They are two of six children; they were business partners, allies and friends. They both attended Madera High School and participated in athletics; Tom graduated in 1950 and Dave graduated in 1951.

During high school Tom began working for his father at Schoettler Tire; this is where he met his future wife, Ila. He joined the United States Navy after high school and was stationed at Camp Pendleton. Tom was recognized with the Honor Man of Unit Award while in the Navy. He served as a Dental Technician and considered a dental career; however when he exited the Navy, his father needed him at the store. Tom went back to work at Schoettler Tire and is still working there today.

After high school, Dave attended the University of California, Berkeley. He received a Bachelor's Degree in Business and was a member of the Reserve Officers' Training Corps. Dave married his wife, Dwyann and he entered the United States Air Force. He served as Captain of the B-47 Bomber squadron. Dave and Dwyann were stationed in Homestead, Florida. Upon fulfilling his duty with the Air Force, he returned to central California to own and operate a tire business in Coalinga and on the central coast.

In 1974 Tom and Dave became partners in Schoettler Tire of Madera. The business, currently in the third generation on family partnership, has changed locations a few times but it is still family owned and operated. Dave and Tom operated Schoettler Tire for thirty-four years focusing on the values that were instilled in them by their father: integrity, honesty and loyalty. These values led Schoettler Tire to not only be the largest tire company in the area, but a leader in the industry for excellence in customer service.

Tom and Dave have been active in the community. Tom is a member of the American Legion, Italian American Club, St. Joachim's Church, Boy Scouts and the Knights of Columbus, where he served as Grand Knight. For his service he has been recognized by Heartland Opportunity. Dave served on the National Board of Tire Companies, was a member of Madera Elks, served as President of Phi Kappa Tau and was an alumnus of UC Berkeley. Schoettler Tire actively supports and is a member of the Madera Chamber of Commerce and has received numerous awards in the tire industry for sales and customer service. Beyond the time that both men have given to the community, they have also both been financially generous to many local clubs and organizations.

Tom and Ila have been married for fifty-six years. They have five sons, twenty grandchildren and nine great-grandchildren. Dave and Dwyann had been married for fifty years when Dave passed away in 2008. They have two sons, a daughter and six grandchildren.

Madam Speaker, I rise today to commend and congratulate Tom and Dave Schoettler upon being honored as the Madera Chamber of Commerce 2009 Lifetime Achievement Award Honoree. I invite my colleagues to join me in wishing Tom and Dave's family many years of continued success.

## EARMARK DECLARATION

**HON. FRANK D. LUCAS**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. LUCAS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. The ASSET program develops, tests, and transfers cost-effective logistics support technologies to reduce the costs associated with support of aging weapon systems and aircraft. The program addresses DOD needs for procuring replacement parts for aging systems and aircraft, and helps DOD confront problems associated with corrosion.

## EARMARK DECLARATION

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. HUNTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3226, Department of Defense Appropriations Act, 2010:

I received \$3,000,000 for Trex Enterprises at 10455 Pacific Center Court, San Diego, CA 92121. Funding for this program will be used to complete development, flight testing and integration of the Brownout MMW Sensor that will reduce aircraft accident risk and allow aircrew visibility through the full range of landing and take-off operations in otherwise extremely hazardous flight conditions. "Brownout" is a situation Army aviators experience in combat operations daily in Iraq and Afghanistan. Created by helicopter rotor downwash, it continues to cause aircraft accidents and remains a high risk to flight safety.

Specifically, as aircraft approach the ground, a thick plume of brown desert dust, dirt and sand disturbed by high velocity winds from rotor systems engulf the aircraft, causing a complete loss of the pilot's visual reference to the ground. The Brownout Situational Awareness Sensor, BSAS, is a cockpit display system capable of providing the aircrew visibility through the blowing sand and dust. This technology will greatly reduce the loss of aviator lives, loss of aircraft and reduce the amount of maintenance requirements resulting in damages from Brownout situations. Brownout is among the biggest hazards to rotary-wing operations in Iraq and Afghanistan, contributing to more than 71 U.S. helicopter accidents. Providing this capability is critical to aircrew safety and combat readiness.

I also received \$2,000,000 for CHI Systems at 12860 Danielson Court, Suite A, Poway, CA 92064. There is currently insufficient training provided to soldiers on the most crucial battlefield lifesaving situations. Medics and soldiers, in many instances, lack the experience to act swiftly and effectively in combat casualty situation. By combining instrumented manikin parts

that support hands-on practice with computer based scenario training, this funding will complete the HapMed Combat Medic Trainer development and provide medics and soldiers the ability to practice critical lifesaving tasks. In addition to providing realistic training scenarios, HapMed is also portable, so soldiers can continue to train while they are deployed. This system has received high praise in its ability to train soldiers for medical treatment on the battlefield. According to a Science and Technology Manager for the Army, "New technologies such as HapMed are needed to provide medics with greater opportunities to develop and test their decision making and technical medical skills."

New Army recruits must receive training in Buddy Aid or as Combat Life Savers (CLS). Currently, insufficient training is provided to help soldiers and medics acquire and maintain some of the crucial battlefield lifesaving skills such as tourniquet application, needle chest decompression, and emergency cricothyrotomy, addressing, respectively, the top three causes of preventable death on the battlefield. In order to perform these lifesaving functions under battlefield conditions, military personnel must have the awareness and confidence to act swiftly and effectively.

Further, I received \$1,500,000 for General Atomics Aeronautical Systems at 14200 Kirkham Way, Poway, CA 92064. The Predator C has been designed and developed as the next generation aircraft in the extremely successful Predator series Unmanned Aircraft System. Predator C was designed in order to make the airplane more survivable in higher threat areas and to provide the U.S. Air Force with an armed reconnaissance capability that will be able to fly into many areas around the world undetected.

Predator C is slightly larger than Predator B and is capable of carrying 2000 pounds of the same mix of weapons as Predator B. Predator C will provide the U.S. Air Force with additional covert capability, enhanced by much higher operational and transit speeds for quick response and quick repositioning for improved mission flexibility and survivability. This system also provides variations in signature reduction technologies. Furthermore, Predator C means more jobs contributing to San Diego's local economy while providing the men and women on the ground the resources they need to accomplish their mission.

## EARMARK DECLARATION

**HON. K. MICHAEL CONAWAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. CONAWAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010.

Defense Critical Languages and Cultures Initiative—(Center for Security Studies) Angelo State University. The funding would be used for the University's Center for Security Studies which will produce cross culturally competent

students able to understand and influence outcomes in support of American national security objectives. The Center for Security Studies will directly benefit Goodfellow Air Force Base by providing an educational degree completion for faculty as well as research opportunities on existing and emerging Air Force language, culture and intelligence requirements. Extra instructional capacity for Goodfellow Air Force Base in Mandarin and Arabic is also achieved. The project is located at Angelo State University, 2601 W. Avenue N, San Angelo, TX 76909.

Mobile Firing Range for the Texas Army National Guard. The Mobile Firing Range is a self contained range that allows for the firing of pistol and rifle systems for the Texas National Guard. Currently there is no opportunity to fire weapons for training or qualification without traveling to a certified range on a military installation. The Texas National Guard currently does not have access to any indoor ranges that can be used to fire the M16/M4 which is the current armament for 90 percent of the soldiers within the Texas National Guard. The Mobile Firing Range will allow soldiers to train with their assigned weapons at home station. This system is a training and force multiplier due to the negation of travel and lodging, and staging needed when conducting this training on a military facility. The entity to receive funding for this project is Texas National Guard, 2200 West 35th Street, Austin, TX 78763.

Center for Hetero-Functional Materials. The U.S. Army Research and Laboratory Material and Devices division has deemed the Center for Hetero-Functional Materials, CHM, as critical to developing next generation devices for the military. CHM provides the infrastructure and resources required for research and development of new materials and processes that will be required for the fabrication of next generation military devices. This initiative integrates multiple disciplines to help produce a new range of materials that will lead to new devices with unprecedented capabilities. The entity to receive funding for this project is Texas State University at San Marcos, 601 University Drive, San Marcos, TX 78666.

Compact Pulsed Power Initiative. This funding would be used for the development of explosive or battery-operated, compact, high-power radiation sources and associated antenna systems capable of destroying electronics used for radars, communications, computer, or remote detonation devices, and others that can disable car engines. The information gained from this research will be significant in furthering our nation's defense capabilities especially in the area of disabling and destroying IEDs. The entity to receive funding for this project is Texas Tech University, 2500 Broadway, mail stop 3121, TX 79409.

Field Deployable Hologram Production System. This funding would be used for completing development of a compact production unit that produces 3D holographic imagery for mission planning and intelligence purposes for U.S. forces in Iraq and Afghanistan. The Army requests a self-contained, field-deployable EHI production system to accelerate imagery delivery to combat forces. The goal is a more efficient, cost effective production system that provides the deployed war fighter needed

planning and intelligence capabilities on a much faster basis. The entity to receive funding for this project is Zebra Imaging, Inc, 9801 Metric Blvd, Austin, TX 78758.

#### PERSONAL EXPLANATION

### HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. FORTENBERRY. Madam Speaker, on rollcall No. 691, I was inadvertently delayed.

Had I been present, I would have voted "yes."

#### RECOGNIZING OHIO NATIONAL FINANCIAL SERVICES ON ITS 100TH ANNIVERSARY

### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize the One Hundred Year Anniversary of Ohio National Financial Services. On this day one century ago, Ohio National began operating in its original home on Fourth Street in downtown Cincinnati. Their first policy was issued in October a year later.

Today, Ohio National continues a proud tradition as a community leader. In celebration of this century of service to our community, Ohio National is partnering with Habitat for Humanity to build 10 houses over the next five years—one house for each decade of their commitment to Cincinnati.

Madam Speaker, please join me in recognizing Ohio National Financial Services 100th Anniversary and in wishing them continued success in the future.

#### REMEMBERING THE ATTACKS OF SEPTEMBER 11, 2001

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, eight years after the attacks of September 11, 2001, we remember one of the bloodiest days in our nation's history with heavy hearts and tragic regret. I am once again reminded of the heroes that selfishly gave their lives so that others could make it to safety, and today we mourn their passing. We remember, too, the victims who were so sadly ripped from our lives by one of the most senseless acts of violence our country has even seen. Today, I share in the grief of a country and extend my deepest condolences to the friends and family of those that passed on that solemn day.

As I think back to that painful morning, I remember how a sunny Tuesday unfolded into a series of events that has shaped our national conscious and affected us in ways that we

had no longer thought possible. We were reminded that there is still hate in the world. We were reminded that there still exists the possibility of great tragedy in our country. And we were reminded that we were vulnerable to the problems that exist beyond our shores.

However, on that grim day, we saw an America that stood proudly and bravely and an America that came together under difficult circumstances. We must not forget that liberty, justice, and fairness are some of our greatest ideals, and we must continue to strive towards these goals, even in the face of tragic situations.

I would like to remember, too, a constituent of mine who lost his life in the attacks. Michael E. Tinley happened to be working in the World Trade Center on that morning, and I offer my deepest condolences to his friends and family. Truly, I mourn with you.

Today, I join my fellow colleagues in honoring the victims who died on September 11, 2001. We remember these events with great sadness but new resolve, and as we continue our work, we will never forget the loss that we felt that day.

#### IN REMEMBRANCE AND HONOR OF MICHAEL HORTON

### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the constituents of Ohio's 7th Congressional District to express our deepest sympathies to the family and friends of Michael Horton and to recognize his numerous achievements.

Michael was an active and engaged member of our local community with his service to our nation in the military, work at his animal hospital and spirit of community volunteerism.

Michael Horton served our nation bravely as a colonel in the United States Air Force and he cared for the animals of our area for 28 years as the owner and president of the Fairborn Animal Hospital.

He founded Fairbornites Restoring Our Greene Spaces (F.R.O.G.S.) and showed his dedication to our community as the host of "Our Fairborn Heritage" and "Fairborn Plain and Simple" on local television. Michael also volunteered with Fairborn Parks and Recreation, Fairborn Heritage Days, Fairborn Police Advisory Board and the Fairborn Education Foundation.

My thoughts and prayers are with Michael's family and friends during this time of terrible loss.

#### TRIBUTE TO AMBASSADOR RICHARD SCHIFTER

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. WOLF. Madam Speaker, I rise today to pay tribute to Ambassador Richard Schifter—

a friend and lifelong champion for human rights. His own harrowing experience as a Holocaust survivor has been foundational to his efforts on behalf of oppressed, persecuted people the world over.

In the coming weeks, Ambassador Schifter will be honored by Project Interchange and the American Jewish International Relations Institute for his multi-faceted and important work in this arena. I join them in marking his life-time achievements.

In his two decades of government service at the Department of State and the National Security Council, he never wavered in his support for democracy and human rights—bedrocks of the American experience which shamefully are too often relegated to the sidelines in our foreign policy establishment.

As a former U.S. representative in the United Nations Human Rights Commission and former deputy U.S. representative in the U.N. Security Council, he acquired a keen understanding of how the institution works, and some of the political and ideological forces at play including those which seek to undermine the United States and delegitimize the state of Israel. He has effectively spurred congressional action to help rally friendly nations to support the U.S. position at the U.N.

In a 2008 presentation at the University of Virginia Law School, he said, "As an immigrant rather than a native of the United States, let me tell you that I believe in the concept of American Exceptionalism."

I share this belief and would say that Ambassador Schifter is himself an exceptional American.

#### HOME HEALTHCARE CAN HELP LOWER COSTS, IMPROVE RESULTS

### HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. FOXX. Madam Speaker, the Census Bureau currently estimates that our nation's elderly population will double between 2000 and 2050. And in my home state of North Carolina, the elderly population is growing much faster than the national average. As our population ages, a rising number of baby boomers will become susceptible to one or more chronic health conditions that will cost our Medicare system billions of dollars. At the same time, our citizens age 65 and over have expressed an overwhelming preference to live independently at home for as long as possible, among family and friends.

What is the solution? Since the elderly population overwhelmingly prefers to receive their healthcare at home and since such treatment is much more cost effective, our government should be investing in home healthcare.

Today, home healthcare is more than just basic, long-term care. It is much more advanced and sophisticated. Highly skilled nurses and therapists are already working within the existing Medicare system to help patients manage heart disease, diabetes, balance problems and other illnesses that, if not properly treated, can increase the cost to Medicare. Home health is helping many of

these people stay out of expensive alternatives, and is allowing our seniors to remain at home where they ought to be.

With a rising older population, home healthcare programs that improve care, save money and are preferred by constituents are closely aligned with the government's objectives for health reform. Yet, provisions in the Democrat draft healthcare bill would cut \$51 billion from the Medicare home health program over the next decade. These reductions will have a detrimental effect on access to home care for our elderly population and could potentially cost Medicare more by forcing people unnecessarily into other facility based care.

For these reasons, I believe we must oppose these cuts and lend our support to home healthcare.

#### REMEMBERING THE 9/11 ATTACKS ON AMERICA

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. HOLT. Madam Speaker, this week we pause to remember the nearly 3,000 Americans who lost their lives in New York, Pennsylvania, and at the Pentagon on September 11, 2001. There are no words that I or any of us can say that will take away the pain and grief of those who lost family members and friends during the attacks. Thousands from my district were among those who lost those dear to them at the World Trade Center. The memory of that terrible day remains fresh in the minds of those who live or work in New York City and Washington.

This year also marked the tragic passing of Beverly Eckert, who lost her husband Sean on 9/11 and who subsequently co-founded the Voices of September 11th advocacy organization, which played a critical role in pushing for the creation of the 9/11 Commission. Beverly was one of the passengers on Continental Airlines flight 3407, which crashed near Buffalo on February 12, 2009.

Today, we still owe Beverly Eckert and everyone else touched by the 9/11 attacks what we promised them: that we would reform our governmental institutions to help prevent future attacks and that the perpetrators of 9/11 would be brought to justice. Some progress has been made in making our country less vulnerable to future terrorist attacks, but much work remains to be done.

Our rail system is still needlessly vulnerable to the kinds of attacks that rocked London, Madrid, and Mumbai over the last several years. We have yet to screen 100 percent of the cargo entering our ports of entry and our "no fly lists" continue to contain the names of innocent Americans who are routinely detained for no legitimate reason while our porous borders remain a potential pathway for terrorists to enter our country. I will continue my work to eliminate these holes in our defenses and to press for changes in our foreign and defense policy that will help us to remove Osama bin Laden and Al Qaeda as a threat to our people.

As we remember those who have died and seek to honor our commitments to them and

their survivors, people all across America now can take part in a new way to honor the memory of those who perished on 9/11.

Earlier this year, the Congress passed and President Obama signed into law the Edward M. Kennedy Serve America Act (Public Law 111-13). In addition to tripling national service volunteerism opportunities to 250,000 for everyone from students to retirees, this bipartisan law designated September 11 every year as a National Day of Service and Remembrance. I encourage all Americans to use September 11 to honor the victims and heroes of the 9/11 tragedy by serving their neighbors and communities.

#### EARMARK DECLARATION

**HON. JOHN LINDER**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. LINDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 3288, the Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Requesting Member: Representative JOHN LINDER

Bill Number: H.R. 3288, the Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Account: Federal Highway Administration Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Georgia Department of Transportation

Address of Requesting Entity: 2 Capitol Square, S.W., Atlanta, GA 30334

Description of Request: This project will allow the Georgia Department of Transportation to make modifications to the I-85 interchange at Pleasant Hill Road. This will ease congestion and enhance access to I-85 for through traffic along Pleasant Hill Road. According to the Commissioner of the Georgia Department of Transportation, "the modifications will allow the interchange to meet increasing traffic demand along Pleasant Hill Road for travel across I-85, as well as to provide access to/from I-85 at adequate levels of service." Funding for this project will provide for preliminary engineering, environmental documentation, and right of way planning/acquisition phases to keep this plan on schedule and ease congestion.

#### MARKING PATH'S AWARD OF THE 2009 CONRAD N. HILTON HUMANITARIAN PRIZE

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. McDERMOTT. Madam Speaker, I am proud and very pleased to rise today to inform the House of Representatives that the Wash-

ington State-based international nonprofit organization PATH has received the 2009 Hilton Humanitarian Prize—the world's largest humanitarian award—for its work to improve human health around the world. This annual award of \$1.5 million from the Conrad N. Hilton Foundation acknowledges and advances the work of organizations dedicated to the relief of human suffering. Today, the Prize recognizes PATH's use of innovative technologies to solve global health problems. PATH is making an enormous difference in the health and lives of people around the world, and this award very appropriately affirms that work.

Headquartered in Seattle since its inception in 1977, PATH has helped to make Washington State an emerging center for global health solutions and life-changing innovations. PATH works in more than 70 countries to tackle the most critical health issues, from malaria to HIV/AIDS to deadly childhood diseases. PATH shares its experience with policymakers and government partners through staff in its Washington, DC, and Bethesda, Maryland, offices.

PATH has pioneered sustainable, culturally relevant solutions to vexing health problems, enabling communities worldwide to break longstanding cycles of poor health. By collaborating with diverse public- and private-sector partners, PATH helps provide appropriate health technologies and vital strategies that change the way people think and act, and these changes, in turn, significantly improve global health and well-being.

PATH has received long-term support from the U.S. government throughout its life to develop health technologies for low-resource settings. It makes sure that industrialized-world solutions can be modified to serve developing countries and thereby maximize health equity. PATH has adapted, developed, or co-developed more than 85 technologies designed to improve the health and lives of people in low-resource countries, even in the most remote areas of the globe.

PATH's work to protect the lives of families and communities addresses international goals for improving maternal, newborn, and child health. For example, PATH paired the drug oxytocin—which can protect women from postpartum hemorrhage, the leading cause of maternal deaths—with its own invention, the Uniject device, a prefilled, single-use injection system. This combination allows women who give birth in rural health clinics or at home to receive a lifesaving dose of medicine when they desperately need it for survival. PATH also worked with a U.S. company to develop a small sticker called the vaccine vial monitor that changes color when temperature-sensitive vaccine has been exposed to heat, which often happens in resource-poor areas challenged with keeping medicines cool. This simple sticker means health workers don't have to guess whether vaccine has been damaged, and families can be assured their children are receiving potent, and often life-saving, vaccine.

These technologies are just two examples of how PATH provides imaginative solutions to ensure that important medicines and critical health interventions reach the people who need them most.

Profound health inequities persist around the world, but PATH's enlightening work shows us that solutions are at hand to solve the world's greatest health challenges. Please join me in applauding PATH's outstanding achievements and its selection as the winner of this year's Hilton Humanitarian Prize.

#### HONORING REGINALD PALMER

#### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Reginald R. Palmer. Sadly, Mr. Palmer passed away on August 3rd. His funeral was held in Flint, Michigan on August 15th.

Reginald Palmer was a member of Canaan Baptist Church, and served Our Lord, Jesus Christ, through the Unity Choir and Canaan's Male Chorus. He was an attentive, conscientious member of his Church. His faithfulness to his Church community was a hallmark of his life.

His enthusiasm, hard work and resolute belief in a better world led him to become active in our political process. Reginald served as the Vice Chairperson for Precinct 20 and he knew and helped many of the residents of that area. He worked tirelessly for many years to elect candidates that would improve the lives of everyday citizens. Many elected officials, including Vera Rison, benefitted from Reginald's wisdom and loyalty. I have counted him among my supporters for many years and I will miss his insight and counsel.

He leaves behind his wife, Rosemary; daughters, Talishiya and Regina; and sons, Manus and Marshall; along with many other relatives and friends that bear witness to the good and fruitful life he lived.

Madam Speaker, I ask the House of Representatives to rise with me and pay tribute to the passing of a great human being, a devoted servant of Our Lord, a determined worker for a better tomorrow, an excellent and loyal friend. I will deeply miss Reginald Palmer and it is with great sadness that I mourn his passing.

#### HONORING MS. BETTY WRIGHT

#### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and honor Ms. Betty Wright, South Florida's very own recording artist who continues to contribute greatly to the musical landscape of not only Miami-Dade County, but of the Nation through her artistry and musical talent. She has influenced a generation of female singer-songwriters, as well as the world of hip hop.

A native Miamian, Ms. Wright was born on December 21, 1953. She began her music career with her family in a gospel group called the Echoes of Joy. In 1965, she began switch-

ing to R&B music when she was only 11 years old. She released her first album, *My First Time Around*, in 1968. Her first hit single was "Girls Can't Do What Guys Can Do." Toward the end of 1971, Ms. Wright's single "Clean Up Woman" became a Top 5 Pop and R&B hit, which later influenced artist, Mary J. Blige's "Real Love" with the sample of its guitar riffs. The single also influenced R & B group, SWV's single "I'm So In To You"; Afrika Bambaataa's song, "Zulu War Chant"; and Sublime's "Get Out!" remix. Additionally, R&B artist, Beyoncé has sampled "Girls Can't Do What The Guys Do" for her hit "Upgrade U."

Ms. Wright's other noted singles are "Tonight is the Night" (1974) and "Where Is the Love" (1975). "Where Is the Love" won a Grammy for Best R&B Song in 1975. After experiencing a brief slump in the early 1980s, she rebounded and found her own record label, Ms. B Records. In 1988, she made music history by becoming the first woman to have a gold record on her own label with the release of *Mother Wit*, which featured two of her most famous hits, "No Pain No Gain" and the "After the Pain." On both songs, Ms. Wright displays her upper register capabilities and seven-octave range. In 2001, she released a compilation album, *The Very Best of Betty Wright*. Her first studio album, *Fit for a King*, was also released the same year.

Currently, Ms. Wright continues to record music and mentors several young singers. She has done vocal production for the likes of Gloria Estefan, Jennifer Lopez and Joss Stone.

Madam Speaker and my colleagues, I ask that you join me in honoring Ms. Betty Wright, a true beacon of hope and musical talent from the 17th Congressional District of Florida. She is an outstanding American worthy of our collective honor and appreciation. It is with deep respect and admiration that I commend Ms. Wright for sharing her beautiful talents with the rest of us. Through all of her adversity she continued to grace us with her gift of song.

#### RECOGNIZING FRANK N. BARRETT OF CRYSTAL RIVER, FLORIDA

#### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Frank N. Barrett of Citrus County, Florida. In a couple of days, Frank will do something that all of us strive to do, but that very few of us will ever accomplish, celebrate his 100th birthday.

Born September 10, 1909 in East Orange, New Jersey, Frank is the oldest of seven children. He owned and operated a chemical and machinery business in Connecticut before he and his family moved to Florida more than 25 years ago. Frank is the loving father to six children, 11 grandchildren and fourteen great grandchildren!

Frank loves to dance and has fond memories of teaching his wife and dancing partner of 52 years, Ingrid, the Tango.

Madam Speaker, I ask that you join me in honoring Frank N. Barrett for reaching his

100th birthday. I hope we all have the good fortune to live as long as him.

#### HONORING SHERYL BERRY

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Sheryl Berry upon being named by the Madera District Chamber of Commerce as a 2009 Lifetime Achievement Award Honoree. Mrs. Berry was recognized on Wednesday, August 26, 2009 at the Fifth Annual Lifetime Achievement Awards and Installation Dinner.

Sheryl Berry was born at Dearborn Hospital in Madera, California to Bob and Merrill Howe. During her childhood she was surrounded by her brothers and cousins. Work and community service began at a young age for Mrs. Berry. At five years old, she became a member of Camp Fire and she had her first job at the age of eight, licking postage stamps at the family-owned business, TECO. She graduated from Madera Union High School and attended Fresno State.

Mrs. Berry has dedicated her entire life to family, career and community. As a worker for the family business, TECO, she became known for her high business standards, strong sense of loyalty to the customers and further creating a highly successful business. After forty years, Mrs. Berry retired from managing the business, allowing her to spend even more time in the community and with her family.

The Camp Fire experience was a lasting commitment for Mrs. Berry. She continued with the organization through her high school years. In 1971 she became an active member of Algeria Guild for Children's Hospital Central California, where she served as treasurer, secretary and president in 1976. She remains an active member of the guild and recently received her thirty-five year pin. As her children were growing up, they became involved with 4-H and Mrs. Berry was right along with them, as the boys began their own beef cattle projects. She served as the project leader for eighteen years in the areas of citizenship, cultural exchange, outdoor camping and sewing. Mrs. Berry also served as the 4-H Co-Camp Director for ten years.

In 1985 Mrs. Berry became involved with the Madera County Historical Society, where she is the current president and has maintained that position for ten years. Through her involvement with the Historical Society, she became involved with the Madera Method Wagon Train. She has traveled trails with the Wagon Train through the Madera County foothills, to Stockton, California and to Houston, Texas.

For her community activities, Mrs. Berry has received multiple awards and honors including, the 1987 4-H "Outstanding Community Club Leader," Madera District Fair 1988 "Homemaker of the Year," California State University, Fresno Ag One "Women in Agriculture, Common Thread Award" in 2000 and the Madera County Historical Society "Presidential Fume Award" in 2005. Mrs. Berry has

a life long history of working to create a better community in Madera.

Mrs. Berry has been married to Randy for thirty-three years. She has four sons and eleven grandchildren.

Madam Speaker, I rise today to commend and congratulate Sheryl Berry upon being honored with the Madera Chamber of Commerce 2009 Lifetime Achievement Award. I invite my colleagues to join me in wishing Mrs. Berry many years of continued success.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 10, 2009 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### SEPTEMBER 14

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine cyber attacks, focusing on protecting industry against growing threats.

SD-342

2 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine the health effects of cell phone use.

SD-138

##### SEPTEMBER 15

9:30 a.m.

Armed Services

To hold hearings to examine the nomination of Michael G. Mullen, for reappointment as the Chairman of the Joint Chiefs of Staff and reappointment to the grade of admiral.

SD-106

10 a.m.

Finance

To hold hearings to examine unemployment insurance benefits.

SD-215

Judiciary

Human Rights and the Law Subcommittee  
To hold hearings to examine human rights, focusing on mental illness in United States prisons and jails.

SD-226

2:30 p.m.

Energy and Natural Resources

Business meeting to consider pending nominations; to be immediately followed by a hearing to examine potential costs and price volatility in the energy sector, focusing on the greenhouse gas trading program.

SD-366

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine security clearance reform, focusing on modernization.

SD-342

##### SEPTEMBER 16

Time to be announced

Small Business and Entrepreneurship

Business meeting to consider the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration.

Room to be announced

10 a.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine the use, impact, and accomplishments of Federal appropriations provided to improve the education of children in the District of Columbia.

SD-192

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

SD-342

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation (FBI).

SD-226

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Richard Serino, of Massachusetts, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

SD-342

2:30 p.m.

Foreign Relations

To hold hearings to examine exploring three strategies for Afghanistan.

SD-419

Commerce, Science, and Transportation

Science and Space Subcommittee

To hold hearings to examine options from the review of the United States Human Space Flight Plans Committee.

SR-253

##### SEPTEMBER 17

10 a.m.

Foreign Relations

To hold hearings to examine countering the threat of failure in Afghanistan.

SD-419

#### POSTPONEMENTS

##### SEPTEMBER 16

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine southern border violence.

SD-342

## HOUSE OF REPRESENTATIVES—*Thursday, September 10, 2009*

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

Dean George Werner, Trinity Cathedral, Pittsburgh, Pennsylvania, offered the following prayer:

Gracious God, we meet in a challenging moment of Your history. We cannot control all that may endanger us, but we can choose our behavior and the example we set as leaders.

Facing overwhelming challenges, the signers of our Declaration of Independence pledged "their lives, their fortunes and their sacred honor." In Romans, Paul, too, encourages us to "outdo one another in showing honor."

Please send Your Holy Spirit among us, strengthening our vision and courage to do right, especially when no one is watching. Not for just this great House, but for all levels of government; for all corporations, institutions and organizations; for financial, industrial, commercial, academic, military, including our religious and altruistic communities, which sadly have not been immune from dishonor; that our beloved country may continue to be a beacon of light to a troubled world, and that government for, by, and of the people shall not perish from the face of this Earth.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. KLEIN) come forward and lead the House in the Pledge of Allegiance.

Mr. KLEIN of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### HONORING THE VERY REVEREND GEORGE L.W. WERNER

The SPEAKER. Without objection, the gentleman from Pennsylvania, Congressman ALTMIRE, is recognized for 1 minute.

There was no objection.

Mr. ALTMIRE. Madam Speaker, it's my great honor to welcome the Very Reverend George L.W. Werner, who today serves as the guest chaplain for the United States House of Representatives.

As the dean emeritus of the historic Trinity Cathedral in Pittsburgh, Pennsylvania, Dean George Werner has earned a special place in the hearts of Western Pennsylvania and especially the Episcopal Church. A well-known volunteer and leader in the community, Dean Werner is involved in countless community and civic organizations, including the Ireland Institute of Pittsburgh, the St. Margaret's Foundation, and the University of Pittsburgh Medical Center, just to name a few.

And it's altogether fitting that by opening up today's House session in prayer, Dean Werner is the first person to stand at that center podium where President Obama stood last night to talk about the need for health care reform, because Dean Werner has literally made a career out of advocating for fairness for all of our citizens and helping those less fortunate.

It's my distinct honor and privilege to welcome to the House today my good friend, Dean George Werner.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

### IF IT'S TOO GOOD TO BE TRUE, IT PROBABLY IS

(Mr. BONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONNER. Madam Speaker, last night the American people and many in this Chamber listened intently as President Obama made the case for major reform of our health care system. But I must admit I was dismayed, like a growing number of Americans, over the fact of what the President said—and what the Democratic leadership in Congress has already done in the form of H.R. 3200—simply doesn't add up.

We all remember the old saying that if it's too good to be true, it probably is. Last night, the President promised a plan that would insure more people, provide better coverage, and would cost less money. However, missing from

that equation is one basic question: How are we really going to pay for all of this? Sadly, that's the \$900 billion question.

And when the President said that he won't sign a bill into law that adds one dime to the deficit, what he failed to say is this: You, the American people, are going to pay for these changes with more taxes and with cuts to popular programs like Medicare.

Republicans want to take this President at his word, but it would help if the details and the numbers added up with the rhetoric.

### MIKE MCCARVILLE

(Mr. BOREN asked and was given permission to address the House for 1 minute.)

Mr. BOREN. Mr. Speaker, I rise today to celebrate the 30th anniversary of an influential Oklahoma publication, the McCarville Report, and to acknowledge its author, Oklahoman Mike McCarville.

Born in Enid and later raised and schooled in Del City, Oklahoma, Mike has spent his entire professional life in the field of journalism. Throughout his 35-year career, Mike has written or contributed to almost every notable Oklahoma newspaper. However, it has been the very popular McCarville Report that has solidified his influence in Oklahoma politics and culture.

The McCarville Report provides daily insight into the policy positions and issues that face Oklahoma's elected officials. It is an important resource to me and to thousands of Oklahomans that read it every day.

Congratulations, Mike, on 30 years of providing Oklahomans with the McCarville Report. Your hard work does not go unnoticed.

### NEW SPEECH, SAME PLAN

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, the President's speech in this Chamber last night was the 28th speech about the same old tired plan, and it totally ignored the facts. Rhetoric and empty promises are not going to solve the health care challenges Americans face. Americans have spoken in number and force against the same proposals the President endorsed last night.

Americans want health care reform that will not expand government intrusion into health care or undermine

what works in our health care system today.

Contrary to the President's claim that Republicans have no solutions, I support H.R. 3400, the Republican solution: health reform that will expand coverage to those who need it regardless of preexisting conditions. It also expands insurance pools across State lines and encourages young, healthy people to buy insurance to bring down costs for everyone.

Individuals and small businesses can be encouraged to band together to purchase group health coverage for themselves or their employees, and we can save billions by limiting frivolous lawsuits against physicians that have driven many out of business altogether.

#### REMEMBERING SEPTEMBER 11, 2001

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, on Friday we mark a sober anniversary in the history of our Nation—the anniversary of the terrorist attacks on September 11, 2001. As time has passed, our resolve has not faltered. We remain committed to rooting out terror and evil wherever it may hide and protecting our homeland against all who threaten our way of life.

I'm proud that, because of legislation we passed here in Congress and the President signed into law, September 11 is now a day of national service and remembrance. I encourage all Americans to spend time giving back to their communities to honor the spirit of service that unified our country and the world in the aftermath of the attacks.

Especially in these turbulent times, it is important to remember that no matter what our political party or what other things divide us, we are all Americans and we stand together in solemn reflection and steadfast commitment that we will never forget the innocent lives lost that day.

#### HEALTH CARE

(Mr. AUSTRIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUSTRIA. Mr. Speaker, I spent the last months listening to my constituents throughout all eight counties in my district in Ohio about health care. Whether talking to my health care advisory committee, meeting with senior citizens, listening to soccer moms on the soccer field, or hosting a live townhall meeting, I heard loud and clear the concerns of the citizens of my district.

The American people are concerned about the proposed government-run option and the uncertainty of this bill.

They want lower health care costs and are worried about being able to maintain their doctor-patient relationship. My father was a doctor, my mother was a nurse, and families across Ohio and our Nation deserve a health care system that maintains quality, lowers costs, and improves access.

Mr. Speaker, it's time for Congress to listen to the American people and work together to provide real solutions for these issues.

□ 1015

#### HONORING THE LIFE, SERVICE, AND SACRIFICE OF NORTH ST. PAUL, MINNESOTA, POLICE OFFICER RICHARD CRITTENDEN

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute.)

Ms. MCCOLLUM. Mr. Speaker, I rise to honor the life and public service of North St. Paul police officer Richard Crittenden who will be laid to rest tomorrow.

On Monday morning, Officer Crittenden was responding to a domestic dispute call. He was killed protecting a woman from a man who had repeatedly abused her. North St. Paul is a wonderful community of 11,000 people where I raised my children and served on the city council. To lose an officer in the line of duty is a tragedy for every resident. It is a tragedy for all of us.

On behalf of my constituents and all Minnesotans, I extend our prayers and deepest sympathies to Officer Crittenden's wife, Christine, his children and grandchildren. Their loss is tremendous. To the North St. Paul officials and residents and especially to the members of the police department, I extend my condolences at this time of great pain and loss.

Officer Crittenden gave the ultimate sacrifice, his life, in the line of duty. His service as a peace officer was always respected, but his courage and sacrifice make him a hero who shall be remembered and honored always.

#### HEALTH CARE REFORMS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, last night the President spoke about health care. And despite what some may portray as big rifts, there is much room for agreement. And so I urge we work on these health care principles to get this job done. Everyone should have the choice to purchase in groups, the choice to purchase across the Nation competitively, the choice to have your plan portable and permanent across jobs, and the choice to purchase a basic plan that covers emergency and hospital care.

The President used the analogy of buying car insurance. But let's keep in mind that with auto insurance, you can buy a very basic liability plan and add to it if you choose. Keep health insurance very basic, and you can keep it very affordable. But there should be no choice to cut coverage because a person is sick or was sick at one time, and there should be no choice to have plans and hospitals that tolerate waste, fraud and inefficiency. This includes stopping hospital-based infections.

With these changes, we can make health care more affordable. With these changes we can supplement payments for lower cost, high-quality health insurance for those who cannot afford it, and that does not have to include the government running an insurance company. There's lots of room for agreement. Let's solve this problem for America. That's good medicine.

#### HEALTH CARE REFORM

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, we in this House of Representatives have the opportunity to participate and help shape history. Last night during the joint session, President Barack Obama was part of that great train of history of our Nation. He spoke in the great tradition of Teddy Roosevelt who first spoke about national health care, and Eleanor Roosevelt who talked about it, and Harry Truman who spoke 60 years ago from this well about that need in this Nation. And he spoke in the great tradition of John Kennedy and Lyndon Johnson, who saw that Medicaid and Medicare were passed in 1965.

I was very, very proud to be a part of this body last night, and I will be even prouder when a vote comes up.

Over the Speaker's rostrum engraved in stone is a quote of Daniel Webster: "Let us develop the resources of our land, call forth its powers, build on its institutions, promote all its great interest and see whether we also in our day and generation may not perform something worthy to be remembered." Daniel Webster is calling to us to heed Barack Obama's call to pass national health care in the great tradition of American leaders and do something worthy to be remembered.

I look forward to that opportunity.

#### HUMAN SPACE FLIGHT IN THE U.S.

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, this past Tuesday, the Review of U.S. Human Space Flight Plans Committee released the options they have provided the Obama administration regarding the

future of our Nation's human space flight program. Their opening sentence says it all: "The U.S. human space flight program appears to be on an unsustainable trajectory."

Two prior Congresses and two Presidential administrations have endorsed the course NASA is on, but without providing the necessary funding. This Congress, this Congress, needs to meet the commitment to our Nation's space agency. The work being done benefits science, education, and our economy.

We have stood on this floor and spent money bailing out the past. It is time we reinvested in our future. The achievements of the men and women of America's space program cannot continue to be received with empty promises and constant second guessing. We have been the world's leader in human space flight for nearly 50 years. We must always be so.

#### HEALTH CARE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Last night in a joint session of Congress, President Obama urged Congress that "now is the time to deliver health care." We heard it loud and clear. But what we also heard was a remark that was disrespectful to this House and the American people serving here in the United States Congress.

Access to adequate health care should be a right, not a privilege for those who can afford it. I stand here voicing the concerns of 217,000 uninsured in my district. No parent should have to worry about paying for a mortgage or paying for expensive health care insurance. No senior citizen should retire and have to balance paying for a doctor's visit or paying for groceries. No one should be denied health care because of a preexisting condition. That is not right. This is un-American.

I urge my colleagues to be players in this debate and not just stand by and watch and be critical. Working together, we can make a difference.

As the President stated: "We did come not to fear the future. We came here to shape it." Let's get health care reform right now. I ask all of us to work together.

#### PROVIDING FOR CONSIDERATION OF H.R. 965, CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 726 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 726

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in

the House the bill (H.R. 965) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Bishop of Utah or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. PASITOR of Arizona). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during the consideration of this rule is for debate only.

#### GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 726.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 726 provides for consideration of H.R. 965, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act. I want to recognize my colleague from Maryland, Mr. JOHN SARBANES, for his leadership on this issue. He has worked diligently in a bipartisan fashion to protect the Chesapeake Bay so that it remains a vibrant recreational and economic network.

H.R. 965 will continue the important restoration and conservation of the Chesapeake Bay watershed by permanently authorizing the Chesapeake Bay Gateways and Watertrails Network. The Chesapeake Bay is our Nation's largest estuary. Many people often think of the bay as only part of Maryland and Virginia. But the bay's watershed covers 64,000 square miles in five States and the District of Columbia. In fact, the watershed's most northern point, or what we in upstate New York would call the starting point, extends into a significant portion of my congressional district in the village of Cooperstown.

As a result of its size and location, the Chesapeake Bay has played an important role in our country's history, from early settlement and commerce, to military battles and transportation development, as well as recreational uses. It truly is worthy of preservation, both for its natural beauty and its impact on our Nation's culture and economy.

The Chesapeake Bay Network is a comprehensive protection program for the bay. The programs authorized serve to identify, conserve, restore and interpret the natural, historical, cultural and recreational resources within the watershed. These programs also educate local communities on the significant sites in the region and how their community impacts the overall health of the bay. This law requires a full matching requirement for grants awarded by the National Park Service to State and local agencies and not-for-profit corporations and organizations for such projects.

The resulting network is a system of over 150 parks, museums, historic communities, scenic roadways, water trails and water access points located within the vast Chesapeake Bay watershed. Each of these sites tells a piece of the vast Chesapeake story, while providing Federal support for the preservation and improvement of these sites to enhance both the historical and recreational user experience. The network is overseen by the National Park Service, but the Park Service only manages 10 of the network's sites. Other gateways are managed by local State and nongovernmental organizations.

The Chesapeake Bay Network has always been a bipartisan program. The legislation that created it in 1998 passed the House on suspension by voice vote, was agreed to by unanimous consent in the Senate, and signed into law by President Clinton. In 2002, a clean 5-year reauthorization received similar unanimous support in Congress and was signed into law by President Bush. Last year, an identical bill, H.R. 5540, passed the House by an overwhelming bipartisan vote.

H.R. 965 will permanently reauthorize this bipartisan program, which the White House Conference on Cooperative Conservation, headed by the Department of the Interior, has called a success story. It's worth noting that the National Park Service has also recommended permanent reauthorization of the network.

I encourage all my colleagues to vote for this rule and the underlying bill and to continue to support the Chesapeake Bay Gateways and Watertrails Network.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank the gentleman from New York, my good friend, Mr. ARCURI, for the time.

I yield myself such time as I may consume.

Mr. Speaker, the House of Representatives is spending 1 hour debating the rule that will be used to consider the underlying legislation being brought to the floor today, the Chesapeake Bay Watertrails Continuing Authorization Act. That simple and noncontroversial legislation, barely two pages in length, passed last Congress, as my good friend has mentioned, by an overwhelming vote. In fact, it passed by 321–86. That is a pretty impressive margin. I believe it will pass today by, at the very least, that margin.

So I would ask why the majority is going through all of this trouble of having the House consider a special rule for a two-page bill. Why is the House going to spend 2 hours today, approximately, discussing a bill that could have been handled in just a few minutes under suspension and ultimately pass by an overwhelming majority vote in this House?

□ 1030

I'm not sure of the answer. But I think it's noteworthy that the majority spends a week's worth of Congress' precious time on water trails and the Chesapeake while Americans face unemployment levels we have not seen in 26 years.

The majority is requiring the House today to consider the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act, a bill that spends \$5 million over 5 years through a process that requires hours of debate. But yesterday, we considered the Wind Energy Research and Development Act of 2009 with only 40 minutes total of debate, and that bill authorized the expenditure of \$1 billion.

So I would ask, how is it appropriate for the majority to require up to 2 hours of debate to spend \$5 million, but it authorizes 40 minutes of debate for \$1 billion? It may not be appropriate, but it is certainly common practice under this majority to rush important legislation through the House. I fear we may see that again when the House considers the majority's health care reform legislation.

Consider that this Chesapeake Bay water trails bill was introduced in February; it has remained unchanged since then, giving Members months to consider and read the two-page bill. And that is consistent with the Speaker's pledge, still on her Web site, that "Members should have at least 24 hours to examine bills and conference reports and texts prior to floor consideration." But will the majority live up to their pledge to allow Members time to read the health care bill when it finally comes together?

Perhaps if the majority had lived up to their promise, Members would have had time to properly read and consider the cap-and-tax as well as the so-called

"stimulus" bill and voted them down. So let's see, Mr. Speaker, let's see if they live up to their promise when we consider the health care legislation. I won't be holding my breath.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, we are here today to reauthorize the Chesapeake Bay Gateways and Watertrails Network. This is a program that did not have a single Member of Congress oppose its creation or its subsequent reauthorization. The program has been heralded as a success by the Bush administration and was unanimously reauthorized during that administration. This rule provides for consideration of the legislation that would now permanently extend the authorization for this bipartisan program, a move endorsed by the National Park Service.

We all agree that the Chesapeake Bay Gateways and Watertrails Network is a good program that has had a positive impact on preservation and recreation within the Chesapeake Bay watershed, but it's clear that some of us disagree on whether to make the reauthorization permanent, which is why we've made in order a substitute amendment that would reauthorize the program for 5 years to allow a full debate.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT

Mr. GRIJALVA. Mr. Speaker, pursuant to House Resolution 726, I call up the bill (H.R. 965) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 726, the bill is considered read.

The text of the bill is as follows:

H.R. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act".

##### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 502 of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking subsection (c) and inserting the following:

"(c) Authorization of Appropriations.—There are authorized to be appropriated such

sums as are necessary to carry out this section."

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment in the nature of a substitute printed in House Report 111-249 if offered by the gentleman from Utah (Mr. BISHOP) or his designee, which shall be considered as read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

##### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 965.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I rise today in strong support of H.R. 965, introduced by our friend and colleague, Representative JOHN SARBANES. H.R. 965 is a simple, straightforward bill that would permanently authorize the highly successful Chesapeake Bay Gateways and Watertrails Network.

Over 10 million people each year visit one of the 166 gateway sites supported by this program. They come to kayak or canoe, hike or bike, picnic, hunt or fish, or to watch wildlife. Others come to visit the Chesapeake's many maritime museums or to renew their acquaintance with the turning points in our Nation's history, such as the sites at Fort McHenry and Yorktown battlefield.

Each of these visitors comes away with a strengthened awareness of the crucial role the Chesapeake Bay plays in our national story and as the ecological and economic heart of the mid-Atlantic. And that is the goal of the gateway network, to renew our connection with that great Bay. The program is so successful that the National Park Service has heaped praise upon it, and the White House in 2005 declared it to be a "cooperative conservation success story."

Congress originally authorized this program for 5 years and renewed that short-term authorization in 2002. In 2004, a National Park Service special resource study concluded that a permanent commitment to the program would ensure its long-term viability and enhance the Chesapeake's status among America's national treasures.

Anyone who reads The Washington Post knows that the Bay's oyster population is in trouble. That situation is both a symptom and one of the causes of the precarious health of the Bay.

Keeping people connected and concerned about the Bay is vital to each step in restoring that great estuary, from its headwaters to its oyster beds. The Gateways Network does just that. This program is a proven success and should be permanently authorized.

I urge my colleagues to support H.R. 965.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must begin the debate today by expressing my sympathy to the Democrat sponsors of this legislation for the poor luck that has befallen this bill for now 2 consecutive years. It seems like when the going gets tough and there is a need to fill a void on the House floor, someone on the Democrat side says, hey, let's roll out the Chesapeake water trails bill.

Last year, when gas prices were at record levels, at an average of \$4.19 in my home State of Washington, Democrat leaders put this bill on the floor to be debated for several hours as they sought to avoid voting on a Republican plan to lower gas prices and open additional offshore areas to drilling. And so now here we are this year, after the vigorous debate over health care that took place all across America in August, after the President's speech last night, with the government takeover of health care in America very much alive and a threat in

These halls of Congress, with the economy struggling, with more and more Americans losing their jobs, with unemployment nearing 10 percent, Democrat leaders have once again sent this Chesapeake Bay bill to the floor to fill a void.

Mr. Speaker, this bill passed last year with over 300 out of 435 votes; in fact, specifically 321 Members voted for this bill. This bill could be considered and passed by the House in just a few minutes under the expedited process of the suspension calendar. Yet, Mr. Speaker, here we are this morning with several hours dedicated to debate on water trails when this Congress should be focused on creating jobs and getting control over massive government spending—spending, I might add, that has led to a \$1 trillion budget deficit in just a few months of this new Obama administration.

So, Mr. Speaker, just like last year, Republicans will explain our concerns with this bill, and then we will focus on the higher priorities facing our country and the American people.

Chairman GRIJALVA has very clearly explained this bill. It is a very simple bill that renews a government program that has bipartisan support from the States surrounding the Chesapeake Bay. In fact, after the August discussion around the country of a more than 1,000-page health care bill, I am pleased, very pleased, that this Chesapeake Bay bill is not even one-half

page in length. Despite the shortness of the bill, however, Republicans believe it can be improved upon and have proposed an alternative that is even shorter and that recognizes the need for this Congress to exercise some degree of fiscal discipline.

As currently written, this bill would extend the current Chesapeake Bay program forever without any constraints or limits on how much money can be spent on the program. Mr. Speaker, this may be a popular program in the mid-Atlantic region of our country; yet I don't believe the Natural Resources Committee and this Congress should be in the habit of granting eternal life and unlimited sums of money to government programs.

Bills creating or renewing government programs are typically renewed for a set period of time, usually 5 years, to ensure that there is accountability in these programs, there is a review of these programs, and to ensure that taxpayer dollars are not being misused, wasted, or unnecessarily spent. There is simply no reason to exempt this Chesapeake Bay program from a periodic review of 5 years, and there is certainly no reason to lift the cap on spending for this program.

The substitute amendment by Congressman BISHOP of Utah, who is the ranking Republican on the National Parks Subcommittee, would renew the bill for 5 years and retain the current limit on spending. This Chesapeake Bay program has previously existed on 5-year periods of time and can continue to do so in the future if that amendment is agreed to.

So I urge all of my colleagues to support the Bishop amendment.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, at this point, let me yield as much time as he may consume to the sponsor of the legislation, Mr. SARBANES.

Mr. SARBANES. I want to thank Chairman GRIJALVA, and Chairman RAHALL as well, for their strong support of the Chesapeake Bay Gateways and Watertrails Network.

This is a bill that is, I believe, quite noncontroversial. We are here today debating it because there is some difference of perspective with respect to whether there ought to be a permanent authorization to this bill or not. That is something I strongly support because I think it sends a very powerful message to the citizenry in the Chesapeake Bay watershed that the Federal Government is ready to be a partner on a permanent basis. If we want people to step forward and take ownership at the community level and across the watershed, we need to send that message to them, and there is no better way to send that message than to permanently authorize this program.

The Chesapeake Bay has a tremendous story to tell. I'm from Maryland,

of course, and we consider ourselves in many ways principally stewards of the Chesapeake Bay. It is a national treasure. It is the largest estuary body in the United States. But it doesn't just touch the State of Maryland; it touches six States and the District of Columbia. It touches New York, Pennsylvania, Maryland, Delaware, Virginia and West Virginia.

□ 1045

The watershed stretches from MICHAEL ARCURI's district, where he represents Cooperstown, New York, where it begins, to BOBBY SCOTT's district in Virginia. The cosponsors of this bill are both Democrat and Republican, indicating the strong support that it has had from the beginning of the program.

Some of you know I have introduced other legislation which is focused very specifically on how we engage the next generation, engage our young people in the environment and get them outdoors learning.

The Chesapeake Bay Gateways Network is a wonderful resource for that. There are over 156 sites, historic, natural, cultural, recreational sites across the watershed that are available because of the funding that comes through technical assistance and other grant funding, that are available as a resource for the next generation to take advantage of, available for older generations to pass on the history of this area and this region to the next generation.

So I am excited. And I appreciate the gentleman's sympathies to me, but I must say any opportunity that I have to talk about the importance of this network is one that I would seize happily.

I do want to reiterate that this represents the National Park Service's component of a larger partnership that exists on behalf of the Chesapeake Bay on the part of the Federal Government that includes the National Park Service, that includes the National Oceanic and Atmospheric Administration, that includes the Environmental Protection Agency, and this is a partnership that has just worked fabulously over many, many years.

In closing, let me just emphasize again, and I know we will debate it a little bit later with respect to the amendment that is going to be proposed by Congressman BISHOP, but let me just emphasize again how important it is that this be a permanent authorization. We need to send a message, a powerful message, to the citizens that are part of the Chesapeake Bay watershed that the Federal Government is here to stay when it comes to preserving and protecting this incredible resource that we have.

Mr. HASTINGS of Washington. Mr. Speaker, I have several Members that are not on the floor, so at this point I will reserve my time.

Mr. GRIJALVA. Mr. Speaker, I yield 1 minute to our majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend, Chairman GRIJALVA, for yielding, and I thank Mr. SARBANES for his leadership on this bill.

Mr. Speaker, I rise today to express my strong support for H.R. 965, legislation introduced by Representative JOHN SARBANES, whose father established this program some years ago and who was one of my closest friends, and still is, and with whom I worked very closely on this particular piece of legislation and so many other items directed at the environment in general and the Chesapeake Bay in particular.

This bill permanently reauthorizes the National Park Service's Chesapeake Bay Gateways and Watertrails Network Program. Those of us fortunate enough to live in the region have been blessed with a multitude of magnificent national resources, not the least of which is the Nation's largest estuary, the Chesapeake Bay, a body of water that has played such an important role in shaping the cultural, economic, political and social history of our region.

Unfortunately, the Chesapeake Bay of 2009 is not the pristine body that Captain John Smith first chartered on his expedition some 400 years ago. Indeed, earlier this year, the EPA Chesapeake Bay Program released the Chesapeake Bay's 2008 Health and Restoration Assessment which found the overall health of the bay remained degraded and that the Bay Program is still far short of most restoration goals. Shortly thereafter, the University of Maryland's Center for Environmental Science issued a report card grading the bay's health as a C-minus for the second year in a row. That obviously is not good news, nor is it acceptable.

Over the years, I have joined with many of my colleagues in supporting a number of legislative initiatives and securing millions of dollars focused on the restoration effort. While some progress has been made, clearly, as those reports indicate, much remains to be done.

I am heartened, Mr. Speaker, by the commitment of President Obama and his administration to the Chesapeake Bay. On May 12, President Obama issued an Executive order declaring that the restoration of the Bay requires a renewed commitment to controlling pollution, protecting habitat, conserving land, and improving management of natural resources. I have the privilege of living on one of the tributaries that flows into the Chesapeake Bay, the Patuxent River, and I know how critical it is. We have the Anacostia River here and the Potomac River here in our city.

The President declared that the Federal Government should lead this effort

and established a Federal Leadership Committee for the Chesapeake Bay consisting of relevant agencies which would be chaired by the EPA administrator. The agencies were directed to draft and submit reports to the committee making specific recommendations for protecting the Chesapeake Bay. The initial reports are slated to be made public today, which makes this effort very timely.

H.R. 965, the legislation we are now considering, takes another important step forward in our efforts by permanently authorizing a program that has already done so much to raise awareness of the fragile health of the bay and directly engage our region's citizens and visitors to take an active role in fulfilling our shared goal of restoring the Chesapeake.

The Chesapeake Bay Gateways Network, which includes more than 150 museums, State parks, wildlife refuges, and other sites in six States and the District of Columbia was established. Mr. Speaker, to link together these wonderful places in the hopes of enabling visitors to better understand and appreciate the role they can play in the bay's survival.

Unfortunately and tragically, much of the bay's stress is man-made. The program enables sites to compete for grant funding which must be fully matched for projects that will help conserve, restore, and interpret their roles in the bay's natural, cultural, and social history. The Gateways Program is a critical component to fostering a commitment among our citizens to restore the bay, and I encourage my colleagues to join me in supporting this legislation.

In closing, let me thank Mr. GRIJALVA for his leadership in bringing this to the floor and Mr. SARBANES for his sponsorship and continuing the extraordinary legacy that his father over 30 years in the United States Senate and 6 years in the House of Representatives contributed to this country and to the Chesapeake Bay and our environment in particular.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, this will be a debate on a bill of complete congeniality, because I don't think any of us are really opposed to a lot of what is attempted in this underlying bill.

I certainly am not, Mr. Speaker, one who likes to say "I told you so," but I told you so. You see, it was said in the history of this particular bill, the first time it was passed it was passed with a 5-year reauthorization and it passed unanimously in both houses. The second time it was reauthorized 5 years and it passed unanimously in both houses. Last year you decided to take the reauthorization away, not impose

the 5-year limit, and we said on the floor if you actually put that back in there it would have a significant enhancement of its ability to pass the Senate, and you didn't do it. It didn't pass the Senate, so we are back here a year later doing the same thing again.

So I don't want to say I told you so, but to quote that great philosopher Yogi Berra, this is like *deja vu* all over again. For, indeed, a year ago, last year, instead of talking about energy issues, which were primarily on the minds of the American people, we brought up this particular bill and apparently did the same thing we are doing this year when health care is primarily on the minds of most people.

This is a particular bill which, in fact, is the only bill we are going to debate this week under a rule. I appreciate the majority leader being here and his statements on this particular bill. I don't know if I appreciate flying back for 4 hours just to do this bill this week. But, nonetheless, it is still the only one we are going to have here, even though there are significant issues we should be discussing, that the American people want us to discuss.

The majority leader was slightly in error in what he said though. Everything he said about the cleanup of the Chesapeake Bay was accurate. But this is not a cleanup bill. This is not an environmental protection bill. This is not an EPA bill. This is a recreation bill. I don't oppose that, but it is clear this is a recreation bill. And the National Park Service has made several suggestions, because once again there are no Federal waters or Federal assets associated in this particular area, the National Park Service did say that we should give technical assistance to this area, but they did not recommend fully funding on a nonrenewable basis other types of grant programs to this particular area. Indeed, the Obama budget does not have money in it for this particular bill.

So one of the things we need to talk about is if we are going to abrogate our oversight responsibilities, and if we decide not to abrogate our oversight responsibilities and treat this bill as other bills from the Resource Committee have been treated, we will probably have a better chance of actually passing the bill this year in both Houses of Congress and not coming back for a third try next time around.

Mr. GRIJALVA. Mr. Speaker, I flew back 4 hours to deal with this very important piece of legislation, but also to listen to our President last night, which I thought was worth the trip.

I now yield such time as he may consume to the gentleman from Maryland (Mr. KRATOVIL), a cosponsor of the legislation.

Mr. KRATOVIL. Mr. Speaker, I rise in support of H.R. 965, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act offered by my friend and colleague from

Maryland, Representative JOHN SARBANES.

This act is vital to the residents of Maryland's First Congressional District and all those who rely on a healthy Chesapeake Bay for commercial, recreational and historical purposes. The act provides grants to parks, volunteer groups, wildlife sanctuaries, historic sites, museum and water trails. A network has been developed that ties sites together that provide meaningful experiences and fosters citizen stewardship of the Chesapeake Bay, not only by those who have the good fortune to live within its watershed, but all who come to visit or are able to benefit economically from it.

Since 2000, the network has grown to include 156 gateways in six States and the District of Columbia and over 1,500 miles of established and developing water trails, many of which are located in my district, within the boundaries of Maryland's First Congressional District.

From Sandy Point State Park on Maryland's western shore, traversing the Bay Bridge to the schooner Sultana in Chestertown, the Blackwater Wildlife Refuge in Dorchester County, down the lower shore to the Smith Island Center and the Tawes Museum in Crisfield, network destinations literally dot the landscape of the First Congressional District with historical, environmental and cultural landmarks.

The ultimate goal of this network is to create an atmosphere of natural, cultural, historical and recreational sites throughout the Chesapeake Bay region. Residents and visitors are able to visit these places to learn about the bay's diverse stories, experience its history and enjoy its natural beauty. Whether it is a family paddling a water trail, riding on a ferry or driving a scenic tour route, each and every visitor will hopefully develop a greater sense of appreciation for our Nation's largest estuary.

For these reasons, I support the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act and urge my colleagues to do the same.

Thank you again to Mr. SARBANES for sponsoring the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), a very distinguished and valuable member of the Committee on Natural Resources.

Mr. WITTMAN. Mr. Speaker, I would like to thank the gentleman for yielding time.

I rise in support of H.R. 965, the legislation to reauthorize the Chesapeake Bay Gateways and Watertrails Network. I represent Virginia's First Congressional District, better known as America's First District, which is largely defined by the Chesapeake Bay.

My constituents live, work and play in the bay watershed.

My district includes many components of the Gateways Network, from historic Yorktown and Jamestown to George Washington's birthplace in Westmoreland County. The Gateways Network links together over 100 parks, museums, wildlife refuges, and other cultural and historic sites into a comprehensive system.

□ 1100

The gateway program connects visitors with the natural beauty and rich history and recreational opportunities within the Chesapeake Bay watershed, and I've had the privilege to travel the trail, specifically the Captain John Smith Water Trail. It is an amazing asset that we have. I've heard from many constituents that realize how valuable that is and what a great experience it brings to them to travel up and down the bay to link all the history and the resources that are there in our wonderful bay watershed.

One of those recreational opportunities, as I said the network provides, is the chance to kayak or sail the Captain John Smith Water Trail. It's an amazing experience, and that traces John Smith's 17th century voyage of discovery, and you can put yourself in the place of Captain John Smith and the experience that he had when he first arrived on these shores.

Again, Mr. Speaker, I offer my support of this bill and I want to commend my friend from Maryland, Mr. SARBANES, for his effort in leadership in our efforts to focus on the bay and its restoration.

Mr. GRIJALVA. If I may inquire of Mr. HASTINGS if he has any additional speakers.

Mr. HASTINGS of Washington. I have a few others, but they're not here. Mr. Speaker, does the gentleman have anymore speakers on his side?

Mr. GRIJALVA. No, Mr. Speaker.

Mr. HASTINGS of Washington. Mr. Speaker, I will yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Speaker, I have an amendment made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute offered by Mr. BISHOP of Utah:

Strike all after the enacting clause and insert the following:

#### SECTION 1. REAUTHORIZATION.

Section 502 of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking "2008" and inserting "2014".

The SPEAKER pro tempore. Pursuant to House Resolution 726, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the opportunity of presenting this particular amendment, not because we have any antipathy towards the Chesapeake Bay or the recreational purposes that may be there, and I appreciate the fact that you enjoyed the first speech, but because it's about time we do it right way. Surely we can bully through this any way we want to, but we need to do it the right way, the way it was done the first time and the second time and the way it should be done this particular time.

When this bill last year came out of the Resources Committee, it was compiled with six other bills, all of which had 5-year reauthorizations. Some of the bills that Resources has sent out here have not had those type of reauthorizations. However, they had another factor which put a cap on the kind of appropriations that could be there, and that's why a 5-year reauthorization process is the perfect kind of compromise.

It's a position between the National Park Service which last year said there should be technical assistance, but was opposed to any kind of grant process going through this because they said this program had matured to the point it no longer needed to be supported by the Federal Government, or the sponsor's approach, which simply says, take off limit and continue on with what has been now close to \$9 million of earmarks for this program.

It's not a problem. The appropriations is not a problem. What is the problem is we are now giving up our rights to review these types of programs, which is not what an authorizing committee ought to do. There is, in past experience, not here but in past experience, where sites that no longer have to be renewed by Congress do become lethargic and no longer have that desire for innovation to produce results. That's not necessarily to say it will happen here, but that has been the process that we have learned through history.

The purpose of an authorizing committee is to authorize and then review those authorizations, which is why it has been tradition for committees to put in an authorization period for those particular reviews. And it is not wise for Congress to abrogate our congressional responsibility for those purposes. What we're talking about is simply saying, look, what we need, as a Congress, are the options to review this in the future and not take the options off the table.

That's the one thing all Americans are talking about more than anything

else is the idea of options. Like my family just gave me an Ipod. And I don't know how to download stuff, but they can put music on there. When I was growing up, if I wanted a song and, Mr. Speaker, you're probably in the same situation I was, I had to buy the entire record to get the song. I don't need to do that. I now have more options. If I want to go and buy cereal, I look at an entire store and there is an entire wall of potential cereals up there which I can buy. I am given options. If I want to order vanilla ice cream, I can still go to a store that offers me 31 flavors. There are 59 different kinds of Eggo waffles.

Our entire life is provided by options. And yet, as a Congress, we decide and seem to have this tendency to take options off the table so we don't have them for the future. That, to me, is just a mind-boggling approach to it. It's the same thing that we're talking about in health care, which is the topic on the minds of the American people which we should be talking about today on this floor, rather than reauthorizing a bill we all like and support.

But in that, the issue once again, is options for the American people. There are myriad types of proposals being put out there by some of my Republican colleagues, all which deal with the concept of giving options to the American people: options to buy their own health care, options to get HSAs, options to have new association pools, option in which they can buy across lines, options in which we can have tort reform. All those things should be on the table, and that's what we should be doing.

In like manner to this particular bill, we are, once again, limiting our options, which is the exact opposite thing government should be doing. Now, that's what's important, and that's where we should be going. Like I said, a year ago we had this particular bill, this particular amendment again, which would have made it better and probably then had helped the Senate to actually include it in their list of bills to be passed.

If we do this particular amendment, to do what we have traditionally done with other bills, what we are doing is simply providing Congress with the options Congress should accept, and make sure that we are always reviewing the programs we have to see what they are doing, and a 5-year period is the norm. It is traditional.

This simply would say we're going to do this bill and we're going to do it the right way, do it totally the right way, so once again it might be passed unanimously, as it was the first time when they had a review in there and the second time when they had a review in there, and was not passed the third time when they decided not to put a review in this particular piece of legislation.

We've got options. We should be doing it. Mr. Speaker.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I rise to claim the time in opposition to the amendment offered by my friend, Representative BISHOP.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 10 minutes.

Mr. GRIJALVA. Mr. Speaker, the National Park Service has found that this is a very, very successful program in large part because the Federal commitment leverages funding and support from State, local and nonprofit partners who care deeply about the health of the Chesapeake Bay. There is a broad agreement that making the Federal commitment to this program permanent will send a strong signal to the program's partners and make the program even more effective in the long run.

I would point out that both the Save America's Treasures and Preserve America programs have permanent authorizations. Conversely, amending the bill to make the authorization time-limited would cause funding partners to question the level of Federal commitment and could cause private contributions to drop off.

The purpose of granting this program a permanent authorization is to avoid having to return to Congress every 5 years to get new legislation for what is, by all measures, a successful program. I should add that, despite my friend's arguments about a permanent authorization, this program will continue to receive annual oversight through the appropriations process.

Regarding the existing cap on annual funding for the program, such a cap may have been appropriate when the program was first authorized in 1998. However, as more and more people become aware of the importance of the bay, the challenges it faces, Congress should provide more funding for the grant program. Proponents would like to be able to seek increased funding through the appropriations process and not have to get new authorization legislation each time they seek more funding.

This is an important and successful program. It deserves a permanent authorization. I urge Members to vote against the Bishop amendment and for H.R. 965 to permanently authorize this very excellent program.

I reserve the balance of my time.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank my friend, Mr. BISHOP from Utah, for letting me speak. I enjoy serving on Natural Resources and certainly this is an important topic; but I do want to bring up what happened on this very floor last night with regards to health care.

The Congressional Research Service, which, as you know, are experts when it comes to whatever happens in terms

of academics in Congress, came out with a report this morning on the controversial topic of does ObamaCare, or H.R. 3200, or whichever Democrat version of the bill we're talking about, does it cover illegal immigrants. And let me give you a quote from the CRS. It says: "Under H.R. 3200, an insurance exchange would begin operation in 2013 and would offer private plans alongside a public option. H.R. 3200 does not contain any restrictions on noncitizens, whether legally or illegally present or in the United States."

So it's very clear that despite the fact that our President claims that this does not cover illegal immigrants, it absolutely does. In fact, in the SCHIP bill earlier this year, we tried, on our side of the aisle, to get language that was specific to require some sort of proof before someone could sign up for coverage under SCHIP that would show that they were not illegal immigrants. And, of course, that tougher language was removed.

Also, with regard to \$900-or-so billion that our President mentioned last night, cost of the health plan, which really most believe is more like \$1.6 trillion, he talked about savings that would come as a result of removal of fraud, waste, and abuse. Now, these programs, Medicare and Medicaid, which are government-run programs, have been in existence for around 45 years. What have we learned recently that we haven't known for all of these years that we can now remove fraud, waste, and abuse that we couldn't for 45 years?

In a 48-minute speech last night, the President did not bring up one new idea, any new strategy or techniques that would allow us to remove fraud, waste and abuse any better than we have been able to for all these years. The truth of the matter is that in order to reduce what we already have as waste in the system, we would have to create even another level or two of extremely expensive bureaucracy that would cost even more than what we would recover.

The fact of the matter is that a government system, whether it's running Cash for Clunkers, or the post office, is inept at controlling fraud, waste and abuse. It creates many new bureaucracies, in this case 53 new bureaucracies in the health care system; and, consequently, without moving to a private industrial form this wouldn't be possible.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman 1 additional minute.

Mr. FLEMING. Yes, to kind of summarize, I think that there were, I was personally offended last night when our President insinuated, if not coming out right and condescendingly saying that somehow we've been lying about what we've been saying about these health

care bills. But the fact is, if you look at the details, if you look at the truth, you find that what we've been saying we can back up with facts, whether it is taxpayer-funded abortions, which is definitely covered in all versions of the bill on the Democrat side, coverage of illegal immigrants, definitely covered, and then of course the cost of this monstrosity, which is going to start at \$1.6 trillion, and after about 10 years it's going to go up from there, never bending the cost curve down.

So, again, I would like to suggest that rather than being called out for so-called myths, I think we should really get to the bottom and the real truth of this matter.

Mr. GRIJALVA. Mr. Speaker, in an effort to reintroduce germaneness to the debate on the amendment, let me recognize Mr. SARBANES for 3 minutes.

Mr. SARBANES. Mr. Speaker, I agree there's going to be plenty of time to debate the health reform bill and to demonstrate very clearly that it does not extend benefits to those who are here unlawfully. But I hope the American people have the confidence that we can debate the health bill at the appropriate time and in the appropriate ways, while also conducting other business that faces the Nation which, of course, is what we're trying to do this morning with respect to the Chesapeake Bay Gateways and Watertrails Network.

And responding to some of the points raised by my colleague, Congressman BISHOP, I do just want to emphasize we understand that it's not maybe standard to move to a permanent authorization that typically would go to 5-year reauthorizations.

□ 1115

I want to make sure people understand that this is not being done lightly. This is being done for a very specific reason. There are times when, based on the experience of a program and an initiative, as in this case, you reach the conclusion that the program is worth authorizing on a permanent basis because you want to send a message, and it's particularly important to do that in circumstances where a key ingredient of the success of the program is the fact that you have thousands of ordinary citizens through community groups and nonprofits and other organizations stepping forward on a daily basis, saying, Yes, we want to be partners in this effort.

The last thing we want to do at that moment when so many people are saying, Yes, you can count on me at the community level to take up this charge to protect and preserve the Chesapeake Bay, is say to them, Well, we're not sure this commitment on behalf of the Federal Government is going to be there for the long term. That's why it is critical to this program that we authorize it on a permanent basis, so I want to urge that we do that.

I do also want to note that this program couldn't be further away from an earmark program. There was a suggestion made there. In fact, the National Park Service makes judgments on which partners to recognize based on applications that come in for grant funding, and the Congress has never approved an earmark as part of the Chesapeake Bay Gateway program.

So this is a good program. I think it's one that deserves to be authorized on a permanent basis for the reasons that I indicated, and I would urge that we oppose the Bishop amendment.

Mr. BISHOP of Utah. I am ready to use my final minute if I might, Mr. Speaker.

I don't want to be cantankerous about this. We are talking about a decent bill from a decent program with a decent sponsor, but we are not in the system of sending out messages. We are a legislative body that is supposed to review and that is supposed to budget, and in that way, we should not be abrogating our responsibilities over to the appropriators. It's an authorizing concept. It's what authorizers ought to do. It's what we should be doing. NEPA is renewed. Endangered Species is renewed, as is the Clean Water Act. In fact, the only thing we have not renewed—and it's on a permanent basis—is the Nautical Charting Act that was started in the 1700s by Thomas Jefferson.

So what we are talking about is doing what is the norm and doing what is rational and doing this bill the right way and actually—I hate to say this—but once again, to try and not limit what we are doing as a body.

Health care is what we should be talking about. The bill that PELOSI has put on the floor is not the only idea. There are better bills out there that think outside of the box, but unless we put the Price bill, the Shadegg bill, the Ryan bill, and the Gohmert bill on the floor to be discussed and debated, we will not have all of the options open to us. That is also why I am arguing that we should have a permanent review, a review every 5 years, of this program. It is what Congress does, and we should do it and do it the right way.

I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, in closing, the NPS, the National Park Service, gave the subcommittee testimony, and they said, through technical and financial assistance, the National Park Service has assisted Gateways to develop hundreds of partnerships across the watershed to help people understand and appreciate the Chesapeake Bay.

It has been mentioned, nevertheless, that the Bush administration testified that it opposed this financial assistance or the grants program. When I asked the Park Service witness at that 2007 hearing about that contradiction, he said that the Park Service would

love to continue the grants program, but it was a financial decision made by OMB, by the Bush administration.

This is a good program. It is all linked together. A permanent authorization would secure this program for the future. It is a vital environmental link to the Mid-Atlantic which must be saved. With that, I urge a "no" vote on the amendment.

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 726, the previous question is ordered on the bill and the amendment by the gentleman from Utah (Mr. BISHOP).

The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. HASTINGS of Washington. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HASTINGS of Washington. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hastings of Washington moves to recommit the bill H.R. 965 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

#### SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall not take effect until the national deficit is less than \$1,000,000,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington is recognized for 5 minutes in support of his motion.

Mr. HASTINGS of Washington. Mr. Speaker, this is a very, very simple motion to recommit.

Many times in this body—and I think rightfully so—we are accused of not reading bills or amendments that are before us. I cite, of course, the cap-and-trade or cap-and-tax bill, when we were thrust an 800-page amendment only 8 hours or so before we debated it. We had an 1,100-page health care bill that America is now seeing and is digesting, and they are responding back to us. This is a very short bill, as I have mentioned, and this motion to recommit is also very, very short. In fact, I am going to read it, Mr. Speaker, so that everybody can hear it. It is that short.

It says at the end of the bill, Add the following new section: Section 3. Effective date. The amendments made by section 2 shall not take effect until the national deficit is less than \$1 trillion.

It is a small, small measure of fiscal discipline.

By the way, Mr. Speaker, I have been here for 15 years; you've been here slightly longer than I have, but I have to say that this is the first Congress that I can ever remember using the term "\$1 trillion" in terms of fiscal budgets in this country. In fact, I would suggest everybody take this little test. Go back to your offices, and write down yourself what "\$1 trillion" is. It's a "one" followed by 12 zeros. It would kind of wake you up.

The reason I offer this motion to recommit, Mr. Speaker, is with unemployment approaching 10 percent, with upside-down mortgages and with homeowners facing foreclosure, I think it is hardly time to add eternal life and unlimited money to a very nice but unnecessary Federal program at a time when we are contemplating adding several massive new government programs such as health care, which I just mentioned, and cap-and-trade or cap-and-tax.

As I mentioned, I think it might be time to pause and consider the difference between things we need and things that we merely want. Of course, additional water trails and interpretive centers are nice to have, but increasing their numbers is not a necessity at this time. I am not opposed to them, by the way, but I am not prepared to support a law that says that this particular earmark program must be extended for all time with unlimited funds regardless of the deficit.

One of the popular jokes of our constituents when they want to disparage Washington is that the only earthly thing that has perpetual life is a government program. We need not add to their low view of how we operate, so I urge my colleagues to support this MTR, and we will add a degree of fiscal restraint to this legislation. I think that that restraint is badly needed.

Mr. Speaker, I am going to do something that probably has never been done. I am going to reread this motion to recommit because it is so short.

At the end of the bill, add the following new section: Section 3. Effective date. The amendments made by section 2 shall not take effect until the national deficit is less than \$1 trillion.

Mr. Speaker, I urge my colleagues to support the motion to recommit.

I yield back the balance of my time. Mr. GRIJALVA. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, the motion doesn't tell us who would have the certification power or how we would meet the standard that the motion to recommit attempts to make. It's like saying we on the Republican side ran up a huge deficit. Now we want

to penalize this one little program until you clean up the mess.

Why this program? Why not a program that was done this morning during the Natural Resources Committee meeting where the sponsor of the motion to recommit, the gentleman from Washington, had legislation that passed for a road which runs through his district? Should we put the same standard on that legislation?

This is arbitrary, this motion to recommit. While it attempts to score political points, it also, if passed, jeopardizes a very valuable resource that, if not restored and protected through the legislation, will cause disastrous economic, environmental, cultural, and health consequences—bad consequences for the Mid-Atlantic and for the Nation as a whole. The motion to recommit, while an attempt to score points, has no merit. It is arbitrary and I urge its defeat.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 194, nays 229, not voting 10, as follows:

[Roll No. 694]

YEAS—194

Aderholt	Buyer	Foxx
Adler (NJ)	Calvert	Franks (AZ)
Akin	Camp	Frelinghuysen
Alexander	Campbell	Gallegly
Altmire	Cantor	Garrett (NJ)
Arcuri	Cao	Gerlach
Austria	Capito	Giffords
Bachmann	Carter	Gingrey (GA)
Bachus	Cassidy	Gohmert
Barrett (SC)	Castle	Goodlatte
Bartlett	Chaffetz	Granger
Barton (TX)	Childers	Graves
Biggert	Coble	Griffith
Bilbray	Coffman (CO)	Guthrie
Bilirakis	Cole	Hall (TX)
Bishop (UT)	Conaway	Harper
Blackburn	Crenshaw	Hastings (WA)
Blunt	Culberson	Heller
Boccieri	Davis (KY)	Hensarling
Boehner	Deal (GA)	Herger
Bonner	Dent	Hoekstra
Bono Mack	Diaz-Balart, L.	Hunter
Boozman	Diaz-Balart, M.	Inglis
Boustany	Dreier	Jenkins
Brady (TX)	Driehaus	Johnson (IL)
Bright	Duncan	Johnson, Sam
Brown (GA)	Ehlers	Jones
Brown (SC)	Emerson	Jordan (OH)
Brown-Waite,	Fallin	King (IA)
Ginny	Flake	King (NY)
Buchanan	Fleming	Kingston
Burgess	Forbes	Kirk
Burton (IN)	Fortenberry	Kline (MN)

Lamborn	Miller, Gary	Schmidt
Lance	Mitchell	Schock
Latham	Moran (KS)	Sensenbrenner
LaTourette	Murphy, Tim	Sessions
Latta	Myrick	Shadegg
Lee (NY)	Neugebauer	Shimkus
Lewis (CA)	Nunes	Shuler
Linder	Nye	Shuster
LoBiondo	Olson	Simpson
Lucas	Paul	Smith (NE)
Luetkemeyer	Paulsen	Smith (NJ)
Lummis	Pence	Smith (TX)
Lungren, Daniel	Peters	Souder
E.	Petri	Stearns
Mack	Pitts	Sullivan
Maffei	Platts	Taylor
Manzullo	Poe (TX)	Teague
Marchant	Posey	Terry
Marshall	Price (GA)	Thompson (PA)
McCarthy (CA)	Putnam	Thornberry
McCaul	Radanovich	Tiahrt
McClintock	Rehberg	Tiberi
McCotter	Reichert	Turner
McHenry	Roe (TN)	Upton
McHugh	Rogers (AL)	Walden
McIntyre	Rogers (KY)	Wamp
McKeon	Rogers (MI)	Westmoreland
McMorris	Rohrabacher	Whitfield
Rodgers	Rooney	Wilson (SC)
Melancon	Ros-Lehtinen	Wittman
Mica	Royce	Wolf
Miller (FL)	Ryan (WI)	Young (FL)
Miller (MI)	Scalise	

NAYS—229

Abercrombie	Engel	Lewis (GA)
Ackerman	Eshoo	Lipinski
Andrews	Etheridge	Loebsack
Baca	Farr	Lofgren, Zoe
Baird	Fattah	Lowe
Baldwin	Filner	Lujan
Barrow	Foster	Maloney
Bean	Frank (MA)	Markey (CO)
Becerra	Fudge	Markey (MA)
Berkley	Gonzalez	Massa
Berman	Gordon (TN)	Matheson
Berry	Grayson	Matsui
Bishop (GA)	Green, Al	McCollum
Bishop (NY)	Green, Gene	McDermott
Blumenauer	Grijalva	McGovern
Boren	Gutierrez	McMahon
Boswell	Hall (NY)	McNerney
Boucher	Halvorson	Meek (FL)
Brady (PA)	Hare	Meeks (NY)
Braley (IA)	Harman	Michaud
Brown, Corrine	Hastings (FL)	Miller (NC)
Butterfield	Heinrich	Miller, George
Capps	Herstein Sandlin	Minnick
Capuano	Higgins	Mollohan
Cardoza	Hill	Moore (KS)
Carnahan	Himes	Moore (WI)
Carney	Hinchey	Moran (VA)
Carson (IN)	Hinojosa	Murphy (CT)
Castor (FL)	Hirono	Murphy (NY)
Chandler	Hodes	Murphy, Patrick
Chu	Holden	Murtha
Clarke	Holt	Nadler (NY)
Cleaver	Honda	Napolitano
Clyburn	Hoyer	Neal (MA)
Cohen	Inslee	Oberstar
Connolly (VA)	Israel	Obey
Conyers	Jackson (IL)	Olver
Cooper	Jackson-Lee	Ortiz
Costa	(TX)	Pallone
Costello	Johnson (GA)	Pascarell
Courtney	Johnson, E. B.	Pastor (AZ)
Crowley	Kagen	Perlmutter
Cuellar	Kanjorski	Perriello
Cummings	Kaptur	Peterson
Dahlkemper	Kennedy	Pingree (ME)
Davis (AL)	Kildee	Polis (CO)
Davis (CA)	Kilpatrick (MI)	Pomeroy
Davis (TN)	Kilroy	Price (NC)
DeFazio	Kind	Quigley
DeGette	Kirkpatrick (AZ)	Rahall
DeLauro	Kissell	Rangel
Dicks	Klein (FL)	Reyes
Dingell	Kosmas	Richardson
Doggett	Kratovil	Rodriguez
Donnelly (IN)	Kucinich	Ross
Doyle	Langevin	Rothman (NJ)
Edwards (MD)	Larsen (WA)	Roybal-Allard
Edwards (TX)	Larson (CT)	Ruppersberger
Ellison	Lee (CA)	Rush
Ellsworth	Levin	Ryan (OH)

Salazar	Slaughter	Velázquez
Sánchez, Linda T.	Smith (WA)	Visclosky
Sanchez, Loretta	Snyder	Walz
Sarbanes	Space	Wasserman
Schakowsky	Speier	Schultz
Schauer	Spratt	Waters
Schiff	Stark	Watson
Schrader	Stupak	Watt
Schwartz	Sutton	Waxman
Scott (GA)	Tanner	Weiner
Scott (VA)	Thompson (CA)	Welch
Serrano	Thompson (MS)	Wexler
Sestak	Tierney	Wilson (OH)
Shea-Porter	Titus	Woolsey
Sherman	Tonko	Wu
Sires	Towns	Yarmuth
Skelton	Tsongas	
	Van Hollen	

## NOT VOTING—10

Boyd	Issa	Roskam
Clay	Lynch	Young (AK)
Davis (IL)	McCarthy (NY)	
Delahunt	Payne	

□ 1207

Mr. NADLER of New York, Ms. SPEIER, Mr. SMITH of Washington, Ms. CHU, Ms. KILROY, Mrs. CAPPS, Mr. MURPHY of Connecticut, Ms. EDWARDS of Maryland, Messrs. HONDA, WELCH, CUMMINGS, CARNAHAN, WEINER, ACKERMAN, PATRICK J. MURPHY of Pennsylvania, LANGEVIN, FATTAH, JOHNSON of Georgia, NADLER, RANGEL, WALZ and Ms. BALDWIN changed their vote from "yea" to "nay."

Messrs. JORDAN of Ohio, AKIN, SULLIVAN, NEUGEBAUER, TIAHRT, Ms. GIFFORDS, and Mr. ROGERS of Alabama changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

#### MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE W.G. "BILL" HEFNER OF NORTH CAROLINA

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Mr. Speaker, on September 2, we received the sad news of the passing of W.G. "Bill" Hefner, the Representative for 12 terms from the Eighth District of North Carolina. He served from 1975 to 1998.

Bill Hefner was a beloved and respected Member of this body, a man who never lost his sympathy for the underdog and never lost his capacity to advocate for the working people of our State and our Nation.

Bill was probably best known for his impact on the quality of life of our military men and women, our service men and women, through his chairmanship of the Military Construction Appropriations subcommittee.

I would, at this point, like to yield to LARRY KISSELL who currently represents the Eighth District of North Carolina and who on Tuesday night convened a Special Order to pay tribute to this wonderful man.

Mr. KISSELL. Mr. Speaker, Mr. Hefner was my Congressman for 24 years. He was a Congressman that was beloved by the people of the district because he never forgot where he came from. He came to North Carolina having grown up in Alabama as the son of a sharecropper. He had a gift given to him by God to sing music, and he came to North Carolina as a very successful gospel singer. Having never run for office before, he ran for Congress.

We in the Eighth District miss him and pass on our thoughts to his widow, Nancy, and his daughters, Stacey and Shelly.

Mr. PRICE of North Carolina. Mr. Speaker, I would now like to yield to the dean of our delegation, HOWARD COBLE.

Mr. COBLE. I thank the gentleman from North Carolina for yielding.

Bill Hefner's district was contiguous to my district. On one occasion, a friend of mine decided to run against Bill and asked me to come and say a good word for him. I did that, but I did not say a bad word against Bill. But we House Members have a way of guarding our district lives very jealously. And Bill said to me, the next time you come into my district, I'm going to bring a gospel quartet into your district and get your attention. I said, well, Bill, when you do, will you promise to sing "Sweet Beulah Land" and "I'll Meet You in the Morning"? He was so taken aback that I knew those songs, he said, oh, forget about it, I'll talk to you about it later.

But DAVID, as you said, as Mr. PRICE said, he was indeed a friend of the veterans. He was a good man, and we will miss him.

Mr. PRICE of North Carolina. I thank the gentleman.

Mr. GRIFFITH. Mr. Speaker, I rise today to honor the memory of Congressman Bill Hefner, who served North Carolina's eighth Congressional District for 24 years with distinction. In addition to his service in the United States House of Representatives, Mr. Hefner served as a Marshall County Commissioner in my home state of Alabama. He spent his later years in my hometown of Huntsville.

Congressman Hefner was a fine example of a public servant. He fought for the interests of his constituents, bucking party lines time and time again in the process. He was a champion of our military, working tirelessly on behalf of our veterans to ensure they received the tools needed to do their jobs and the benefits earned through service.

Congressman Hefner lived a full life, spending time in a myriad of positions from a Southern Baptist gospel singer to radio station owner. His dedication and commitment to public service made Alabama, North Carolina, Washington, DC, and our nation as a whole a better place, and he will be sorely missed.

Mr. Speaker, I rise today to honor the memory and life of former Congressman Bill Hefner.

## GENERAL LEAVE

Mr. PRICE of North Carolina. I ask unanimous consent, Mr. Speaker, that

all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my 1-minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. PRICE of North Carolina. I ask that all Members rise and that we observe a moment of silence in memory of our dear departed colleague.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1243. An act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1023. An act to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

The message also announced that, pursuant to Public Law 106-567, the Intelligence Authorization Act for Fiscal Year 2001, the Chair, on behalf of the Republican Leader, appoints the following individual to serve as a member of the Public Interest Declassification Board:

General Michael V. Hayden of Virginia.

The message also announced that, pursuant to provisions of Public Law 110-343, the Chair, on behalf of the Republican Leader, appoints the following individual as a member of the Congressional Oversight Panel:

Mr. Paul S. Atkins of Virginia, vice John Sununu of New Hampshire.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

#### CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. INSLEE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 311, noes 107, not voting 15, as follows:

[Roll No. 695]

AYES—311

Abercrombie	Eshoo	Markey (MA)
Ackerman	Etheridge	Marshall
Adler (NJ)	Fallin	Massa
Alexander	Fattah	Matheson
Altmire	Filner	Matsui
Andrews	Forbes	McCaul
Arcuri	Fortenberry	McCollum
Baca	Foster	McCotter
Baird	Frank (MA)	McDermott
Baldwin	Frelinghuysen	McGovern
Barrow	Fudge	McHugh
Bartlett	Galleghy	McIntyre
Bean	Gerlach	McMahon
Becerra	Giffords	McNerney
Berkley	Gonzalez	Meek (FL)
Berman	Goodlatte	Meeks (NY)
Berry	Gordon (TN)	Melancon
Biggert	Grayson	Michaud
Blibray	Green, Al	Miller (MI)
Bilirakis	Green, Gene	Miller (NC)
Bishop (GA)	Griffith	Miller, Gary
Bishop (NY)	Grijalva	Miller, George
Bishop (UT)	Guthrie	Minnick
Blumenauer	Gutierrez	Mitchell
Blunt	Hall (NY)	Mollohan
Bocieri	Halvorson	Moore (KS)
Boren	Hare	Moore (WI)
Boswell	Harman	Moran (VA)
Boucher	Hastings (FL)	Murphy (CT)
Brady (PA)	Heinrich	Murphy (NY)
Braley (IA)	Herseth Sandlin	Murphy, Patrick
Bright	Higgins	Murphy, Tim
Brown, Corrine	Hill	Murtha
Buchanan	Himes	Nadler (NY)
Butterfield	Hinchee	Napolitano
Cantor	Hinojosa	Neal (MA)
Cao	Hirono	Nye
Capito	Hodes	Oberstar
Capps	Holden	Obey
Capuano	Holt	Oliver
Cardoza	Honda	Ortiz
Carnahan	Hoyer	Pallone
Carney	Inslee	Pascarell
Carson (IN)	Israel	Pastor (AZ)
Castle	Jackson (IL)	Paulsen
Castor (FL)	Jackson-Lee	Perlmutter
Chandler	(TX)	Perriello
Childers	Jenkins	Peters
Chu	Johnson (GA)	Peterson
Clarke	Johnson (IL)	Petri
Cleaver	Johnson, E. B.	Pingree (ME)
Clyburn	Jones	Pitts
Cohen	Kagen	Platts
Connolly (VA)	Kanjorski	Polis (CO)
Conyers	Kaptur	Pomeroy
Cooper	Kennedy	Price (NC)
Costa	Kildee	Putnam
Costello	Kilpatrick (MI)	Quigley
Courtney	Kilroy	Rahall
Crowley	Kind	Rangel
Cuellar	King (NY)	Rehberg
Cummings	Kirk	Reyes
Dahlkemper	Kirkpatrick (AZ)	Richardson
Davis (AL)	Kissell	Rodriguez
Davis (CA)	Klein (FL)	Rogers (AL)
Davis (TN)	Kosmas	Rogers (KY)
DeFazio	Kratovil	Rogers (MI)
DeGette	Kucinich	Rohrabacher
DeLauro	Lance	Rooney
Dent	Langevin	Ros-Lehtinen
Diaz-Balart, L.	Larsen (WA)	Ross
Diaz-Balart, M.	Larson (CT)	Rothman (NJ)
Dicks	LaTourette	Roybal-Allard
Dingell	Lee (CA)	Ruppersberger
Doggett	Levin	Ryan (OH)
Donnelly (IN)	Lewis (GA)	Salazar
Doyle	Lipinski	Sánchez, Linda
Driehaus	LoBiondo	T.
Edwards (MD)	Loebach	Sanchez, Loretta
Edwards (TX)	Lofgren, Zoe	Sarbanes
Ehlers	Lowey	Schakowsky
Ellison	Lujan	Schauer
Ellsworth	Maffei	Schiff
Emerson	Maloney	Schmidt
Engel	Markey (CO)	Schock

Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier

Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky

Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (FL)

NOES—107

Aderholt  
Akin  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Barton (TX)  
Blackburn  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Carter  
Cassidy  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dreier  
Duncan

Flake  
Fleming  
Foxy  
Franks (AZ)  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Granger  
Graves  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Johnson, Sam  
Jordan (OH)  
King (IA)  
Kingston  
Kline (MN)  
Lamborn  
Latham  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
Lucas  
Luetkemeyer  
Lummis  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McClintock

McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Pence  
Poe (TX)  
Posey  
Price (GA)  
Radanovich  
Reichert  
Royce  
Ryan (WI)  
Scalise  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Smith (NE)  
Souder  
Stearns  
Sullivan  
Thornberry  
Tiahrt  
Tiberi  
Walden  
Westmoreland  
Wilson (SC)

NOT VOTING—15

Boyd  
Clay  
Davis (IL)  
Delahunt  
Farr  
Issa

Lungren, Daniel  
E.  
Lynch  
McCarthy (NY)  
Payne  
Roe (TN)

Roskam  
Rush  
Terry  
Young (AK)

□ 1220

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mrs. MCCARTHY of New York. Mr. Speaker, today, I missed 2 votes. Had I been present, I would have voted as follows:

Rollcall No. 694, on the Motion to Recommit with Instructions to H.R. 965, I would have voted "nay."

Rollcall No. 695, on Passage of H.R. 965, I would have voted "aye."

#### LEGISLATIVE PROGRAM

Mr. MCCARTHY of California. Mr. Speaker, I ask to address the House for

1 minute for the purpose of inquiring about next week's schedule, and I yield to the gentleman from Maryland, the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and 12 o'clock for legislative business.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow.

In addition, we will consider H.R. 3246, the Advanced Vehicle Technology Act of 2009, and H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009.

I yield back.

Mr. MCCARTHY of California. Since this is the first colloquy of the fall, I would like to give the Members and the public a sense of what the House will be considering over the next couple of months. What do you expect to be voting on during the months of September and October?

And I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

First of all, of course, as you know, the House has passed all 12 of our appropriation bills, so we're ready to go to conference on all 12 of those bills. The Senate has passed four of their bills and is working on the balance. We hope to conference and have on the floor a number of those bills before the end of September, before the beginning of the fiscal year. There obviously will be, given the Senate's schedule, a requirement for a continuing resolution for some period of time, perhaps in a 30-day period time frame. So we will be considering those bills, those conference reports.

In addition, as you heard, the student loan reform bill will be on the floor next week, we believe. Defense authorization is in conference, and we expect that conference report. Health care reform, obviously we expect to do that this fall. Regulatory reform is expected to be an item on our agenda in the House this fall. Additionally, we will be waiting on the Senate on a number of items that we have sent to them, including climate change and food safety, which, as you know, the House passed. So those will be some of the items. That is not an exhaustive list, but is, I think, a good list of what we expect to be considering during the coming weeks.

Mr. MCCARTHY of California. Reclaiming my time, I thank the gentleman.

Does the gentleman expect the House to be in session beyond the targeted adjournment date of October 30?

And I yield.

Mr. HOYER. I think the honest answer to that is yes. Obviously, that was a target date, not knowing exactly how quickly we would proceed.

Clearly, health care, among other issues, is taking, as we understand it needed to, a longer time. And so consideration of that and the appropriation bills and other authorization bills that are going between the two Houses will, I think, clearly take us beyond October 30.

Mr. MCCARTHY of California. Does the gentleman see the House taking any days or weeks off that are currently scheduled between now and the 30th of October?

Mr. HOYER. Let me say that I believe that every week scheduled in October we will be meeting. However, in November, as the gentleman probably knows, Veterans Day falls exactly in the middle of the week on a Wednesday. We are now talking about what that means in terms of schedule because obviously all the Members want to be home with their various organizations, municipalities, counties and communities to honor our veterans on that day and honor the service of those who have kept this country free.

As a result, we are trying to figure out whether or not it makes any sense to either schedule a Monday and Tuesday or a Thursday and Friday and have Members come back and forth for that. We have not made that decision, but it is, in terms of the weeks that we are looking at over the next 10 weeks, a week that may not be one in which we will meet. We will try to make that determination very soon, within the next couple of weeks, part of which will be dictated by the schedule, what is moving, how much time we need available.

In addition to that, we will not be meeting Thanksgiving week. I say that pretty definitively. Obviously, if we could finish the Monday or Tuesday of Thanksgiving week, finish in terms of adjournment sine die for this session, then I think that might change that. But other than that, my expectation is we would not be meeting Thanksgiving week if we need to meet longer than Thanksgiving week.

Mr. MCCARTHY of California. I thank the gentleman.

Currently, you have scheduled out between now and October 30. Do you see any of those Mondays or Fridays that maybe we would not be in session, having done our work during the week, knowing that the debate is going on still within health care and others that people can be back in their district? And I yield.

Mr. HOYER. I thank the gentleman for yielding.

My expectation is that it is quite possible that we would take off either a

Monday that is now scheduled—or two, or three—or a Friday, one or the other. Given the flow of work, we did a lot of work, worked very hard, and we passed a lot of legislation, but obviously to complete that we need it to come back from the Senate, need to complete conference reports. So to some degree, the flow of work will dictate that schedule; but on the other hand, we want to give all the Members on both sides appropriate notice so they can utilize the time at home to be discussing with their constituents pending legislation, and particularly the health care bill.

Mr. MCCARTHY of California. Would the gentleman be able to tell early for at least September, knowing the Mondays and Fridays that we may be able to be working at home?

Mr. HOYER. I'm sorry. Could you repeat that?

Mr. MCCARTHY of California. I just wonder if the gentleman, knowing the schedule of all the Mondays and Fridays now, if you've already made that decision which Mondays and which Fridays?

Mr. HOYER. We have not. What I indicated is that I hope to be working on that, and I hope next week to have at least made a preliminary decision on some of the Mondays and/or Fridays. It may not be all of the ones that we will be able to have Members have an opportunity to work at home. And again, it's a little difficult to do that because it's a little difficult to predict the workflow schedule.

Mr. MCCARTHY of California. Well, I appreciate the gentleman's answer.

Mr. HOYER. But I want to reiterate, we do expect next week to at least take a number in the relatively near term—and that means September—so that Members will have prior notice.

Mr. MCCARTHY of California. Well, I thank the gentleman.

Knowing that we heard the President last night, and we're all coming off from an August recess where we watched America wake up and really pay attention to what is going on here in Congress and voice their opinion when it comes to health care, and having watched that and having my own townhall meetings, watching other Members' townhall meetings throughout the country and some of the questions raised, I listened to the President last night talk about ideas and a public plan, and others—the gentleman yourself had talked during your townhalls—and some leadership said the public plan has to be in the plan or a bill will not go through. I know the gentleman from Maryland said it doesn't have to be exactly a public plan in there.

□ 1230

Does the Democratic leadership position include a government option or exactly a public plan or a trigger?

I yield to the gentleman.

Mr. HOYER. You heard the President's comments last night. I agree

strongly with the President and with the Speaker, and I think, frankly, there is no difference in the three of us. We all believe that a public option is an important option, A, to save money and, B, to give consumers options that they might not otherwise have and bring prices down for consumers as well as for government. So there is no difference there on the importance of the public option.

I am for a public option, as you probably heard me. I don't know whether you watched my town meeting, but that question was asked and I responded I am for the public option.

What I have said is essentially what the President said last night, that there is much in this bill that I think advantages consumers, businesses, individuals and families, and I think the public option is important, but there are other things in the bill which are important. But I expect that we are going to bring a bill to the floor. I am certainly hopeful that it has a public option in it. We think that is the best alternative. The President has indicated he thinks that is the best alternative.

He did, however, say, and I share his view, if there are other ways people think we can do it, provide that competitive model to bring prices down and to make sure consumers get the best product available, if there are other ways to do that, then we are certainly open to hearing them.

Mr. MCCARTHY of California. Does the gentleman believe that health care will come to the floor in the House before in the Senate?

Mr. HOYER. I think health care will come to the floor in the House when it is ready to come, and what I mean by that is when we have a consensus on exactly how the bill ought to be fashioned. We believe on this side that the committees are some 85 percent in agreement, as you know, the Energy and Commerce Committee, the Education and Labor Committee, and the Ways and Means Committee. As you also know, there are differences between those bills, and we are working on that at this point in time to see how we can make those compatible. The President's comments last night will obviously also be taken into consideration.

So we will bring to the floor a bill that we believe reflects the President's view, our view, and hopefully we would hope the views in part at least of some of the Members on your side of the aisle.

Mr. MCCARTHY of California. I thank the gentleman.

Reclaiming my time, I notice you refer to the bill and sometimes another bill, and you have this bill H.R. 3200 done by one side of the aisle, passed three committees. I know last time when President Clinton was in and they took up health care and they produced a bill in Ways and Means, it took

7 weeks of debate. I know this was 48 hours and others were a short time period.

When you refer to that bill, are you referring to H.R. 3200 coming before this body, this House?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman.

First of all, let me say I don't know where he gets 2 weeks. The Ways and Means Committee was in discussion. You may mean formal hearings on the bill. But we have had 80 hearings in the committees over the last 24 months on health care reform, so it was an extensive part of the debate of every candidate for President over the course of 2008, and, frankly, prior to 2008.

This bill and many of its facets have been considered extensively, many of which were in plans presented by Presidential candidates on both sides of the aisle, Democrat and Republican. And clearly the President of the United States talked extensively about his ideas and where he wanted to go on health reform, and much of what he said and proposed was included in the bills that have been acted upon and I think reflect his views as well as the views of many people not only in this body but throughout the country.

So, from that standpoint, we believe this has gotten very extensive consideration. I think it is unprecedented. We had over 1,000 town meetings on our side. I know you had a number of town meetings on your side. I am not sure of the number. But literally I think thousands and thousands of Americans had an opportunity to participate and are continuing to participate in the discussion of the specifics of this bill.

So we think it has gotten very widespread and very thorough consideration. Given that consideration, there are still differences that we are working on.

Mr. MCCARTHY of California. Reclaiming my time, just referring back, what I said was when the Clinton administration did health care, on Ways and Means they debated for 7 weeks, taking the bill up itself. When we did it this time, it was 48 hours of presenting the bill, the amendments, and being voted out of committee.

Knowing the call to the American public about transparency, and we all heard that during the month of August, would the gentleman allow, before any bill comes to the floor—and I guess the bill would be H.R. 3200, from what I am hearing the gentleman say. I know it is in committee, but when you get to that final version—

Mr. HOYER. Will the gentleman yield, because I want to clarify that.

H.R. 3200 was a base bill that was put together by the committee Chairs, the committee staff, with input from others, as a mark. My expectation is that there will be a compendium that will be put together and we will probably have a new number on it. So I don't

think H.R. 3200, which was a base mark, but you understand this was a bill, and, as you well know, in three committees, so there may well be a bill fashioned from the product of the three committees.

Mr. MCCARTHY of California. Reclaiming my time, so it would be a different number, but in essence the same bill.

Would the gentleman allow, before that bill is voted on on this floor when you come to the conclusion of where that bill ends up, would we be able to have the time to go back to the American public and, again, all of us have townhall meetings again for the transparency of saying this is the bill that would be voted on in the House?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

There has been unprecedented, I reiterate, I don't think you can remember, and I have been here 29 years and I can't remember a bill that has been more widely vetted than this bill in terms of the American public. Maybe the Social Security proposal the President some years ago had, that was pretty widely vetted, but I don't think as widely vetted as this proposal.

So I say to the gentleman, you go and you vet the bill, you discuss alternatives, you then come back after having listened to those alternatives and fashion a bill. You don't have new committee hearings, whether it is a health care bill or any other bill. You amend it and you perfect it pursuant to hearings, and then you bring it to the floor. I don't expect we will treat this bill any differently.

Mr. MCCARTHY of California. I thank the gentleman.

The only thing I would ask, knowing that the American public did have this bill vetted but the majority of the American public disagreed with this bill, disagreed with the public option, and having the transparency here that the American public is asking, having the American public so engaged and educated on health care and it being such an issue, I always thought it would be helpful not only to this body but to the American public itself, before we go and vote again, whatever comes before that bill to come to the House, that you allow the opportunity for Members to go home and have a townhall and explain what is in the final version of the bill before that vote takes place. I think the American public would appreciate it, and it would be a great opportunity for both sides.

Mr. HOYER. Well, if the gentleman will yield, I want to say clearly, as you know, the base bill, the mark bill from which the three committees worked, as you know, was put online before the August break, so that it has been online for a very long period of time. Now, there will be changes. There will be amendments. There have already

been amendments in the three committees and those have been online.

So, I think the gentleman's concern is correct. We share it. We want to make sure the public has the opportunity to know what is being done, that we transparently have the specifics for the American public to know what we are doing and for the Members to have that knowledge, and we intend to do that.

Now, whether or not we are going to have a timeframe in which somebody can have a townhall meeting, which may take a month to notice and get together, I think you would be shocked if I responded to you that, oh, sure, we will just wait around until you have your town meetings. So I am not going to say that. But I do appreciate the gentleman's point, which is we want to make sure the public does in fact have notice.

Mr. MCCARTHY of California. Well, I thank the gentleman and I appreciate his answers today. The one thing I would say, I did this townhall in Bakersfield, California, where I did no notice, I didn't do a mailer, and gave enough opportunity. We have an opportunity now to know we will be in past October. I had 3,000 people, that is 1 percent of the whole city's population, turn out, and very engaged, very knowledgeable of the bill itself.

So I just hope the opportunity comes that knowing maybe there is a different number on this bill, but it is still H.R. 3200, that the public would be able to see it. And I will tell the gentleman that the Republicans on this side have a lot of ideas about health care, a lot of bills out there, of ways that we can lower the costs, take care of preexisting conditions and actually make health care much better for all Americans.

I appreciate the time and yield back.

#### ADJOURNMENT TO MONDAY, SEPTEMBER 14, 2009

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, September 15, 2009, for morning-hour debate.

The SPEAKER pro tempore (Mr. LUJÁN). Is there objection to the request of the gentlewoman from New York?

There was no objection.

#### TAXPAYERS REFUSE TO PAY FOR ILLEGAL IMMIGRANTS' HEALTH CARE

(Mr. KING of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, a Rasmussen poll found that 83 percent of voters believe only U.S. citizens should be eligible for health care subsidies. However, H.R. 3200, the health care bill, gives coverage to illegal immigrants, despite what the President says.

Although language in the bill purports to prevent illegal immigrants from getting coverage, even the Congressional Research Service confirms that there are three major loopholes that render the language meaningless.

Number one, there is no method to verify eligibility. An amendment to include it was defeated by Democrats in committee.

Item number two, illegal immigrants are not prohibited from using the "public option," better described as the government mandate.

And, number three, all members of families including illegal immigrants may be eligible as a group, and language indicates so.

So if Congress wants to represent the wishes of the people, including the 70 percent of Democrats and 87 percent of Independents, they should add citizenship verification of eligibility to any health care legislation. But they have voted it down in committee 29-28. False claims about not covering illegal immigrants are hollow.

#### CALLING THE PRESIDENT OUT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, last night the President made a very eloquent speech here in the House Chamber. I am always impressed with his eloquence. But one of the things he said that stuck with me was he said if the Republicans, he didn't say "Republicans," but he said if anyone in the Chamber, and I think he was referring to Republicans, if anyone in the Chamber doesn't state the facts correctly or misleads the American people, he is going to call them out. That is a pretty tough term, "call them out."

So I just would like to say if I were talking to the President right now, Mr. President, that is a double-edged sword. You said you are going to call us out if we don't tell the truth. Well, in the next series today, I am going to take a 5-minute Special Order and I am going to go through everything, or as many as I can get to in 5 minutes, I am going to go through everything the President said last night which was not quite true, because I think the American people really need to know the facts, and so we are going to call the President out.

#### GOVERNMENT GONE WILD

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Congress is spending money we don't have on things we cannot afford. We spent billions on the so-called stimulus that hasn't worked. The government took over the car industry and gave money to the fat cats on Wall Street. Congress gave money, America's money, to the banking industry, and this House passed a national energy tax.

The government is out of control. Nearly 10 percent of the people are unemployed. With these hard economic times, now we are told we have to spend \$1 trillion on a health care bill that is still confusing to most Americans. Where are we supposed to get the money?

We cannot continue to spend money we don't have and borrow it from our "friends" like China. This spending will cause inflation, and eventually somebody is going to get a massive tax increase to pay for a government gone wild.

Some taxacrats wish to tax small businesses into oblivion, the backbone of our country. Even if this were the greatest health care bill in the world, we can't afford to tax more Americans to pay for it. The American people deserve a break from all the spending, borrowing and taxation.

And that's just the way it is.

□ 1245

#### HEALTH CARE REFORM

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, a new Gallup poll says that 39 percent of Americans want their Member of Congress to vote against a health care overhaul while 37 percent want their Representative to support it. An Associated Press poll shows 49 percent oppose a health care overhaul. The numbers show a deep division in the Nation, one that was evident in August townhall meetings where the American people had their say. These were people who took the time to read the House bill and decide against it because of cost, complication and controversy.

Yet there are elements in all the proposals before Congress on which people can agree, and it's time to go back to the drawing board and be inclusive. As a former health care provider, I'd very much like to be a part of the solutions that will help the situation without breaking the bank. Tort reform is a must to reduce the cost of health care. Allowing insurers to compete across State lines will increase competition and thereby lower costs. Addressing workforce issues is crucial as baby boomer doctors, nurses and technicians retire.

Let's look at the approximately 13 million Americans out of 303 million

who don't have an option for insurance and find a way to help the population that actually needs our help.

#### HONORING THE EIGHTH ANNIVERSARY OF THE SEPTEMBER 11 TERRORIST ATTACKS

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, as we approach the eighth anniversary of the September 11 terrorist attacks on our Nation, we honor those innocent people who perished on that terrible day and extend our continued prayers and sympathy to their loved ones. We remember the tremendous heroism and self-sacrifice of so many in New York, the Pentagon, and on a plane over Shanksville, Pennsylvania. Closer to home in New Jersey, communities across the Garden State remember those who perished and pay tribute to the distinguished service of the brave police officers, firefighters and first responders who answered the call and, in some cases, never returned home.

Today I come to the floor of the House to pay my special respect to the 81 New Jersey families in the Seventh Congressional District who lost loved ones as a result of the tragic terrorist attacks. To these families I say, we will never forget the sacrifices you and others have paid and continue to pay. I hope all Americans will pause tomorrow and take a moment to reflect on the tragedy of 9/11, to remember the victims, the heroes, and all the loved ones they left behind, while paying tribute to the men and women who serve and defend us today against the dangers we still face.

May God continue to bless the United States of America.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### SEPTEMBER 11 OBSERVANCES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. As we mark the eighth anniversary of the tragic terrorist attacks on our country, we are reminded of the adage that "time heals all wounds." At Ground Zero, bulldozers are laying the foundation for new towers, while millions carry on their daily routine. Many who lost spouses have remarried, finding comfort in new love. Infants have grown into children and children into adults, with thoughts that dwell on the future, rather than the past.

For this we should be grateful. No one should live in the perpetual shadow of grief. And yet the wounds are still raw. New Yorkers still perceive the skyline of Manhattan as maimed and incomplete. We are still gripped at certain moments by memories of loved ones that are unbearably painful. We are still at war, bearing the unfinished burden of rooting out the perpetrators and instigators of evil. And as a Nation, as a people, we understand that the innocence shattered on that awful morning 8 years ago can never be fully restored.

Our challenge then, as Americans, is to honor the loss and heed the lessons of 9/11, while also affirming at every opportunity the optimism and confidence that always defined this great Nation at its best. In this body, we do this by remaining strong and steadfast in our determination to confront terrorists and their sponsors, using the full spectrum of American power as an instrument of justice. We do this by, together with the firefighters, police officers, emergency workers and intelligence officers, committing to the hard work of securing our land against those who would do violence, ensuring that our transportation networks and energy facilities, our ports and our bridges are defended by more than feckless hope.

We do this by refusing to give up our liberties out of fear, knowing that a retreat from our founding values does more harm to America than any external enemy ever could. And we do this by pursuing the age-old American vision of a world lifted by freedom, knowledge and prosperity in which all men and women have the tools to build just and decent societies that live in peace with their neighbors.

It has been my duty and honor to serve and to serve those goals as a Member of the United States Congress. In tribute to all those who lost their lives 8 years ago, to all those who have lost their lives in Iraq, in Afghanistan in the time since, and to all those whose lives are still shaped every day by memory and loss, let us together commit to upholding these responsibilities until our work is done.

Thank you. May God bless America, and may God bless all people of goodwill.

#### HEALTH CARE REFORM

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Mr. Speaker, last night President Obama told us that his administration would tackle medical malpractice reform as a way to lower health care costs. Defensive medicine practices do drive up the cost of health care. It's at least 10 percent of overall cost and as much as 40 percent of some procedures, and it should be aggressively tackled.

This is what we have been saying on the Republican side for years. But who is it? Who will take on this difficult task? And just how committed is President Obama in taking on medical malpractice reform and protecting medical providers from trial lawyers? A simple Google search shows that Secretary Sebelius was the executive director and the head lobbyist for the Kansas Trial Lawyers Association for 8 years. That's right, Secretary Sebelius, head of the Health and Human Services, was a deep political professional and has personal ties with trial lawyers and has been tapped by the President to go after these same trial lawyers and figure out just what kind of malpractice reform should be put in place.

I think this is a classical example of what we call a conflict of interest. The President has made several publicly embarrassing gaffes recently, and when it comes to vetting these people, I would hope that he takes more time in vetting Secretary Sebelius.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the President said last night, and I mentioned it a few minutes ago, that if anybody in this body told an untruth about his proposals on health care he was going to call them out. Well, as I said before, that's a double-edged sword because I think the President made a number of misstatements last night that need to be corrected. And the American people need to know what they were. As a matter of fact, one of the things he needs to do is he needs to take on the Associated Press because they have a news article out today that says Obama uses iffy math on deficit pledge, and they point out that his arithmetic isn't quite accurate.

But let me go into some of the specifics. He said last night, "Nothing in this plan will require you or your employer to change the coverage or the doctor you have." Let me repeat this: nothing in our plan requires you to change what you have. The majority leader just a few minutes ago said we really need to keep the public option in, and that's what they would like to bring to the floor.

Well, let's say they do that. If you're an employer, and it costs more than 8 percent to take care of your employees and health insurance, you can dump them on the government plan for 8 percent. So if you're spending 10 percent to pay for your employees' health insurance and you want to cut your costs, all you have to do is put them on the government plan and pay 8 percent.

And so there is an inducement for people to go on the government plan, especially if the employer's transfer-

ring them. And as a matter of fact, independent experts all agree that the legislation proposed would result in millions of Americans losing the coverage they have. The Congressional Budget Office, this body right here, this budget office, believes several million will lose their coverage. The Urban Institute says it will be up to 47 million, and the Lewin Group says it will be up to 114 million.

So I would say, Mr. President, that's not quite accurate. He also said, "Under my plan, individuals will be required to carry basic health insurance just as most States require you to carry auto insurance." That is going to be what they call a government mandate. And one of his senior Obama administration officials recently wrote that a mandate is, in many respects, analogous to a tax and, furthermore, has the potential to be a very regressive tax, penalizing uninsured people who genuinely cannot afford to buy coverage.

Thus, this policy stance breaks the signal promise of the Obama campaign when he said, I can make a firm pledge, under my plan no family making less than 250,000 a year will see any form of tax increase, not your income tax, not your payroll tax, not your capital gains tax, not any of your taxes.

Not accurate. The President said, "There are those who claim that our reform effort will insure illegal aliens or immigrants. This too is false. The reforms I'm proposing would not apply to those who are here illegally." Look at H.R. 3200, their bill. It says, nothing in any of the Democrat bills would require individuals to verify their citizenship or identity prior to receiving taxpayer subsidized benefits, making the President's promise one that the legislation itself does not keep. So that wasn't accurate, Mr. President.

And here's another quote and one more misunderstanding I want to clear up: "Under our plan, no Federal dollars will be used to fund abortions and Federal conscience laws remain in place." Fact: the National Right to Life Committee, among another independent pro-life groups, have confirmed that the legislation will result in Federal funds being used to pay for abortions, both through the government-run health plan and through Federal subsidies provided through the exchange, despite various accounting gimmicks created in an Energy and Commerce Committee "compromise plan." Much of the rest would be paid for with revenues from the very same drug and insurance companies that stand to benefit from tens of millions of new customers.

The President said reducing the waste and inefficiency in Medicare and Medicaid will pay for most of this plan. Much of the rest would be paid for with revenues from the very same drug and

insurance companies that stand to benefit from tens of millions of new customers. Fact: the Congressional Budget Office, our body, has previously found that the cuts to Medicare Advantage plans included in the Democrat legislation would result in millions of seniors, millions of seniors, losing their current plan, a direct contradiction of the President's assertion that nothing in this plan requires you to change what you have.

□ 1300

So that's not quite true. It's not true at all.

The President last night:

This reform will charge insurance companies a fee for their most expensive policies, which will encourage them to provide greater value for the money, an idea which has the support of Democrat and Republican experts, and according to these same experts, this modest change could help hold down the cost of health care for all of us in the long run.

Fact: While some Republicans support addressing the current employee exclusion for health insurance in the context of overall tax reform, the President's proposal would raise fees in order to finance new Federal spending—a tax increase of hundreds of billions of dollars and one that most of us on the Republican side would never support.

Fact: You can keep your current insurance. However if it costs your employer more than 8 percent for your health coverage he would consider paying 8 percent and put you on a government plan.

Quote: "Nothing in this plan will require you or your employer to change the coverage or the doctor you have. Let me repeat this: nothing in our plan requires you to change what you have."

Fact: Independent experts all agree that the legislation proposed would result in millions of Americans losing the coverage they have—the Congressional Budget Office believes several million, the Urban Institute up to 47 million, and the Lewin Group as many as 114 million.

Quote: "Under my plan, individuals will be required to carry basic health insurance—just as most states require you to carry auto insurance."

Fact: Senior Obama Administration official Sherry Glied has previously written that a mandate "is in many respects analogous to a tax"—and furthermore has the potential to be a "very regressive tax, penalizing uninsured people who genuinely cannot afford to buy coverage." Thus this policy stance breaks the signal promise of the Obama campaign: "I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes."

Quote: "There are also those who claim that our reform effort will insure illegal immigrants. This, too, is false—the reforms I'm proposing would not apply to those who are here illegally."

Fact: Nothing in any of the Democrat bills would require individuals to verify their citizenship or identity prior to receiving taxpayer-subsidized benefits—making the President's promise one that the legislation itself does not keep.

Quote: "And one more misunderstanding I want to clear up—under our plan, no federal dollars will be used to fund abortions, and federal conscience laws will remain in place."

Fact: The National Right to Life Committee, among other independent pro-life groups, have confirmed that the legislation will result in federal funds being used to pay for abortions—both through the government-run health plan, and through federal subsidies provided through the Exchange, despite various accounting gimmicks created in an Energy and Commerce Committee "compromise."

Quote: "I will not sign a plan that adds one dime to our deficits—either now or in the future. Period."

Fact: The nonpartisan Congressional Budget Office has found that H.R. 3200 would increase deficits by \$239 billion over 10 years—and also found that the legislation "would probably generate substantial increases in federal budget deficits" thereafter. The Peter G. Peterson Foundation released a study today which found that in its second decade, H.R. 3200 would increase federal deficits by more than \$1 trillion.

Quote: "Not a dollar of the Medicare trust fund will be used to pay for this plan."

Fact: Among more than \$500 billion in proposed savings from Medicare, the Democrat bills also propose redirecting \$23 billion from the Medicare Improvement Fund to fund new health care entitlements. According to current law, the Medicare Improvement Fund is designated specifically "to make improvements under the original Medicare fee-for-service program."

Quote: "Reducing the waste and inefficiency in Medicare and Medicaid will pay for most of this plan. Much of the rest would be paid for with revenues from the very same drug and insurance companies that stand to benefit from tens of millions of new customers."

Fact: The Congressional Budget Office has previously found that the cuts to Medicare Advantage plans included in the Democrat legislation would result in millions of seniors losing their current plan—a direct contradiction of the President's assertion that "nothing in this plan requires you to change what you have."

Quote: "This reform will charge insurance companies a fee for their most expensive policies, which will encourage them to provide greater value for the money—an idea which has the support of Democratic and Republican experts. And according to these same experts, this modest change could help hold down the cost of health care for all of us in the long-run."

Fact: While some Republicans support addressing the current employee exclusion for health insurance in the context of overall tax reform, the President's proposal would raise "fees" in order to finance new federal spending—a tax increase of hundreds of billions of dollars, and one that many Republicans may not support.

Quote: "Add it all up, and the plan I'm proposing will cost around \$900 billion over ten years."

Fact: The Congressional Budget Office, in its score of H.R. 3200 as introduced, found that the legislation would spend approximately \$1.6 trillion over ten years—nearly double the President's estimate.

Quote: "I will continued to seek common ground in the weeks ahead. If you come to me with a serious set of proposals, I will be there to listen. My door is always open."

Fact: On May 13, House Republican leaders all wrote the President a letter reading in part: "We write to you today to express our sincere desire to work with you and find common ground on the issue of health care reform. . . . We respectfully request a meeting with you to discuss areas for potential common ground on health care reform." Nearly 4 months later, that meeting has yet to take place.

#### THESE COLORS DON'T RUN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, it was a clear, cool morning in America 8 years ago on September 11. The sun had risen, and people of the Nation went to work. I was driving my Jeep to the courthouse in Texas, where I served as a judge at the time.

KILT Radio, in Houston, interrupted a Willie Nelson song and reported that a plane had crashed into a tower at the World Trade Center. Then a second plane had hit the other tower in New York City. I, like many others on the road that day, pulled over to the side and listened intensely to the radio, and heard about a third plane crashing somewhere in Pennsylvania and yet a fourth plane deliberately hitting the Pentagon.

They were from every State in the United States, from 115 foreign countries and were of all races and nationalities. They were men and women and America's young people. At the end of the day, 2,819 people did not return home to the people they loved; 343 were firefighters and paramedics; 23 were New York City police officers; 37 were Port Authority officers; 125 were working for the military at the Pentagon; and 266 others were passengers on airlines.

These were the victims of the attack on America on September 11, 2001. The enemy we faced and still face killed in the name of religion the innocence of this Nation.

America is great because of people like the passengers on Flight 93, who called their loved ones and said goodbye and then said, "Let's roll." They knew it was up to them to stop the terrorists on that plane. They were unarmed and already had seen others murdered before their eyes, but they did what it took to stop the terrorists from doing whatever the terrorists had planned to do to our Nation. It didn't matter whether they were flying into

the Capitol or into the White House or exactly what they were going to do. The passengers of flight 93 were not going to let them do it no matter what it was. They saved innocent lives on the ground when they forced that plane down in Shanksville, Pennsylvania.

What makes America great is her people—ordinary Americans who strap on hundreds of pounds of gear and who run into a building that's on fire to help people who are scared and injured and who don't know where to go to be safe. They are paramedics and police officers and firemen and Port Authority officers who climbed hundreds of flights of steps, climbing up while everyone else was trying to get out of a building that was on fire.

They went into those darkened stairwells even after one building had collapsed, even after they knew that hundreds of their friends and family members and coworkers had just likely been killed when that first building came down. They kept on trying to save people whose lives they had been trained to save and to be responsible for. They took an oath and stood for that oath, and we would hope that we would all do the same. That's what makes America the rare breed. Through the smoke, the fire, the dust, and the debris, these extraordinary people showed the world exactly what an American hero looks like.

What sets Americans apart is the bravery of the people who face challenges. We are continuing to be underestimated because no other country in the world can understand what an American feels when confronted with the type of evil that confronted us on September 11, 2001.

At the end of the day on September 11, 2001, I, like most Americans, was mesmerized in front of the TV, watching video of the attack on our Nation. I noticed that, when the planes hit the World Trade Center, thousands of people—good people—sought safety from the terror in the skies, but there was another group, a handful of people—that rare breed—who, when the planes hit those buildings, ran as hard as they could to confront that terror.

Who were they?

Well, they were the emergency medical technicians; they were firefighters; they were police officers; and they were just regular Americans. Their first inclination was not to run and hide. Their first inclination was to fight back, and that's exactly what they did. They showed the pride that we feel in our country when we see the flag waving and say, These colors don't run. We mean it.

So, Mr. Speaker, while it's important to remember those who died that day 8 years ago, it's just as important to remember those who got to live and who had another chance at life because America's first responders were there and answered the call to defend America.

And that's just the way it is.

#### AMERICA MUST NOT OCCUPY AFGHANISTAN

The SPEAKER pro tempore (Mr. POLIS). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, tomorrow is the eighth anniversary of one of the most tragic days in America's history, September 11, 2001.

On that day, our Nation was attacked, and nearly 3,000 Americans were killed. We continue to grieve for them and for their families, and tomorrow we celebrate a national day of remembrance and service in their honor and memory.

Soon after 9/11, Mr. Speaker, American troops invaded Afghanistan, where the attacks had been planned. Many Americans have considered the war in Afghanistan a good war. Our troops have shown incredible skill and bravery in a very difficult conflict over those 8 years. But now, 8 years later, our troops are still in Afghanistan and are still facing a growing insurgency. The Taliban appears to have regained control of half the country, and many al Qaeda operatives have fled to Pakistan. As a result, a growing number of Americans now oppose a war that no longer serves our national security interests.

In three recent polls, more Americans called for reductions in our troop levels rather than increases, and in one poll, the majority of Americans said that the war in Afghanistan is simply not worth fighting.

Despite this, General Stanley McChrystal, commander of U.S. and NATO forces in Afghanistan, is expected to ask the President to commit more troops. There are reports that General McChrystal may ask for as many as 30,000 more, which would bring the American troop level to about 100,000. Enlarging the American footprint in Afghanistan, Mr. Speaker, will almost certainly lead the Afghan people to see the United States as an occupying force, and if history has taught us anything, it is that the Afghan people will resist any foreign occupation. That is the bitter lesson that the Soviet Union and the British empire learned.

Even Secretary of Defense Robert Gates is concerned about the problem. In a recent interview, Secretary Gates said he asked General McChrystal about the implications of significant additional forces and whether the Afghans will see this as the United States becoming more of an occupier rather than a partner.

Secretary Gates also spoke last week about the failures of previous foreign forces in Afghanistan. He said one reason for their failures is that the Af-

ghans concluded that they were there for their own imperial interests and not there for the interests of the Afghan people.

Mr. Speaker, the worst thing our Nation can do right now is to stumble into an occupation that the Afghan people do not want, one that will last many years, that will cost many lives and that will cost hundreds of billions of dollars that we can't afford.

We should not double-down on a strategy that hasn't worked. We need a brand new strategy, one that is based, among other things, on economic development for the Afghan people, on better governance and on improvements in policing and in intelligence. We need to have strategies that are the best ways to capture violent extremists, and we must have a clear exit strategy and a timetable for the withdrawal of our brave troops.

If we do that, if we can stop more people from dying—our troops and the Afghan people—we will truly be honoring the 3,000 who died on September 11, 2001.

#### COFFEE WITH THE CONGRESSMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, like many Members in the House, I spent a good part of August visiting with those who sent me here to Washington to represent them. I held seven "Coffee with the Congressman" meetings in all parts of the 19th Congressional District, and I was amazed at the tremendous amount of turnout.

Those who came to these meetings were upset about the direction that the government is taking their country. They want their voices to be heard in Washington. I told them I would bring their messages back to Congress with me, and hundreds of those attending our meetings filled out these message forms. As I said, I would like to read these comments on the House floor so that everyone in Congress will know how they feel. The people of the 19th Congressional District, and I think people all across America, share these same thoughts. So, for the next 5 minutes, you're going to hear from the people who came to the August 24 townhall meeting in Abilene, Texas, in their own words.

David from Abilene, Texas wrote these comments:

"My message to Washington is fix Social Security, Medicare, Medicaid, VA, and welfare first. When they have a good working system in place, then we can talk about taking on health care."

Claude from Tuscola, Texas had these comments:

"In my business, I have 19 employees, and I have reasonable health care coverage for all my employees, and I furnish this at no cost to my employees.

Two of my employees cover their families at their expense. It is a very good policy."

Jerry from Abilene said, "I'm a 75-year old male, married 52 years with 6 grandchildren and 4 great-grandchildren. This is all about the enormous debt I will be leaving for them. Please quit the spending, and look for ways to cut costs and improve our current system."

Charles from Abilene said, "You can't borrow your way out of debt. When you find yourself in a hole, stop digging. Whatever happened to common sense? Stop the cap-and-trade bill. It will raise taxes on all and not affect the global climate. Drill for oil in Alaska and our coastal waters, where there are proven reserves. If the health care bill is good enough for the taxpayers, it should be used by the President, Congress and the unions."

Charleye from Abilene said, "I do not want the government to control our health care. Please do not pass the proposed health care reform. Government spending is out of control. Please put a cap on spending in all areas. Not more bailouts—for anybody. Please listen, and stop spending our money now."

Bill from Abilene asked this question:

"Should this health care bill get passed, will all of the national politicians have to get on it too, or will you still keep your individual health insurance you have now?"

Trudy from Abilene said, "Please stand against all bills that are not read and debated. 'No' to government health care."

Tom from Abilene said, "You must do everything possible to prevent publicly funded abortions in the health care bill."

Maria from Merkel, Texas said, "People fail to see I am paying for this. Somebody has to. I'm tired of paying taxes toward things that people don't want to work for."

Lucile from Abilene says, "I do not want government control of my health care. This excess spending is ruining the U.S. Please be serious about your country and its citizens."

Grace from Abilene said, "No new taxes. We need insurance reform, not health care reform. The government bankrupted Medicare, not the recipients. No more bailouts. When did we start bailing out people that lived beyond their means in their high-priced homes?"

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Mike from Abilene: "I am a 27-year retired Air Force veteran. I am concerned about TRICARE for life and the loss of benefits under the new health care bill."

Amy from Abilene: "Please save citizens of the U.S. from paying for abortions or any encouraging of such, from any funding directly or indirectly of euthanasia."

Caryn from Abilene: "Leave our health care alone and cut our taxes."

Ruth from Cisco: "Please continue to stand for truth and freedom in Washington. The health care bill is not about more health care, but less—rationing."

Hal from Abilene: "I am not against sensible reform. I am against government control of our economy and health care. In short, stay within the confines of the Constitution and out of our lives."

Marion and Mary from Abilene: "Stop the runaway spending like cap-and-trade. Fix our present health care system. Support our vets, old and new."

Emily from Abilene: "I don't think most Congressmen realize or understand the true feelings of the American people. We used to have real regard for our leaders."

Jerry and Camille from Ranger, Texas: "Stop the bailouts. Stop the outrageous spending and get back to following the Constitution. Read all the bills before signing. I was in the front row and I had never been to a town hall meeting before."

Kay from Abilene: "I oppose cap-and-trade which will dramatically reduce our standard of living and is absolutely unnecessary."

J.M. from Abilene: "Government has to stop spending and pay our way out of debt."

This is just a small fraction, Mr. Speaker, of how the American people feel.

Libby from Abilene: "While we have Medicaid for people, it is impossible to find a doctor who will take new Medicaid patients in Abilene."

Mike from Abilene: "Do not pass health care reform that reduces Medicare benefits or makes access to doctors more difficult."

Betty from Abilene: "Read the bills before you sign them."

Robert and Essie Mae from Abilene: "Stop the spending!"

Debra from Abilene: "What are the pros and cons to mandatory health care as with auto insurance, seat belt laws and smoking bans?"

Edna from Jayton: "First, we should reduce government."

Maetta from Abilene: "How about our representatives and senators sharing in the same health plan that they provide for the rest of us?"

#### BREACH OF DECORUM IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a moment of good news that tells the American people that their government is working. I look forward to holding my job fair number two in Houston, Texas, where it has been voted that Houston has the high-

est unemployment rate of our State, the State of Texas, at the Georgia R. Brown Convention Center in conjunction with the City of Houston, where we will be hosting private employers, local government and State and Federal Government because the stimulus dollars are working and the American people want us to create jobs.

Then we will have an opportunity to celebrate in my district the gospel music heritage legislation that myself and the Senator from Arkansas passed, Senator BLANCHE LINCOLN, to commemorate America's great history in gospel music. We will be at the Grace Community Church on Friday, September 18, at 7:30.

I say that because there is a reason to be joyful in America. It's a great country, and that is why I pause now for a serious moment to reflect on 9/11 and to offer, again, my deepest sympathy and concern for those families and victims and just to remind Americans that we will never forget.

What brings me here today, to take all of that good news or all of that recognition that we are one country not divided by Republicanism or being a Democrat or an independent, but we are one family, loving our values and loving our democracy, makes me come today with a very saddened heart. For yesterday the President of the United States rose before this body and offered in the most poignant but kindest and firmest way an extended hand to work and to collaborate with Americans and those who represent Americans in this body. And I have had the privilege of hearing a number of Presidents speak to the Nation from this place.

And let me say to you that when a President comes here, he is a guest of this body. It is not Republicans and Democrats, it is the United States Congress. For the President's cabinet is here, the Senate is here. In some instances, the Supreme Court is here. Members are here from all over the country. Our guests are here as well.

And each time a President has come, whether or not I have an emotional opposition and a reasoned opposition to the position that they may be making, I hold their presence in reverence and respect. Last night my heart weighted with sadness, for as we spoke to the American people, adults, those of us who are elected, we found the highest level of disregard and disrespect.

Not only was there a shout-out, albeit the First Amendment is protected, there is a reasonable response of those elected to high public office that when the President stands, not the President the Democrat, or the Republican, but the President of the United States, I can say this, because I denounced the throwing of a shoe at our President on foreign soil, of any kind. I denounced the seeming tolerance of President Bush having a shoe thrown at him. It is horrific and a disgrace.

Just as I denounce holding up papers while the President is speaking. That happened last night. Just as I denounce having a sign in your lap, which we are not allowed to wear buttons expressing viewpoint. That happened last night.

Just as I denounce words coming out calling the President a liar. It should be denounced by the leadership of my good friends on the other side. This is not an individual act. It should be denounced as inappropriate decorum in this place.

And for those who wish to be equally rude by holding up something, let me suggest that it is a free country. And I do appreciate, sometimes we make mistakes, I admit to mistakes. We have to clarify those mistakes. But I believe it is important to clarify it so the President of the United States' ears can hear it and so this body can hear it.

And I would hope my friends on the other side of the aisle, the leadership, will come to this well next week and acknowledge that this place should be a place of decorum. Yes, Members have turned their backs, some Members have walked out. That is their privilege. We do not have a despotic Nation, and they have the privilege to do so, if they disagree with the words being spoken by the President of the United States. But remember, he or she is our guest. And when you invite someone into your home, you treat them with the highest level of respect.

I am not angry. I am simply saddened and disappointed, because so many of my friends on the other side of the aisle expressed their own disappointment, but somewhat in silence. It is important for the American people to know that whoever the President is, no matter where they come from, what background, what region, what State, they are the President of the United States.

The President told the truth last night, and the other side must tell the truth about inappropriate behavior and the lack of reverence. We need to respect each other, and I call for that.

#### THE REAL STARS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, tomorrow is the eighth anniversary of the horrific attack on our country on September 11, 2001, and we need to remember that there are still people in the world who want to destroy us and all that we stand for. It is up to us at the national level to provide for our national security, and we need to focus on that.

Today someone sent me a column by Ben Stein that I had not seen but was written in 2003. In this column, he does a great job of putting us and trivial things into perspective, and I thought

that today would be a good day to share this column entitled "How Can Someone Who Lives in Insane Luxury Be a Star in Today's World?"

"As I begin to write this, I 'slug' it, as we writers say, which means I put a heading on top of the document to identify it. This heading is 'eonlineFINAL,' and it gives me a shiver to write it. I have been doing this column for so long that I cannot even recall when I started. I loved writing this column so much for so long I came to believe it would never end.

"It worked well for a long time, but gradually, my changing as a person and the world's change have overtaken it. On a small scale, Morton's, while better than ever, no longer attracts as many stars as it used to. It still brings in the rich people in droves and definitely some stars. I saw Samuel L. Jackson there a few days ago, and we had a nice visit, and right before that, I saw and had a splendid talk with Warren Beatty in an elevator, in which we agreed that 'Splendor in the Grass' was a super movie. But Morton's is not the star galaxy it once was, although it probably will be again.

"Beyond that, a bigger change has happened. I no longer think Hollywood stars are terribly important. They are uniformly pleasant, friendly people, and they treat me better than I deserve to be treated. But a man or woman who makes a huge wage for memorizing lines and reciting them in front of a camera is no longer my idea of a shining star we should all look up to.

"How can a man or woman who makes an eight-figure wage and lives in insane luxury really be a star in today's world, if by a 'star' we mean someone bright and powerful and attractive as a role model? Real stars are not riding around in the backs of limousines or in Porsches or getting trained in yoga or Pilates and eating only raw fruit while they have Vietnamese girls do their nails.

"They can be interesting, nice people, but they are not heroes to me any longer. A real star is the soldier of the 4th Infantry Division who poked his head into a hole on a farm near Tikrit, Iraq. He could have been met by a bomb or a hail of AK-47 bullets. Instead, he faced an abject Saddam Hussein and the gratitude of all the decent people of the world.

"A real star is the U.S. soldier who was sent to disarm a bomb next to a road north of Baghdad. He approached it, and the bomb went off and killed him.

"A real star, the kind who haunts my memory night and day, is the U.S. soldier in Baghdad who saw a little girl playing with a piece of unexploded ordnance on a street near where he was guarding a station. He pushed her aside and threw himself on it just as it exploded. He left a family desolate in California and a little girl alive in Baghdad.

"The stars who deserve media attention are not the ones who have lavish weddings on TV but the ones who patrol the streets of Mosul even after two of their buddies were murdered and their bodies battered and stripped for the sin of trying to protect Iraqis from terrorists.

"We put couples with incomes of \$100 million a year on the covers of our magazines. The noncoms and officers who barely scrape by on military pay but stand guard in Afghanistan and Iraq and on ships and in submarines near the Arctic Circle are anonymous as they live and die.

"I am no longer comfortable being a part of the system that has such poor values, and I do not want to perpetuate those values by pretending that who is eating at Morton's is a big subject.

"There are plenty of other stars in the American firmament. The policemen and women who go off on patrol in South Central and have no idea if they will return alive; the orderlies and paramedics who bring in people who have been in terrible accidents and prepare them for surgery; the teachers and nurses who throw their whole spirits into caring for autistic children; the kind men and women who work in hospices and in cancer wards.

"Think of each and every fireman who was running up the stairs at the World Trade Center as the towers began to collapse. Now you have my idea of a real hero. I came to realize that life lived to help others is the only one that matters. This is my highest and best use as a human. I can put it another way. "Years ago, I realized I could never be as great an actor as Olivier or as good a comic as Steve Martin . . . or Martin Mull or Fred Willard—or as good an economist as Samuelson or Friedman or as good a writer as Fitzgerald. Or even remotely close to any of them.

"But I could be a devoted father to my son, husband to my wife and, above all, a good son to the parents who had done so much for me. This came to be my main task in life. I did it moderately well with my son, pretty well with my wife and well indeed with my parents (with my sister's help). I cared for and paid attention to them in their declining years. I stayed with my father as he got sick, went into extremis and then into a coma and then entered immortality with my sister and me reading him the Psalms.

"This was the only point at which my life touched the lives of the soldiers in Iraq or the firefighters in New York. I came to realize that life lived to help others is the only one that matters and that it is my duty, in return for the lavish life God has devolved upon me, to help others He has placed in my path. This is my highest and best use as a human.

"Faith is not believing that God can. It is knowing that God will."

# STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEARS 2009 AND 2010 AND THE FIVE-YEAR PERIOD FY 2010 THROUGH FY 2014

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2009 and 2010 and for the five-year period of fiscal years 2010 through 2014. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 424 and 427 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 13. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 13 for fiscal years 2009 and 2010 and fiscal years 2010 through 2014. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2009 and 2010 with the "section 302(a)" allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach section 302(b) sub-allocations within the Appropriations Committee.

The fourth table gives the current level for fiscal years 2011 and 2012 for accounts identified for advance appropriations under section 424 of S. Con. Res. 13. This list is needed to enforce section 424 of the budget resolution, which establishes a point of order against appropriations bills that include advance appropriations that: (1) are not identified in the joint statement of managers; or (2) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

## REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2010 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 13

[Reflecting action completed as of August 15, 2009—On-budget amounts, in millions of dollars]

	Fiscal Years—		
	2009 <sup>1</sup>	2010 <sup>2</sup>	2010–2014
Appropriate Level:			
Budget Authority .....	3,668,601	2,882,149	n.a.
Outlays .....	3,357,164	3,002,606	n.a.
Revenues .....	1,532,579	1,653,728	10,500,149
Current Level:			
Budget Authority .....	3,666,974	1,676,230	n.a.
Outlays .....	3,360,358	2,283,297	n.a.
Revenues .....	1,532,579	1,672,889	11,264,480
Current Level over (+)/ under (–) Appropriate Level:			
Budget Authority .....	–1,627	–1,205,919	n.a.
Outlays .....	3,194	–719,309	n.a.
Revenues .....	0	19,161	764,331

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

<sup>1</sup> Notes for 2009:

Current resolution aggregates exclude \$7,150 million in budget authority and \$1,788 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

<sup>2</sup> Notes for 2010:

Current resolution aggregates exclude \$10,350 million in budget authority and \$5,488 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

### BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2009 in excess of \$1,627 million (if not already included in the current level estimate) would cause FY 2009 budget authority to exceed the appropriate level set by S. Con. Res. 13.

Enactment of measures providing new budget authority for FY 2010 in excess of \$1,205,919 million (if not already included in the current level estimate) would cause FY 2010 budget authority to exceed the appropriate level set by S. Con. Res. 13.

### OUTLAYS

Outlays for FY 2009 are above the appropriate levels set by S. Con. Res. 13.

Enactment of measures providing new outlays for FY 2010 in excess of \$719,309 million (if not already included in the current level estimate) would cause FY 2010 outlays to exceed the appropriate level set by S. Con. Res. 13.

### REVENUES

Revenues for FY 2009 are at the appropriate levels set by S. Con. Res. 13.

Enactment of measures resulting in revenue reduction for FY 2010 excess of \$19,161 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2010 through 2014 in excess of \$764,331 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

## DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF AUGUST 15, 2009

[Fiscal Years, in millions of dollars]

House Committee	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Armed Services:						
Allocation .....	0	0	0	0	35	35
Current Level .....	0	0	0	0	35	35
Difference .....	0	0	0	0	0	0
Education and Labor:						
Allocation .....	–187	–202	32	36	–812	–801
Current Level .....	–187	–202	32	36	188	199
Difference .....	0	0	0	0	1,000	1,000
Energy and Commerce:						
Allocation .....	11	2	10	13	–10	–2
Current Level .....	11	2	10	13	–10	–2
Difference .....	0	0	0	0	0	0
Financial Services:						
Allocation .....	0	0	0	0	0	0
Current Level .....	–564	3,226	318	11,346	524	8,064
Difference .....	–564	3,226	318	11,346	524	8,064
Foreign Affairs:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Homeland Security:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
House Administration:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Judiciary:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	5	–1	64	–71	–6

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION  
COMPLETED AS OF AUGUST 15, 2009—Continued

[Fiscal Years, in millions of dollars]

House Committee	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Difference .....	0	5	– 1	64	– 71	– 6
Natural Resources:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Science and Technology:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Small Business:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Transportation and Infrastructure:						
Allocation .....	0	0	13,085	0	68,669	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	– 13,085	0	– 68,669	0
Veterans' Affairs:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Ways and Means:						
Allocation .....	0	0	6,840	6,840	37,000	37,000
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	– 6,840	– 6,840	– 37,000	– 37,000

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS  
SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations subcommittee	302(b) suballocations as of July 8, 2008 (H. Rpt. 110–746)		Current level reflecting action completed as of August 15, 2009		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA .....	20,623	22,000	27,594	22,823	6,971	823
Commerce, Justice, Science .....	56,858	57,000	76,311	62,440	19,453	5,440
Defense .....	487,737	525,250	636,663	625,194	148,926	99,944
Energy and Water Development .....	33,265	32,825	91,085	35,130	57,820	2,305
Financial Services and General Government .....	21,900	22,900	29,747	24,004	7,847	1,104
Homeland Security .....	42,075	42,390	45,045	46,508	2,970	4,118
Interior, Environment .....	27,867	28,630	38,586	29,687	10,719	1,057
Labor, Health and Human Services, Education .....	152,643	152,000	281,483	168,653	128,840	16,653
Legislative Branch .....	4,404	4,340	4,428	4,393	24	53
Military Construction, Veterans Affairs .....	72,729	66,890	80,076	66,975	7,347	85
State, Foreign Operations .....	36,620	36,000	50,605	40,989	13,985	4,989
Transportation, HUD .....	54,997	114,900	119,530	121,039	64,533	6,139
Unassigned (full committee allowance) .....	0	987	0	0	0	– 987
Subtotal (Section 302(b) Allocations) .....	1,011,718	1,106,112	1,481,153	1,247,835	469,435	141,723
Unallocated portion of Section 302(a) Allocation <sup>1</sup> .....	470,483	141,760	0	0	– 470,483	– 141,760
Total (Section 302(a) Allocation) .....	1,482,201	1,247,872	1,481,153	1,247,835	– 1,048	– 37

<sup>1</sup> Includes emergencies enacted before March, 2009 that are now included in resolution totals. Also includes adjustments for rebasing and technical reestimates since the Appropriations bills were scored at the time of enactment. Finally, it includes adjustments for overseas deployments made pursuant to S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2010—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS  
SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations subcommittee	302(b) suballocations as of July 30, 2009 (H. Rpt. 111–238)		Current level reflecting action completed as of August 15, 2009		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA .....	22,900	24,883	8	7,192	– 22,892	– 17,691
Commerce, Justice, Science .....	64,415	70,736	0	26,959	– 64,415	– 43,777
Defense .....	636,293	648,367	39	244,349	– 636,254	– 404,018
Energy and Water Development .....	33,300	42,771	0	23,381	– 33,300	– 19,390
Financial Services and General Government .....	24,150	25,653	83	6,658	– 24,067	– 18,995
Homeland Security .....	42,625	46,345	0	21,168	– 42,625	– 25,177
Interior, Environment .....	32,300	34,188	0	14,551	– 32,300	– 19,637
Labor, Health and Human Services, Education .....	163,400	218,909	24,637	163,540	– 138,763	– 55,369
Legislative Branch .....	4,700	4,805	0	683	– 4,700	– 4,122
Military Construction, Veterans Affairs .....	77,905	77,665	– 2,160	27,190	– 80,065	– 50,475
State, Foreign Operations .....	48,843	47,487	0	26,285	– 48,843	– 21,202
Transportation, HUD .....	68,821	135,243	4,400	86,331	– 64,421	– 48,912
Unassigned (full committee allowance) .....	0	566	0	0	0	– 566
Total (Section 302(a) Allocation) .....	1,219,652	1,377,618	27,007	648,287	– 1,192,645	– 729,331

2011 and 2012 advance appropriations under  
section 424 of S. Con. Res. 13

[Budget Authority in Millions of Dollars]

Section 424 (b) (1) Limits

Appropriate Level .....	2011 28,852
Enacted advances:	
Accounts Identified for Advances:	
Employment and Training Administration .....	—
Office of Job Corps .....	—
Education for the Disadvantaged .....	—
School Improvement Programs .....	—
Special Education .....	—
Career, Technical and Adult Education .....	—
Payment to Postal Service ....	—
Tenant-based Rental Assistance .....	—
Project-based Rental Assistance .....	—
Subtotal, enacted advances	—

Appropriate Level <sup>1</sup> .....	2012 n.a.
Enacted advances:	
Accounts Identified for Advances:	
Corporation for Public Broadcasting .....	—

Section 424 (b) (2) Limits	
Appropriate Level <sup>2</sup> .....	n.a.
Enacted advances:	
Veterans Health Administration Accounts Identified for Advances:	
Medical services .....	—
Medical support and compliance .....	—
Medical facilities .....	—
Subtotal, enacted advances	—

<sup>1</sup>S. Con. Res. 13 does not provide a dollar limit for 2012.

<sup>2</sup>S. Con. Res. 13 does not provide a dollar limit for allowable advances for the Veterans Health Administration.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 10, 2009.

Hon. JOHN M. SPRATT Jr.,  
Chairman, Committee on the Budget,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through August 15, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S.

Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

Since my last letter dated June 25, 2009, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2009:

An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (Public Law 111-39);

An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (Public Law 111-45); and

An act to restore sums to the Highway Trust Fund, and for other purposes (Public Law 111-46),

Sincerely,  
DOUGLAS W. ELMENDORF,  
Director.

Enclosure.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT THROUGH AUGUST 15, 2009

[in millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: <sup>1</sup>			
Revenues .....	n.a.	n.a.	1,532,571
Permanents and other spending legislation .....	2,186,897	2,119,086	n.a.
Appropriation legislation .....	2,031,683	1,851,797	n.a.
Offsetting receipts .....	-640,548	-640,548	n.a.
Total, previously enacted .....	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111-22) .....	-524	3,266	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111-31) ....	11	2	8
Supplemental Appropriations Act, 2009 (P.L. 111-32) <sup>2</sup> .....	89,682	26,992	0
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111-39) .....	-187	-202	0
An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (P.L. 111-45) .....	0	5	0
An act to restore sums to the Highway Trust Fund, and for other purposes (P.L. 111-46) <sup>3</sup> .....	-40	-40	0
Total, enacted this session .....	88,942	30,023	8
Total Current Level <sup>2,3,4</sup> .....	3,666,974	3,360,358	1,532,579
Total Budget Resolution <sup>5</sup> .....	3,675,751	3,358,952	1,532,579
Adjustment to budget resolution for disaster allowance <sup>6</sup> .....	-7,150	-1,788	n.a.
Adjusted Budget Resolution .....	3,668,601	3,357,164	1,532,579
Current Level Over Budget Resolution .....	n.a.	3,194	n.a.
Current Level Under Budget Resolution .....	1,627	n.a.	n.a.

<sup>1</sup>Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5), and the Omnibus Appropriations Act, 2009 (P.L. 111-8), that were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

<sup>2</sup>Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2009 (P.L. 111-32) .....	16,169	3,530	n.a.
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<sup>3</sup>Section 1 of P.L. 111-46 appropriates \$7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 111-46 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, enactment of section 1 results in no change to current level totals. Other provisions of the act will reduce budget authority and outlays by \$40 million in 2009.

<sup>4</sup>For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>5</sup>Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution .....	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 423(a)(1)) .....	0	2,882	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (section 324) .....	11	2	8
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 322) .....	-187	-202	0
Revised Budget Resolution .....	3,675,751	3,358,952	1,532,579

<sup>6</sup>S. Con. Res. 13 includes \$7,150 million in budget authority and \$1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; these funds will never be allocated to a committee. At the direction of the House Committee on the Budget, the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 10, 2009.  
Hon. JOHN M. SPRATT, JR.,  
Chairman, Committee on the Budget,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through August 15, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved

by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

Since my last letter dated June 25, 2009, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2010:

An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (Public Law 111-39);

A joint resolution approving the renewal of import restrictions contained in the Bur-

mese Freedom and Democracy Act of 2003, and for other purposes (Public Law 111-42);

An act to authorize the Director of the United States Patent and Trademark Office to use funds... and for other purposes (Public Law 111-45);

Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program (Public Law 111-47); and

Judicial Survivors Protection Act of 2009 (Public Law 111-49).

Sincerely,

DOUGLAS W. ELMENDORF,  
Director.

Enclosure.

# FISCAL YEAR 2010 HOUSE CURRENT LEVEL REPORT THROUGH AUGUST 15, 2009

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: <sup>1</sup>			
Revenues .....	n.a.	n.a.	1,665,986
Permanents and other spending legislation .....	1,642,620	1,625,731	n.a.
Appropriation legislation .....	0	600,500	n.a.
Offsetting receipts .....	-690,251	-690,251	n.a.
Total, previously enacted .....	952,369	1,535,980	1,665,986
Enacted Legislation:			
Helping Families Save Their Homes Act of 2009 (P.L. 111-22) .....	318	11,346	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products...and for other purposes (P.L. 111-31) .....	10	13	46
Supplemental Appropriations Act, 2009 (P.L. 111-32) <sup>2</sup> .....	11	33,530	-2
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111-39) .....	32	36	0
A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (P.L. 111-42) .....	0	0	6,862
An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (P.L. 111-45) .....	0	65	0
Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program (P.L. 111-47) <sup>2</sup> .....	0	0	-3
Judicial Survivors Protection Act of 2009 (P.L. 111-49) .....	-1	-1	0
Total, Enacted Legislation .....	370	44,989	6,903
Entitlements and mandates:			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	723,491	702,328	0
Total Current Level <sup>2,3,4</sup> .....	1,676,230	2,283,297	1,672,889
Total Budget Resolution <sup>5</sup> .....	2,892,499	3,008,054	1,653,728
Adjustment to budget resolution for disaster allowance <sup>6</sup> .....	-10,350	-5,448	n.a.
Adjusted Budget Resolution .....	2,882,149	3,002,606	1,653,728
Current Level Over Budget Resolution .....	n.a.	n.a.	19,161
Current Level Under Budget Resolution .....	1,205,919	719,309	n.a.
Memorandum:			
Revenues, 2010-2014:			
House Current Level .....	n.a.	n.a.	11,264,480
House Budget Resolution .....	n.a.	n.a.	10,500,149
Current Level Over Budget Resolution .....	n.a.	n.a.	764,331
Current Level Under Budget Resolution .....	n.a.	n.a.	n.a.

<sup>1</sup> Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5), and the Omnibus Appropriations Act, 2009 (P.L. 111-8), that were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

<sup>2</sup> Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2009 (P.L. 111-32) .....	17	7,064	n.a.
Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program (P.L. 111-47) .....	0	2,000	n.a.
Total, enacted emergency requirements .....	17	9,064	0

<sup>3</sup> The scoring for P.L. 11-46, an act to restore the Highway Trust Fund, and for other purposes, does not change current level totals. P.L. 11-46 appropriates \$7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 111-46 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, no change is required.

<sup>4</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>5</sup> Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution .....	2,888,691	3,001,311	1,653,682
Revisions:			
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 422(c)(1)) .....	3,766	2,355	0
For the Supplemental Appropriations Act, 2009 (section 423(a)(1)) .....	0	818	.....
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (section 324) .....	10	13	46
For further revisions for appropriations bills (sections 423(a)(1) and 422(a)) .....	0	3,521	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 322) .....	32	36	0
Revised Budget Resolution .....	2,892,499	3,008,054	1,653,728

<sup>6</sup> S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; these funds will never be allocated to a committee. At the direction of the House Committee on the Budget, the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level.

SOURCE: Congressional Budget Office.  
Note: n.a. = not applicable; P.L. = Public Law.

□ 1330

CONGRESSIONAL PROGRESSIVE  
CAUCUS

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Here we are again, another Special Order with the Progressive Caucus.

It's an honor to be here again here before the people to talk about the issues that concern us. No issue is more prominent today than the issue of health care, and I'm pleased to be able to discuss this critical issue with our co-Chair of the Progressive Caucus, Chairwoman LYNN WOOLSEY.

And I yield to the gentlelady.

Ms. WOOLSEY. Thank you very much.

I want to thank the gentleman from Minnesota, Congressman ELLISON, for every week having a 1-hour Special Order on the very subject of health care. We've done a lot over these last few weeks, and the Progressive Caucus is very proud of the role that we have played in bringing health care to where it is. I think KERTH said earlier this morning that we probably have just finished the first few innings of a ball game, and we're the ball now after last night's great speech by our President, and his clarity and his ability to explain to the country what it is he wants in a health care bill and his willingness to actually debunk some of the myths that have been out there and some of the lies that have been told about this health care debate and, at the same time, talk about what his priorities are.

And one of those priorities, from what he has given us, which is a laminated card that lists what he wants in a health care bill, and it says under—if you don't have insurance, there are one, two, three, four points, and the third point says—and this is what—I'm going there right away because this is what Progressives were looking for. If you don't have insurance, quality, affordable choices for all Americans, this bill would offer a public health insurance option to provide the uninsured who can't find affordable coverage with a real choice.

Now, that says to us that the public option—and we want a robust public option—remains on the table, that the ball is in our court. Now, I guess this is the third or fourth inning of getting this thing together so that we can bring a health care bill to the floor of the House that is worthy of all Americans, and now that the ball is in our court. We, as the Progressive Caucus, have pledged to define what we consider a robust public health option to be, to work with our leadership and

with the administration and to see that our definition of "robust public option" is included in health care reform.

Mr. ELLISON, you have been absolutely magnificent in making that happen.

Mr. ELLISON. Let me commend you for your leadership.

We have sent letter after letter to make sure that the White House knew exactly where we stood. The last letter we sent, I think we had 60 signatures, but that was not the only letter we sent. We have been letting the White House know, letting Democratic leadership know that a public option was essential to reform.

And so last night I was very gratified to hear the President not back away from a public option but to embrace the idea. And I will take credit on behalf of the Progressive movement in saying that I think that we helped inform and shape the position that the President ultimately took.

The President made a great line, I think you might agree, Congresswoman WOOLSEY, when he said we don't fear the future; we're here to shape it. That is absolutely true for the Progressive Caucus under your leadership and that of Congressman GRIJALVA.

The Congressional Progressive Caucus has been coming here week after week, but not just coming to the House floor but in the debate. We've been in meetings. We've been writing letters. We've been having communication. Through your advocacy, Congresswoman WOOLSEY, and that of Congressman GRIJALVA, we have been very clear that we grasp the magnitude of the moment that we're in. We're not going to make any mistake about the historic nature of this time and that we are grasping that moment and making sure that we set our country on a path to true health care reform, and that starts with a public option, I believe.

And I believe yesterday—we can't celebrate because we haven't gotten the ball over the fence yet, but I'm happy with the fact that we have kept the President on course, and I am very encouraged by what happened yesterday.

And before I yield back to you, Congresswoman, I want to just share with you something, if I may, and that is this big red box. Do you see this box right here? This box represents 63,692 people who signed a petition saying that they wanted a public option. This is no joke. This is, like, a lot of work, and this is an enormous document right here. All of these people said, Hey, look, you know, if we're going to mandate care for 49 million new people, then how can we mandate care for them if we're going to mandate that they go do business within a monopoly or a duopoly without any way to have competition introduced so that prices can be pushed down.

So this huge document, which has signatures from every State in the Union—Congresswoman WOOLSEY, the first ones up here are Alaska, and if I dip in through a little further, then there's California. And they're even by congressional district. Then we can go further and we're still in here, California, because you guys have got a big State over there. The Congressional District 22.

What congressional district is yours?

Ms. WOOLSEY. Sixth.

Mr. ELLISON. Let me tell you, we've got a bunch of sixes in here.

Ms. WOOLSEY. Oh, I'm sure you do.

Mr. ELLISON. We've got sixes for days here. They signed this petition, too. Their names are right here.

Then we could even jump back here to my State of Minnesota, which is in here as well, but also Massachusetts and Missouri and New Jersey, Nevada, New York, Oregon, Tennessee. This is the voice of many, many Americans who understand the time for reform is now.

So I thought I would mention that in terms of making sure that the public option remains a critical part of the discussion, maintains its status as a central part of reform.

I give credit to the President last night. I give credit to you and Congressman GRIJALVA for your leadership, but I also give credit to the Progressive movement, because we're all in this same thing together.

I yield back to the gentlelady.

Ms. WOOLSEY. It was a Sunday in the city of Sonoma. I was presented with—that's the list of names that is very impressive. But I was presented with a stack of petitions like that, and I was so proud. I barely could hold them because they were so heavy.

So let's talk about why it's important to have a public option. I think it's time that we start repeating the value and the need for a public option because we get criticized. A public option will cost, blah, blah. The public option absolutely saves money. And the reason it does, there is the same level of overhead, like Medicare or Medicaid, because there's no marketing fees. There are no high-paid executives in the six and seven figures, and there's no shareholders that have to be paid on their stock. So it saves money.

The other thing it does, it provides competition to the private health care industry, health insurance industry. And why is that important? Well, without competition, the rates soar, and they have been over the years to a point where if it continues—right now \$1 out of every \$6 goes to health care in this country, and that number is going to grow so quickly, and we will be so embarrassed and in so much trouble that we'll know that we made a huge mistake. We don't want to make that mistake.

The other thing—you know about competition. Let's talk about competition for just a minute. The President last night said only about 5 percent of Americans would opt into the public option. Well, I truly believe it would be more than that. But at first it might be—and it needs to prove itself and become just a very viable health care provider, which it will be if it's robust like we want.

But if it's only 5 percent of the overall, why are the private insurance companies so worried? They do not want a public option. And they don't want any competition, and they know that this is the competition they really don't want because it will prove itself over time, and more and more people will indeed select the public option when they have that choice.

Now, the other thing that the public option provides—and I know you're going to be able to add more, but security, security for people who are covered on plans by their employers today. One of the big arguments out there is 85, 75 to 85 percent of all Americans already are covered by their employer and they like the coverage. Well, you know, they might, they might not, but they're covered. But they are not certain that that coverage will last.

And there's a poll, the Belden Russonello poll that shows that 60, 70 percent—I can't remember exactly; I think it's 68 percent, something like that—of the people who have insurance feel insecure on whether that insurance will be available to them for as long as they will need it. And certainly they can't feel secure if they lose their job or if they want to take a new job or if their employer decides, I can't afford to cover my employees anymore. And we want the public option to be one of the choices they have in a soft landing if any of that happens. And they don't feel that secure, and we know it.

Mr. ELLISON. If the gentlelady yields back, let me say we're defining the public option. What is it? What is this thing they're talking about, this public option? And the gentlelady has made a good number of points to show what it is. Let's sharpen the points a little bit.

Ms. WOOLSEY. What does it look like?

Mr. ELLISON. Think not only of the public option but the whole overall package of reform.

First of all, if you have health insurance through your job, you will keep that. If you have health insurance through Medicare or Medicaid or the VA, you will keep that. There will be more people added to the program because there are a lot of people who don't have any health care who are indigent who could apply, but there will be money to make sure that those folks get in. Those programs will stay in place as they exist now.

But then the new thing will be an exchange, and what is an exchange? It's

kind of like a grocery store, but it will be online. You can shop for health care insurance products online, and this will be the exchange.

Ms. WOOLSEY. If the gentleman will yield.

It will look like a catalogue. It will be a print catalogue of health care plans available by region.

Mr. ELLISON. If you've ever bought furniture or anything else in a catalogue or if you have ever gone on eBay or anything or shopped or shopped this way, it's going to be like that. But the question is that on this grocery store that we're talking about, this exchange, it's just a market, will you be able to go into a certain aisle and stop and pick up the public option in addition to all of the other private options. That's all it is.

I've been somewhat surprised by people who claim to be free marketeers who don't want any competition. It always surprises me when I hear people say competition and choice, and I say, Wait a minute, the public option is just one more choice. What could be wrong with it? It's just one more thing you can get among an array of different choices. Why would you not like it?

□ 1345

Another good thing about the public option is that the Congressional Budget Office estimates it will save about \$150 billion. One time I said "million" by accident. I was quickly corrected. It's "billion." And the President made it clear last night that, hey, it's got to survive based on the premiums it collects. And the public option I don't think is worried about that because, as the gentlelady points out, you don't have to pay a bunch of lobbyists \$1.4 million a day. You don't have to buy a bunch of, pay out a bunch of company donations to politicians. You don't have to advertise and try to create demand where there really isn't any.

The head of the public option will be the Secretary of Health and Human Services who I think makes about \$174,000 a year, quite a bit less than CEOs at some of the insurance companies. The chief executive of Aetna makes, what, \$24 million a year. The United Health Group person makes about 3-point-something million. This is just base salary. This isn't even other incentives in their packages. So the public option will be able to offer a good product which people can rely on.

You ask people how do they feel about other public options, because, by the way, this will not be the first public option. This is not the only public option in American society. It is not the first public option. Look, Medicare is a public option. Social Security is a public option for income for seniors. The VA is a public option. You don't have to take these services. You can not accept them. They are an option available for you if you want to take

it. So people don't even have to take the public option.

I've heard some people say that this is going to be a government takeover of health care. Wait a minute, if you don't like the public option, don't get it. Get one of the other products that will be listed on the exchange, and you will be perfectly free to do that. So these are just a few things about the public option that need to be understood.

We have just been joined by one of our personal heroes, JOHN CONYERS, who never stops fighting. We are talking about the Progressive message tonight. We are talking about health care, the public option. And you, Congressman CONYERS, are the original author of H.R. 676, the single-payer bill, which I'm a coauthor on, and Congresswoman WOOLSEY is as well. We will yield to you. Thank you for coming.

Mr. CONYERS. If you yield to me just very, very briefly, I want to tell you and Chairwoman WOOLSEY and the good doctor who is on the floor with us that I have listened to everything you said. And I want to commend you. I'm so proud that this discussion goes on immediately the night after the inspirational remarks of the President, especially, at the end.

There was one part that I wanted to remind all the Members of the caucus about. It was the part where he compared the Progressive Caucus and the single-payer concept on the other hand with those of a totally different viewpoint that feel that there should be no employer connection at all. That was a tremendously effective rhetorical flourish. But the fact remains that I guess there is somebody—oh, come to think of it, I am one of the people that would like to separate the employer connection from health care. I hope that doesn't make me a conservative or whatever group that has been promoting that, because I think now that I reflected on it, I think that is not a bad idea.

The question is, after we separate it, we separate all people that work for a living with the employer connection to their health care, which has been very hurtful for most people, take for example the automobile workers in the Detroit area with three major automobile plants. Their connection to, the relationship worked out between their collective bargaining agent and the corporations has been disastrous because when they close down or move out or relocate, guess what? The employer loses not only his job, but he also loses his health care, and he also loses his pension in many cases.

So I think that this should be carefully considered and reconsidered by everyone that heard the brilliant speech last night. That is to say that to reject both of these ideas out of hand, the single-payer concept and an end to employer connection, I don't

know who is advocating that, but to say that everybody goes out and get his own insurance, well, maybe there are 432 other Members besides ourselves, so maybe somebody is, but I don't take it as a serious consideration in this very complex subject matter that brings progressives to the floor today.

Now, on the other hand, the universal single-payer health care bill is not just a few people that have come up with something to involve themselves in the discussion with health care reform. As a matter of fact, the single-payer concept is one of the oldest serious major notions that has been around. That is to say, for those of us who were here when the President was Bill Clinton and he assigned his wife the task of taking on the reform of health care, we were summoned, we who were supporting single-payer, were summoned to the White House collectively.

I remember very well that JERRY NADLER of New York was there, a distinguished member of the Judiciary Committee. And what happened was that we were urged to step back from our initiative which had been going on for years before the Clintons assumed their responsibilities on 1600 Pennsylvania Avenue, and after some brief discussion, we agreed that that was the appropriate thing to do. We did it. We did step back.

That concept is now undergoing a very short shrift in this whole discussion, namely because this whole discussion was initiated on the premise that universal single-payer health care was too new, too startling and too complex. It would take too long to institute. And so we are going to start off by not including it in the mix. I'm proud to say that some of the committees did include it in the mix. Predominantly, GEORGE MILLER of the Education and Labor Committee had Members testify before his committee. CHARLES RANGEL of the Ways and Means Committee had testimony on universal single-payer health care. And there may have been testimony in the Energy and Commerce Committee under the distinguished leadership of HENRY WAXMAN, but I cannot really attest to that at this moment.

What I am saying is that those Members who support universal single-payer health care have already made a major concession in the discussion, major concession. And it just seems to me that this could have been addressed in a different way, and it wasn't. That's water over the dam. But still, 86 Members, and there are more who are not cosponsors of the bill, were never cut into the major premises of how we go about it.

So for the President to compare that with those people who want everybody to go buy their own insurance any way they can, I think, was a mistaken metaphor. I just wanted to inject that into the discussion because this was a

speech that was a call to arms to the American people and the Congress that there is going to be health care reform.

Now, the consideration is, however, that where we are right now, as you have said so articulately, you and the chairwoman, is that we have to not have a public option. We have to have a robust, strong public option. And my job, as I see it, is to pursue this, not that we have one that we discussed or that we may stick one in or that is a sliver of the whole subject matter. For the reasons you have already articulated in this Special Order, it's critical. It's not I hope we can get it. We've got to get it. This bill's name of health care reform will only be justified if we do get it.

I want to pledge to the many people in the many places that I have been around the country who are not happy that H.R. 676 was not more thoroughly considered, single-payer, that we definitely must have an alternative to the dozens and dozens of private insurance companies if we are to have any savings and have any real meaningful reform worthy of the name.

I thank the gentleman for yielding.

Mr. ELLISON. Let me thank the chairman of the Judiciary Committee, JOHN CONYERS. And let me yield now to Congresswoman WOOLSEY.

Congresswoman, how do you react to some of the things that Congressman CONYERS shared with us just now? Do you have any thoughts inspired by that?

Ms. WOOLSEY. Congressman CONYERS knows that the Progressive Caucus, almost to a person, and there's 85 of us, would have voted right this minute for a single-payer. That's what we wanted. And we knew that it was a nonstarter. But we also felt that to get to single-payer—we are not supposed to say that. We are not supposed to tell people that the public option could be a step towards single-payer. But if it does and proves itself like I know it will, more and more people will select the public plan. And so we compromise. It was a huge compromise for us.

□ 1400

I represent the Sixth District in California just across the bridge from San Francisco, the Golden Gate Bridge, one of the best educated and one of the most affluent, by the way, districts in the country. And I say that because they're also one of the most progressive districts in the entire United States of America. After President Obama was sworn in and we started talking health care and I would be at meetings and they would talk single payer and I knew that wasn't where we were going and I told them, they actually got tears in their eyes. I felt like I had so let them down, John, I really did. But now they're with us, they're with us 100 percent for a public option. But not just a public option with trig-

gers or co-ops or mishy-mash that's just going to put it off and put it off and make it absolutely never happen.

They're with us for something that would be modeled after Medicare, the Medicare provider system so that the public plan doesn't have to go out and put together their own provider system, and possibly the rate structure based on Medicare. That's how I would do it. And of course it would have all the base benefits that we're insisting on for every health care plan. And because there won't be the 30 percent overhead, actually, it can be less expensive and have better benefits.

Mr. ELLISON. If the gentlelady yields back, there's other another thing about the public option that we do need to point out, and that is, it is a vehicle to introduce evidence-based practices that improve the quality of care.

The fact is that the private market could only be trusted to do whatever makes it the most money. I mean, there's nothing wrong with that; I mean, that's the country we live in, that's fine. But a public option can take on a public interest and a public spirit, which can then say, You know what? There are certain medical practices that enhance health, that make people more well, that are safer, that are less expensive—just because something costs more money doesn't mean it's better medicine.

So it's a way to introduce evidence-based practices like cooperative and coordinated care, medical home, medical bundling, things like that, so that if you're a patient, you're getting a number of people, a number of providers helping to keep you healthy so that you don't end up in a very difficult situation. That's another important aspect of this, because the more we keep people well, the less we have to spend on hospitalizations and other expensive aspects of the system, another key as to why a public option is important.

But I just want to ask you all this question: You know, I've been asked—and I'm sure you have, too—Well, are you going to stand in the way of a bill if you don't get your public option? And they ask this question in such a challenging way like, Oh, boy, I don't want to be the one who messes everything up, right? And you kind of feel like on the spot a little bit. Well, my question is, I'd like those people who are against the public option to justify handing over nearly 50 million newcomers into an industry that you're going to mandate that they get health care coverage, but absolutely provide no vehicle to diminish costs, no competition, no choice.

Many markets around the country—and the President pointed this out very well—have one provider. Alabama has one provider. Many have two providers or three—no, I'm misusing the word

“provider”—insurance company, because a provider and an insurance company aren't the same thing. These people have market power. And there has been this proposal, Well, let people buy health insurance across State lines. Well, if my State has one insurance company and your State has two, how much choice is that? So the fact is even that is kind of a red herring. I'm not saying it's a bad idea in essence, but it's nowhere near enough.

So my question is, if somebody were to tell you, I want you to buy this stool, but it only has two legs. And then they say, by insisting on that third leg on that stool, are you going to allow yourself to not have a stool? Why do you have to have the third leg on that stool? Or better yet, oh, we're going to buy a car, but you insist—and they want to suggest unreasonably so—you demand that there be an engine in the car, right? Like you're being this unreasonable person because you insist that there be an engine in the car or an extra leg on that stool.

I mean, a public option does not make the bill perfect; it makes the bill function. And so it's important to really drive this point home because people use terms like, Oh, well, don't make the perfect be the enemy of the good. Well, look, you know, we're not talking about perfect. Perfect would be, in my mind, a single-payer bill. The Conyers bill would be the perfect bill. But the fact is we've compromised already. So this public option does not perfect the health care bill; it makes it work, it makes it function. It is essential to the functioning of the whole package.

Ms. WOOLSEY. So do you want to know what I say?

Mr. ELLISON. I will yield to the gentlelady.

Ms. WOOLSEY. And Keith you were perfect.

My answer is that we don't have health care reform unless we have a public option. And this is health care reform. Now, if we had legislation to tweak around the edges of health insurance, we can do a lot that will be good in this bill, but it would be a health insurance total tweaking bill. And so then name it what it is, but don't call it health care reform. Because we're not coming back here and revisiting this in my lifetime, and I know it. I want us to do this right, and I believe we will.

So I'm not going to go there, you know—“Would I or wouldn't I?” I mean, I've drawn the line, and many lines before, but I'm not going to vote for something and call it health care reform that isn't.

Mr. ELLISON. If the gentlelady will yield, not only have you drawn the line, you've held the line, and we're all grateful for that.

Let me yield to the gentleman from Michigan, Congressman CONYERS.

Mr. CONYERS. To my dear colleague from Minnesota, KEITH ELLISON, there

are only several things that can happen in this great historic debate that is now proceeding after the President has summoned us all together to suggest the direction that we might want to take: One, we get a strong public option; two, we get a weak public option; three, we get no public option.

My prediction is, with all due respect to all the bean counters—of which there is a profusion in the Capitol Hill area—is that this bill will more than likely succeed if there is a strong public option. I think that that is the way that health care reform will attract the largest number of votes. And conversely, I fear for the health of the health care bill if we don't have a strong public option. Now, that's my view. I've been in enough of these debates long enough to make this assessment based on the fact that I've been working on health care for more than half of my political career.

And so that's why I think this discussion is so important, and I want to keep it alive by offering to take out a Special Order next week—maybe even tomorrow if it's feasible—because there are so many parts, it's important that we understand this.

What would it do to this bill if we tack on some of these suggestions? And I realize the President has to bring us all together, but what would tort reform do to this bill? What would all these exchanges and other contraptions do to a bill like this?

I want to examine everything, and we want to work with it. I saw Members, to their credit, I'm presuming that those that were holding up papers last night, I presume those were health care bills with a number on it. If they weren't, if they were just holding up papers, then somebody has to explain to me what was the purpose. But I remember a discussion that we had in the Detroit area. It was a bipartisan television discussion, but Members were talking about provisions and notions that there were no bills for. Well, how do you know that? Well, I asked for the number of the bill and there weren't any. So I know there are a lot of theories and a lot of ideas and a lot of possibilities, we're loaded with them, but until a possibility has actualized enough to be dropped into that hopper and be assigned a number—and I'm for talking—hey, let's discuss all we want.

Mr. ELLISON. Will the gentleman from Michigan yield?

Mr. CONYERS. Yes.

Mr. ELLISON. Thank you, sir. Forgive me if you would, but you inspired me, Mr. Chairman, because you mentioned tort reform. And I really think the whole tort reform thing is completely bogus. I mean, if you talk to health care professionals, they say that 1 percent of health care expenditures are associated with lawsuits. In my own State of Minnesota, you have to have a doctor who is an expert in the

field swear on an affidavit that is detailed and lengthy before you can even file the complaint for the medical malpractice lawsuit. And insurance rates and medical malpractice insurance rates are not plummeting. The reality is insurance companies charge doctors a lot of money and then blame lawyers for it. That's the scam going on, and that's the way that it is.

Tort reform—there is no need for tort reform. But if the President wants to discuss tort reform, fine, I'm not going to die on that hill. I'm going to die on the public option hill. I've got my battle lines squared off. Fine, if you want to waste time to satisfy some people talking about tort reform, that's okay, but the reality is that doesn't save any money; it's not the problem.

You know, do doctors run a lot of tests sometimes because of defensive medicine, as they sometimes say? Or do they run a lot of tests because we compensate doctors based on tests and hospitalizations?

I yield to the gentleman.

Mr. CONYERS. Fee for services. Well, doctors sometimes run more tests than might be actually required because they're compensated on the basis of fee for services. And there are instances where tests have been run by one hospital and another doctor and yet another doctor, and they're all the same tests but everybody ran their own tests because you could bill it. And these are the kinds of efficiencies that we can squeeze out savings. And so it's very important that we understand where the costs are and how they might be contained.

Ms. WOOLSEY. And the gentleman from Minnesota has a clinic in his State called the Mayo Clinic that is an example of excellence in that regard.

Mr. ELLISON. Yes. And the doctors at the Mayo Clinic are paid by salary; they're not paid by how many tests they run.

I want to thank the gentleman from Michigan, Congressman CONYERS, for spending the time with us. And have a wonderful weekend, Congressman.

Well, Congresswoman WOOLSEY, we've been having a great dialogue here. We've got about 10 more minutes left in our hour. And we can take that time by continuing to help define this idea of the public option. Do you think that's a good use of our time?

Ms. WOOLSEY. I have a few things I would add to what I think is a robust public option.

Mr. ELLISON. I yield to the gentlelady.

□ 1415

Ms. WOOLSEY. Well, I would believe that to be robust, the public option must be available nationally, across all State lines. It should be available from day one, with no trigger. And next week let's talk about triggers and co-

I would have a robust public option that was built on the Medicare network structure, which means the providers, the doctors and the hospitals and the clinics that take Medicare, will automatically be assumed will take the public option. Now, I think if they don't want to, they don't have to. That is the way it is with Medicare also. But that they take it. This is brand new patients for them, paid for by the public plan. And it would be publicly accountable. This plan will work for the public and will be held accountable to the people of this country.

Mr. ELLISON. I think those are some essential factors. I think it is important to point out the Progressive Caucus has been crystal clear on what we mean by public option from the very beginning and has simply reiterated the position that we have taken.

Again, I simply believe that it is the dogged efforts of your leadership and that of co-Chair GRIJALVA, together with the Progressive Caucus as we support our leadership in the caucus, together with other members of the Democratic Caucus, together with the progressive community out there, people who signed the petitions that were in the huge stack when they gave them to you, people who amassed all of these documents, which are double-sided, by the way, all of these, 63,692 people sending them to 65 Members of Congress to encourage them to stick with the public option.

Ms. WOOLSEY. If the gentleman will yield, next time I am on this floor I am going to have mine sent here. It is really impressive. I will bet you every Progressive member has a stack like that. We need to all bring them.

I bet every Member, not just Progressive members. Shame on me.

Mr. ELLISON. It goes to show Americans are really ready for the kind of change we are talking about right now. It is essential that President Obama debunked myths last night. You know, in this body where we are standing now, which has maybe 20 or 30 people in it, of course, there are a lot of folks in the gallery, the fact is it was packed last night. But each one of the people who was here last night to hear the President's speech heard the President take on those myths head on, and I was very, very proud of the President when he did that.

He made it clear that health care reform is not just for the 49 million uninsured, though it is for them too. It is also for the people who have insurance, who have seen their rates double over the last 2 years, who have seen their copays go up, who have seen their deductibles getting higher and higher and higher, so if they do have an accident or need the medical care, that more and more of the money is going to come out of their pocket.

He talked about the importance of saying this is something we all need

and this is good for everybody. He said, look, if you think you are invincible and are never going to get hurt and you don't have health insurance because you want to, like, save money by doing it, if you do get hurt, and we all know accidents happen every day, then we all are going to cover you because you are going to show up at the emergency room and that is going to come out of our taxes.

So he talked about how we are really all in this together, and it is a myth if you think you will be that rugged individual and just go it alone.

He didn't take on the myth of the death panels, but I wish that he did. I just want to reiterate that there are no death panels. This is a myth. It is not true. It is just really a simple lie. And the fact is is that what the legislation calls for is to compensate doctors if they have a conversation about end-of-life with their patients.

This is an extremely good idea. Why? Because anyone who has found themselves in that very difficult situation, having a loved one on a ventilator, you want to know what your loved one would want you to do. You want to know is there a DNR, is there some sort of will, is there something to help you, give you guidance as to what their wishes would be. So this is just dignity. This is just the way we should treat each other. I wish the President would have had time to really hit that point. But I know he understands that there is no such thing as death panels.

So I was happy by and large with the President's speech last night. As Congressman CONYERS pointed out, I wasn't happy about everything, but, of course, we understand we have to stay in the game long, not just short.

In the final minutes, I am going to hand it to the gentlewoman from California, Congresswoman WOOLSEY, our fearless leader in the Progressive Caucus, and you can take us out.

Ms. WOOLSEY. Thank you, and thank you for doing this every week. You are wonderful. I am going to read one more time what this card that is laminated says. The press is saying to me, how do you know he is going to do that? I say because this will never destruct. "You said," we will say.

But, anyway, last night and on this card it says that the plan that the President supports offers a public health insurance option to provide the uninsured who can't find affordable coverage with a real choice. It does offer more than the uninsured, but not immediately. So that is very honest there.

Thank you, Mr. ELLISON. We will be back.

PERMISSION TO FILE REPORT ON H.R. 3246, ADVANCED VEHICLE TECHNOLOGY ACT OF 2009

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that the Com-

mittee on Science and Technology may have until 11:59 p.m. on Friday, September 11, 2009, to file its report to accompany H.R. 3246.

The SPEAKER pro tempore (Mr. PETERS). Is there objection to the request of the gentlewoman from California?

There was no objection.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, thank you for the opportunity to spend the next hour as the designee of the minority leader on the Republican side to talk about what we heard here in this Chamber last night beginning about 8:15 in prime time from the President of the United States regarding health care reform.

I am pleased to be joined by at least one of my colleagues, and there may be others that come during the hour. Congressman JOHN FLEMING from the great State of Louisiana will be joining me and we will be talking about what went on last night. We may even want to address some of the comments that our Democratic colleagues have just made on this House floor during the previous hour in regard to their enthusiasm for a public plan, indeed their enthusiasm for a single-payer system, national health insurance, if you will.

So this gives us a great opportunity. That is what makes this body so great, that we can agree to disagree in a respectful way. The three members of the Democratic majority that were just speaking to our colleagues are good friends that I have great respect for, the gentlewoman from California, the gentleman from Minnesota, the distinguished gentleman from Michigan. We just happen to totally disagree on this issue. That is why we are here.

That is what this is all about, is to take an opportunity to point and counterpoint, folks remember that, Crossfire and things we see on television. You are from the right, you are from the left; you are Republican, you are Democrat; you are conservative, you are liberal. Your viewpoints on what is best for the country are going to vary. Sometimes they are going to be 180 degrees apart, and, surprisingly enough, there are occasions on which we agree on issues almost 100 percent. But on this issue, there is serious disagreement.

I want to just talk a little bit about how the President started his address to this joint session of Congress, and, of course, in prime time to the Nation, on H.R. 3200, the bill that has passed the committees in the House, not passed the whole House, but also the bill that passed the Senate Health Committee. The President talked about that last night.

Typically when the President comes before a joint session of Congress, it is going to be in this Chamber, because this is the bigger Chamber, as our colleagues know. The Cabinet members come in, and there are additional chairs put out here down front for them, for members of the Supreme Court, for any retired Members of Congress who may want to come. Of course, the galleries were completely full last night. Madam First Lady was sitting over here on this side, and it was quite a setting.

I don't think any of us really knew, except maybe the Democratic leadership and some of the Democratic majority party, knew ahead of time what the President was going to say. Sometimes we get a draft of the speech, and on this particular occasion we didn't.

When we sat down in our seats and the magic hour was approaching, at just after 8 p.m. last night these cards, these laminated cards, were passed out by the clerks of the House. I want my colleagues to notice, and, of course, you did see it last night, but there is some script on the front, but there is nothing on the back. So it is not really a two-pager. It is a one-sider, if you will. The bottom line, it is just a thumbnail sketch of what the President was going to say to us.

We typically have, when we sit down, a copy of the speech, and not just a draft, the very speech that the President is going to make right here standing behind that podium as he reads that off of his teleprompters so we can follow word by word, and, indeed, if he is speaking slower by necessity, so we can read ahead and in a typical situation know what he is going to say maybe a page ahead or a page and a half ahead.

Not last night. You absolutely did not know what to expect. I know what I hoped to hear him say, and many people asked me about that, both before and after the speech.

But what did you expect, Congressman GINGREY? You are a doctor. You practiced OB/GYN medicine for 26 years in your district in northwest Georgia, Cobb County and Marietta. You delivered 5,200 babies. You have been in the practice of medicine for 31 years. You have been up here now seven. You sit on the Energy and Commerce Committee where this bill, this H.R. 3200, my colleagues, I just happen to have it, a fresh copy of it, I think 1,100 pages, pretty thick, kind of hard for me even to hold. You know, what do you think about the bill?

After the August recess, when everybody went home, this bill passed the Energy and Commerce Committee. It passed the Ways and Means Committee, and it passed the Education and Labor Committee, very narrowly, strictly upon party lines, and we went home for the August recess. That is when things really got exciting.

Typically, during the month of August, Members are in their district. They are seeing constituents, maybe one on one, more typically in a townhall meeting setting. On a busy, day you might see 50 people or 75, and rarely 100 if the weather is perfect.

Well, during this August recess, which lasted about 5½ weeks, all across the country congressional Members, Senators, Members of the House, Republicans, Democrats, Independents that held these townhall meetings were seeing 10 times the attendance that they would normally see. So instead of 50, I was seeing 500. Instead of 100, I was seeing 1,000. And this was true, I think, in every district.

My colleagues, you know that your constituents were either going to those townhall meetings, trying to talk to their Members, or they were watching on C-SPAN or they were watching on CNN or Fox News and they were seeing what was going on. And it was clear, it was clear that most of the people at those townhall meetings were our senior citizens. The ones I held, six or eight or nine, there were a few scatterings of young people, but maybe they were off working or at ball games or it wasn't on their mind like it was senior citizens.

But those senior citizens were there because they were very concerned about how this new bill, this big one, H.R. 3200, it is called the America's Affordable Health Choices Act of 2009, what it was going to do to their health care coverage.

□ 1430

And in particular, their concern was a provision in that bill, a provision in that bill that calls for the creation of an exchange, where people who do not have health insurance, maybe they have lost their job and in so doing, have lost the health insurance, or possibly they work for a company. The bottom line is that those seniors that were showing up are very concerned about how you pay for this bill and why the need for the Federal Government to sell health insurance and compete with the private marketplace for the business of these people that don't have insurance.

The bill calls for setting up these exchanges where people can go in their State, online typically, and shop for a health insurance policy, and several companies you can think of, my colleagues think of Blue Cross/Blue Shield, or Wellpoint or Cigna or Aetna or any of the insurance companies that

have health insurance as part of that product line, and look and see what they offer, what your needs are in regard to your health, what medications you need to be on, and what the coverage is, and who the doctors are, in fact, that accept that particular policy.

You know in a community who you want to go to, who you want your wife to go to for obstetrical care, who you want your children to go to for pediatric care, and so you pick and choose. And also you look at the doctors. Do you know them or do they have a good reputation? What they charge for standard obstetrical care or for the removal of an appendix, or for the repair of a fracture. Are they competitive? And that system, ladies and gentlemen, my colleagues in the Chamber, would work very well.

And it has worked very well in regard to the prescription drug plan that our Medicare beneficiaries receive now under the prescription drug plan that we passed back in December of 2003, without government interference, without government setting the price control, because if you let the government participate as a competitor on the field—and yet at the same time, they are the referee, they set all the standards in regard to what has to be covered, not just by them, but every insurance offering that's competing in that exchange and what they can charge.

So the Federal Government gets a tremendous unfair advantage and eventually what will happen is what the President has promised us repeatedly would not happen. What the President has promised is that if you like the insurance that you have, if you like the health insurance that you have, you can keep it and nobody can take it away from you. Now, that's a pretty bold promise that the President has made. But the fact is in this exchange, where you have a government plan competing, and then you have an administrator of all this called the Health Choices Administrator, not unlike the Social Security Administrator, a very, very powerful new bureaucrat comes along and says to Corporate America, what you are offering in the way of health insurance to your employees, even though they're very happy with it, is not adequate because we have made a decision that it needs to cover X and it needs to cover Y, and it needs to cover Z, and you don't cover one of those three, or you don't cover two of those three.

Or this Health Choices Administrator could also say, we have decided that nobody in any one year is going to pay more than a certain amount of deductible or copay, or in the aggregate, out-of-pocket expenses. And we notice, Mr. Employer, that even though the people that work for you are very happy with what they have, many of them have signed up for a very low monthly premium with a fairly high deductible,

maybe \$4,500, maybe \$5,000 a year, but they have this catastrophic coverage so that if they get run over by a truck, or get hurt on their motorcycle, then this catastrophic picks up and they do not end up in bankruptcy.

A lot of young people, my colleagues, a lot of young Americans who are healthy; who may be working in their very first job; who are trying to pay for a car; who are paying off a student loan that could be as much as \$125,000; who are trying to rent an apartment; who, indeed, may be just trying to pay down on an engagement ring for their fiancée, and they are healthy, they take care of themselves, they don't smoke, they don't drink, they exercise, they run marathons, their parents are in great health, no family history of cancer, no family history of diabetes, heart disease, both sets of grandparents are now well into their 90s, they have the Methuselah gene, and we're going to say to them, the Federal Government is going to say to them, this plan that you have that works so well for you is not adequate according to what we have determined.

We, Uncle Sugar, we've made a determination that your plan is not adequate, Mr. Employer, and you're just going to have to either put in a whole new policy for these workers or you're going to have to pay a fine of 8 percent of their salary into this exchange.

So what happens then eventually all of these people, the Lewin Group estimates that as many as 110 million could lose their coverage even though they like it, and they can end up in this exchange; and pretty soon the government, which is competing in that exchange, will force all of the other competitors out, and you will have that many more people in a government-run Medicare/Medicaid-like program.

Now, if that's getting to keep what you like, then maybe you can sell me some oceanfront property in Arizona. My colleagues, it clearly is not what the American people want. And that's what they told us so clearly during these townhall meetings. I mean, I don't know what the President, my colleagues, I don't know what the President was doing during the August break. Maybe he and his family took a little vacation. I hope they did. But I expect that he was watching a little television, but maybe not. Maybe he was himself giving speeches and listening to his own speeches, but not watching these other townhall meetings and seeing these ladies and gentlemen with a little gray around their temple saying what are you about to do to our Medicaid program? What's this business we hear about you cutting Medicaid \$500 billion? Mr. President, last year we spent 480 billion on Medicaid. If you're going to cut it 500 billion over the next 10 years, isn't that more than 10 percent a year cut?

And under Medicare right now, we know it's a good program, but it doesn't cover catastrophic care; it doesn't give us coverage as far as annual physicals. We have to be sick to go in and get our claim honored under Medicare, unless of course we signed up for Medicare Advantage, which 20 percent of us did. And, oh, by the way, what is this \$170 billion cut to Medicare Advantage, a 17 percent per year cut in a very popular program to pay for this idea of insuring everybody when those who are chronically uninsured only amount, my colleagues, to about 5 percent of our total population? Even the President is beginning to admit that.

And it would be like saying, you know, I've just found out that the ice maker in my refrigerator has gone on the blink. And I got a little estimate and I went by Sears or Home Depot, and I found out that it's going to cost me about \$350 to replace that ice maker. So you know what I think I'll do? I think I'll spend tens of thousands of dollars remodeling my kitchen. I mean, that makes a lot of sense doesn't it? It's kind of like the old adage of throwing the baby out with the bath water.

The bottom line is there are so many things that we can do to reform our health care system without going to this single-payer national health insurance program. The President, Mr. Speaker and my colleagues, last night, in the very first few minutes of his speech, he lamented the fact that since the days of Theodore Roosevelt, the early 1900s, that we have not passed meaningful health care reform. And then he referenced who? He referenced two distinguished Members of this body, former Member John Dingell, Sr. from Michigan, current Member JOHN DINGELL, who has served in this body for over 50 years, a great Member, former chairman of the Energy and Commerce Committee, now emeritus chairman of the Energy and Commerce Committee. And he said, you know, these two gentlemen, father and son, in every Congress for the last 45 years, I think he said, have introduced this bill to reform our health care system. Well, my colleagues, the President was expressing his great regret that that bill had not passed, and that bill was a single-payer national health insurance program just like Canada, just like the UK. Uncle Sam government bureaucrats running everything.

And that's what the President was disappointed in, the fact that we had not passed that. I say thank God we have not passed it, even though we have great respect for these Members. Congressman JOHN CONYERS, long-serving Member from Michigan was just on the floor a few minutes ago talking about a very similar bill that he introduces in every Congress. So that's what we're talking about. These are the

things that I wanted to discuss with my colleagues this evening. I want to take a little time now to pass the gavel, the mike, if you will, to my friend from Louisiana, Dr. FLEMING, and we're going to continue over this hour to discuss this hugely, hugely important issue to the American people. And I yield to Dr. FLEMING.

Mr. FLEMING. I thank my friend from Georgia, Dr. Congressman GINGREY for having this debate this afternoon. I think this is an appropriate time, after, I guess, the climax of all speeches by our President on this topic, health care. I believe last night's speech was his 28th major speech with health care reform as its topic. Before we get into the meat of this, which will deal with some of the statements that were made last night, I want to comment on the speech that our President made, things that struck me during the speech and then afterwards.

And first of all, let me say that, as a physician practicing for over 30 years, business owner, still owning businesses and employing hundreds of people in my businesses, providing health care insurance for them, I came to Congress hoping to work in a reform environment. I want health care reform. Wanted it before I was elected, but seeking to achieve that through private means, through capitalism, through the things that have made America great, not through socialistic government takeover means. So I came to this discussion last night, sat very close to where I am at this moment, hoping that the President would, after a very difficult August recess for many of our friends on the other side of the aisle, running into disgruntled Americans who are unhappy with the idea of government take over of health care, would come in a nonpartisan way, wanting finally to reach across the aisle to share some of our ideas, to allow us to participate in the debate as well.

But I noticed four things that I want to point out real quickly. Number one was his partisan tone. I really felt that his tone was hyperpartisan, was really unexpected to me. Again, he's my President. He's President of everyone in this Chamber today. And I think it's his responsibility to rise above partisanship. And I had expected that, to be honest, but I was disappointed.

□ 1445

I noticed a condescending tone, his lecturing us on how to achieve capitalistic ideals, free-market ideals using socialistic principles. Again, I've been a physician for many years in private practice. I've owned businesses for a number of years, and know of no economic model in which creating socialistic or governmental entities will make capitalism or the free market better.

Thirdly, an accusatory tone, suggesting and, in fact, coming outright

and saying, in effect, we Republicans are lying about many parts of H.R. 3200, the Democratic bill. I really take personal umbrage over that because everything that I've spoken about and everything I hear from my colleagues is backed up through facts, and while we may disagree at times even over those facts, I don't think that it's appropriate for us to accuse each other of lying.

Then, finally, the unsupported claims themselves, which we're going to get into in a moment, making statements that cannot be in any way supported.

So, on the one hand, every statement that I know of that I and my colleagues have made can be supported very clearly, not necessarily with what's directly in the bill but with facts that surround the bill. Then there is our President coming to us, making statement after statement and repeating them, which can't be supported in any way, shape or form either in the bill or outside of the bill.

Mr. GINGREY of Georgia. If my colleague will yield just for a minute—

Mr. FLEMING. Yes, please.

Mr. GINGREY of Georgia.—you mentioned a fact check, Dr. FLEMING, and I have a number of those facts here on the poster board, on the easel. I think what I'll do is uncover the first one, and I'll let you comment in regard to the first fact that he mentioned last night.

My colleagues, you may not be able to see that well nor may Dr. FLEMING, but here is what it says. This is a quote from our President.

"I will not sign a plan that adds one dime to our deficits—either now or in the future."

Congressman, can you see the true fact on that?

Mr. FLEMING. Yes.

Yes, I remember him saying this and shaking his finger while he was doing it, and we have been totally unable to find anyone who can agree with this statement.

The cost of the bill will be anywhere from \$1.6 trillion to over \$2 trillion. The President says that the savings will either come from—well, really from a combination of raising taxes and then savings. If I could digress for a moment, he is talking about savings. You alluded to this a little bit, Congressman GINGREY, about his gutting Medicare and Medicaid \$500 billion—\$190 billion by killing off Medicare Advantage—and then the rest would come out directly.

You know, I was born at night, but I wasn't born last night, and I happen to know that I and many of my physician colleagues, who have been dealing with Medicare reimbursement for many years, all know that we are currently being reimbursed under Medicaid and Medicare well below our costs. We make it up on the private insurance, which is what is driving the private in-

surance cost up. It is the existing government-run programs that are running those costs up. To say that you can take \$500 billion out and it's not going to affect services just is not true. It is plainly false to say that. Even with the best estimates, we come out with at least, as you say on your poster, \$239 billion of deficit over 10 years. So there is nothing at all that supports that statement, sir.

Mr. GINGREY of Georgia. Reclaiming my time, I certainly agree with you.

The President talked about not spending one penny to add to the deficit, and this \$239 billion shortfall in the pay-for is after cutting Medicare by \$500 billion, as you have heard from me and from Dr. Fleming, and after taxing the rich, whoever they are. I think, unfortunately, the rich are a lot of small business men and women who create most of the jobs in this country. They're taxing them anywhere from 1 to 5 percent, and are trying to raise an additional \$800 billion.

So, even with the \$800 billion worth of new taxes and the \$500 billion cut to the Medicare program, especially to Medicare Advantage—and Dr. FLEMING would, I'm sure, verify this—fully 20 percent of Medicare recipients today, my colleagues, choose the Medicare Advantage program as the delivery system because they get more care. Dental care is covered. Hearing aids are covered. Annual physicals are covered. There is a catastrophic cap. None of that is true under traditional fee-for-service Medicare unless, maybe, if you have an expensive supplemental policy.

So that was the first fact. Congressman, if you will let me unveil, if you will, fact number two.

My colleagues, this fact-check is this—and again, we're quoting from the President's speech last night, not 12 hours ago: Nothing in this plan will require you to change the coverage or the doctor that you have.

Now let me repeat that because this is an important fact check: Nothing in this plan will require you to change the coverage or the doctor that you have.

Congressman.

Mr. FLEMING. Yes, sir.

Well, you know, if you look in the four corners of the bill, itself, there is no statement that says that it will change the coverage or the doctor you have. However, remember that it's the impact of the law that really dictates the outcome.

First of all, you just mentioned that 25 percent of Medicare recipients are on Medicare Advantage, which is the privatization part of Medicare in general where they're able to get more services through private insurance than they can on regular Medicare. Well, the financing for that program will be killed off, so that's 25 percent of Medicare recipients. We'll lose Medicare Advantage, so whatever doctors

and whatever services they're getting will definitely be changed.

Mr. GINGREY of Georgia. Reclaiming my time, even if they wanted to keep it, it would no longer be there for them because if you cut it to the bone—and this cut in Medicare Advantage is like 17 percent a year—the insurance companies that offer that product will just simply say, I'm sorry. We're shutting our doors, and you're going to have to go find yourself a doctor who will accept you under Medicare fee for service.

Mr. FLEMING. Absolutely.

Secondly, as I described before, Medicare and Medicaid, the current government-run programs, only survive today because of the tremendous subsidy that's going on from private insurance, and even that will run out of money in 8 years, so we haven't even solved that problem. But if you look at the fact that the current government-run programs are, themselves, being subsidized by private insurance, once you create this government option, which will cost employers 8 percent of their payroll, it will begin to pull people out of private insurance and onto the rolls of the single-payer, government-run system.

Little by little—well, in fact, quite rapidly—the cost of insurance premiums of private insurance will begin to dramatically rise. The disparity of the differential between the 8 percent of payroll that they will be required under the government option and the 15 or 20 percent of whatever it is going to end up being with private insurance will be so large that employers will have to be put in a position—will be forced—to dump their employees into the government option, the government-run system. As you point out there, the Lewin study shows that as many as 114 million Americans will be the ones dumped into the system.

Mr. GINGREY of Georgia. Well, again, reclaiming my time, this is a point that I made earlier, Mr. Speaker. Again, I want to repeat it to our colleagues, this business about, if you like what you have, that you can keep it—you may want to keep it. As an example, we'll use Medicare Advantage. But you may be prohibited from keeping it because it's not offered anymore.

It's the same thing with regard to, if you work for an employer, Mr. Speaker, and if that employer says, Look, you know, we've got a menu. That's the way it works. That's the way it works for the Federal Employee Benefit Plan.

For those of us who work for the Federal Government, you have choices of five or six things that you might want—a high option, a low option, a standard option. You might want dental coverage. You might not. You might want eye coverage. You might not. You might, indeed, want a low premium, a very low monthly premium

with a high deductible combined with a Health Savings Account. A lot of Federal employees choose that. A lot of employees for these large companies choose that, whether we're talking about Wal-Mart, Coca-Cola, Lockheed, whatever. They have those as their choices.

But the Federal Government is under this massive new bureaucracy with, I think, 53 different agencies making decisions under the Department of Health and Human Services. Mr. Speaker, the ones with the strongest voices would be these health choices administrators who could say—now, there will be a grace period up till—what?—about 2013, I think, Dr. Fleming.

Mr. FLEMING. Yes.

Mr. GINGREY of Georgia. But at that point, they could say to a company, Gosh, I notice that you've got a lot of your employees who have picked the high deductible-low premium plan, these young workers who are just out of college or just out of high school. Well, you know what, Mr. Employer? We're not going to approve that because we have decided that nobody can spend that much money out-of-pocket in any one year. That's one of our requirements. So you're going to have to come up with something entirely different and, yes, more expensive.

That's what Representative FLEMING was saying, Mr. Speaker, that the employer is going to say, You know what? It's not worth it to me. Heck, I'll just pay the 8 percent fine for each of these employees, and I'll let them go into this government plan.

So you're talking about, if you like what you've got, you can keep it. You can keep it until you can't keep it, and that's going to be in 2013.

Mr. FLEMING. Will the gentleman yield just for a moment?

Mr. GINGREY of Georgia. Of course I'll yield.

Mr. FLEMING. According to our President and to our colleagues on the Democratic side, they suggest this government option will be sort of an anecdote to the problem we have in insurance today, which is that there's not enough competition. Again, I don't know of any economic textbook or of any economic model that suggests that the way to create more competition in the workplace or in the business world is to create artificial pricing, which is what this does.

So what artificial pricing does, particularly when it's backed up with taxpayer dollars, is it, in effect, creates a situation where insurance companies will be put out of business, and that will, of course, cave the entire insurance industry.

Mr. GINGREY of Georgia. I thought we could go to the next fact then. Again, I'm quoting from our President last night.

"Not a dollar of the Medicare trust fund will be used to pay for this plan."

I think he spoke the truth there because I don't think there's any money left in the Medicare trust fund. I think past Congresses for many years have spent that money like crazy. As we all agree, I think, every Member, every constituent, certainly every Medicare recipient would say that that trust fund ought to be lockboxed and that it should not be touched for any Federal expenditure except for the solvency of the Medicare plan.

So, yes, I agree with him, that not a dollar of the Medicare trust fund will be used to pay for this plan.

The fact, of course, is not just the trust fund. He's taking money right out of the hide of the Medicare program, not the fat but the muscle and the sinew and the cartilage and the bone; \$500 billion out of Medicare.

Then he went on to say that he promised that, if his bill does not save money, more cuts will come. Hear me, Members, who might happen to be on Medicare—and your constituents surely are—more cuts will come.

Now, the next fact: The President earlier in the speech said this—and I wondered if he was listening. I don't know what he was listening to during the month of August, but this is his quote from his speech last night to this joint session and to the television audience—to all of the Americans.

"A strong majority of Americans still favor a public insurance option."

□ 1500

What's the fact, Dr. Fleming?

Mr. FLEMING. Well, that's a bait and switch.

What the polls actually show is a majority of Americans favor health insurance reform. However, when you ask them specifically about the public option, as you point out in your poster, only 42 percent of Americans approve and 52 percent disapprove.

So we have a 10 percent gap. Most Americans do not approve of a public insurance option or what we call government takeover. And you really see this in the town halls. I don't know about you, Congressman GINGREY, but in my town halls, I did a number of town halls in my district during August. And overwhelmingly, I would say by a factor of about 95 to 98 percent, were against any sort of government-run insurance and only a handful suggested they were for it in any way. And, really, other polling that we have done suggest similar statistics.

And the other thing that you don't see here is intensity. The intensity level against government-run health care is far stronger than those who are in favor of it.

Mr. GINGREY of Georgia. Well, and, again, in regard to the facts, when we went home for the August recess, President Obama, his overall approval rating—and, let's face it, politicians pay attention to polls, and, certainly,

our Commander in Chief and the highest politician in the country is the President of the United States, and he pays attention to his approval rating, and it dropped over 10 percent in a 5-week period of time and 57 percent of the people in the country when we left here the first of August were in favor of this health reform plan, but now it's down to 42 percent. So, again, that fact check, I think, is very important.

My colleagues, the point we are getting to is this, based on the speech that the President gave last night, it's pretty clear to me, it's pretty clear to this Member, to this physician Member, that the President has not listened. He may be listening to Ms. PELOSI, the Speaker of the House, he may be listening to Mr. REID, the majority leader of the Senate; he may be listening to CHARLIE RANGEL, who chairs the Ways and Means Committee. Possibly he is listening to HENRY WAXMAN, the chairman of the committee that I serve on, Energy and Commerce; or maybe his friend from California, GEORGE MILLER, who chairs the Education and Labor Committee in the House; and maybe he is listening to CHRIS DODD, the Senator from Connecticut, who chairs the Health, Education, Labor, & Pensions Committee, the health committee in the United States Senate.

But he is not listening to the American people. We have come to not expect, my colleagues, him to listen to the loyal minority and to give the minority truly an opportunity to participate on the front end of having input in these very important bills. We are talking about 17 percent of our economy is health care.

And JOHN FLEMING and PHIL GINGREY, together, probably have 70 years of clinical experience, Mr. Speaker, in the practice of medicine. And I am talking about where you see patients. I am not talking about writing papers or teaching at some ivory tower medical facility, I am talking about in urban and rural America, seeing patients across all aspects, financial, socioeconomic, ethnicity, with all kinds of problems.

And our specialties are different. And yet we have got these 70 years of clinical experience that we should have, could have, would have brought to the table. And not once were we invited. So the President is listening to somebody, but he is not listening to some experts that could help him, and he is sure not listening to the American people.

The American people said very clearly, and, again, when I wasn't holding town hall meetings, I was watching them. I was a C-SPAN junkie. You know, I was an insomniac. I'm a senior citizen, so I don't sleep a lot.

And the people were saying, Mr. President, no government-run health care, don't cut senior care to pay for this health reform. We don't need to remodel the kitchen. We just need to fix the ice maker.

Don't raise the deficit. We just heard that your guy, Mr. Orszag, the director of the Office of Management and Budget at the White House, your man, you put him there, he is a brilliant economist, and he just said that over the next 10 years your deficit spending, your red ink is going to total \$9 trillion. Now, ladies and gentlemen, my colleagues, we are currently \$11 trillion in debt in this country, 11 plus 9 is 20. That's about \$45,000 worth of debt for every man, woman and child.

And we are going to do this massive health reform change and spend another \$1.5 trillion when, yes, 14,000 people every day are losing their jobs and something like 5 million have lost their jobs since February when we passed the economic spendulus and Recovery Act that was going to stop unemployment at 8.5 percent and start growing jobs. Unemployment now is 10 percent, and we haven't grown a job yet.

The American people said don't raise the deficit. The American people said health care choices, not government dictates. The American people said bipartisan compromise. Mr. President, you are not listening.

Well, just a few additional points to be made, Mr. Speaker, and my colleagues. The truth behind the Democrats' health care proposal, 5.5 million more jobs will be destroyed just by the business tax proposals in this plan.

As I pointed out, 114 million Americans could lose their current health insurance, so much for if you like what you have you can keep it; \$500 billion in Medicare cuts, 20 percent increase in seniors' Medicare prescription drug premiums, \$800 billion in new tax hikes, and that's just the beginning.

Now, my colleagues, many times on the majority side of the aisle, you have said, the Republicans are the Party of No. Well, at first I took umbrage to that. It's almost like a member of our side of the aisle in a moment of passion made a statement last night that he regretted and apologized to the President, when this issue of whether or not this new health care benefit and these subsidies would be going to illegal immigrants. That invokes a lot of passion in a lot of people in this country, including Members of this body.

And when I hear the Democrat majority say we are the Party of No, I get upset about that, or at least I used to. And now I realize that maybe we are the Party of No, Mr. Speaker, but it's spelled k-n-o-w. And we do know. We do have a plan. We do have a second opinion, if you want to put it in medical parlance. We have a second opinion on everything that comes through this Congress. We had a second opinion on energy reform, Mr. Speaker.

We reject the cap-and-tax, cap-and-trade scheme that would cost every family at least \$2,500 a year more in electricity costs when China and India

with their 2.5 billion people get off scot free because they are a so-called developing nation. They are developing all right, they are eating our lunch, that's what they are doing. And they are taking away all of our manufacturing jobs.

Mr. Speaker, we have an idea, we have a second opinion on energy, we have a second opinion on how to reform health care. No, it's not 1,100 pages, it's 260 pages. It's called the Empowering Patients First Act. It's not H.R. 3200. It's H.R. 3400. And this is just one of four, or maybe five Republican bills that are alternatives, second opinions, that can solve this problem in a bipartisan way without breaking the bank.

But do you think we get an opportunity to have a hearing on these bills? Do you think we have an opportunity to have our amendments vetted? Do you think when whatever comes before this floor so that all the Members can vote on it, that any Republican will have an opportunity to either offer a bill or even an amendment?

I have as part of this bill an amendment on liability reform that every year that we Republicans controlled the House, it would pass. And it probably would save the cost of health care \$150 billion a year, because doctors wouldn't be doing all these unnecessary, defensive tests, which can be downright dangerous to patients.

So, yes, this is a second opinion. And yet you won't hear much about it, except from us, an opportunity like this, my colleagues, and we take this opportunity.

Maybe when some of our Members have already, you know, headed for the airport and can't wait to get home to their families and their children and grandchildren, I certainly can't blame them for that. But this is our only opportunity, Mr. Speaker.

That's why Dr. Fleming and I are here to make sure that you understand that we are not the Party of No. We are the Party of K-n-o-w.

I would like at this point to hear from my friend from Louisiana.

Mr. FLEMING. I thank the gentleman. To follow up on H.R. 3400, which I am also an original cosponsor of, you know, the President last night talked about a lot of laudable goals such as doing away with the whole idea of preexisting illness that would deny care, denying care to someone who developed a disease while on insurance. The ability, if you lose your job, to keep your insurance.

Well, you know what, this bill provides for all of that. These are all structural problems that are easily fixable. Our insurance system that we have today for health care was developed in the 1940s when insurance was only a catastrophic umbrella coverage. It is not what it is today.

And, so, really, through some very simple things, tearing down the walls between States, so that any American

can buy any insurance policy within the borders of the United States, that would create the kind of healthy, robust competition we need to lift service and to reduce cost, to simply pass a law, a very simple law that says you can't deny coverage as a result. You can't even ask what preexisting illnesses you have had in the past.

It's like a friend of mine who had a routine colonoscopy as a preventive tool, and he was found to have a couple of benign polyps. I can tell you, Dr. GINGREY, that man may die in bed at 100, he may get run over by a bus, but he will never die of cancer of the colon. However, that's the reason why he lost his insurance, because polyps were found on an examination that he well should have had.

These atrocities should not occur, and H.R. 3400 will resolve those issues. And it also has tort reform, which you talked about, which H.R. 3200, the Democrat bill does not have.

So, really, all of the problems we have, virtually all of them, all of the solutions are found within H.R. 3400. And yet and still, you mention about participating in the process, the President said last night, and I will quote him, "I will continue to seek common ground in the weeks ahead. If you come to me with a serious set of proposals, I will be there to listen. My door is always open." Well, on May 13 the House Republicans wrote him a letter asking for that. We are yet to hear a response.

□ 1515

He's never commented. As far as I know, he's never read H.R. 3400. So, again, I think it's disingenuous.

I think we have something better to offer and certainly something that could offer tremendous amendments to the bill already before us.

Mr. GINGREY of Georgia. I thank you for those comments, and I certainly agree with you. The President did say that. He said if you've got a good idea, bring it to me. And I would say this to the President because we do, as JOHN FLEMING said, we do have some good ideas, not just the two of us but Members on both sides of the aisle. The more conservative Members on the Democratic side, the Blue Dog Coalition of 52 members, they need to be heard, and I think thus far they've been heard, but they've been ignored at the same time.

And what I would say to the President as we wrap up this hour, Mr. Speaker, this is what I would suggest to the President. We've all heard the expression around here—in fact, I think the late Senator Kennedy was famous for this; maybe he coined the phrase—"Don't let the perfect be the enemy of the good."

Now, if President Obama thinks that H.R. 3200, the big bill with the public plan in it, is perfect but the American people, in a very resounding way, have

said, "Mr. President, we don't want the public plan because we fear that that's just a Trojan horse and it's two steps towards a single-payer national health insurance where you have rationing such as they do in Canada and the UK," then the President could—and I wish he had last night said to us—"Well, we can't pass what I think is the perfect, because American people are afraid of it. I feel that they're wrong. I fear that they've been scared. I fear that they've gotten misinformation. But nevertheless, they've spoken pretty clearly, and the Members on both sides of the aisle have heard because they came back to Washington and they told me, and I'm just going to have to pull that public plan option out and let's get together with the Republicans in the Senate and in the House and let's draw up a new bill and let's do the 'not perfect but the good.'"

And Dr. FLEMING, Representative FLEMING mentioned a couple of things. Equalize the tax treatment so that everybody gets discounted health care. Absolutely put in the subsidy for people who are not poor enough to qualify for our safety net programs like Medicaid but they don't have enough income to purchase health insurance for them and for their children. They get government subsidies based on a sliding scale.

Make the insurance companies accept people with preexisting conditions. Don't let them put caps on how much coverage you get in any one year. If you get real sick in any one year, whatever the bill is, the insurance company should pay it after you paid your copay and your deductible. Maybe the next 5 years they won't have to pay anything and you won't have any claims.

And let's create these high-risk pools across each and every State where people with multiple illnesses can get coverage at a reasonable rate and, yes indeed, help those who need help with subsidies both from the State and from the Federal Government.

Just a few—let people purchase health insurance across State lines where maybe they're cheaper. If you live in—as I did for a long time—in Augusta, Georgia, it was just a half a mile across the river to North Augusta, South Carolina. Why can't people go across State lines and purchase health insurance? They can do it to buy a gun or a television set.

So again, all of these provisions are in the bill H.R. 3200, which I showed you just a second ago. Here it is.

So, Mr. President, in your opinion—not in ours—but in your opinion, this may not be the perfect, but I tell you what, it's darn good. And if we can get together in a bipartisan way for the American people and let's get this done and then let November 2, 2010, take care of itself. And as far as your political future, Mr. President, let's let 2012

take care of itself. Let the American people be the judge. But let's get this done in a bipartisan way and let's, for once, listen to the American people.

With that, Mr. Speaker, I will yield back.

NOTICE OF CONTINUING EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-63)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2009, the national emergency with respect to the terrorist threat.

BARACK OBAMA.

THE WHITE HOUSE, September 10, 2009.

HEALTH CARE IN COLORADO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. POLIS) is recognized for 60 minutes.

Mr. POLIS. Mr. Speaker, over the last month, I've asked my constituents to share their health care stories with me so that I can share them with the Nation with regard to how we can improve upon our current health care system and some of the problems that exist that many Americans face every day.

One of my constituents from Boulder asked that her name not be used. When she was 17, she was diagnosed with the HPV virus that causes cervical cancer. It wasn't an easy diagnosis to reach. She had the symptoms of a miscarriage but she wasn't pregnant. That was later verified by the doctors. The only other syndrome that matched her symptoms was cervical cancer. Because

of her age and the fact that she hadn't been sexually active for long enough to develop lesions, her doctor said it was statistically impossible for her to have cervical lesions. She said it was most likely a problem with the pill.

She returned every day of the week, had exams, and was given no information. She continually asked for a test to see if she had cancer or tumors, but her doctor refused the test and said it would be a waste of money and insurance probably wouldn't cover them. Even when she said she'd pay for the tests, she was denied them. She asked for a referral to a different doctor, and the doctor wouldn't give her a referral for the same reason. Statistically nothing is wrong, they said. It would be a waste of money.

Finally, this young woman asked her mom to come with her, and after making them wait for an hour until the office closed, the doctor had a conference with other doctors and finally gave her a referral. She got an appointment, found out what was wrong and had surgery to fix it. Thank goodness that her mother helped her out with the cost.

Now, this young lady is having similar problems. She saw her new doctor to see what was wrong and decided they needed to run a few tests. She didn't tell her, however, that the six tests would add up to over \$1,000 and her insurance only covered \$300. When this young lady from Boulder, Colorado, was 20 years old, she went through what too many Americans are victims of and, unfortunately, she was raped and she contracted herpes. She started generic medication but it didn't work so she was prescribed Valtrex, which has no generic, and now it costs her out of pocket \$200 a month just for that medication, which she can't afford most months.

Mr. Speaker, it is for women such as this across our country that we need to pass health care reform so that people don't have to be told "no" by their doctor, "no" by their insurance company, and they can get ongoing treatment for conditions that aren't their fault, might have been misdiagnosed, but they still have a healthy life ahead of them. And by passing health care reform now we can make sure that the next generation won't have to go through what this young lady in Boulder, Colorado, did.

Thank you, Mr. Speaker.

Mr. Speaker, I rise to share with the House stories from our Second Congressional District in Colorado about real people's experience with health care.

One gentleman in my district, a fellow by the name of Alex Medler, who is a friend of mine, gave permission for his story to be used on the floor of the House. He went through a very difficult experience 3 years ago when his mother died of lung cancer. The average life expectancy of a person with lung cancer as advanced as hers was only 8

weeks when she was diagnosed. But she was a fighter.

Soon after her diagnosis, she began receiving treatment with modern hormone-like drugs. For whatever reason—whether it was the new drugs, good luck, or her sheer determination—she endured for 3 years after she was given 8 weeks to live.

Alex still remembers very clearly a day when he was visiting his mother when she received yet another letter from the insurance company explaining that her treatments, which cost about \$60,000 for just a few months of treatment, were not covered by insurance.

Alex and his family knew that they would lose her soon, and they tried to spend their time together as a family enjoying her final days, giving her the opportunity to play with her grandchildren and spend time with her family. But every hour that she and Alex's father engaged in the battle with the heartless insurance companies over these issues was precious time and stress that could have been better spent, and their fear of not being able to afford treatment and her guilt of having so many resources spent on her behalf were not things that the family wanted to discuss when someone was facing the end of their life. They had much more important things on their minds and their hearts.

This constituent, Alex Medler from Boulder, writes that improved health care in America should allow families the confidence and peace to focus on each other when it matters most, and it should move us away from having to fight with our insurance providers when we have better things to do.

Well said, Alex, and I think that the House of Representatives can learn a lot from the experience that you've allowed to be shared before our body.

Thank you, Mr. Speaker.

Mr. Speaker, I rise to share stories of real people from Colorado who shared with me their health care experiences so that I might share them with the House of Representatives to build the case and show what's happening in health care today and how we need to change it.

One of my constituents, a woman from Northglenn who asked that her name not be used in sharing this story, told me that she's a 32-year-old woman who pays \$642 a month for health care. That doesn't even include her prescription drugs, which average \$100 to \$200 a month. She has a bad knee. So when her COBRA expired, she had to continue her health care plan and didn't qualify for less expensive plans. She only works part-time with her new job. Fortunately, right now her boyfriend is able to cover her overwhelming medical expenses or she believes she wouldn't have any health care at all.

She had MRIs for her knees at \$300 each, and more recently, her brain was

diagnosed as having too much fluid in it and she had to have that drained. In the last 6 months, she said she spent \$1,500 just in medical imaging out of pocket, and she can't afford to keep doing this.

She writes, If there was another option for me, I would take it in a heartbeat. Please help.

Those are words that we in Congress need to heed to provide another option for this woman from Northglenn and for millions of Americans like her who are caught between jobs, out of work, and lack care.

Through the exchanges that are being created in this health care reform, we're creating a low-cost option for people who are self-employed, for people who are unemployed, for people who work at small companies preventing pricing discrimination based on preexisting conditions that would bring health care to people like this woman from Northglenn. And it's her we need to keep in mind as we move with speed to pass health care reform in this body.

Thank you, Mr. Speaker

Mr. Speaker, I rise today to share stories with you of real people from Colorado who've had trouble with our health care system who shared their stories with me and who wanted me to convey to the House of Representatives and the country what they've been dealing with and how we have this tremendous opportunity to improve it.

One of my constituents is Debbie from Boulder. Debbie's son was diagnosed in 2000 with Type 1 diabetes when he was just 4 years old. From that moment on, Debbie and her family knew that if at any time their health insurance ended, their son could not possibly be able to get health insurance again at a reasonable cost because of a preexisting condition. If Debbie's husband were to lose his job, he'd have to get COBRA or pay for insurance themselves out of pocket.

They'll always worry under the current health care system that their son might not have continued coverage as an adult because it takes a very little break in coverage to be unable to receive coverage in the future.

Debbie is hopeful that the public option will be available as a backup and as a competitor to the private insurance plans out there.

□ 1530

Debbie writes: the diabetes is such an expensive chronic disease, and without proper medication, diabetics will go under comas or seizures with the possibility of death. Debbie's son needs insulin daily and to have glucose testing and supplies to regulate. That's the minimum requirement. But without insurance, Debbie writes, that is an impossibility unless one is wealthy. Debbie has asked the United States Congress to pass the public option on

health care reform to take some of the fear from her son's life and from her son's mother's daily worries.

There are millions of families across the country like Debbie's, families that worry about a preexisting condition that wasn't their fault. It may have been genetic. It may have been a childhood illness. I had a friend who at age 41 had a heart attack. He lived healthfully, ate healthfully and he worked out. It still happened. For him to be uncoverable for the rest of his life, what kind of system do we have in this country where people like Debbie's son, who is diagnosed at age 4 with diabetes, has a difficult life ahead of them in terms of getting coverage?

What we offer under this bill is to ban discrimination in pricing and exclusions based on preexisting conditions. This would help Debbie's son and Debbie's family and ensure that everybody in this country has the health care that they need and the chance to succeed.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share stories from real people in Colorado about the urgent need for health care reform in this country. One of my constituents gave me a very powerful story. She asked that her name not be used. She lives in Louisville, Colorado. She and her husband sell health insurance through a small agency, and she confided to me that she knows firsthand how broken the system really is.

She wants to see Congress pass real reform. She writes that she understands that that reform might make part of her own job obsolete. They make a good living selling insurance, and they think that their job isn't necessary. They help folks navigate a very complicated system. However, she knows that they can only help people who already have money.

The U.S., she writes, rations health care based on income, and that is just wrong. Health care should not be profit based. She writes: greed is very American and has infiltrated the health care industry in a most dangerous way. I truly believe the only way to solve this mess is to make the insurance companies switch to nonprofit entities, much like Kaiser Permanente. I believe that what is happening is terrible. In our country, we worship the right to make a profit instead of the right to health care. Please work to change that.

How powerful that a woman whose income derives from an industry, puts food on the table, sees what is happening in that industry, sees the wasted effort spent on sales, on marketing of an ever more complex system. With the proposed health care reform that we are talking about in Washington, we will simplify the system, give people one-stop shopping through the exchange, a low-cost option that small employers, unemployed and self-employed people can sign up for and have

a multitude of options on a single menu without the need for sales executives or sales associates to market to people. We are bringing the choices right to their doorstep and creating savings in the process that will go back into covering more Americans and provide a better quality of health care for everyone.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with the House of Representatives powerful stories from Colorado, from real people who shared with me their experiences with health care and what we can do better to improve health care through health care reform.

Renee from Northglen, Colorado, shared with me that she lived in Canada for 10 years with her husband. They had been transferred there as part of his job. Renee's experience in Canada is that the health care system worked extremely well, and she had even been diagnosed and dealt with major illnesses while she was there. Renee was impressed that she had an amazing doctor, that she was able to choose from a multitude of doctors of her own free will. And she had that same doctor for her entire 10 years in Canada.

When Renee and her husband moved back to Colorado, they went into business on their own. They started a small business that employed seven staff. It's always a financial struggle to pay high premiums, but they made those personal sacrifices to keep their employees insured and do the right thing as employers. But then the insurance company dropped them, and they picked up another, and they had to change physicians. This happens across our country every day.

It happened another time, and once again, a new physician, a new history, a new relationship. In the last 10 years that they have been in the United States, she and her small company have been through about six different insurance programs.

Unfortunately, that is all too common. If the U.S. could come up with a coherent insurance plan that lowers premiums, Renee, as a small businesswoman, writes, the economy will start picking up steam again with the extra capital that businesses will gain by lower premiums. Renee further writes that the scare-mongering that is put out by the insurance lobby is mind-numbing. The horror stories of other countries' systems is sheer ignorance. Our situation in the United States is far worse, and more people die because of a lack of health care.

It is real experiences of real Americans like Renee that will win out at the end of the day and help convince America that we need health care reform to help people like Renee see the same doctor for 10 years, save small businesses money by creating exchanges which allow small businesses to enter larger risk pools, banning pric-

ing discrimination based on preexisting conditions and tax credits to businesses for covering the employees.

I call upon the House of Representatives to pass health care reform and help Renee's business and her own personal health in establishing a relationship with a doctor for a period of time.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share stories of real people in Colorado and their experiences with our health care system and suggestions and recommendations for how we can improve it through health care reform.

Debbie Weingardt from Bloomfield shared a story with me that I want to share with you in the House today. Debbie was run over as a pedestrian in a car accident. She broke her back in three places, and both knees and shoulders had to be redone with surgery, and she pushed her husband out of the way and was further injured in that process. She was laid up for 3 years in bed and had to have seven surgeries. She then lost her insurance. With these conditions, she writes, I can't get reinsured. We need this health care reform.

Mr. Speaker, there are millions of Americans like Debbie who have been in accidents, had preexisting conditions. One of the things we accomplish in this health care reform bill is we ban pricing discrimination and exclusions based on preexisting conditions. We allow people like Debbie to access health care through an exchange with a maximum out-of-pocket, with a low deductible, be able to afford the health care they need to live a productive life and not have to worry every moment about losing their home, their assets, and their families to medical costs and difficulties.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado making the case for why we need health care reform in this country. I have a constituent who lives in Westminster, Colorado. He asked that his name not be used. He shared with me that 10 years ago after his son and daughter were married and they began starting a family, they are both small businesses people, own and operate their own business, neither one has employees, and both incomes barely pay their bills. They found that insurance was unavailable for them. They were in their childbearing years, didn't have large amounts of disposable income and didn't have enough equity in their businesses.

So, like a lot of Americans starting out trying to build a company or an idea from scratch, they scraped together what they could. They saved nickels and dimes in an effort to collect enough money to afford to have the baby and the family that they wanted.

Fortunately, they saved part of the necessary \$10,000 for hospital expenses,

and the hospital agreed to give them a payment plan, kind of like buying a car. They had a beautiful little girl. Shortly thereafter, they had a second child, a boy. The oldest child is about 4, and they still haven't been able to pay off their debts to the hospital for their two children. Those debts continue to hang over their heads. They pay a monthly bill that is attached with enormous interest. The irony in this story is that the businesses are now doing better. They have employees and their equity positions have blossomed.

Now the insurance sales people call begging them to accept their coverage. They take the obvious position of refusing to sell when the chance of payout is high and begging the sale when it's obvious they will be selling to young healthy individuals who have the wherewithal to pay all their bills.

The gentleman from Westminster who shared this story believes that we need to make sure that future generations of Americans don't face the same difficulties that his daughter and son-in-law faced in raising their family, to be born into a legacy of debt before you even speak your first words.

Under the proposed health care reforms, we can ensure that small businesses and self-employed individuals have access to low-cost exchanges. Small businesses receive tax credits to help them afford the cost of health care. Depending on people's income level, for a family of four, up to \$73,000 a year in income, that family, that is about 400 percent of poverty, that family will receive affordability credits, or vouchers, to be able to use at the insurance provider of their choice.

By helping put insurance in reach of more American families, we can help improve the peace of mind and health outcomes for families like this family in Westminster, nationally.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with my colleagues in the House of Representatives stories from real people in Colorado about why we need health care reform today. Pat from Westminster writes in that I feel strongly we must have a public option for health care. Health care reform is intended to provide health care, not profits, for insurance companies. Pat writes that Pat had public option plans for most of her life, and all of them delivered excellent health care. She worked for the military overseas and had excellent care. She worked for the Federal Government in the United States and had the coverage provided through the Office of Personnel Management. She now has Medicare in addition to the OPM plan, excellent coverage. She has never been denied necessary care, and she has been given care that was far better than what she expected.

As a result, today she is 70. She is in much better condition and health than

many of her contemporaries. She exercises daily and goes dancing several times weekly. Life is good, and it is due in large part, she writes, to good health and dental care with a lifetime as a member of a public option, maligned frequently by our colleagues on the other side of the aisle as government-run health care, as socialized medicine.

We have a constituent, Pat, from Westminster who writes in and who says thank goodness for her public plan. If only more people would have the opportunity to participate in this kind of public plan, a lot of America's ills would dissipate. People would be healthier, and we would save money in providing care to all Americans.

It is stories of people like Pat that can inspire us to pass the public option as part of comprehensive health care reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you and the House of Representatives real stories of people from Colorado and their experiences with our health care system. I have a constituent in Silverthorne, Colorado. He asked that his name not be used, and he shared with me that his health insurance premiums between 2007 and 2008 went up from \$900 a month to \$1,500 a month. Both he and his wife are healthy. They rarely use insurance. But his wife just turned 60, so United Health Care said that was the primary reason for the increase.

This family in Silverthorne could not continue to carry their coverage, so they are currently uninsured waiting several years until Medicare kicks in. While he was covered, he decided he needed a full physical. He hadn't had one in 5 years. His policy provided up to one physical a year. He called to make sure it was covered and was told it was. He asked, Are you sure it's covered? Are you sure it's covered? They said, Don't worry. It's covered. Go get your physical. Then like a lot of what happens with Americans dealing with insurance companies, bait and switch, sure enough, they got billed for most of the cost, about \$550 for a physical, and the insurance company only paid \$120.

So this gentleman from Silverthorne called to protest. He said, You told me you covered the tests. Why didn't you cover the test? How, I asked, could I have a physical without tests? That's part of it. By definition, a physical is a series of tests.

This gentleman from Silverthorne further writes that he has so many friends with similar stories, he hopes that he never has to sign up with an insurance company again.

Through comprehensive health care reform, we can allow people like this gentleman from Silverthorne and his wife, who worry in their golden years before they're eligible for Medicare, what are they going to do, losing their

benefits at 58 years old, 60 years old, 62 years old. By having a low-cost exchange and a public option, effectively, people like this gentleman from Silverthorne can buy into Medicare early.

□ 1545

That's one of the proposals of the public option, the version of the public option that's in the bill passed out of the Education and Labor Committee and the Ways and Means Committee, essentially a program with a provider network very similar to Medicare. It allows people like this person from Silverthorne, Colorado, my congressional district, to buy into Medicare a few years early at a low cost and be able to avoid going without health care during a time in his life that is a critical time to have health care.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with the House of Representatives stories of real people from Colorado and the issues that they've had with our current health care system and why we need to reform it.

One of my constituents from Westminster, Colorado—she asked that her name not be used—shared a very powerful story with me. She shared the story of her daughter who has multiple sclerosis, MS, so she can't get health care insurance at any cost. It took her over 3 years to be approved for disability through her Social Security, and she had to wait another year until she could apply for Medicare. During that time she couldn't obtain any insurance, including Medicaid.

This constituent from Westminster told me, Something really needs to change so that everyone can receive the health care they need no matter what. Many people who are employed only have 80/20 health care after several thousands of dollars are spent on deductibles.

This story repeats itself too often all across our country. People who suffer from preexisting conditions, it could have been genetic, a childhood illness—I have a friend who is 41 years old; he did everything right, lived a healthy lifestyle, ate well, he still had a heart attack at 41. That will be a preexisting condition for the rest of his life. So, too, this woman's daughter from Westminster who deals with MS will be insurable only at an extremely high cost for her life and only after going through a several-year process that resulted in her getting disability. One of the important accomplishments of the proposed health care reform is we ban pricing discrimination and exclusion based on preexisting conditions.

I call upon the House to pass health care reform that helps people like this family from Westminster have affordable health care throughout their lives.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you real stories from people of

Colorado who have shared with me their stories to inform the House of Representatives and let my colleagues know how critical it is that we pass health care reform.

One of my constituents lives in Boulder. She asked that her name not be used in talking about this story. She is employed and she has health care. She considers herself one of the lucky ones. Nevertheless, she has a firsthand viewpoint of how the system is broken.

She carefully planned for the hip surgery that her daughter needed. She paid what she thought were the out-of-pocket costs, \$15,000. She was okay with that. She had that, she paid that, but still the bills came. This woman has a doctorate, a Ph.D. and yet she spent hours trying to understand the amazing array of EOBs—explanation of benefits—statements and bills that barraged her. She had to learn the nuances of the system, and that her main out-of-pocket costs didn't really cover the bilge cost.

In other words, despite all of her research and being able to afford and put aside \$15,000, she found that she is still responsible for the balance, over \$5,000. Heaven help those, she says, who don't have the time, resources or patience to sort through all this mess. She writes that she fully supports President Obama's health care reform and believes that we need to pass health care reform immediately.

This is a woman with a Ph.D. Can you imagine somebody who is just learning English, who hasn't graduated high school, dealing with the complexity and barrage of forms that I dare most Members of Congress to be able to understand and comprehend? Through health care reform, we can simplify that. By creating the exchange, we provide one-stop shopping for people who are self-employed, unemployed, a low-cost option, tax credits, affordability credits to help people get the health care they need to afford the treatments they need. That's why we need to pass health care reform, to move our country forward, cover uninsured Americans, and make our country more competitive.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you and the House of Representatives real stories of Americans who are struggling with our health care system today.

Gary Kline from Broomfield asked that I share his story on the floor of the House of Representatives. He told me his parents never had health care insurance. His father was self-employed and didn't make very much money. His mother needed three surgeries in 2004 just after she turned 65. Fortunately, she was old enough to qualify for Medicare; otherwise, Gary writes, his parents would likely be bankrupt today after a lifetime of hard work and running their own business and raising

their kids. Gary writes that other people shouldn't have to go through bankruptcy in order to be able to afford medical care.

There are millions of people like Gary and his family across this country. One of the things that we accomplish in this bill is we hope to reduce medical bankruptcies. We require that any policy will have no more, ever, than a \$10,000 out-of-pocket per year for a family to help reduce the number of bankruptcies. Many will have less. Through the exchanges that are being created we will have a competitive, low-cost option for people who are self-employed like Gary's father, people who are unemployed, people who are between jobs. They will have access at one low cost to a large risk pool. There will be no pricing discrimination based on preexisting conditions, no exclusions based on preexisting conditions.

What if Gary's mother needed three surgeries in 2002 when she was 63 years old? It would have driven the family to bankruptcy. It's for families like this across our country, like Gary's in Broomfield, that we need to pass health care reform today, and I call upon my colleagues to join me in passing President Obama's health care reform package.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you and the House of Representatives stories about real Coloradans and their experiences with our health care system today and why we need to reform it.

Claudia from Boulder shared her story with me. She is 72 years old and she's on Medicare. Claudia believes that anyone on Medicare should support health care reform so that the rest of our citizens have the same access to medical support that the elderly have today. Those elderly people who don't support reform, Claudia writes, should examine how they would survive without Medicare.

In the exchange that's being created and the public option, we effectively allow people to buy into Medicare before they're eligible by age. You know, people sometimes approach me and they say, I'm scared of what a single-payer system would mean or I'm scared of what socialized medicine is. You know, all of these concepts already exist in our country to varying degrees. We have a socialized medicine system, which means government-owned hospitals, government-employed doctors; that is our VA system that exists today. It serves our veterans who served us so well. We have a single-payer system, that's Medicare, that Claudia told us about, that is a single-payer system for seniors and covers every senior. And we have a mish-mash of private systems as well for people who are not yet Medicare eligible and have not served our country.

What this bill will help accomplish is making health care more affordable.

Nobody will have to take the Medicare option to buy in early or the public option. Many will choose private options, but low-income individuals will get affordability credits to buy the option of their choice. Small businesses and people who are self-employed will get tax credits to help them afford quality health care.

Claudia is right; anybody on Medicare today should take a look in the mirror and say, Thank goodness I don't have to worry about my medical care. Can't we do that for the rest of America? And I call upon my colleagues in the House of Representatives to join Claudia in her call for comprehensive health care reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with the House of Representatives real stories from people in Colorado about why we need health care reform and their experiences in their lives and what they have learned that I can share with the House of Representatives.

Danny Reed from Thornton shared with me a story that I want to share with you here on the floor of the House of Representatives. The issue that he raised is with his out-of-pocket premiums, an issue that is no stranger to many of us.

Danny considers himself lucky with his health, as well as the health of his wife and his two kids. Now his kids have grown and they're in college, but through all the years of paying \$311 every 2 weeks with a \$30 copay, Danny noted that that really adds up. Danny can't even remember the last time he or his wife have been to a doctor, and his kids get their sports checkups every year now. Now his daughter is old enough and she has her own insurance, so Danny was able to take her off of his, but it turns out that he doesn't even save any money by doing that. Under this particular plan that Danny has and the conditions that he faces, somebody who has more kids would pay the same as he does with one kid, because they say it's family coverage, but they get tax breaks because of the child through the child's credit income.

Danny, like a lot of Americans, is tired of paying these high prices and he worries about the ins and outs of his son playing college football. He has to find a way, like a lot of Americans, to keep more money per paycheck. As he puts it, he says, Good luck with this mess. And this is a mess that affects so many American families. Even families like Danny Reed's family that has health care insurance is still suffering from huge out-of-pocket costs, money away from college tuitions, money away from upgrading the house or buying a car for the kids or when their car breaks down, money away from anything else that they might spend it on. The very type of expenditures we need to get our economy going again and

creating demand, Danny and his family can't make because all their extra money is going to health care.

Finally, with comprehensive health care reform, we will help get these costs under control. We create a low-cost option in the exchange where people can shop—a pricing pressure to stop this upward escalation of insurance fees, real competition for the insurance industry that will help Danny's family and millions of American families like Danny's keep more of the money that they earn through their hard work and spend it on their own priorities rather than see it leak off every week, every month, every year towards health care that they seldom see.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories that my constituents in Colorado have shared with me and asked me to make statements on their behalf on the floor of the House of Representatives to urge my colleagues to support health care reform.

Larry Woods from Louisville, Colorado, shared with me the story that even though his wife has a good job, the health care coverage consists of paying \$200 a month towards an \$875 bill, \$675 a month out of pocket. Because Larry's small business serves residential home developers whose current needs in this recession are nearly nonexistent, Larry and his wife need to economize on almost everything, like a lot of families in this recession. They don't have a great policy, and their out-of-pocket costs for health care are the largest fraction of their spending. It exceeds Larry and his wife's costs for their mortgage, and it exceeds their food bill. Larry's policy only covers generic medications, and more than once they have simply not been able to buy the medication that was prescribed and there were no good alternatives.

There are millions of families like Larry's struggling to get by with the out-of-pocket costs of health care. They have insurance, he is not among the uninsured, and yet, still money is leaving their family as they economize in this recession for out-of-pocket costs for the health care they need.

Through comprehensive health care reform, we are creating a low-cost exchange that will allow access to a multitude of plans, creating real competition in the marketplace. The public option will ensure that every insurance company faces real competition in every marketplace, driving efficiency, making sure that of every dollar spent on insurance, more of that comes back to the customer in benefits rather than going out the door in excessive CEO salaries or excessive shareholder profits.

□ 1600

For families like Larry, we need to pass comprehensive health care reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you and the House of Representatives real stories from people of Colorado, their own personal stories of why we need health care reform in this country.

A constituent of mine, Bill Semple, from Boulder, Colorado, shared a compelling story with me that I feel will help encourage my colleagues in the House of Representatives to support health care reform.

Bill writes that he has known for a long time that the problems in our multipayer system are resistant to change, but he feels we just need to change it. His story that he shares is his professional experience as a psychotherapist. Bill is a psychotherapist in private practice and he has a lot of experience billing health insurance companies.

He shared with me that health insurance companies haven't raised their allowable limits for outpatient psychotherapy for 15 to 20 years because they have behavioral carve-outs to policies. This adds another layer of bureaucratic expense, another 20 percent to their already 30 percent, a total of about 50 percent overhead.

Bill spends hours hassling with them. Any mistakes that they make always seem to be in their favor. This is time away from his practice, away from seeing patients, away from his family just dealing with health insurance. And, by the way, those people on the other end of the line working for the health insurance companies, they are being paid salaries. They are costing money too. So when you are paying your premium, some of that is also going to those very people that are arguing with providers over what is covered and what isn't covered.

Bill shared with me that frequently the insurers only have to pay what kicks in after a sky-high deductible for the year is met. Preferred provider networks, in Bill's opinion, really have phantom lists. They look good, but they are often made up of providers who are gone, moved out of town or deceased, or who aren't really even accepting that particular insurer.

Bill shared with me that single-payer financing is best, but second best is a robust public option that people can buy into regardless of their status.

I hear a lot of frustration, not just from families affected by loss of health care, by worrying about losing their health care, but from providers in our current system; doctors overwhelmed with paperwork, taking money, time and resources away from their practice, away from patient health, simply to fill out paperwork for insurance companies and battle them over what is reimbursed.

By creating real competition in the insurance industry, we will give providers the ability to pick insurers that are easier to work with, that have

streamlined procedures. The exchange will allow for a standardized procedure across the insurers, and practitioners like Bill Semple and many others across the country will have cost savings that they can pass along to their customers.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you and the House of Representatives real stories of Coloradans who have a lot of experience dealing with the ins and outs of health care that our body here in the House of Representatives could learn from.

One of my constituents in Westminster, who asked that his name not be used, wanted me to share his story with you. His story relates to the diabetes that he suffers from, like so many millions of other Americans. His insurance insists that he use generic brands of control medicines for his condition. He participated in a study in which he found that he could reduce high triglycerides by 75 percent if using the primary drug for treatment. As a matter of fact, his readings improved so much during the trial that he was removed as a candidate for the study.

He advised his doctor of the readings and the improvement, and the doctor decided he should go back to the generic drug and wait to see if his reading went back to previous levels before allowing him to switch to the drug used while participating in the study. This constituent from Westminster felt that this took away his choice, even after he stated that costs from generic to primaries were affordable. He was willing to pay the difference. The insurance company made the decision on what drug he could use after the near miraculous results of the trial drug. He wasn't even able to pay for it out of his own pocket.

We need a system that promotes innovation. Lack of competition in the insurance industry has bred complacency. For people like this gentleman in Westminster, Colorado, and millions of others across the country, they need access to new, to experimental treatments that work. By promoting innovation among insurance companies, we open the door to practices of encouraging new types of therapies that can actually save money over time by reducing the need for catastrophic costs in the long run.

It is compelling stories like these which make the urgent case for why we need to pass health care reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you and the House of Representatives stories of real people from Colorado who shared with me their experiences with health care and why it is so urgent for Congress to pass comprehensive health care reform.

One of my constituents, Jane Marshall from Lafayette, shared a very compelling story with me that I want

to share with you to help show what many American families are going through. The story that Jane shares is an exacerbating story. She is normally reticent to pass this kind of story along, but she knows that there is the hope of a happy ending because of a health care plan and her family's contribution in helping that occur by sharing this story.

Jane and her husband have five children, ages 20, 18, 15, 12 and 8, and their health care has always been determined by her husband's employer. The company that her husband worked for has changed insurance companies from HMOs to PPOs to SHAs to whatever policy or company was fiscally appealing to them at that time, with no regard to continuity, allowing families to keep their doctor or anything else.

This meant that none of their five children ever established a relationship with a pediatrician that they would even grow to know and trust. No sooner would they get to know one pediatrician than it would be switched as the company switched their health care program. They would start to become familiar with an office, and then the insurance changed again and the process would start all over again. The lists and amount of paper that Jane had to go through would appall all of us.

Then two women in Jane's husband's office were diagnosed with cancer within a 2-year period. Their family insurance rates skyrocketed because of the small risk pool of the business. They researched the escalated rates to determine the reason behind the increase. Because two people in the group plan were now considered high risk, the whole plan had to cost a lot more. They weren't even notified of that by the employer or the insurance company until they got the bills. Then they, like a lot of families, had to find it necessary to insure themselves and their children out of pocket because the cost of insurance through Jane's husband's company became unaffordable.

They acquired an insurance plan with Kaiser, but the only plan they could afford was a very basic one with large deductibles, and those deductibles loom like heavy weights on the family as they worry about what would happen if any of them ever need to be hospitalized or require emergency care. Additionally, during the transition from her husband's insurance to Kaiser, their son was denied coverage because of a diagnosis that he had.

One of the things that we accomplish in this bill is we create low-cost exchanges to provide competition among insurance companies. People who are uninsured, small businesses, can be part of one large risk pool and acquire insurance in a competitive environment, high quality at a low rate. We also ban pricing discrimination and exclusions based upon preexisting conditions.

Jane's husband recently lost his job, as many Americans have during this recession. They are hanging on, waiting for the economy to turn around, waiting for him to find employment and hopefully to find insurance coverage. In the meantime, they are paying out of pocket more than they can afford for insurance. Their situation caused them to evaluate their finances from a survival perspective and make any and all cuts that they had to to keep paying those premiums. Jane shared that insurance itself is not far from the chopping block of what they might need to cut to get by, put food on the table, and continue to live their lives.

While Jane feels that the waters before her are murky, she has hope, hope that this Congress will act and pass comprehensive health care reform so that families like Jane's across this country have access to a low-cost option, receive affordability credits to help afford health care and drive down the cost of care and ensure that kids growing up can see the same pediatrician for 10 or 20 years as they are growing up and build those relationships. And that is why, for the sake of Jane Marshall and millions of Americans like her, we need to pass comprehensive health care reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you and the House of Representatives real stories of people from Colorado and their experiences with health care and why we need to pass health care reform now.

One woman from Colorado who told me her story and asked that her name not be shared had a son who was born with a diaphragmatic hernia in 1987. He received emergency surgery shortly after birth, and although the first 5 years he had several related hospital stays, he grew up a pretty healthy kid. At that time, this woman didn't have to worry about whether or not insurance would pay for the treatment he needed. He received the very best care through their health provider.

But 2 years ago their son started having chest pains, difficulty breathing, and was developing problems with his spine. He was a junior in college at the time and he was trying hard to keep on top of his studies and not be impacted by poor health. He saw several doctors, who all said he had a condition that might have been related to his initial surgery at birth that needed an operation to correct the abnormality. But his mother's insurance company, Cigna, refused to approve the surgery three times over a year and a half, claiming that his health was not compromised enough. Certainly doing thoracic surgery on someone whose health is compromised is an incredibly bad idea.

Fortunately, they were finally able to obtain Cigna's approval when the

president of the hospital and chief surgeon contacted a Cigna representative and discussed the case. Fortunately, his health didn't deteriorate during the year-and-a-half wait, and after the surgery in March he recovered pretty easily.

How many people like this young man don't have parents who are able to be aggressive advocates for them? What if his mother didn't have a high school education or was just learning English? What if his mother wasn't with us? What if that year and a half had made the difference between a lifetime of incapacitation and a productive healthy lifetime for this young man?

That is why we need to pass comprehensive health care reform, ban pricing discrimination based on pre-existing conditions, and create more real competition in the insurance industry, so that insurers that routinely exclude coverage and fight the very people that they are there to help lose business to others who are willing to pass more of those patient premiums back to their patients in the form of health care.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado and their experiences with health care and why we need to pass health care reform.

A woman from Colorado who asked that her name not be used shared a very powerful story with me that I wanted to share with my colleagues in the House of Representatives.

Her eldest daughter, who she refers to as a beautiful, talented, caring and devoted woman, recently passed away after a painful 6 months of cancer of the spine. It is very difficult, as any parent who has lost a kid knows, to lose any child. Her daughter was 59 years of age at the time and she had no health insurance for 6 years. She was bipolar and had been denied health insurance as a single woman, in part because of her preexisting condition.

For 4 years, she suffered pain in her back and legs and shoulders. She went to chiropractic and massage therapy for some kind, any kind of relief, paying out of pocket when she could afford to. Finally, she was admitted to a hospital that had quality doctors, and those doctors detected that she had cancer of the spine that at that point was too far advanced for chemotherapy to be of any help.

If she had had health care insurance, her mother shared with me, that cancer could have been detected early enough for treatment that worked. Yet another casualty of our health care system.

□ 1615

Access to preventative care, to early detection makes all the difference in whether a person lives or dies and the

costs of treating that individual. Early detection of breast cancer, early detection of cervical cancer, early detection of lung cancer, in this case spinal cancer, is a life and death equation. How many more Americans must die before we pass comprehensive health care reform that bans discrimination based on pre-existing conditions and exclusions based on pre-existing conditions, gives low-income individuals affordability credits to afford the health care plan of their choice so that they can be diagnosed early and treated early to prevent this terrible fate that this woman's daughter faced from happening to any more Americans under our watch or in our great country.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado who shared their stories with me and asked that I share those stories with the House of Representatives to help convince my colleagues of the urgent need for health care reform.

One woman from Colorado, who asked that her name not be used, shared with me that she's a physician. She's a provider. She is professionally active as a doctor. Several years ago she left her hospital-based job, and she entered private practice. She, herself, was able to afford COBRA insurance for the allowed 8 months. Her insurance had been through United Health Care. But she had ovarian cancer in 2001 before she was covered through United Health Care and she's been considered, fortunately, to have been in remission since September of 2001.

When her COBRA expired this year, United Health Care's company which sells individual medical insurance, Golden Rule, accepted her but with a rider stating they would not cover any cancer treatment of any variety. So although she can provide care to hundreds of people who come to see her as a doctor, she, herself, has no insurance for the very medical condition that she's likely to need it for.

She shared with me that a public option is absolutely critical for health care reform, and she hopes that eventually we'll have a universal system that covers everybody. How embarrassing as a Nation, the greatest Nation on Earth, that a doctor, a care provider, somebody who helps the sick, heals the sick, herself doesn't have access to health care insurance. She's excluded from the very condition that she needs health care for.

One of the things that this bill, this health care reform effort, accomplishes is we ban pricing discrimination and exclusions based on pre-existing conditions. Anybody who's had cervical cancer can't be discriminated against because of that and won't have that condition or any cancer excluded. It's for individuals like this and millions of others across the country that we need to act now to pass comprehensive health care reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you stories of real people from Colorado who shared with me their stories of why we need to pass health care reform.

One woman from Lakewood, Colorado, asked that her name not be used; and she said, fortunately, she's in good health and she relies on Kaiser Permanente and Medicare for her health concerns. But she shared that she has two daughters, both of whom are single moms and both of whom have two children each and, unfortunately, they're not eligible for Medicaid, so any illness or emergency is a huge expense. They lack coverage.

This woman knows that we need to pass health care reform so that her grandchildren grow up with the right kind of health care. With the affordability credits that are provided for in this bill, for a family of four, up to \$73,000 in income, they will receive affordability credits to help them pay for the insurance of their choice for them and their family.

It's for families like this across the country, grandparents like this, parents like this who know we need to cover every child and every family with affordable health care in this country so they can grow up seeing the same pediatrician, build those relationships to improve their health and health habits across their lives.

I call upon my colleagues to join me in supporting health care reform.

Thank you, Mr. Speaker.

Mr. Speaker, I rise today to share with you real stories of people from Colorado and their experiences with our health care system and why we need to reform it.

Gary Laura from Denver shared a compelling story with me, and I wanted to share that with you on the floor of the House of Representatives. Gary has worked in public health for 24 years. First, he was a public health adviser in New Orleans. He saw firsthand the issues that face individuals who don't have health care. Many individuals who, if they had a public option for health care, Gary believes, would seek out preventative care, would be diagnosed before a condition is too expensive or too difficult to treat.

Gary shares that in the old Charity Hospital, people would have to have limbs removed because they never had access to preventative care and they show up in the emergency room as a last resort. It's a very common problem across our great country. When an individual doesn't have access to preventative care, as the story I shared earlier about the woman who had spinal cancer, didn't have insurance, wasn't diagnosed until it was too late and left it to her mother to share that story which I hope becomes a legacy that helps pass health care reform in this country.

But this happens far too often and costs all of us more. When somebody is uninsured and doesn't have access to preventative care, goes in after the fact and has to have a limb removed because of untreated diabetes or any other condition, it costs us all more. Those costs are passed along to those of us who have insurance, resulting in higher insurance premiums for the rest of us. That is why we need to pass comprehensive health care reform.

Thank you, Mr. Speaker.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. LOWEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 16 and 17.

Mr. JONES, for 5 minutes, September 16 and 17.

Ms. ROS-LEHTINEN, for 5 minutes, September 15.

Mr. MORAN of Kansas, for 5 minutes, September 16 and 17.

Ms. FOXX, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

#### SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced her signature to an enrolled Joint Resolution of the Senate of the following title:

S.J. Res. 9. Providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian.

#### ADJOURNMENT

Mr. POLIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Monday, September 14, 2009, at 12:30 p.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3245. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's "Major" final rule — Conservation Stewardship Program (RIN: 0578-AA43) received August 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3246. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's "Major" final rule — Environmental Quality Incentives Program (RIN: 0578-AA45) received August 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3247. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Naphthaleneacetic Acid Ethyl Ester; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2009-0373; FRL-8428-3] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3248. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerances [EPA-HQ-OPP-2008-0806 FRL-8427-7] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3249. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Carbon Black; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0129; FRL-8426-3] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3250. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2009-0601; FRL-8431-8], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3251. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spinetoram; Pesticide Tolerances [EPA-HQ-OPP-2008-0805; FRL-8426-9] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3252. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE: Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), Changes Included in the John Warner National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2007; Authorization of Forensic Examinations [DOD-2007-HA-0127] (RIN: 0720-AB18) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3253. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Agency's final Rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program (RIN: 3064-AD42) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3254. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Agency's

final rule — Procedures To Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act (RIN: 3064-AC99) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3255. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Department's final rule — 2009 Enterprise Transition Affordable Housing Goals (RIN: 2590-AA25) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3256. A letter from the General Counsel, National Credit Union Administration, transmitting the Agency's final rule — Truth in Savings (RIN: 3133-AD57) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3257. A letter from the General Counsel, National Credit Union Administration, transmitting the Agency's final rule — Credit Union Reporting (RIN: 3133-AD56) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3258. A letter from the Secretary, Securities and Exchange Commission, transmitting the Department's final rule — Regulation S-AM: Limitations on Affiliate Marketing [Release Nos. 34-60423, IC-28842, IA-2911; File No. S7-29-04] (RIN: 3235-AJ24) Received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3259. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.133B Rehabilitation Research and Training Centers and 84.133E Rehabilitation Engineering Research Centers received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3260. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's "Major" final rule — Energy Conservation Program: Energy Conservation Standards and Test Procedures for General Services Fluorescent Lamps and Incandescent Reflector Lamps [Docket Number: EE-2006-STD-0131] (RIN: 1904-AA92) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3261. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Applications for Food and Drug Administration Approval to Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs [Docket No.: FDA-2008-N-0341] (RIN: 0910-AG19) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3262. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements and Procedures for Consumer Assistance To Recycle and Save Program [Docket No.: NHTSA-2009-0120] (RIN: 2127-AK53) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3263. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Miscellaneous Revisions to the Procedures for Handling Petitions for Emergency Waiver of Safety Reg-

ulations and the Procedures for Disqualifying Individuals From Performing Safety-Sensitive Functions [Docket No.: FRA-2009-0006; Notice No. 2] (RIN: 2130-AC02) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3264. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Implementation of the 1997 8-Hour Ozone National Ambient Air Quality Standard: Addressing a Portion of the Phase 2 Ozone Implementation Rule Concerning Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas [EPA-HQ-OAR-2008-0419; FRL-8943-3] (RIN: 2060-AP96) received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3265. A letter from the Acting Division Chief, CPD, WCB, Federal Communications Commission, transmitting the Commission's final rule — IP-Enabled Services [WC Docket No. 04-36, FCC 09-40] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3266. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-160, "Procurement Practices Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3267. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-161, "Enhanced Security at Gas Stations Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3268. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: copies of D.C. ACT 18-167, "Modifications to the Permanent Systems of Highways and Designation of Water Lily Lane, N.E., and Cassell Place, N.E., S.O. 07-3090, and Transfer of Jurisdiction of Portions of Parcel 170/27 and Parcel 170/28, Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3269. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-170, "Council Cable Autonomy and Control Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3270. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-165, "KIPP DC Douglass Property Tax Exemption Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3271. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-169, "University of the District of Columbia Expansion Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3272. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C.

ACT 18-171, "Stimulus Accountability Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3273. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-179, "District Land Disposition Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3274. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-180, "District Land Disposition Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3275. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-189, "Omnibus Public Safety and Justice Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3276. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: copy of D.C. ACT 18-185, "New Convention Center Hotel Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3277. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-166, "Closing of a Portion of a Public Alley in Square 2892, S.O. 08-6440, Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3278. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-163, "Bloomingdale Court Alley Designation Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3279. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-167, "Vending Regulation Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3280. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-162, "Commercial Curbside Loading Zone Implementation Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3281. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-168, "Closing of a Public Alley in Square 5928, S.O. 08-4393, Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3282. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-157, "Quick Payment Amendment Act of 2009", pursuant to D.C. Code section 1-

233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3283. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-158, "Debarment and Suspension Procedures Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3284. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-159, "Placement of Orders with District Departments, Offices, and Agencies Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1) Public Law 93-198, section 602(c)(1); to the Committee on Oversight and Government Reform.

3285. A letter from the Regulatory and Policy Specialist, Department of the Interior, transmitting the Department's final rule — Job Placement and Training (RIN: 1076-AE88) received August 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3286. A letter from the Deputy Assistant Administrator for Operations National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery [Docket No.: 070717357-91069-03] (RIN: 0648-AV77) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3287. A letter from the Senior Attorney/Advisor, Department of Transportation, transmitting the Department's final rule — Administrative Wage Garnishment [Docket No.: OST-2008-0329] (RIN: 2105-AD78) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3288. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Inflation Adjustment of Civil Monetary Penalties [Docket No.: 09-04] (RIN: 3072-AC36) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3289. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No.: NHTSA-2009-0083] (RIN: 2127-AJ37) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3290. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 427 Helicopters [Docket No. FAA-2009-0227; Directorate Identifier 2007-SW-65-AD; Amendment 39-15978; AD 2009-15-15] (RIN: 2120-AA64) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3291. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes and for All Part 125 Airplanes [Docket No.: FAA-1999-6482; Amendment No. 91-304A, 121-342A and 125-56A] (RIN: 2120-AG87) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3292. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of VOR Federal Airway V-329; Alabama-Florida

[Docket No. FAA-2009-0229; Airspace Docket No. 09-ASO-13] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3293. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates; and Changes to the Long-Term Care Hospital Prospective Payment System and Rate years 2010 and 2009 Rates [CMS-1406-F and IFC; CMS-1493-F; CMS-1337-F] (RIN: 0938-AP33; RIN 0938-AP39; RIN 0938-AP76) received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

3294. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Administration's final rule — Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2010; Minimum Data Set, Version 3.0 for Skilled Nursing Facilities and Medicaid Nursing Facilities [CMS-1410-F] (RIN: 0938-AP46) received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PETERSON: H.R. 940. A bill to provide for the conveyance of National Forest System land in the State of Louisiana (Rept. 111-250). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON: Committee on Agriculture. H.R. 1002. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina (Rept. 111-251). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERS: Committee on Agriculture. H.R. 3175. A bill to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes (Rept. 111-252). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON: Committee on Agriculture. H.R. 511. A bill to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village (Rept. 111-253). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H.R. 3547. A bill to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. McDERMOTT (for himself, Mr. RANGEL, Mr. STARK, Mr. LEVIN, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Mr. SESTAK, Mr. DINGELL, Mr. KILDEE, Ms. BERKLEY, Mrs. MILLER of Michigan, Mr. LATOURETTE, Mr. LAN-GEVIN, Mr. JOHNSON of Georgia, Mrs. MALONEY, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. ETHERIDGE, and Mr. FILNER):

H.R. 3548. A bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. NADLER of New York (for himself, Ms. CLARKE, Mr. HIGGINS, Mr. McMAHON, Mr. CROWLEY, Mr. ENGEL, Mrs. MALONEY, Mr. BISHOP of New York, Mr. MAFFEI, Mrs. MCCARTHY of New York, Mr. HALL of New York, Mr. MEEKS of New York, Mr. HINCHHEY, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. TOWNS, Mrs. LOWEY, Ms. VELÁZQUEZ, Mr. KING of New York, Mr. LEE of New York, Mr. TONKO, Mr. ACKERMAN, Mr. ISRAEL, Mr. MASSA, Mr. PERRIELLO, Mr. ALTMIRE, Mr. THOMPSON of Pennsylvania, Mr. PIERLUISI, Ms. BORDALLO, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. RICHARDSON, Ms. SCHWARTZ, Mr. DOYLE, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. SESTAK, Ms. PIN-GREE of Maine, Mr. HIMES, Mr. CONNOLLY of Virginia, Mr. MEEK of Florida, Ms. LORETTA SANCHEZ of California, Ms. DELAURO, Mr. SHUSTER, Mr. CASTLE, Ms. MATSUI, Mr. ARCURI, Mr. WEINER, Mr. McHUGH, and Mr. MURPHY of New York):

H.R. 3549. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center; to the Committee on Financial Services.

By Mr. HODES (for himself and Ms. MOORE of Wisconsin):

H.R. 3550. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself and Ms. MOORE of Wisconsin):

H.R. 3551. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 3552. A bill to amend the Help America Vote Act of 2002 to clarify the treatment of provisional ballots cast in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mrs. KIRKPATRICK of Arizona:

H.R. 3553. A bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family

from the Department of Veterans Affairs for service-related disabilities of a member of the family; to the Committee on Financial Services.

By Mr. LOEBSACK (for himself, Mr. BRADY of Pennsylvania, Mr. HALL of New York, Mr. PASTOR of Arizona, Mrs. CAPPS, Mr. COURTNEY, Mr. CARNEY, Mr. CUMMINGS, Ms. GIFFORDS, Ms. SHEA-PORTER, Mr. JOHNSON of Georgia, Mr. MASSA, Ms. BORDALLO, Mr. STUPAK, Mr. DRIEHAUS, Mr. ELLSWORTH, Mr. MURPHY of New York, Mr. BARTLETT, Ms. MARKEY of Colorado, Mrs. DAHLKEMPER, Mr. MINNICK, Mr. CONNOLLY of Virginia, and Ms. LORETTA SANCHEZ of California):

H.R. 3554. A bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 3555. A bill to establish the United States Commission on an Open Society with Security; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H. Con. Res. 181. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a postage stamp commemorating Lieutenant Colonel Matt Urban and his service during World War II; to the Committee on Oversight and Government Reform.

By Mrs. MYRICK (for herself and Mrs. CAPPS):

H. Con. Res. 182. Concurrent resolution supporting the observance of September as Thyroid Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself, Mrs. MALONEY, Ms. SCHWARTZ, Mr. BROWN of South Carolina, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. COURTNEY, Mr. SOUDER, Mr. SESTAK, Mr. CAO, Mr. DUNCAN, and Mr. KING of New York):

H. Res. 729. A resolution expressing support for designation of a "National Firefighters Memorial Day" to honor and celebrate the firefighters of the United States; to the Committee on Oversight and Government Reform.

By Mr. KIND (for himself, Mr. PETRI, Mr. RYAN of Wisconsin, Mr. KAGEN, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. WALZ, Mrs. BACHMANN, Mr. ROGERS of Michigan, Mr. DAVIS of Illinois, Mr. WELCH, and Mr. PETERS):

H. Res. 730. A resolution honoring the 100th anniversary of the University of Wisconsin-La Crosse; to the Committee on Education and Labor.

By Ms. CLARKE (for herself, Mr. KING of New York, Mr. CARNEY, Mr. CUELLAR, Mr. THOMPSON of Mississippi, Mr. ROGERS of Alabama, and Mr. BILIRAKIS):

H. Res. 731. A resolution expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for

their dedicated service on the Nation's front lines in the war against acts of terrorism; to the Committee on Homeland Security.

By Mr. ADLER of New Jersey (for himself, Mr. MAFFEI, Mr. FILNER, Mr. FOSTER, Mr. HOLT, Mr. LOBIONDO, Mrs. LOWEY, Mr. MCMAHON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. TEAGUE, Mr. WAXMAN, and Mr. WOLF):

H. Res. 732. A resolution condemning the release of convicted terrorist Abdel Basset Mohamed al-Megrahi from a prison in Scotland to return home to Libya; to the Committee on Foreign Affairs.

By Mr. GINGREY of Georgia (for himself, Ms. BERKLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WEXLER, Mr. PRICE of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. COBLE, Mr. POE of Texas, Mr. BARTLETT, Mr. PITTS, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. COLE, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. LAMBORN, Mrs. LUMMIS, Mr. SHIMKUS, Mr. AKIN, Mr. MCCLINTOCK, Mr. WESTMORELAND, Mr. NEUGEBAUER, Mr. BROWN of South Carolina, Mr. INGLIS, Ms. MARKEY of Colorado, Mr. BURTON of Indiana, Mr. WU, Mrs. NAPOLITANO, Mr. MINNICK, Mr. SAM JOHNSON of Texas, Mr. CARNEY, Ms. MOORE of Wisconsin, Mr. DUNCAN, Mr. MARKEY of Massachusetts, Mr. COFFMAN of Colorado, Mr. KING of Iowa, Mr. HOLT, Mr. KLEIN of Florida, Mr. GARY G. MILLER of California, Mr. ORTIZ, Mr. DAVIS of Tennessee, Mr. JONES, and Mr. TOWNS):

H. Res. 733. A resolution expressing condolences to the people and government of the Republic of China (Taiwan) in the aftermath of the devastating typhoon that struck the central and southern regions of the island on August 8, 2009; to the Committee on Foreign Affairs.

By Mr. LATTA (for himself, Mr. STEARNS, Mr. SMITH of Texas, Mr. CHAFFETZ, Mr. ALEXANDER, Mrs. MCMORRIS RODGERS, Mr. SKELTON, Mr. SCALISE, Mr. POE of Texas, Mr. BARTLETT, Mr. CAO, Mr. GARRETT of New Jersey, Mrs. BACHMANN, Mr. PENCE, Mr. BRADY of Pennsylvania, Mr. HELLER, Mr. JORDAN of Ohio, Mr. FORBES, Mr. ORTIZ, Mr. SOUDER, and Mr. CAMPBELL):

H. Res. 734. A resolution expressing the support for and honoring September 17, 2009 as "Constitution Day"; to the Committee on Oversight and Government Reform.

By Ms. MOORE of Wisconsin (for herself, Mr. RYAN of Wisconsin, Mr. KIND, Ms. BALDWIN, and Mr. PETRI):

H. Res. 735. A resolution commemorating the fourth annual Milwaukee Brides Walk and recognizing all Brides Walks held to protest against domestic violence; to the Committee on the Judiciary.

By Mr. PLATTS (for himself, Mr. GERLACH, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. ALTMIRE, Mr. CARNEY, Mr. SHUSTER, Mr. SESTAK, and Mr. HOLDEN):

H. Res. 736. A resolution honoring President Lincoln's Gettysburg Address on "Dedication Day", November 19, 2009; to the Committee on Oversight and Government Reform.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. RANGEL, Ms. WATERS, Mr. ELLISON, Mrs. LOWEY, and Mr. BRALEY of Iowa.

H.R. 179: Ms. BERKLEY.

H.R. 235: Mr. THOMPSON of Pennsylvania.

H.R. 275: Mr. NUNES and Mr. BOSWELL.

H.R. 303: Mr. MASSA and Mr. MINNICK.

H.R. 333: Mr. COSTELLO, Mr. BOCCIERI, Mr. BOSWELL, and Mr. PIERLUISI.

H.R. 362: Mr. MORAN of Kansas.

H.R. 413: Mr. TERRY, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. GORDON of Tennessee, Mr. GEORGE MILLER of California, and Mr. CLAY.

H.R. 484: Mr. HEINRICH.

H.R. 510: Mr. WILSON of Ohio, Mr. LUETKEMEYER, and Mr. SOUDER.

H.R. 571: Mr. CHAFFETZ, Mr. COSTA, Mr. HIMES, and Mr. CARDOZA.

H.R. 610: Mr. HALL of New York.

H.R. 621: Mr. PASCRELL, Mr. MANZULLO, Mr. GINGREY of Georgia, Mrs. MILLER of Michigan, Mr. GUTIERREZ, Mr. SERRANO, and Mr. QUIGLEY.

H.R. 624: Mr. BARROW.

H.R. 644: Mr. BERMAN.

H.R. 658: Mrs. LOWEY, Mr. HEINRICH, Mr. ELLISON, and Mr. STARK.

H.R. 690: Mr. TERRY and Mr. JOHNSON of Georgia.

H.R. 819: Mr. MINNICK.

H.R. 836: Ms. TITUS and Mr. CAO.

H.R. 847: Mr. JONES and Mr. STUPAK.

H.R. 944: Mr. MINNICK.

H.R. 977: Mr. BISHOP of New York.

H.R. 978: Mr. DOGGETT.

H.R. 1024: Ms. RICHARDSON.

H.R. 1079: Mr. MCCOTTER, Mr. JONES, Mr. SIMPSON, Mr. VAN HOLLEN, Mr. GALLEGLY, and Mr. BOOZMAN.

H.R. 1083: Mr. GALLEGLY and Mr. FORBES.

H.R. 1132: Mr. ORTIZ, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. PUTNAM, Mr. CARDOZA, Mr. CROWLEY, Mr. NEUGEBAUER, Mr. SHULER, Mr. SHERMAN, Mr. HINCHEY, and Ms. LEE of California.

H.R. 1147: Ms. HARMAN, Ms. JACKSON-LEE of Texas, and Ms. MATSUI.

H.R. 1166: Mr. WOLF.

H.R. 1173: Mr. WOLF.

H.R. 1179: Ms. DEGETTE and Mr. MURPHY of New York.

H.R. 1189: Ms. WOOLSEY.

H.R. 1195: Mr. HIMES.

H.R. 1203: Mr. MCCOTTER, Ms. LINDA T. SANCHEZ of California, and Mr. CARTER.

H.R. 1205: Mr. ELLISON.

H.R. 1207: Mr. NADLER of New York and Mr. HINOJOSA.

H.R. 1242: Mr. ADLER of New Jersey.

H.R. 1250: Mr. GERLACH, Mr. MOORE of Kansas, and Mr. VAN HOLLEN.

H.R. 1310: Mr. WATT.

H.R. 1322: Ms. LINDA T. SANCHEZ of California.

H.R. 1326: Mr. MCMAHON and Mr. GUTIERREZ.

H.R. 1346: Mr. LUJÁN, Mr. ROONEY, and Mr. TEAGUE.

H.R. 1351: Mr. SOUDER, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Ms. WATERS, and Mr. CONNOLLY of Virginia.

H.R. 1410: Mr. CONNOLLY of Virginia.

H.R. 1411: Ms. LINDA T. SANCHEZ of California and Mr. SESTAK.

H.R. 1456: Mr. GEORGE MILLER of California.

H.R. 1460: Mr. SOUDER.

H.R. 1521: Mr. LUETKEMEYER, Mrs. DAHLKEMPER, Mr. MCGOVERN, and Mr. BROUN of Georgia.

- H.R. 1547: Mr. GUTHRIE and Mr. NUNES.  
H.R. 1585: Ms. WOOLSEY and Mrs. BIGGERT.  
H.R. 1615: Mr. MCCOTTER and Mr. SESTAK.  
H.R. 1646: Mr. HOLT.  
H.R. 1685: Mr. SCOTT of Virginia and Mr. GUTIERREZ.  
H.R. 1695: Mr. HONDA, Mr. WALZ, Mr. SPACE, and Mr. HOLDEN.  
H.R. 1721: Ms. MCCOLLUM.  
H.R. 1800: Mr. COHEN.  
H.R. 1826: Mr. PETERS.  
H.R. 1829: Ms. HERSETH SANDLIN, Mr. MCCOTTER, and Mr. MURPHY of Connecticut.  
H.R. 1835: Mr. ORTIZ.  
H.R. 1859: Mr. McDERMOTT.  
H.R. 1868: Mr. FORBES.  
H.R. 1881: Mr. COHEN, Mr. LATOURETTE, Mr. DOGGETT, Mr. DRIEHAUS, and Ms. BALDWIN.  
H.R. 1897: Mr. SESTAK.  
H.R. 1908: Mr. LATHAM.  
H.R. 1927: Mr. HOLT.  
H.R. 1944: Ms. BERKLEY.  
H.R. 1961: Mr. TOWNS.  
H.R. 1977: Ms. ROS-LEHTINEN.  
H.R. 1987: Ms. JACKSON-LEE of Texas and Ms. FUDGE.  
H.R. 1989: Mr. BARTLETT, Mr. BILBRAY, and Mr. SOUDER.  
H.R. 2006: Mr. MARKEY of Massachusetts.  
H.R. 2016: Mr. WEINER.  
H.R. 2054: Mr. MOORE of Kansas.  
H.R. 2057: Mr. CARNEY.  
H.R. 2080: Mr. TONKO and Mr. POLIS.  
H.R. 2119: Mr. CONAWAY.  
H.R. 2155: Ms. SUTTON.  
H.R. 2160: Mr. TURNER, Mr. POSEY, and Mr. DAVIS of Kentucky.  
H.R. 2176: Mr. BRALEY of Iowa, Mr. TONKO, and Ms. FUDGE.  
H.R. 2194: Mr. WALZ, Mr. CHILDERS, Mr. GOODLATTE, Mr. GONZALEZ, Mr. CAPUANO, Mr. ELLSWORTH, Ms. CHU, Mr. COSTELLO, Mr. MURPHY of Connecticut, and Mr. DOYLE.  
H.R. 2209: Mr. JOHNSON of Georgia.  
H.R. 2213: Mr. SESTAK.  
H.R. 2227: Mr. GENE GREEN of Texas.  
H.R. 2277: Mr. TOWNS.  
H.R. 2279: Mr. SESTAK.  
H.R. 2287: Mr. DAVIS of Kentucky and Mr. KINGSTON.  
H.R. 2296: Mr. STUPAK, Mr. KRATOVIL, and Mr. ISSA.  
H.R. 2324: Ms. WOOLSEY, Mr. LEVIN, and Ms. LEE of California.  
H.R. 2328: Mr. SESTAK.  
H.R. 2329: Mr. ALTMIRE.  
H.R. 2350: Mr. LANCE and Mr. BAIRD.  
H.R. 2366: Mr. SESTAK.  
H.R. 2413: Mr. LARSON of Connecticut, Mrs. NAPOLITANO, Mr. HONDA, Mr. ELLISON, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Mr. BURTON of Indiana, and Mr. HARPER.  
H.R. 2414: Mr. PRICE of North Carolina.  
H.R. 2446: Mr. HARE.  
H.R. 2447: Mr. TONKO.  
H.R. 2452: Mr. PRICE of Georgia.  
H.R. 2521: Mr. WATT.  
H.R. 2523: Mrs. KIRKPATRICK of Arizona.  
H.R. 2531: Mr. CONNOLLY of Virginia.  
H.R. 2563: Mrs. BLACKBURN.  
H.R. 2565: Mr. MURTHA and Mrs. CHRISTENSEN.  
H.R. 2573: Mr. THOMPSON of Pennsylvania.  
H.R. 2615: Mr. TIBERI.  
H.R. 2625: Mr. HASTINGS of Florida.  
H.R. 2628: Mr. VAN HOLLEN.  
H.R. 2692: Mr. MURPHY of New York.  
H.R. 2705: Ms. BEAN.  
H.R. 2708: Ms. RICHARDSON.  
H.R. 2733: Mr. ROSS, Mr. WESTMORELAND, Mr. LUETKEMEYER, Mr. MCCLINTOCK, Mr. WITTMAN, Mr. PLATTS, Mr. KRATOVIL, and Mr. LANCE.  
H.R. 2740: Mr. SESTAK and Mr. SARBANES.  
H.R. 2745: Mr. BURGESS.  
H.R. 2766: Mr. TONKO and Mr. MORAN of Virginia.  
H.R. 2799: Mr. CUMMINGS and Mr. SESTAK.  
H.R. 2831: Mr. VAN HOLLEN.  
H.R. 2840: Mr. POLIS.  
H.R. 2923: Ms. GIFFORDS.  
H.R. 2935: Mr. COOPER, Mr. MEEK of Florida, and Mr. GONZALEZ.  
H.R. 2936: Mr. PETERS.  
H.R. 3042: Mr. HOLT.  
H.R. 3046: Mr. PUTNAM and Mr. PERRIELLO.  
H.R. 3075: Mr. CONYERS.  
H.R. 3076: Mr. SESTAK.  
H.R. 3126: Mr. JOHNSON of Georgia.  
H.R. 3131: Mr. OLSON and Mr. FORBES.  
H.R. 3140: Mr. BACHUS.  
H.R. 3202: Mr. CUMMINGS.  
H.R. 3212: Mr. VAN HOLLEN, Mr. SESTAK, and Mr. LATHAM.  
H.R. 3216: Mr. WILSON of Ohio.  
H.R. 3217: Mrs. BLACKBURN, Mr. FLAKE, Mr. PAUL, Mr. COFFMAN of Colorado, Mr. KINGSTON, Mr. SHIMKUS, and Mr. HOEKSTRA.  
H.R. 3226: Mr. MANZULLO, Mr. WHITFIELD, Mr. CRENSHAW, Mr. PAUL, Mr. UPTON, Mr. HELLER, Mr. DUNCAN, Mr. MCCARTHY of California, Mr. BILIRAKIS, Mr. TIAHRT, Mr. ROE of Tennessee, and Mr. FORBES.  
H.R. 3227: Mr. MORAN of Kansas and Mr. BOOZMAN.  
H.R. 3245: Ms. RICHARDSON and Mr. AL GREEN of Texas.  
H.R. 3246: Ms. SUTTON, Mr. BOREN, Mr. McDERMOTT, Mr. QUIGLEY, Mr. WEXLER, and Mr. GORDON of Tennessee.  
H.R. 3249: Mr. POLIS.  
H.R. 3265: Mr. SCOTT of Virginia.  
H.R. 3271: Mr. SESTAK.  
H.R. 3308: Mr. NEUGEBAUER.  
H.R. 3312: Ms. ZOE LOFGREN of California.  
H.R. 3328: Mr. KUCINICH.  
H.R. 3341: Mr. TERRY.  
H.R. 3343: Ms. JACKSON-LEE of Texas, Mr. COHEN, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, and Mr. ELLISON.  
H.R. 3355: Mr. WEXLER, Mr. DENT, and Mr. RYAN of Ohio.  
H.R. 3382: Mr. WESTMORELAND and Mr. DUNCAN.  
H.R. 3400: Mr. BACHUS, Mr. LATTI, Mr. KINGSTON, Mr. WESTMORELAND, Mr. MCCLINTOCK, Mr. GOHMERT, and Mrs. SCHMIDT.  
H.R. 3402: Mr. SESTAK.  
H.R. 3404: Mr. FILNER and Mrs. MALONEY.  
H.R. 3407: Mr. WALZ and Mr. MINNICK.  
H.R. 3421: Ms. SHEA-PORTER, Mr. CUMMINGS, Mr. SCHAUER, Mr. STARK, and Mr. CARNAHAN.  
H.R. 3455: Mr. TURNER, Ms. FUDGE, and Mr. LATOURETTE.  
H.R. 3467: Mrs. McMORRIS RODGERS.  
H.R. 3480: Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. STARK, and Mr. ABERCROMBIE.  
H.R. 3488: Mr. MATHESON.  
H.R. 3496: Mr. BURTON of Indiana.  
H.R. 3502: Mr. BERMAN, Mr. MURPHY of Connecticut, Mr. HARPER, and Mr. MOORE of Kansas.  
H.R. 3503: Mrs. LOWEY, Mr. LEVIN, Mr. COSTELLO, Mr. PRICE of North Carolina, and Mr. SESTAK.  
H.J. Res. 26: Mr. SIRE.  
H. Con. Res. 49: Mr. DANIEL E. LUNGREN of California, Mr. CARDOZA, and Mr. BOCCIERI.  
H. Con. Res. 74: Mr. ALTMIRE.  
H. Con. Res. 108: Mr. MOORE of Kansas.  
H. Con. Res. 148: Mr. THORNBERRY.  
H. Con. Res. 160: Mr. CROWLEY, Mr. ADERHOLT, Mr. ALTMIRE, Ms. BERKLEY, and Mr. CALVERT.  
H. Con. Res. 169: Mr. CALVERT and Mr. THOMPSON of Pennsylvania.  
H. Con. Res. 178: Mr. BOSWELL, Mr. BOOZMAN, Mr. LARSEN of Washington, Mr. LIPINSKI, Mr. CAMP, and Mr. MURPHY of New York.  
H. Con. Res. 180: Mr. SMITH of Washington.  
H. Res. 90: Mr. FILNER.  
H. Res. 111: Mr. DENT, Ms. ROS-LEHTINEN, Mr. HUNTER, and Ms. SUTTON.  
H. Res. 150: Mr. COHEN.  
H. Res. 167: Mr. RYAN of Ohio, Mr. BUTTERFIELD, Mrs. MALONEY, Mr. TOWNS, Mr. CUMMINGS, and Ms. BALDWIN.  
H. Res. 216: Mr. PLATTS and Mr. CHAFFETZ.  
H. Res. 274: Ms. HERSETH SANDLIN, Mr. HONDA, and Ms. ZOE LOFGREN of California.  
H. Res. 441: Mr. KENNEDY, Mr. FORBES, and Mr. TURNER.  
H. Res. 455: Mr. ROYCE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. CALVERT, Mr. KINGSTON, Mr. PITTS, Mr. LUCAS, Mr. HENSARLING, Mr. WESTMORELAND, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. LEWIS of California, Mr. CAO, Mr. SIMPSON, Mr. AKIN, Mr. WHITFIELD, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. MCCARTHY of California, Mr. REHBERG, Mr. HUNTER, Mr. LEE of New York, Mr. NUNES, and Ms. JENKINS.  
H. Res. 487: Mr. SHIMKUS and Mr. LEE of New York.  
H. Res. 554: Mr. LATHAM, Mr. HARPER, and Mr. CASSIDY.  
H. Res. 594: Mr. SESTAK.  
H. Res. 613: Mr. SESTAK.  
H. Res. 615: Mr. SOUDER.  
H. Res. 619: Mr. BROUN of Georgia and Mr. BARTLETT.  
H. Res. 660: Ms. JACKSON-LEE of Texas, Mr. SHULER, and Mr. PRICE of North Carolina.  
H. Res. 671: Mr. PENCE, Mr. PETRI, and Mr. STEARNS.  
H. Res. 678: Mr. BARTON of Texas, Mr. HONDA, Mr. PETERS, and Mr. PASCRELL.  
H. Res. 679: Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. CASTLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. LUETKEMEYER, Mr. PAULSEN, Mr. PERRIELLO, Mr. STEARNS, Ms. SUTTON, Ms. TITUS, Mr. BERRY, Ms. MARKEY of Colorado, Mr. VAN HOLLEN, and Mr. JOHNSON of Illinois.  
H. Res. 686: Ms. HIRONO, Mr. COURTNEY, Mr. YARMUTH, Mr. CHANDLER, Mr. TOWNS, Mr. PASCRELL, Mr. HIMES, Mr. WU, Mr. MURPHY of Connecticut, Mr. KAGEN, Mr. PAYNE, Mr. DEFazio, Mrs. BACHMANN, Mr. CAO, Mr. AUSTRIA, and Mrs. EMERSON.  
H. Res. 689: Mr. MANZULLO.  
H. Res. 696: Mr. SHIMKUS, Mr. GOODLATTE, Mr. SHADEGG, Mr. AKIN, Mr. BONNER, Mr. WESTMORELAND, Mr. AUSTRIA, Mr. CHAFFETZ, Mr. SMITH of Texas, Mr. BROWN of South Carolina, Mr. FLEMING, Mrs. BLACKBURN, Mr. PRICE of Georgia, Ms. FALLIN, Mr. LATTI, Mr. MARCHANT, Mr. BRADY of Texas, Mr. PITTS, Mr. LUCAS, Mr. ISSA, Mrs. SCHMIDT, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. GOHMERT, Mr. COLE, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. LAMBORN, Mr. RYAN of Wisconsin, and Mr. KINGSTON.  
H. Res. 701: Mr. BLUNT, Mr. COBLE, Mr. JONES, Mr. CASTLE, Mr. SPRATT, Mr. CLYBURN, Ms. ZOE LOFGREN of California, Mr. VISLOSKEY, Mr. HILL, Mr. MOORE of Kansas, Mr. ELLSWORTH, Mr. VAN HOLLEN, Mr. RUPERSBERGER, Ms. HERSETH SANDLIN, Mr. BOREN, Mr. SHULER, Mr. CHILDERS, Mr. GRIFFITH, Mr. POMEROY, Mr. THOMPSON of California, Mr. BERRY, Ms. MATSUI, Mr. DEFazio, Mr. BARROW, Ms. WASSERMAN SCHULTZ, Mr. OBEY, Mr. EDWARDS of Texas, Mr. GENE GREEN of Texas, Mr. HOLT, Mr. ENGEL, Mr. HALL of Texas, Ms. BALDWIN, Ms. ROYBAL-ALLARD, and Mr. PASCRELL.

H. Res. 707: Mr. GRIJALVA, Mr. MICHAUD, Ms. SHEA-PORTER, and Mr. SPRATT.

H. Res. 709: Mr. CONYERS, Mr. BRALEY of Iowa, Ms. LEE of California, Mr. SCHIFF, Ms. HERSETH SANDLIN, and Mr. MANZULLO.

H. Res. 710: Mr. FARR, Mr. MCMAHON, Mrs. MALONEY, Mr. BUTTERFIELD, Mr. GENE GREEN of Texas, Mr. CAO, and Mr. MICHAUD.

H. Res. 721: Mr. COLE, Mr. ALEXANDER, Mr. FRELINGHUYSEN, Mr. CULBERSON, Mr. BONNER, Mr. SIMPSON, Mr. CALVERT, Mr. YOUNG of Florida, Mrs. BONO MACK, Mr. ADERHOLT, Mr. GRAVES, Ms. JENKINS, Mr. BILBRAY, Mr. WESTMORELAND, Mr. TIAHRT, Mr. FRANKS of Arizona, Mr. ROGERS of Kentucky, Ms.

GRANGER, Mr. WOLF, Mr. LATHAM, Mr. WAMP, Mr. MARCHANT, Mr. POSEY, and Mr. RADANOVICH.

H. Res. 728: Ms. SHEA-PORTER and Mr. SULLIVAN.

**SENATE—Thursday, September 10, 2009**

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we turn to You this morning aware of our insufficiency. We are but burning candles lashed by winds that mock our boasting pride. Remind us that human efforts and ingenuity are powerless without You. You alone, O Lord, deserve honor and praise, for power, glory, and victory belong to You.

Infuse our lawmakers with Your might. Be for them as the shadow of a great rock in a weary land. Give them some wisdom, Lord, that their labors will enable America to stand with freedom's lamp aloft as a beacon of hope for our world. As our Senators tackle today's tasks, make them conscious of their great heritage of liberty and justice for all. May no weapon that is formed be able to defeat this land we love. We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 12:30 today, with the time equally divided between the two leaders or their designees. This period of morning business will give Senators an opportunity to pay tribute to our colleague, the late Senator Ted Kennedy.

Following morning business, the Senate will proceed to executive session and resume debate on the nomination of Cass Sunstein to be Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget.

Yesterday, cloture was invoked on the nomination. Senators will be notified when the vote on confirmation of the nomination is scheduled.

As a reminder to Senators, at 2:45 p.m. today, Senator-designate GEORGE LEMIEUX will be sworn in as a Senator from the State of Florida, replacing Mel Martinez.

Following disposition of the Sunstein nomination—and I have had conversations with floor staff, both Democratic and Republican, to see if we can move forward on an appropriations bill. Senator MCCONNELL and I have talked about trying to get as many done as we can. We have four done, and we have eight to go.

**REMEMBERING SENATOR EDWARD M. KENNEDY**

Mr. REID. "A freshmen Senator should be seen, not heard; should learn, and not teach."

Mr. President, that is a quote from Senator Ted Kennedy. These are the very first words he spoke on the floor of this Chamber. He was hesitant to rise and speak that April day when he said those words. He had been a Senator for less than 18 months. The country was still reeling from President Kennedy's death just months before.

But the question before the Senate was the Civil Rights Act of 1964, and Senator Kennedy knew he could hold his tongue no longer.

He rose to speak because he loved his country. He waited as long as he did to give that maiden speech because he loved this institution. In that speech, he said a Senator of his stature at the time should be seen and not heard. But 45 years later, we can still hear his great booming voice. He said young Senators should learn and not teach. But who can list all we learned from his leadership?

It was a thrill to work with Ted Kennedy personally. He was a friend, the

model of public service, and an American icon. He was a patriarch of both the Kennedy family and the Senate family. Together, we mourn his loss.

At so many difficult times in their family's history, the Kennedys have turned to their Uncle Teddy for comfort. At so many critical times in our country's history, America has turned to Ted Kennedy for the same.

We can all remember how he walked solemnly with the grieving First Lady at Arlington National Cemetery. We can remember how his deep love for his brother helped him somehow summon the strength to deliver a defining eulogy in New York. We can all remember how, as patriarch, he memorialized his nephew off the shores of Massachusetts.

For decades, Ted Kennedy was a rock to his family. The impact he has etched into our history will long endure. It is now left to us to remember the man who helped remember the lives of so many others. He was a very famous man. If you take the subway, people would always come up to Senator Kennedy. I would joke with him, "Ted, are they coming for me or for you?" It was obvious whom they were coming for. It was a joke.

Ted was so good. When he thought you did something well, he would drop you a note or give you a call. It meant a lot to me that he would take the time to do that. I have come to learn since his death that he did that for so many people. You didn't have to be a Senator. He would do that for anybody whom he thought deserved a pat on the back. It is up to us to celebrate a Senator who helped so many live better lives.

I have long been a devotee of the Kennedys and an admirer of their service to our Nation. As a student at Utah State University, I founded the first Young Democrats Club—in that bastion of Republicanism. I worked for President Kennedy's election in 1960.

A week before President Kennedy took the oath of office and implored us to ask what we can do for our country, John Kennedy sent me a personal letter of thanks. He had won the election, but he had not yet been inaugurated.

That letter still hangs at the doorway of my Capitol office, just a few feet off the Senate floor, where the three youngest Kennedy brothers ably served. That letter he sent me was for the work I did out West for that campaign.

Many times, Ted would come to my office, and he would stop and look at that letter. He would always say, "That's his signature," indicating that

some staff hadn't signed it or some machine hadn't signed it. He was proud that his brother had done what he learned from his brother to do—send these very meaningful letters. He was proud of his brother. He was proud of his own work in the Western States during the 1960 race and proud that I kept that memento in such a prominent place.

President-elect Kennedy's letter was short, but it overflowed with optimism. He wrote to me that the incoming era would allow us to "make our country an even better place for our citizens to live, as well as to strengthen our country's position of leadership in the world." Think how I felt getting that letter. I was still a student.

Ted Kennedy shared the dream his brother had, and he never stopped working to realize it.

Ted Kennedy's legacy stands with the greatest, the most devoted, the most patriotic men and women to ever serve in these Halls. Because of Ted Kennedy, more young children could afford to become healthy. Because of Ted Kennedy, more young adults could afford to become college students. Because of Ted Kennedy, more of our oldest and poorest citizens could get the care they need to live longer, fuller lives. Because of Ted Kennedy, more minorities, women, and immigrants could realize the rights our founding documents promised them. Because of him, more Americans could be proud of their country.

Ted Kennedy came from a family of great wealth and status. He didn't need to work hard for himself. So he chose a life of working hard for others. When he was admitted to the Massachusetts bar in 1959, the application asked him to state his main ambition. Ted Kennedy answered: "The public service of this State."

To quote one of his favorite poems—the Robert Frost verses that now rest on his desk on the Senate floor—that has made all the difference.

Ted Kennedy's America was one in which all could pursue justice, enjoy equality, and know freedom. That is Ted Kennedy.

Ted's life was driven by his love of a family who loved him and his belief in a country that believed in him. Ted's dream was the one for which the Founding Fathers fought and which his brothers sought to realize.

The liberal lion's mighty roar may now fall silent, but his dream shall never die. One of his older brothers was killed in World War II. He was a pilot going into a mission, and he recognized going into it he would probably never come back. His other brother—the President—was assassinated. His other brother, as a Senator running for President, was assassinated.

Again, Senator Kennedy's dream shall never die.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I, too, would like to speak of our departed colleague, Ted Kennedy, whose passing last month focused the attention of the Nation and whose extraordinary life has been memorialized over these past weeks in so many poignant stories and heartfelt expressions of gratitude and grief.

Today, the Senate also grieves—not only because he was a friend but because the Senate was so much a part of who he was and because he became so much a part of the Senate.

The simplest measure is sheer longevity. At the time of his death, Ted could call himself the third longest-serving Senator in history, having served almost one-fifth of the time the Senate itself has existed. Or consider this: When I was an intern here in the sixties, Ted was already a well-known Senator. When I was elected to the Senate nearly a quarter of a century ago, Ted had already been here for nearly a quarter of a century. He served with 10 Presidents or nearly 1 out of every 4 of them.

No one could have predicted that kind of run for Ted on the day he became a Senator back on November 7, 1962—no one, that is, except maybe Ted. Ted had signaled what his legacy might be as far back as 1965, when he spoke of setting a record for longevity. Mike Mansfield saw a glimpse of it, too, a few years later. When somebody mentioned Ted as a possible Presidential candidate, Mansfield responded:

He's in no hurry. He's young. He likes the Senate. Of all the Kennedys, he is the only one who was and is a real Senate man.

As it turned out, Mansfield was right. But Ted knew even then that his legacy as a lawmaker would not come about just by sitting at his desk; he would have to build it. And over the course of the next 47 years, that is exactly what he did, slowly, patiently, doggedly, making his mark as much in tedious committee hearings as on the stump, as much in the details of legislation as in its broader themes.

Ted's last name ensured he was already one of the stars of American politics even before he became a Senator. To this day, he is still the only man or woman in U.S. history to be elected to the Senate while one of his relatives sat in the White House. But to those who thought Ted, even if elected, would avoid the rigors of public life, he became a living rebuke. In short, he became a Senator.

He surprised the skeptics, first of all, with his friendliness and his wit. When he made his national political debut in 1962 on "Meet the Press," a questioner asked him if maybe there were already too many Kennedys. His response: "You should have talked to my mother and father . . ."

Russell Long was an early admirer. In what has to go down as one of the falsest first impressions in modern pol-

itics, Long spoke approvingly of the new Senator from Massachusetts as "a quiet . . . sort of fellow."

Ted got along with everybody. The earliest memories family members have are of Ted laughing and making other people laugh. His secret weapon then, and years later, as CHRIS DODD rightly pointed out at one of the memorial services, was simply this: People liked him, so much so that he could call people such as Jim Eastland, somebody with whom he had absolutely nothing in common, a friend.

Ted had learned early on that he could be more effective through alliances and relationships than by hollering and carrying on. We all know he did a fair amount of that as well. He provided some of the best theater the Senate has ever known. But once he left the Chamber, he turned that off. He sought out allies wherever he could find them—Strom Thurmond, Dan Quayle, ORRIN HATCH, JOHN MCCAIN, and even George W. Bush—and he earned their cooperation by keeping his word and through thousands of small acts of kindness. Senator MCCAIN has recounted the birthday bash Ted threw 10 years ago for his son Jimmy's 11th birthday. Senator BARRASSO remembers the kindness Ted showed him as a new Senator. And Senator BARRASSO's family will long remember how much time Senator Kennedy spent sharing stories with them at the reception after the swearing in and that he was one of the last ones to leave.

Like so many others, I have known Ted's graciousness firsthand. Anyone who watches C-SPAN2 could see Ted railing at the top of his lungs against my position on this policy or that policy. What they didn't see was the magnificent show he put on a few years ago in Kentucky at my invitation for students at the University of Louisville or the framed photo he gave me that day of my political role model, John Sherman Cooper. I interned for Cooper as a young man. Ted knew that, and he knew Cooper was a good friend and neighbor of his brother Jack's.

Ted's gregariousness was legendary, but his passion and intensity as a lawmaker would also reach near-mythic proportions in his own lifetime. Even those of us who saw the same problems but different solutions on issue after issue, even we could not help but admire the focus and the fight Ted brought to every debate in which he played a part. Over the years, we came to see what he was doing in the Senate.

When it came to Ted's future, everyone was always looking at it through the prism of the Presidency. They should have focused on this Chamber instead. It was here that he slowly built the kind of influence and voice for a national constituency that was common for Senators in the 19th century but extremely rare in the 20th.

He became a fiery spokesman for liberals everywhere. Ted and I would have

had a hard time agreeing on the color of the carpet when we were in the Chamber together. Yet despite his public image as a liberal firebrand, he was fascinated by the hard work of creating consensus and jumped into that work, even toward the end, with the enthusiasm of a young staffer. Ted's high school teammates recall that he never walked to the huddle; he always ran. Anyone who ever sat across from Ted at a conference table believed it.

Ted realized Senators could do an awful lot once they got past the magnetic pull Pennsylvania Avenue has on so many Senators. His brother Jack once said that as a Senator, he thought the President had all the influence, but it wasn't until he was President that he realized how much influence Senators had. It was a similar insight that led Ted to tell a group of Boston Globe reporters in 1981 that for him, the Senate was fulfilling, satisfying, challenging, and that he could certainly spend his life here, which, of course, he did. Then, when it was winding down, he saw what he had done as a Senator and what the Senate had done for him. He wanted others to see it too, so he set about to establish the Edward M. Kennedy Institute for the United States Senate, a place that would focus on this institution the way Presidential libraries focus on Presidents.

The Founders, of course, envisioned the legislative and executive branches as carrying equal weight. Article I is about Congress, after all, not the Presidency. His life and legacy help restore that vision of a legislative counterweight of equal weight. That is an important institutional contribution every Senator can appreciate. It is something he did through hard work, tenacity, and sheer will. It was not the legacy most expected, but it is the legacy he wrought, and in the end he could call it his own.

Toward the end of his life, one of the great lawmakers of the 19th century, Henry Clay, was asked to speak to the Kentucky General Assembly. Thanks to Clay's efforts, the Compromise of 1850 had just been reached, and Clay had become a national hero through a job he had spent most of his career trying to escape. His speech received national coverage, and, according to one biographer, all acknowledged his privileged station as an elder statesman.

For years, Clay had wanted nothing more than to be President of the United States. But now, after this last great legislative victory, something else came into view. Clay told the assembled crowd that day that in the course of months and months of intense negotiations leading up to the Great Compromise, he had consulted with Democrats just as much as he had with members of his own party and found in them just as much patriotism and honor as he had found with the Whigs. The whole experience had

moved Clay away from party rivalry, he said, and toward a new goal. "I want no office, no station in the gift of man," he said, "[except] a warm place in your hearts."

Every man has his own story. Ted Kennedy never moved away from party rivalry. He was a fierce partisan to the end. But over the years, he reminded the world of the great potential of this institution and even came to embody it. We will never forget the way he filled the Chamber with that booming voice, waving his glasses at his side, jabbing his fingers at the air, or the many times we saw him playing outside with his dogs. How many times did we spot him coming through the doorway or onto an elevator, his hair white as the surf, and think: Here comes history itself.

As the youngest child in one of the most influential political families in U.S. history, Ted Kennedy had enormous shoes to fill. Yet in nearly 50 years of service as a young Senator, a candidate for President, a legislative force, and an elder statesman, it is hard to argue that he didn't fill those shoes in a part he wrote all by himself.

It is hard to imagine the Senate without Ted thundering on the floor. It will be harder still, I am sure, for the Kennedy family to think of a future without him. You could say all these things and more about the late Senator from Massachusetts, and you could also say this: Edward Moore Kennedy will always have a warm place in our hearts.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 12:30 p.m., with the time equally divided and controlled between the two leaders or their designees.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself such time as I might use.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. KERRY. Mr. President, I thank Majority Leader REID and Minority Leader MCCONNELL for the time they have set aside for us today to remember Ted Kennedy, our beloved colleague, my senior Senator for nearly a quarter of a century, a friend, a man I met first and who had great influence

on me in politics back in 1962 when, as a young, about-to-be college student, I had the privilege of working as a volunteer in his first campaign for the Senate.

It is difficult to look at his desk now cloaked in the velvet and the roses, a desk from which he championed so many important causes, a desk from which he regaled us, educated us, and befriended us for so many years, and even more difficult for us to think of this Chamber, our Nation's Capital, or our country without him.

On many occasions in the Senate, he was the indispensable man. On every occasion in this Chamber and out, he was a man whose heart was as big as heaven, whose optimism could overwhelm any doubter, and whose joy for life was a wonderfully contagious and completely irresistible thing.

Ted loved poetry, and though the verse was ancient, the poet could have had Ted in mind when he wrote:

One must wait until the evening to see how splendid the day has been.

Our day with Ted Kennedy was, indeed, splendid, its impact immeasurable. Just think for a moment what a different country we lived in before Ted Kennedy came to the Senate in 1962 and what a more perfect Union we live in for the 47 years he served here. Before Ted Kennedy had a voice in the Senate and a vote in the Senate, there was no Civil Rights Act, no Voting Rights Act, no Medicare, no Medicaid, no vote for 18-year-olds, no Martin Luther King, Jr., holiday, no Meals on Wheels, no equal funding for women's collegiate sports, no State health insurance program, no Family Medical Leave Act, no AmeriCorps, no National Service Act. All of these are literally just a part of Ted's legislative legacy. It is why the Boston Globe once wrote that in actual measurable impact on the lives of tens of millions of working families, the elderly, and the needy, Ted belongs in the same sentence with Franklin Roosevelt.

Ted's season of service spanned the administrations, as we heard from the minority leader, of 10 Presidents. He served with more than 350 Senators, including those for whom our principal office buildings are named: Richard Russell, Everett Dirksen, and Philip Hart. He cast more than 16,000 votes. He wrote more than 2,500 bills. He had an important hand in shaping almost every single important law that affects our lives today. He helped create nearly every major social program in the last 40 years. He was the Senate's seminal voice for civil rights, women's rights, human rights, and the rights of workers. He stood against judges who would turn back the clock on constitutional freedoms. He pointed America away from war, first in Vietnam and last in Iraq. And for three decades, including the last days, he labored with all his might to make health care a right for all Americans.

Through it all, even as he battled, he showed us how to be a good colleague, always loyal, always caring, always lively. His adversaries were never his enemies. And his friends—his friends—always came first.

In my office there is a photograph of the two of us on day one—1985—my first day in the Senate. Ted signed it: As Humphrey Bogart would have said: This is the beginning of a beautiful friendship. For almost 25 years it was a beautiful friendship, as I worked at his side learning from the best. And, yes, like any colleague in the Senate, there were moments when we had a difference on one issue or another, but we always found a way to move forward in friendship and in our efforts to represent the State.

Teddy was the best natural teacher anyone in politics could ask for. I may not always have been the best student, but he never stopped dispensing the lessons. I came to the Senate out of an activist grassroots political base, where the coin of the realm was issues and policy positions. Activists are sometimes, as I learned, so issue focused and intent that they can inadvertently look past the personal touch or the emotional connection for fear that it somehow distracts from the agenda. But Teddy, through his actions, showed us how essential all of those other elements of political life are.

Yes, Tip O'Neill taught a generation of Massachusetts politicians that all politics is local. It was Teddy who went beyond that and taught us that all politics is personal. All of us knew the kindness of Ted Kennedy at one time or another, Mr. President.

During my first term in the Senate, I came down with pneumonia. I was then single and tired and Ted deemed me not to be getting the care I ought to get. So the next thing I knew, he literally instructed me to depart for Florida to stay in the Kennedy home in Palm Beach and be cared for until I got well. Indeed, I did exactly that.

He also showed up at my house the evening of Inauguration Day of 2005, and together with CHRIS DODD we shared laughter and stories from the campaign trail. We were loud enough and had enough fun that someone might have wondered if we were somehow mistaken and thought we had won. He understood the moment. He knew the best tonic was laughter and friendship. Many times that is all he needed to do, just be there. You couldn't help but feel better with him around.

All of us who served with him were privileged to share Ted's incredible love of life and laughter. In the cloakroom, sometimes the roars of laughter were so great they could be heard out on the Senate floor. Once I remember Ted was holding forth—I will not share the topic—and the Presiding Officer pounded the gavel and demanded,

"There will be order in the Senate and in the cloakroom." It was the first time I ever heard that call for order.

His pranks were also works of art and usually brilliantly calculated. One night after a long series of Thursday night votes that had pushed Senators past the time to catch commercial flights home to the Northeast, Senator FRANK LAUTENBERG had arranged for a private charter for himself in order to get up to Massachusetts. It turned out a number of Senators needed to travel in that direction, and when FRANK learned of it, he kindly offered Senator Claiborne Pell, Ted, and myself a ride with him. There was no discussion of sharing the cost. Everyone thought FRANK was being very generous.

But the next week, when we were re-assembled on the floor of the Senate, official looking envelopes were delivered to each of us under FRANK LAUTENBERG's signature with exorbitant expenses charged for this flight. Senator Pell roared down the aisle, came up to me sputtering about this minor little aircraft and how could it possibly cost so much money. Senator LAUTENBERG was red faced, protesting he knew nothing about it, when out of the corner of my eye I spotted Ted Kennedy up there by his desk with this big Cheshire cat grin starting to split a gut, so pleased with himself. The mystery was solved. Ted had managed to secure a few sheets of Lautenberg stationery, and he sent false bills to each of us.

He once told me his earliest recollections were of pillow fights with his brother Jack and, in the years following, sailing with Jack. At the end of the day Ted's job was the long and tedious task of folding and packing the sails away. In politics and in the great progressive battles that were his life's work, Ted never packed his sails away. Were he here today, he would exhort us to sail into the wind, as he did so many times. There is still so much to do, so much that he wanted to do, and so much that he would want us to do now, not in his name but in his spirit.

When Ted was 12 years old, he spent hours with his brother Jack taking turns reading the epic Civil War poem "John Brown's Body," by Steven Vincent Benet. It is book length and filled with great and terrible scenes of battle and heartbreaking vignettes of loss and privation and home. It surprises me to read it now and find so much in it that in fact reminds me of Ted. Benet wrote:

Sometimes there comes a crack in time itself. Sometimes the earth is torn by something blind. Sometimes an image that has stood so long it seems implanted on the polar star is moved against an unfathomed force that suddenly will not have it anymore. Call it the mores, call it God or Fate, call it Mansoul or economic law, that force exists and moves. And when it moves it will employ a hard and actual stone to batter into bits an actual wall and change the actual scheme of things.

Ted Kennedy was such a stone who actually changed the scheme of things on so many issues for so many people. Over the years, I have received hundreds of handwritten notes from Ted—some funny, some touching, all of them treasures.

Just before Thanksgiving Ted sent me a note that he would be spending the holiday with his beloved sailboat, the Maya. He added: If you are out on the sound, look for the Maya. She will be there. Indeed, I will never sail the sound again without thinking of the Maya and her big hard skipper.

There is an anonymous quote that I once read, which because of Ted's faith—which was grounded and deeply important to him—I think it describes how we should think of his departure from the Senate. It says:

I am standing upon the seashore. A ship at my side spreads her white sails to the morning breeze and starts for the blue ocean. She is an object of beauty and strength. I stand and watch her until at length she hangs like a speck of white cloud just where the sea and sky come down to mingle with each other. Then, someone at my side says; "There, she is gone!" "Gone where?" Gone from my sight. That is all. She is just as large in mast and hull and spar as she was when she left my side and she is just as able to bear her load of living freight to her destined port. Her diminished size is in me, not in her. And just at the moment when someone at my side says, "There, she is gone!" There are other eyes watching her coming, and other voices ready to take up the glad shout; "Here she comes!" And that is dying.

That is the way Ted Kennedy will live in the Senate—his spirit, his words, and the fight that still comes.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, let me thank my colleague from Massachusetts for his eloquent statement which I have had the privilege to hear. Let me make a short statement myself about my friend and colleague, Ted Kennedy.

I came to the Senate in January of 1983, and my first real opportunity to work with Ted came in the Armed Services Committee at the beginning of that service. Although he had already been in the Senate for 20 years, he had chosen that year to go on the Armed Services Committee. Since we were both going on that year, in 1983, we were considered the two freshmen committee members. Ted and I were able to work together on the Armed Services Committee for many years.

He has been described as a visionary leader, a great orator, the keeper of the faith for the liberal wing of the Democratic Party. All of those descriptions, of course, are true. But the Ted Kennedy I came to know and with whom I had the great opportunity to work was a passionate, committed advocate and was the workhorse of the Senate. Frankly, Ted Kennedy set a very high standard for himself in the effort that

he made on each and every issue that came up for debate. He set a high standard for the homework he did in preparation for that debate. All of us who served with him found ourselves trying to meet a similar standard. The result was that he raised the level of performance for those of us who served with him by the example he set.

In addition to serving with Ted Kennedy on the Armed Services Committee for many years, in May of 1990, following the death of Senator Matsunaga, I had the good fortune to be assigned to what was then called the Labor and Human Resources Committee—Ted's committee. As chairman, Ted gave a whole new meaning to the word "proactive" in that committee. The volume of useful legislation he was able to move forward through the committee was truly impressive. A major key to his success was the way he found to underscore for all members the importance of what the committee was working on. As chairman, he rightly saw it as his job to put together the agenda and the priorities for the committee's work. But before doing that he would sit down with the rest of us over dinner at his house to get our views on what those priorities needed to be. The serious approach he took to the committee's work inspired those of us who served there to elevate the importance of that work in our own minds as well.

During the course of our work in the Senate, each of us gets the opportunity to interact with many colleagues, to form judgments about those colleagues. During my 27 years I have served with many capable and dedicated public servants who deserve recognition and praise. But it is clear to me none of us exceeds Ted Kennedy in our passion or commitment for accomplishing the work we have been sent to do.

Hendrick Hertzberg wrote a short piece in the New Yorker last week that captures well the Ted Kennedy with whom I was privileged to know and serve. Mr. Hertzberg wrote:

The second half of his 47-year senatorial career was a wonder of focused, patient, unwavering service to a practical liberalism that emphasized concrete improvements in the lives of the poor, the old, the disabled, children, the uninsured, the undocumented, the medically or educationally disadvantaged.

That phrase—focused, patient, unwavering service—is a good description of the Ted Kennedy I knew as my chairman and my friend, and I will miss him very much.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I also want to rise this morning to share some brief thoughts about our colleague from Massachusetts. I want to commend JOHN KERRY and JEFF BINGAMAN for their comments capturing the good qualities of the Senator from Massachusetts.

This is a hall noted for a robust amount of noise, and it seems quiet today because Teddy is not here. So we gather to share a few thoughts.

Mr. President, I ask unanimous consent to have printed in the RECORD some remarks I made at the memorial service for Senator Kennedy at the John F. Kennedy Library.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### WHAT A GOLDEN FRIEND I HAD

By Sen. Chris Dodd

Tonight, we gather to celebrate the incredible American story of a man who made so many other American stories possible, my friend Teddy Kennedy.

Unlike his beloved brothers, his sister Kathleen, and his nephews, Teddy was granted the gift of time—he lived, as the Irish poet suggested, not just to comb gray hair, but white hair.

And if you look at what he achieved in his 77 years, it seems, at times, as if he lived for centuries.

Generations of historians will, of course, chronicle his prolific efforts on behalf of others. I will leave that to them.

Tonight, I just want to share some thoughts about my friend.

And what a friend he has been—a friend of unbridled empathy, optimism, and full-throated joy.

Examples of that friendship are legion.

I remember, many years ago, a close friend of mine passed away. Teddy didn't know him.

I was asked to say a few words at the funeral.

As long as I live, I will never forget that, as I stood at the pulpit and looked out over the gathering, there was Teddy, sitting in the back of the church.

He obviously wasn't there for my friend. He was there for me, at my time of loss.

That was what it was like to have Teddy in your corner.

When our daughters Grace and Christina were born, first call I received was from Teddy.

When I lost the Iowa caucuses last year, not that anyone thought I was going to win, first call I received was from Teddy and Vicki.

When my sister passed away last month, first call I received was from Teddy, even though he was well into the final summer of his own life.

And two weeks ago, as I was coming out of surgery, I got a call from Teddy, his unique voice as loud and booming as ever. "Well," he roared, "Between going through prostate cancer surgery and doing town hall meetings, you made the right choice!"

And though he was dying, and I was hurting, he had me howling with laughter in the recovery room as he made a few choice comments. I cannot repeat this evening, about catheters.

As we all know, Teddy had a ferocious sense of humor.

In 1994, he was in the political fight of his life against Mitt Romney.

Before the first debate, held in Boston's historic Faneuil Hall, I was with Teddy and Vicki and his team and, along with everyone else, offering him advice.

"Teddy," I cautioned, "We Irish always talk too fast. Even if you know the answer to a question, you have to pause, slow down, and at the very least appear thoughtful."

Out he went, and, of course, the first question was something like this: "Senator, you've served the Commonwealth of Massachusetts for nearly 35 years in the United States Senate. Explain, then, why this race is so close?"

Teddy paused. And paused. And paused. Five seconds. Ten seconds.

Finally, after what seemed like an eternity, he answered.

After the debate, I said, "Good Lord, Teddy, I didn't mean pause that long after the first question! What were you thinking about?"

He looked at me and replied, "I was thinking—that's a damn good question! Why is this race so close?"

In these last months of his life, I have so treasured our conversations.

At 6:30 in the morning of July 16th, the morning after his Senate health care committee finished five weeks of exhausting work on the bill he had written, and that I believe will be the greatest of his many legacies, my phone rang.

There was Teddy, beyond ecstatic that we had finished our work, and that his committee had been the first to report a bill.

Always the competitor.

Teddy was never maudlin or self-pitying about his illness, but he was always fully aware of what was happening.

Over the last year or so, Teddy got to enjoy what is, of course, every Irishman's dream—and that is to attend your own eulogies. That's why we call the obituary page the Irish sports page.

And I know he enjoyed a uniquely Celtic kick out of hearing people who abhorred his politics say incredibly nice things about him.

Volumes, of course, will be published by those attempting to unlock the mystery of why Teddy was such an effective legislator.

Was it his knowledge of parliamentary procedure? His political instincts? His passionate oratory? His staff?

Please let me save the pundits and political scientists some time—and all of you some money—and tell you what Teddy's secret was: People liked him.

Now, he always had a great staff, and great ideas, but that only counts for so much in the United States Senate, if you lack the respect and admiration of your colleagues.

And Teddy earned that respect.

He arrived in Washington as the 30-year-old brother of a sitting president and the attorney general of the United States.

Many people drew their conclusions about him before he spoke his first words in the Senate.

And over the years, he became a target of partisans who caricatured him as a dangerous liberal.

Now, liberal he was, and very proud of it.

But once you got to know him, as his Senate colleagues did, you quickly learned he was no caricature.

He was a warm, passionate, thoughtful, tremendously funny man who loved his country, and loved the United States Senate.

If you ever needed to find Teddy in the Senate chamber, all you had to do was to listen for that distinctive thunderclap of a laugh, echoing across that hallowed hall as he charmed his colleagues.

He served in the Senate, as you all know, for almost a half-century alongside liberals and conservatives, Democrats and Republicans, and he befriended them all with equal gusto.

It's great, of course, to see his friends Senators Orrin Hatch and John McCain here.

It is to their credit that they so often supported Teddy's efforts.

And, I say in some jest, it is to Teddy's great credit that he so rarely supported theirs.

But Teddy's personal friendships with Orrin and John, and so many others, weren't simply the polite working relationships that make politics possible.

They are the real and lasting bonds that make the United States Senate work.

That's what made Teddy one of our greatest Senators ever.

Some people born with a famous name live off of it. Others enrich theirs. Teddy enriched his.

And, as we begin the task of summing up all that he has done for his country, perhaps we can begin by acknowledging this:

John Fitzgerald Kennedy, inspired our America; Robert Kennedy, challenged our America; and our Teddy, changed our America.

Nearly every important law passed in the last half century bears his mark, and a great many of them bear his name.

Teddy was defined by his love of our country, his passion for public service, his abiding faith, and his family.

His much-adored Vicki, his children Kara, Teddy, and Patrick, his step-children Caroline and Curran, his grandchildren, nieces and nephews—all of you need to know, you brought him unbounded joy and pleasure.

Teddy was a man who lived for others.

He was a champion for countless people who otherwise might not have had one, and he never quit on them, never gave up on the belief that we could make tomorrow a better day. Never.

Last August in Denver, one year to the day before his passing, Teddy spoke at our national convention.

His gait was shaky, but his blue eyes were clear, and his unmistakable voice rang with strength.

As he passed the torch to another young president, Teddy said: "The work begins anew. The hope rises again. And the dream lives on."

He spoke of the great fight of his life—ensuring that every American, regardless of their economic status, is guaranteed the right to decent health care.

We are all so saddened that he did not live to see that won.

But in a few short days, we will return to our work in Teddy's Senate.

The blistering days of August will be replaced, I pray, by the cooler days of September.

And we will prevail in the way Teddy won so many victories for our country: by listening to each other; by respecting each other and the seriousness of the institution to which we belong, and where Teddy earned an immortal place in American history.

As he so eloquently eulogized his brother Bobby 40 years ago, Teddy doesn't need to be enlarged in death beyond what he was in life.

We will remember him for the largeness of his spirit, the depth of his compassion, his persistence in the face of adversity, and the breadth of his achievement.

We will remember him as a man who understood better than most that America is a place of incredible opportunity, hope, and redemption.

He labored tirelessly to make those dreams a reality for everyone.

Those dreams, the ones he spoke of throughout his life, live on like the eternal flame that marks President Kennedy's grave, the flame that Teddy and Bobby lit 46 years ago.

And in all the years I knew and loved him, that eternal flame has never failed to burn brightly in Teddy's eyes.

Now, as he re-joins his brothers on that hillside in Arlington, may the light from that flame continue to illuminate our path forward.

And with the work of our own hands, and the help of Almighty God, inspired by Teddy's example, may we lift up this great country that my friend Teddy loved so much.

Mr. DODD. I was very honored to be asked by Mrs. Kennedy and her family to share some thoughts that evening, and I was proud to do so.

I commend my colleague from Rhode Island, PATRICK KENNEDY, for his comments at his father's funeral, and Teddy's son Edward Kennedy, as well, who made wonderful comments about their father at that funeral service.

A few short thoughts this morning, and a proposal I wish to make to our colleagues as we recognize the contribution of Senator Kennedy. When we consider how to pay tribute to our colleagues, we often try to devise monuments, to celebrate the work of those who served here and made a significant contribution to our country. It is not an easy task. I have tried to think about what would be an appropriate way to celebrate, in some concrete way, the work of Ted Kennedy. He certainly has been, as our colleagues and others have pointed out over these last couple of weeks, one of the greatest Members to ever serve in this body.

I had the distinction and honor of serving as the chairman of the Rules Committee a few years ago. I was asked to complete some of the ovals in the reception room. For those who have not been to Washington, or to the Capitol, there is a room a few feet from where I am speaking here this morning called the reception room. It was designed by the great artist, Brumidi, and he intended that work to celebrate the work of the Senate.

In the mid-1950s, John Fitzgerald Kennedy, then a freshman Senator from Massachusetts, was asked by the leadership of this body to form a committee to identify the five most significant Senators who had served up until the 1950s. Then-Senator John Kennedy of Massachusetts went to work, reviewing the contributions of the people who served in this body since the founding of our Republic in 1789. He concluded there were five Members who deserved recognition. The first three were the obvious ones: Clay, Calhoun, and Webster. The last two, Senator LaFollette of Wisconsin and Senator Taft of Ohio, were more controversial, but were accepted as fine contributions to that room that celebrates those who have contributed the most to this body and our country.

I was asked a couple of years ago to help add a couple more names to that honor roll of renowned Members of this body. We concluded that Senator Vandenberg, who made such a contribution

to the post-World War II foreign policy of our Nation, along with Senator Wagner of New York, who back in the 1920s and 1930s and 1940s was the author of much of the social legislation that we celebrate in this country today, were fine additions to those who had already been recognized in this reception room just off the floor of the Senate.

One day it will be appropriate to add our colleague and friend from Massachusetts, who deserves to be in that hall of celebrated heroes, having made a significant contribution to this institution and to the people of our country.

But there are other ways to celebrate him as well. I suspect that Senator Kennedy, if he had a chance to weigh in on how he would like to be recognized and remembered, might choose other means.

There are very few issues over the last half century on which Senator Kennedy did not leave his mark, and a good many of the most significant pieces of legislation that passed this Senate in his time not only bear his mark but bear his name as the author. That, in a sense, is a monument, one with a meaning far broader than anything we might inscribe on any wall.

Across America there are people who might have lacked for an advocate had Ted Kennedy not stood up for them, people who can now stand up for themselves with dignity and hope and a chance to make it in America because they had a friend by the name of Edward Moore Kennedy.

These Americans are also a monument that I think Senator Kennedy might say is fitting enough—that there are people today doing better, living more secure lives, growing up with a sense of confidence and optimism about their future and the future of our country because of his contribution. That in itself is a great monument.

Perhaps we could consider the flood of tributes that have come from across the aisle as well as across the globe, from those who shared in his crusade for social justice and those who spent their careers opposing him, and those who never enjoyed the privilege of working alongside him. All understood how important Senator Kennedy was, not only to this Nation but to millions of people around the globe who today lead better lives because he stood up for them even though they were not citizens of our own country.

He understood that the Founders of our Republic, when they talk about inalienable rights, were not limiting those rights in our minds to those who happen to enjoy the privilege of being citizens of our country but knew that they were God-given rights that every human being is endowed with upon birth, regardless of where they live. Ted Kennedy understood that intuitively, deeply, and passionately. That in itself, I suppose, could be a great

tribute, knowing there are people whom he never met, never even knew what he looked like, who lead better lives today because of his contribution.

Then perhaps we might consider these tributes offered by our colleagues here and others, the literally thousands who lined up in those long hours to pay tribute to their Senator from Massachusetts at the John F. Kennedy Library, the more than 50,000 people in Massachusetts who had known and respected, elected and reelected and reelected and reelected, over and over again, their Senator. They appreciated him immensely for the work he did for them and their Commonwealth for almost 50 years. In itself that is a great tribute. It would be enough, I think, for many of us, being recognized by the people of your State for having fought on their behalf.

Teddy's monument can be found in his talented and wonderful family as well. JOE BIDEN talked about this in the memorial service in the John Kennedy Library. When you consider this remarkable family of Senator Kennedy and those of his brothers, their children, their nieces and nephews, it is a source of inspiration when you think of what each of them has done, the contributions they have made.

A few short weeks prior to Teddy's passing, he lost his sister Eunice, who was a wonderful friend of mine over many years. She did remarkable things as an individual. To think, millions of people who suffer from mental disabilities enjoy a greater respect today because of one individual, Eunice Kennedy Shriver. Teddy's brother Joe lost his life in World War II, defending our country and fighting for freedom. His sister Jean has done a remarkable job with the very special arts in her contribution to the country. And then look at his wonderful wife Vicki, who was such an incredible source of strength and inspiration for him during their life together and particularly over the last 15 months. There is no doubt in my mind Teddy lived as long as he did with brain cancer because Vicki was at his side and took such nurturing care of him and has done a remarkable job providing all of us the opportunity to celebrate his life as we all wished to do.

His children, grandchildren, nieces, nephews all are following Teddy's example by making a difference in this country. His son PATRICK I mentioned already, serves in the other body. His son Teddy is a great friend of mine, lives in Connecticut and is making a significant contribution as citizen of our State. He holds no office, doesn't have any title. He and his wife make a wonderful difference on many issues in our State every single day, and his daughter Kara, for whom he has such great affection, has also made her contributions as well. That in itself can be a monument. How many would say if

your children and family do well and stand up and make a difference in the lives of other people, what better tribute; what higher form of compliment could you have, or form of flattery, than to know that your children, your family, your nieces or nephews, your sisters and brothers are out making a difference in the lives of others?

In a way, it is hard to decide what is an appropriate way to celebrate the life of someone who filled the room on so many occasions, not only with his booming voice—as we all are familiar with here, particularly the staff of the Senate who would, many times, be the only ones in this room as Ted Kennedy would be pounding that podium back in that corner, expressing his passionate views about some great cause of the country. But we remember also his determination that this country live up to its expectations, that it become the more perfect union that our Founders described more than two centuries ago.

Today, I wish to make a suggestion to my colleagues. I talked to the leadership about it and to the Republican leadership as well. Never before in the history of this country have three brothers served in this Chamber: Jack Kennedy, Robert Kennedy and, of course, Teddy Kennedy. That has never happened before in the history of our Nation. One of the rooms that has been of similarly historic significance to our Nation is the caucus room in the Russell Office Building. It has been the site of remarkable hearings and meetings. Since its building almost a century ago, that room has been very important. The hearings on the Titanic were held in that room; the Watergate hearings, going back years ago, were held in that room. It is there that we have commemorated tragedies. We have met to celebrate triumphs in that room. We have gathered as Members with our spouses from time to time to share some quiet moments with each other as we reflected on our responsibilities here as Senators. We have held some of the greatest debates that have ever occurred in that room. It is there that Senator Kennedy's Health Committee, in which I was privileged to act as sort of a fill-in for him over the last number of months, held 5 weeks of hearings and debate and markup of a bill that concluded in the adoption of the health care reform legislation that he authored.

It is in that room that Senator Kennedy's brothers each announced their candidacies for the Presidency of the United States. Both Jack Kennedy and Robert Kennedy, in that very room, announced that they intended to seek that office. And it is there that I propose we affix the Kennedy name, not just as a monument to the things these three brothers did as Senators and as colleagues of ours here, but in the spirit of compassion and compromise, the fierce advocacy and tender friendship

that Teddy and his brothers brought to this body.

This was Teddy's wish and desire. I asked him what could we do to recognize him, and he said, I would like to have you recognize my brothers as well for their contribution.

Ted Kennedy believed in impassioned debate. He believed in pounding that podium when it was appropriate. But he also believed that at the end of the day we best serve the people of our great Nation when we respect each other and work together in common cause to solve the problems of our day. Whatever history is made in the caucus room of the Russell Senate Office Building in the next century, I would like to believe it will be guided by that spirit of respect and good humor that Teddy Kennedy brought to this institution for almost a half century. Thus, may the Kennedy Caucus Room stand as one monument to the contribution of a family what has made such a difference to our country. They devoted their considerable talents and energy and their lives to serving our Nation that they loved and that loved them back.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise along with my colleagues to pay tribute to an extraordinary American, probably the greatest Senator to serve in this body. I think time will confirm that as we go forward. I particularly want to express my deepest sympathy to Vicki and Kara and PATRICK and Ted Jr. I have had the privilege now of serving with Senator Ted Kennedy but also with Congressman PATRICK KENNEDY, and both of these gentlemen have demonstrated zeal for public service and commitment and passion to help people that has been emblematic of the Kennedy family.

I particularly am proud of PATRICK, his words at his father's funeral. His continued dedication to the people of Rhode Island is not only commendable but inspiring to me and to all of us.

Like so many of my generation, I grew up with the Kennedy family. In 1960, John Kennedy carried the banner of the Democratic Party as the Presidential candidate. He won, but, as we understood then and now, we got the whole family, not just President John Kennedy, and it was a remarkable family—his brother Robert, the Attorney General and later the U.S. Senator from New York, and then, of course, Ted Kennedy.

His contribution to the country and to the world is probably unmatched as we go forward in every area: health care, which was his particular passion and on which President Obama spoke so movingly last evening about his commitment to moving forward in this Congress and finally achieving a dream

that has alluded our country for years and years and years; his work with his son PATRICK on mental health parity, which is so important.

On education, I had the privilege of serving with him on the Education Committee and as a Member of the House to collaborate with him on education bills, and every major education initiative in this country bears his stamp, his input, his inspiration. He worked very closely with my predecessor, Senator Claiborne Pell, for the creation of the Pell grants and for so many other initiatives in education. He not only worked with Senator Pell, they developed a very deep and abiding friendship.

One of the impressive things about Ted Kennedy is that the public persona was impressive, the private persona was equally impressive and extraordinarily endearing. He was someone who had a great sense of camaraderie and friendship and good humor.

I can recall being invited to join Senator Kennedy at the Pells' home in Newport after Senator Pell retired. Every year, unannounced, without any fanfare, Senator Kennedy would sail his boat up into Newport and insist on taking Senator Pell out for a cruise, and then they would all retire to the Pell home for a delightful supper. I was privileged to be there on a couple of occasions.

Toward the end of his life, Senator Pell had difficulty moving around, but Senator Kennedy would insist on coming every summer. The last outing, we literally had to carry Senator Pell aboard. Senator Pell at that time was not communicating as effectively as he was previously, but he didn't have to because Senator Kennedy could take both parts of the conversation—in fact, he could take multiple parts of the conversation. There was never a lost word or a dull moment. It was a great opportunity to see an extraordinary statesman but an extraordinary gentleman at the same time.

He said famously about his brothers that they lived to see the American dream become reality, and he said famously that the dream lives on. But he also, more than dreaming, tried to give substance, shape, and texture to that dream, effectively to try to ensure that opportunity was available to every American family, that they could use their talent to build their family and to secure their future and to contribute to a better America. That was why he led on health care, because without adequate health care, you cannot realize your talents, your potential, and you cannot contribute as much to this great country. He led on education because it is the great engine that pulls this Nation forward and individually gives people an opportunity to move up and to help their families move forward.

On civil rights, he was a strong advocate. In fact, I think it is fair to say

that his first major speech was in favor of the 1964 Civil Rights Act because he understood that the talent of America was not restricted to any group and that to meet the challenges of this Nation and this world, we need the contribution and the participation of every American, regardless of race, regardless of gender.

He also was someone who understood that for the working men and women of this country, they needed help, they needed to share in the bounty of this country. What we have seen over the last decade has been growth, up until the crisis of last September, but that growth was not shared fairly or evenly, executives getting huge salaries and bonuses and working men and women were barely keeping up. In order to have a strong, prosperous economy, we need a strong, prosperous middle class. His work in terms of education and health care and labor—all of that had a purpose not only of helping individuals but, wisely, trying to establish an environment for economic growth that we all could share.

He also served on the defense committee with me. And he was very perceptive. He had spent many years viewing the world, and his understanding of not only the military but the forces, economic and cultural, that shape our interaction with other countries was profound in its insights. He was, very clearly, opposed to the operation in Iraq because he understood that it was a strategic deviation from the real task, which continues in Afghanistan, to root out al-Qaida, to stabilize the region, the most volatile region in the country. That is just one example of his insight into the international arena.

There is a story, and it is attributed to either his brother John or to Senator Kennedy, but I think it might be apropos for both. It might be slightly apocryphal, but either John or Ted, according to the story, was standing outside a factory and a worker came up and said: They tell me you have never worked a day in your life.

And Kennedy was taken aback.

Then shortly, the worker said: Don't worry, you haven't missed anything.

A family of great privilege, of great opportunity, in fact worked every day of their lives, and particularly Ted Kennedy, hard, relentlessly to ensure that person coming out of the factory had a chance.

Finally, what I sensed when I was at the funeral service, which was extraordinarily moving and inspirational, the outpouring of affection and regard for Senator Kennedy, not by the dignitaries who assembled but by ordinary citizens of Massachusetts and here lining the route to Arlington, bespeaks a connection and a validation by the American people of an individual who had trials and tribulations but rose above it in constant service to the

country, in constant service to the people who do not have a voice, and constant service to those who need a chance to help themselves, to help their family, and to make the Nation a better place. It reminded me of words spoken about Franklin Delano Roosevelt. His cortege was moving through Washington, DC, and a man was visibly shaken and weeping.

A reporter went up to him and said: You know, you are so upset, did you know the President?

He said: No, I did not know him, but he knew me.

Ted Kennedy knew us all. He knew our strengths, he knew our weaknesses, he knew that this government could make a difference, a positive difference in the lives of people. He had shared the same difficulties and challenges we face: children stricken with cancer, the loss of his brothers and one of his sisters in an airplane crash, the human reality.

And because he knew us, he never stopped working for us.

His legacy is extraordinary. It will inspire and sustain us as we go forward. His loss, not just to his family, which is considerable, but for all of us, is balanced by how much he made us better, more attuned to the challenge of serving America and leading the world. We will miss him. But our task now is to take up his work, to continue his effort. That is the greatest tribute we can pay. Let us begin with this debate on health care.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND.) The Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise to add my voice to those who have already paid tribute to our friend and colleague, the late Senator Ted Kennedy, who passed away this last month after a courageous battle with cancer.

He was quite an institution. I came into this body in a seat held by an individual who was quite an institution as well. Bob Dole was in this seat. So I know that when people look to the person who follows after Ted Kennedy, you just can't replace an individual like that who was such a towering figure in this body, was the lion of the Senate, as many have noted, and certainly deserved that topic and that accolade.

While Senator Kennedy and I did not see eye to eye on most political issues, I admired him greatly as a colleague and certainly as a dedicated public servant. Ted Kennedy fought for what he believed and did so with passion and conviction and incomparable ability. When he was your opponent on an issue, you knew you had a fight on your hands, and when he was on your side, you knew you had an advocate who worked hard and effectively.

His skills as a legislator were unmatched. I think really what was at

the core of that was he really enjoyed working with other people. He had built relationships across the aisle with individuals, so that he could personally go to other individuals with that relationship he had built. Even though there were huge disagreements on policy issues on many other fronts, he had the personal relationships. To him, I think, in many cases, it was a lot more about the person rather than policy. I think that is a good lesson for many of us to learn. He mastered the legislative process, became one of the most effective Members of this body and that this body has ever known. One of the keys of his effectiveness was his tenacity and perseverance and attending to, in many cases, the unglamorous details and the sometimes tedious work that goes into crafting and passing a bill.

He also understood that getting things done as a politician means compromise. He had a great sense of when to fight on principle and when to reach out to the other side and arrive at an agreement in order to advance the cause for which he was fighting. I think you can probably look back over the last decade or 15 years of this body and no major piece of legislation passed without Ted Kennedy's fingerprints somewhere around or on that piece of legislation.

Despite our political differences, I always found him to be professional, courteous, thoughtful, and a caring individual. He was always looking for ways to find common ground and had a wonderful ability to win others over to his side with that charm, Irish wit, his fellowship, and gregarious nature. And once he made an agreement, you could depend on him to be true to his word and honor in public an agreement he had made in private.

Over the years, I had the opportunity to work on several legislative issues with Senator Kennedy. As many testified, he was the best ally one could ever hope for.

Most recently we worked together to pass the Prenatally and Postnatally Diagnosed Conditions Awareness Act, a pro-life piece of legislation. When I would travel around the country saying that Ted Kennedy and I had introduced a pro-life piece of legislation together, many people would be quite startled. I would explain what this was. It was a piece of legislation that would encourage people, once they had a diagnosis that their child had Down Syndrome in utero, not to abort the child but instead to have the child, put together an adoption registry of individuals who were willing to adopt children with Down Syndrome. We have this terrible plague in the country where 90 percent of our children who are diagnosed with Down Syndrome never get here; they are aborted.

In our office we went to the disability community. We went to his sis-

ter Eunice and talked with her about it. And I went to Ted. I remember how effective his sister Eunice would be on lobbying Ted on this piece of legislation. Just this past year, when we were able to move things forward with it, I met with Eunice. She was obviously getting more difficult and failing of health at that point. She said: Is Teddy being helpful? Is Teddy working with you and helping? I would say: Yes, he is, but you can always help us more and push him more. And she did. What an effective team that was on providing help for those especially with mental disabilities, even on this pro-life piece of legislation that I hope will result in more people getting here who have disabilities so that they are not killed in utero but instead that they get here and, if people can't handle that issue in their families, that they put them up for adoption. We have adoption registries ready to go for people who want to adopt a child who may have more difficulties. Working together we were able to find common ground on protecting the dignity of these precious Americans by providing parents who receive a pre- or postnatal diagnosis of genetic disability with resources, information, and a network of support.

I am so pleased to know Senator Kennedy lived to see this bill passed and signed into law. It stands as an example of how we can find common ground to advance the interests of all Americans in spite of differences. This body truly will not be the same place without Ted Kennedy, without his rhetoric and his strong voice, his abilities as a legislator.

My thoughts and prayers go out to him and his family and friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I join today with colleagues to pay tribute to the life and legacy of Senator Ted Kennedy. Each of us has lost a friend with his passing—and all Americans—but especially those in need have lost a champion of government's ability to bring light to dark places. All of us stand in awe of the lengthy record of accomplishment Senator Kennedy leaves us. It was a great privilege to serve many years with Ted Kennedy on the Armed Services Committee and to witness firsthand the traits so well known to Members of the Senate: the tireless preparation, the intimate knowledge of the legislative process, the relentless focus on justice and equality.

Today our citizens are safer, our military more capable, our troops better equipped because of his service.

Senator Kennedy approached his work with diligence and dedication. But he also knew that work goes more smoothly when it is accomplished with friendship and good humor. It was pos-

sible to disagree with Ted Kennedy but never to dislike him. His sense of humor was contagious, and his concern for those around him, from fellow Senators to staff, to the many often unheralded people who make the Senate function, ensured that he was loved as well as respected throughout this body. That love extends across lines of party and ideology, in part because of that good humor and genuine concern for others for which he is so rightly known.

But it was not just these qualities that endeared Ted Kennedy to figures of all political persuasions. It was the seriousness and good faith with which he approached ideas that differed from his own. In 1983, this liberal Catholic from Massachusetts traveled to the conservative Liberty Baptist College in Virginia where he told the students:

The more our feelings diverge, the more deeply felt they are, the greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side.

Ted Kennedy lived out that sentiment every day. We salute his ability to work across party lines to achieve consensus, to work on a piece of legislation until doubters became enthusiastic supporters. He excelled in transforming nays to yeas. Senator Kennedy was a master of our own specialized world, and his legislative legacy stands with those of the giants of this Chamber. He tackled what some see as the great game of politics with gusto.

But Ted Kennedy's life's work was not a game. Politics was not a contest staged for its own sake or in pursuit of power or prestige. Ted Kennedy was a master not of the politics of the moment but of the politics of meaning.

Ted Kennedy's task was to touch lives. He touched the family whose children have health insurance because of the Children's Health Insurance Program he helped establish; the child who has a better chance at an education because of his work on the No Child Left Behind law. More Americans can fully participate in our democracy because of the civil rights and voting rights legislation he pushed forward.

We saw Ted Kennedy's passion for justice, tolerance, and understanding again recently when we were working on the Matthew Shepard Local Law Enforcement Hate Crimes Prevention legislation. I quoted him during that debate on that legislation when the Defense authorization bill was on the floor, and I quote him again now. He said:

We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is, we should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this Nation over a considerable period of time.

The children of our men and women in uniform have some of the best

childcare available, thanks to the National Military Child Care Act Ted Kennedy championed in 1989. He was actively involved more recently following the outrages at Walter Reed Army Medical Center when we passed the wounded warrior legislation in 2008.

The lesson of Ted Kennedy's life and career is that politics at its best is not a game to be refereed by TV pundits. It is not a contest of poll numbers or a scorecard of grievances to nurse and favors to return. Senator Kennedy struck many deals. He brokered many compromises. He won many votes. But the true majesty of his career is not to be found in this Chamber, though his work was done here. His lesson for us is that democracy is best understood in the homes and lives of its citizens. It is in the homes of families less burdened by want. It is in the minds of children freed by education. It is in the relief of parents who no longer fear for a child in need of medical care. It is in the souls of Americans who find inspiration in his triumph over tragedy and over his own shortcomings. It is in the hearts of the colleagues he leaves behind who will be inspired to rededicate ourselves to a politics that recognizes our common humanity and seeks common ground in the pursuit of justice.

My wife Barbara and I will always keep in our hearts Vicki, the love of Ted's life, and we will always remember Ted's love affair with the American people.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Madam President, there was a historic moment on Capitol Hill last night. The President of the United States asked for a joint session of Congress to address one of the most important and controversial issues of our time. Emotions were running high in the House Chamber as Members of the House and Senate gathered to hear the President. We know they ran high because there were expressions of support and disapproval during the President's speech. I sat with Harry Reid and other leaders from the Democratic side in the Senate and watched carefully as the speech unfolded. I thought the President was at his best, even under fire, with the high emotions in the Chamber. I wondered what the ending would be and how it would be received.

If Members will recall, at the end of the speech, the President referred to a letter that had been sent to him by the late Senator Ted Kennedy to be read after the Senator had passed away. As the President referred to that letter, an amazing thing happened in that Chamber filled with hundreds of hundreds of people. The emotions quieted down. At one point, one could have heard a pin drop in the House Chamber as President Obama recalled the legacy and the promise of the life of Senator Edward Kennedy.

I came today to this seat on the Senate floor. It is not my ordinary desk, but it is the row where I sat for a number of years as a new Member of the Senate. It was a particularly good assignment to sit in this row because behind me was Paul Wellstone and then Ted Kennedy. One never had any better back-benchers than those two men. Now they are both gone.

As I reflect on the absence, particularly of Senator Kennedy, I recall for history his first speech on the floor of the Senate. It was April 9, 1964. Here is the amazing fact: This speech took place 16 months after he took his Senate seat. That booming voice and presence, which was so dominant in the Senate for decades, waited patiently for his turn, 16 months after the special election in Massachusetts that gave him the Senate seat once held by his brother John. When he rose to make his first speech on April 9, 1964, he said he planned "to address issues affecting the industry and employment in my home state [of Massachusetts]," a thoughtful decision by someone recently elected, to make sure that your first speech touches issues important to the friends at home. He said he would make that speech one day. But he decided his first speech would be much different.

On that day, with his first speech, conscience and the cause of freedom compelled Ted Kennedy to speak instead in eloquent support of the bill the Senate was then debating. It was a measure President Kennedy proposed nearly a year earlier. Now, less than 5 months after that terrible day in Dallas, TX, when his brother was assassinated, the youngest Kennedy brother stood at the same desk his brother John had used when he served the Senate, the same desk Ted Kennedy used for the 47 years he served in the Senate. He presented more than a dozen letters he had received from religious leaders all urging Congress to pass the Civil Rights Act and end the evil of segregation in America. That was Ted Kennedy's first speech in the Senate.

He said:

When religious leaders call on us to urge passage of this bill, they are not mixing religion and politics. This is not a political issue. It is a moral issue to be resolved through political means.

He continued.

Religious leaders can preach, they can advise, they can lead movements of social action. But there comes a moment when persuasion must be backed up by law to be effective. In the field of civil rights, that point has been reached.

He concluded by saying:

My brother was the first President of the United States to say publicly that segregation was morally wrong. His heart and soul are in this bill. If his life and death had a meaning, it was that we should not hate but love one another; we should use our powers not to create conditions of oppression that lead to violence, but conditions of freedom

that lead to peace. It is in that spirit that I hope the Senate will pass this bill.

That first speech by Ted Kennedy bore so many of the qualities that would define his public career. The moral courage to take on the most urgent moral question of his time no matter how controversial, the determination to pick up his brother's fallen standard, the prodigious amount of work behind the scenes building alliances, and an optimist's unshakable faith that his beloved America would become an even more just and decent Nation.

Listening to Senator Kennedy's speech that day were some of the giants of the Senate—Hubert Humphrey, a man who more than anyone brought me to public life when he allowed me to serve as an intern in his Senate office. The first to speak was a man whom I would come to know well, Senator Paul Douglas of Illinois. He said:

I have never heard an address of a more truly noble and elevated tone.

He called the young Senator from Massachusetts:

A worthy continuer of the great traditions of the seat which he occupies in the Senate, beginning, I believe, with John Quincy Adams, Daniel Webster and Charles Sumner and through . . . to his beloved and lamented brother . . .

Senator Wayne Morse stood to speak as well, and he made a prediction on the first day Ted Kennedy spoke in this Chamber. He said:

[I]n my judgment, the junior Senator from Massachusetts has already demonstrated that before he leaves the U.S. Senate, he will have made a record in this body that will list him among the great Senators in the history of the Senate.

That prediction was made 45 years ago by Senator Wayne Morse of Oregon.

Edward Moore Kennedy was one of the greatest Senators not only of our time but of all time. There was no better advocate and no more determined fighter for civil rights and human rights. He was a son of privilege, but he was a man, despite that background, who identified with the poor and the dispossessed and the voiceless in America.

His fingerprints can be found on significant legislation of the last half century: health care, voting rights, women's rights, gay rights, immigration reform, worker safety, fair housing, consumer protection, campaign finance reform, sensible gun laws, national service, minimum wage—the list goes on and on.

He was a protector of the vulnerable—of widows and orphans, the wounded and maimed, the grieving and dispossessed. He was a champion of people with disabilities. He believed we should all be judged by what we can do, not by what we cannot do.

When I was asked by my local media in Illinois, after Ted Kennedy's passing, if there was something about him

that I knew that other people did not know, I said there was one thing most people did not know. As a result of an airplane crash early in his Senate career, where his broken body was dragged out of the plane by his Senate colleague, Senator Birch Bayh of Indiana, whose son now serves in this Chamber, Ted Kennedy, with a broken back and ribs, went through a long period of convalescence and a lifetime of problems as a result of that almost fatal accident.

Those of us who were around him every day knew that Ted was in pain a lot of the time—physical pain—because of his back problems. If you had a press conference with Ted Kennedy, you brought a little stool that he could perch on because standing caused pain. You watched him as he labored to get out of a chair trying to make sure he could stand and speak. But never a word of complaint—not one. A physical condition that might have created a total disability for some other people did not stop him. In addition to the intellectual part of this man, there was this physical commitment that he would give whatever it took to serve his people in Massachusetts and serve the causes and values which motivated his public life.

He was an advocate for the elderly throughout his career. Little did he realize his passion would eventually affect him personally, as he served long enough to qualify for Social Security and Medicare.

He believed education was the key to the American dream and he worked tirelessly to extend it, helping to create programs from Head Start for preschoolers to the Direct Lending program for college students.

He helped bring an end to apartheid in South Africa and violence in Northern Ireland.

His office wrote more than 2,500 bills and more than 300 of them became law. In addition, some 550 bills he cosponsored became law. Nearly every major legislative achievement of his was advanced with a Republican partner.

He was a genius at compromise, principled compromise. As someone said, he was able to maintain a sense of idealism in setting goals and realism in achieving them. He had an optimist's willingness to settle for progress, not perfection.

It was from his bother Jack, he said, that he learned the most important lesson: that you have to take issues seriously, but do not take yourself too seriously. As we all know, he was gracious and generous in sharing credit for success. But he also, because of the suffering in his life through his family and personally, developed this heart of gold, this empathy for other people and their own misfortunes.

If one of his colleagues in the U.S. Senate had something bad come their way, you could almost bet the first call

they would receive would be from Ted Kennedy, regardless of which side of the aisle you were on. He would be the first to talk about some misfortune or illness in your family. How he learned this so quickly we never figured out, but the Kennedy network was there gathering that information, making certain he always offered a helping hand and a pat on the shoulder if you needed it.

Health care was such an important part of his public career—decent, affordable health care, as a right but not as a privilege. And he did more than anyone in our Nation's history to advance that noble cause.

He voted to create Medicare and Medicaid, protecting those programs for decades. Community health centers were a Kennedy initiative in 1966. How much good that has done for America is incalculable.

He was the chief architect of the WIC program, the COBRA law, and the Ryan White Act. Fewer Americans are forced to make the agonizing choice of keeping their job or caring for a loved one who is sick because Ted Kennedy helped pass the Family and Medical Leave Act.

Eleven million children of low-income working parents are able to see a doctor this year—11 million of our young kids in America—because Ted Kennedy helped create the Children's Health Insurance Program.

He was the driving force behind cancer research and speedier approval of drugs. He helped lead the fight to end discrimination by insurance companies against people with mental illness and addiction, which his son PATRICK has managed to pick up that standard and help, with his father, pass that legislation, a bill which meant so much to Senator Paul Wellstone and so many others, Pete Domenici included.

During the last few months of his life, he expended what little energy he had left to urge us to pass health care, and that is why the President's speech last night struck a chord with so many people. He continued to work hard at his job, even on the phone, during the last days of his life.

His son PATRICK said that while his father was hospitalized this last year for treatment in North Carolina and Massachusetts, he would roam the halls of the hospital—you can just see him—asking other cancer patients and their families how they were doing and how they were managing their bills. Some of the answers, they said, broke his heart.

He was ready to come back and vote on health insurance reform if the vote was needed. Even in the closing days of his life, Senator REID, reaching out to Vicki, knew that Ted would be there if his vote made the difference, even if it was the last physical act of his life.

Just as he implored the Senate in his first speech so many years ago to pass

the civil rights bill in honor of his brother, the fallen President, we all know that Senator Kennedy, were he here today, would urge us to finish the cause of his life and make affordable health care for every American a right, not a privilege.

It is our obligation to search in good faith, as he did so often, for the principled compromise that will enable us to finish this urgent moral challenge of our time in the name of Ted Kennedy.

I was fortunate to attend the memorial service in Boston at Our Lady of Perpetual Help—a packed church with hundreds standing in the rain outside, wishing they could attend. Thousands had passed by to see his remains and to pay a tribute to him over the final days. It was a great sendoff to a great man.

I was so touched by his family—that extended Kennedy family—starting with Vicki, his best ally in his life, a woman who stood by him through those tough times in the closing months of his life, his children, nephews, nieces, grandchildren. All of them gathered. As they went to take Communion, JOHN MCCAIN leaned over to me and said: You can see the map of Ireland on all those faces. And you could. It was a great gathering of the Kennedy clan.

I want to express my condolences not only to the family but to the great Kennedy staff, always regarded as the best on Capitol Hill. Ted Kennedy not only did great work, he helped build great people, who continue to serve us in public careers. They have done so much for this Nation. They will continue to do so, inspired by his example.

We are saddened by his passing, but we are determined to carry on. We know if he were here today his voice would be booming on this floor for the extension of unemployment benefits, making sure COBRA deductions are still there for those who have lost work, not forgetting to increase the minimum wage, making sure health care does not forget the tens of millions who are being left behind without health insurance in this country.

We are going to miss that booming voice, but he is going to continue to be an inspiration to all of us.

Last year, at the Democratic National Convention in Denver there was a little breakfast for Ted. He gave a great speech at the convention, even though there was a question at the last moment as to whether he would be able to physically do it. At that breakfast, Vicki, his wife, came up to me and she handed me this little plastic bracelet, and she said: I thought you might want to have this. It has written on it one word: "Tedstrong."

Well, I put that bracelet on, and I just took it off for the first time since then at this moment. I will not be wearing this bracelet, but it will be in my Senate desk, and each time I open

it, I will remember that great man, Ted Kennedy.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, the assistant Democratic leader, in his eloquent remarks, mentioned Ted Kennedy's maiden address, which is a tradition we have here in the Senate. We try to wait for an appropriate time before we say much, and then we try to say something we think makes a difference.

I waited an appropriate time and made some remarks on the floor in support of legislation that would help put the teaching of American history and civics back in its rightful place in our schools so our children could grow up learning what it means to be an American. I know the Presiding Officer has a great interest in that subject as well, and she and I have worked on that together. I proposed that we create summer academies for outstanding teachers and students of United States history.

Ted Kennedy was on the floor. He was the chairman or ranking member of the committee that handled that at the time. He came over afterwards and said: I will get you some cosponsors. The next thing I knew, he had 20 Democratic cosponsors for my little bitty bill that I had introduced. However well I thought of him before that, I thought even better of him after that. I think it is a small example of why he was so effective here in what he cared about.

I remember him talking about taking his family—his extended family—once a year to some important place in America, some place that made a difference. He was especially taken with their trip to Richmond, I believe it was, where they went to the place where Patrick Henry went down on one knee and made his famous address. I guess one reason he was so interested in U.S. history was because he and his family were and are such a consequential part of it, but he made a big difference in what we call the teaching and learning of traditional American history.

On another occasion, he called me up to his hideaway—he had been here long enough to have a great room somewhere; I do not know where it is, but it has a great view of the Capitol—to talk about Gettysburg and what we could do to preserve that.

Then, we were working together, when he died, with Senator BYRD, who has been such a champion through U.S. history, on legislation that would tie the teaching of American history to our national parks, which we are celebrating this year, with Ken Burns' new movie, and with other ways to try to help use those nearly 400 national park sites we have to teach American history.

He and I and David McCullough had breakfast, for example, and talked about David McCullough teaching a group of teachers about John Adams at the John Adams House in Massachusetts, as one example. Then, of course, that turned to what was Ted Kennedy going to do about finding an appropriate place to honor John Adams in Washington, DC. That was another piece of unfinished business Ted Kennedy left that others of us will have to continue to work on. That is why he got along so well here.

When he cast his 15,000th vote, I remember saying the sure-fire way to bring a Republican audience to its feet was to make an impassioned speech against high taxes, against more Federal control, and against Ted Kennedy, and he laughed that great big laugh of his. But it was true. But almost everyone on this side will say there was no one on that side who we would rather work with on a specific piece of legislation because no matter how much we might disagree with him—and we certainly did on many issues—when it got to the point where it was time to decide: Can we do something? he was ready to do something. And his word was good. And his ability to help pass an important piece of legislation was unquestioned. Plus, we liked him. We liked his spirit, and we liked his personality.

My first engagement with Senator Kennedy was as a very young man when I came here in 1967 as a young aide to then-Senator Howard Baker. Senator Baker, who was the son-in-law of Senator Dirksen, then the Republican leader, teamed up with Ted Kennedy, the younger brother of the former President, and they took on the lions of the Senate, Sam Ervin of North Carolina and Everett Dirksen, and won a battle over one man, one vote. I was the legislative assistant on this side and Jim Flug, the longtime friend and aide of Senator Kennedy, was the legislative assistant on that side.

I am here today, as we all are, to pay our respects to Senator Kennedy. Maybe some of us can help with some of that unfinished business, such as helping to make sure we expand the idea of teaching American history in our national parks to larger numbers of outstanding teachers and to outstanding students of U.S. history; and continuing the effort to do something about the long lines of adults in America who are waiting to learn our common language—English. Ted was very interested in that, as I am. But most of all, what I wish to say is what I believe most of us feel: We will miss him. We will miss his big voice, we will miss his big smile, and we will miss his big presence.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I am deeply honored to pay tribute to Ted Kennedy today and to honor his extraordinary legacy.

I will always think of Ted Kennedy as many think of him—as the lion of the Senate. From that seat, in that seat in the back of this beautiful Senate Chamber, he used his powerful voice to speak out for those whose voices were rarely heard. I also have described Ted as the drummer in a large orchestra. Ted Kennedy was a steady drumbeat—a steady drumbeat for justice, for fairness, for compassion, and for progress. On days when the Senate wasn't that interested in listening; on days when maybe the polls were against him; on days when his compassion might not have been in fashion, that drumbeat got louder and louder and louder because Ted Kennedy knew that at the end of the day, the values he stood for would be embraced again.

Ted never let us forget why we are here—never. He always reminded us to be courageous. He always reminded us to be strong in fighting for the causes we believe in, not by lecturing us about it but by being brave, being strong, being courageous, taking on the tough issues. He spent 9 long years standing in the back of the Chamber talking about raising the minimum wage and explaining why people needed it—9 long years—but he knew the drumbeat would go on until we passed it. And we did.

Ted Kennedy had genuine and deep friendships in the Senate on both sides of the aisle. His greatest legislative skill was to know every Senator and to know their passions. When I first came to the Senate in the early 1990s, I had spent 10 years in the House and Senator Kennedy was already an icon, but he knew I was passionate about health issues and, in particular, women's health issues. So even though I was new to the Senate, he came to me when he was managing a bill on the floor to protect the rights of women who were trying to get into reproductive health care clinics. At that time, protesters were blocking the entrances to the health care clinics so the women could not get in and get treated. So Senator Kennedy wrote a bill that simply said: It is fine to express your views, but you cannot block women or individuals from entering those clinics. It is dangerous, it is wrong, and you are denying women health care. Senator Kennedy asked me if I would be his lieutenant—that was his word, his "lieutenant"—and help him manage that bill on the floor of the Senate. Well, clearly, I was so pleased. It was such a thrill to watch him work and, as did so many of Ted Kennedy's bills, it passed and it became the law of the land and women can get health care without being intimidated and frightened and harmed.

Later, when he was championing the bill to increase the minimum wage—

and he did it year after year after year—he asked me and the other women of the Senate to come to the floor and to organize and speak about the impact raising the minimum wage would have on women and families across the country. He said: BARBARA, you know, 60 percent of the people earning minimum wage are women. A lot of our colleagues think it is teenagers. That is not true. It is women. They are supporting their families. Can you help me with this? I said: Senator, I am all over it. I am with you.

The women of the Senate had a special role to come to the floor—unfortunately, for 9 years in a row—until we made the case that it was important America's families, working so hard, can actually afford to live in this, the greatest country of all.

Although Ted had deeply held views, he worked beautifully with Members across the aisle. We have colleague after colleague coming down to speak about their experiences. He was an expert at finding the thread of common ground. Sometimes it was just a tiny little strand of commonality, but he could weave it into something bigger and bigger and come to an agreement without losing his principles.

Ted's legislative work has touched the lives of every American, and I think it is going to take 5, 6, 7, 10 of us to pick up this void he has left. I am so proud that TOM HARKIN, who has come to the floor, will be the chairman of the HELP Committee because TOM shared with Ted those deep feelings about us being here not to champion the voices of those who have a strong voice and are heard but for those who don't have a strong voice: the middle class, the workers, the working poor, the families, the children. They don't have a voice here.

Ted Kennedy worked to help get 18-year-olds the right to vote. He made it easier for Americans to change jobs and keep their health insurance. He expanded Head Start Programs. He wrote the law creating Meals-on-Wheels. He was the driving force behind the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Family and Medical Leave Act. Many of these Senator HARKIN and he partnered up on. He led efforts to reform the Nation's immigration system—never a popular issue, a tough, hard issue. He worked to increase competition in the airline industry. He worked to protect women from violent crime.

Virtually every major health care advance of the last four decades bears his mark—Whether it is the CHIP program, the Ryan White CARE Act, COBRA, the mental health parity bill or increased funding for cancer research. The list goes on and on and on.

Senator Kennedy was once asked what his best quality was as a legislator, and he answered with a single word: "Persistence." Persistence. That

is a message to all of us on both sides of the aisle. If you believe something in your heart is right, you don't give up. You don't give up because progress takes time. Piece by piece, every year, for almost half a century, he advanced the causes he believed in: expanding access to health care, educating our children, extending civil rights, helping our society's least fortunate.

I will say, if we were in danger of losing our way in the Senate, Senator Ted Kennedy held steady. He stayed true to his ideals. That is why it is fitting that his new biography is entitled "True Compass." In many ways, he was a compass in the Senate.

I wish to thank the people of Massachusetts for sending Ted Kennedy to us for these last 47 years. He loved his State. He fought for you and he fought for all Americans.

I wish to thank his wife Vicki, who gave him so much joy, and the entire Kennedy family for sharing Ted Kennedy with us.

I will miss his warm and engaging presence, his sense of humor, his bellying laughter, and the way he reached out to all Senators in friendship. No one person will ever be able to fill his shoes. No one. He was one of a kind and irreplaceable. But we know how to honor his legacy. We know how to fill this void and that is by continuing his life's work. I believe the most fitting tribute we can give him is to carry on his fight for a quality education for all our children, affordable health care our families can rely on and an economy that works for everyone.

Ted Kennedy came from a privileged and renowned family, but he saw so much suffering in his lifetime, so much loss. He saw what happens in your family when two of your three children have cancer. Even though you have every bit of financial stability to give them what they need, he saw how hard it was. And then to have another child with an addiction and the pain of that. So what Senator Ted Kennedy understood is, if it is so hard for me to see my children suffer, what must it be like for someone without the financial resources or someone who had an insurance company walk away from them at the time they needed it the most, they needed help the most.

Ted Kennedy could put himself in other people's shoes, and that is what he did every single day. Even when it was hard for him to get up from his chair, he stood and he fought. As he said during his concession speech at the 1980 Democratic National Convention: "For all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die."

I say to Ted and to his family, I believe these words are true. The hope still lives and the dream shall never die.

Thank you.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, it is difficult to imagine or accept the fact that Ted Kennedy is no longer serving in the Senate. He was such a presence here, a big man with a big smile and a bigger heart. He was sympathetic to those in need and willing to do all he could to address their needs. He got results, improving and expanding Federal programs to make available education and nutrition benefits to more Americans than ever before.

I first met the Senator from Massachusetts when he was running in his first campaign for the Senate in 1962. It was a happenstance meeting. I was an instructor at the Naval Officer's Candidate School in Newport, RI, and a friend had invited me up to Hyannis Port during the weekend. I ended up at Ted and Joan Kennedy's house. He was there working with his friends from Massachusetts on fund-raising activities. We exchanged greetings. He said: You are in law school?

I said: Yes, I am.

He said: It is hard as hell, isn't it?

I said: It sure is.

Well, that was about all the conversation we had that day and I had no idea, first of all, how his campaign would turn out and certainly the most remote thing in my mind would have been my being a Member of the Senate. But he and his wife Joan were spending the summer in Hyannis Port near the other Kennedy family members, so I was getting to see some of them as well as enjoying the New England weather; the ambiance in the summer was a real treat. But instead of politics, we talked about how hard law school was.

I didn't think I would ever see him again. I had no reason to think I would, much less end up serving in the Senate with him and serving the day he took charge as chairman of the Judiciary Committee from my predecessor in the Senate, James O. Eastland. It was a day that attracted a lot of attention. The hearing room was absolutely full of people. As a matter of fact, the news media was all over the place. It was hard to get near the seats of the committee members.

I remember when Alan Simpson and I were the two most junior Republicans, and as we were trying to get situated there at the end of the row of seats of committee members, one of the camera men bumped Al's head with his camera, and Al told him he should not do that again because he might have a hard time finding his camera—or some words to that effect. But what a day of excitement and interest. That is the kind of excitement Ted Kennedy brought not only to the Judiciary Committee and his leadership as a brand new chairman, but his entire career reflected that kind of exuberance. People responded and reacted to him in a very positive way in the Senate.

We could make a long list of the things he did in terms of legislative accomplishments and political leadership in the Senate. But he was a good person. He was a thoughtful person and generous with his house. He invited all the members of the Judiciary Committee to come out for dinner at his house in Washington. What a nice, thoughtful thing to do, and what an exciting evening it turned out to be. Everyone enjoyed it enormously.

Ted Kennedy became a very determined advocate for serious reforms, and he left an impressive record of legislative accomplishments and protecting and enlarging the civil rights of ordinary citizens.

I came to respect Senator Kennedy and appreciate his friendship over the years we served together in the Senate. His personal qualities, his generosity, and his serious commitment to fairness and assistance for those who needed help from their government will long be remembered and appreciated.

May he rest in peace.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I thank my dear friend from Mississippi for his kind words. I know they will be appreciated by the Kennedy family.

Madam President, when I heard the Senator from Mississippi, and before him the Senator from Illinois, the Senator from California, the Senator from Massachusetts, and others who have spoken, it brought back so many memories. On August 26, very early in the morning, we heard the news about Senator Kennedy. Marcelle and I knew that day was coming. We knew the day was coming and that we would lose a close friend of over 35 years, but our farmhouse in Vermont was still filled with grief upon the learning of the news. We walked back and forth on the road in front of the house, looking out over the mountains and finding it hard to put into words how we felt.

We left Vermont to come down and join Vicki, such a dear and wonderful person, and all of Senator Kennedy's family at the memorial service in Boston, where so many offered touching stories of how they remembered Senator Kennedy.

Ted Kennedy, Jr., gave an incredibly moving tribute to his father. I told him afterward that was the kind of eulogy Senator Kennedy would have liked. It was so Irish. Ted Kennedy, Jr., made us all laugh, and he made us all cry, almost in the same sentence. How Irish, how Kennedy, but how true were the emotions of every man and woman in that church—from the President, to the Vice President, to former Presidents, to Senators, to Members of the House, to close friends, and to so many of the Kennedy family.

I think of being sworn into this body as a 34-year-old nervous Senator. One of the first people who came up to

shake my hand after being sworn in was Ted Kennedy, then Mike Mansfield and Howard Baker. I was awed to think I was in the presence of such people.

After serving with Ted for 35 years and speaking with him almost every single day, I look over at his desk, at something I have seen over the 35 years when we have lost colleagues, but I don't know of any time it has hurt so much to see the black drape across the desk, to see the vase of white flowers. I went by there yesterday and just put my hand on the desk. I will admit I was overcome with emotion and left the floor.

I have so many memories, as we all do, of my friendship with Ted. Senator DURBIN spoke about how Ted Kennedy had a way of—no matter who you were, if you had tragedy in your family or an illness or something had happened, he would call or write, and he would offer help. It made no difference who you were.

I was very close to my father. He had met Ted a number of times. When my father passed away, virtually the first telephone call my mother received that morning was from Ted Kennedy. I remember my mother taking comfort in that.

Senator Kennedy's office is just one floor below mine in the Russell Senate Building. We both have stayed there all these years. On many occasions, especially when he was going for a vote, we could hear his great laugh echoing down the halls, and it would change our whole mood, our whole day. We often talked about the bond of the New England Irish and spoke about that again when we came back from Pope Paul John II's funeral and refueled the plane in Ireland. It was like following the Pied Piper at Shannon Airport. There were paintings of President Kennedy there. The Senator from Iowa remembers that.

As we walked through, Ted Kennedy and CHRIS DODD were telling Irish stories. There are memories of when Ted was walking the dogs outside of Russell Building, and we would talk and chat, saying: How is your family? How is this one or that one?

After Ted died, one of our newspapers in Vermont had a front-page picture that my wife Marcelle had taken back in 1968. It showed a young Ted Kennedy in Vermont campaigning for his brother Robert and talking with an even younger State attorney. We talked about Robert Kennedy—the two of us—and I gave that photograph to Ted a few years ago because I found it in my archives. He chuckled and talked about how young we looked, and then he asked for another copy so he could sign one to me. That day we sat there and talked about his brothers—obviously, the President, John Kennedy; Senator Robert Kennedy; and also his brother, Joe Kennedy, who had died. I talked about being interviewed by Robert

Kennedy, who was Attorney General, when he invited me down to the Department of Justice. I was a young law student, and he talked to me about the possibility of a career in the Department of Justice. That talk meant so much to me, and his brother told me how independent the Department of Justice must be, even from the President of the United States. We never have enough time in this body, and a rollcall started and that conversation stopped. But I remember every bit of that so much.

I remember after that time we campaigned for Robert Kennedy, the next time I saw him was here when I was a Senator-elect. As a former young prosecutor, I walked into his office with trepidation and almost thinking I was going into the inner sanctum. I was going to talk with him about what committees I might go on. This great voice said: Good morning, Senator.

Coming from him, I turned around, assuming another Senator was walking in behind me, and I realized he was talking to me.

Ted's wonderful wife Vicki was part of a small book club, and my wife Marcelle was in that. The days they would meet, Ted would come up and put his arm around my shoulder and say, "PATRICK, we are in trouble today. Our wives are meeting, and tonight we are going to get our marching orders." You know what, Madam President. He was right.

All of the years I served on the Judiciary Committee, until this past year, I sat beside him. I am going to miss him on that committee. I am going to miss his help and advice. I am going to miss him on the Senate floor because not having him with us in the Senate is going to make a huge difference in negotiations on legislation, whether it is on a current issue of health care reform or any other issue.

I remember one meeting with Ronald Reagan when he was President. The President turned to Ted—and several of us, Republicans and Democrats, were meeting with him—and said, "Thank goodness you're here, Ted. You are bringing us together."

That difference extended beyond our shores. He personally made such a difference in bringing peace to Ireland and ending apartheid in South Africa. I remember going with President Clinton after the peace agreement, and everybody—while they would thank the Prime Minister of Ireland and Great Britain and President Clinton, they all wanted to come over and thank Ted Kennedy.

His sense of history and of our country and his firm and constant belief in America's promise and America's future was inspiring. His willingness to spend time with the most junior Senators as with all others of both parties made him a Senator's Senator. I think every single Senator, Republican or

Democrat, would agree he was a Senator's Senator.

It is easy in politics to appeal to the self-interests in each of us. Ted Kennedy appealed to the best in us, to the American verities that are written not on water but in stone. He appealed to our sense of justice, to our sense of responsibility to each other, and to our uniquely American sense of hope and possibility. In the Senate, he labored to our sense of justice, to our sense of responsibility to each other, and to our uniquely American sense of hope and possibility. In the Senate, he labored to our sense of justice, to our sense of responsibility to each other, and to our uniquely American sense of hope and possibility. In the Senate, he labored to our sense of justice, to our sense of responsibility to each other, and to our uniquely American sense of hope and possibility.

Madam President, the powerful have never lacked champions. Ted Kennedy was a champion for ordinary Americans and for those who struggle, those who do not have a champion. He believed everyone in this great land deserved the opportunity to pursue the American dream.

I thought last night at the President's speech—I talked before the speech with Mrs. Kennedy and after the speech with Senator Kennedy's three children. It was just impossible to fully put into words how much I miss him.

Marcelle and I miss our friend dearly, but we know it was a privilege to call him our friend. It was a privilege to serve alongside such a public servant dedicated as he was to making better the lives of millions of his fellow Americans.

It is a sad passing of an era, but Ted Kennedy would also tell us it is a time to look to the future.

Madam President, I close with this. I always thought when I left the Senate I would say farewell to this body and Ted Kennedy would be here to wish me Godspeed. I wish him Godspeed.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank all of our colleagues who have taken the time to come to the floor to speak for and on behalf of our great friend and colleague, Senator Ted Kennedy. I particularly enjoyed the remarks of the distinguished Senator from Vermont who served with him for 35 years. I only served 33 years with Ted. I thank them for the remarks and the reverence most everybody has had for our departed colleague.

I rise today to offer my remarks on the passing of my dear friend and colleague, Senator Ted Kennedy. Over this past recess, America lost one of its greatest leaders and this Chamber lost one of its most dynamic and important Members. I mourn the loss not only of a respected colleague but of a dear personal friend. I think I speak for all my colleagues when I say that Senator Kennedy will be missed and that the Senate is a lesser place without him here.

People have often remarked about the working relationship I had with Senator Kennedy, oftentimes calling us the "odd couple." We used to laugh

about that. But the truth be told, he and I really didn't agree on a lot of things. Over the years, Senator Kennedy and I were on opposite sides of some of the fiercest battles in this Chamber's history. While we have long been good friends, we did not pull any punches on one another. If we were opposing one another in a debate, Senator Kennedy would come to the floor and, in his classic style, he would lay into me with his voice raised—and he had a terrific voice—and his arms flailing. Of course, I would let him have it right back. Then, after he finished, he would finally come over and put his arm around me and say: How was that? I would always laugh about it, as we did. We laughed at each other all the time.

That is what set Senator Kennedy apart from many in Washington. For him, politics rarely got personal. He was never afraid to voice his disagreement with the views of a fellow Senator. But, in the end, I believe he always maintained a warm and cordial relationship with almost every one of his colleagues. That is difficult to do sometimes, particularly when partisan tempers flare up, but it always seemed to come easy for Senator Kennedy.

Despite our tendency to disagree on almost everything, Senator Kennedy and I were able to reach common ground on many important occasions and on some important issues.

As I mentioned at the recent memorial service, one of my defining moments as a Senator came when I met with two families from Provo, UT. The parents in these families were humble and hard working, and they were able to provide food and clothing and shelter for their children. But the one necessity they could not afford was health insurance. Their children were children of the working poor. The struggles of this family touched me and inspired me to work with Senator Kennedy to create SCHIP, which continues to provide health care coverage to millions of children of the working poor and others throughout the country and which passed with broad bipartisan support.

Over the years, Senator Kennedy and I worked successfully to get both Republicans and Democrats on board for a number of causes. We drafted a number of pieces of legislation to provide assistance to AIDS victims, including the Ryan White AIDS Act. I named that bill right here on the floor with Mrs. White sitting in the audience. We worked together, along with Senator HARKIN, to craft and pass the Americans with Disabilities Act. There was also the Orphan Drug Act, as well as the FDA Modernization Act, and a whole raft of other bills that would take too much time to speak about, all of which bear the Hatch-Kennedy, Kennedy-Hatch name.

Our final collaboration came just this year in the form of the Edward M.

Kennedy Serve America Act, which I was pleased to name after Senator Kennedy right here on the floor. He came up afterward, and we hugged each other. Then we went back to the President's Room, and he had pictures, even though he was not feeling well. He had so many pictures with so many people who were involved.

All of our bills passed because of the willingness of Senator Kennedy and myself to put consensus ahead of partisanship—something we see far too infrequently in Washington.

It is axiomatic in politics that timing is crucial. No one understood or practiced that principle better than Senator Kennedy. He had a sixth sense and an open mind to notice when the time was ripe for the key compromise. He knew when to let events sift and when it was time to close the deal. More importantly, he knew when he should stick to his guns and when he needed to reach across the aisle to get the help of his Republican colleagues. He was always able to recognize and work with those who shared his goals, even if they had different ideas on how to achieve them.

I will never forget, after I had made the deciding vote on civil rights for institutionalized persons—it was a Birch Bayh-Hatch bill, and Birch had led the fight on the floor, and so did I.

Later came the Voting Rights Act. I felt very strongly about not putting the effects test in section 2. I had no problem with it in section 5, but I did not want it in section 2 so that it applied to all the other States. I lost in committee. I voted for the bill out of committee because I considered the Voting Rights Act the most important civil rights bill in history.

The day they were going to have the bill signed at the White House, he caught me right inside the Russell Building where we both had offices, and he said: You are coming with us, aren't you?

I said: Well, I was against the change in section 2.

He said: You voted for it and were very helpful in getting that bill passed, and I know how deeply you feel about it.

I did go down with him. I would not have gone without Senator Kennedy recognizing I did feel deeply about the Voting Rights Act. And even though I lost on what I thought was a pivotal constitutional right, the fact is I voted for the bill.

At the risk of riling my more liberal colleagues in the Senate, I would like to point out that Senator Kennedy shared an utterly optimistic view of the American experiment with President Ronald Reagan. They both deeply believed that whatever the current trials or challenges we must face as a nation, America's best days were ahead of her. That is something many people do not appreciate well enough about Senator Kennedy.

Because of his optimism and hope for our Nation's future, Senator Kennedy was, throughout his career in the Senate, a great practitioner of the Latin motto "carpe diem," "seize the day." Few worked harder day-in and day-out than Senator Kennedy. As a result, every Senator had to work a little bit harder, either to follow his lead if you were on the same side of the issue or to stand in his way if you were the opposition. I have been in both positions. I am not saying it was inherently difficult to work with Senator Kennedy. But as anyone who has negotiated a tough piece of legislation can tell you, it can be sheer drudgery, even when you agree on most issues. But Senator Kennedy brought a sense of joy even to the most contentious negotiating sessions. And when you were working with Senator Kennedy, you knew he would keep his word. If after these long sessions an agreement was reached, he would stick by it no matter how much heat he would have to take.

All this was no doubt the result of his love for this great institution and his commitment to the American people. Political differences notwithstanding, there can never be any doubt about Senator Kennedy's patriotism.

Few had a presence in the Senate as large as Senator Kennedy's. More often than not, you could hear him coming down the hall—a mini-hurricane with a bevy of aides in tow, a batch of amendments in one hand and a stack of talking points in the other. He was almost always effective but seldom very quiet.

I also want to share a few thoughts about his staff. While at the end of the day the full responsibility of the Senate falls squarely on the shoulders of each Senator, it is also true that during the day and often long into the night and on many weekends much of the work of the Senate is conducted by a group of the most committed team of staff members of any institution anywhere. Throughout his career, it was known that the Kennedy staff was comprised of one of the most formidable and dedicated collections of individuals of the Senate. Many of them have gone on to have distinguished careers, including now-Justice Stephen Breyer; Dr. Larry Horowitz, who managed his health care right up to the end and loved Ted Kennedy deeply; Nick Littlefield, who ran the Labor Committee for Senator Kennedy and was an adviser right up to the time Senator Kennedy passed away; and, of course, Michael Myers—just to name four, with no intention of leaving out the others. Senator Kennedy would be the first to recognize how their efforts contributed to his success. I salute them for their hard work over the years. I cannot exactly say I have always been totally pleased with all of the Kennedy staff all of the time, but, as was true of their boss, while we might have been frequent adversaries, we were never enemies.

I am saddened by the loss of my dear friend Senator Kennedy. I will miss him personally. I will miss the fights in public. I will miss his sense of humor in private and public. And perhaps more significantly, I believe this Chamber will miss his talents as a legislator and, most of all, his leadership.

While I cannot say I hope more of my colleagues will adopt his views on policy, I hope more of us can adopt his approach to the legislative process.

I was in California giving a speech at a fundraiser when they came in with a cell phone and said: Senator Kennedy is on the line, and he sounds very agitated.

So I went out on the plaza and I said: Ted, what is the matter?

He said: Oh, I have great news for you.

I said: What is that?

He said: I am going to get married again.

I said: Do I know her?

He said: No, but you would love her. She is a wonderful, wonderful person, and she has two wonderful children. I am going to adopt them and treat them as my own. And I am so happy.

I said: Ted, why would you call me in California?

He said: Well, her daughter was bragging to her elementary school teacher at that time that her mother was going to marry Ted Kennedy.

The elementary school teacher was married to a Washington Post reporter.

So he said: I wanted you to become one of the first to know. I am very happy. I am going to marry Vicki Reggie.

I have come to know Vicki very well. She has made such a difference in his life and in his family's life. She is a tremendous human being, as are his children. They are terrific.

I was happy to be in the Catholic church where Teddy went to pray for his daughter every day he could when she was suffering from cancer. I know how deeply he feels about PATRICK and Teddy, Jr. I thought they did a terrific job at the mass at his funeral. He has to be very proud of them. I am very proud of them.

I think Vicki Kennedy deserves an awful lot of credit for all of the later happy years of my friend Ted Kennedy. I want her to know that I love her dearly for what she did and as an individual herself.

I love Ted Kennedy's entire family. A number of them have come to me at times where I was able to help them because he could not as a member of the family. I have to say that I was close to a great number of the members of his family, and I really appreciate them as well and the influence they had on him and he had on them.

He had a great influence on me as well. I want to personally thank him for it and say to my dear friend and colleague, as I look at his desk over

there with the flowers and the drape, rest in peace, dear Ted, and just know that a lot of us will try to carry on, and hopefully, with some of the things you taught us and helped us to understand, we can do it better than we have in the past.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to speak about Senator Ted Kennedy. Clearly, I would have been proud to be on my feet to give such a testimonial, but as many of my colleagues know, I had a fall a few weeks ago coming out of church. I am ready to be at my duty station, but I can't quite stand to be 4 foot 11 and give these remarks.

I do wish to speak and speak from my heart, speak from my memory, and speak with my affection. I have known Ted Kennedy a very long time. He has been my friend, my pal, my comrade in arms. I have enjoyed everything from working with him on big policy issues to sailing off the coast of Hyannis. I have been with him in his hideaway while we strategized on how to move an agenda of empowerment, and I have danced at his famous birthday parties. We have had a good time together.

I remember one of the first parties was the theme from the 1960s, and I came with a big wig, hoping I would look like Jackie Kennedy. Ted was a chunky Rhett Butler because Vicki and he were coming as Rhett Butler and Scarlett O'Hara. As we jitterbugged, I said: Do you think I look like Jackie? He said: Well, nice try.

The last party we went to was a movie theme, and I came with one of those big bouffants. It was to be a movie theme, as I say, and I looked like something out of "Hair Spray." I will not tell you his comments, but, again, he said: Your hair gets bigger with every one. I can't wait until my 80th.

Well, unfortunately, there will not be an 80th birthday party, but we will always carry with us the joy of friendship with Ted Kennedy.

It is with a heavy heart that I give this salute to him. I first met him as a young social worker. I testified before his committee. As a young social worker, I was there to talk about a brandnew program called Medicare, about what was working, what were the lessons learned—once again from being on the ground; what was happening in the streets and neighborhoods—and how to help people get the medical and social services they needed. He listened, he was intent, and he asked many questions. Little did I know I would join him in the Senate to fight for Medicare, to fight for health care, and to fight for those senior citizens.

Similar to so many others of my generation, I was inspired by the Kennedys to pursue a life in public service. I

chose the field of social work and then went into politics because I saw politics as social work with power. As a Congresswoman, I was on the Energy and Commerce Committee. That was a counterpart to what Ted was doing in the Senate. We got to know each other at conferences working together. Those were the great days of bipartisanship. As we would come in from the Energy and Commerce Committee, there would be Ted Kennedy and Jacob Javits working to make sure we could pass good legislation. I saw there that good legislation came from good ideas that could be pursued with good humor in an atmosphere of civility.

As we got to know each other, I admired his verve, his tenacity, and he admired me because I could dish it out with the best of them as well. When he ran for President in 1980, he asked me to nominate him at the Democratic Convention. I was thrilled and honored to do so. Remember the drama of that. Jimmy Carter was an incumbent President. Ted Kennedy was an upstart. I backed Kennedy. Well, it didn't work out and Ted called me and said: I am withdrawing from the race. We are going to support President Carter 100 percent. But though you are not going to nominate me for President, I hope you will still introduce me at the convention. I said: Absolutely. But one day I hope to be able to nominate you.

That night, as I took the podium, it was the famous speech that everyone remembers Ted Kennedy giving about the work going on, the cause enduring, the hope still living, and the dream never dying. What was amazing about that speech was the way Ted Kennedy used a moment in his life—which some viewed as a defeat—as a time to redefine himself in public service and to claim the mantle of being one of the best Senators America has ever seen. He used that speech not as a retreat but as a reaffirmation and a recommitment of what he would do.

That night I did introduce him. While all my colleagues were in Boston, and I watched the funeral from my rehabilitation room, mourning his death and feeling sad that I could not join with my colleagues there, I had that speech and I read it then and, as I looked at it, I realized I could give it again and again. Because when I took the floor of the 1980 convention, I first said: I am not here for BARB MIKULSKI. And I am here today for all those people who would like to say what they knew about Teddy Kennedy, and I am going to say some of those words I said then that would be appropriate for now.

I said:

I am here on behalf of a lot of people who want to be here but can't: Old women desperately trying to use their Social Security checks to pay for food and medicine and yet frightened about their energy bills. Students whose tuition has gone up so much they are going to have to work two jobs just to stay in school.

I spoke of small businesspeople trying to just keep their doors open and the returning war vet who is unemployed, and that while his brother has signed up for a tour of duty, he is standing in the unemployment line.

I said during that speech that, day after day, Edward Kennedy has spoken out for those people; that he has been there talking about the economy, energy policy, and jobs, long before many others. I talked about how Edward Kennedy said that when Black freedom riders were being attacked and beaten, he was the one who fought for racial justice and helped to get the Voting Rights Act through. I said that as a young social worker, working in the neighborhoods during the dark Nixon years, and wondering how old people were going to get the services they needed, Ted Kennedy introduced the first nutrition program for the elderly—a program that guaranteed senior citizens at least one hot meal a day. It was Ted Kennedy, I said, who won the passage of programs such as neighborhood health centers, who fought the war on cancer, who led the fight to save nurses' scholarships and save them he did. In his fight for legislation, he was always there.

In my fight to help battered women, Senator Kennedy was one of the first to be a strong and active ally. He said he knew very early on that all American women work but that too many women work for too little or are paid unequal pay for their work. I said then, and I say again, Ted Kennedy wanted to change Social Security to make it fairer for women and to extend the Equal Rights Amendment so we would be included in the Constitution.

It was amazing the issues he fought for then and that he continued to fight for all his life. In the time I knew him, I knew him not just as a news clip, but I found him to be truly gallant in public and in private—caring about others and modest about himself, always about grace, courage, and valor.

When I came to the Senate, I was the only Democratic woman, and he was there for me, but I saw how he was there for so many other people. In 2004, when we were in Boston, Ted Kennedy and I had lunch in the North End. It was one of our favorite things, to get together for a meal and for conversation. What I realized then—as we enjoyed ourselves with big plates of antipasto; always vowing that we would eat more of the salad and less of the pasta—as we got up and left and walked around the North End, is that his best ideas came from the people. It was his passion for people. I knew he represented those brainy people in Cambridge who went to Harvard and who often came up through the Kennedy School with those great ideas. But as I walked around the neighborhoods with him, I saw he actually listened to people, trailed by a staff person who was actually taking notes.

As we walked down the street, there was the man who came up and who talked about his mother's problem with Social Security. Take it down, he said. Let's see what we can do. We walked down a few feet more. Oh, my grandson wants to go to West Point; how does he apply? He said: He is going to love it and he is going to love my process. Let's see how we can do that. A few feet on down, the small business guy said: Keep on fighting, Ted. You know I can't buy this health insurance. Can I call you? Always call me, he said. And by the way, don't forget to call Barbara—the legendary Barbara Souliotis. And all of us know Ted Kennedy had an outstanding staff, whether it was the staff in Massachusetts, who took care of casework and projects and day-to-day needs, or the staff in Washington who helped Ted Kennedy take the ideas that came from the people, their day-to-day struggles, and converted them into national policy. That is what it was—people, people, people.

When I came to the Senate, it was only Nancy Kassebaum and I. We were the only two women. He was a great friend, along with Senator Sarbanes. They were people I called my Galahads—people who helped me get on the right committees, show me the inner workings of the Senate. Ted was determined I would be on his Committee on Health and Education to get the ideas passed, but he also was determined I would get on the Appropriations Committee to make sure we put those ideas into the Federal checkbook. He was my advocate.

One of the things that was clear is, he was the champion for women. He was a champion for this woman in helping me get on those committees. And during those sometimes rough days getting started, he would take me to La Colline with Senator DODD, and while he drank orange juice with a little vodka—so no one would know he had a little vodka—he was giving me shooters of Chardonnay to boost my spirits. He and CHRIS would give me a pep talk, and I felt like I was Rocky. They would say: Get out there, fight; don't let it get you down. Pick yourself up. I felt like I was going to spit in the bucket and get back on the floor. He lifted my spirits, just like he lifted the spirits of so many.

The story I wish to conclude with—because there are so many issues we worked on together—is when I went to him and said: Ted, did you know that women are not included in the protocols at NIH? He said: What do you mean? I said: In all the research we do, women are not included in the protocols. They just finished a famous study which said to take an aspirin a day, keep a heart attack away. It included 10,000 male medical students and not one woman. I said: I want to change that. Teaming up with Nancy and Pat Schroeder and OLYMPIA SNOWE and

Connie Morella, who were in the House, he helped me create the Office of Women's Health at NIH so women would always be included in those protocols.

Then we spoke out and said: Ted, the health care research for breast cancer is low. That is why they are racing for the cure. He helped us, working with TOM HARKIN, to boost the money for research and to also get mammogram quality standards through so that when a woman would get her mammogram, it would be safe.

But here is one of the most profound things we did, again working on a bipartisan basis. Dr. Bernadine Healy, who was the head of NIH, wanted to do a study on the consequences of hormone therapy. Ted and I and TOM did not believe we should earmark NIH—and I believe that today—but we made sure we put money and a legislative framework in place so Dr. Healy could institute the famous hormone therapy study. Well, let me tell you the consequences of that. That study has changed medical practice. That study has resulted in breast cancer rates going down 15 percent.

So when someone says: What did Ted Kennedy do to help women? What did Teddy Kennedy do to work with BARBARA MIKULSKI? Tell them we worked together and we worked to save the lives of women, one million at a time. This is my final salute to Senator Kennedy on the floor, but I will always salute him every day in the Senate to make sure we continue what he said about how the dream will continue on.

I ended my speech at the Democratic Convention in 1980 when I said this—and I end my remarks today by saying this: Edward Kennedy has kept his faith with the American people. He hasn't waited for a crisis to emerge or a constituency to develop. He always led, he always acted, he always inspired.

God bless you, Ted. And God bless the United States of America.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

MR. SESSIONS. Mr. President, I would like to take a moment to join with my colleagues, and I see quite a number on the Senate floor now, to pay tribute to Ted Kennedy. He was a truly remarkable force in the Senate, a champion of liberalism—perhaps the Nation's leading champion of liberalism. He believed government could serve the people, and it ought to do more to serve people. On that we sometimes disagreed, but he believed it with a sincerity and he battled for it with a consistency that is remarkable. He constantly sought to utilize the ability of government to do good for the American people, and that is admirable.

He also was a champion of civil rights. He was a force during the civil rights movement, and his activities, his personal leadership, truly made a difference in making this a better

country. Without his leadership, things would have been much more difficult for sure.

I have a vivid memory of him—presiding as I did when I first came to the Senate, a duty given to the younger, newer Members—in the night, Ted Kennedy, alone on the Senate floor, roaring away for the values he believed in. It was just something to behold, in my view. I saw nothing like it from, maybe, any other Member. He had served so many years in the Senate—and I learned today from our chairman on Judiciary, Senator LEAHY, that he served on the Senate Judiciary Committee longer than any other Senator in history. But even as his years went by, many years in the Senate, he did not lose the drive, the will, the energy, the commitment to give of himself for the values he believed in.

As I told one reporter after his death, I would just hope to be somewhat as effective in promoting the values I believed in as he was in promoting those values. If we disagreed, and sometimes we certainly did, people continued to admire him, I think, to a unique degree. There were no hard feelings. You would battle away, and then afterwards it would be a respectful relationship between Senators. I think that is pretty unusual and something that is worthy of commenting on.

He talked to me about being a cosponsor, his prime cosponsor on a bill. He said he wanted to work with me on something important. It was a bill we commonly referred to as the prison rape bill. There was a lot of concern that in prisons, people who are arrested were subjected to sexual abuse. That, in my view, is not acceptable. I know the Presiding Officer, a prosecutor, knows people deserve to do their time in jail, but they should never be subjected to those kinds of abuses. So we passed a pretty comprehensive bill. I was proud of it and proud to be with him at the signing ceremony.

I also talked to him and we met and talked at some length about a major piece of legislation to increase savings in America, savings for the average working American who had not been able to share in the growth of wealth that so many have been blessed with in this country. I thought we had some pretty good ideas. Savings at that time had fallen below zero—actually 1 percent negative use of people's savings which were going away. I guess now we are at 5 or 6 percent savings rate after this turmoil we have had economically. I do not think the idea should go away. Maybe it lost a little steam in the fact that we have seen a resurgence of savings today, but I was very impressed with his commitment to it, the work of his fine staff, and his personal knowledge of the issue.

I see my other colleagues. I will join with them in expressing my sincere sympathy to Vicki and their entire

family for their great loss. The Senate has lost a great warrior and a great champion of American values.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

MR. HARKIN. Mr. President, I ask unanimous consent the period of morning business be extended to 2:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. HARKIN. Mr. President, as I look around this Chamber, I see men and women of remarkable talents and abilities. I also have a strong sense, we all do, that there is a tremendous void now in our midst. A very special Senator, a very special friend, a Member who played a unique role within this body for nearly a half century is no longer with us.

We have had many glowing and richly earned tributes to Senator Ted Kennedy over these last couple of weeks. He was not only the most accomplished and effective Senator of the last 50 years, he was truly one of the towering figures in the entire history of the Senate. Yet for all his accomplishments, for all the historic bills he authored and shepherded into law, for all the titanic battles he fought, I will remember Ted Kennedy first and foremost as just a good and decent human being.

I remember his extraordinary generosity, his courage, his passion, his capacity for friendship and caring, and, of course, that great sense of humor. I remember one time I was in my office and we had a phone conversation. It was about a disagreement we had. It was right at St. Patrick's Day so we were having this discussion on the phone and tempers got a little heated. I think I was holding the phone out about like this. He probably was too. I think our voices got raised to a very high decibel level, sort of yelling at each other, and pretty soon we just hung up on each other.

I felt very badly; I know he did too. So several hours later, when I came on the Senate floor and I saw Ted at his desk, I went up to him, I pulled up a chair next to him. He would get that kind of pixie smile on his face, have a twinkle in his eye.

I said: Ted, I'm sorry about that conversation we had. I should not have lost my temper as I did. I said: My staff is a little concerned about our relationship.

He sort of got that great smile and chuckled. Well, he said, forget about it. I just told my staff that is just the way two Irish men celebrate St. Patrick's Day.

That is just the way he was. He could disarm you immediately and you would move on. He had a great disarming sense of humor.

Ted came from a remarkable family—so many tough breaks, so many

triumphs, so many contributions to our Nation—both in war and in peace. Ted and his siblings were born into great wealth. They could have lived lives of luxury and leisure, but they chose instead to devote themselves to public service. They devoted themselves to making the world a better place for others, especially those in the shadows of life.

There are so many things I could focus on this morning in my brief remarks, but I want to focus on just one aspect of Ted Kennedy: all that he did to improve the lives of people with disabilities in our country. I thought about this: With the death of Eunice Kennedy Shriver on August 11, and all she did to found the Special Olympics now being carried on by her son Tim, then the death of Ted on August 25, people with disabilities in this country lost two great champions.

Their sister Rosemary lived her entire life with a severe intellectual disability. The entire Kennedy family is well acquainted with the joys and struggles of those with disabilities. Those of us who were in the church in Boston at the funeral—and those probably watching on television—heard the very eloquent speech by Teddy Jr. about his battle with cancer at a young age, losing his leg and his confronting his disabilities, and how Ted helped him get through that.

In 1975, Senator Kennedy helped to pass what is now called the Individuals with Disabilities Education Act—IDEA. In 1978 he passed legislation expanding the jurisdiction of the Civil Rights Commission to protect people from discrimination on the basis of disability. In 1980 he introduced the Civil Rights for Institutionalized Persons Act, protecting the rights of people in government institutions, including the elderly and people with intellectual and mental disabilities.

Nineteen years ago he was one of my most important leaders and partners in passing the Americans with Disabilities Act—1990. I will never forget, after I had been in the Senate for 2 years, Republicans were in charge, and then in 1986 Democrats came back, took charge, and Senator Kennedy wanted me on his education and health committee. I sort of played a little hard to get.

I said: Well, maybe, but I am really interested in disability issues. He knew about that. He knew about my work on some of the stuff I had done in the House before I came here, especially for people with hearing problems. I said I would like to come on his committee, but I said I would be interested in working on disability issues.

He got back to me and said: Tell you what, I have the Disability Policy Subcommittee and you can chair it.

I am a freshman Senator. He didn't have to do that for me. I was astounded at his great generosity. So I have al-

ways appreciated that. He had already had this great, extensive record on disability issues. Yet he let me take the lead. Then when the Americans with Disabilities Act came up, he could have taken that himself. He was the chairman of the committee.

As I said, he had this long history of championing the causes of people with disabilities. Yet he knew how passionately I felt about it, and he let me author the bill. He let me take it on the floor. He let me be the floor manager of it and put my name on it. He didn't have to do that. He was the chairman. He could have had his name on it. He could have floor-managed it. But he let me do it in spite of the fact that I was just a freshman Senator.

He was an indispensable leader in bringing disparate groups together to get the Americans with Disabilities Act passed. I will never forget that great act of generosity on his part in letting me take the lead.

Ted always insisted that our focus should be not on disability but on ability; that people with disabilities must be fully included in our American family. Americans with disabilities had no better friend, no tougher fighter, no more relentless champion than Ted Kennedy.

Yesterday I accepted the chairmanship of the Senate HELP Committee, the Health, Education, Labor and Pensions Committee. It is a great honor and a great challenge and, I must add, somewhat daunting to carry on the legacy of Senator Ted Kennedy. He dedicated his life to making our economy work for all Americans, to secure a quality education for every child and, of course, securing quality, affordable health care for every citizen as a right and not a privilege.

In the Democratic cloakroom, there is a page from the Cape Cod Times with a wonderful picture of Ted and a quote from him. Here is the quote:

Since I was a boy I have known the joy of sailing the waters of Cape Cod and for all my years in public life I have believed that America must sail toward the shores of liberty and justice for all. There is no end to that journey, only the next great voyage.

We have heard many eloquent tributes to Senator Kennedy. But the tribute that would matter most for him would be for his colleagues to come together, on a bipartisan basis, to pass a strong, comprehensive health reform bill this year.

It is time for us to sail ahead on this next great voyage to a better and more just and more caring America. So as we sadly contemplate the empty desk draped in black, we say farewell to a beloved colleague. He is no longer with us, but his work continues. His spirit is here. And as he said, the cause endures.

May Ted Kennedy rest in peace. But may we not rest until we have completed the cause of his life, the cause he fought for until his last breath, en-

suring quality, affordable health care for every American.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, it is my understanding that we are going back and forth. If Senator LAUTENBERG will let me go, I will not talk long, if that is appropriate.

Today is a day to remember a colleague, a friend, someone whom it was a challenge to oppose and a joy to work with, and I wish we were not here today talking about the passing of Senator Kennedy.

We disagreed on most things but found common ground on big things. And everyone has a story about Senator Kennedy. There has been a lot of discussion about his life, the legacy, his human failings, which we all have, his self-inflicted wounds, and his contribution to the country. But I want to talk about what will be missing in the Senate.

We had a giant of a man who was very principled but understood the Senate as well as anyone I have ever met; he understood the need to give and take to move the country forward.

My experience with Senator Kennedy was, I used his image in my campaign to get elected, like every other Republican did. We do not want another person up to help Ted Kennedy. And he loved it. He got more air time than the candidates themselves. He loved it.

I remember him telling me a story about Senator Hollings. The tradition in the Senate is when you get re-elected, you have your fellow Senator from that State follow you down to the well. He went over to Senator Hollings and said: I want you to come down and escort me.

He said: Why? I am from South Carolina.

He said: In my campaign you were. You were the other Senator from South Carolina.

Ted got a lot of fun out of that. I think he appreciated the role he played, and Republicans, almost to a person, would use Senator Kennedy in their campaigns.

But when they got here, they understood Senator Kennedy was someone you wanted to do business with. If you had a bill that you thought would need some bipartisan support, Senator Kennedy is the first person you would think of. And you had to understand the limitations on what he could help you with. He was not going to help you with certain things, because it ran counter to what he believe in. But where you could find common grounds on the big issues, you had no better ally than Senator Kennedy.

We met in the President's Room every morning during the immigration debate, and at night he would call me up and say: LINDSEY, tomorrow in our meeting you need to yell at me because

you need to get something. I understand that. I will fight back. But you will get it.

The next day he would say: I need to yell at you. It was sort of like all-star wrestling, to be honest with you, and that was fun. Because he understood how far I could go, and he challenged me to go as far as I could. But he never asked me to go farther than I was capable of going. And, in return, he would walk the plank for you.

We had votes on the floor of the Senate on emotion-driven amendments designed to break the bill apart from the right and the left. I walked the plank on the right because I knew he would walk the plank on the left. He voted against amendments he probably agreed with, but he understood that the deal would come unraveled.

The only thing I can tell you about Senator Kennedy, without any hesitation is if he told you he would do something, that is all you needed to hear. A handshake from him was better than a video deposition from most people. I do not how to say it any more directly than that.

Opposing him was a lot of fun because he understood that a give-and-take to move a ball forward was part of democracy, but standing your ground and planting your feet and telling the other side, in a respectful way, to go to hell, was also part of democracy. And he could do it with the best of them. But he could also take a punch as well as give one.

So what we are missing today in the Senate is the spirit of Ted Kennedy when it comes to standing up for what you believe and being able to work with somebody who you disagree with on an issue very important to the country.

If he were alive today, the health care debate would be different. That is not a slam on anybody involved, because this is hard. I do not know if he could deliver, but I think it would be different and I think it would be more hopeful.

The immigration bill failed. But he told me: I have been through this a lot. Hard things are hard for a reason, and it will take a long time. He indicated to me that the immigration debate had all the emotion of the civil rights debate. And that was not something he said lightly.

We sat in that room with Senator KYL and Senator Salazar and a group of Senators who came and went, and the administration officials, Homeland Security Secretary Chertoff, and Commerce Secretary Gutierrez, and we wrote it line by line with our staffs sitting on the wall.

It was what I thought the government was supposed to be like in ninth grade civics. It was one of the highlights of my political life to be able to sit in that room with Senator Kennedy and other Senators and literally try to write a bill that was difficult.

We failed for the moment. But we are going to reform our immigration system. And the guts of that bill, the balance we have achieved, will be the starting point for a new debate. Most of it will become law one day, because it is the ultimate give and take and it made a lot of sense.

I say his wife Vicki, I got to know Ted later in his life. Through him I got to know you. I know you are hurting now. But I hope that all of the things being said by his colleagues and the people at large are reassuring to you, and that as we move forward as a Senate, when you look at the history of this body, which is long and distinguished, around here there are all kinds of busts of people who have done great things during challenging times.

I will bet everything I own that Senator Kennedy, when the history of this body is written, will be at the top echelon of Senators who have ever served. The point is that you can be liberal as you want to be, you can be as conservative as you want to be, and you can be as effective as you want to be. If you want to be liberal and effective, you can be. If you want to be liberal and ineffective, you can choose that route too. The same for being conservative. You do not have to choose. That is what Senator Kennedy taught this body, and I think what he demonstrated to anybody who wants to come and be a Senator. So if you are a left-of-center politician looking for a role model, pick Ted Kennedy. You could be liberal, proudly so, but you also could be effective.

What I am going to try to do with my time up here is be a conservative who can be effective. That is the best tribute I can give to Senator Kennedy—being somebody on the right who will meet in the middle for the good of the country.

Ted will be missed but he will not be forgotten.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Jersey.

MR. LAUTENBERG. Mr. President, this corner of the Senate has become a lonely place. I sat next to Ted Kennedy here for a number of years. We miss him. We miss his camaraderie, his humor, his candor, most of all his courage. And though he will not be here to join us in the future, the things he did will last for decades because they were so powerful. He was a constant presence here. It is hard to imagine the Senate without Ted Kennedy's vibrant voice resounding throughout this floor or his roaring laughter spilling out of the cloakroom.

Without doubt he was one of the finest legislators ever in this Chamber's history. Throughout his more than 46 years of service, Ted introduced 2,500 bills and shepherded more than 550 of those into law. He was a man of many gifts, but his greatest had to be his remarkable affinity for ordinary people.

I saw that gift firsthand in 1982 when I was making my first run for the Senate. A rally was being held for me in Newark, NJ, and it drew a crowd of thousands. I wanted to think that they were there for me, but it was obvious that they were there for Ted Kennedy.

The warmth, the affection with which he was received in this city far from the borders of Massachusetts, far from the halls of power in Washington, was amazing to witness. It was fitting that Ted came to Newark to help me campaign because he inspired me to devote myself to public service. He encouraged my entry into the Senate.

As soon as I joined the Senate, Ted Kennedy became a source of knowledge, and information, and wisdom. He was a seatmate of mine here in the Senate, and freely offered ideas on creating and moving legislation that I thought of or sponsored.

Even though he was born into privilege and was part of a powerful political family, his fight was always for the workers, for justice, and for those often forgotten. He was never shy to chase one down and demand your vote or to call you on the phone and insist on your support. Sometimes he would try to bring you to his side through reason, other times it was through righteous fury. Ted was such a tenacious fighter for a cause in which he believed that he would often put on the gloves no matter who the opponent might be.

But he never let disagreement turn into a personal vendetta. No matter how bitter the fight, when it was done, he could walk across the Chamber ready to shake hands with his opponents, and was received with affection and respect.

Despite his reputation as a divisive figure, he was at the top of the list of popular Senators beloved by both Republicans and Democrats. He carried a great sense of humor. He liked to play pranks, one of which I saw up close and personal. One Thursday night after a long series of votes, we chartered an airplane to take Ted Kennedy, JOHN KERRY, Senator Claiborne Pell, and me north to join our vacationing families in the area.

A week later we were here in the Chamber, and Claiborne Pell came over to me, hands shaking, with a letter in his hand. I looked at the letter. It was my stationery. On that stationery it asked for Claiborne Pell, a frugal man, to pay a far greater share of the total than was originally agreed to. I was embarrassed, mortified. I quickly declared that it was wrong and apologized profusely. And then I went to Ted to assure him that if he got a letter such as that, the letter was incorrect. Ted turned belligerent. He reminded me of the help he provided in my first election and asked: How could I nickel and dime him after all of that help. He turned on his heel, walked away red-

faced, and then I realized it was part of the creation of a plot to embarrass me. The two of us broke into laughter so loud, so boisterously, that the Presiding Officer demanded that we leave the Chamber.

Ted Kennedy's love of life was always obvious in the Senate. Even though he could rise above partisan division, his life's work was deeply personal. It was Ted Kennedy who inherited the family legacy when two brothers were slain by assassins' bullets. He met that challenge by battling the powerful special interests to pass the Gun Control Act of 1968, which made it illegal for criminals and the mentally ill to buy guns.

Together Ted and I joined the fight to keep our streets safe from the scourge of gun violence. For decades, he was a force that shaped the national political landscape. He crafted life-changing legislation year after year, always fighting to shape public opinion toward his causes. He believed public service was a sacred mission and the role of a leader was to make progress. No matter how hard, no matter how long the journey, he persisted.

In fact, Ted Kennedy's signature talent was his precise, unmatched ability to get legislation passed. And he did that through the timeless requirements of this profession: preparation, integrity, fairness, patience, hard work, a little bit of table pounding and a profound respect for his colleagues and his constituents.

I had the privilege of working with Ted Kennedy on many pieces of groundbreaking legislation. We worked closely on fighting big tobacco and their attempts to seduce children into a lifetime of addiction. We reached the high watermark in that struggle earlier this year, when a law was passed that gives the FDA the power to regulate tobacco. It was something we worked on together for a long time. We stood together on other struggles, from the creation of the Children's Health Insurance Program to the Ryan White Act, to the Family and Medical Leave Act.

Think about it: Without Ted Kennedy, nearly 7 million children would not have health insurance. Think about it: Without Ted Kennedy, half a million Americans suffering with HIV would not be receiving vital services to cope with their disease. Think about it: Without Ted Kennedy, more than 60 million workers would not have the right to take time off from their job to care for a baby or a loved one or even receive personal medical treatment.

And he did more. He gave people assurance that the government was on their side.

Ted Kennedy was the guardian of opportunity. Look at his decades-long campaign to increase the minimum wage.

He will forever be remembered as a leader who persevered despite some

frailties, who remained a tower of strength despite crippling personal tragedy.

Nothing symbolized his fortitude more than his first major speech on the Senate floor, which came on the heels of President Kennedy's assassination.

Then, despite all he was facing personally, he fought for passage of the Civil Rights Act of 1964 to outlaw discrimination in employment, education and public accommodations.

From there, Ted Kennedy became inextricably tied to the struggle for equal rights.

He was the chief sponsor of the Civil Rights Act of 1991.

Ted Kennedy was also a leader in the passage of the Voting Rights Act of 1965.

This law abolished literacy tests at the polls and guaranteed the protection of all Americans' right to vote.

In 1982, he was the chief sponsor of the Voting Rights Amendments Act which led the way to greater minority representation in Congress and state legislatures.

That law, in no small way, made it more likely that Barack Obama would become President of the United States. We are grateful the last Kennedy brother had a chance to see America rise above racism, above prejudice. He had a chance, the last of the Kennedy brothers in office, to see President Obama take that oath. It was a proud moment for him and for all of us.

As his life came to an end, Ted said he saw a new wave of change all around us. He promised us that if we kept our compass true, we could reach our destination. In the days and the weeks and the months to come, the years to come, decades to come, we have to keep Ted Kennedy's cause alive. It is the cause of breaking gridlock to get things done. It is the cause of expanding health care as a right and not a privilege. It is the cause of bringing hope and justice and prosperity to all.

We are likely never to see the likes of a Ted Kennedy again. But I am confident we can rise to the challenge the people's Senator set for us and carry on for those who remember him, for those, yes, who miss him, for those who loved him, and for those who will always need a champion like Ted Kennedy.

Finally, if there was a demonstration of his humanity, the funeral tribute was one of enormous love and respect. It was enunciated particularly, because I road with other Senators on the bus, by the hoards of people standing by the curbside with signs of gratitude for his contribution to the life and well-being of America. We are thankful for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, on August 25, a towering figure on our national political landscape left us. Edward Moore Ken-

nedy succumbed to a malignant brain tumor after an 18-month battle for his life. As I look now at his desk, draped with black cloth and covered with flowers, I still have difficulty believing that he is gone. My ebullient Irish-to-the-core friend has departed this life forever. How bleakly somber. How utterly final. How totally unlike Ted Kennedy in life.

Ted Kennedy in life was a force of nature—a cheerful, inquisitive, caring man, who never accepted somberness for long or the finality of anything. His energetic adherence to perseverance, his plain dogged determination, his ability to rise from the ashes of whatever new horrific event accosted him, always with grace, and usually with a liberal dose of humor, were his trademarks. It was almost as if Ted Kennedy were at the top of his form when coping with adversity. Life itself inspired him. He believed that life was a contact sport, but that it should never be played without joy in the game itself. That is how he saw politics as well.

Ted Kennedy and I were friends and, yet, we were the oddest of odd couples. He was the scion of a wealthy and storied family. I am a coal miner's son who had no bottom rungs in my ladder. In earlier years we were rivals.

What Ted and I discovered, though, was that somehow we had many things in common—a love of history; an affection for poetry; a fondness for dogs; a commitment to the less fortunate in our society. Many will speak of Ted's stunning Senate career, his huge and lasting impact on our culture, his domination of the political scene for so many, many decades. By all means, let us never forget Ted Kennedy's extraordinary contribution to this great country. It is largely unmatched.

But I will especially cherish the personal side of this big man, with his infectious laugh, his booming voice, and his passion for the things and the people that he cared about. I will remember the dog lover who brought Sunny and Splash to my office to visit. I will recall a considerate friend who sent dozens of roses to mark my wedding anniversary or a special birthday. I will again enjoy a very special recitation of the "Midnight Ride of Paul Revere." By habit, I shall immediately look for Ted Kennedy whenever I enter this Chamber. In a thousand ways large and small he will simply be deeply, deeply missed.

My heart goes out to his steadfast wife Vickie and to his wonderful family. His spirit surely lives on in all of you.

Not long ago, I picked up a book of poetry which Ted Kennedy had given to me in July of 1996. It bore this inscription:

"To Bob, the master of our legislative poetry who has already left so many extraordinary Footprints on the Sands of Time." After that, Ted had written, "See page 371."

I close with a few stanzas from "a Psalm of Life" on page 371 of Ted's gift to me:

Life is real! Life is earnest!  
And the grave is not its goal;  
Dust thou art, to dust returnest,  
Was not spoken of the soul.

....

Lives of great men all remind us  
We can make our lives sublime,  
And, departing, leave behind us  
Footprints on the sands of time;  
Footprints, that perhaps another,  
Sailing o'er life's solemn main,  
A forlorn and shipwrecked brother,  
Seeing, shall take heart again.  
Let us, then, be up and doing,  
With a heart for any fate;  
Still achieving, still pursuing,  
Learn to labor and to wait.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I have been very fortunate in my life in public service to witness a lot of historical events, but none parallels the tribute that was just paid by one icon of the U.S. Senate to another Member of the U.S. Senate.

I rise to pay my respects to the late Senator Ted Kennedy. As one of my colleagues said earlier, it is a little bit ironic, when you come to the Senate you find out that those with whom you have significant political disagreements are folks you get to know well and you have the opportunity to work with.

I am sure during my political campaign for the U.S. Senate Ted Kennedy raised me a lot of money by virtue of the fact that I would cite him in my fundraising mailouts because, coming from a very conservative part of the country, it was popular to cite the liberal Members of the Senate and say you needed to be there to counteract them. But when I came to the Senate—and certainly Senator Kennedy and I do come from opposite ends of the political spectrum—I learned very quickly from Senator Kennedy what the Senate is all about.

I was here about, gee, it could not have been but a couple of days—something less than 48 hours—when I was notified that I was going to be on the Judiciary Committee and that I would be the chairman of the Immigration Subcommittee on Judiciary and my ranking member would be Ted Kennedy.

Senator Kennedy came to me on the floor, within a few hours of me being notified of that, and he said: SAXBY, you and I need to sit down. Let's discuss some immigration issues that we want to accomplish during the next 2 years. I just want to talk with you about it, get your thoughts and give you my thoughts.

I said: Well, sure, Ted, that will be great. I will be happy to come to your office and sit down with you.

He said no. He said: SAXBY, that is not the way the Senate works. You are

the chairman. I will come to your office.

So the next day, a Senator who had been in office for well over 40 years came to the office of a Member of the Senate who had been here a little over 40 hours and sat down and had a conversation. That was a lesson about the way the Senate works that I will never forget.

We began working together on the Immigration Subcommittee, and we worked for about a year—it was in excess of a year, I guess—on an issue we talked about the very first day in my office. It involved the expansion of the L-1/H-1B visas. At that time, our economy was booming and businesses across our country needed access to more employees who had a specialized expertise.

We were successful in ultimately striking a compromise. It was difficult for Ted because the leftwing of his party was very much in opposition to what we were doing, and it was somewhat, although a little bit less, difficult for me because the rightwing of my party was in opposition to what we were doing.

Ted called me up one day after we had finished our negotiations, and he was laughing, and he said: SAXBY, I have to tell you, we have entered into an agreement on this, and I am going to do exactly what I told you I would do, but, boy, am I ever getting beat up by the far left in my party. They are just killing me. He said: It is to the point where I am up for reelection next year, and you may have to come to Massachusetts and campaign for me.

We kind of laughed about that.

Well, 2 days later, I had been besieged with phone calls from ultraconservative folks from my State, and I called Ted up, and I said: Well, Ted, you will not believe this, but I am getting beat up over that same issue by ultraconservatives in my party. But don't worry, I don't need you to come to Georgia to campaign for me.

Well, he laughed about that like I had never heard him laugh. The very last conversation I had with him to any extent was when he was here for President Obama's inauguration, and he reminded me of that story. He never forgot that.

I also have a very fond memory of Ted by virtue of the fact that my grandchildren were 8 and 6 years old when I first came to the Senate, and we had this ice cream social out in the park across from the Russell building where his office was and my office is. In fact, his office was directly below mine. I am walking back from the ice cream social with my grandchildren—who were here for that because it happens at the same time as the White House picnic—and Ted is driving off in his car, and he sees me coming across with my grandchildren. He stops the car, gets out, and he says: SAXBY, these must be your grandchildren.

I said: They are.

He said: Well, I want my dogs to see them and them have a chance to meet my dogs.

So he got out of the car and got the dogs out, and my grandchildren just loved playing with those dogs.

Every year after that—I never called him—he called me because he knew that when the White House picnic was going on, my grandchildren would be here, and he would insist on bringing the dogs up when the grandchildren were here so they would have a chance to play with them. That is just the kind of guy Ted was. It was a much softer side than what we have seen so many times with Ted with his passionate debates and whatnot.

Lastly, let me mention another anecdote I will always remember. I was going down to speak to the Hibernian Society in Savannah, which has the second largest St. Patrick's Day parade in the United States. It is a big deal. We have about 1,000 folks who are at the Hibernian Society dinner that I was going to speak to. All you do is you go in and you tell jokes.

Well, I needed a bunch of Irish jokes, so I called up Ted and I told him what I was doing, and I said: I know you must have a book of Irish jokes.

He said: I do. I am going to send it to you. And he said: I will tell you something else you need to do. I know Savannah is a very conservative part of the world, and you are going to see in these jokes that you will have an opportunity to point out somebody to kind of poke fun at. He said: Every time you have an opportunity in telling these jokes, you use my name.

Well, I took him at his word, and I did. And, boy, did I ever get a rousing welcome from all those Irish men in Savannah, GA.

So I have very great and fond memories of a man who certainly came from a different part of the country than where I come from, who came from a very different political background than where I come from, and somebody who certainly had much more political experience than I will ever have. But the thing I appreciated in Ted Kennedy was—and I have said this often—he was the best legislator in this body. When Ted Kennedy told you something, you could take it to the bank. You never had to worry about it thereafter.

While we disagreed on many things, we agreed on some things and were able to work together in a very unusual way. Even when we disagreed, we were able to walk out of this Chamber and still be friends.

To Vicki and PATRICK and the children, Ted was a great American, a great guy, and he is going to be missed in this body. He was a true inspiration to a lot of us, and we are going to miss that compromising aspect of Ted Kennedy that will not be here even though someone else will take up the mantle.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, as I sit here and listen to the remarks of my colleagues and I look over at that black velvet-draped desk, with the pristine white roses, and the poem by Robert Frost, and I think about the past 17 years I have been here and have looked up—and perhaps it is late at night, perhaps it is in the morning, perhaps it is in the afternoon—and Senator Kennedy is at his desk and he is talking about a bill he cares a great deal about—and, as Senator LAUTENBERG had said earlier, he introduced 550 bills that became law. Around here, you can introduce a bill, and maybe it goes somewhere and maybe it does not. You can introduce a bill, and maybe it is a small bill, but introducing a big bill that goes somewhere, that passes the House and is signed by the President of the United States, is not a small feat.

I listened to Senator BYRD, and in the past he has spoken about lions of the Senate. Ted Kennedy was a lion of the Senate.

During 47 years—and this morning in the Judiciary Committee, we learned he had been the longest serving member—during 47 years, if you look at the big bills: the Mental Health Systems Act of 1980, which enabled people with mental illnesses to live in their communities with minimal hospital care; the Children's Health Insurance Program, which has been spoken about, which provided health insurance to uninsured children of low-income families; the commitment to health care reform that did not diminish even as he suffered through terminal illness; his dedication to education, he was a leader in the landmark Elementary and Secondary Education Act, which established the Federal Government's commitment to fund school for poor children in public schools; No Child Left Behind, widely hailed as the greatest example of bipartisan cooperation during the Bush administration; the bill he did with ORRIN HATCH, the Serve America Act, the greatest expansion of national service since the New Deal—it goes on and on and on, big bills, bills that changed people's lives, not just in a county or a city but all across this great land.

In civil rights, as you look across at that desk, he had no peers. He would stand up, and I would watch: The lower jaw would quiver slightly, and he would begin, and there would be the thunderous tones, either in the Judiciary Committee or here on the floor, that would fill the room, filled with passion, filled with conviction, filled with determination.

He played a major role in every civil rights battle in this Congress for 40 years. Who else can say that? He

fought for people of color, for women, for gays and lesbians, for those seeking religious liberty. His amendments to the Voting Rights Act in 1982 led to significant increases in minority representation in elective office. He was a major sponsor of the Americans with Disabilities Act to ensure that millions of disabled Americans could live productive lives. These are not small bills; these are big bills—the Civil Rights Act of 1991, which strengthened civil rights protections against discrimination and harassment in the workplace; again, a big bill which became law.

I was part of that small group of Senators who met on immigration reform hour after hour in small hot rooms. I watched Senator Kennedy with his sleeves rolled back, when he would sit back and wait for just the right time to move or change the tenor of the discussion. True, that was one that was not successful, but it wasn't because he did not try.

Seventeen years ago, JOE BIDEN asked me if I would be the first woman on the Senate Judiciary Committee. I had the honor of doing it. Ted Kennedy was No. 2 in seniority sitting on that committee. I saw his commitment firsthand. It was very special. You see, I was a volunteer in the campaign for John Fitzgerald Kennedy. I was a full-time volunteer for Bobby Kennedy for his campaign. I saw the Nation ripped apart by these double assassinations. I saw Senator Kennedy, in addition to being a lion in the Senate, become a surrogate father to nieces and nephews. I saw him accept this mantle with great enthusiasm, with great love, and with a commitment that spanned the decades. That is very special. It is a very special human dimension of a great individual.

I lost my husband Bert to cancer, and I know well what the end is like. I know the good times that grow less and less and the bad times that become more and more. Ted Kennedy's life was enriched by a very special woman, and her name is Vicki Kennedy. For me, she is a mentor of what a wife should be. I have watched her sitting with him, writing speeches. I have watched her at weekend retreats. I have watched her fill his life with love, companionship, understanding.

I know a little bit about what the last months of a cancer victim are like. I can only say to her that we will do everything we can in this body to end cancer in our lifetime.

Yes, Ted Kennedy leaves very big shoes, shoes that probably will never be filled in quite the same way, from a family that will probably never be replicated.

I wish to end my remarks with a passage in the Prayer Book of the High Holy Day services for Reform Judaism. It was written when I was a teenager by a young rabbi I very much admired, and I wish to share it at this time:

Birth is a beginning and death a destination.  
And life is a journey:

From childhood to eternity and youth to age;

From innocence to awareness and ignorance to knowing;

From foolishness to discretion, and then, perhaps, to wisdom;

From weakness to strength or strength to weakness

—and, often, back again;

From health to sickness and back, we pray, to health again;

From offense to forgiveness, from loneliness to love, from joy to gratitude, from pain to compassion, and grief to understanding—

From fear to faith; from defeat to defeat to defeat—

Until, looking backward or ahead, we see that victory lies not in some high place along the way, but in having made the journey, stage by stage, a sacred pilgrimage.

Birth is a beginning and death a destination.  
And life is a journey, a sacred pilgrimage—  
To life everlasting.

Ted Kennedy leaves a giant legacy in this body and we should not forsake it.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, following the passing of President John F. Kennedy, Senator Mike Mansfield said: "He gave us of his love that we, too, in turn, might give."

These words ring true today as we remember the life of our late colleague, Senator Ted Kennedy.

So much of this country's history in the past half century can be attributed to this one man. But Ted Kennedy was also a modest man, and he would not have put it that way.

Speaking almost 30 years ago at the 1980 Democratic National Convention, he quoted Tennyson:

I am a part of all that I have met . . .  
Tho much is taken, much abides.

That which we are,

we are one equal temper of heroic hearts

Strong in will

To strive, to see, to find

and not to yield.

In the more than 46 years that Senator Kennedy served this body, he did not yield and, in turn, he affected each and every American.

During his career in the Senate, Senator Kennedy authored thousands of bills, and hundreds of them became law. From championing civil rights to advocating equal opportunity and higher education, to fighting for access to affordable health care for all Americans, Senator Kennedy's work has quite simply improved the quality of life for millions of Americans. Over the past 2 weeks we have heard many speak of his accomplishments.

It didn't take long for me to realize when I came to this body, and more and more as each year passed, that Ted Kennedy was probably the greatest legislator in modern American political

history. The guy was amazing, absolutely amazing; an inspiration for me personally to try to be a very good legislator. Many people have also said that. I am not the only one who has recognized his talents and that he is probably the best legislator in modern American political history.

Let me just say why that was true for me. First of all, it was the passion of his convictions. His moral compass was set so true: for the average person, the little guy, the person who didn't have representation, health care, the poor, civil rights. He just believed so passionately, so steadfastly. His moral compass was just so firmly set. There is no question of what Ted Kennedy was and what he believed in, and it made him alive. It was his dream to fulfill the lives of the people he worked so hard for.

All of us remember Ted Kennedy working so hard to fulfill his dreams. From his desk over here, he would stand up and he would thunder, red-faced. He would get so involved, so passionate, speaking so loudly, almost shouting what he believed in. You couldn't help but know that here was a guy who believed what he said and, by gosh, let's listen to him. He also had terrific staff. Ted Kennedy's staff had him so well prepared. All of these briefing books—I will never forget the briefing books Ted took, and he read them. He studied them. He was so well prepared. Along with his passion was his preparation, and his staff just helped him prepare because they were all one team. They were working so closely together for the causes they believed in.

I also was impressed and found him to be such a great legislator because after the speeches he believed in so thoroughly and passionately, he would sit down with you and start to negotiate, try to work out an agreement, try to work out some solution that made sense for him and made sense for you if you happened to be on the other side. It was amazing to sit and watch him work, a different demeanor, a different temperament. He would sit there and cajole, talk, tell jokes, all in good spirit, all in an attempt to try to get to the solution.

On the one hand he would be here in the Chamber and he would be thundering, but in the conference room he would be saying: OK, let's figure out how to do this. How do we get this done? It was amazing. It was such a lesson to learn just watching him legislate.

I think he is also one of the best legislators in modern American political history because he had such a light touch. He really cared individually for people, not just groups but individually. We have heard references to a book he gave Senator BYRD, a poetry book, and how Senator Kennedy would bring his dogs over to Senator BYRD's office; and listening to Senator CHAM-

BLISS, how Senator Kennedy made sure he knew when Senator CHAMBLISS's grandchildren would be here so the grandchildren could see his dogs. He loved his dogs and he had that very light touch.

I remember not too long ago—and Senator BYRD referred to it—I think it was Senator BYRD's 67th wedding anniversary, and Senator Kennedy had the foresight and the caring to send 67 roses to ROBERT BYRD and Erma Byrd. It was one of the things he just did, as well as all the letters he wrote, the handwritten letters he wrote.

Here is this wonderful guy who probably never used a BlackBerry; didn't know what they were. We know what they were. We use them. He wrote notes, hundreds of notes, thousands of handwritten notes, tens of thousands of handwritten notes. It was incredible. He would write a note to anybody at any time—just a light touch—on their birthday or call them on their birthday or call somebody who was in the hospital. He would just do that, more than any other Senator here I can think of, and I would venture to say probably more than most Senators combined. He was just that way.

Let me give one small example. Several years ago, in my hometown of Helena, MT, I was at a meeting and came back late at night after the meeting, and my mother said: MAX, Ted Kennedy called.

Really?

Yes, Mom said. Well, I told him you were out, but we had a nice chat, Ted Kennedy and I.

What did you talk about?

We talked about the Miles City bucking horse sale. It is an event in Montana that comes up every year. Ted came and rode a horse at the Miles City bucking horse sale back in 1960.

A few days later I was back on the floor of the Senate, and I walked up to Ted and I said: Ted, I understand you talked to my mother.

Oh, he said. Sometimes on the telephone you are talking to somebody, you can tell who the person is. Your mother, she is such a wonderful person, so gracious, on and on talking about my mother and the conversation the two of them had.

They had never met before. My mother is a staunch Republican, and here is Ted Kennedy.

So I went back home a few days later, and I told my mother, I said: Mom, Ted was sure impressed with the telephone call you had.

Oh, gee, that is great. That is wonderful.

My mom wrote Ted a note thanking him for being so—for praising her so much to me, her son, just a few days earlier.

Well, the next thing I knew, my mother and Ted were pen pals. Ted wrote a letter back to my mother, and they were back and forth and back and

forth. I would be at a committee hearing someplace and Ted would say: Hey, MAX, look. Here is the letter I am writing your mother. Just out of the blue. Basically, they were just reminiscing about Montana and again about the bucking horse sale, which is another reason Ted was such a great guy.

He lived life so fully. He just loved life. He embraced life in all of the ways that life is available to a man. He was just wonderful that way.

Back in 1960 when his brother was running for President, Ted was assigned the Western States in the 1960 Presidential campaign. So Ted was out in Montana, and they went to a Democratic gathering. There wasn't anybody there, so he went to the Miles City bucking horse sale. We in Miles City, MT, have this bucking event. We take these horses off the prairie and buck them. You bid on the horses and, obviously, the best bucking horses get the highest bid and go off with the rodeo operators and they use them.

Anyway, the long and the short of it is, Ted was there and he went to the bucking horse sale and got in the booth because he wanted to speak on behalf of his brother. The announcer said: Well, young man, if you want to speak, first you have to ride a horse.

Ted said: Why not.

So Ted got on a horse and there is this wonderful photo of Ted at the Miles City bucking horse sale in Montana that somebody took. So there is Ted on his bronco. I don't think he made the full 8 seconds, but he sure had a great time on that horse.

The long and short of it is, he is a great man for so many reasons, and we love Ted for all he was. Again, I think he was the greatest legislator I think, in modern American political history.

I am touched by what a family man he was. As the years went by, after his brothers were tragically lost and all that happened in the Kennedy family, Ted was a rock to others in the family. He experienced so much and he went through so much tragedy and it has built so much character.

Ted was more than a Senate icon who fought for causes, more than a voice for the Commonwealth of Massachusetts. As I mentioned, he was a loving son, brother, husband, father, uncle, grandfather, and friend. Working with him for the past 30 years is one of the greatest honors I have had as a Senator.

Ted, as far as I am concerned, we are going to take up your last great cause, health care reform. We are, in the Senate, doing all we can to get it passed. I, personally, pledge every ounce of energy at my command to help get health care reform passed for all the American people and for Ted Kennedy.

He was a wonderful man, and he will be sorely missed. I don't think there is going to be another man or woman in the Senate who will be a giant such as Ted Kennedy. He was that great a guy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I appreciate having this opportunity to join in the celebration of the life of Ted Kennedy. His loss was deeply personal to all of us because he was a strong and vital presence not only in the day-to-day work of the Senate but in our day-to-day lives as well. He was interested and concerned not only about his colleagues but our staffs and all those with whom he worked on a long list of issues that will continue to have an impact on our Nation for many generations to come. That was the kind of individual Ted was—active and completely involved in all things that had to do with the work of the Senate.

For my part, I have lost a Senate colleague who was willing to work with me and with Senators on both sides of the aisle. He was my committee chairman and my good friend.

For those across the country who mourn his passing, they have lost a trusted and treasured voice in the Senate, a champion who fought for them for almost 50 years.

The political landscape of our country has now been permanently changed. I think we all sensed what his loss would mean to the country as we heard the news of his passing. Now we take this time to look back to the past and remember our favorite stories and instant replay memories of the Senator from Massachusetts.

In the more than 12 years I have had the privilege of serving Wyoming in the Senate, I had the good fortune to come to know Ted on a number of levels. As a Senator, he was a tremendous force to be dealt with on the floor. If you were on his side, you knew you had a warrior fighting alongside you who went to battle without the slightest fear of failure or defeat. If you had to face him from the other side of the arena, you knew you had a tremendous battle on your hands because, when it came to the principles he believed in, no one said it better or with more passion or more depth of understanding of the issues involved. As a result, he was able to notch an impressive list of legislative victories.

During his long and remarkable career, there were few initiatives that didn't attract his attention and his unique spirited touch that often turned them from faint hopes for change to dreams at long last come true. Whether it was an increase in the minimum wage, equal rights for all Americans or the effort to reform our Nation's health care system, which was his greatest dream, Ted operated at one speed and one direction—full speed ahead—and it always found him making progress on the task at hand.

Over the years, I was fortunate to have an opportunity to work with him on a number of issues of great impor-

tance to us both. He knew what he had to have in a bill to get his side to agree on it, and I was fortunate to have a sense of what it would take to get votes from my side. So, together, we were able to craft several bills that we were able to move through committee and to the Senate floor.

When I served as the chairman of the Health, Education, Labor, and Pensions Committee, the partnership we had forged over the years helped us to compile a record of which we were both very proud. We passed 35 bills out of committee, and 27 of them were signed into law by the President. Most of them passed unanimously. I remember attending a bill signing during which the President remarked, "You are the only committee sending me anything." We checked, and he was right, and that was due, in large part, to Ted's willingness to work with us to get things done.

I will always remember two stories about Ted. One was a time when we were working together on a mine safety law. Nothing had been done in that area for almost 30 years. The average bill takes about 6 years to pass around here. Thanks to Ted, we got that one done in 6 weeks, and it has made a difference.

Another had to do with my first legislative initiative after I arrived as a newly sworn-in freshman Senator. I knew Ted had quite a good working relationship with my predecessor, Alan Simpson. So as I began to work on an OSHA safety bill, I started to discuss the bill with Ted and other colleagues and go through it section by section. I knew Ted's support would be instrumental if my efforts to pass the bill would be successful. So I arranged to meet with him.

Ted opened our meeting by presenting me with some press clippings he had collected for me about my mother's award as "Mother of the Year." That impressed me and showed me how he kept up on anything that was of importance to those people he worked with—members and staff.

Then he spent a great deal of time going over the bill with me section by section. He helped me to make it a winner. Although the bill, as a whole, didn't pass, several sections made it into law. I found out later that this wasn't the way things are usually done around here, and in all the years Ted had been in the Senate, nobody had gone over a bill with him a section at a time. I probably didn't need to.

That started a friendship and a good working relationship with him we both cherished. I tried to be a good sounding board for him, and he always did the same for me. Our friendship can best be summed up when Ted came to my office and presented me with a photo of a University of Wyoming football helmet next to a Harvard football helmet, with the inscription, "The Cowboys and the

Crimson make a great team." We did, and I will always remember his thoughtfulness and kindness in reaching out to me.

Ted was one of those remarkable individuals who made all those he worked with more productive. He was a man of exceptional abilities, and he was blessed to have a truly remarkable helpmate by his side. Vicki is a woman of great strength, who brought a renewed focus and direction to Ted's life. She was his most trusted confidant, his best friend, and a wellspring of good advice and political counsel. He would have never been all that he was without her, and she will forever be a special part of his life's story.

For the Enzis, we will always remember how thoughtful he was when my grandchildren were born. He was almost as excited as I was. He presented me with a gift for each of them that will always be a cherished reminder that Ted had a great appreciation for all of us, and he treated both Members and staff with the same kindness and concern.

Actually, we got Irish Mist training pants for each of them as they were born.

When Ted was asked, during an interview, what he wanted to be most remembered for, he said he wanted to make a difference for our country. He was able to do that and so much more. He will be missed by us all, and he will never be forgotten. All those who knew and loved him will always carry a special memory with them of how he touched their lives as he tried to make our Nation and the world a better place.

Now he has been taken from us and it will always feel like it all happened too soon. He has a record of achievements and success that will probably not be matched for a long time to come. He was a special friend and a mentor who had a lot to teach about how to get things done in the Senate. I know I will miss him and his willingness to sit down and visit about how to get something through the Senate and passed into law. Now he is at peace and with God. May God bless and be with him and continue to watch over his family for years to come.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, when I was young, Ted Kennedy was larger than life. I was just 12 years old when he was first elected to the Senate as the youngest son of a political dynasty that seemed to dominate the television each night in my house and the newspapers every day.

At first, he served in the shadow of his older brothers. But as I grew up, the youngest brother of the Kennedy family did, too—in front of the entire Nation.

For me and so many others, Ted Kennedy became a symbol of perseverance

over tragedy—from his walk down Pennsylvania Avenue at the side of Jacqueline Kennedy, to the heart-breaking speech he delivered at his brother Bobby's funeral, to his pledge to carry on the causes of those who had championed his bid for the Presidency.

Ted Kennedy routinely appeared before the American people with great courage at the most trying times. And all the while, he was also standing in this Chamber each day with that same grit and determination to fight for the people of Massachusetts and the Nation.

On issues from protecting the environment, civil rights, increasing the minimum wage, and health care, he was a passionate and unmatched advocate and leader.

So it was with a lifetime of watching Senator Kennedy with admiration from afar that I arrived here as a freshman Senator in 1993. By the time I was elected, Ted was already on his way to becoming one of the most powerful and influential Senators of all time. So I couldn't believe it when I first walked out onto this floor and he walked over to personally welcome me. For me, that would have been enough—the lion of the Senate reaching out to a rookie—but to Ted Kennedy it wasn't.

Through calls to my office, discussions on the floor, and by taking me under his wing on the HELP Committee, he became a friend, a mentor, and sooner than I could have ever imagined a courageous partner on legislation that I cared deeply about.

As a State senator in Washington, I had worked very hard before I got here to successfully change the State laws in Washington on family and medical leave. It was an issue that was extremely personal to me. My father had been diagnosed with multiple sclerosis when I was very young. Since that time, my mother had always been his primary caregiver. But a few years before I ran and became a Senator, my mother had a heart attack and had to undergo bypass surgery.

Suddenly, my six brothers and sisters and I were faced with the question of who was going to take time off to care for the people we loved the most, the people who cared for us for so long.

A family leave policy would have allowed any of us just a few weeks necessary to see them through their medical crisis. But at the time, none was available.

So after running and winning and coming to the Senate, the Family and Medical Leave Act was a bill I wanted to stand and fight for. As it turned out, it was the first bill we considered.

Senator Kennedy was here managing that bill on the Senate floor, and I found out that he, too, had a personal connection to that bill.

I well remember one day when Senator Kennedy pulled me aside to tell me about how he had spent a lot of

time with his own son in the hospital fighting cancer and how he met so many people at that time who could not afford to take time off to care for their loved ones and how some were forced to quit their jobs to take care of somebody they loved because they were sick. He told me that, together, we were going to work hard and get this bill passed. Then he showed this rookie how to do it.

Week after week, he fought against bad amendments to get the votes we needed to pass it.

He blended the right mix of patience and passion. He spoke out loudly in speeches when he needed to, and he whispered into the ears of colleagues when that was called for. A few days after Senator Kennedy pledged to me we would get it done, we did.

Through that effort, and many more battles on this floor, I learned so much from him and so have all of us because, more than almost anyone, Senator Kennedy knew the Senate. He knew how to make personal friends, even with those he didn't agree with politically. He knew how to reach out and find ways to work with people to get them to compromise for the greater good. He knew when not to give up. He knew when to change the pace or turn the page to get things done. He knew when to go sit down next to you or pick up the phone and call you. He knew how to legislate. Because of that, he built an incredible legacy.

It is a legacy that will not only live on in the Senate Chamber, where he was so well loved and respected; it is a legacy that will live on in the classrooms across America, where kids from Head Start to college have benefited from his commitment to opportunities in education; on manufacturing floors, where he fought for landmark worker safety protection; in our hospitals, where medical research that he championed is saving lives every day; in courtrooms, where the legacy of discrimination was dealt a blow by his years of service on the Judiciary Committee; in voting booths, where he fought for our most basic rights in a democracy to be protected and expanded for decades; and in so many other places that were touched by his service, his passion and his giant heart.

Senator Kennedy fought for and won so many great battles. But for many of us who worked with him every day, it may be the small moments that will be remembered the most—the personal touch he brought, not only to legislating but to life.

As I mentioned a moment ago, my mom had to take care of my dad for most of his life. His multiple sclerosis confined him to a wheelchair and she could not ever leave his side. One of the few and maybe the only time she did leave my dad is when I was elected to the Senate and she flew all the way from Washington State to Washington, DC, to see me be sworn in.

To my mom, Ted Kennedy and his family were amazing individuals whom she followed closely throughout their lives, through their triumphs and, of course, through tragedy. After I was sworn in, and my mother was up in the gallery watching, we walked back through the Halls of Congress to my office. Shortly after that, we had a visitor. Senator Kennedy unexpectedly came over to my office and gave my mom a huge hug. I will never forget the look on her face, the tears in her eyes, the clear disbelief that she had met Ted Kennedy, and it was overpowering. It was a moment with my mom I will never forget, and it is certainly a moment I will never forget with my friend Ted Kennedy.

I am going to miss him. I know our country is going to miss him. But as he reminded us in his courageous speech that he delivered last summer in Denver, the torch has been passed to a new generation, and the work begins anew.

So today, as we honor all of his contributions to the Senate and the Nation, we must also remember to heed that brave final call and continue his fight for all of those who cannot fight for themselves.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my friend and colleague Senator MURRAY for her heartfelt words, and all of my colleagues. The love we all felt and feel for Ted Kennedy is genuine. It is person to person because that is how he was.

There is so much to say. I know we are limited in time. We could speak forever. I think every one of us could speak forever about Ted Kennedy because he had so many interactions with each of us. It is amazing that every person in this body has a long list of stories and thousands of people in Massachusetts and thousands more throughout America. One would think there were 20 Ted Kennedys. He had so much time for the small gesture that mattered so much, such as the hug, going out of his way to go to a reception and hug PATTY MURRAY's mom. It happened over and over again. So we could each speak forever.

I know time is limited, my colleague from Oregon is waiting. We are going to shut off debate soon and others want to speak. I will touch on a few things.

I could speak forever about Ted Kennedy. I thought of him every day while he was alive; I think of him every day that he is gone. I had a dream about him the other night where typically he was taking me around to various places in Boston and explaining a little bit about each one with a joke, with a smile, with a remembrance.

There is also nothing we can say about Ted Kennedy because nothing is going to replace him. No words can come close to equaling the man.

You read about history and you read about the great people in the Senate—the Websters, the Clays, the LaFollettes, the Wagners. What a privilege it was for somebody such as myself, a kid from Brooklyn whose father was an exterminator, never graduated from college, to be in the presence and was actually a friend to a great man. I don't think I can say that about anyone else. It is amazing.

What I want to tell the American people—you all read about him. There were the good times and the bad times and the brickbats that were thrown at him, not so much recently but in the early days. But here in the Senate, when you get to know people personally and when you are in our walk of life, being a Senator, you get to know a lot of people personally. You get to meet a lot of famous people. Some of them, frankly, are disappointing. The more you see them the less you want to know them. But with Ted Kennedy, the more you got to see him, the closer you got, the better he looked.

He had flaws, but he was flawless. He was such a genuine person and such a caring person and such an honorable and decent man that I wish my children had gotten to know him, that my friends had gotten to know him, that all of my 19 million constituents had gotten to know him a little bit the way I did.

What a guy. There are so many stories and so many memories. One day Ted and I sat next to each other—I used to sit over there. I think it was one of the vote-aramas, a long session. We occasionally would go up to his hideaway to talk. I said: Why don't we bring some of the freshmen. This was a couple of years ago. I regret that you, Mr. President, and the Senator from Oregon in the class of 2008 did not have that experience. We would go up to his hideaway, and he would regale us with stories. He would talk about the pictures on the wall and tell each person in caring detail what each picture meant, what each replica meant. He would tell jokes and laugh. His caring for each person in that room, each a new freshman, was genuine, and they knew it. We would go up regularly. It sort of became a thing, freshman Members of the Senate. Ted didn't need them. He could get whatever he had to get done and they would support him. But he cared about them as if they were almost family.

Whenever we had a late night, we would sort of gather—I would be the emissary and I would go over to Ted and say: Can we go upstairs? Of course. AMY KLOBUCHAR, SHERROD BROWN, CLAIRE MCCASKILL, BOBBIE CASEY—their faces would light up, and there we would go to hear more stories about the past, the Senate, the individuals. It is a memory none of us will forget.

Ted Kennedy would size people up early on, and he would care about

them. He was very kind to me, but he also knew I was the kind of guy you had to put in his place a little bit. I would get hazed by Ted Kennedy. JAY ROCKEFELLER told me he went through the same thing when he got here. He knew who I was but would deliberately not mention my name. He would be standing there saying: Senator MIKULSKI, you will do this, and Senator HARKIN, you will do this; Senator CONRAD, you will do this—I was the last one—and the others will do this. It was fun. He did it with a twinkle in his eyes. We loved, he and I, the give and take, Brooklyn-Boston.

The first year I was here, the Red Sox were playing the Yankees in the playoffs. Ted and I made a bet. He said: The loser will have to hold the pennant of the winning team over his head and recite "Casey at the Bat" on Capitol Hill. We had a bet. The Yankees won. I went over to him—and he was feigning fear, this man who had been through everything. When we went out on the steps, he was hiding behind me. I have a picture of it on my wall. We were joking and laughing. And then he did his duty.

I was only a freshman Senator, sort of like PATTY or anybody else. He went out of his way for all of us. He would tell me to remember the birthdays and the individual happenings in each person's life, in each Senator's life, and go over and say something to them. It was his way of teaching me. It was done like a father. An amazing person.

As I said, the closer you got to him, the better he looked. As a legislator and as a giant in our history—and all the history books record it—people have referred to all his accomplishments. But I want to share with people how it was in person, one on one. You could be a Senator or you could be two guys on a street corner. He was fun and he was caring and he was loving. He was a big man, but his heart was much bigger than he was.

He loved almost everybody. He saw the good in people and brought it out. He saw the faults in people, and in a strong but gentle way tried to correct them. He was great on the outside, and he was even more great on the inside.

Again, I see my colleagues are waiting. I will part with this little memory that I will never forget. Ted and I became good friends. We spent time together in many different ways. When he got sick, I felt bad, like we all did. I would call him every so often. This was October of last year. He was ill, but he was still in strong health. I called him a couple of days before it was October. I said: We have a DSCC event a couple days from now in Boston. I thought I would call and say hello, let him know I was going to be in his State, his territory.

He said: What are you doing before the event? He said: Why don't you come out to the compound at Hyannis.

I did. He picked me up at the airport. I flew in on a little plane. I will never forget, he had his hat on. He was happy as could be pointing out everything, full of vim and vigor.

It is obvious why the man was not afraid of death. When you know yourself and you know you have done everything as he did on both a personal basis and as a leader, you are not afraid of death. Anyway, he was not at all talking about that.

We were supposed to go out sailing, but it was too windy. So we had lunch—he, Vicki, and I—clam chowder and all the usual stuff. Then he said: I want to show you something. He lived in the big house on the compound, the one you see in the pictures. He took me to the house by the side. That was the house where President Kennedy lived because when President Kennedy was President, Joseph P. Kennedy, Ted's father, lived in the big house.

For about 3 hours, he opened all these drawers and closets, things on the walls, and with each one in loving, teaching detail talked to me about the history of the family and of Boston, what happened from Honey Fitz, the mayor, through his father and Ted growing up in all these pictures laughing and reminiscing, and then about President Kennedy as he was growing up, and then as President in this little house and through to Ted. He was sort of passing on the memories. He did it again out of generosity, spirit, love, and friendship.

As I say, he was a great man and every one of us knows his greatness was not only in the public eye but in the private one on one. A great man. The term is overused. There are not many. He was one. I was privileged to get to know him, to get to be his friend, to stand in that large shadow, learn from him, enjoy it, and to love him.

So, Ted, you will always be with us. They may take those flowers off that desk and they may take the great black drape off the desk, but you will always be here for me, for all of us, and for our country.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I rise today to remember and honor our colleague Senator Edward Kennedy. I first had the pleasure of hearing Senator Kennedy speak in 1976. I wanted to come out to Washington, DC, to see how our Nation operated. I had the great privilege of serving as an intern for a Senator from my home State, Senator Hatfield. My father had always talked about Senator Kennedy as someone who spoke for the disenfranchised, someone who spoke for the dispossessed, someone who cared about the working man. So I was looking forward to possibly meeting him or at

least hearing him, when lo and behold, I found out he was scheduled to speak as part of a series of lectures to the interns that summer. So I made sure to get there early, and what followed was exactly the type of address you might anticipate—a roaring voice, a passionate spirit, a principled presentation of the challenges we face to make our society better. I walked out of that lecture and thought: Thank goodness—thank goodness—we have leaders like Senator Kennedy fighting for the working people, the challenged, the dispossessed in our society.

Through that summer, each time I heard Senator Kennedy was on the Senate floor I tried to slip over and go up to the staff section so I could sit in and see a little bit of the lion of the Senate in action. During that time I never anticipated that I would have a chance to come back and serve in the Senate with Senator Kennedy. But 33 years later, this last January, when I was sworn in, that unanticipated, miraculous event of serving with him occurred.

I wanted to talk to him about the possibility of joining his Health, Education, Labor and Pensions Committee—a committee where so many battles for working Americans, so many battles for the disenfranchised Americans are waged. So with some trepidation I approached him on the Senate floor to speak with him and asked if he thought I might be able to serve on that committee, if he might whisper in the ear of our esteemed majority leader in that regard, if he thought I might serve well. It was with some pleasure that weeks later I had a message on my phone in which he went on at some length welcoming me to that committee. That was the first committee to which I received an assignment here, and I couldn't have been more excited and more pleased.

I didn't have a chance to have a lot of conversations with Senator Kennedy. I was very struck when a bit more than a month ago his staff contacted me and said, in conversation with Senator Kennedy, they were wondering if I might like to carry on the torch on the Employment Non-Discrimination Act, a civil rights measure he cared a great deal about. They were asking me because it was a battle I had waged in the Oregon Legislature. It had been a hard battle, fought over a number of years, and a battle we had won.

I was more than excited, more than honored to help carry the torch on such an important civil rights measure, and I hope I will be able to do that in a way he would have been satisfied and pleased.

The Senator from New York, Mr. SCHUMER, talked about the many conversations that took place in Senator Kennedy's hideaway with freshmen Senators and the stories that were passed on. I didn't get to share much in

those types of conversations, but as we were working on health care, Senator Kennedy invited a group of us to his hideaway to brainstorm. Through the course of about 2 hours we went through many of the features and many of the challenges and how we might be able to go forward and finally realize that dream of affordable, accessible health care for every single American.

When the meeting concluded, I had a chance to speak with Senator Kennedy about the picture he had on his wall of his beautiful yacht—the Maya. Senator Kennedy and I both have a passion for sailing. It connected us across the generation, it connected us from the west coast to the east coast, it connected us between the son of a millwright and the son of a U.S. ambassador. It was magic to see the twinkle in his eye as he started to talk of his love of sailing and some of the adventures he had on various boats over time and with family.

I asked him if he was familiar with one of my favorite stories—an autobiography written by CAPT Joshua Slocum. Joshua Slocum had been raised in a large family and, to my recollection, a family of no great means. He had gone to sea when he was a young boy—as a cabin boy or a deck-hand—and he learned to sail the tall sheets. Over time he advanced through the ranks until eventually he was the captain of a merchant tall-masted ship. He had amassed some considerable amount of investment and value and loaned to share that ship. When the ship went down, he lost everything. He saved his life, but he lost all of his possessions.

He was up in New England wrestling with how to overcome this tragedy and what to do with his life, and Captain Slocum had a colonel of an idea. He was offered the gift of a ship. Not really a ship, a modest boat between 20 and 30 feet long, single-masted. He later overhauled it and added an after-mast. But he thought: I can rebuild this ship. He said he rebuilt it, in his story, Captain Slocum. He rebuilt it all but the name. The Spray stayed from the beginning to the end. He rebuilt it and went to sea to fish. But it wasn't much to his liking, and so Captain Slocum had an idea that he was going to perhaps sail around the world.

He thought: Why not just sail right out across the Atlantic. It was a revolutionary idea because no one had ever tried to sail around the world by themselves, just a single person. But he set off and he went to Europe.

I tell you this story at some length because Senator Kennedy knew this story well, and we enjoyed sharing pieces of it back and forth.

He had gone forth in 1895 and taken 3 years to circumnavigate the globe and came back to New England 3 years later, in 1898. So this was well more

than a century ago, and people around the world were astounded to see him sail into a harbor all by himself having crossed the broad expanse of an ocean.

In some ways, the life of Captain Slocum represents a version of the life of Senator Kennedy—someone who faced great adversity, who faced great tragedy, but looked at all of it and said: I am going to go forward. I am going to go forward and do something bold, something important. For Senator Kennedy, it wasn't literally sailing around the world but it was sailing through a host of major issues that affect virtually every facet of our lives—certainly the issue of public service, the National Service Act, the issue of mental health and the issue of health care and the issue of education.

Others who have served with him have spoken in far greater detail and more eloquently than I ever could, but I just want to say to Senator Kennedy: Thank you for your life of service. Thank you for overcoming adversity to undertake a bold journey, a journey that has touched every one of our lives. Thank you for reaching out to converse with this son of a mill worker from Oregon who felt so privileged to be on the floor of the Senate and to have had just a few months with this master of the Senate and who will hopefully carry forward some of the passion and the principle he so embodied.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

(The remarks of Mr. ISAKSON are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The senior Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I rise today to remember our colleague, Senator Kennedy. There is a newspaper in the cloakroom that has Ted's picture, and it has a quote from Ted. It reads this way:

Since I was a boy, I have known the joy of sailing the waters off of Cape Cod. And for all my years in public life, I have believed that America must sail toward the shores of liberty and justice for all.

He went on to say:

There is no end to that journey, only the next great voyage.

I like to think that Ted is on that next great voyage now. What a man.

I remember so well being elected in 1986 to the Senate and being sworn in in 1987. I held a reception in a little restaurant close by with friends and family from North Dakota. I will never forget it. It was packed. You couldn't move; so many people had come from North Dakota to be with me, family members from all over the country, and a cousin of mine came up to me, so excited, and he said to me: Senator Kennedy is here. I hadn't known he was coming. But that was so typical of Ted, reaching out to the most junior of us because he knew what his presence

would mean. My family had been longtime supporters of the Kennedys, and it meant so much to my family for him to be there that day. That was so typical of him, taking time to do things he knew would mean a lot to others, even when it was inconvenient for him.

The thing I remember and will remember most about Ted is his humanity: that smile, that twinkle in his eye, that kind of mischievous grin that would come over his face when he would be commenting on what was going on here, late at night sometimes—you know this place defies description. Yet he always maintained that sense of humor, that joy in life. He communicated it. He made all of us feel as if we were part of something important, something big.

When somebody in this Senate family had a problem, had a challenge, had a medical issue, very often Ted was the first to call. I had someone in my family who had health issues, and somehow Ted found out and kind of sidled up to me one day on the floor and said: You know, I heard you have somebody who has a serious health issue. I suppose you already have doctors, but if you are looking for additional assistance or a second opinion and you want to find people who are experts in this area, I would be glad to help. That was Ted Kennedy, over and over reaching out to others, trying to help, trying to provide encouragement, trying to provide the lift. That was Ted.

I remember so well about a decade ago when we were engaged in legislation on tobacco, we had a circumstance in which there was an important court decision and there had to be laws passed to deal with it. I was asked to lead a task force here in the Senate to try to bring together different sides to deal with that legislation. Of course, for a long time Ted Kennedy had been a leader on those issues, as was Senator FRANK LAUTENBERG, and there were others as well. Ted far outstripped me in seniority. Yet I was asked to lead this task force. He came to me and said: Sign me up as a soldier in your effort. We had dozens of meetings, and Ted was always there, pitching in, helping to make a difference even when he was not the person leading the effort—it was somebody much more junior. Of course, he had many other responsibilities, but over and over, coming up, stepping up, helping out.

There was nothing small about Ted Kennedy. He had big plans, big ambitions, big hopes, and a big spirit. He was always reaching out to even the most junior of us, to help out, to connect, to be supportive, and to show how much he cared about what we were doing and to give us a sense of how we were fitting into making history. Ted also had a big view, a big view of the importance of the role of the Senate in making history and a sense of how critically important the decisions were

that were being made in this Chamber. There was nothing small about Ted Kennedy.

When he was engaged in negotiations—I will never forget him saying to me: Keep your eye on what is possible. Keep your eye on what is possible. You know, we might want to accomplish more, but take what you can get to advance the cause, to make progress, to improve the human condition, to make this a better place. That is what Ted Kennedy had in mind.

I want to close. I see colleagues who are here wishing to speak as well.

My favorite lines from a speech by Ted Kennedy are from the 1980 convention, when he closed with these words:

For all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die.

Ted, the dream will never die. You are always in our thoughts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I appreciate the opportunity to be here with colleagues, and I so appreciate the words of the Senator from North Dakota and those of the Senator from New York and all of our other colleagues who have been here, talking about our friend and colleague, the great Senator from Massachusetts.

I think for me, being in my second term and still a relative newcomer here, one of the greatest honors of my life was the opportunity to work and become friends with Senator Ted Kennedy.

I often have been asked what was the most surprising or exciting thing about being in the Senate. I always referred to Ted Kennedy, not only knowing him and the larger-than-life way he has been described, which was also true, but for me the images are of sitting in a small room going over amendments on the Patients' Bill of Rights when I was in my first term and having the great Ted Kennedy—not his staff but Ted Kennedy—sitting in a room with advocates talking about how we needed to mobilize and get people involved and what we needed to do to get votes or how to write something—doing the work behind the scenes.

Ted Kennedy, because of who he was—his family, his certainly great leadership and knowledge, and his length of time here—could have simply stood on the floor and made eloquent speeches, which he always did—the booming voice in the back that would get louder and louder as he became more involved in what he was talking about—he could have just done that, and that would have been an incredible contribution to the Senate. But that is not what he did. He was as involved behind the scenes in getting things done, more so than in the public eye. He worked hard and showed all of us an

example of someone who was dedicated to the details, to the advocacy as well as to what was happening on the floor of the Senate. It was a very important lesson for all of us.

As chair of the Steering and Outreach Committee for our Senate majority, one of my responsibilities is to bring people with various interests together, usually on a weekly basis, to meet with Members on issues from education to health care, clean energy, civil rights, veterans. People always wanted to have Ted Kennedy in the room. Again, as a very senior Member with tremendous responsibilities, chairing the HELP Committee and all of the other responsibilities he had, he could have easily said to me: You know, I am just not going to be able to do that. We will have more junior Members come and join in these meetings. But he came, over and over again.

One of the things we joked about all the time was that he would see me coming and say: I know, there is a meeting tomorrow. I will be there.

He was someone who gave his all at every moment. He also understood that people needed and wanted to see him, to hear him, and the important leadership role he had here. It was important to people. And he treated everyone the same.

He was committed to a vision of making America the best it could be, where every child would have the chance to grow up and be healthy, succeed in life, have a job, at the end of life a pension and retirement, and be able to live with dignity. His service was great, but his legacy is even greater.

I believe his challenge to each of us is even greater. It is true that nearly every major bill that passed in the last 47 years bears some mark from Senator Ted Kennedy—the Civil Rights Act; the Voting Rights Act; Meals for the Elderly; the Women, Infants and Children Nutrition Program; the Violence Against Women Act; title IX, which is giving so many women and girls the opportunity to participate and move through education's highest levels, including the U.S. Supreme Court, as well as the wonderful athletic abilities we have seen; the Children's Health Insurance Act; AmeriCorps; the National Health Service; the American Health Parity Act; legislation to allow the FDA to regulate tobacco; the Ryan White Comprehensive AIDS Act; the Americans with Disabilities Act—it goes on and on. These are just a few of the hundreds of bills Senator Kennedy sponsored or cosponsored during his time in the Senate, and each and every one of those bills made America a little bit better.

His commitment to achieve the best for America, for every child, every family, every worker was unmatched. We have lost the lion of the Senate, and he will be sorely missed. Personally, I have lost a friend, someone for

whom I had the highest personal respect and someone I cared deeply about as a person.

To Vicki, to the family, we give our love and affection and thanks for sharing him with us. In his maiden speech in the Senate, Senator Kennedy spoke of his brother's legacy. Today, the same words can be spoken about him. If his life and death had a meaning, it was that we should not hate but love one another. We should use our powers not to create the conditions of oppression that lead to violence but conditions of freedom that lead to peace.

Ted, we will miss you.

Mr. BURRIS. Mr. President, it is with a heavy heart that I take to the floor of the U.S. Senate today. For each of the past 46 years, this Chamber has rung with the words of a man who came to be known as the lion of the Senate. But today, that familiar voice has fallen silent.

For the first time in half a century, this Senate returns to its work without Edward M. Kennedy. With his passing, our country has lost a true giant—a compassionate public servant who became a legend in his own time, a man whose legacy is bound up in the history of the U.S. Senate, whose life and works have touched everyone in America since the day he entered public service almost 50 years ago.

Over the course of his career, he influenced more legislation than just about anyone in history. He argued passionately for voting rights and helped extend the promise of our democracy to a new generation. He spoke out in defense of our Constitution and the principles of fairness we hold so dear. Time and again, he raised his booming voice on behalf of the less fortunate. He protected the rights and interests of the disabled. He extended health insurance coverage to children and fought to improve the American health care system, a struggle that would become the cause of his life. But perhaps his greatest single achievement came early in his career when he stepped to the center of the national debate and led the fight against segregation. He became a champion of the civil rights movement, lending his full compassion to a difficult and divisive issue.

Today, we live in a nation that is more free, more fair, and more equal because of Edward Kennedy. He was the single most effective U.S. Senator of our time. He did more good for more people than anyone in the Senate has known before. And it will be a very long time before we see the likes of him again. Ted Kennedy reminded us of the greatness that lives in our highest aspirations. He enjoyed wonderful triumphs and endured terrible tragedy. Through it all, he taught us to keep the fire burning, to confront every challenge with passion and hope and with undying faith in the country we love so much.

He reached across the aisle time and again. When everyone said compromise was impossible, Ted Kennedy did the impossible. When partisan politics divided conservatives from liberals and Republicans from Democrats, Ted Kennedy was always there to bring us together in the service of the American people.

I first met Ted Kennedy in 1962 when his brother was President and Ted was a young man running for the U.S. Senate. I was a legal intern at the White House and a second-year law student at Howard University. For me, the chance to serve the Kennedy administration—and meet all three Kennedy brothers—was a remarkable and inspiring part of my early career in public service.

I had the good fortune to meet Senator Kennedy one more time when I was running for reelection as state comptroller of the State of Illinois, having become the first African American ever elected statewide to office in my State. I was up for reelection, and I had a major fundraiser and I needed a big draw to come and help me raise funds.

Someone said: Well, there is a Senator from Massachusetts named Ted Kennedy. He will come and help you.

I said: No, no Senator of his caliber would come down to our capital for a fundraiser for a person who is running for State comptroller.

Needless to say, I contacted the Senator's office. Without hesitation, Senator Ted Kennedy appeared at the fundraiser in our State capital to help me maintain my seat as State comptroller.

During that same time, we had a little tragedy taking place that evening when our 15-year-old son in Chicago had been admitted to the hospital, and it was a question of whether I would be there at the fundraiser or go to Chicago to be with my son because my wife, his mother, was in Minnesota. So Senator Kennedy understood the dilemma but went on with the fundraiser. We got our son taken care of, but after my son was out of the hospital and home, guess who I got a call from days later wondering how my son was doing? It was Ted Kennedy. You just don't see a man of this caliber each and every day in this country.

After I came to the U.S. Senate myself, I had the honor to serve with Ted only briefly. In all the time I knew Senator Kennedy, I came to see him as more than a living legend, more than a senior statesman, more than the lion he had become. For me, and for all who were fortunate enough to meet him over the years, he was a genuine human being, a remarkable ally, and a compassionate friend. He displayed nothing but kindness and respect for everyone he met, from his good friends to his bitter opponents.

But for his many accomplishments and for all that he accomplished over

the course of a lifetime in public service, there was at least one victory that eluded him. As I address this Chamber today, we stand on the verge of health care reform only because we are standing on Ted Kennedy's shoulders.

And when the time comes, I plan to honor his legacy and pay tribute to his service by casting the vote he did not live long enough to see.

When Senator Kennedy departed this life on August 25, he left more than an empty desk in this Senate Chamber. He left a fight for us to finish—a standard for us to bear. Long ago, he picked up the legacy of his fallen brothers and carried it forward into a new century.

Ronald Reagan once said:

Many men are great, but few capture the imagination and the spirit of the times. The ones who do are unforgettable.

He was talking about President Kennedy. But his words ring just as true when applied to John Kennedy's youngest brother.

They speak to Ted's enormous vitality—to his towering impact on the lives of so many for so long. He is gone now, but his presence lingers in these halls.

In the many Senators to whom he has been a friend and mentor, in the dedication, faith, and love of country that he inspired, in the wood and stone and soul of this Senate Chamber, his legacy is very much alive.

Now, that legacy has been passed to each of us. And it is time to take up the standard once again. This is a moment to look to the future, not the past—to meet difficult problems with bold solutions.

As the Lion of the Senate told us 1 year ago, at the Democratic National Convention:

The work begins anew, the hope rises again, and the dream lives on.

Mr. President, no single voice can fill this Chamber as his once did. But together, we can carry this refrain.

Mr. President. I yield the floor.

Mr. BROWN. I heard the eloquent speeches of Senators STABENOW, SCHUMER, CONRAD, and Senator MERKLEY also about Senator Kennedy.

I wish to tell two quick stories about him. I had the pleasure of serving on his committee from 2007 on. But early in my first year in the Senate, the Senators, as some know around the country, certainly all Members of the Senate know, we choose our desks on the Senate floor by seniority. And so in the first month or so of 2007, the freshmen, the other 9 Members of my class, the 10 of us were choosing our seats on the Senate floor. You can look around the Senate Chamber. There is no bad place to sit.

I heard from a senior Member that Senators carve their names in their desk drawers; sort of like high school, perhaps. So I began to pull the drawers open in some of the desks that had not yet been chosen. I pulled open this

drawer, and it had Hugo Black of Alabama, who was FDR's favorite Southern Senator, who introduced legislation for the 8-hour workday, making President Roosevelt's 8-hour workday bill seem a little less radical, and successfully made its way through the Senate; Senator Green from Rhode Island, who came here in the 1960s and served more than two decades; Senator Al Gore, Sr., from Tennessee. And then it just said "Kennedy," without a State and without a first name. So I asked Ted to come over, and I said: Ted, which brother is this?

He said: It's Bobby's desk, I have Jack's desk.

And I, of course, fell in love with this desk and got the opportunity to have sat here for the last 3 years.

The other real quick story about Senator Kennedy; I know Senator KYL is scheduled to speak. I and others were invited, from time to time, to go up to his study just off the Senate floor, one floor above us outside the Chamber, and to talk to him and hear him tell stories late in the evening as we were voting sometimes until midnight or 1 or 2.

What struck me about his study were the photos on the wall. The photos were pictures we all recognized: President Kennedy, Joe Kennedy, Rose Kennedy, Ethel Kennedy, Bobby Kennedy, Eunice Kennedy Shriver; all the people whom we recognized.

But Ted Kennedy said to us: These are my family photos.

These were people we recognized in the photos, but I had never seen those photos, none of us had. These were not the photos in *LIFE* magazine; these were the photos of the Kennedy family.

But what impressed me about that was they were the Kennedys at Hyannis Port, the Kennedys sailing, the Kennedys in the Capitol, the Kennedys at the White House. What impressed me was Ted Kennedy so easily could have given up; he could have gone back to a very easy life, particularly after the assassination of Robert Kennedy in 1968. Ted had been in the Senate for 6 years. It would have been so easy for him to walk away from this job, from this kind of life, from the danger he faced.

Instead, he stayed and he fought. He had everything anybody could hope for in life. He had a loving family who cared so much about him. He had all the wealth he needed and the lifestyle so many would have been so tempted by. But, instead, he stayed and served right up until his death.

That says to me everything I love about Ted Kennedy and everything we all should need to know about Senator Kennedy.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Arizona.

Mr. KYL. I would say to my colleague from Ohio, I commented on the same point. It is pretty obvious Sen-

ator Kennedy could have, because of who he was, done just about anything.

He certainly would not have had to work as hard as he did. But I have never known a harder working Senator than Senator Kennedy.

Mr. CARDIN. Mr. President, I rise to pay tribute to my friend, our colleague, civil rights icon of the Senate, Senator Edward M. Kennedy, our lion in the Senate. I have lost someone who has been a mentor, a friend, and one of my heroes. The Nation has lost a great leader. To his family, he was a rock. To his wife Vicki, his children, Kara, Edward, Ted, Jr., and Patrick, my former colleague when I was in the House, and to his sister Jean and the entire Kennedy family, we extend our deepest condolences. To his Senate colleagues and his constituents in Massachusetts, he was a beacon of hope and perseverance for a better day in America.

When I came to the Senate in 2007, I was frequently asked during my first year—I am sure the Presiding Officer has been asked this by people in his State—what is the highlight, what is difference, what makes this place a special place? What did you find different in the Senate than you did in the House? The example I gave during my first month in the Senate, when I was sitting by myself on the floor of the Senate, Senator Kennedy came by and sat next to me. He said: Do you mind if we talk for a moment? He sat next to me, a new Member of the Senate, and he said: Ben, can you tell me what you think we should be doing in health care? He wanted my views. He was looking to find out what this new Senator from Maryland thought was possible in health care reform. That was Senator Kennedy. Senator Kennedy engaged each Member of the Senate to find a common denominator to move forward in solving the major problems of America. It was truly a unique experience for me to see one of the most senior Members of the Senate, a person known internationally for his legislative skills, seek out a new Member.

I remember one of my constituents asking me during my first year as to which Senator I most admire for his or her work ethic. I said immediately: Senator Kennedy. They were taken aback because they didn't realize that this senior Senator, this person who had served for over 40 years in the Senate, was a person who dedicated every day to doing his very best. Whether it was working with staff or meeting with Members or working his committee or making a speech on the floor of the Senate, his work ethic was one of not wasting a single moment in order to deal with the Nation's problems.

Senator Kennedy served for 46 years in the Senate and had a tremendous impact on the issues that have shaped our Nation for almost a half century. He authored over 2,500 pieces of legisla-

tion. All Americans have been touched by Senator Kennedy's work. He dedicated his life to the nameless, the poor, and the minority voices in America, and that dedication is legendary. He has touched the lives of all Americans by his work in the Senate, whether it was what he did for voting rights or improving educational opportunities, dealing with the rights of immigrants, minimum wage laws, national service, help for the mentally ill, equality for women, minorities, the disabled, children, the gay and lesbian community. The list goes on and on. He was there fighting for those who otherwise would not have had a voice in our government. He did it whether it was popular or not in the State or Nation. He was true to his principles. The list goes on and on of what he did.

I had the great pleasure of serving with him on the Judiciary Committee for 2 years. What a legacy he has created on that committee. It was a great honor for me to be able to serve those 2 years on the committee with him and to listen to him engage. There has been no greater Senator on the Judiciary Committee to fight on behalf of civil rights than Senator Kennedy.

He was clearly the conscience of the Senate, to make sure we used every opportunity to advance the rights of all Americans so they could achieve their best. He was a legislator's legislator. He had a gift. He had the ability to work across party lines and get work done.

He believed in progress and doing the right thing. He had a voice that carried through the halls of the Senate with such passion and yet with such grace.

Senator Kennedy once said:

We know the future will outlast all of us, but I believe that all of us will live in the future we make.

Senator Kennedy stood for and fought for a better America—even when it was not the popular thing to do. Senator Kennedy stayed true to his principles throughout his entire life.

With great loss and much sadness, I give much thanks for his service, his friendship, and his dedication. Senator Edward Kennedy will never be forgotten.

I thank my dear friend, Senator Kennedy, for the contributions he made to this institution, the U.S. Senate, where I now have the great honor of serving the people of Maryland. Senator Kennedy's legacy will live forever, and we thank him for his service to our Nation.

Mr. President, I yield the floor.

Mr. AKAKA. Mr. President, I rise today to pay tribute to my friend from Massachusetts, Senator Edward Moore Kennedy, who improved the lives of so many people during his 46 years of service in the Senate. My warm aloha and prayers continue to be with Vicki Kennedy, staff members, the Kennedy family, and his many friends.

Senator Kennedy's extraordinary life-long commitment to public service produced a proud legacy that has included expanding access to quality of health care and education, protecting and empowering our Nation's workforce, ensuring civil and voting rights, and protecting our Nation's natural and cultural resources.

Before outlining several of Senator Kennedy's important achievements, I want to share a story that demonstrates our shared commitment to helping working families and his optimistic outlook about the future despite temporary disappointments. A beaming Senator Kennedy flagged me down on the morning of March 2, 2005. He asked me if I had seen the Washington Post. In an editorial criticizing the bankruptcy overhaul under consideration in the Senate, the Post indicated the bill could be made more fair by the inclusion of several amendments by Senator Kennedy intended to protect consumers and my amendment to better inform consumers about the true costs associated with credit card use. After my amendment was defeated, Senator Kennedy was the first member to approach me. He complimented me for my work and told me that we would win on the amendment one day. Senator Kennedy was right. It took me another four years, but my credit card minimum payment warning and credit counseling referral legislation was enacted this May as part of the credit card reform law.

As an eternal optimist, Senator Kennedy never stopped advocating for the causes so important to working families such as increasing access to quality health care. Senator Kennedy helped establish community health centers, the Children's Health Insurance program, and programs that assist individuals suffering from HIV/AIDS. These are just a few of the many health accomplishments that Senator Kennedy helped bring about that improve the quality of life for millions of people in our country. Despite continuing to battle cancer, Senator Kennedy's passion to expand access to quality health care never ceased.

Senator Kennedy had an enormous impact on education policy. He championed early childhood education through his support of Head Start and creation of Early Head Start. His work in reauthorizing the Elementary and Secondary Education Act included improvements such as the Star Schools Program Assistance Act, which improves instruction in critical areas such as mathematics, science, and foreign languages, as well as the No Child Left Behind Act, which requires standards-based assessments for elementary and middle school students among other reforms. With regard to higher education, Senator Kennedy supported the creation of the Pell Grant program, Direct Lending program, and Ensuring

Continued Access to Student Loans Act to aid Americans in paying for college. Throughout his efforts in education policy, he recognized the needs of underserved populations, and endeavored to make education more affordable. I also appreciated his working with me on the Excellence in Economics Education authorization and subsequent funding requests so that more children could be better prepared for the financial decisions they will have to make as consumers, investors, and heads of households.

I also greatly appreciate all of the work done by Senator Kennedy to improve the lives of members of our Nation's workforce. Senator Kennedy helped increase the Federal minimum wage 16 times. He fought for strong workplace health and safety standards, promoted equal pay for equal work, and secure retirement benefits. Senator Kennedy believed the right of workers to unionize and bargain collectively was fundamental and was always a tireless advocate for this cause. In addition, Senator Kennedy was a champion of our Federal workers and opposed efforts to outsource Federal jobs and erode workers' rights. I recall his staunch opposition to weaken the rights of Department of Defense and Department of Homeland Security employees and his strong statements in support of granting Transportation Security Administration Security officers real rights and protections.

Senator Kennedy's career-long dedication to ensuring civil and voting rights helped bring about numerous changes that have made our country stronger, more equitable, and just. He condemned the poll tax, led efforts to lower the voting age to 18, and removed voting barriers. His fierce and noble opposition to discrimination by race, ethnicity, gender, age, disability, sexual orientation, or religion guided much of his work.

Senator Kennedy's advocacy for natural and cultural resources helped advance the protection of our environment for our benefit now and into the future. He was an important supporter of energy efficiency programs, including those that aid Americans most in need, and he helped improve fuel economy standards and energy research and development. His work led to the enhanced preservation of numerous treasured resources in Massachusetts including the Minute Man National Historic Park, the Taunton River, the New England Scenic Trail, the Freedom's Way National Heritage Corridor, the Boston Harbor Islands, the Quinebaug-Shetucket National Heritage Corridor, Essex National Heritage Area, and the Lowell National Historical Park.

In addition to his accomplishments and advocacy on behalf of the people of our country, I will remember Ted Kennedy as a true friend, always generous with his assistance and time. For many

years, my desk was next to Senator Kennedy's. He welcomed me to the Senate and always provided sound advice and guidance.

In 1990, despite the long journey, Senator Kennedy came to Hawaii to help me during my first Senate campaign. I remember the rally that we held in Honolulu at McKinley High School as being one of the largest ever held in Hawaii. We also had a memorable visit to an early childhood development program. Footage of the event was recently replayed on the news in Hawaii, showing Senator Kennedy and me singing Itsy, Bitsy, Spider with the children.

We toured Kapiolani Children's Hospital where we saw the devastating effect that crystal meth was having on families.

Senator Kennedy visited the University of Hawaii's John F. Kennedy Theatre, where he received an award for his work on health care. He spoke eloquently about our Great Country, Congressional debates, civil rights, and economic empowerment programs.

I, along with every Member of this body, will very much miss our friend from Massachusetts. Senator Kennedy's extraordinary work has improved the quality of life for so many people.

We can honor his memory by continuing to work to address the issues Senator Kennedy was so passionate about such as meaningful health care and immigration reform.

I say aloha to my good friend and colleague, Senator Kennedy.

Mr. President, I yield the floor.

Mr. INOUE. Mr. President, there are no words to express the sadness of the great loss of our dear friend Senator Edward M. Kennedy. America has lost a great patriot and great leader. I have lost a good friend.

While it is difficult to say goodbye to a dear friend, I am consoled with the certainty that Ted's spirit and message will continue to resonate in the Senate. The solemn but joyful celebration of Ted's life reminded one and all that we should remember to help the poor, to heal the sick, to feed the hungry, and to be compassionate with those who are less fortunate than us. I will do my best to keep Ted's spirit alive.

I offer my deepest condolences to the Kennedy family.

Mr. President, as America mourns, I ask my colleagues to join me in paying tribute to this magnificent Senator.

Ms. COLLINS. Mr. President, the 1955 football season was not a good one for the Harvard Crimson. With only three victories, it was somewhat surprising that no less a team than the mighty Green Bay Packers reached out to a senior end with a professional job offer. "No thanks," replied young Ted Kennedy, "I have plans to go into another contact sport—politics."

Few have played this rough-and-tumble game with as much energy, determination, and joy as Senator Edward

Kennedy. He served the people of his State and our Nation through five decades and under 10 Presidents. He authored more than 300 bills that became law and cosponsored another 550. His remarkable record of legislation has touched the lives of virtually every American, always with a focus on improving lives, bringing justice, and creating opportunity.

As we recall what he gave to our Nation, we also reflect upon what we have lost. It is my sincere hope that the Kennedy family will find comfort in the thoughts and prayers offered by so many around the country and the world. To those who have lost a friend and to his outstanding staff, which has lost an inspiring leader, I extend my deepest condolences. I considered him a dear friend as well as an esteemed colleague.

When I first came to the Senate in 1997, I knew Senator Kennedy only by reputation. It was a reputation that was not entirely flattering, based upon such labels as "ultra-liberal" and "utterly partisan." That was not the Senator Kennedy I came to know and admire. He was easy to work with, and his heart was always in the right place. I worked closely with Ted on many education issues, particularly by increasing Pell grants which help our neediest students. In our work together on the Armed Services Committee, we teamed up to strengthen our Navy as members of the Seapower Subcommittee.

I found him to be a partner who always sought solutions. I saw in him the same traits that drew the attention of the Green Bay Packers—a tough competitor and a great teammate.

The lion is a symbol of courage. Certainly, Senator Kennedy possessed great political courage. He fought for his convictions, but he was always willing to reach across party lines. He never, as he often said, let the pursuit of the perfect become the enemy of the good.

But he also possessed courage at the most fundamental level—the willingness to face danger. His historic trip to South Africa in 1985, conducted against the stern warnings of the pro-apartheid government and in defiance of violent demonstrations, helped tear down the wall of racial separatism in that country.

Senator Kennedy often said that a day never went by that he did not think of his brothers. He did more than merely think of them; he strove always to emulate them. Like Jack, he asked what he could do for his country. Like Bobby, he dreamed things that never were and said why not.

The end of a life so devoted to public service brings to mind the Parable of the Talents. The master, leaving on a journey, entrusts a servant with a portion of his treasure. Upon his return, the master is delighted to find that his

wealth has been wisely invested and multiplied.

Edward Moore Kennedy was entrusted the great treasure of convictions, energy, and passion. He invested that treasure wisely and multiplied its benefits to all. Like the master in the New Testament, to him we say, "Well done, good and faithful servant."

Mr. ENSIGN. Mr. President, I rise today to honor the memory of one our Nation's most dedicated public servants. For most Americans, Ted Kennedy was an icon—part of an esteemed family that raised strong leaders and committed patriots. Much has been said since his passing of his contributions to our country and his love for his wife, children, grandchildren, and extended family. Those who eulogized him, at his funeral and on main streets across America, have done so with great admiration and respect.

From my position on the opposite side of the aisle in this Chamber, I saw Senator Kennedy as every bit the legendary and tireless advocate that he was portrayed as. I may have been advocating the opposing view on many issues, but in this country we should always be able to join together to recognize someone who has—with the best intentions—dedicated his life's work to improving opportunities.

I had the privilege of working on a very significant piece of legislation with Senator Kennedy a few years ago. It was the America COMPETES Act. I was, and continue to be, passionate about making sure that our children remain competitive in this increasingly global economy. Students in Nevada aren't just competing against students in Massachusetts anymore. They are all competing against students in India, China, and around the world. If we don't give our students the tools to compete, the innovative fire and spirit that has always fueled America will be lost.

Ted Kennedy understood this. We put together bipartisan legislation that was signed into law to increase investment in scientific research; strengthen educational opportunities in science, technology, engineering, and mathematics from kindergarten through graduate school; and help develop an innovation infrastructure for the 21st century. I am confident that the impact of this law will be felt for generations to come.

I am also confident that Ted Kennedy's decades of service, his passion for health care and education, and his deep love for this country will inspire a new generation of public servants. When you look at the legacy of Ted Kennedy and at how he dedicated his life to service, you can't help but be moved to do more for this country.

Senator Kennedy will be missed in this Chamber and in the Halls of Congress. God bless you, Senator Ted Kennedy.

Mr. KAUFMAN. Mr. President, I rise to join the chorus of those celebrating the life of our dear friend and colleague, Senator Edward M. Kennedy.

So much has already been said about him, his life, and his contribution to our Nation, but I would like to take a few minutes to reflect upon the legacy he left as a warm individual and an exemplary statesman.

His life was, to borrow the words of Robert Frost, "a gift outright." Ted Kennedy was ours before we were his.

As a young man and a young Senator, history bequeathed to him weighty expectations. He became the accidental shepherd not only to a flock of nephews and nieces but also to a storied legacy.

An ordinary person would have been daunted by such expectations. But Ted Kennedy was extraordinary. He confounded them and, in the process, defined his life not by what others had left him to complete but by the goals he set for himself.

For all of the rhetoric recently about Kennedy as the Senate's lion, we can never forget that he was also a deeply caring man with a gentle spirit. It was this dual nature of his to fight passionately and to befriend heartily that transformed adversaries into admirers and endeared him forever to his friends.

In February of 1988, I was serving as chief of staff to then-Senator JOE BIDEN when he suffered a serious brain aneurysm. After two precarious surgeries, the doctors said that Senator BIDEN would need to avoid work completely for a few months while in that first stage of recovery or risk another aneurysm.

When President Reagan called to check up on him, we knew that if he took that call, Senator BIDEN would be obliged to take all the calls that would follow. It would have been too much for him, so his family made the decision that he would not take any calls, even from the President.

Ted Kennedy kept calling to check on his friend, but our office wouldn't put him through. One Sunday, while Senator BIDEN was resting at home in Wilmington, Jill heard a knock on their back door. To her surprise, Kennedy was standing there, holding a framed etching of an Irish stag. He had personally taken it upon himself to bring the gift in order to lift Senator BIDEN's spirits. He also had with him a bathing suit, ready to relax with his friend and keep him company without discussing Senate business.

We shouldn't have been surprised, though. That was classic Ted Kennedy.

With him there was always a personal touch, especially with those he represented. In the words of one of his constituents, "Teddy was Massachusetts."

But his constituency was always larger than just the residents of the

Bay State. He felt that it was his responsibility to speak for those who could not. Kennedy was, first and foremost, a representative of the poor, the young, the silenced, and the oppressed. He fought tirelessly for the rights of the disabled and those suffering discrimination. Throughout decades of public service, he proved to be their faithful champion at every turn.

For 47 years, Ted Kennedy was the Senate's steady compass through uncertain waters. When others coasted along, satisfied with the status quo or set uneasy by the prospect of change, he trimmed his sails and pushed forward.

He pushed forward by building strong, meaningful relationships with his colleagues on both sides of the aisle. He was committed to civility in politics.

That he so genuinely befriended those who debated vigorously against him on this floor testifies to Kennedy's greatest gift to his colleagues. As his son Teddy Jr. said so eloquently at his father's funeral mass, Kennedy taught us all that all of us who serve in government, regardless of party, love this country dearly—that we share a common bond of responsibility and commitment to public service.

My hope is that the lessons Ted Kennedy taught his colleagues about bipartisanship will guide the Senate today and in the future.

Just outside this chamber is the Senate Reception Room, ornately decorated by the 19th century immigrant and master painter of the Capitol, Constantino Brumidi. He adorned the ceiling with four allegorical scenes depicting what today we would call Justice, Security, Peace, and Prosperity—four virtues a great Senator should promote.

It was decided that portraits of the greatest Senators ever to serve would cover its walls. In the 1950s, the Senate established a panel to choose the first five to be so honored. Chaired by a young, energetic senator from Massachusetts, who had authored a Pulitzer Prize winning book on political courage, this "Kennedy Commission" selected five Senators whose portraits now grace those walls.

The commission chose to recognize Henry Clay, Daniel Webster, John C. Calhoun, Robert La Follette, and Robert Taft. A few years ago, the Senate voted to extend this honor as well to Arthur Vandenberg and Robert F. Wagner.

All seven earned their place in this pantheon by placing the good of the Nation above political interest. All but one ran unsuccessfully for President, distinguishing themselves not as commanders-in-chief, but as brilliant legislators and versatile statesmen. Each exemplified a commitment to the four virtues depicted by Brumidi on the reception room's ceiling.

Ted Kennedy was a champion of all four of these virtues; indeed, he set a new standard by which future Senators will be judged.

Whether it was leading the charge for the Civil Rights Act, enfranchising young people of military age, or promoting human rights around the world, Kennedy pursued justice without relent.

Ted Kennedy was committed to ensuring our Nation's security by advocating for nuclear disarmament, leading the way on energy conservation, and supporting legislation to punish sponsors of terrorism.

He worked tirelessly to bring peace to troubled regions, including Northern Ireland.

Throughout his career in the Senate, Ted Kennedy did all he could to open the doors of prosperity to millions of Americans seeking fair wages, health insurance, or job opportunities.

Furthermore, he fought to expand education access, fund scholarships, and promote community involvement. Kennedy's efforts have helped invest America in a bright future in fields such as science, technology, business, and the arts.

Even with the seven distinguished senators now immortalized, the walls of the Senate Reception Room remain mostly bare. They await future Senate commissions, following in the tradition of John F. Kennedy's panel, to honor those serving from our generation or from generations yet to come.

I am certain that, if I could cast my vote today for the next to be so honored, I would proudly and unhesitatingly choose Senator Edward M. Kennedy.

Mr. KOHL. Mr. President, I rise today with great sadness to pay tribute to my friend, colleague, and great statesman, Senator Ted Kennedy.

As many of my colleagues have noted here today, over his 47 years of public service in the Senate, Ted Kennedy displayed exemplary leadership, a commitment to progress, and the vision that by working together, this body could truly better the lives of Americans.

For many years as a member of the Judiciary Committee, I had the privilege to work with and learn from Senator Kennedy. Since 1997, I sat just one seat away from him then-Senator Biden to my right and Senator Kennedy next to him. Senator Kennedy was always so encouraging. A simple "good job" or pat on the back might be expected from a busy Senator like him, but from time to time, he would take a moment to write a note and offer encouragement for a bill I was trying to move through committee or a concern I was expressing about an issue important to the people of Wisconsin. We have heard so much over the past weeks about what he gave to our country throughout his long Senate career.

Just as important, he gave all of us on the committee and in the Senate an example of how to be an effective legislator, a fair negotiator, and a friend to allies and foes alike.

As has been noted by many of those who worked alongside him, Senator Kennedy masterfully negotiated with others in the long process of shaping policy but refused to retreat from his principles—or from his quest toward equality and social justice for all. His tireless advocacy on the behalf of those Americans most in need of an advocate—children, senior citizens, the sick, disabled and mentally ill, students, workers, and families—has changed the course of this Nation and impacted millions of lives. Senator Kennedy's many legislative battles—for civil rights, voting rights, and workers rights, among others—illustrated that although we may differ in our politics and our ideologies, it is still possible work with each other, across the aisle and across the political spectrum, toward the common good. Although I am sad today to realize that we will never hear another of his fiery speeches, many of them given just a few desks away from mine in the back row of this Chamber, he leaves a legacy behind that will endure.

I extend my deepest sympathies to his wife Victoria and to the rest of his family during this difficult time. Senator Kennedy's passion, diligence, good humor, and kindness will be greatly missed, by me and by many others, in this body and across the Nation.

Mr. VOINOVICH. Mr. President, I rise today to speak about the passing of our dear colleague and friend, Senator Edward M. Kennedy.

Our great Nation has lost a true statesman, and the Kennedy family has lost its beloved patriarch. Senator Kennedy's unparalleled leadership and decades spent in service to his fellow Americans will be missed by all, especially here in the U.S. Senate. No one can deny that Ted was a man of convictions, passion and resolve for doing what he felt was best for the country. While I was not always in agreement with him on policy, I always knew he was my friend.

His willingness to reach across the aisle and find common ground serves as an inspiration to all of us during this pivotal moment in our Nation's history. Senator Kennedy and I shared a passion for early childhood development, and together with Senator GREGG, we worked on legislation to improve the quality and availability of early education for all children.

On a more personal note, Ted was a guiding light for me during my late-nephew's treatment for bone cancer. His uplifting spirit and thoughtfulness helped steer my family through a very difficult time, and I will never forget the words he shared with us: "Even when it's sometimes stormy one day,

the sun always seems to shine the next.”

Janet and I will keep Victoria and the entire Kennedy family in our thoughts and prayers during this trying time, as they mourn the loss of both Ted and his sister Eunice. Senator Kennedy’s great shadow of leadership which loomed so large across the U.S. Senate will continue for years to come, and I hope the Kennedy family and my colleagues can find solace in the fact that Ted has joined our Heavenly Father.

Mr. ROCKEFELLER. Mr. President, I rise today to remember and celebrate Edward Moore Kennedy.

Senator Kennedy passed away, as we know, on August 25. The American people, in more ways than they will ever know—as so often happens in history with historic figures, people don’t know what they had when they had it, and then when they no longer have it, they discover how great that person really was if one deserves to be so identified, and surely Ted Kennedy did—the American people lost a touchstone. The cause of justice lost one of its bravest and boldest champions, and I lost a very close friend.

I met Ted Kennedy back in about 1961, which is quite a long time ago, in Hyannis Port. His family invited me to come there for the weekend. He was still recovering from his back injury. He broke his back in 12 places. He was in one of those old-fashioned circle things where they sort of turned you so you wouldn’t get bed sores. We had a nice conversation, and he wrote and thanked me with his hand for coming to see him.

Obviously, I have and will always be thinking about Vicki, his incredible wife, his children, and the entire Kennedy family who operates as one unit.

Because of Ted, I think all of us are better. I know I am. I think we are stronger. We are more inclusive as a nation. He caused us to be that way.

For 46 years, he was a legislative lion, as they say, who gave voice to the voiceless. That is not a cliché; that is an extraordinary and powerful deep fact from the junior Senator from the State of West Virginia. The people of West Virginia were given voice, and Ted Kennedy gave them that voice. He fought for working families, civil rights, women’s rights, health care for all, and transformed the lives of children, seniors, Americans of all ages, all colors, all backgrounds. Everybody was part of his sphere, part of his responsibility.

In his private life he worked tirelessly to touch so many people with endless human acts of kindness that came naturally to him. He sort of had—he had to do it. I don’t think he chose to do these things; he just had to do them and, therefore, did do them. People forget, those who didn’t know about what he did, but he never

stopped reaching out to help people at every turn, in sometimes very small ways.

Ted and his family reached amazing heights, and they inspired a nation. Each and every day of his life he honored the fallen heroes we always cherish.

This needs to be said: Ted traveled to West Virginia often. I was personally very grateful for that. It is a small State, not unlike that of the Presiding Officer. Our State has always had very close communication with the Kennedy family. We are them; they are us. You know, we put them over the top, we feel, in the 1960 election, and we did. When President Kennedy returned to West Virginia, he, at the State’s centennial, said that classic phrase which we have heard so many times in West Virginia: “The Sun does not always shine in West Virginia, but the people always do.”

People are still to this day moved by that statement. It is a sentiment I have always held near to my heart, that he and his brothers felt the way they did about West Virginia. I remember a picture of Bobby Kennedy sitting on a slag heap, a sort of pile of coal in southern West Virginia, just sort of thinking. He wasn’t shaking hands, he was doing a typical Bobby Kennedy-type thing: thinking, deep in thought; philosophical, wondering about what to do in the world.

Over the last four decades, Ted’s frequent visits not only strengthened West Virginia’s bond with him and the Kennedy family, but he also provided enormous color, interest, and fun. I remember him at political rallies in West Virginia where some politician was going on and on. I have an album of photographs that were taken sequentially of different faces, very long and large speeches, and he is this way, he is wiping his brow. He enjoyed all of it. He just loved it.

Everywhere he went he found common ground. He spoke honestly. People came out to see him. He didn’t hesitate to plunge into the crowd or jump on the back of a pickup truck. Indeed, the American worker knew a strong friend in Ted Kennedy. That much was clear in the tireless work he did as an advocate for our miners, for our seniors, for all of our people.

He has been with us in some of our very darkest hours. We had a mining tragedy several years ago. JOHNNY ISAKSON, who was speaking not long ago, was there as were several members of the HELP Committee, the Health, Education, Labor, and Pensions Committee. We had a cave-in and a blowup in a mine in Sago in Upshur County. He came down there. He sat with those families and watched them. I watched his hurt resonating against their hurt, and the words he spoke to them had deep comfort to them. As a result, we had the first major overhaul of mine

safety laws at the Federal level since 1977. He, obviously, was driving the committee and driving that, as was Senator JOHNNY ISAKSON and MIKE ENZI.

People liked Ted. They were drawn to his energy and his fundamental belief that America’s best days were always ahead. I love that attitude because you can always pick it out. I just did a television thing and everybody was asking me about the person who spoke out last night, interrupting the President and saying something rather unusual, and the President just went right on ahead. He had bigger things to do. Ted was that way.

He had hard parts of his personal life and his own family life. He was the father of endless numbers of nieces and nephews, as well as his own children. Nothing ever stopped him.

People wanted to work with him. He never, ever talked about his own achievements. That is the incredible thing about him. As a result of the plane accident, he broke his back in 12 places. That is a lot of places to break a back. He never spent another day the rest of his life, he once told me fairly recently, without being in pain. You could see him walking across the floor of the Senate. He was always bent, and he walked quickly, sort of subconsciously, to cover up the fact that he was hurting. But he never said anything about it. He never said anything about himself. It was always: What is going on in your life? What is happening with you? What are your thoughts? What do you think we should be doing on such a subject? That was simply the way he was.

He refused to be slowed. He brought that iron will to everything he did. He never quit. He never gave up. He was a happy fighter. He loved life. He loved the battle, driven not out of anger but out of passion for people and the individual parts of their lives he wanted to improve. It just drove him. He didn’t do it out of duty; he did it because he had to. It was a natural thing. For Ted, every day was new. Everything could be made better through hard work and dedication. Nearly every piece of legislation that has passed in this body bore his imprint or bears his imprint and reflected his commitment to making life better for every American.

It has been my honor to lock arms with him in our efforts, including the children’s health program. Interestingly—we just found it—Senator Kennedy called it the most far-reaching step that Congress has ever taken to help the Nation’s children and the most far-reaching advance in health care since the enactment of Medicare and Medicaid a generation ago. Now, in the Finance Committee we are trying to decide whether we are going to cast them into the melting pot along with all the other plans and take away the defined benefits. I am obviously very

much against that. Eleven million children's health care is at stake.

Ted worked on the Higher Education Act of 1965 and to protect Federal student loans. Again, let me get back to the personal side.

I have a daughter. We only have one daughter and three sons. She is a teacher, and she is trained in special ed. She teaches—she did teach at Jackie Robinson Junior High School in Harlem. Ted was in New York. His chief of staff at that time was my daughter's best friend. She said: You know, Jay Rockefeller's daughter teaches there.

Ted said: Let's go in.

So here is my daughter teaching class in junior high school and in walks Ted Kennedy. Of course, the whole place just falls apart with happiness. He loved doing it. He does it in the District of Columbia; he does it in Massachusetts. He is always interacting with students. He greets them, talks with them, and learns from them.

The principal gave my daughter a very hard time. He said: Don't you ever bring a United States Senator into my school without telling me in advance.

Well, of course, that is the beauty of it. There is no way she could because it was just a natural act of Ted Kennedy.

It was that commitment to service that we celebrated just this spring when the President signed the Serve America Act which inspires young people to serve their country through public service. There are a lot of ways to remake America, but I think people, as the Presiding Officer has been in a variety of situations—people going abroad, people meeting other people who are unlike them, living with them, eating with them, sharing with them, coming to know them, coming to have very strong feelings about them—it is that kind of thing which makes people want to get into public service.

So he doubled the Peace Corps, he doubled Legal Aid, he doubled Vista, he doubled all of those programs, a lot of which were run by his brother-in-law, Sargent Shriver, who is one of the great men of America who is never discussed. He is a Kennedy, but he doesn't bear that as a last name.

He changed my life—the Kennedy family did. When I went to West Virginia as a Vista volunteer, I was trying to figure out what I was going to do in life, and I kind of wanted to be a Foreign Service officer. Frankly, I wanted to be America's first Ambassador to China. This was back in 1961, so it does really make sense. I had studied Chinese for a year, so I thought I was on my way. But Vista started and Sargent Shriver called me and said: Come work for me at the Peace Corps. And I did that. Then I went to southern West Virginia as a Vista volunteer and it told me what I wanted to do in life. This part of your gut knows when you are doing something that is meaningful to you and is something that you want

to dedicate your life to. That was the effect of the Kennedys.

Ted Kennedy was a giant. There was not and never will be anyone like him in American history. He shaped this institution for decades by honoring its history and pushing us forward to be a better institution.

Now that he is gone, I know his legacy and inspiration make him a giant greater still, moving us to reach across the aisle, hopefully, and make a difference in people's lives. He was a great friend. We are all forever grateful for his service and his kind heart. We will miss him very dearly. Now he belongs to the ages.

Mr. WHITEHOUSE. Mr. President, this would be a particularly opportune important time for me to say a word about our friend, Senator Kennedy. I had not planned on doing so at this particular juncture, but someone very important to him, and in a very different way to me, is now in the gallery. So I will speak very briefly, but I do want to, as I have said before, thank Senator Kennedy for his kindness to me.

As a very senior and distinguished Senator, a person with a national and, indeed, international reputation, a person whose standing in this body was unmatched, a person whose legislative prowess and capability was unmatched, he did not need to pay any attention to a new Senator of no particular seniority, clout, or renown from Rhode Island. Yet he did, I think in large part due to the friendship the new Senator from Rhode Island had with his son, a very talented and able Member of the House of Representatives, who is senior to me in our Rhode Island delegation and who represents Rhode Island with exceptional distinction over in the House of Representatives. For that reason, and for the reason of a number of other family friendships, he was particularly kind to me. I appreciate that more than he could have imagined.

It is a bit daunting to come here as a new Senator not knowing whether you will find your way, not knowing whether you will evince any ability, not knowing whether you will have any effect, not knowing whether, indeed, you will be very welcome. You have to fight yourself through that stuff as a new Senator.

I can remember when I was presiding, where the distinguished junior Senator from Alaska is now sitting, and a colleague of ours who shall remain nameless was giving a speech of some length. Senator Kennedy was waiting to speak, and he sent a note up to me inquiring whether I felt that the standards of the speech we were then being treated to met the high standards of our common alma mater, the University of Virginia School of Law. I could not help but smile back and return the note, saying: No, I do not think so, but that is okay because I am waiting for a great speech from you.

There is one particular kindness I wanted to mention. Senator Kennedy was very important to Rhode Island. He was important to Rhode Island not just because of his son Patrick but because Rhode Island pays a lot of attention to Massachusetts, there is a lot of overlap in the constituencies of Massachusetts and Rhode Island, and Rhode Islanders have long admired Senator Kennedy. When he came on behalf of candidates, on behalf of his son, on behalf of me, on behalf of others, there was always an atmosphere of celebration around him and around the events he attended. Other speakers have spoken of his ability to rev up a crowd and get people fired up and enthusiastic, and he was really remarkable in that respect. We never tired of his visits, and Rhode Island always welcomed him with open arms.

He had a special place for Rhode Island, and in particular he had a special place for somebody who was very dear to both Congressman KENNEDY and to myself; that is, a predecessor of mine here in the Senate from Rhode Island, Senator Claiborne Pell. Senator Pell was a political legend in Rhode Island, in many ways an improbable candidate.

Senator Kennedy's brother, President Kennedy, at one point said, publicly enough that it became a matter of sort of common discussion in Rhode Island, that Claiborne Pell was the least electable candidate he had ever seen. So when Claiborne Pell ran ahead of President Kennedy in Rhode Island in the election, it was a matter of great pride to Claiborne Pell and one that he was fond of reminding all Kennedys about.

It was, I guess as they would say in "Casablanca," the beginning of a beautiful friendship. The friendship began back then. It continued long after Senator Pell had left the Senate. It continued long after Senator Pell had lost his ability to walk around and became confined to a wheelchair. It continued even long after Senator Pell had lost his ability to speak and could barely speak because of the consequences of his illness.

One of the ways it manifested itself is that every year Senator Kennedy would take the trouble to sail his sailboat, the Maya, from wherever it was in New England to Newport, RI, and there take Claiborne Pell out sailing. I had the pleasure to be on that last sail, and you could just imagine the scene, with the heaving dock and the heaving boat and Senator Pell in his wheelchair and a rather hazardous and impromptu loading of Senator Pell into the sailboat. And then, of course, it got underway. Because Senator Pell was having such trouble speaking, he really could not contribute much to a conversation. But Senator Kennedy had the gift of being able to handle both sides of a conversation and have everybody feel that a wonderful time was being had.

So he carried on in a full, roaring dialog with Senator Pell, essentially providing both sides of that dialogue, and Senator Pell was smiling from ear to ear.

It said a lot about what I appreciate so much about Senator Kennedy. First of all, Rhode Island mattered to him, as it matters to PATRICK KENNEDY, as it matters to me. Second of all, as powerful as he was and as important as he was, friendship mattered more than authority or clout or power. There was nothing any longer that Senator Pell could do for Senator Kennedy. There was nothing that could be done to advance his legislative interests or his political interests or his fundraising interests or any other aspirations he may have had. But it mattered to him to do this because he was loyal and because friendship counted.

In a body in which opportunism and self-promotion and self-advancement are not unknown, it was remarkable of Senator Kennedy to give so much of his time to this particular pursuit, to this particular visit, taking his old, now disabled friend, out for a sail and giving him so much pleasure, with no hope or hint of reward or return to Senator Kennedy himself.

So I will conclude with that. I guess I will conclude with one other thing. He loved Robert Frost. On his desk here right now is a poem from Robert Frost, "The Road Not Taken."

I know he was fond of Frost's work in particular. I keep a little book of poems and things that matter to me, quotations, and one of them is a poem by Robert Frost. It is not "The Road Not Taken," which is the poem on Senator Kennedy's desk. It is a different one. But I will close by reading it. It is called "Acquainted with the Night."

I have been one acquainted with the night.  
I have walked out in rain—and back in rain.  
I have outwalked the furthest city light.  
I have looked down the saddest city lane.  
I have passed by the watchman on his beat.  
And dropped my eyes, unwilling to explain.  
I have stood still and stopped the sound of feet

When far away an interrupted cry  
Came over houses from another street,  
But not to call me back or say good-bye;  
And further still at an unearthly height,  
O luminary clock against the sky  
Proclaimed the time was neither wrong nor right.  
I have been one acquainted with the night.

Mr. MENENDEZ. Mr. President, once again, we mourn another Kennedy, the last brother, a friend, a colleague, a Senator's Senator, larger than life even in death, certainly the most effective legislator of our time and arguably the most effective Member of this body in the whole of American history.

Across this Nation and across the political divide, we have seen the impact of his life and work in the tearful eyes of millions of Americans. Each face a challenge to continue his long and lasting legacy of hard-fought, hard-won

battles for hardworking families everywhere. His is a legacy of hope for the unemployed, the dispossessed, the downtrodden, the undereducated, the uninsured; a legacy of hope for Hispanic Americans and Asian Americans, all Americans who have come to this country, often with little more than the clothes on their backs and a glorious dream for a better life.

Ted Kennedy will be remembered by my generation as more than the last brother, more than the end of an era. He will be remembered as America's preeminent leader on fair, responsible, humane immigration policy that always put people first. For all of us, he was the standard bearer of headier days, of Camelot, of intellectual vitality, political energy, and a deep and abiding commitment to public service and to this beloved Senate. He taught us through actions and deeds, in times of great personal pain, the power of the human spirit to endure and prevail. He symbolized the best of an era of progressive, compassionate leadership in this country and a deep belief that we must always ask what we can do for the country, a torch unexpectedly passed to him which he carried with dignity and humility through great tragedy as well as great triumph.

He understood our personal struggles, however profound, "make us stronger in the broken places," as Hemingway said. For every Hispanic American and every American across this Nation whose family came here to find a better life, whatever their ethnicity or political views, Ted Kennedy was a leader. His deep and abiding concern for the struggles of hard-working people was not political. It is simply part of the Kennedy DNA.

I remember the images of his brother, Bobby Kennedy, in 1967, 6,000 people surrounding him on the flatbed truck that held a severely weakened Cesar Chavez. Bobby Kennedy shared a piece of samita with Chavez and the crowd cheered. They grabbed at Bobby to shake his hand and thank him. He stood in front of the crowd and said:

The world must know from this time forward that the migrant farm worker, the Mexican-American, is coming into his own rights . . .

You are winning a special kind of citizenship; no one is doing it for you—you are doing it yourselves—and therefore, no one can ever take it away.

Fast-forward to Washington, DC, in 2006, walking in his brother's footsteps, Ted Kennedy stood in front of hundreds of thousands of marchers on the same ground his brothers had stood upon decades earlier. He stood with immigrants and faith leaders and organizers. He called for comprehensive immigration reform. The crowd of hundreds of thousands roared, and he roared back:

Si se puede. Si se puede.

Yes, we can.

Now he is gone, having fought his last battle with courage and dignity, as

he fought all others. But the memories remain. I remember first coming to the Senate, sitting down with him, his presence as commanding as I thought it would be. I looked at him to learn all I could from him about the Senate and, frankly, there was no more patient or willing teacher. When I first sought to come to the Senate, the one Member of the Senate who gave me the most time and gave me the most encouragement and the greatest opportunity to understand how to be successful in the Senate was a person I could do the least for. It was Ted Kennedy. I will never forget his kindness.

We worked together to protect the Senate restaurant employees when their jobs were privatized. I learned what made him such an effective legislator—because even as he was dealing with the most incredible issues the country was facing and leading on many of them, he had time to remember the importance of that little person, people in the Senate restaurant who might have been unemployed.

We all know no one can belt out an Irish ballad quite like Teddy could. One of my favorite memories was of him and I in New Jersey in a campaign where we sang Irish ballads together. I learned then what made him the unique person he is. I will never forget the sound of that voice and the warmth of that heart. Each of us has had our own memories of the man. Each of us has had our own deep emotions when we heard of his death.

The editorial cartoonist, Lalo Alcaraz, said when his wife heard that Ted Kennedy had lost his battle with cancer, she pulled out one of her old buttons that her mother had worn during the Presidential campaign in 1960. That day, Lalo Alcaraz drew a cartoon of a much younger Ted Kennedy. It is captioned with two simple words on the campaign button: "Viva Kennedy."

As I sat in the basilica in Boston with our colleagues last week, I thought of all Ted Kennedy did to better the lives of so many Americans, and I thought of those two words over and over again: Viva Kennedy. He was a man who truly believed in the idea and ideal that is America. Although we may have come from different backgrounds, different places, different cultures, though we may speak different languages, we are one Nation, indivisible, forged from shared values and common principles, each of us united in our differences working for the betterment of all of us, and no one worked harder for the betterment of all of us than Ted Kennedy.

It is my sincere belief that in his passing he has once again worked his magic and given us an opportunity to come together, united in a deep and profound feeling of loss and emptiness as we are even at this day. It would be like him to be looking down upon these tributes today, nodding his head and

smiling, but he would be saying: Don't wait for my memorials to be laid. He would say: Don't wait for my words to be chiseled in marble at Arlington. Don't wait for some bronze statue in Washington or a bridge named after me in Boston. Stand up, do what is right for the American people now. Do what is right for hard-working families in your States, for hard-working families in my State—in New Bedford, Brockton, Fall River, or Worcester. I can see him standing over there where he always stood, committed, informed, imposing, pounding on his desk, shouting at the top of his lungs. You could hear it when you were outside of the Chamber when he was in one of those moments.

Those families don't have time to wait for a decent job and wages. They don't have time to wait for a better job. They don't have time to wait for decent, affordable, quality care that is a right and not a privilege. That booming voice would echo through this Chamber, and I think it will echo through this Chamber for eternity.

When it comes down to it, we are his legacy. We in the Senate are his memorial. We are the burning candles, and he would tell us to have them burn brightly: Stand against the wind. Stand against the storm. Stand against the odds. For it is up to us now to light the world, as he did.

In this past week, I think we have all found new meaning in those familiar words of Aeschylus, when he said:

And even in our sleep, pain that cannot forget falls drop by drop upon the heart, and in our own despair, against our will, comes wisdom to us by the awful grace of God.

Today, in our despair, let wisdom come. Let us honor the memory of Senator Edward Moore Kennedy by not only remembering the man but by continuing the good work he has done.

I yield the floor.

Mrs. SHAHEEN. Mr. President, I am honored to be here to add my voice to so many of those who today have eloquently remembered Senator Ted Kennedy. Like so many who have spoken today, I was the beneficiary of so many personal kindnesses from Senator Kennedy.

I actually first met him on the campaign trail. In 1980, I was actually on the other side in New Hampshire when he was running against Jimmy Carter. Despite the fact that was a very hard-fought campaign and we won and he lost, when I ran a winning campaign 4 years later in the New Hampshire primary, Senator Kennedy was one of the first people to call and congratulate me.

After that, I had the opportunity to campaign over the years with Senator Kennedy. There was no one who could fire up a crowd as he could. In 2000, I remember he was there for Al Gore when times were tough in New Hampshire. He was there for JOHN KERRY in

2004. And I had the opportunity to travel around the country with him in support of JOHN KERRY, his very good friend.

But I really got to see the difference he made in so many lives when I worked with him at the Institute of Politics at the Kennedy School of Government at Harvard. I had the opportunity to be chosen to be the director there, and Senator Kennedy was one of those people who helped make that decision and make that happen for me. What was so impressive was that it did not matter how busy he was with the work in Washington, with what he was doing in Massachusetts, he never missed a meeting. His first concern was always: What are the students doing? What is going to excite them? What is going to get them involved in politics and public service, because that was the mission of the Institute of Politics. It was one of two memorials that were established by the Kennedy family to remember his brother, President John Kennedy. It was always amazing to me to see someone who was so busy, so prominent in national life, who never missed an opportunity to talk with the freshman student who was there who wasn't quite sure what they wanted to do, to talk with and encourage the young people who were involved at the institute to get involved in politics, in government, in public service.

I know Senator Kennedy will be remembered by so many of the kindnesses he provided to people. He will be remembered by the tens of thousands of people whose lives he touched. But I think one of his most significant legacies will be those young people who are encouraged to get involved in politics, who appreciate that public service in government is an honorable profession because of his leadership and the work he did.

I feel very honored and privileged to have worked with him and to have had the opportunity to serve with him, however briefly, in the Senate. I know we will all remember for future generations what Senator Kennedy has done.

#### ORDER OF PROCEDURE

Ms. STABENOW. Mr. President, I ask unanimous consent that at 2:30 today, the Senate resume executive session and consideration of the nomination of Cass Sunstein; that all post-cloture time be yielded back except for 75 minutes, with that time equally divided and controlled between Senator LIEBERMAN and the Republican leader or his designee; that at 3:45 p.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session; that

upon resuming legislative session, the Senate then proceed to the consideration of Calendar No. 153, H.R. 3288, the Department of Transportation, Housing, and Urban Development and Related Agencies appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

NOMINATION OF CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW.) Without objection, it is so ordered.

Mr. KYL. Madam President, Professor Cass Sunstein's academic credentials are impressive. He has taught at the University of Chicago School of Law and at the Harvard School of Law, and has been a prolific writer on a wide variety of topics.

He has some fine ideas on cost-benefit analysis, and I hope they will be reflected in his approach as administrator of Office of Information and Regulatory Affairs.

I do, however, find that some of the arguments he has made, and the positions he has taken in his writings and speeches, fall outside the mainstream.

One theme that has appeared repeatedly in his writings and speeches is his strange belief that animals should have legal standing in court. Professor Sunstein wrote in his book *Animal Rights: Current Debates and New Directions* that, "We could even grant animals a right to bring a suit without insisting that animals are persons. . . .

We could retain the idea of property but also give animals far more protection against . . . neglect of their interests."

He goes on: "It seems possible that before long Congress will grant standing to animals in their own right. . . . Indeed I believe that in some circumstances, Congress should do exactly that, to provide a supplement to limited public enforcement efforts."

In a paper for the University of Chicago School of Law, Professor Sunstein wrote that, "Representatives of animals should be able to bring private suits to ensure that anticruelty and related laws are actually enforced. If, for example, a farm is treating horses cruelly and in violation of legal requirements, a suit could be brought, on behalf of those animals."

Of course, no one favors animal cruelty. That is why there are laws against it. That should go without saying. But there is a big difference between having concerns about the treatment of animals and taking Professor Sunstein's position that an animal deserves a lawyer in court.

An animal is not a person, and it cannot function as a plaintiff during a trial. Laws and regulations that would give animals legal standing in court could open the door to a flood of ridiculous lawsuits that would wreak havoc on research labs, restaurants, farms, and the like.

Imagine what could happen if a group wanted to represent lab rats or farm chickens in a class-action lawsuit. Even if claims were found baseless in courts, someone, farms, laboratories, business owners, would still bear the costs of litigation.

There may be room for this kind of thinking in academia. But it has no place in the executive branch of the U.S. Government, especially in the top regulatory office of the administration.

As the Discovery Institute's Wesley J. Smith has written on Professor Sunstein's position on animal standing in courts, it "would do more than just plunge the entire animal industry into chaos . . . the perceived exceptional importance of human life would suffer a staggering blow by erasing one of the clear legal boundaries that distinguishes people from animals."

Professor Sunstein was also out of the mainstream when, in a 2003 paper, "Lives, Life Years, and Willingness to Pay," he explained his views on a life-valuation system: "No regulatory program makes people immortal. The only issue is life extension, and, in terms of welfare, a program that saves 10,000 life years is better than one that saves 1,000 life years, holding all else constant. In welfare terms, a program that saves younger people is unquestionably better than one that saves older people." That is plainly not true if you believe in the moral equality of all lives.

While discussions about the value of an older person's versus a younger per-

son's life may be acceptable inside the cozy confines of elite academic settings, they raise serious concerns when written by the person nominated to be America's regulatory czar. This is especially true at a time when we are engaged in a debate over the future of our healthcare system and as Congress considers several proposed bills that call for the administration to act on new healthcare regulations that could end up under the purview of OIRA.

Cost-benefit analysis is fine, but not as a means to ration healthcare, e.g., to America's elderly. Professor Sunstein's views call to mind the British basis for healthcare rationing: the Quality-Adjusted Life Years, (QALY.)

I am also troubled by the outcome of a Democratic retreat in which Professor Sunstein participated after the 2000 election. As the New York Times reported in May of 2001, the "principal topic was forging a unified party strategy to combat the White House on judicial nominees."

The strategy that resulted from this retreat led to two fundamental, and I believe, corrosive, changes in the way judicial nominees are considered. The first was to encourage filibusters, previously unknown for judges, and the second was that when voting for a judicial nominee, a Senator should determine the political views of nominees and vote against those with whom you disagree.

As the Times reported, one participant said of the panel discussion in which Professor Sunstein's participated, "They said it was important for the Senate to change the ground rules and there was no obligation to confirm someone just because they are scholarly or erudite."

The net result, a very negative result, of these changes was a hyper-partisan judicial confirmation process during the Bush administration, one that tarnished many nominees and in which too many votes were determined by party affiliation and ideology. Some very worthy nominees, such as Miguel Estrada, were filibustered and, therefore, wrongly denied a confirmation vote.

I see this nomination as part of a broader pattern: One that shows that the Obama administration has repeatedly nominated or hired individuals with overly-partisan or bizarre views. Just last week, the facts came to light about the radical ideology and associations of Van Jones, President Obama's now-former green jobs czar, who was not subject to a Senate confirmation process.

While he has tried to explain away some of his views and assure Senators that he won't try to apply his personal opinions as part of his official duties, I believe that Professor Sunstein's nomination reflects this administration's pattern of favoring out-of-the-mainstream individuals for key jobs. If a

Republican judicial nominee harbored such views, I have no doubt that the participants at the Democratic retreat in which Professor Sunstein participated would have found justification for a filibuster or negative vote, notwithstanding his fine legal credentials. While I have serious concerns about the standard, Democrats won that debate and now apply the standard. There cannot be one standard for Democrats and one standard for Republicans. Therefore, I must oppose this nomination.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WELCOMING GEORGE S. LEMIEUX

Mr. NELSON of Florida. Madam President, momentarily, the Vice President will arrive to conduct one of the most important and very signal events of an individual's life, and that is being sworn in as one of 100 Senators representing the United States. As our new Senator, GEORGE LEMIEUX from Florida, assumes his duties, he will find that, indeed, he will understand that this has been called one of the greatest debating institutions designed by mankind to exist on the face of this planet. It is a great privilege to be a part of an institution that values democracy, that values free debate, that values the opinions of others. In this mix of two Senators representing each of our States, we come together to build consensus in order to lend our part to this constitutional process. For GEORGE LEMIEUX, this is going to be a red-letter day. I want to share with the Senate that it is a privilege for me to have the new Senator as my colleague. Our colleagues know the special relationship I had with Senator Martinez who I have had the privilege of having a 30-year personal relationship with. We continued that in our professional relationship here. Now with the new Senator duly appointed according to Florida law by our Governor, we have him coming to join us in this august body representing our State of Florida. That opportunity is now upon us since the Vice President has entered the Chamber.

I yield the floor.

#### CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment to fill the vacancy created by the resignation of former Senator Mel Martinez of Florida. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATE OF FLORIDA

Office of the Governor

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Florida, I, Charlie Crist, the Governor of the State of Florida, do hereby appoint George S. LeMieux, a Senator from Florida to represent the State of Florida in the Senate of the United States until the vacancy therein caused by the resignation of Mel Martinez, is filled by election as provided by law.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 9th day of September, 2009

CHARLIE CRIST

Governor.

KURT S. BROWNING,

Secretary of State.

[State Seal Affixed]

FILED

2009 SEP 9 AM 10:25

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

#### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will present himself to the desk, the Chair will administer the oath of office.

The Senator-designate, GEORGE S. LEMIEUX, escorted by Mr. NELSON of Florida and former Senator Connie Mack, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

Mr. DURBIN. I suggest the absence of a quorum and ask unanimous consent that time during the quorum call be charged equally to both sides.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

#### EXECUTIVE SESSION

CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET—Continued

Mr. SESSIONS. Madam President, the nominee to be Administrator of the

Office of Information and Regulatory Affairs, Mr. Cass Sunstein, is before the body. He will be, if confirmed, a part of the White House Office of Management and Budget. He will have a number of responsibilities. It is certainly a very significant position.

This job has the responsibility of renewing all regulations proposed by all the Departments and agencies of the government. The regulations they issue are many. Laws are passed in this Congress, sometimes in haste, leaving the details of execution to the various agencies of our government—the Department of Defense, the Department of Homeland Security, the Department of Agriculture, all the agencies.

They have powers to effectuate the statutes passed by Congress. They set forth the details of how it is done. There are thousands of pages of regulations enacted every year. They are published in the Federal Register. No Senator or Congressman, to my knowledge, has ever sat down and read the Federal Register.

Federal regulations have much the same force as law. Indeed, people can go to jail for violating Federal regulations, and some do go to jail for violations of Federal regulations.

Some of this is, in fact, a product of necessity. For example, you create a park. When does the park open and close? And if people come in and litter, or people come in after hours, they can be punished, arrested, put in jail. Often those regulations and the punishment are set forth through regulation and not through the statute that created the park to begin with.

But it is a matter of real importance. Persons who produce these regulations are nameless and faceless denizens of the bureaucratic deep. They possess enormous power. As a prosecutor, I prosecuted cases. At the DEA, many of the drug regulations enforced by the Drug Enforcement Administration are based on regulations they pass, not what was actually required by the Congress of the United States. Major policy decisions are often set forth in that fashion, including environmental regulations, health care regulations, and reimbursement rules and hospital requirements. Financial institutions can be done through regulations and controlled through them. Truly, there is a concern about the disconnect between the democratic accountability we are known for in our country and this process of administrative regulations.

During President Reagan's time, I believe, Congress passed a law that created this position: the Administrator for the Office of Information and Regulatory Affairs, the idea being to have another unelected bureaucrat—and that is what this one is—but to be a central clearinghouse for all the proposed regulations and to question the lawfulness or the necessity or the cost of these thousands of regulations that get promulgated on a yearly basis.

It is an important position that can protect and at least somewhat ensure that our constitutional liberties are not being eroded.

Enter Mr. Sunstein. He is a most likable person, a national intellectual, always interesting, sometimes taking positions that those on the left—of which he clearly is a part—disagree. Indisputably, he is a man of the left. However, he has taken, over the years, quite a number of positions, some of which are pretty shocking. So I think he is not normally the kind of person you would appoint to this kind of green-eyeshades position—somebody who would be sitting down on a daily basis reading the regulations and studying them and researching them—to be a free spirit, as our nominee is. So I have some concerns about it.

Over the course of his career in academia, Professor Sunstein has clearly advocated a number of positions that are outside—well outside—the American mainstream. While much of the criticism of his nomination rightly has focused on his animal rights advocacy, where he, in effect, and plainly said he thought animals should be able to have lawyers appointed to defend their interests—and these are controversial matters—but he has other legal writings that are controversial also and do not just deal with the question of animal rights. I would like to highlight just a few of those positions.

In his 2008 book titled “Nudge: Improving Decisions About Health, Wealth and Happiness,” Professor Sunstein advocates an approach to the law based on economic and behavioral principles which he dubs “libertarian paternalism.”

Under Professor Sunstein's theory, the government can take steps to “nudge” individuals toward making what he would say are better decisions, and at least what the government considers to be more desirable social behavior.

Professor Sunstein argues that the government can achieve these goals while not being actively, or at least obviously, coercive. His theory operates on the assumption that the average person is “lazy, busy, impulsive, inert, irrational, and highly susceptible to predictable biases and errors.”

So the government needs to be a little paternalistic, he suggests, and take care of them and issue regulations and pass laws that keep them from doing things that some bureaucrat or some Congressman thinks is not socially desirable.

As Professor Sunstein argues:

For too long, the United States has been trapped in a debate between the laissez-faire types who believe markets will solve all our problems and the command-and-control types who believe that if there is a market failure then you need a mandate. The laissez-faire types are right that . . . government can blunder, so opt-outs are important. The

mandate types are right that people are fallible, and they make mistakes, and sometimes people who are specialists know better and can steer people in directions that will make their lives better.

That is what he has said.

Presumably, in Professor Sunstein's view, the "specialists" who "know better" than ordinary Americans are government bureaucrats. He seems to believe Americans are "lazy" and "inert," and I think this is not a healthy view. So I question whether anyone who thinks Americans are fundamentally lazy can perform his role as the gatekeeper of government regulation in the Obama administration.

Professor Sunstein's approach is consistent with much of what we have seen from this administration, I have to say, which seems to believe that government control of health care, the financial markets, and the business community generally is preferable to free market policies. Americans are not comfortable with this.

I have been out having townhall meetings. I know they are not comfortable with it. According to recent polling, 52 percent of voters worry that the government will do too much to "help" the economy.

That is from a Rasmussen poll of June 2, 2009. Fifty-nine percent of voters believe the financial bailouts were a "bad idea." The masters of the universe thought it was going to be great. We spent \$800 billion, the largest expenditure in the history of the American Republic, and every penny of that is going to the national debt because we were already in debt. We borrowed every penny of it. We have had very low stimulative effect from that. The American people are right about that.

Only 31 percent of voters believe this stimulus bill has helped the economy. And we do not need a poll to tell us how uncomfortable the American people are with the President's effort to overhaul health care.

So the American people ought to understand if we confirm Professor Sunstein, he will be the chief architect and gatekeeper over all of the regulations that this administration will be attempting to implement in a myriad of areas—not just health care and financial markets but agriculture, the environment, energy, a host of areas that impact the people of our country. I think his views make him a person who should not be in this position.

Let's take another issue that is important to a lot of people. Professor Sunstein has taken an extremely aggressive position with respect to abortion. Under his views, laws restricting access to abortion "co-opt women's bodies for the protection of fetuses."

According to Professor Sunstein, such laws "selectively turn women's reproductive capacities into something for the use and control of others." In his view, "abortion should be seen not

as murder of the fetus but instead as a refusal to continue to permit one's body to be used to provide assistance to it." Failure to accept this view, he wrote, is simply a product of one's accepting the preexisting baseline of women as child-bearers. The role of involuntary child-bearer, he argued, results "only from government interference limiting the capacity to choose not to bear a child involuntarily."

Well, I think this is a disturbingly far-reaching and excessive view on this important issue of abortion. It fails to recognize in any way the moral aspect of this debate which has divided America since the Supreme Court decision in *Roe v. Wade*. I think his view mocks those who have a different view based on their deep beliefs and analysis of what that life is that is within the mother.

What about the question of affirmative action? We talked a good bit about that during the Judge Sotomayor hearings in the firefighters case. Professor Sunstein has taken an extreme view, I think, in these issues, arguing that affirmative action programs "should generally not be thought to raise a serious constitutional issue." In his view, "the current distribution of benefits and burdens along racial lines is an outgrowth of a long history of discrimination."

Professor Sunstein has returned to this theme repeatedly. In 1992, in an article, he again argued that existing law depends heavily on "existing distributions of wealth and power." Specifically, he argued that the conservative objection to affirmative action programs—namely, that discrimination is discrimination regardless of the pretext—simply takes as a given existing distributions of wealth and power without considering the historical and legal context that led to those distributions.

Professor Sunstein further argues that the constitutional text imposes no clear ban on affirmative action. Well, the Constitution says everybody should be given due process and equal protection of the laws. When you advantage one person because of their race, you disadvantage another person because of their race. It is not a zero sum game.

He goes on to say that there is "no clear moral argument [that] requires courts to treat affirmative action policies with great skepticism."

In 1997, after the Fifth Circuit struck down the University of Texas School of Law's affirmative action admissions policy as a violation of the equal protection clause of the U.S. Constitution, Professor Sunstein dubbed the Fifth Circuit's decision in *Hopwood* as hubristic and compared it to *Dred Scott v. Sanford*, stating:

[A] court opinion outlawing affirmative action is closely analogous to *Dred Scott*, and defective—abusive, overreaching—for the same reason: It would be an amazing act of hubris.

As we discussed in some detail during the recent nomination of Judge Sotomayor, the Supreme Court's jurisprudence in this area requires any government discrimination—and that is what happens when you have a quota—that any discrimination by the government be subject to strict scrutiny of the courts because on its face it seems to be unfair. We know that as a result of long-term systemic discrimination, particularly against African Americans, courts have found that to remedy that, it is perfectly all right to remedy this lack of equal protection by fixing it and imposing certain remedies that favor groups that have been discriminated against as a remedial act. But when you pass the remedial stage and you are in a stage of objectivity, as we have in most of America today, then if you favor one group over another, the Supreme Court says that has to be looked at under strict scrutiny. You have to be careful you are not overreaching here. It seems Mr. Sunstein has no sympathy for that whatsoever. And that is the *Adarand* decision basically by the Supreme Court. He seems to hold the view that such discrimination is not only permissible but that the strict scrutiny standard announced in *Adarand* and other Supreme Court cases is totally inappropriate. I question whether someone who holds these views should be put in a position to make the kinds of decisions he will be making as the regulations czar, some might say.

With regard to the nominations of Federal judges, he has taken some positions that I think have been unhealthy for the country.

Back in 2001, the New York Times had an article. It was a very significant little article. It wasn't a big article, but it was very important and significant. It reported that Professor Sunstein, along with Professor Tribe and Marcia Greenburger—lawyers all—attended a private retreat where they lectured Democratic Senators on how to block Republican judicial nominees by "changing the ground rules." The title of the article by Neil A. Lewis was "Democrats Ready for a Judicial Fight." And, indeed, they did. I think this Senate has been less healthy as a result of what they accomplished through the filibuster of judges on a routine basis.

Again, according to the New York Times, it was reported that they argued at the meeting that:

It was important for the Senate to change the ground rules and there was no obligation to confirm someone just because they were scholarly or erudite.

A month later, Professors Sunstein and Tribe, along with Ms. Greenburger, were invited to testify before the Judiciary Subcommittee on Administrative Oversight and the Courts in a hearing titled "Should Ideology Matter? Judicial Nominations 2001." They argued at

that hearing that political ideology of nominees is a legitimate issue for Members to consider in their record. I think that has been an unhealthy thing, and we have had a number of debates and hearings on it since.

I believe my Democratic colleagues, to their credit, have backed away from that. In other words, it is all right to dig deeply into a nominee's judicial philosophy and whether they are committed to the law and how they envision their process of interpreting the Constitution. But it is quite another to say that, if you have this political ideology or these views, that you can no longer be chosen to be someone who can decide cases fairly, because most judges have some personal views and they have to decide cases every day, setting aside those personal views.

At the hearing, I thought he made an odd statement. He said that the current Supreme Court "has no left at all." He believes that the people who have been generally reported to be activists or liberals were centrists and that presumably, I guess, the bad folks on the Court were the judges who believe in enforcing the law as written regardless of their personal views. Indeed, he testified at that hearing that he "can't think of a single nominee by President Clinton to the lower Federal courts who genuinely counts as a liberal."

Well, Mr. Sunstein has a lot of ability. He has taken some positions on animal rights that are clearly shocking and that are troubling in light of how important it is to have a person in this position who has good judgment to render good decisions about the regulations that would impact every American in this country.

I don't have anything personal against this nominee. He has many friends. He is a prolific writer and commentator. But I think his views are outside the mainstream, and I will be voting against the nomination.

I thank the Chair and yield the floor. The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BURRIS are printed in today's RECORD under "Remembering Senator Edward M. Kennedy.")

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent that the previous order with respect to the vote on confirmation of the nomination of Cass Sunstein be modified to provide that the vote on confirmation occur at 3:40 p.m., with the other provisions remaining in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is, will the Senate advise and consent to the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget?

The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. BYRD) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 274 Ex.]

#### YEAS—57

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Bayh	Hagan	Murray
Bennet	Harkin	Nelson (FL)
Bennett	Hatch	Reed
Bingaman	Inouye	Reid
Brown	Johnson	Rockefeller
Burr	Kaufman	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Voinovich
Durbin	Lugar	Warner
Feingold	McCaskill	Whitehouse
Feinstein	Menendez	Wyden

#### NAYS—40

Alexander	Ensign	Murkowski
Barrasso	Enzi	Nelson (NE)
Begich	Graham	Pryor
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hutchison	Sanders
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Corker	LeMieux	Webb
Cornyn	Lincoln	Wicker
Crapo	McCain	
DeMint	McConnell	

#### NOT VOTING—2

Boxer Byrd

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate shall resume legislative session.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 3288, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:*

#### TITLE I

#### DEPARTMENT OF TRANSPORTATION

#### OFFICE OF THE SECRETARY

#### SALARIES AND EXPENSES

*For necessary expenses of the Office of the Secretary, \$100,975,000, of which not to exceed \$2,631,000 shall be available for the immediate Office of the Secretary; not to exceed \$986,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,359,000 shall be available for the Office of the General Counsel; not to exceed \$10,107,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,559,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$26,265,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,123,000 shall be available for the Office of Public Affairs; not to exceed \$1,711,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,499,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$9,072,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$13,263,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.*

## NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$1,100,000,000, to remain available through September 30, 2012: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural communities, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$300,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than \$250,000,000 of the funds provided under this heading shall be for projects located in rural communities: Provided further, That for projects located in rural communities, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010: Provided further, That the Secretary may retain up to \$25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

## FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$5,000,000, to remain available until expended.

## OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,667,000.

## TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$8,233,000.

## WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$147,500,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

## MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$353,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$570,000.

## MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,074,000, to remain available until September 30, 2011: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

## PAYMENTS TO AIR CARRIERS

## (AIRPORT AND AIRWAY TRUST FUND)

## (INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$125,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

## ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to

assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 104. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

## FEDERAL AVIATION ADMINISTRATION

## OPERATIONS

## (AIRPORT AND AIRWAY TRUST FUND)

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,359,131,000, of which \$5,277,648,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,305,902,000 shall be available for air traffic organization activities; not to exceed \$1,236,565,000 shall be available for aviation safety activities; not to exceed \$14,737,000 shall be available for commercial space transportation activities; not to exceed \$113,681,000 shall be available for financial services activities; not to exceed \$100,428,000 shall be available for human resources program activities; not to exceed \$341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed \$196,063,000 shall be available for staff offices; and not to exceed \$49,778,000 shall be available for information services: Provided, That the Secretary utilize not less than \$18,500,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: Provided further, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: Provided further, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: Provided further, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant

agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That not to exceed \$500,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and \$120,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit.

#### FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,942,352,000, of which \$2,472,352,000 shall remain available until September 30, 2012, and of which \$470,000,000 shall remain available until September 30, 2010: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

#### RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

#### GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$93,422,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$22,472,000 shall be for Airport Technology Research and \$8,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

#### (RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2009, and prior years under sections 48103 and 48112 of title 49, United States Code, \$392,960,000 are permanently rescinded.

#### ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities

and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

#### FEDERAL HIGHWAY ADMINISTRATION LIMITATION ON ADMINISTRATIVE EXPENSES (INCLUDING TRANSFER OF FUNDS)

Not to exceed \$415,396,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed \$3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed \$285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed \$3,124,000 shall be paid from appropriations made available by this Act and transferred to

the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: Provided, That within the \$41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2010: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY  
ADMINISTRATION

SEC. 120. (a) For fiscal year 2009, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative take-down authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than

sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal

years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A

*Legacy for Users* may be obligated for any other project in such section in the same State.

(2) **RESTORATION.**—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

**SEC. 121.** Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

**SEC. 122.** There is hereby appropriated to the Secretary of Transportation \$165,000,000 for surface transportation priorities: Provided, That the amount provided by this section shall be made available for the programs, projects and activities identified under this section in the committee report accompanying this Act: Provided further, That funds provided by this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds set aside by this section shall be 100 percent: Provided further, That the sums set aside by this section shall remain available until expended: Provided further, That none of the funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

**SEC. 123.** There is hereby appropriated to the Secretary of Transportation \$1,400,000,000, to remain available through September 30, 2012: Provided, That of the funds provided under this section, \$500,000,000 shall be made available to pay subsidy and administrative costs under chapter 6 of title 23, United States Code: Provided further, That after making the set-aside required under the preceding proviso, the funds provided under this section shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2010 is distributed among the States in section 120(a)(6) of this Act, and made available for the restoration, repair, construction, and other activities eligible under paragraph (b) of section 133 of title 23, United States Code: Provided further, That funds apportioned under this section shall be administered as if apportioned under chapter 1 of title 23, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds apportioned under this section shall be 80 percent: Provided further, That funding provided under this section shall be in addition to any and all funds provided for fiscal year 2010 in this or any other Act for “Federal-aid Highways” and shall not affect the distribution of funds provided for “Federal-aid Highways” in any other Act: Provided further, That the amounts made available under this section shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading.

**SEC. 124.** Not less than 15 days prior to waiving, under his or her statutory authority,

any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

**SEC. 125. (a) IN GENERAL.**—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) **EXCEPTIONS.**—

(1) **NUMBER OF TOLL LANES.**—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) **HIGH-OCCUPANCY VEHICLE LANES.**—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

**SEC. 126.** Item 4866A in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking “Repair and restore” and inserting “Removal of and enhancements around”.

**SEC. 127.** Item 3923 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking “to 4 lanes from I-10 to West U.S. 90”.

**SEC. 128.** Funds made available for “Brentwood Boulevard/SR 4 Improvements, Brentwood, CA” under section 129 of Public Law 110–161 shall be made available for “John Muir Parkway Project, Brentwood, CA”.

**SEC. 129.** The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 3138 by striking the project description and inserting “Elimination of highway-railway crossings and rehabilitation of rail along the KO railroad to Osborne”.

**SEC. 130.** Funds made available for “City of Tuscaloosa Downtown Revitalization Project—University Blvd and Greensboro Avenue, AL” under section 125 of Public Law 111–8 shall be made available for “City of Tuscaloosa Downtown Revitalization Project—University Blvd”.

**SEC. 131.** The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the

project description for item number 4573 and inserting the following: “Design and construct interchange on I-15 in Mesquite”.

#### FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

#### MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

#### (LIQUIDATION OF CONTRACT AUTHORIZATION)

#### (LIMITATION ON OBLIGATIONS)

#### (HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(I) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, \$238,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$238,500,000, for “Motor Carrier Safety Operations and Programs” of which \$8,543,000, to remain available for obligation until September 30, 2012, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator’s grants to carry out section 4134 of Public Law 109–59: Provided further, That an additional \$1,328,000 shall be appropriated from the General Fund for the execution and administration of motor carrier safety operations and programs: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress bi-annual reports on the agency’s ability to meet its requirement to conduct compliance reviews on high-risk carriers.

#### MOTOR CARRIER SAFETY GRANTS

#### (LIQUIDATION OF CONTRACT AUTHORIZATION)

#### (LIMITATION ON OBLIGATIONS)

#### (HIGHWAY TRUST FUND)

#### (INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, \$310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$310,070,000, for “Motor Carrier Safety Grants”; of which \$212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$25,000,000 shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and \$8,000,000

shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, \$29,000,000 shall be available for audits of new entrant motor carriers: Provided further, That \$1,530,000 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY  
(HIGHWAY TRUST FUND)  
(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$3,400,000 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM  
(HIGHWAY TRUST FUND)  
(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$400,000 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$135,803,000, of which \$31,670,000 shall remain available through September 30, 2011: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, \$105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$105,500,000 for programs authorized under 23 U.S.C. 403: Provided further, That within the \$105,500,000 obligation limitation for operations and research, \$26,908,000 shall remain available until September 30, 2010 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,000,000, to be derived from the Highway

Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$4,000,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the "National Driver Register" as authorized by chapter 303 of title 49, United States Code, \$3,350,000, to remain available through September 30, 2011: Provided, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; \$25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; \$124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; \$34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; \$139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; \$18,500,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109-59; \$7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109-59; and \$7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109-59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: Provided further, That not to exceed \$750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core

competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$2,299,000 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$14,004,000 in unobligated balances are rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$171,770,000, of which \$12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$34,145,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, \$25,000,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, \$50,000,000, to remain available until expended: Provided, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$553,348,000, to remain available until expended: Provided, That the Secretary shall not make the grants for the third and fourth quarter of the fiscal year available to the Corporation until an Inspector General who is a member of the Council of the Inspectors General on Integrity and Efficiency determines that the Corporation and the Corporation's Inspector General have agreed upon a set of policies and

procedures for interacting with each other that are consistent with the letter and the spirit of the Inspector General Act of 1978, as amended: Provided further, That 1 year after such determination is made, the Council of the Inspectors General on Integrity and Efficiency shall appoint another member to evaluate the current operational independence of the Amtrak Inspector General: Provided further, That the Corporation shall reimburse each Inspector General for all costs incurred in conducting the determination and the evaluation required by the preceding two provisos: Provided further, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit to the Secretary, the Inspector General of the Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-year financial plan for fiscal year 2010 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Auto-train; and commercial activities including contract operations: Provided further, That the business plan shall include a description of the capital investments to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That concurrent with the President's budget request for fiscal year 2011, the

Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

#### CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$1,001,625,000, to remain available until expended, of which not to exceed \$264,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That of the funding provided under this heading, not less than \$144,000,000 shall be for bringing the stations on the Corporation's rail system into compliance with the Americans with Disabilities Act: Provided further, That grants shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: Provided further, That, the business plan shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement and expansion of the Amtrak fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities.

#### CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, \$1,200,000,000, to remain available until expended: Provided, That none of the funds provided under this heading may be used for planning activities: Provided further, That not less than 75 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: Provided further, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: Provided further, That the Secretary shall not award grants under this heading sooner than 2 weeks after he has submitted to the Congress a national rail plan as required by section 103(j) of title 49, United States Code: Provided further, That the

Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: Provided further, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: Provided further, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: Provided further, That the Secretary shall give priority to applications under section 24406 of title 49, United States Code, to projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, or involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates: Provided further, That the Administrator of the Federal Railroad Administration may retain up to \$50,000,000 of the funds provided under this heading for the purposes of conducting research, development and demonstration of technologies and undertaking analyses supporting development of high-speed rail in the United States, including implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: Provided further, That in lieu of the provisions of the subsection 24403(b) of title 49, United States Code, the Administrator of the Federal Railroad Administration may retain up to \$30,000,000 of the funds provided under this heading to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high speed rail.

#### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Federal Railroad Administrator shall submit a quarterly report on April 1, 2009,

and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate. The amounts made available in this title under the heading "Office of the Secretary, Salaries and Expenses" shall be reduced \$100,000 for each day after the first day of each quarter that the quarterly reports required by this section are not submitted to the Congress.

SEC. 155. Notwithstanding any other provision of law, funds provided in Public Law 111-8 for "Lincoln Avenue Grade Separation, Port of Tacoma, Washington" shall be made available for this project as therein described.

FEDERAL TRANSIT ADMINISTRATION  
ADMINISTRATIVE EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$97,478,000: Provided, That of the funds available under this heading, not to exceed \$1,809,000 shall be available for travel: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That \$75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: Provided further, That upon submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

FORMULA AND BUS GRANTS  
(LIQUIDATION OF CONTRACT AUTHORITY)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,343,171,000 in fiscal year 2010.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$67,670,000, to remain available until expended: Provided, That \$10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That \$50,170,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United

States Code: Provided further, That of the funds available to carry out section 5312 of title 49, United States Code, \$5,000,000 shall be available to the Secretary to develop standards for asset management plans, provide technical assistance to recipients engaged in the development or implementation of an asset management plan, improve data collection through the National Transit Database, and conduct a pilot program designed to identify the best practices of asset management.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, \$2,307,343,000, to remain available until expended, of which no less than \$200,000,000 is for section 5309(e) of such title: Provided, That \$2,000,000 shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of oversight contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

GRANTS FOR ENERGY EFFICIENCY AND  
GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, \$100,000,000, to remain available through September 30, 2012: Provided, That priority shall be given to projects based on the total energy savings that are projected to result from the investments, and the projected energy savings as a percentage of the total energy usage of the public transit agency: Provided further, That the Secretary shall public criteria on which to base the competition for any grants awarded under this heading no sooner than 90 days after the enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010.

GRANTS TO THE WASHINGTON METROPOLITAN  
AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of Public Law 110-432, \$150,000,000, to remain available through September 30, 2012: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system, including but not limited to fixing the track signal system, replacing the 1000 series cars, installing guarded turnouts, buying equipment for wayside worker protection, and installing rollback protection on cars that are not equipped with this safety feature.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT  
ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under "Federal Transit Administration, Capital Investment Grants" and for bus and bus facilities under "Federal Transit Administration,

Formula and Bus Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital investment grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code, except that the Federal Transit Administration may continue to review comments received on the proposed rule (Docket No. FTA-2006-25737).

SEC. 165. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than \$4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 166. Hereafter, the local share of the costs of the Woodward Avenue Corridor projects funded under section 5309 shall include, at the option of the project sponsor, any portion of the corridor advanced with 100 percent non-Federal funds.

SEC. 167. The Secretary of Transportation shall provide recommendations to Congress, including legislative proposals, on how to strengthen its role in regulating the safety of transit agencies operating heavy rail on fixed guideway: Provided, That the Secretary shall include actions the Department of Transportation will take and what additional legislative authorities it may need in order to fully implement recommendations of the National Transportation Safety Board directed at the Federal Transit Administration, including but not limited to recommendations related to crashworthiness, emergency access and egress, event recorders, and hours of service: Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations a report outlining these recommendations and a plan for their implementation by the Department of Transportation no later than 45 days after enactment of this Act.

SEC. 168. Notwithstanding any other provision of law, the Secretary of Transportation shall not reallocate any funding made available for items 523, 267, and 131 of section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59).

SEC. 169. Notwithstanding any other provision of law, the limitation on the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements under subsection 5338(g) of title 49, United States Code, may not

be more than the sum of the amount authorized under sections 5338(a)(3) and 5338(c) of title 49, United States Code, for such projects and an amount equivalent to the last 5 fiscal years of funding allocated under subsections 5309(m)(1)(A) and 5309(m)(2)(A)(ii) of title 49, United States Code, for such projects, less an amount the Secretary of Transportation reasonably estimates is necessary for grants under section 5309 of title 49, United States Code, for those of such projects that are not covered by a letter or agreement.

SEC. 170. None of the funds provided or limited under this Act may be used to enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, in the State of Washington.

SEC. 171. Hereafter, for interstate multi-modal projects which are in Interstate highway corridors, the Secretary shall base the rating under section 5309(d) of title 49, United States Code, of the non-New Starts share of the public transportation element of the project on the percentage of non-New Starts funds in the unified finance plan for the multi-modal project: Provided, That the Secretary shall base the accounting of local matching funds on the total amount of all local funds incorporated in the unified finance plan for the multi-modal project for the purposes of funding under chapter 53 of title 49, United States Code and title 23, United States Code: Provided further, That the Secretary shall evaluate the justification for the project under section 5309(d) of title 49, United States Code, including cost effectiveness, on the public transportation costs and public transportation benefits.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

#### OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

#### MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

#### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$154,900,000, of which \$11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Schools Academies, and of which \$15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which \$59,057,000 shall be available for operations at the United States Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation and not a designee: Provided further, That the Super-

intendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

#### SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$15,000,000, to remain available until expended.

#### ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110-417 or section 54101 of title 46, United States Code, \$17,500,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

#### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

#### (INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, \$14,000,000, of which \$10,000,000 shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That not to exceed \$4,000,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

#### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end "Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses."

#### PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

#### ADMINISTRATIVE EXPENSES

#### (PIPELINE SAFETY FUND)

#### (INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, \$19,968,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: Provided, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline safety information grants to communities" as authorized in section 60130 of title 49, United States Code.

#### HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$35,500,000, of which \$1,699,000 shall remain available until September 30, 2012: Provided, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

#### PIPELINE SAFETY

#### (PIPELINE SAFETY FUND)

#### (OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$105,239,000, of which \$18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2012; and of which \$86,334,000 shall be derived from the Pipeline Safety Fund, of which \$47,332,000 shall remain available until September 30, 2012: Provided, That not less than \$1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

#### EMERGENCY PREPAREDNESS GRANTS

#### (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: Provided, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(I) and 5128(b)-(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(I), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

#### RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

#### RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$13,179,000, of which \$6,036,000 shall remain available until September 30, 2012: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

#### OFFICE OF INSPECTOR GENERAL

#### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of

the Inspector General Act of 1978, as amended, \$75,389,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

#### SURFACE TRANSPORTATION BOARD SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$28,332,000: Provided, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than \$27,082,000.

#### GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Fed-

eral Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for "Ferry Boats and Ferry Terminal Facilities", "Federal Lands", "Interstate Maintenance Discretionary", "Transportation, Community and System Preservation Program", "Delta Region Transportation Development Program", "Rail Line Relocation and Improvement Program", "Rail-highway crossing hazard eliminations", "Capital Investment Grants", "Alternatives analysis", and "Bus and bus facilities".

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as mis-

cellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: Provided, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of title 23, United States Code, is amended by striking "that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)" and inserting "all portions of the Interstate Highway System in the State, laws (including regulations)".

(b) PERIOD OF EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

(c) REVERSION.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a)(11) of title 23, United States Code, is amended by striking "all portions of the Interstate Highway System in the State, laws (including regulations)" and inserting "that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)".

SEC. 195. The Secretary shall initiate an independent and comprehensive study and analysis to supplement that authorized under section 108, division C, of Public Law 111–8: Provided, That the Department of Transportation shall work with and coordinate with the Departments of Energy, Commerce and Agriculture to develop a comprehensive understanding of the full value of river flow support to users in the Mississippi and Missouri Rivers: Provided further, That subjects of analysis shall include energy (including hydropower and generation cooling), and water transport (including water-compelled

rates, projected total transportation congestion considerations, transportation energy efficiency, air quality and carbon emissions) and water users (including the number and distribution of people, households, municipalities, and business throughout the Missouri and Mississippi River basins who use river water for multiple purposes): Provided further, That in addition to understanding current value, the Department is directed to work with appropriate Federal partners to develop recommendations on how to minimize impediments to growth and maximize water value of benefits related to energy production and efficiency, congestion relief, trade and transport efficiency, and air quality: Provided further, That the Department of Transportation shall provide its analysis and recommendations to the U.S. Army Corps of Engineers, the White House, and the Congress: Provided further, That \$2,000,000 is available until expended for such purposes.

SEC. 196. Notwithstanding any other provision of law, funds made available under section 330 of the Fiscal Year 2002 Department of Transportation and Related Agencies Appropriations Act (Public Law 107-87) for the Las Vegas, Nevada Monorail Project, funds made available under section 115 of the Fiscal Year 2004 Transportation, Treasury and Independent Agencies Appropriations Act (Public Law 108-199) for the North Las Vegas Intermodal Transit Hub, and funds made available for the CATRAIL RTC Rail Project, Nevada in the Fiscal Year 2005 Transportation, Treasury, Independent Agencies and General Government Appropriations Act (Public Law 108-447), as well as any unexpended funds in the Federal Transit Administration grant numbers NV-03-0024 and NV-03-0027, shall be made available until expended to the Regional Transportation Commission of Southern Nevada for bus and bus-related projects and bus rapid transit projects: Provided, That the funds made available for a project in accordance with this section shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable.

This title may be cited as the "Department of Transportation Appropriations Act, 2010".

## TITLE II

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### MANAGEMENT AND ADMINISTRATION

##### EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, \$25,969,000, of which not to exceed \$4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed \$778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed \$1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed \$2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed \$3,110,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed \$1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed \$1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed \$3,497,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed \$1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to ex-

ceed \$928,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: Provided, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

#### ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, \$537,897,000, of which not to exceed \$76,958,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed \$11,277,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed \$51,275,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed \$14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed \$35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed \$89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed \$3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed \$1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed \$2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed \$2,520,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed \$249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: Provided, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has

been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

#### PERSONNEL COMPENSATION AND BENEFITS

##### PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, \$197,074,000.

##### COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, \$98,989,000.

##### HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, \$374,887,000.

##### OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, \$11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

##### POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, \$21,138,000.

##### FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, \$71,800,000.

##### OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

##### PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, \$7,151,000.

##### PUBLIC AND INDIAN HOUSING

##### TENANT-BASED RENTAL ASSISTANCE

##### (INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$14,137,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That of the amounts made available under this heading are provided as follows:

(1) \$16,339,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to

family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to \$150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act;

(2) \$103,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: Provided, That the Secretary shall may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) \$1,550,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, in-

cluding fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than \$1,500,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$50,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) \$20,000,000 for incremental voucher assistance through the Family Unification Program: Provided, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: Provided further, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services;

(6) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(7) up to \$50,000,000 provided under this heading maybe transferred to and merged with the appropriation for "Transformation Initiative".

#### HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be permanently cancelled.

#### PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$2,500,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: Provided further, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2010: Provided further, That of the amounts provided under this heading \$50,000,000 shall be for grants to be competitively awarded to public housing agencies for the construction, rehabilitation or purchase of facilities to be used to provide early education, adult education, job training or other appropriate services to public housing residents: Provided further, That grantees shall demonstrate an ability to leverage other Federal, State, local or private resources for the construction, rehabilitation or acquisition of such facilities, and that selected grantees shall demonstrate a capacity to pay the long-term costs of operating such facilities: Provided further, That of the total amount provided under this heading, \$40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading up to \$8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds

made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

#### PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,750,000,000: Provided, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That of the amounts made available under this heading, up to \$15,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative".

#### CHOICE NEIGHBORHOODS

For competitive grants under the Choice Neighborhoods Initiative for transformation, rehabilitation and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, public assets, transportation and access to jobs, and schools, including public schools, community schools, and charter schools, \$250,000,000, to remain available until September 30, 2013: Provided, That grant funds may be used for resident and community services, community development and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amounts provided, not less than \$165,000,000 shall be awarded to public housing authorities: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That within 60 days of the enactment of this Act, HUD shall submit a plan to the House and Senate Committees on Appropriations, for approval, describing an array of performance measures that HUD will use in identifying functioning, sustainable, mixed-income neighborhoods and a plan for how HUD will work with other agencies: Provided further, That no more than ten percent of funds made available under this heading may be provided for planning grants to assist communities in developing comprehensive strategies for implementing this program in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, protections and services for affected residents, and performance metrics.

#### NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$670,000,000, to remain

available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: Provided further, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$18,000,000.

#### NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain available until expended: Provided, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

#### INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$7,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$919,000,000: Provided further, That up to \$750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

#### NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$1,044,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,255.

#### COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$320,000,000, to remain

available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

#### COMMUNITY DEVELOPMENT FUND (INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,450,000,000, to remain available until September 30, 2012, unless otherwise specified: Provided, That of the total amount provided, \$3,992,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$171,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2007, 2008 and 2009, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$22,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced explanatory statement under this heading in title II of division K of Public Law 110-161 is deemed to be amended by striking "Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the existing Old Town Boys and Girls Club accompanied by construction of new areas for the Club" and inserting "Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the Heights Boys and Girls Club".

The referenced explanatory statement under this heading in division I of Public Law 111-8 is deemed to be amended with respect to "Hawaii County Office of Housing and Community Development, HI" by striking "Senior Housing Renovation Project" and inserting "Transitional Housing Project".

The referenced explanatory statement under the heading "Community Development Fund"

in title II of division K of Public Law 110-161 is deemed to be amended with respect to "Emergency Housing Consortium in San Jose, CA" by striking "for construction of the Sobrato Transitional Center, a residential facility for homeless individuals and families" and inserting "for improvements to homeless services and prevention facilities".

Of the amounts made available under this heading, \$150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: Provided, That \$100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: Provided further, That not less than \$25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: Provided further, That \$40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: Provided further, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: Provided further, That the Secretary will consult with the Secretary of Transportation in selecting grant recipients: Provided further, That up to \$10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs: Provided further, That of the amounts made available under this heading, \$25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: Provided further, That of the funding made available under the previous proviso, \$10,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: Provided further, That of the amounts made available under this heading, \$25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

#### COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974, any part of which is guaranteed, shall not exceed a total principal amount of \$275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: Provided, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero, and such fees shall be collected in

accordance with section 502(7) of the Congressional Budget Act of 1974.

#### HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,825,000,000, to remain available until September 30, 2012: Provided, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

#### SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$85,000,000, to remain available until September 30, 2012: Provided, That of the total amount provided under this heading, \$27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That \$50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 may be made available for rural capacity building activities: Provided further, That \$8,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110-246.

#### HOMELESS ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,875,000,000, of which \$1,870,000,000 shall remain available until September 30, 2012, and of which \$5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the Shelter Plus Care Program and emergency shelter grants, shall be used for permanent housing for individuals and families: Provided further, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs

with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to \$6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That up to \$12,750,000 of the funds made available under this heading may be transferred to and merged with the appropriation for "Transformation Initiative": Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

#### HOUSING PROGRAMS

##### PROJECT-BASED RENTAL ASSISTANCE (INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$7,700,000,000, to remain available until expended, shall be available on October 1, 2009, and \$400,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That the amounts made available under this heading are provided as follows:

(1) Up to \$7,868,000,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than \$232,000,000 but not to exceed \$258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701g); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) Not to exceed \$20,000,000 provided under this heading may be transferred to and merged with the appropriation for "Transformation Initiative".

(4) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate

Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY  
(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$785,000,000, to remain available until September 30, 2013, of which up to \$542,000,000 shall be for capital advance and project-based rental assistance awards: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: Provided further, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES  
(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$265,000,000, of which up to \$129,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2013: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That, of the amount provided under this heading, \$87,100,000 shall be for amendments or renewal of tenant-based assistance

contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$100,000,000, including up to \$2,500,000 for administrative contract services, to remain available until September 30, 2011: Provided, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: Provided further, That of the amounts made available under this heading, not less than \$15,000,000 shall be awarded to HUD-certified housing counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, \$75,000,000, to remain available until September 30, 2013: Provided, That \$20,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: Provided further, That \$20,000,000 shall be for the Multifamily Energy Pilot, directed at the multifamily housing market: Provided further, That \$35,000,000 shall be for the Local Initiatives Fund so as to leverage additional public and private sector capital to stimulate the development of model residential energy efficient retrofits in ten or more communities: Provided further, That selected communities shall have demonstrated capacity to conduct energy efficient retrofit activities, and no community shall receive more than \$10,000,000.

OTHER ASSISTED HOUSING PROGRAMS  
RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715-1) in State-aided, non-insured rental housing projects, \$40,000,000, to remain available until expended.

RENT SUPPLEMENT  
(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715-1) \$27,600,000 are rescinded hereby permanently cancelled: Provided, That no

amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES  
TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$16,000,000, to remain available until expended, of which \$7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION  
MUTUAL MORTGAGE INSURANCE PROGRAM  
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of \$400,000,000,000: Provided, That for the cost of new guaranteed loans, as authorized by section 255 of the National Housing Act (12 U.S.C. 1715-20), \$288,000,000; and, in addition, to the extent that new guaranteed loan commitments under section 255 will and do exceed \$30,000,000,000, an additional \$26,600 shall be available for each \$1,000,000 in such additional commitments (including a pro rata amount for any new guaranteed loan commitment amount below \$1,000,000): Provided further, That the Secretary shall reduce the principal limit factors applicable to mortgage loans insured under such section 255 in fiscal year 2010 by 5 percent from what was assumed for calculating the subsidy rates published in the President's budget for fiscal year 2010: Provided further, That during fiscal year 2010, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: Provided further, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses, of the federal housing administration \$188,900,000, of \$70,794,000 may be transferred to the Working capital fund, and of which up to \$7,500,000 shall be for education and outreach of

*FHA single family loan products: Provided further, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2010, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.*

#### GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

*For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, \$8,600,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed \$15,000,000,000 in total loan principal, any part of which is to be guaranteed.*

*Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.*

#### GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

##### GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

*New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2011.*

#### POLICY DEVELOPMENT AND RESEARCH

*For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(I) of Reorganization Plan No. 2 of 1968, \$48,000,000, to remain available until September 30, 2011.*

#### FAIR HOUSING AND EQUAL OPPORTUNITY

##### FAIR HOUSING ACTIVITIES

*For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$72,000,000, to remain available until September 30, 2011, of which \$42,500,000 shall be to carry out activities pursuant to such section 561 of which up to \$2,000,000 shall be made available to carryout authorized activities to protect the public from mortgage rescue scams: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, \$500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.*

#### OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

##### LEAD HAZARD REDUCTION

*For the Lead Hazard Reduction Program, as Authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$140,000,000, to remain available until September 30, 2011, of which not less than \$20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, \$48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed: Provided further, That of the total amount made available under this heading, \$250,000 shall be allocated through the Office of Healthy Homes and Lead Hazard Control to conduct communications and outreach to potential applicants to the Lead Hazard Reduction Demonstration Grant program.*

#### MANAGEMENT AND ADMINISTRATION

##### WORKING CAPITAL FUND

*For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$200,000,000, to remain available until September 30, 2011: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: Provided further, That up to \$15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.*

#### OFFICE OF INSPECTOR GENERAL

*For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$126,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.*

#### TRANSFORMATION INITIATIVE

##### (INCLUDING TRANSFER OF FUNDS)

*For necessary expenses for combating mortgage fraud, \$20,000,000, to remain available until expended.*

*In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2013, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: "Public Housing Capital Fund", "Choice Neighborhoods Initiative", "Energy Innovation Fund", "Housing Opportunities for Persons With AIDS", "Community Development Fund", "HOME Investment Partnerships Program", "Self-Help and Assisted Homeownership Opportunity Program", "Housing for the Elderly", "Housing for Persons With Disabilities", "Housing Counseling Assistance", "Payment to Manufactured Housing Fees Trust Fund", "Mutual Mortgage Insurance Program Account", "General and Special Risk Program Account", "Research and Technology", "Lead Hazard Reduction", "Rental Housing Assistance", and "Fair Housing Activities": Provided, That of the amounts made available under this paragraph, not less than \$100,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: Provided further, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: Provided further, That of the amounts made available under this paragraph, not less than \$40,000,000 shall be available for technical assistance and capacity building: Provided further, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPE VI, Choice Neighborhoods, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Health Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the housing needs of Native Americans: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include planning,*

demonstrations, or evaluations related to pre-purchase housing counseling and the Moving-to-Work demonstration program: Provided further, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: Provided further, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescission or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescission or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescission or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (I) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (I) of such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (I) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter “metropoli-

tan division”) of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area’s or division’s amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division’s high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area’s or division’s amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division’s high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are

in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter “metropolitan division”), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division’s amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division’s high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President’s formal budget request for fiscal year 2011, as well as the Department of Housing and Urban Development’s congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the

county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2009 and 2010, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance

under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715e–g), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715e–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 219. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 220. (a) The amounts provided under the subheading “Program Account” under the

heading "Community Development Loan Guarantees" may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 221. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking "2009" and inserting "2010"; and

(2) in subsection (o), by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 222. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 223. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 224. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Of-

ficer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings "Executive Direction" and heading "Administration, Operations, and Management" as well as each account receiving appropriations for "personnel compensation and benefits" within the Department of Housing and Urban Development.

SEC. 226. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 227. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

#### PREPAYMENT AND REFINANCING

SEC. 228. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted

Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by non-profit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

#### USE OF SURPLUS FEDERAL PROPERTY FOR THE HOMELESS

SEC. 229. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: Provided, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: Provided further, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: Provided further, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: Provided further, That, this section shall apply to properties in fiscal year 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

SEC. 230. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS). No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 231. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2010 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 232. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading "Personnel Compensation and Benefits" to any other account under this title under the heading "Personnel Compensation and Benefits" only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 233. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2010".

### TITLE III RELATED AGENCIES ACCESS BOARD

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

### FEDERAL MARITIME COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902, \$24,558,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

### NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$19,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

### NATIONAL TRANSPORTATION SAFETY BOARD SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$96,900,000, of which not to exceed \$2,000 may be used for official reception and representation expenses: Provided, That of funds provided under this heading, \$2,416,000 shall remain available through September 30, 2011: Provided further, That of the funds provided, up to \$100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2010 only, on an obligation incurred in fiscal year 2001 for a capital lease.

### NEIGHBORHOOD REINVESTMENT CORPORATION PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$133,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: Provided, That section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by adding at the end of the first sentence, prior to the period, ",", except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule": Provided further, That in addition, \$45,000,000 shall be made available until expended for capital grants to build, rehabilitate or finance the creation of affordable housing units, including necessary administra-

tive expenses: Provided further, That in addition, \$65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation ("NRC"), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation

counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

#### UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$2,680,000.

#### TITLE IV GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds di-

rected for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 30, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from

conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 414. All departments, agencies or other Federal entities funded under this Act shall notify the Senate and House of Representatives Committees on Appropriations no later than 7 days before any public or internet announcement by the Department or Administration regarding any new program or activity, including any changes to existing or proposed programs or activities.

This Act may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010".

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very pleased that the Senate is now considering the Transportation, Housing and Urban Development appropriations bill for the coming year.

I will be making my opening remarks here, as I believe Senator BOND will as well, and I know a number of Senators have been talking about amendments to this bill. I wish to ask our colleagues if they do have amendments to

get them to the floor this afternoon and at least get them filed to help us work with them and to begin to consider them. As we know, we have had the last vote today, but we wish to have some of these amendments offered over Friday and Monday so that we can move expeditiously to this important appropriations bill and be moving quickly by Monday afternoon. I do know some Senators on both sides have some amendments, which they have talked to us about. Again, although this is the last vote, I would ask Senators who do have amendments to help us work through this process by getting your amendments to the floor.

As we begin consideration of this important bill, it is important to note that it has already been supported by broad bipartisan majorities. The Transportation, Housing and Urban Development Appropriations Subcommittee has 20 Members. That is one-fifth of the Senate. It is one of the largest subcommittees in the Senate. But despite the diversity of issues of our very large subcommittee, back on July 29 we voted unanimously to report the bill to the full Appropriations Committee, and the next day, the members of the committee voted unanimously to report the bill to the Senate.

This bill does have broad bipartisan support because it addresses the very real housing and transportation needs of American families across all regions of the Nation. It has bipartisan support because it touches the lives of all of our constituents in ways that they can appreciate each day—whether it is a parent who commutes every day and needs safe roads or new public transportation options so they can spend more time with their families, or a young family searching for safe and affordable communities to raise their children, or perhaps a recently laid-off worker who needs help to afford their rent or stay off the street. This bill has real impact on American families that are struggling in these troubling economic times—the hard-working Americans who are not only losing their jobs but also their homes and their financial security.

Six months ago, this Congress passed a recovery package. It is now creating jobs and rebuilding infrastructure and laying a strong foundation for our long-term economic growth. It is a good start. The bill before us now builds on that and strengthens that effort. It makes needed and very serious investments in our transportation infrastructure as well as in housing and services to support our Nation's most vulnerable. It also ensures that the Federal agencies that so many communities count on have the resources they need to keep our commuters safe and keep communities moving and prospering.

Our bill takes a very balanced approach. It addresses the most critical

needs we face in both transportation and housing while remaining financially responsible and staying within the constraints of our budget resolution.

I have been very fortunate to be joined by my ranking member, Senator BOND, in crafting this package. Senator BOND's very long service on the Appropriations Committee, as well as his work on the Public Works Committee, has made him one of our leading experts in the areas of both transportation and housing. Throughout his career, Senator BOND has demonstrated tireless leadership and a commitment to the mission of HUD. I couldn't have a better or more experienced partner in this effort, and I want to take a moment of time from the Senate to thank Senator BOND for his years of partnership and for being here with me on the floor this afternoon as we present our bill to the Senate.

This bill provides over \$75 billion in budgetary resources for the Department of Transportation to support continued investment in transportation infrastructure, including our bridges and our ports, our public transportation, our airports, our rail, and the Nation's highway system. It provides \$11 billion to support and expand public transit, which continues to see record growth in ridership, as well as \$1.2 billion to invest in intercity and high-speed rail so that we can expand options for our commuters and ease congestion on our roads and reduce greenhouse gas emissions.

It also includes \$1.1 billion to continue the highly competitive surface grants program that was initiated earlier this year as part of our recovery package. That program, which provides matching funds to projects making a significant impact on communities and regions, generated tremendous interest from our State and local authorities.

The bill also supports the FAA's efforts to develop its next generation air transportation system to support projected growth in air travel in the coming year, and it invests \$3.5 billion in capital improvements at all of our airports across the country.

This bill also includes targeted increases to address critical problems with our transportation safety. It has an increase above the President's budget to hire 236 more air safety inspectors and 50 more air traffic controllers.

At present, our FAA inspectors cannot spend enough time out in the field directly observing air carrier operations firsthand. These new positions that are in this bill will help correct that problem and improve FAA oversight.

The bill also includes \$50 million for a new program in railroad safety technology, including Positive Train Control, as well as \$150 million for the Washington Metropolitan Area Transit Authority to make sure tragedies like

the one we saw earlier this summer never happen again.

In addition to those important investments in transportation, the bill we now have before us represents a very firm commitment to providing critical housing and support services to families who have been affected by this economic crisis. This bill provides nearly \$46 billion in budgetary resources for the Department of Housing and Urban Development, including \$100 million for HUD's housing counseling program to help our families in this country make responsible decisions when they purchase a home, to help them avoid the scams and aggressive lending tactics we have seen, and to help families facing foreclosure stay in their homes.

These funds are going to be an important tool in our efforts to counter foreclosures. This counseling will help us avoid problems in the future by preparing homeowners for the changing housing market.

The bill also provides more than \$18 billion for tenant-based rental assistance or section 8, including an increase of over \$1 billion for the renewal of section 8 vouchers. The bill also provides an increased funding for the operation of public housing for a total level of \$4.75 billion. These funds will help ensure our Nation's low-income families, who are always among the hardest hit during tough economic times, continue to have access to safe and affordable housing.

Senator BOND and I are particularly proud that this bill includes \$5 million for vouchers for the joint HUD-Veterans Affairs supportive housing program. That will provide an additional 10,000 homeless veterans and their families with housing and supportive services.

While this program has helped contribute to an overall reduction in homelessness among our veterans, we have seen disturbing increases over the past several years in the number of homeless female veterans, many of whom have children. To me, that is unacceptable. So the new funding in this bill will provide help to make sure those who have already given so much to their country through their military service are now not forced to live on the street.

In addition to supporting our Nation's heroes, this bill also addresses the needs of some of our most vulnerable citizens by providing increased funding to support housing for the elderly, disabled, those suffering from AIDS, youth who are aging out of our foster care, and the Nation's homeless.

The bill also focuses on strengthening communities at a time when the economy threatens programs that are at the backbone of many of our towns and cities. We provide almost \$4 billion for the Community Development Block Grant Program. That will help support

investments in public infrastructure, housing rehabilitation, construction, and public services. That is assistance that is very critical to our States and our local governments right now.

The bill also supports innovative approaches to revitalize the Nation's public housing. The new Choice Neighborhoods Program included in this bill builds on the success of HOPE VI, for which my colleagues, Senator BOND and Senator MIKULSKI, deserve a great deal of credit.

In summary, this bill provides assistance to those who need it most, and it directs resources in a responsible and fiscally prudent way. It is a bill that truly addresses the needs of families in every region of this country. These are families who are looking for us at the Federal level to step up and provide solutions to everything from congestion to transportation safety to foreclosures to affordable housing. That is why it is a bill that has attracted widespread bipartisan support. It helps commuters, homeowners, the most vulnerable in our society, and our economy, so I urge all Senators to support this bill, and I urge them to help us move it rapidly to final passage.

Again, I ask our colleagues, if you have an amendment please get it to the floor this afternoon, get it filed and help us bring it up so we can move this bill along, get to conference with the House, and get this bill to the President so these investments can truly help our families.

I thank my colleagues and yield the floor to my partner, Senator BOND.

Mr. BOND. Mr. President, as ranking member on the HUD, Transportation, and related agencies fiscal year appropriations bill, I have been very pleased to be able to work with Chair MURRAY and her great staff. It has been a real pleasure. I agree with all she said, except I cannot do anything but thank her for the very kind and generous words she had. She mentioned a longtime experience. Normally back home we refer to experience as something you get when you are expected to get something else. But working on this committee I have found the experience to be a very pleasant one.

Originally I worked with Senator MIKULSKI. We alternated as chair and ranking member. I think we did a wonderful job. She was a great partner.

I couldn't ask for any better partner to have than Senator MURRAY. She has been very helpful and very gracious to us.

I have to say this is a very complicated bill. We could not do it without excellent staff work. I thank the staff. There are some new people on with big challenges ahead, but it is an excellent staff, and I am extremely grateful for all that they have taught me over the years.

This is a bill about which everybody can say we could do it better, but I am

proud to support it and urge my colleagues to support it. The legislation has a number of extremely important programs which, in today's economy, are critical to helping families overwhelmed by the national financial crisis. It is especially pleasing that we have been able to provide funding for the Nation's most vulnerable—to our homeless, to low-income families and seniors, and to the disabled. Our committee has increased investment in HUD community development programs to provide assistance needed the most.

The chair mentioned the VASH Program. This was an idea we had several years ago. It has gained great support from the Veterans' Administration, from HUD, and everybody who has looked at the appalling problem of men and women who risk their lives, make great contributions to defend our country, and come home without adequate housing, often supportive housing they need. This program has been able to bring together the support services along with the housing that enables these veterans not just to have a shelter over their heads but to be able to get their lives back on track after going through the rigors and horrors of war. It is certainly a program with which I am delighted to be associated, and I thank the chair for her work on it.

We have also provided assistance in critical areas such as section 8, public housing, community development block grants, the HOME program for the homeless, housing for seniors, housing for persons with disabilities, the Lead Hazard Reduction Program—which Senator MIKULSKI has been a champion of—and early childhood development capital funding, among others.

As I noted in the committee markup of July 1, our biggest concern remains the solvency of the highway trust fund. This is a problem that must be addressed. We hope to work with Chair BOXER of the EPW Committee to deal with the serious problem they have because everybody knows—and I think almost everyone in this body has talked to me about it—how good roads and bridges are critical to attracting and sustaining business, job creation, and economic growth in our communities. We cannot afford an interruption in providing these much needed funds to the States.

Transportation infrastructure work creates jobs, but most importantly it makes a long-term investment in our communities as a key component in our economic recovery. When I had the pleasure of serving Missourians as Governor, one of my top priorities was economic development. So I asked a good team I had there to figure out what makes economic development work, and they got maps out in Missouri and studied everything. The funniest thing

we found, the communities that were growing had the best roads available. People have to have transportation if they are going to get to work and if what they produce at work is going to be shipped out. This is a critical element for economic recovery and the strength of our Nation.

Another area I think is absolutely important is the FAA safety inspectors. I don't think it was planned, but it was certainly fortuitous that I attended a local civic club lunch over August where the main speaker was a representative of the FAA in St. Louis. He went through some of the good safety record but went through the horrendous crash that I think shocked all of us. It happened in Buffalo this past winter. He went through all of the problems.

I said: Don't you have safety inspectors?

He said: The problem is, we don't have enough of them.

Yes, these are things that should have been identified. Think of the loss of life in that tragic crash because we didn't have enough safety inspectors to blow the whistle on things and people who should not have been entrusted with the lives of American citizens.

As we looked at this, I, once again, became an even stronger believer in the need for these safety inspectors. We have to have air traffic controllers. These people are all critically important to the traveling public, and nobody I know of in this body, except maybe a few friends from surrounding States, has not flown on a very regular basis. Even they fly, and our families fly. So that is extremely important.

Talking about challenges, as I have mentioned on this floor many times before, I have been very much concerned about the rapid growth of the FAA Single Family Mortgage Insurance Program. FHA's share of the market has grown dramatically, from 2 percent in 2006 to nearly 24 percent at the end of 2008. Before we pat ourselves on the back and say what a great achievement that is, let's take a look at it.

This year the freeze in the private mortgage markets has driven FHA's market share to 63 percent. As I have said many times before, longstanding management and resource challenges and a substantial growth in risky lending due to political pressures has turned FHA into a powder keg, and I fear it is going to explode and leave taxpayers on the hook for another multihundreds of billions of dollars of losses.

Given the continuing challenges in the housing market and continuing job losses, I believe it is highly likely that the FHA will not meet its statutory 2 percent capital reserve when its latest actuarial study is released in the coming weeks. That is the safety net that keeps it from going in the hole and avoiding a bailout. Frankly, I believe

this is the tip of the iceberg for the FHA. That is why we must address FHA's problems now because Americans have been signaling that the taxpayer credit card is maxed out and we don't want to put any more on the Federal debt and thus Americans' credit cards.

To address these FHA challenges, I am pleased we were able to include in this bill \$20 million for FHA antifraud activities, as well as \$6 million in additional funding for the HUD IG to combat predatory lending. The legislation also provides funding for HUD to modernize the FHA information technology systems in order to track effectively its mortgage and associated obligations.

Too many times I have gone to them and said: Well, what is your portfolio?

They say: Well, we do not know.

That is scary because we as taxpayers are on the hook for it. If they go bad, that is on us and on future generations. We believe very strongly HUD and the IG must work together and leverage these funds to fight mortgage fraud and predatory lending.

I have been very much encouraged based on my discussions with HUD Secretary Shawn Donovan and HUD IG Ken Donahue. They understood the problem. They are willing to work with us.

However, they need more resources and a sustained focus to effectively combat predatory lending and mortgage fraud. It can and must be done. We have heard too many stories of people who have been in the business, a very questionable business, of making predatory loans, of misrepresenting the terms of the loans and the impact on the potential home buyer.

These people's handiwork can be seen in the number of home loans going bad. They pushed the American dream very hard, not telling the potential homeowner what the downside was. For too many Americans this American dream has turned into the American nightmare. We have to put a stop to it.

We make a strong contribution in this bill toward giving the able leaders in HUD, FHA, and in the IG the resources to deal with it.

Again, I thank my chair and her very good staff for all the hard work. While it is not perfect, it is very good legislation. I look forward to joining with my partner, Senator MURRAY, in supporting this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. Mr. President, I thank Senator BOND, who has been, as I said, a good partner working with me on this critical bill.

Again, we are on the floor this afternoon. We are ready and able to go to work if our colleagues would come and file their amendments. I think Senator BOND and I would be happy to move to

third reading and pass the bill if nobody comes.

Mr. BOND. I agree with the chair. If somebody has a good amendment, we would sure like to see it and get started on it. Because the sooner you get here, the better consideration and, I might hasten to add, possibly the more favorable consideration you will receive.

I know there are some potentially good ideas lurking out there. So bring the good ideas now. If you have some ideas that are not so good, you can wait to the end and we will see if we can close it out.

Mrs. MURRAY. I assure my colleagues the Senator gets grouchier the longer he is out here.

Mr. BOND. There is a declining level of tolerance, I have noticed, sometimes when people are on the floor. So I join and urge the request to all our colleagues to come and offer such amendments as they choose to offer.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask unanimous consent to be able to speak as in morning business.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

(The remarks of Mr. ISAKSON are printed in today's RECORD under "Morning Business.")

Mr. INOUE. Mr. President, today the Senate begins consideration of the fiscal year 2010 transportation and housing and urban development appropriations bill. This bill includes total resources of \$122 billion; a level of funding that is \$1.2 billion below the administration's request. The programs funded by this bill are critical to our ongoing efforts both to support the economic recovery and to provide a safety net to the most vulnerable who have been impacted by the economic downturn. Specifically, this bill provides critical funding to our States and local communities for transportation infrastructure investments and for ensuring the safety of our transportation system. This bill also provides housing and services to our most vulnerable constituents and supports the efforts of our local communities as they continue to address the impacts of the foreclosure crisis.

The two managers of this bill, Senators MURRAY and BOND, have worked diligently to offer a strong bipartisan bill that tackles lingering major economic issues, and they have succeeded in doing so with limited resources. The

committee supported their recommendations unanimously, and the bill was reported out of the Appropriations Committee on July 30 by a recorded vote of 30 to 0.

Members of the Senate have had the entire month of August to review the committee's recommendations. This bill is the fifth fiscal year 2010 Appropriations Bill to be considered by the Senate, and while we are making steady progress, we have much work ahead of us. Therefore, given that Members have had the last month to review the bill, if a Member has an amendment, I encourage them to come to the floor today and offer it. We have seven remaining bills ready for immediate consideration after this one. I therefore encourage my colleagues not to delay action on this bill.

Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

#### DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies H.R. 3288 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

#### MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, we are in morning business, are we not?

The PRESIDING OFFICER. We are in morning business.

Mr. ROCKEFELLER. I thank the Presiding Officer. I ask unanimous consent that the statement I am about to make about Senator Kennedy be placed in the RECORD along with the other statements that were made about him so that it can be a grouping.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ROCKEFELLER are printed in today's RECORD under "Remembering Senator Edward M. Kennedy.")

Mr. ROCKEFELLER. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. SHAHEEN are printed in today's RECORD under "Remembering Senator Edward M. Kennedy.")

#### DEDICATION OF MEMORIAL TO FLIGHT 93

Mr. ISAKSON. Mr. President, the Senate this week, and the whole world—or at least the United States of America, and I wish the whole world—were remembering back to what happened on 9/11/2001 in the United States. Yesterday, most appropriately in this Capitol, just outside of the Rotunda, the Senate and the House jointly dedicated an outstanding memorial to those passengers on United Flight 93, where 33 passengers risked and lost their lives but turned what was the worst day in American history—in terms of the defeat—into the first victory of the war on terror.

On that plane were many Americans who at the last minute had changed their flights. They weren't originally scheduled to take that plane but changed it for various reasons. Maybe it was fate. Don't know what it was. But one of the individuals on that flight was Georgine Corrigan. Georgine Corrigan lived in Honolulu. Georgine Corrigan was really a world renowned antiques dealer. Georgine Corrigan was the sister of Robert Marisay. Robert Marisay lives in Woodstock, GA. Yesterday, for the first time in my life, I had the occasion to meet him as he traveled to Washington to see the unveiling of that remarkable marker now hanging in the Capitol.

In the few moments I had to share with him, he shared with me his love for his sister but also his profound pride in what those people on that plane had done that day. Many of us who are here today in the Capitol may not, in fact, have been here in this Capitol today had they not been able to take that plane down and take it away from the terrorists who had hijacked it.

So as we remember the tragedy of 9/11, as we recommit ourselves as Americans to never, ever having an incident like that happen again, it is important that we remember each and every individual who lost their life in the tragedies of 9/11, whether it was in New York City, at the Pentagon, or in Shanksville, PA. It was a tragic day in our country, a day that opened with great hope, with blue skies on a warm autumn day with a crisp autumn breeze, and ended as the most tragic day in American history.

I am proud of the Senate and the House for the honor they bestowed upon Flight 93 yesterday, and I encourage all in this body to never, ever forget the tragedy of that day and to renew our commitment to see to it that it never happens again.

#### TRIBUTE TO MELANIE OUDIN

Mr. ISAKSON. Mr. President, this is a happy tribute to a young lady by the name of Melanie Oudin. Melanie is 17 years old. She was born in my hometown of Marietta, GA. She has a pair of tennis shoes that have the word "believe" on them. She started competing in tennis years ago. She was thought to be pretty good, so her parents—from the seventh grade on—home schooled her so she would have enough time every day to practice.

Were they ever correct. As I am sure the President knows, a few weeks ago, at Wimbledon, this amazing young lady—17 years old, 5-foot-6—took on the world of tennis and moved through the fourth round at Wimbledon. Along the way, she beat none other than the former world No. 1, Jelena Jankovic. She made all the newspapers and all the sports shows.

But was she a flash in the pan? No. What happened this last couple of weeks in New York City at the U.S. Open proved this girl is the real deal because she advanced this time to the quarter finals, again defeating top-seeded players and former No. 1 players such as Maria Sharapova and Elena Dementieva, both outstanding players who lost to this little 5-foot 6-inch powerhouse from Marietta, GA.

She did lose in the quarter finals, but she will eventually get to the top because she believes, she is committed, she is dedicated, and she has the support and love of a great family. She leaves soon to play in the Bell Challenge in Quebec City. She will probably move from 70th in the world to about 45th in the world.

Mr. President, I am confident with her dedication and commitment, she will soon rise to No. 1. I pay tribute to the First Lady of my hometown, the tennis player of great renown, Ms. Melanie Oudin.

#### FINANCIAL MARKETS AND HOUSING

Mr. ISAKSON. Mr. President, last night the President of the United States, in the preface to his address on health care, addressed our economy and the current state of affairs. I think he made a very accurate assessment that we had hit the bottom and we were on the bottom. The question that lies before us is how we move from the bottom in this economic time back to a period of prosperity.

Although unemployment applications for benefits are down, they are still extraordinarily high. In my State of Georgia, unemployment is 10.3 percent. In the United States of America, the average home—47 percent of them—is worth less than is owed upon the house. That is a very bad situation which over a protracted period of time will continue to suppress consumer confidence and keep us at a low point in our economy.

There are many ideas about what should be done, but I want to talk tonight about two things. One is something that has already been done by this Senate and the House and signed by the President and one is something I hope between now and November 30, the Senate, the House, and the President can do.

First, in terms of what we have done. Senator CONRAD of North Dakota joined with me in introducing a piece of legislation known as the Financial Markets Crisis Commission. I enjoyed a lot of support for that, including from the distinguished Senator from Rhode Island. The appointees have been made. It is a bipartisan commission, has a budget of \$5 million, has subpoena powers—everything the 9/11 Commission had—and has an unbridled charge to investigate every aspect of the financial markets, whether it is the rating agencies, the investment bankers, the regular bankers and traditional bankers, the GSEs such as Freddie Mac and Fannie Mae, every component, and report back to us by the end of next year, which is right after the midterm elections, on what it finds happened that caused the economic collapse that began last September and continued to mushroom until late March of this year.

There are some who are talking of a rush to judgment in terms of financial regulation. But I hope we will take a pause, give this commission time to act, and let's find out what a forensic audit tells us of what happened in America in our financial markets, and let's respond to that after we have all the facts. I think a rush to regulatory judgment under what one might think, for the best of intentions, caused the problem could have the unintended consequence of having a more difficult impact on the economy than it should.

I think this body and the House acted wisely. I appreciate the President having signed it expeditiously, and I commend the majority leader, the minority leader, the Banking Committee chairman, the ranking member, the Speaker of the House, the Republican leader in the House, and the majority leader in the House for making outstanding appointments.

The appointees to this commission could not be elected officials and they could not work for the government. They have to be people knowledgeable in the field of finance. They are 10 of the brightest minds in our country. I have my ideas. I am sure the Presiding Officer has his ideas. I think every Member of the Senate has ideas about what did go wrong last year and what we need to do to correct it.

But let's get all the facts on the table. Let's get a forensic audit so when we move we move with due knowledge and in due course. The biggest mistake in Sarbanes-Oxley a number of years ago was a rush to judgment in reaction to Bernie Ebbers and

Ken Lay. Sarbanes-Oxley, although needed and appropriate, reached further probably than it should have in a number of cases. The same potential lies again in terms of financial reform if we move too quickly or precipitously or without all of the information. So in the interest of our economy, let's wait for this report to come back before we rush to judgment.

Now, secondly, on the 30th of November, the first-time home buyer tax credit that passed this body last July and was amended in February expires. The first-time home buyer credit is a byproduct of an original bill I introduced along with a number of Members of the Senate to provide a \$15,000 credit to anybody buying and occupying a home in America as their principal residence. It got parsed down and finally, in negotiations, became a first-time home buyer credit only, means tested for incomes of \$150,000 or less. It has had a positive impact on the market.

But America does not have a first-time home buyer problem. America has a move-up-crisis problem. Right now, no one who is in a house in the middle of the market, from \$200,000 to \$600,000, can sell their house. Transferees from Georgia to the State of Washington or from Rhode Island to Florida are frozen. They cannot sell in Rhode Island to buy in Florida. They cannot sell in Atlanta to buy in Washington State.

The housing market is literally at gridlock. The majority of sales being made in the last few months are short sales and foreclosures, which is depressing further the value of housing. The few direct arm's-length sales that are taking place are, in fact, spurred on at the lower end of the market by the first-time home buyer credit.

So I ask the Senate to think for a second: What happens on December 1 of this year when that credit goes away to the housing market? Well, I will tell you. I used to be in that market. The worst month of the year is December, to begin with. Housing purchases are seasonal, and in the winter, December, January, and February are always the low months. If you take away the single impetus that exists, what do you have? Nothing more than short sales and foreclosures and a continuing decline in equities and values.

But if before that expiration date takes place the Senate could take a legitimate look at what is in the best interest of moving our economy off the acknowledged bottom where we are today, it is fixing the one thing that led us into our difficulty, and that was the collapse of the housing market.

I would submit if we took the \$8,000 housing tax credit for first-time home buyers, extended it to \$10,000, made it eligible to anybody who bought and occupied a house as their principal residence, whether it was their first purchase or their tenth purchase, we would move more real estate and move

more impetus to the housing market than it has seen in the past 24 months. As we do that, consumer confidence comes back, equities and values come back, the borrowing power of the American public comes back, and our economy comes back. Failure to do so and we remain in a quagmire where we are today, which is no legitimate sales, declining values, a loss of equity, and a continuing high unemployment rate and a continued depressed marketplace.

So as we come back from our August break, as we begin to look forward, as we look at the end of the year, as we look at those things that are terminating, those things that need to be considered, let's pause for a second and realize the good that the tax credit has done so far, as limited as it was, and let's make it better. Let's extend it to July 1. Let's make it \$10,000. Let's take the means test off. Let's give an impetus to the move-up market. If we do, values will return, unemployment will go down, our economy will turn, and consumer price confidence will go up. I would submit it is a part of the main solution we need to take an economy that is on the bottom and move it back toward equilibrium and prosperity for America.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### RESTORE OUR WILD MUSTANGS ACT

• Mr. BYRD. Mr. President, on August 5, I was pleased to introduce a Senate companion to H.R. 1018, the Restore Our American Mustang Act that was introduced by my good friend, Representative NICK RAHALL, in February 2009. On July 20, the ROAM Act passed the House of Representatives and was referred to the Senate Committee on Energy and Natural Resources. I hope that Senator BINGAMAN and Senator MURKOWSKI, the chairman and ranking member of the Committee on Energy and Natural Resources, and Senator WYDEN and Senator BARRASSO, the chairman and ranking member of the Subcommittee on Public Lands and Forests, will consider the merits of this bill and move it to the Senate floor.

S. 1579 and H.R. 1018 address a dilemma faced by the Bureau of Land Management and the Forest Service, which since 1971 have been charged with overseeing the Nation's herds of wild, free-roaming horses and burros.

In 1971, wild horses and burros roamed across 53.5 million acres of largely Federal lands in the western United States. Since that time, the range available to these wild herds has decreased, dwindling to some 34 million acres, much of it very arid, with sparse vegetation. Yet the wild herds have not only managed to hold their own in these rugged conditions, they have

grown. When the populations exceed the carrying capacity of the land, the BLM conducts "gathers" or round-ups, and removes horses and burros from wild. These wild equines are then offered for adoption to the general public.

That sounds like a storybook solution to the management of the wild herds: save wild horses from starving on the range and place them in caring homes with horse-loving American citizens. The problem is, in 2009, BLM estimates that more than 10,000 wild horses and burros need to be removed from Federal rangelands. That is in addition to the 31,000 wild horses and burros that have already been pulled from the range and that are being held in short- and long-term holding facilities by the BLM. There are as many wild horses and burros being held off the range as live on the range, according to BLM statistics cited by the Government Accountability Office.

Even in the best economic times, there are not 10,000 people, let alone 30,000 people, willing to take on the challenge, rewarding as it might be, of bringing a wild horse home to live with them. And these are not the best economic times. Horse rescues and sanctuaries are overwhelmed by horses donated by owners unable to care for them. The news services report regularly on horses that are rescued from starving conditions or which have been abandoned by their owners.

Adopting a wild horse or burro is not to be undertaken lightly. BLM requirements for housing a newly adopted wild horse call for sturdy wood or pole fencing at least 6 feet high. BLM staff or contractors will load the adopted horse into an open stock-type trailer only, because these are not horses that can be led gently up a ramp into a divided stall type trailer like a domestic show horse. Once they arrive home, adopters must face the challenge of unloading a scared and wild animal from the trailer and into its new enclosure.

It may be months before the proud new owner can even put a hand on his new horse to begin its training for a life of pleasure riding. Mustang adopters who lack the experience to train a wild horse themselves or who lack the resources to pay for expert help may be overwhelmed, often to the detriment of the horse. For these reasons, older mustangs, those adult horses that have spent 5 or more years living in the wild, are among the least adoptable of BLM's charges. These adult horses make up the bulk of the 22,000 mustangs in long-term pasture holding facilities.

So what are we to do about these beautiful icons of the American West?

The law provides the BLM with the authority to kill those excess horses and burros that are not adopted after three attempts or which are older than 10 years old. The BLM also has the authority to sell those animals "without

limitation," meaning without restrictions on those horses being sent to slaughter plants in Mexico or Canada. The BLM has hesitated to use these authorities because of the public's revulsion to the idea of their government killing otherwise healthy and beautiful wild horses. The Government Accountability Office has pointed out that this puts BLM out of compliance with the law and raises the program's costs.

I share in the revulsion of the prospect of killing wild horses, as, I suspect, many in the BLM do as well. But the consequence of that revulsion is the climbing costs to house and feed what is now a population of 22,000 wild horses in long-term holding facilities. The long-term holding facilities are already over capacity and the costs are consuming most of BLM's funding for the wild horse and burro management program, and they are only going to rise. The solution to preventing wild horses and burros from overcrowding the open range is not to overcrowd them in fenced-in pastures.

S. 1579 and H.R. 1018 would revise the Wild Free-Roaming Horse and Burro Act to provide BLM and the Forest Service with additional tools to manage the wild horse and burro populations in ways that preserve a thriving ecological balance. They also prohibit the killing or sale for slaughter of wild horses and burros.

The bills give the BLM the authority to restore wild horse and burro ranges by purchasing or acquiring equivalent land, with a goal of returning rangelands to something approaching the 53 million acres available to the wild herds in 1971. Current law does not allow BLM to acquire land for horses and burros that might not be in the same location occupied by wild horses prior to 1971.

Increasing the size of the range available to the herds means that fewer animals will need to be removed in order to maintain the land in good health. Free-roaming wild horses and burros do not have to be fed and maintained in long-term holding facilities. This also would reduce the number of wild horses and burros available for adoption, bringing the supply of wild horses in line with the more limited number of homes available to them.

S. 1579 and H.R. 1018 also provide BLM managers with enhanced management tools and greater emphasis on emerging medical controls like long-term contraception to help keep herd sizes proportionate to the available grazing. It also puts greater emphasis on the adoption program by encouraging greater involvement from private, not-for-profit organizations that specialize in equine adoption and therapy programs.

Most Americans value our Nation's great Western heritage. Our idea of the wild, wild West is synonymous with wild horses thundering through great

open spaces. Our images of dusty, scruffy prospectors are not complete without the requisite patient burro at his side. A hundred years ago, 2 million wild horses lived on the range—now, there are fewer than 35,000. We want to preserve our wild herds and to keep them forever wild. We can achieve that goal, but we need to provide BLM and the Forest Service with a more robust toolkit for long-term sustainable herd management.

I urge my colleagues to support S. 1579 and move to ensure the long-term future of America's wild horses and burros.

### HONORING OUR ARMED FORCES

LIEUTENANT COLONEL MARK STRATTON

Mr. SESSIONS. Mr. President, I rise today to pay tribute to a wonderful Alabamian and American, LTC Mark Stratton, 39, of Foley, AL, who was killed in Afghanistan on Memorial Day this year and laid to rest among the heroes at Arlington National Cemetery in June. Lieutenant Colonel Stratton was serving as commander of a Provincial Reconstruction Team, PRT, and was killed when an improvised explosive device, IED, detonated as his convoy was passing.

Having had the privilege of attending Lieutenant Colonel Stratton's funeral and hearing the stories told by his family members and those who had worked with him, it is clear that Lieutenant Colonel Stratton was a man of honor who took great pride in his service to our Nation.

In my conversations with his mother, Mrs. Jan York, she described her son as "good, determined, focused and he loved God, he loved America and loved the Air Force. He accomplished so much." She also described how proud he was, as a leader of his PRT, to have completed an important road project. He was proud because he knew it was a project of permanence that would benefit the lives of the people of the area. This is so typical of the patriotic selfless attitude of our magnificent military personnel.

His colleague and friend, Lieutenant Colonel Risner said of him, "He put the airmen that he was supervising or leading first, every step of the way." This is the sign of a true leader who was dedicated both to the mission and to the development of his subordinates.

In admiration of his committed service and ultimate sacrifice, his colleagues on the Joint Staff in the Pentagon will pay tribute to him later this month by naming a conference room in his honor. I believe that it is a fitting homage to an individual who represented the best of what an airman and officer should be. It is good that our military leaders in the Pentagon will remember the sacrifice this great American made for his country and strive to honor his commitment in the

way our military operations are carried out.

My thoughts and prayers are with his wife Jennifer; their three young children Delaney, Jake, and A.J.; his mother Jan York and her husband Buddy; his brothers, Michael Stratton and Frankie Little; as well as his many friends and fellow warriors as they continue to grieve the loss of this great man. This is an incalculable loss for them, but I know that they will be able to take wonderful lessons from the way he lead his life both publicly and privately. They will also be able to take comfort from the great heritage he leaves to his family and to his Nation.

### TRIBUTE TO SENATOR MEL MARTINEZ

Mr. DODD. Mr. President, I rise to speak about my friend and colleague, Mel Martinez, who is leaving the Senate this week.

Senator Martinez has a story unlike that of any of us who serve in this body. He came to this country from Cuba without his parents at age 15 as part of a humanitarian effort. And as the first Cuban-American Senator, he has always maintained a thoughtful and unique perspective on Cuba policy, one that I have always enjoyed hearing and considering.

As chairman of the Banking, Housing, and Urban Affairs Committee, I was pleased to have Senator Martinez as part of that panel. It is not often you get a Secretary of Housing and Urban Development sharing his expertise in a Senate committee.

He worked tirelessly to address the crisis of homelessness, and I have been proud to work alongside him on some of the housing measures we have passed over the past couple of years. He has been enormously helpful and cooperative as a member of my committee, and we will miss his perspective.

Senator Martinez and I didn't agree on every issue, or even most issues. What we shared was a deep love for this amazing country, a deep respect for this institution, and a strong working relationship. Wherever Senator Martinez's remarkable life takes him next, I know that the citizens of his beloved Florida are grateful for his service and will join me in wishing him and his family nothing but the best.

### EMPOWERING THE PUBLIC'S RIGHT TO KNOW

Mr. LEAHY. Mr. President, if information is power, then an informed public is certainly an ingredient that helps make government work better and more responsively for the people.

I have always had a keen interest in technology and the Internet, so it has been encouraging to see the commitment and skill that the Obama administration has invested in applying information technology to the functions

of government. One of the clearest examples of this has been in the innovative release of data about funds appropriated under the American Recovery and Reinvestment Act—the so-called economic stimulus package. It is all the more encouraging to see the way these efforts have spawned complementary initiatives by private foundations and entrepreneurs.

As a Vermonter I am especially proud that a project called ThisWeKnow.org became a top-three finalist in the Apps for America 2: The Data.gov Challenge, sponsored by The Sunlight Foundation, which asked contestants to produce Web applications to showcase the benefits of sharing Federal Government data with the public. ThisWeKnow.org, along with the other two finalists, showcased their Web sites this week in the Nation's Capital, at the Gov 2.0 Expo Showcase.

ThisWeKnow.org was selected as one of the three finalists out of 47 applications submitted. ThisWeKnow.org was built by GreenRiver.org and Intellidimension of Brattleboro, VT, to empower citizens to enter in their locations and to explore data related to their communities from across Federal agencies. Their site offers citizens one-stop shopping for information available to them about their own towns, States and communities.

The public's right to know is a cornerstone of our democracy. By using technology, a site such as this can provide citizens with access to data that is relevant to them and that can enable and encourage them to make informed decisions. This site is designed to make what was once a difficult and time-consuming process into a faster and more streamlined experience.

ThisWeKnow.org was designed and developed by Michael Knapp, managing director of GreenRiver.org, and Derrish Repchick, vice president of Product Development at Intellidimension, who are in Washington to attend the Gov 2.0 events this week. Although they did not win the grand prize, we congratulate them for all of their hard work and their public spirit, and encourage them to continue their efforts to promote a more accessible and open government.

I ask unanimous consent that a copy of a September 8 article from The Brattleboro Reformer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Brattleboro Reformer, Sept. 8, 2009]

YOUR GOVERNMENT, ONLINE!

(By Howard Weiss-Tisman)

BRATTLEBORO.—Michael Knapp thinks the government can do a better job of getting data into the hands of average Americans.

Knapp, who is Managing Director of GreenRiver.org, a Brattleboro software development company, believes that social change will come after more citizens learn

more about their government and he's got a plan to make that happen.

GreenRiver.org, along with Intellidimension, another Brattleboro high tech company, is one of three finalists in a national competition to help the U.S. government revamp how it gets information into the hands of the public.

The two Southern Vermont companies joined together to design a Web site that would make it easier for citizens to access the thousands of pages of data that the various government agencies produce every year.

And the two small Main Street firms, which went up against 46 other mostly larger and more heavily financed companies from all over the United States, now have a chance to meet with some powerful Washington insiders to change how government information is delivered to the public.

"Too much data produces nothing but noise. But if we can get information into people's hands that is presented well and clearly and accurately people will make more informed decisions," Knapp said from his office overlooking the Connecticut River. "We're trying to help people make connections, so they can start to take control of their communities."

Knapp and his cohorts entered the Apps for America contest, which is sponsored by The Sunlight Foundation, a non-partisan Washington group dedicated to increasing government transparency.

The Brattleboro companies developed their Web site, ThisWeKnow.org, that allows the user to enter a location in the search engine. Reports from across the government that have recorded information on that location are gathered and the user can compare, for instance, a town's cancer rate with the toxic chemicals released by nearby factories and political contributions to area lawmakers.

Knapp said all of the various government agencies issue the reports and put out press releases occasionally on the data, but the Web site "takes the middleman out of the information presentation. Instead of the agencies controlling the story," Knapp said, "you get to tell the story."

Intellidimension Vice President of Product Development, Derrish Repchick, said the two companies put in weeks worth of work developing the site. They are flying to Washington next week to present their site, and Vivek Kundra, the Obama Administration's Federal Chief Information Officer, is expected to check out the work of the three finalists.

"It was a huge amount of data we had to work with. It was a challenge," said Repchick, who was responsible for the back end of the Web site where all of the data is accessed. "It was also fun and it gets some pretty important eyeballs on you."

Knapp is a big fan of what the Obama Administration has done to make government more transparent but he said there are still countless amounts of information out there that should be more readily available.

The winner of the contest will not necessarily win a government contract but Knapp said the contest and his site is one more way to get every citizen in the country to realize that it is their government and the fastest way to implement change is by getting them the information they need to demand it.

"We didn't do this for the money," Knapp said about the \$10,000 prize that will go to the winner. "We want to break down all the separate silos of information and have people make connections. We did this because we

believe technology can make a better future for everybody."

Voting for the best application is being done online at [www.sunlightlabs.com](http://www.sunlightlabs.com).

## RECOGNIZING THE PEASE GREETERS

Mr. GREGG. Mr. President, I rise today to recognize the Pease Greeters for their consistent and unwavering support for our brave men and women in uniform passing through New Hampshire on their way to combat assignments in Iraq and Afghanistan or returning home to their loved ones. The Pease Greeters provide a loud and welcoming voice not only to servicemembers from New Hampshire but to all of the soldiers, sailors, Marines and airmen who pass through the Pease Air Terminal in Portsmouth, NH.

During the Spring of 2005, when members of the Seacoast Detachment of the Marine Corps League met a flight returning from the Middle East, no one could have known that this small volunteer group of veterans and citizens would be the nucleus of a group that has met every one of the more than 130 flights landing in New Hampshire, however briefly, with soldiers heading to or returning from combat operations overseas. The Greeters, now numbering over 200 members, have helped to ensure that each of the thousands of servicemembers has received the welcome home and best wishes that they so richly deserve.

The Pease Greeters travel from all over New Hampshire to meet every military flight in to Pease, at any hour, day or night. Arriving troops are met with applause, handshakes, and a boisterous welcome, and if the flight is taking them into a combat area, the Pease Greeters assure them that they will be met right there upon their safe return. These honored guests are provided with refreshments and the opportunity to make free phone calls to their loved ones. Each of these events has been recorded and the photographs line the Pease Air Terminal Hall that is known as the "Heroes Walk."

It is my privilege to recognize the time and energy these men and women of the Pease Greeters have devoted and continue to devote to assuring our Armed Forces that their country and its citizens appreciate the sacrifices they and their families are making on our behalf. Thank you to each and every member of the Pease Greeters for providing such a warm welcome home to those returning and a warm memory of home to those departing to carry out their missions.

## ADDITIONAL STATEMENTS

## CONGRATULATING CAROLINE FORD

• Mr. BUNNING. Mr. President, I wish to congratulate and recognize a distinguished Kentuckian, 12-year-old Caroline Ford, a student at Bowling Green Christian Academy, who was recently named a 2009 National Junior Forensic League Championship award winner in San Antonio, TX.

The National Forensic League is a nonprofit, nonpartisan educational honor society, with alumni that include Oprah Winfrey, President Lyndon B. Johnson, Vice President Hubert H. Humphrey, Supreme Court Justice Stephen Breyer, and countless other members in government, academia, and business. Policy debate, interpretation of dramatic literature, and commentary are just examples of the types of competitions offered by the National Forensic League.

As a participant at one of the most prestigious forensic competitions, Caroline competed against over 100 students from the United States and other nations. Her awards include first place in the original oratory competition and second place in the original poetry competition.

I would like to once again congratulate Ms. Caroline Ford for being named a 2009 National Junior Forensic League Championship award winner. She is truly an inspiration to all Kentuckians, and I wish her the best of luck in her future endeavors.●

## REMEMBERING KEN BACON

• Mr. FEINGOLD. Mr. President, I was deeply saddened to learn of the death of Ken Bacon on August 15. While Ken had distinguished careers in both journalism and public service, it is his tenure as the head of Refugees International that I would like to highlight. In that capacity, Ken became one of the world's leading advocates for refugees and displaced persons. By adapting and challenging his own organization on refugees and their rights, most recently with his focus on those displaced by climate change.

Whether focused on the Democratic Republic of the Congo, Afghanistan, or Iraq, Ken called upon the international community to take seriously the plight of those caught in the midst of conflict—innocent people losing their homes, separated from their families, and sometimes forced to forfeit their dignity to save their lives. As recently as June, Ken testified before a committee of the House of Representatives regarding the millions of Pakistanis displaced by fighting in the North West Frontier Province. He spoke powerfully:

This is not merely a question of funding, though the humanitarian assistance and re-

construction efforts will need robust financial commitments. The United States also needs to be seen as rising above military objectives and showing genuine concern for the fate of civilians.

Under his watch, the alarm was sounded early and repeatedly on the situation in Darfur, and he challenged the global community to act to provide protection, aid and even resettlement in some cases for Iraqis displaced by war. Drawing on his experience in a refugee camp in the Balkans in 1999, Ken humanized masses of people, stressing that while displaced families need immediate relief, “in time [they] will require renewed confidence and support to return home in safety and dignity.”

Ken will be missed by all those who had the opportunity to know him as well as by the millions who have been, and will continue to be, impacted by his work. We pay tribute to him by continuing his work to ensure that the basic rights of displaced peoples are protected, that their basic needs are met, and that they have the support to ultimately return home in safety and dignity.●

## THIRTEEN YARDS TO VICTORY

• Mr. KERRY. Mr. President, throughout American history, music has always been a harbinger of social change. I experienced it first hand during the 1960s and early 1970s when a generation of Americans began marching—marching for civil rights, social justice, and an end to the Vietnam war. For many Americans, that period of our country's history comes with its own soundtrack.

That is why it is so encouraging to me to see what is happening with the Thirteen Yards To Victory, a band from my home State of Massachusetts. This remarkable group of young people is dedicated to helping others. They are donating all the profits from their upcoming release of American Dreamers to benefit arts and music education programs across the country. They are setting a wonderful example for their peers—showing them that everybody has the capacity to make a positive difference in their very own way. Because of what they are doing, more of our youth will be able to enjoy and learn about the arts and develop their own skills.

This, really, is nothing new for the members of Thirteen Yards To Victory—Anthony DiPerri, Vinny Prezioso, Thomas Iannello, Ryan Passariello, and Dave Rossi. This is only the latest occasion in which they have been recognized for their dedication to others and their unique approaches which makes their projects so successful.

They are not alone in such efforts, however. Volunteers in our community play an invaluable role in helping those

in need and strengthening the foundation of our society. In fact, nearly 62 million Americans volunteered at some point last year. I am particularly encouraged by the increase in the number of young people who are connecting with their communities and volunteering their time. Thirteen Yards To Victory is just one example of what is happening all across the country.

I wish Anthony, Vinny, Thomas, Ryan, and Dave all the best with American Dreamers. I hope it makes American Dreamers out of us all. And I hope their music will be a part of the soundtrack of the social change taking place in America today.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE TERRORIST ATTACKS ON THE UNITED STATES OF SEPTEMBER 11, 2001—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after

September 14, 2009, the national emergency with respect to the terrorist threat.

BARACK OBAMA.  
THE WHITE HOUSE, September 10, 2009.

#### MESSAGES FROM THE HOUSE

At 1:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 445. An act to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes.

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr. United States Courthouse".

H.R. 2097. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

H.R. 2121. An act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building".

H.R. 2571. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

H.R. 2664. An act to require annual oral testimony before the Financial Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting.

H.R. 3165. An act to provide for a program of wind energy research, development, and demonstration, and for other purposes.

H.R. 3193. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 136. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of Citizenship Day.

H. Con. Res. 167. Concurrent resolution supporting the goals and ideals of National Aerospace Day, and for other purposes.

#### ENROLLED JOINT RESOLUTION SIGNED

At 3:29 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 9. Joint resolution providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian.

At 5:55 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, an-

nounced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 965. An act to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 445. An act to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 2097. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2121. To authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation; to the Committee on Environment and Public Works.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building"; to the Committee on Environment and Public Works.

H.R. 2571. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2664. An act to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3165. An act to provide for a program of wind energy research, development, and demonstration, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3193. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse"; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 167. Concurrent resolution supporting the goals and ideals of National Aerospace Day, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-2800. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1-Naphthaleneacetic Acid Ethyl Ester; Pesticide Tolerance for Emergency Exemptions" (FRL No. 8428-3) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2801. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinetoram; Pesticide Tolerances" (FRL No. 8426-9) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2802. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment" (FRL No. 8431-8) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2803. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Carbon Black; Exemption from the Requirement of a Tolerance" (FRL No. 8426-3) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2804. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerances" (FRL No. 8427-7) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2805. A communication from the Director of the Child Nutrition Division, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "School Breakfast Program: Severe Need Assistance" (RIN0584-AD50) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2806. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Saflufenacil; Pesticide Tolerances" (FRL No. 8430-4) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2807. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Pesticide Tolerances" (FRL No. 8431-2) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2808. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azinphos-methyl, Disulfoton, Esfenvalerate, Ethylene oxide, Fenvalerate, et al.; Tolerance Actions" (FRL No. 8426-2) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2809. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aminopyralid; Pesticide Tolerance" (FRL No. 7724-8) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2810. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetochlor; Pesticide Tolerances" (FRL No. 8434-1) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2811. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Nomenclature Changes; Technical Amendment" (FRL No. 8432-2) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2812. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methoxyfenozide; Pesticide Tolerances" (FRL No. 8433-8) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2813. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the April 15, 2009 through June 15, 2009 reporting period; to the Committee on Armed Services.

EC-2814. A communication from the Assistant Secretary, Global Strategic Affairs, Department of Defense, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC-2815. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Admiral Timothy J. Keating, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-2816. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Gary D. Speer, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-2817. A communication from the Deputy Secretary of Defense, transmitting the

report of the authorization of (2) officers to wear the authorized insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2818. A communication from the Deputy Secretary of Defense, transmitting the report of the authorization of (16) officers to wear the authorized insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2819. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2820. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-2821. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Capital Adequacy Guidelines: Treatment of Perpetual Preferred Stock Issued to the United States Treasury under the Emergency Economic Stabilization Act of 2008" (Regulation Y; Docket No. R-1336) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2822. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Capital Adequacy Guidelines; Small Bank Holding Company Policy Statement: Treatment of Subordinated Securities Issued to the United States Treasury under the Emergency Economic Stabilization Act of 2008" (Regulation Y; Docket No. R-1356) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2823. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Regulation S-AM: Limitations on Affiliate Marketing" (RIN3235-AJ24) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2824. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Refrigerated Bottled or Canned Beverage Vending Machines" (RIN1904-AB58) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Energy and Natural Resources.

EC-2825. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards and Test Procedures for General Service Fluores-

cent Lamps and Incandescent Reflector Lamps" (RIN1904-AA92) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Energy and Natural Resources.

EC-2826. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "U.S. Department of Energy FY 2008 Methane Hydrate Program Report to Congress"; to the Committee on Energy and Natural Resources.

EC-2827. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Industry Codes and Standards; Amended Requirements" (RIN3150-AI53) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC-2828. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Implementation of the 1997 8-Hour Ozone National Ambient Air Quality Standard: Addressing a Portion of the Phase 2 Ozone Implementation Rule Concerning Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas" (FRL No. 8943-3) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Environment and Public Works.

EC-2829. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District, Kern County Air Pollution Control District, Mohave Desert Air Quality Management District" (FRL No. 8939-2) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC-2830. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Delaware" (FRL No. 8936-4) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC-2831. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Stay and Defer Sanctions, Pinal County, Arizona" (FRL No. 8946-2) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC-2832. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans of Michigan: Clean Air Interstate Rule" (FRL No. 8944-7) as received during adjournment of the Senate in the Office of the President of

the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC-2833. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Consumer Products Rule" (FRL No. 8941-9) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC-2834. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Cleveland-Akron-Lorain Area to Attainment for Ozone" (FRL No. 8952-1) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC-2835. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Columbus Area to Attainment for Ozone" (FRL No. 8952-2) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC-2836. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Excess Emissions" (FRL No. 89524-6) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC-2837. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State and Local Assistance; Technical Correction" (FRL No. 8953-8) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC-2838. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Opacity Variance for Rocket Testing Operations Atlantic Research Corporation's Orange County Facility" (FRL No. 8953-1) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC-2839. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of Kansas Municipal Solid Waste Landfill Permit Program" (FRL No. 8953-3) received in the Office of the President of the Senate on September 9, 2009; to the

Committee on Environment and Public Works.

EC-2840. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Emissions Inventory; Baton Rouge Ozone Nonattainment Area" (FRL No. 8952-5) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC-2841. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2009-63) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Finance.

EC-2842. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Proc. 2008-52 and Rev. Proc. 97-27, Procedures for Automatic and Non-Automatic Changes in Method of Accounting" (Notice 2009-39) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Finance.

EC-2843. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Public-Private Investment Program/Taxable Mortgage Pool Revenue Procedure" ((Rev. Proc. 2009-38)(RP-126768-09)) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Finance.

EC-2844. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2009 Section 43 Inflation Adjustment" (Notice 2009-73) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Finance.

EC-2845. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0107-2009-0115); to the Committee on Foreign Relations.

EC-2846. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment with an original acquisition value of more than \$14,000,000 for Canada; to the Committee on Foreign Relations.

EC-2847. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Health Breach Notification Rule" (RIN3084-AB17) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2848. A communication from the Acting Director, Legislative and Regulatory Depart-

ment, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on August 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2849. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Dental Devices: Classification of Dental Amalgam, Reclassification of Dental Mercury, Designation of Special Controls for Dental Amalgam, Mercury, and Amalgam Alloy" ((Docket No. FDA-2008-N-0163)(RIN0910-AG21)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2850. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "High Risk Pool Grant Program for Federal Fiscal Years 2006 and 2007"; to the Committee on Health, Education, Labor, and Pensions.

EC-2851. A communication from the Human Resources Specialist, Office of Inspector General, Department of Labor, transmitting, pursuant to law the report of a vacancy in the position of Inspector General of the Department of Labor and designation of an acting officer for the position; to the Committee on Health, Education, Labor, and Pensions.

EC-2852. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-157, "Quick Payment Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2853. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-158, "Debarment and Suspension Procedures Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2854. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-159, "Placement of Orders with District Departments, Offices, and Agencies Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2855. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-160, "Procurement Practices Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2856. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-161, "Enhanced Security at Gas Stations Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2857. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-162, "Commercial Curbside Loading Zone Implementation Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2858. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18-163, "Bloomington Court Alley Designations Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2859. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Examination of the 2008 Summer Youth Employment Program Contracts"; to the Committee on Homeland Security and Governmental Affairs.

EC-2860. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the Department of Employment Service's 2008 Summer Youth Employment Program"; to the Committee on Homeland Security and Governmental Affairs.

EC-2861. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to action on a nomination for the position of General Counsel, Federal Labor Relations Authority received in the Office of the President of the Senate on August 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2862. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-36" (FAC 2005-36) as received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2863. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2006 Report to Congress on the Impact and Effectiveness of Administration for Native Americans Projects"; to the Committee on Indian Affairs.

EC-2864. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination for the position of Principal Deputy Director of National Intelligence, as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Select Committee on Intelligence.

EC-2865. A communication from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to action on a nomination for the position of Deputy Director of National Drug Control Policy, as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on the Judiciary.

EC-2866. A communication from the Director, National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the GAO 09-339R Counterdrug Technology Assessment Center report; to the Committee on the Judiciary.

EC-2867. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of

1938, as amended for the six months ending December 31, 2008"; to the Committee on the Judiciary.

EC-2868. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations" (Docket No. USG-2009-0777) as received during adjournment of the Senate in the Office of the President of the Senate on August 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2869. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to a nomination for the position of General Counsel, Federal Labor Relations Authority received in the Office of the President of the Senate on August 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2870. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled "Federal Student Loan Repayment Program Calendar Year 2008"; to the Committee on Homeland Security and Governmental Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3326. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-74).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1599. A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Beverly Baldwin Martin, of Georgia, to be United States Circuit Judge for the Eleventh Circuit.

Jeffrey L. Viken, of South Dakota, to be United States District Judge for the District of South Dakota.

Peter F. Neronha, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Dennis K. Burke, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Neil H. MacBride, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself, Mr. JOHANNES, Mrs. BOXER, Mr. MERKLEY, and Mr. FRANKEN):

S. 1658. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Mr. KOHL, and Mrs. SHAHEEN):

S. 1659. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Mr. CRAPO):

S. 1660. A bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KOHL (for himself, Mrs. MCCASKILL, Mrs. GILLIBRAND, and Mr. CASEY):

S. 1661. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mrs. GILLIBRAND):

S. 1662. A bill to amend the Public Works and Economic Development Act of 1965 to modify the period used to calculate certain unemployment rates, to encourage the development of business incubators, and for other purposes; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. Res. 258. A resolution commemorating the 100th anniversary of the University of Wisconsin—La Crosse; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. NELSON of Nebraska):

S. Res. 259. A resolution designating September 13, 2009, as "National Celiac Disease Awareness Day"; considered and agreed to.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Ms. COLLINS, and Mr. CHAMBLISS):

S. Res. 260. A resolution designating September 16, 2009, as "The American Legion Day"; considered and agreed to.

By Mr. PRYOR:

S. Res. 261. A resolution designating September 12, 2009, as "National Day of Encouragement"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 35

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 35, a bill to provide a permanent deduction for State and local general sales taxes.

S. 45

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 45,

a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 144

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 492

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 492, a bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage.

S. 557

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 581

At the request of Mr. BENNET, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 694

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 795

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 846

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 850

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 883

At the request of Mr. KERRY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Nebraska (Mr. JOHANN) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women

who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1047

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1047, a bill to promote Internet safety education and cybercrime prevention initiatives, and for other purposes.

S. 1072

At the request of Mrs. LINCOLN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1072, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1242

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1242, a bill to prohibit the Federal Government from holding ownership interests, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1343

At the request of Mr. BROWN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1343, a bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the names of the Senator from New York

(Mr. SCHUMER), the Senator from New Mexico (Mr. UDALL), the Senator from Washington (Ms. CANTWELL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1495

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1495, a bill to require the Secretary of Veterans Affairs to carry out a pilot program to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, and for other purposes.

S. 1580

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 1580, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 245

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 245, a resolution recognizing September 11 as a "National Day of Service and Remembrance".

S. RES. 253

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Mis-

souri (Mrs. McCASKILL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. Res. 253, a resolution expressing the sense of the Senate that the Government of Libya should apologize for the welcome home ceremony held to celebrate the release of convicted Lockerbie bomber Abdel Baset al-Megrahi.

S. RES. 254

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 254, a resolution honoring, commemorating, and celebrating the historic ties of the United States and the Netherlands on the quadricentennial celebration of the discovery of the Hudson River, and recognizing the settlement and enduring values of New Netherland, which continue to influence American society.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. JOHANNIS, Mrs. BOXER, Mr. MERKLEY, and Mr. FRANKEN):

S. 1658. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce with my colleague Senator JOHANNIS, the Healthy Housing Council Act. I thank Senators BOXER, MERKLEY, and FRANKEN for joining us as original cosponsors of this bill.

This legislation would establish an independent interagency Council on Healthy Housing in the executive branch in order to improve the coordination of existing but fragmented programs, thereby enhancing the abilities of families to access Government programs and services in a more efficient and effective manner.

Many factors impact our health; however, our environment can be one of the most critical determinants to our overall health and well-being. That is why the issue of healthy housing is so important.

According to the Department of Housing and Urban Development, there are more than 5.7 million households living in conditions with moderate or severe hazards such as incomplete cooking facilities, inadequate plumbing, the presence of mice and rats, and crumbling roofs and foundations. This count of moderate or severe physical problems does not even include significant lead-based paint hazards, which persist in 23 million, or approximately four times as many, households. Sadly, housing-related health hazards take a heavy toll on Americans, resulting in 11,000 unintentional injury deaths, 3,000 deaths in house fires, and 21,000 radon-associated lung cancer deaths each year.

Low-income and minority individuals and families are disproportionately af-

ected by housing-related health hazards. We know that residents of poorly designed, constructed, or maintained housing are at greater risk for serious illnesses and injuries, including cancer, carbon monoxide poisoning, burns, falls, rodent bites, childhood lead poisoning, and asthma. According to the Centers for Disease Control and Prevention, non-Hispanic Blacks and Mexican-Americans are three times as likely to have elevated blood-lead levels, compared to non-Hispanic whites. About 1.2 million housing units with significant lead-based paint hazards house low-income families with children under 6 years of age.

If the disease and injury toll on our Nation's individuals and families, particularly our children, is not enough to demonstrate the need for coordinated Federal Government action on housing-related health hazards, consider some of the annual costs.

According to research at the Mount Sinai Children's Environmental Health Center, annual costs for environmentally attributable childhood diseases in the U.S. total an estimated \$54.9 billion. That number is approximately 3 percent of total health care costs. Indeed, as our housing deteriorates, our health care system bears the brunt of the associated injuries and illnesses.

The good news is that low-cost preventative measures can have dramatic effects. For example, properly installing and maintaining a smoke alarm can cut the risk of deaths due to fire in half. The Centers for Disease Control and Prevention estimates that providing healthy housing to American families will help prevent 20 million asthma cases, 240,000 incidents of elevated blood-lead levels in young children, 14,000 burn injuries, and 21,000 radon-associated lung cancer deaths.

While there are many programs in place to address housing-related health hazards, these programs are fragmented and spread across many agencies, making it difficult for at-risk families to access assistance or to receive the comprehensive information they need.

To address this situation, our bill authorizes \$750,000 for each of fiscal years 2010 to 2014 for an independent Council on Healthy Housing, which would bring Federal, State, and local government representatives, as well as industry and nonprofit representatives, to the table at least once a year.

The council would review, monitor, and evaluate existing housing, health, energy, and environmental programs. The council would then make recommendations to reduce duplication, ensure collaboration, identify best practices, and develop a comprehensive healthy housing research agenda.

In order to ensure that members of the public are informed of and benefit from the council's activities, the council would hold biannual stakeholder

meetings, maintain an updated website, and work to unify healthy housing data collection and maintenance.

While there is a growing consensus on ways to help communities make housing healthier, the lack of coordination has made it difficult for the public to access this information and related research and data. By creating this council, we can provide a useful forum for health and housing experts, whether in the Government, private, or non-profit sector, to share their experiences, successes, and lessons for the future.

The Healthy Housing Council Act will help us embark on a path to assure that affordable and decent homes are also healthy. I hope my colleagues will join me and Senator JOHANNES, BOXER, MERKLEY, and FRANKEN in supporting this bipartisan bill and other healthy housing efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1658

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Housing Council Act of 2009".

#### SEC. 2. FINDINGS.

Congress finds the following:

- (1) In the United States—
  - (A) 5,700,000 households live in homes with moderate or severe physical hazards;
  - (B) 23,000,000 homes have significant lead-based paint hazards;
  - (C) 8,700,000 homes have had leaks in the last 12 months;
  - (D) 6,000,000 homes have had signs of mice in the last 3 months; and
  - (E) 1 in 15 homes have dangerous levels of radon.

(2) Residents of housing that is poorly designed, constructed, or maintained are at risk for cancer, carbon monoxide poisoning, burns, falls, rodent bites, childhood lead poisoning, asthma, and other illnesses and injuries. Vulnerable subpopulations, such as children and the elderly, are at elevated risk for housing-related illnesses and injuries.

(3) Because substandard housing typically poses the greatest risks, the disparities in the distribution of housing-related health hazards are striking. 1,200,000 housing units with significant lead-based paint hazards house low-income families with children under 6 years of age.

(4) Housing-related illnesses, including asthma and lead poisoning, disproportionately affect children from lower-income families and from specific racial and ethnic groups. In 2005, 13 percent of black children were reported to have asthma, as compared with 9 percent of both Hispanic and white children. Black children are twice as likely to die from residential injuries as white children, and 3 percent of black children and 2 percent of Mexican American children have elevated blood lead levels, as compared to only 1.3 percent of white children.

(5) The annual costs for environmentally attributable childhood diseases in the United

States, including lead poisoning, asthma, and cancer, total \$54,900,000,000. This amount is approximately 3 percent of total health care costs.

(6) Appropriate housing design, construction, and maintenance, timely correction of deficiencies, planning efforts, and low-cost preventative measures can reduce the incidence of serious injury or death, improve the ability of residents to survive in the event of a major catastrophe, and contribute to overall well-being and mental health. Housing units that are kept lead-safe are approximately 25 percent less likely to have another child with elevated blood lead levels. Properly installed and maintained smoke alarms reduce the risk of fire deaths by 50 percent.

(7) Providing healthy housing to families and individuals in the United States will help prevent an estimated 240,000 elevated blood lead levels in young children, 11,000 unintentional injury deaths, 12,000,000 nonfatal injuries, 3,000 deaths in house fires, 14,000 burn injuries, and 21,000 radon-associated lung cancer deaths that occur in United States housing each year, as well as 20,000,000 asthma cases and 14,000,000 missed school days.

(8) While there are many programs in place to address housing-related health hazards, these programs are fragmented and spread across many agencies, making it difficult for at-risk families and individuals to access assistance or to receive comprehensive information.

(9) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that families and individuals can access government programs and services in an effective and efficient manner.

#### SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COUNCIL.—The term "Council" means the Interagency Council on Healthy Housing established under section 4.

(2) HOUSING.—The term "housing" means any form of residence, including rental housing, homeownership, group home, or supportive housing arrangement.

(3) HEALTHY HOUSING.—The term "healthy housing" means housing that is designed, constructed, rehabilitated, and maintained in a manner that supports the health of the occupants of such housing.

(4) HOUSING-RELATED HEALTH HAZARD.—The term "housing-related health hazard" means any biological, physical, or chemical source of exposure or condition either in, or immediately adjacent to, housing, that can adversely affect human health.

(5) LOW-INCOME FAMILIES AND INDIVIDUALS.—The term "low-income families and individuals" means any household or individual with an income at or below 200 percent of the Federal poverty line.

(6) POVERTY LINE.—The term "poverty line" means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census.

(7) PROGRAM.—The term "program" includes any Federal, State, or local program providing housing or financial assistance, health care, mortgages, bond and tax financing, homebuyer support courses, financial education, mortgage insurance or loan guarantees, housing counseling, supportive services, energy assistance, or other assistance related to healthy housing.

(8) SERVICE.—The term "service" includes public and environmental health services, housing services, energy efficiency services,

human services, and any other services needed to ensure that families and individuals in the United States have access to healthy housing.

#### SEC. 4. INTERAGENCY COUNCIL ON HEALTHY HOUSING.

(a) ESTABLISHMENT.—There is established in the executive branch an independent council to be known as the Interagency Council on Healthy Housing.

(b) OBJECTIVES.—The objectives of the Council are as follows:

(1) To promote the supply of and demand for healthy housing in the United States through capacity building, technical assistance, education, and public policy.

(2) To promote coordination and collaboration among the Federal departments and agencies involved with housing, public health, energy efficiency, emergency preparedness and response, and the environment to improve services for families and individuals residing in inadequate or unsafe housing and to make recommendations about needed changes in programs and services with an emphasis on—

(A) maximizing the impact of existing programs and services by transitioning the focus of such programs and services from categorical approaches to comprehensive approaches that consider and address multiple housing-related health hazards;

(B) reducing or eliminating areas of overlap and duplication in the provision and accessibility of such programs and services;

(C) ensuring that resources, including assistance with capacity building, are targeted to and sufficient to meet the needs of high-risk communities, families, and individuals; and

(D) facilitating access by families and individuals to programs and services that help reduce health hazards in housing.

(3) To identify knowledge gaps, research needs, and policy and program deficiencies associated with inadequate housing conditions and housing-related illnesses and injuries.

(4) To help identify best practices for achieving and sustaining healthy housing.

(5) To help improve the quality of existing and newly constructed housing and related programs and services, including those programs and services which serve low-income families and individuals.

(6) To establish an ongoing system of coordination among and within such agencies or organizations so that the healthy housing needs of families and individuals are met in a more effective and efficient manner.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary of Health and Human Services.

(2) The Secretary of Housing and Urban Development.

(3) The Administrator of the Environmental Protection Agency.

(4) The Secretary of Energy.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Secretary of the Treasury.

(8) The Secretary of Agriculture.

(9) The Secretary of Education.

(10) The head of any other Federal agency as the Council considers appropriate.

(11) 6 additional non-Federal employee members, as appointed by the President to serve terms not to exceed 2 years, of whom—

(A) 1 shall be a State or local Government Director of Health or the Environment;

(B) 1 shall be a State or local Government Director of Housing or Community Development;

(C) 2 shall represent nonprofit organizations involved in housing or health issues; and

(D) 2 shall represent for-profit entities involved in the housing, banking, or health insurance industries.

(d) CO-CHAIRPERSONS.—The co-Chairpersons of the Council shall be the Secretary of Housing and Urban Development and the Secretary of Health and Human Services.

(e) VICE CHAIR.—Every 2 years, the Council shall elect a Vice Chair from among its members.

(f) MEETINGS.—The Council shall meet at the call of either co-Chairperson or a majority of its members at any time, and no less often than annually.

#### SEC. 5. FUNCTIONS OF THE COUNCIL.

(a) RELEVANT ACTIVITIES.—In carrying out the objectives described in section 4(b), the Council shall—

(1) review Federal programs and services that provide housing, health, energy, or environmental services to families and individuals;

(2) monitor, evaluate, and recommend improvements in existing programs and services administered, funded, or financed by Federal, State, and local agencies to assist families and individuals in accessing healthy housing and make recommendations about how such agencies can better work to meet the healthy housing and related needs of low-income families and individuals; and

(3) recommend ways to—

(A) reduce duplication among programs and services by Federal agencies that assist families and individuals in meeting their healthy housing and related service needs;

(B) ensure collaboration among and within agencies in the provision and availability of programs and services so that families and individuals are able to easily access needed programs and services;

(C) work with States and local governments to better meet the needs of families and individuals for healthy housing by—

(i) holding meetings with State and local representatives; and

(ii) providing ongoing technical assistance and training to States and localities in better meeting the housing-related needs of such families and individuals;

(D) identify best practices for programs and services that assist families and individuals in accessing healthy housing, including model—

(i) programs linking housing, health, environmental, human, and energy services;

(ii) housing and remodeling financing products offered by government, quasi-government, and private sector entities;

(iii) housing and building codes and regulatory practices;

(iv) existing and new consensus specifications and work practices documents;

(v) capacity building and training programs that help increase and diversify the supply of practitioners who perform assessments of housing-related health hazards and interventions to address housing-related health hazards; and

(vi) programs that increase community awareness of, and education on, housing-related health hazards and available assessments and interventions;

(E) develop a comprehensive healthy housing research agenda that considers health, safety, environmental, and energy factors, to—

(i) identify cost-effective assessments and treatment protocols for housing-related health hazards in existing housing;

(ii) establish links between housing hazards and health outcomes;

(iii) track housing-related health problems including injuries, illnesses, and death;

(iv) track housing conditions that may be associated with health problems;

(v) identify cost-effective protocols for construction of new healthy housing; and

(vi) identify replicable and effective programs or strategies for addressing housing-related health hazards;

(4) hold biannual meetings with stakeholders and other interested parties in a location convenient for such stakeholders, or hold open Council meetings, to receive input and ideas about how to best meet the healthy housing needs of families and individuals;

(5) maintain an updated website of policies, meetings, best practices, programs and services, making use of existing websites as appropriate, to keep people informed of the activities of the Council; and

(6) work with member agencies to collect and maintain data on housing-related health hazards, illnesses, and injuries so that all data can be accessed in 1 place and to identify and address unmet data needs.

(b) REPORTS.—

(1) BY MEMBERS.—Each year the head of each agency who is a member of the Council shall prepare and transmit to the Council a report that briefly summarizes—

(A) each healthy housing-related program and service administered by the agency and the number of families and individuals served by each program or service, the resources available in each program or service, and a breakdown of where each program and service can be accessed;

(B) the barriers and impediments, including statutory or regulatory, to the access and use of such programs and services by families and individuals, with particular attention to the barriers and impediments experienced by low-income families and individuals;

(C) the efforts made by the agency to increase opportunities for families and individuals, including low-income families and individuals, to reside in healthy housing, including how the agency is working with other agencies to better coordinate programs and services; and

(D) any new data collected by the agency relating to the healthy housing needs of families and individuals.

(2) BY THE COUNCIL.—Each year the Council shall prepare and transmit to the President and the Congress, a report that—

(A) summarizes the reports required in paragraph (1);

(B) utilizes recent data to assess the nature of housing-related health hazards, and associated illnesses and injuries, in the United States;

(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs and problems described in subparagraph (B);

(D) describes the activities and accomplishments of the Council in working with Federal, State, and local governments, nonprofit organizations and for-profit entities in coordinating programs and services to meet the needs described in subparagraph (B) and the resources available to meet those needs;

(E) assesses the level of Federal assistance required to meet the needs described in subparagraph (B); and

(F) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

#### SEC. 6. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM AGENCIES.—Agencies which are represented on the Council shall provide all requested information and data to the Council as requested.

(c) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) IN GENERAL.—The Council may accept, use, and dispose of gifts or donations of services or property.

(2) INTERNAL REGULATIONS.—The Council shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

(e) CONTRACTS AND INTERAGENCY AGREEMENTS.—The Council may enter into contracts with State, Tribal, and local governments, public agencies and private-sector entities, and into interagency agreements with Federal agencies. Such contracts and interagency agreements may be single-year or multi-year in duration.

#### SEC. 7. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall be reasonably compensated for that member's participation in the Council, including reimbursement for travel expenses as described in subsection (b).

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) COMPENSATION.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as are necessary to carry out the duties of the Council. The rate of compensation may be set without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) TEMPORARY AND INTERMITTENT SERVICES.—In carrying out its objectives, the Council may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the

Executive Schedule under section 5316 of such title.

(e) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) **ADMINISTRATIVE SUPPORT.**—The Secretary of Housing and Urban Development shall provide the Council with such administrative (including office space) and supportive services as are necessary to ensure that the Council can carry out its functions.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act, \$750,000 for each of fiscal years 2010 through 2014.

(b) **AVAILABILITY.**—Amounts authorized to be appropriated by subsection (a) shall remain available for the 2 fiscal years following such appropriation.

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Mr. KOHL, and Mrs. SHAHEEN):

S. 1659. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CASEY. Mr. President, I rise today to join with Senators KOHL, GILLIBRAND and SHAHEEN to introduce the Senior Investor Protections Enhancement Act of 2009.

This important legislation would increase the fines imposed on those who commit securities violations against seniors and thereby provide additional security to a group who relies on their savings for survival.

Seniors increasingly rely on private investments for their retirement. Over the last 30 years, traditional employer sponsored pension plans, known as defined benefit plans, have been on the decline. In 1975, 88 percent of private-sector workers were covered by defined benefit plans; by 2005, that number had shrunk to 33 percent of the private-sector workforce.

Today, seniors control nearly \$15 billion in assets. These individuals face complicated decisions about how to best stretch their hard earned savings throughout their retirement.

Unfortunately, these assets are at risk from traditional fraud and Ponzi schemes. Seniors are often offered complicated investment tools such as reverse mortgages and various annuity products. While these products can be very valuable to Americans generally and seniors specifically, they can also be abused by unscrupulous actors.

In fact, research shows that senior citizens face serious risks from fraudulent salesmen. A MetLife study found that seniors incur an estimated \$2.6 billion in losses due to financial abuse each year. In total, seniors account for more than half of all investor complaints received by state securities regulators.

During the last Congress, under the leadership of Senator KOHL, the Aging

Committee held a hearing to examine some of the questionable practices that so-called senior financial investment specialists use to gain access to the retirement savings of older Americans. A report by the Committee revealed that many seniors have lost their life savings because they followed investment advice ill-suited to their retirement needs and life expectancy.

The Senior Investor Protections Enhancement Act will address these issues by increasing the penalties for existing securities violations by an additional \$50,000 for financial crimes committed by those 62 and higher, the age at which many orient their investments to be in conjunction with social security eligibility. Violations could include selling them products that are unsuitable for their age, failing to disclose fees, charging large penalty fees, or switching the investment product actually sold from the one that was marketed.

We need to enhance the protections afforded to seniors. Please join us in support of the Senior Investor Protections Enhancement Act of 2009.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 258—COMMEMORATING THE 100TH ANNIVERSARY OF THE UNIVERSITY OF WISCONSIN-LA CROSSE

Mr. KOHL (for himself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 258

Whereas La Crosse is located on the western border of middle-Wisconsin, on the east side of the Mississippi River;

Whereas the first Europeans to see the site of La Crosse were French fur traders who traveled the Mississippi River in the late 17th century;

Whereas La Crosse was incorporated as a city in 1856;

Whereas Thomas Morris sponsored a bill in the Wisconsin State Senate that led to the creation of the current-day University of Wisconsin-La Crosse;

Whereas the University of Wisconsin-La Crosse was founded in 1909 as the La Crosse State Normal School for the purpose of teacher preparation;

Whereas the philosophy of Fassett A. Cotton, the university's first president, was to train the whole person;

Whereas "mens corpusque", Latin for "mind and body", is the motto on the university seal;

Whereas the college changed its name to Wisconsin State College-La Crosse in 1951 when the Wisconsin State teachers colleges began awarding baccalaureate degrees in liberal arts;

Whereas the University of Wisconsin-La Crosse offers 88 undergraduate programs in 44 disciplines and 26 graduate programs;

Whereas the University of Wisconsin-La Crosse celebrated its 50th anniversary in 1959, the same year that presidential candidate John F. Kennedy visited the campus and spoke to the student body in Graff Main Hall auditorium;

Whereas U.S. News & World Report ranked the University of Wisconsin-La Crosse second among midwestern public universities offering bachelor's and master's degrees;

Whereas the University of Wisconsin-La Crosse men's athletic teams adopted the nickname "Eagles" in the fall of 1989, and the women's teams adopted that nickname a year later;

Whereas the University of Wisconsin-La Crosse athletic teams have won 59 National Collegiate Athletic Association Division III titles in 9 different sports; and

Whereas 2009 marks the 100th anniversary of the founding of the University of Wisconsin-La Crosse: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 100th anniversary of the University of Wisconsin-La Crosse; and

(2) commends the university for its status as a leading public university that excels in academics, athletics, and quality of life for students.

Mr. KOHL. Mr. President, today I rise to recognize the University of Wisconsin-La Crosse on the 100th anniversary of its founding. As the university celebrates 100 years of service to the people of Wisconsin, I am reminded of the excellent tradition of higher education championed not only by the state of Wisconsin, but by our entire Nation. Education is the driving force behind the prosperity of this nation, and institutions such as the University of Wisconsin—La Crosse have helped prepare our most influential leaders and scholars throughout our Nation's history. I applaud UW—La Crosse for its contributions to the state of Wisconsin and the U.S. over the past 100 years of its rich history.

One hundred years ago, Wisconsin State Senator Thomas Morris sponsored a bill that would eventually create the University of Wisconsin—La Crosse, which was founded in 1909 as the La Crosse State Normal School. The honorable Fassett A. Cotton, the university's first president, insisted that the education provided at his school would shape the whole person. The university's motto, emblazoned on its official seal, reads "mens corpusque", Latin for "mind and body". At the university's 50th anniversary in 1959, presidential candidate John F. Kennedy spoke to the students in the Graff Main Hall auditorium. Today, the university is recognized as a premier Midwestern public university by U.S. News & World Report. The University of Wisconsin—La Crosse offers 88 undergraduate programs in 44 disciplines, along with 26 graduate programs. Its athletics programs complement its superb academic reputation, having won 59 National Collegiate Athletic Association Division III titles in nine different sports.

Therefore, in this centennial anniversary year for the reputable University of Wisconsin—La Crosse, I would recommend that educational institutions across the Nation look to La Crosse as an example of great academic achievement. I would also like to express my

gratitude to this university for providing 100 years of outstanding service to the people of Wisconsin.

**SENATE RESOLUTION 259—DESIGNATING SEPTEMBER 13, 2009, AS “NATIONAL CELIAC DISEASE AWARENESS DAY”**

Mr. INHOFE (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 259

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas such problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas ½ of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can be treated only by implementing a diet free of wheat, barley, rye, and oats, often called a “gluten-free diet”;

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk for malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, “if the patient can be cured at all, it must be by means of diet”;

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 13, 2009, as “National Celiac Disease Awareness Day”;

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe National Celiac Disease Awareness Day with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society and the Celiac Disease Foundation.

**SENATE RESOLUTION 260—DESIGNATING SEPTEMBER 16, 2009, AS “THE AMERICAN LEGION DAY”**

Ms. SNOWE (for herself, Mrs. LINCOLN, Ms. COLLINS, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 260

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as “Legionnaires”) provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the “G. I. Bill of Rights”;

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran's service to the United States continues long after the veteran is honorably dis-

charged from the Armed Forces of the United States: Now, therefore, be it

*Resolved*, That the Senate designates September 16, 2009, as “The American Legion Day”.

**SENATE RESOLUTION 261—DESIGNATING SEPTEMBER 12, 2009, AS “NATIONAL DAY OF ENCOURAGEMENT”**

Mr. PRYOR submitted the following resolution; which was considered and agreed to:

S. RES. 261

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 12, 2009, as “National Day of Encouragement”;

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2307. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2308. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2309. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2310. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2311. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2312. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2313. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2314. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2315. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2316. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2317. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2318. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2319. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2320. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2321. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2322. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2323. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2324. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2325. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2326. Mr. WHITEHOUSE (for Mr. SCHUMER) proposed an amendment to the resolution S. Res. 245, recognizing September 11 as a "National Day of Service and Remembrance".

SA 2327. Mr. WHITEHOUSE (for Mr. SCHUMER) proposed an amendment to the resolution S. Res. 245, *supra*.

SA 2328. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2329. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2307.** Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_\_. None of the funds made available by this Act may be used for surface transportation priorities.

**SA 2308.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_\_. None of the funds made available by this Act may be used for any economic development initiative at a brownfield site (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

**SA 2309.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **ELIMINATION OF EARMARK FOR PANHANDLE AREA DEVELOPMENT DISTRICT.**

None of the funds made available under this Act may be used for the Panhandle Area Development District in Gering, Nebraska, to remodel an existing building for use as a physical and virtual small business incubator to serve the Panhandle of Nebraska.

**SA 2310.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **ELIMINATION OF EARMARK FOR PORTSMOUTH MUSIC HALL.**

None of the funds made available under this Act may be used for the Portsmouth Music Hall in Portsmouth, New Hampshire, for repairs, restoration, or modernization of a theater, or construction of an additional space.

**SA 2311.** Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **ELIMINATION OF EARMARK FOR THE CITY OF GIG HARBOR.**

None of the funds made available under this Act may be used for the City of Gig Harbor, Washington, for improved physical access to area businesses.

**SA 2312.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **ELIMINATION OF EARMARK FOR THE CONSUMER CREDIT COUNSELING SERVICE.**

None of the funds made available under this Act may be used for the Consumer Credit Counseling Service in Las Vegas, Nevada, for foreclosure prevention efforts.

**SA 2313.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **ELIMINATION OF EARMARK FOR THE JACKSONVILLE AREA LEGAL AID.**

None of the funds made available under this Act may be used for the Jacksonville Area Legal Aid in Jacksonville, Florida for foreclosure prevention training and other legal services.

**SA 2314.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **ELIMINATION OF EARMARK FOR NEIGHBORWORKS LINCOLN.**

None of the funds made available under this Act may be used for NeighborWorks Lincoln in Lincoln, Nebraska for neighborhood revitalization, including elimination of blight, construction of single family homes, rehabilitation, and repairs.

**SA 2315.** Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ELIMINATION OF EARMARK FOR THE NORTH END ACTION TEAM.**

None of the funds made available under this Act may be used for the North End Action Team in Middletown, Connecticut for foreclosure prevention assistance.

**SA 2316.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ELIMINATION OF EARMARK FOR THE URBAN LEAGUE OF SOUTHERN CONNECTICUT.**

None of the funds made available under this Act may be used for the Urban League of Southern Connecticut in Stamford, Connecticut for homeownership and foreclosure prevention counseling.

**SA 2317.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . None of the funds made available by this Act may be used to renovate a complex in Tallahatchie County, Mississippi.

**SA 2318.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . None of the funds made available by this Act may be used by the Ada Public Works Authority to construct a water tower in Ada, Oklahoma.

**SA 2319.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending Sep-

tember 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . None of the funds made available by this Act may be used to renovate a historical structure in Oxford, Mississippi.

**SA 2320.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . None of the funds made available by this Act may be used to construct a beach park promenade in Pascagoula, Mississippi.

**SA 2321.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . None of the funds made available by this Act may be used to purchase the equipment needed to construct a city-wide broadband network for the City of Ruston, Louisiana.

**SA 2322.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . None of the funds made available by this Act may be used to construct a children's museum in Wilmington, Delaware.

**SA 2323.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . None of the funds made available by this Act may be used to construct a public access floating dock system in Savannah, Georgia.

**SA 2324.** Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . None of the funds made available by this Act may be used to renovate an arts pavilion in Jackson County, Mississippi.

**SA 2325.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . None of the funds made available by this Act may be used to expand high-speed broadband connectivity in St. Johnsbury, Vermont.

**SA 2326.** Mr. WHITEHOUSE (for Mr. SCHUMER) proposed an amendment to the resolution S. Res. 245, recognizing September 11 as a "National Day of Service and Remembrance"; as follows:

On page 3, line 3, strike "annually observe a 'National Day of Service and Remembrance'" and insert "observe a 'National Day of Service and Remembrance' on September 11, 2009'".

**SA 2327.** Mr. WHITEHOUSE (for Mr. SCHUMER) proposed an amendment to the resolution S. Res. 245, recognizing September 11 as a "National Day of Service and Remembrance"; as follows:

Amend the title so as to read: "Recognizing September 11, 2009, as a 'National Day of Service and Remembrance'".

**SA 2328.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . Notwithstanding any other provision of law, funds made available under the Consolidated Appropriations Act, 2008 (Public Law 110-161) for "I-35W Reconstruction Design, New Brighton, MN", and under the Omnibus Appropriations Act, 2009 (Public Law 111-8) for "I-35W North Congestion Mitigation and Design, MN", shall be available for obligation and expenditure for construction in that corridor.

**SA 2329.** Ms. KLOBUCHAR submitted an amendment intended to be proposed

by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 215, between lines 2 and 3, insert the following:

SEC. 156. Notwithstanding any other provision of law, amounts made available for the Railroad Rehabilitation and Improvement Financing Program under title I of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8) and directed to "Phase 3 Rail Rehabilitation in Redwood Falls, MN" in the explanatory statement appearing on page H2472 of the Congressional Record shall be available for obligation and expenditure for "Minnesota Valley Regional Rail Authority, MN."

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, September 17, 2009, at 2:15 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Gina.Weinstock@energy.senate.gov.

For further information, please contact Jonathan Black or Gina Weinstock.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 10, 2009, at 2:30 p.m., to conduct a hearing entitled "Oversight of the SEC's Failure To Identify the Bernard L. Madoff Ponzi Scheme and How To Improve SEC Performance."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate

on September 10, 2009, at 2:15 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oil and Gas Tax Provisions: A Consideration of the President's FY2010 Budget Proposal."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 10, 2009, at 2:30 p.m., to hold a hearing entitled "Iraq: Report from the Field."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 10, 2009, at 10 a.m., to conduct a hearing entitled "Follow the Money: An Update on Stimulus Spending, Transparency, and Fraud Prevention."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 10, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 10, 2009, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 10, 2009. The Committee will meet in room 345 of the Cannon House Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that April Saylor and Elyse Kamps of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Joanne

Waszczak and Dedre Goodman, detailees from the Department of Transportation to the Committee on Appropriations, be granted unlimited privileges of the floor during consideration of the Transportation-HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DAY OF SERVICE AND REMEMBRANCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 245 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 245) recognizing September 11 as a "National Day of Service and Remembrance."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that an amendment to the resolution, which is at the desk, be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; that an amendment to the title, which is at the desk, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2326) was agreed to as follows:

On page 3, line 3, strike "annually observe a 'National Day of Service and Remembrance'" and insert "observe a 'National Day of Service and Remembrance' on September 11, 2009'".

The resolution (S. Res. 245), as amended, was agreed to.

The preamble was agreed to.

The title amendment (No. 2327) was agreed to, as follows:

Amend the title so as to read: "Recognizing September 11, 2009, as a 'National Day of Service and Remembrance'."

The resolution, as amended, with its preamble, reads as follows:

##### S. RES. 245

Whereas, on September 11, 2001, terrorists ruthlessly attacked the United States, leading to the tragic deaths and injuries of thousands of innocent United States citizens and other citizens from more than 90 different countries and territories;

Whereas in response to the attacks in New York City, Washington, DC, and Shanksville, Pennsylvania, firefighters, police officers, emergency medical technicians, physicians, nurses, military personnel, and other first responders immediately and without concern for their own well-being rose to service, in a heroic attempt to protect the lives of those still at risk, consequently saving thousands of men and women;

Whereas in the immediate aftermath of the attacks, thousands of recovery workers, including trades personnel, iron workers, equipment operators, and many others, joined with firemen, police officers, and military personnel to help to search for and recover victims lost in the terrorist attacks;

Whereas in the days, weeks, and months following the attacks, thousands of people in the United States and others spontaneously volunteered to help support the rescue and recovery efforts, braving both physical and emotional hardship;

Whereas many first responders, rescue and recovery workers, and volunteers, as well as survivors of the 9/11 terrorist attacks, continue to suffer from serious medical illnesses and emotional distress related to the physical and mental trauma of the 9/11 tragedy;

Whereas hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of the United States Armed Forces, with thousands having given their lives or suffered injury to defend our Nation's security and prevent future terrorist attacks;

Whereas the entire Nation witnessed and shared in the tragedy of September 11, 2001, and in the immediate aftermath of the attacks became unified under a remarkable spirit of service and compassion that inspired and helped heal the Nation;

Whereas in the years immediately following the attacks of September 11, 2001, the U.S. Bureau of Labor Statistics documented a marked increase in volunteerism among the people of the United States;

Whereas families of 9/11 victims, survivors, first responders, rescue and recovery workers, and volunteers called for Congress to pass legislation to formally authorize the establishment of September 11 as an annually recognized "National Day of Service and Remembrance", and for the President of the United States to proclaim the day as such;

Whereas, in 2004, Congress unanimously passed H. Con. Res. 473, expressing the sense of Congress that it is appropriate to observe the anniversary of the attacks of September 11, 2001, with voluntary acts of service and compassion;

Whereas hundreds of thousands of people in the United States from all 50 States, as well as others who live in 170 different countries, annually observe the anniversary of the attacks of September 11, 2001, by personally engaging in service, good deeds, and other charitable acts; and

Whereas, on March 31, 2009, Congress passed the Edward M. Kennedy Serve America Act, which included for the first time authorization and Federal recognition of September 11 as a "National Day of Service and Remembrance", a bill signed into law on April 21, 2009, by President Barack Obama: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls upon all people in the United States to observe a "National Day of Service and Remembrance" on September 11, 2009, with appropriate and personal expressions of reflection, including performing good deeds, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, in tribute to those who rose to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people in the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited through-

out the Nation following the terrorist attacks of September 11, 2001.

#### NATIONAL ESTUARIES DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 247 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 247) designating September 26, 2009 as "National Estuaries Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 247) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 247

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of employment, and 49 percent of economic output located in such regions;

Whereas coasts and estuaries contribute more than \$800,000,000,000 annually in trade and commerce to the Nation's economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating \$8,000,000,000 to \$12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported through commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed over the last 100 years;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, and harmful algae;

Whereas sea level rise is accelerating the degradation of estuaries by submerging low-lying lands, eroding beaches, converting wetlands to open water, exacerbating coastal flooding, and increasing the salinity of estuaries and freshwater aquifers;

Whereas in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), Congress

found and declared that it is national policy to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone, including estuaries, for current and future generations;

Whereas estuary restoration efforts cost-effectively restore natural infrastructure in local communities, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 26, 2009, has been designated "National Estuaries Day" to increase awareness among all citizens, including local, State, and Federal officials, about the importance of healthy estuaries and the need to protect them: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 26, 2009, as "National Estuaries Day";

(2) supports the goals and ideals of "National Estuaries Day";

(3) acknowledges the importance of estuaries to the Nation's economic well-being and productivity;

(4) recognizes the persistent threats that undermine the health of the Nation's estuaries;

(5) applauds the work of national and community organizations and public partners to promote public awareness, protection, and restoration of estuaries; and

(6) reaffirms its support for estuaries, including the preservation, protection, and restoration thereof, and expresses its intent to continue working to protect and restore the estuaries of the United States.

#### NATIONAL CELIAC DISEASE AWARENESS DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 259, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 259) designating September 13, 2009, as "National Celiac Disease Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 259) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 259

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas when a person with celiac disease consumes foods that contain certain protein

fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas such problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas ½ of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can be treated only by implementing a diet free of wheat, barley, rye, and oats, often called a "gluten-free diet";

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk for malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, "if the patient can be cured at all, it must be by means of diet";

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 13, 2009, as "National Celiac Disease Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe National Celiac Disease Awareness Day with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society and the Celiac Disease Foundation.

#### THE AMERICAN LEGION DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 260, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 260) designating September 16, 2009, as "The American Legion Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise to support this legislation I introduced with Senator LINCOLN, Senator COLLINS, and Senator CHAMBLISS, which would officially recognize this Nation's largest veterans' service organization, The American Legion, and its vital role in communities across the Nation, by designating September 16, 2009, as "The American Legion Day."

Nothing describes the role of The American Legion more beautifully than its preamble to its constitution which is recited by its members at the beginning of every official meeting.

For God and Country, we associated ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the Master of Might; to promote peace and good will on earth; to safeguard and transmit to Posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

I think we all would agree that these are extremely lofty goals for any organization, but amazingly The American Legion continues to work towards these objectives—not for themselves, but for America.

Most people are surprised to learn that The American Legion was actually founded in Paris, France. You see World War I veterans remembered the challenges facing other wartime veterans from previous generations and vowed not to let their fellow comrades face the same hardships, especially those with service-connected disabilities. They were concerned with employment opportunities for returning combat veterans. They were concerned about the survivors of combat veterans who had paid the ultimate sacrifice in service to their country. They were concerned about medical care for the wounded and ill returning service members.

Now, as at its founding, The American Legion remains focused on supporting military service members and their families. Since December, The American Legion's Operation Comfort Warrior raised over \$170,000 to buy merchandise for Wounded Warriors in military treatment centers around the country. The American Legion also established the "Heroes to Hometowns" program which helps local communities prepare "welcome home" events when wounded warriors are finally released from military or veterans' affairs medical centers. Since the first Gulf War, The American Legion has maintained its Family Support Network which assists deployed service members and their families, especially

members of the National Guard and Reserves. Some requests are for financial assistance, but other requests are simply for household chores, such as lawn work or car maintenance, that would normally be done by the soldier, sailor, airmen, Marine, were they not deployed. No request is too large or too small.

Many Legionnaires can be found in public schools on Veterans' Day or Memorial Day talking about their military service in periods of armed conflict to make sure the next generation of Americans understands the sacrifices and hardships of previous generations of wartime veterans. Legionnaires also teach students about the proper display and care of the Flag of the United States.

The American Legion works closely with the American Red Cross—the largest organization of blood donors and a working partner in disaster assistance. Many American Legion Posts serve as Red Cross and FEMA work centers in areas hit by natural disasters.

The American Legion is also proud of its membership's spirit of volunteerism. Each year, Legionnaires volunteer over a million hours of services in VA and military medical facilities, State veterans' homes, and other such community volunteer opportunities.

And one of the most solemn of functions is providing burial details for fallen comrades of every generation. The American Legion Color Guards, Buglers and Rifle Squads perform thousands of burials in veterans' and private cemeteries around the Nation.

As all of us in this chamber know, The American Legion remains today an active and vigorous advocate for service members, veterans and their families here on Capitol Hill. Among its greatest legislative achievements was the enactment of the Servicemen's Readjustment Act of 1944, the GI Bill of Rights. The initial draft of the GI Bill was written by Legionnaires at the Mayflower Hotel here in Washington, DC. Many consider the GI Bill as one of the greatest pieces of legislation ever enacted.

Congress presented The American Legion its Federal charter on September 16, 1919; therefore, I think it only fitting that we proclaim September 16, 2009, "The American Legion Day." I sincerely hope that my colleagues will join me in supporting this well-earned measure, demonstrating our mutual esteem and reverence for this outstanding organization.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 260

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as "Legionnaires") provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the "G. I. Bill of Rights";

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran's service to the United States continues long after the veteran is honorably discharged from the Armed Forces of the United States: Now, therefore, be it

*Resolved*, That the Senate designates September 16, 2009, as "The American Legion Day".

#### NATIONAL DAY OF ENCOURAGEMENT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 261, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 261) designating September 12, 2009, as "National Day of Encouragement."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 261) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 261

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 12, 2009, as "National Day of Encouragement";

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

#### PRINTING TRIBUTES FOR SENATORS KENNEDY AND MARTINEZ

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the tributes to Senators Kennedy and Martinez in the CONGRESSIONAL RECORD be printed as separate Senate documents and that Senators be permitted to submit statements for inclusion until Friday, October 9, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to the provisions of Public

Law 99-93, as amended by Public Law 99-151, appoints the Senator from New Mexico (Mr. UDALL) as a member of the United States Senate Caucus on International Narcotics Control.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 405, 419, and 420; that the nominations be confirmed en bloc and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the Record; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF THE INTERIOR

Anthony Marion Babauta, of Virginia, to be an Assistant Secretary of the Interior.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Gary S. Guzy, of the District of Columbia, to be Deputy Director of the Office of Environmental Quality.

#### DEPARTMENT OF COMMERCE

John R. Fernandez, of Indiana, to be Assistant Secretary of Commerce for Economic Development.

Mr. WHITEHOUSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WHITEHOUSE and Mr. MENENDEZ are printed in today's RECORD under "Remembering Senator Edward M. Kennedy.")

The PRESIDING OFFICER. The Senator from New Jersey.

#### ORDERS FOR FRIDAY, SEPTEMBER 11, 2009

Mr. MENENDEZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, September 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the

morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a moment of silence in commemoration of the eighth anniversary of the September 11 attacks; further, that following the moment of silence, the Senate proceed to a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each; and, finally, I ask that following morning business, the Senate resume consideration of Calendar No. 153, H.R. 3288, the Transportation, HUD, and related agencies appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. MENENDEZ. Mr. President, there will be no rollcall votes during Friday's session of the Senate. I ask unanimous consent that following the remarks of Senator CARPER and Senator BENNET of Colorado, the Senate adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BENNET. Mr. President, on this day, the day after the President's speech to the joint session, and on a day when so many of our colleagues have given so many moving tributes to Senator Kennedy, I come to the floor tonight to talk a little bit about health care. What I want to do is share a presentation I have given in every corner of my State—all across Colorado, in rural Colorado, urban Colorado.

I am extremely proud that over the course of the entire recess—though we had townhall meetings all across our State, and though there were lots of different feelings about whether the reform we have been pursuing is a good idea—every one of the conversations we had was a substantive conversation, a serious conversation, about what our working families and small businesses are facing as a consequence of the status quo and also the fiscal problems we are facing as a country and how health care reform, done right, is an important part to fixing our financial health.

So tonight what I want to do is go through some of those slides. I will try to be pretty brief because the hour is late. But I want to give a context of the kinds of conversations we had in

our State. I think the overarching feeling people had when we were done was that we do need to change the status quo. The status quo is absolutely intolerable for our working families and small businesses. But there is a deep concern that we have the capacity to make it even worse. I left every meeting saying I think that is too low a standard for the Congress. We need to do much better than that. We need to get this health care reform done. But we need to get it done right, and we need to take the time that is required to get it right.

The first thought I always started with was just to explain to people what the difference was between our deficit and our debt. Our deficit, as this slide shows, is the annual gap between our revenues and our expenses. And debt, which we have far too much of in this country, is what adds up year after year after year if we continue to have our deficits.

The second slide shows that over the years we have actually done a pretty good job of managing our deficit. Anything over 3 percent of GDP is a problem because it is not sustainable. Our borrowing costs will outstrip our ability to catch up to our deficits if we are above 3 percent GDP. This slide shows, over the years, except for in wartime, except in World War II—and more recently during the wars in Iraq and Afghanistan—we have not gone far above the 3 percent of GDP.

This slide just shows us how we have stacked up debt so quickly over the last decade or so. We had about \$5 trillion of debt on the country, on the Nation when the last President assumed the Presidency. We are now at \$12 trillion. As we can see, there has been an enormous spike between 2000 and today.

This is just a slide that shows how much debt this really is. Our entire economy, our entire GDP, gross domestic product, is \$14 trillion. Our debt is \$12 trillion today. We can see that these other countries all have a much smaller GDP than we do. That is good news.

Unfortunately, some of these folks, particularly China, own an awful lot of our debt.

We also took the time to say to people: How did this happen? How did we let this happen to the American people and to our kids and our grandkids? How is it possible that in virtually the blink of an eye we went from having \$5 trillion of debt on the country to having \$12 trillion of national debt?

As we can see here, both parties bear responsibility for where we are. The tax cuts in the early 2000s are responsible for \$1.4 trillion of the debt passed on to our kids and our grandkids; \$900 billion for the wars in Iraq and Afghanistan, which we did not pay for—we did not make the choices we needed to pay for it; we put it on our kids and our

grandkids—the Recovery Act funding, which is roughly \$780 billion—40 percent or so in tax cuts, the rest in spending—the bank bailout, half in the last administration, half in this administration, \$600 billion, and Medicare Part D, the drug program for seniors, which, again, may be a very legitimate program. It may be a program people would like to have. We did not pay for it. We said to our kids and our grandkids: You pay for it.

These are just CBO numbers that show our steady state. If we do not do anything to change course, the amount of debt will just continue to grow.

Then, finally—and this is going to take us into the health care discussion we had in Colorado over the recess—if we look at the biggest drivers of our future deficits, what we see on this slide is that here is our tax revenue line, and we can see it is pretty flat over time, from 2008 to 2039. But the biggest drivers are our interest on the debt that we are putting on the backs of our kids and our grandkids, and the spiraling cost—or maybe a better word is the skyrocketing cost, given the direction of this line—of Medicare and Medicaid.

The President talked about this last night. The biggest driver, other than interest, is rising Medicare and Medicaid costs. Obviously, the biggest driver of rising Medicare and Medicaid costs is rising health care costs.

So, in my judgment, no matter what one thinks about the health care reform discussion, if you are somebody who takes seriously the idea that we have to get hold of our deficit, we have to get hold of this national debt before it so constrains the choices of our kids and our grandkids that we are not providing them with the kind of choices or opportunities they ought to have, we need to do something about the trajectory of those Medicare and Medicaid lines, and that means health care reform.

This slide shows there is no way we can cut ourselves out of the problem with just discretionary spending cuts. This slide shows if we do not do anything differently now, we are all going to be talking about tax cuts in the future that none of us would ever reasonably support.

So my view is we do face a very significant fiscal challenge in this country and that health care reform is not sufficient to solve that problem, but it is an important step, and, in fact, the problem cannot be solved without addressing health care.

As this slide says, we need to urgently address health care reform to help solve our Nation's fiscal crisis and also provide greater access to quality, affordable health coverage.

There are a lot of questions in my State about whether we are up to making the tough choices that need to be made to be able to create a piece of legislation that can produce meaningful

reform and can do it in a way that changes the cost curve for Medicare and Medicaid. I, frankly, do not think we have a choice. I do not think we have a choice because our working families and small businesses cannot endure another decade like the last one.

These numbers apply to my State but are very similar in States all across the United States. In Colorado, if we look over the last 10 years, our median family income has actually gone down by about \$800. By the way, that was before we entered the worst recession since the Great Depression. So that number is probably even worse today. Most certainly it is worse.

This, by the way, is an important issue for our working families, our families in our State, because it implies something about how well our economy is working or not working for middle-class families. It is very worrisome to see that our income is down \$800. The national number, I believe, over the same period is that it is down \$300.

But at the same time our families' revenues were flat, the health care cost premiums in Colorado went up by 97 percent—almost double. Mr. President, I can tell you, I have now visited every one of the 64 counties in Colorado and had conversations in every place. I can find people who disagree on everything. But I can also tell you there is not a single person in a single one of those counties who has said to me: My health care insurance is 97 percent better today than it was at the beginning of the decade or my health care coverage is 97 percent better than it was at the beginning of the decade. Thank you, MICHAEL BENNET, for making sure my costs went up by 97 percent. Nobody is saying that. In fact, the reverse is true. The quality of the coverage is actually going down.

In my State, also, over the same period of time, the cost of higher education has gone up by 50 percent. So here is what we are saying to our working families: You are going to have to make due with less. Your income in real dollars is going to be lower at the end of the decade than it was at the beginning of the decade. And, at the same time, you are going to have to assume dramatically increased health care premium costs and a dramatically increased cost for sending your child to one of our institutions of higher education.

It is no wonder that given the circumstances where household revenue is flat, the costs of things that are not nice to have—they are essential for the stability of our working families and our small businesses—that as our revenues have been flat, these costs have skyrocketed absolutely out of control. It is no wonder why, in my State and in States all across the United States, that the last decade saw a time when

families were saving not what they usually saved—which is 7 percent of their net income—but zero, and going into debt with credit cards and home equity loans in order to try to bridge this extraordinary gap between their revenues and their costs.

This is the second slide I showed on this subject in my State. This just makes the point that today in the United States, we are spending roughly 18 percent of our gross domestic product on health care. That is going to 20 percent in the blink of an eye if we don't do something different. What I believe and what I said out there is that we can't hope to compete in this global economy if we are spending a fifth of our economy on health care and every other industrialized country in the world is spending less than half that, or at least if we can find a way to spend less than that on health care, we should so that we can compete.

It is no different than if you had two small businesses—and the Presiding Officer is a small business owner—two small businesses across the street from each other that did the exact same thing and one was spending a fifth of its revenue on its light bill and the small business across the street was spending less than half that. You don't need an MBA to know which of those two companies is going to be able to invest in its business plan and grow for the future. So if we are going to compete in the way I know this country can compete, we have to do better than spending more than twice what all of our competition is spending on health care.

This is another slide that shows just how tough this has become for our middle-class families in Colorado. What we see here is that this is between 2000 and 2007. Again, this is before we entered the worst recession since the Great Depression. The numbers would be worse today. But what this shows is the rate of increase of insurance premiums—that is the red line—and the rate of increase in wages, which is the blue line.

When I was in these meetings, I would ask: Are there any small business people here?

And they would say: Yes, we are here.

I would say: Is this related? Are these two curves related to each other?

And they said: Of course, they are related to each other, because we are doing everything we can to try to continue to offer health insurance to our employees, but one of the effects that is having is we can't pay people the salary increases to which they are entitled.

So there is a direct relationship between the cost of insurance and the wage compression that is happening in our State.

By the way, I would hazard a guess that one of the reasons median family income is down is that small businesses are struggling mightily to keep insuring their workforce.

This is just a slide that shows that if we don't change anything, if we hang on to the status quo, by 2016 a lot of our families are going to be spending 40 cents of every one of their household dollars on health insurance.

The current system is bankrupting a lot of our families. Sixty-two percent of all bankruptcies are health care related. But the amazing thing to me on this slide is that of those health care-related bankruptcies, nearly 80 percent of them were folks who had coverage. These are people who bought coverage, they paid into the system to create security, to create stability, and when they needed that protection, it wasn't there. As a result, their families went bankrupt.

By the way, this could happen to anybody. As the President said last night, you could be anybody. Nobody can predict when they are going to get sick or when a child of theirs is going to get sick. That is an important point too.

All of these slides, everything up here is not about the folks in our country who aren't insured or the folks in our country who are insured; this is about 300 million Americans. Everything we have talked about should be of concern to everybody in our country.

This slide just shows what the current system means for small businesses, which, again, have struggled mightily—family-owned businesses, small businesses—to keep insuring their workforce. The slide on the left tells us that our small businesses pay 18 percent more to cover their employees than large businesses do.

While I was on the road, somebody said to me: Well, Michael, don't you know the reason for that is they are small and their pool is smaller and it is harder to spread the insurance risks across a small group of people?

Of course, that is true. But from a business perspective, it is absolutely ridiculous because no small business owner I know would invest 18 percent more for something unless they were making their business 18 percent more productive. Of course, the reverse is true here because they are buying the same thing the large company is—except they are not even buying the same thing. It is not as though they are getting 18 percent better coverage for their employees than the larger employers. The deductibles are higher. The lack of predictability is greater. It is a huge problem for small businesses.

It is no surprise that in my State, between 2002 and 2007, you can see the drop in the percentage of folks who are insured at work. Most of our folks, like the folks in the State of the Presiding Officer, are employed by small businesses, and we can see the effect these cost increases are having. They are just not able to keep up with those increases. The proof is in the pudding.

Here we see that over 50 percent of small businesses in 2000 were insuring their workforce, and now we are at about 40 percent, and that number is dropping.

So in my view, no matter where you are on questions such as a public option—which I support and have supported—or not a public option, the thing that should find us all together is driving costs down in our system.

I won't bother to go through all of these tonight, but I will say that, in my judgment, a lot of this is pretty commonsense reform that we all ought to be able to support: Changing our incentive structure so we reimburse people based on quality of care, not the quantity of care.

Coordinating patient care. We have an incredible example of this in Colorado with the Rocky Mountain Health Plans on our Western Slope and Grand Junction, Mesa County, also at the University of Colorado at Denver, also at Denver Health, the public hospital in Denver. But there are examples all over this country, such as the Mayo Clinic, a place any one of us would be proud to send our kids or send our parents for care, which is delivering a higher quality of care at a lower price. It is something we should all be able to support.

More focus on money on preventive care.

Increased competition so that our families and small businesses have a broader pool from which to choose. Fifty-three percent of people in my State, the State of Colorado, are insured by just two insurers.

This is an important point we haven't talked about enough; that is, the investment in health care IT. When I traveled through the 64 counties, there was not a county that I went to where there wasn't a convenience store. Apart from the loose beef jerky that sits on the counter, everything in that store had a bar code on it. That is 1970s technology that people have used to manage the inventory of their local convenience store, the business owner has used to manage their inventory. Only 3 percent of hospitals in this country use that sort of technology. One out of 25 doctors in this country uses that technology.

I am a parent of three little girls. They are 10, 8, and 5. I can't tell you the number of times I have had to take them to the doctor or take them to an emergency room and have to explain again the whole story of why we were there and what the last doctor told us or what the last nurse told us. That is not the fault of the doctors or nurses, but it is the fault of having a system of insurance and a medical system that has not invested in technology.

I have spent roughly half my career in the private sector. When I look at the complete lack of investment in technology when it comes to health

care and when it comes to electronic medical records, I find it breathtaking, staggering that we could have that kind of inefficiency. So this is an important investment as well.

Then, bundling payments to encourage medical professionals to work together for the benefit of patients.

The final slide I wanted to share is just a reminder that there is a lot of insurance reform that is part of the proposals that are floating around the Congress. This is the whole issue about having people no longer denied insurance because they have a preexisting condition or are losing their insurance because they face a lifetime cap of some kind that many people don't even know they have in their policy or because their child gets sick and nobody predicted that and they get thrown off their policy or because they lose their job. I think all of us can agree that is a good idea.

So as we leave this week and we go home again this weekend, as I get to go back to Colorado and continue to have conversations with people in my State, what I am going to be focused on are the areas of agreement that working families, small businesses, Democrats, Republicans, Independents, can all agree upon. I think if we could focus our energy there, focus our attention there, what we are going to find is that the areas of disagreement are actually smaller than we imagined them to be.

Finally, in my view, we have waited far too long to do these commonsense reforms. I know there is a lot of concern about our rushing into something, and I don't think we should rush. But I think we need to get this done, and I think we need to get it done right. The American people need us to because they cannot endure another 10 years of graphs that look like the ones I showed you.

I don't want to have to go back to Colorado and explain why only 25 percent of people are covered at work or why there has been another 97 percent increase in premiums or why, when people buy insurance, there is no predictability to that insurance. I have great hope and optimism that, working together, we are going to get that kind of health care reform done in a smart, wise, measured way, and in a way that will require implementation over a period of time. There is no doubt in my mind we are going to get this done.

With that, I thank the Chair for listening to my remarks.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. I ask unanimous consent that, under the previous order, the Senate adjourn until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 7:21 p.m., adjourned until Friday, September 11, 2009, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### COMMODITY FUTURES TRADING COMMISSION

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2010 (VICE WALTER LUKKEN, RESIGNED).  
SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2015. (RE-APPOINTMENT)

##### DEPARTMENT OF AGRICULTURE

HARRIS D. SHERMAN, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT, VICE MARK EDWARD REY, RESIGNED.

HARRIS D. SHERMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE MARK EDWARD REY.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF STATE

ANDREA M. CAMERON, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF COMMERCE

ANDREW J. BILLARD, OF CONNECTICUT

##### DEPARTMENT OF STATE

CLAYTON A. ALDERMAN, OF OREGON  
LEAH G. ALLEN, OF ARKANSAS  
ERIC P. ANDERSEN, OF THE DISTRICT OF COLUMBIA  
NATHAN ANDERSON, OF TEXAS  
ERIKA M. ARMSTRONG, OF VIRGINIA  
NAHIDE BAYRASLI, OF THE DISTRICT OF COLUMBIA  
JEREMY R. BERNDT, OF MASSACHUSETTS  
THERESA A. BLACKBURN, OF VIRGINIA  
DOUG BOUDREAU, OF VIRGINIA  
SANDRA BOWERS, OF OHIO  
CHARITY L. BOYETTE, OF VIRGINIA  
DAVID BRADFIELD, OF NEVADA  
JESSICA LYNN BRADSHAW, OF PENNSYLVANIA  
ALEXANDREA M. BRATTON, OF VIRGINIA  
JODI R. BREISLER, OF MINNESOTA  
ALAN Z. BRINKER, OF THE DISTRICT OF COLUMBIA  
SARA G. BURGESS, OF VIRGINIA  
CIERA DAWN BURNETT, OF MASSACHUSETTS  
VANNA CHAN, OF MINNESOTA  
MATTHEW GLENN CHOWN, OF CALIFORNIA  
DAWN M. COATS, OF VIRGINIA  
BEAU E. CONAWAY, OF VIRGINIA  
ANDREA LYNN COPPAGE, OF MARYLAND  
GIANGHIA NAR DAO, OF CONNECTICUT  
KEVIN GREGORY DAUCHER, OF ARIZONA  
JAMESON LEE DEBOSE, OF NEBRASKA  
DIANE C. DEL ROSARIO, OF NEW YORK  
THEODORE E. DIEHL, OF ILLINOIS  
JOHN H. DOUGLAS, OF VIRGINIA  
BRETT A. EGGLESTON, OF MASSACHUSETTS  
BENJAMIN HARRIS ELLIS, OF GEORGIA  
SAMANTHE A. EULETTE, OF GEORGIA  
JOSEPH FARBEANN, OF MASSACHUSETTS  
TERRANCE ELLIOTT FAVORS, OF COLORADO  
NICHOLAS C. FIETZER, OF MINNESOTA  
JOSHUA N. FINCH, OF WYOMING  
TARA EILEEN FOLEY, OF VIRGINIA  
MARY G. GAHNBERG, OF CALIFORNIA  
M. SHAYNE GALLAHER, OF THE DISTRICT OF COLUMBIA  
RAFAEL ANCHETA GONZALEZ, OF NORTH CAROLINA  
KESHAV GOPINATH, OF CALIFORNIA  
EMILY ROYSE GREEN, OF VIRGINIA  
CHRISTOPHER M. GRELLER, OF WYOMING  
TRAVIS AUSTIN GROUT, OF OHIO  
STEPHEN W. GUENTHER, OF VIRGINIA  
TOMAS ANDRES GUERRERO, OF VIRGINIA  
BRIAN HALL, OF COLORADO  
TONA K. HARRISON, OF MARYLAND  
ANA ELIZABETH HIMELIC, OF ARIZONA  
ELIZABETH A. HOLCOMBE, OF INDIANA  
DANIEL JOSEPH HORSFALL, OF TENNESSEE  
ROBERT FREDERICK HUBER, OF TEXAS  
ANGELA ITTOGE, OF CALIFORNIA  
JINANSHU C. JAIN, OF PENNSYLVANIA  
BRIAN JOHNSON, OF NORTH CAROLINA  
JONATHAN A. KENT, OF IOWA  
ANNA MARIE KERNER, OF SOUTH DAKOTA  
JENNIFER BARNES KERNS, OF OKLAHOMA  
MICHAEL J. KREIDLER, OF FLORIDA  
SAMANTHA KUO, OF CALIFORNIA  
SONIA LAUL, OF TEXAS  
LI PING LO, OF VIRGINIA  
ANDERS E. LYNCH, OF MARYLAND  
BRITTANY KATHARYN MACKEY, OF VIRGINIA  
EVAN CAMPBELL MAHER, OF WASHINGTON

CHRISTINE A. MARCUS, OF THE DISTRICT OF COLUMBIA  
 MEGHAN MCGILL, OF ARIZONA  
 JONATHAN MCKAY, OF WASHINGTON  
 CHRISTOPHER PAUL MEADE, OF CALIFORNIA  
 JONATHAN M. MERMIS—CAVA, OF CALIFORNIA  
 JAMES THOMAS MOFFITT, OF NEW MEXICO  
 ANDREW R. MOORE, OF MICHIGAN  
 SASHA K. MORENO, OF TEXAS  
 TRAVIS J. MURPHY, OF TEXAS  
 ALEXIS VESTA RUTH MUSSOMELI, OF WASHINGTON  
 LORENZO NEW, OF FLORIDA  
 MORGAN J. O'BRIEN III, OF NEW YORK  
 KEVIN JAMES OGLEY, OF CALIFORNIA  
 KELSEY PAYNE, OF VIRGINIA  
 CHARLES JOHN PEREGO, OF THE DISTRICT OF COLUMBIA  
 MATTHEW PHILLIPS, OF VIRGINIA  
 JESSICA PINO, OF THE DISTRICT OF COLUMBIA  
 LANCE L. POSEY, OF TENNESSEE  
 REGIS E. PREVOT, OF MAINE  
 JOSE M. QUEIROS, OF THE DISTRICT OF COLUMBIA  
 DANIEL RAKOVE, OF CALIFORNIA  
 ERIKA REGINA REYNOLDS, OF ILLINOIS  
 NICHOLAS HICKSON REYNOLDS, OF NEW HAMPSHIRE  
 VALERIA C. REYNOLDS, OF VIRGINIA  
 MICHAEL KEITH RITCHIE, OF ARIZONA  
 DAVID B. ROCHFORD, OF LOUISIANA  
 BRIAN P. ROGERS, OF MARYLAND  
 STEVEN DOUGLAS ROTH, OF VIRGINIA  
 JOHNATHAN MICHAEL ROY, OF TEXAS  
 LISA D. SALMON, OF VIRGINIA  
 ANDREW M. SCHNEIDER, OF ILLINOIS  
 STACY M. SESSION, OF COLORADO  
 CHARLES CASEY SHAMBLIN, OF VIRGINIA  
 SUCHETA SHARMA, OF GEORGIA

HYON B. SIM, OF THE DISTRICT OF COLUMBIA  
 GURDIT SINGH, OF MISSOURI  
 ANGIE C. SMITH, OF OHIO  
 SAMANTHA SMITH, OF OREGON  
 ELENA SODERBLOM, OF MARYLAND  
 TAMARA N. STERNBERG, OF WYOMING  
 ROBERT STEVENS, OF FLORIDA  
 PAUL STRAUSS, OF NEVADA  
 REBECCA LYNNE STRUWE, OF VIRGINIA  
 JOHN DAVID STUBBS, JR., OF NORTH CAROLINA  
 CHARLES ARTHUR THOMAS, OF TEXAS  
 GARY W. THOMPSON, OF VIRGINIA  
 AQUEELAH S. TORRANCE, OF PENNSYLVANIA  
 AMANDA JEAN TYSON, OF VIRGINIA  
 LYNN VACCA, OF GEORGIA  
 SHIRAZ U. WAHAJ, OF FLORIDA  
 MATTHEW BRENT WEST, OF VIRGINIA  
 SEAN P. WHALEN, OF MARYLAND  
 ANDREA TOLL WHITING, OF VIRGINIA  
 QUINTAN WIKTOROWICZ, OF VIRGINIA  
 JEFFREY A. WILLETT, OF VIRGINIA  
 BENJAMIN STEVEN WILLIAMS, OF TEXAS  
 KIMBERLY E. WILLIAMS, OF FLORIDA  
 JEFFREY ERIC ZINSMEISTER, OF CALIFORNIA  
 ALEKSANDRA PAULINA ZITTLE, OF VIRGINIA

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### CONFIRMATIONS

Executive nominations confirmed by  
 the Senate, Thursday, September 10,  
 2009:

#### EXECUTIVE OFFICE OF THE PRESIDENT

CASS R. SUNSTEIN, OF MASSACHUSETTS, TO BE ADMIN-  
 ISTRATOR OF THE OFFICE OF INFORMATION AND REGU-  
 LATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDG-  
 ET.

#### DEPARTMENT OF THE INTERIOR

ANTHONY MARION BABAUTA, OF VIRGINIA, TO BE AN  
 ASSISTANT SECRETARY OF THE INTERIOR.

#### EXECUTIVE OFFICE OF THE PRESIDENT

GARY S. GUZY, OF THE DISTRICT OF COLUMBIA, TO BE  
 DEPUTY DIRECTOR OF THE OFFICE OF ENVIRONMENTAL  
 QUALITY.

#### DEPARTMENT OF COMMERCE

JOHN R. FERNANDEZ, OF INDIANA, TO BE ASSISTANT  
 SECRETARY OF COMMERCE FOR ECONOMIC DEVELOP-  
 MENT.

The above nominations were ap-  
 proved subject to the nominees' com-  
 mitment to respond to requests to ap-  
 pear and testify before any duly con-  
 stituted committee of the Senate.

## EXTENSIONS OF REMARKS

RECOGNIZING CUBA, NY AND ITS  
LIBERTY POLE COMMEMO-  
RATING 9/11/2001

## HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. MASSA. Madam Speaker, I rise today to recognize the citizens of Cuba, NY, who tomorrow will dedicate a 150-foot flag pole, which they have dubbed the Liberty Pole, to commemorate the tragedy that befell our great Nation on September 11, 2001. I will have the honor of being at that ceremony, where I will see flown for the first time a large American flag that flew over this storied chamber only days ago.

Cuba, like thousands of small towns across our Nation, experienced the tremendous sadness and loss of that day, and like their fellow Americans they rose to the challenge, sending dozens of people to Ground Zero to assist in the rescue efforts. Volunteers from their fire department, ambulance corps, and local charities all donated their time, efforts, and equipment. These were acts of individual heroism, but more importantly, they were the acts of a selfless, compassionate, and patriotic community who answered the call for help in our Nation's time of need. Tomorrow, that community will come together to fly our Nation's flag atop the Liberty Pole, one of the tallest flag poles in the country.

As a veteran, our country's flag holds special meaning in my heart. Like so many before and after me, I rose in the morning and retired each night honoring our Nation's flag, privileged to have the duty of defending it from those who would cause what it stood for harm. In Cuba tomorrow, as that great flag flies over us, we will be reminded that this sacred duty is not exclusively that of the soldier. Men and women from all walks of life, privileged to be citizens of this greatest nation on Earth, share in this duty and in the responsibility of passing this flag and its solemn significance on to future generations of Americans. There have been 26 predecessors to our current fifty-star flag, but the American ideals of freedom, liberty, and of shared sacrifice represented by our flag have remained unchanged since our Nation's inception.

The Liberty Pole in Cuba will now stand for generations as a testament to the enduring patriotism of a community and of the resiliency of the American Spirit. Each day, our Nation's flag will fly atop its mast, reminding both the residents of Cuba, NY, and our Nation not only of the events of September 11, 2001, but of America's ability to overcome adversity, to share in sacrifice, to confront her enemies, and to build a brighter and more prosperous future for her children. These qualities will ensure that our Nation will always overcome tragedy, and it is these qualities that will forever make our Nation great.

IN MEMORY OF NICHOLAS  
MATTHEW SKALA

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in memory of Nicholas Matthew Skala for his extraordinary service to our country. He dedicated his short life to advocating for full health care coverage for every man, woman and child in the United States.

Nick wielded a sharp intellect in his pursuit of single payer health care. I first met him when he was working for Physicians for a National Health Plan (PNHP), where he quickly became a trusted and valuable source of knowledge. He was always ready with an answer to the hardest, most arcane questions and he had the references to back his answers up.

When Nick spoke about single payer health care, he was lucid and persuasive. He wielded complete command of a steady stream of facts and figures. He earned the respect of health care advocates of all stripes not only by making a persuasive case that single payer was needed, but also by working tirelessly and strategically to make it a reality.

When it came to social justice, when it came to making sure everyone had the best health care possible, when it came to standing up to powers and pressures that keep America without guaranteed health care for all, Nick was admirably uncompromising.

Born in Libertyville, Illinois on September 16, 1981 and raised in Spring Grove, Nick graduated from Richmond Burton High School and Columbia College. While in Texas, he founded and became the President of the University of Houston Campus Greens Chapter. After graduation, he became a Research Associate for PNHP between 2004 and 2007. Then he enrolled in law school at Northwestern University. He became active in the American Constitution Society. In the summer of 2009, he completed an internship in the Constitution, Civil Rights, and Civil Liberties Subcommittee of the House Judiciary Committee. He would have graduated from law school in 2010.

Madam Speaker and colleagues, please join me in celebrating and honoring the life of Nicholas Matthew Skala and in recognizing his contribution toward making the world a better place. Thank you, Nick.

IN HONOR AND REMEMBRANCE OF  
SIDNEY J. CARGLE, SR.

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Sidney J. Cargle, Sr., devoted and loving husband, father, grandfather, great-grandfather, brother, cousin and friend to many. Mr. Cargle's devotion to his family, service to community and church, and kind heart and joyous life has left a permanent mark on the lives of countless individuals throughout our community.

Mr. Cargle taught his children by example, instilling in them the significance of a strong work ethic, service to others and higher education. He retired from the State of Ohio as Assistant State Auditor, and continued his lifelong commitment to bettering our community and our nation through his grass roots involvement in many civic endeavors, including his long-time dedication to the local political process. Mr. Cargle served as the President of the Shaker Heights Democratic Club, and held leadership positions, including Elected Member of the Executive Committee of the Cuyahoga County Democratic Party.

Armed with a kind heart, great sense of humor and a certain grace, Mr. Cargle and Mrs. Cargle were the foundation of the family. For more than twenty years, Mr. and Mrs. Cargle volunteered many hours as members and leaders of the Lane Metropolitan CME Church, where Mr. Cargle also served as President of Lay Leaders.

Madam Speaker and colleagues, please join me in honor and remembrance of Sidney J. Cargle, Sr., whose joy for life, kind heart and quick smile will forever reflect within the hearts and memories of those who loved and knew him best—especially his family and close friends. I extend my heartfelt condolences to Mr. Cargle's beloved wife of 51 years, Virginia; to his children, Linda Ann, Richard, Stacy, Sharon, Sidney and Spencer; to his grandchildren, great-grandchildren; and to his siblings, nieces and nephews and many friends. Mr. Cargle's loving devotion to his family and community, his beautiful spirit and joyous life will continue to touch the hearts of many—especially his wife and children—and he will never be forgotten.

RECOGNIZING ROMULO CAMARGO  
OF CRYSTAL RIVER, FLORIDA

## HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

American soldier who was wounded in service to our Nation during the conflict in Afghanistan. Army Ranger Romulo "Romy" Camargo is a member of the United States Army who served with honor and distinction on the battlefield.

Moving to Citrus County as a third-grader, Romy spent the majority of his adolescence in Crystal River. He graduated from Crystal River High in 1993, where he captained his swim and wrestling teams.

He spent the past 14 years in the Army, eight of which with the Special Forces, and served three tours in Afghanistan. Last year while serving second in command of his team, Operational Detachment Alpha 7115, his squad was ambushed. Chief Camargo sustained a gunshot wound in the back of his neck. He was treated for his injury at Walter Reed Hospital and later transferred to Haley Veterans' Hospital in Tampa. This Saturday I, along with his family, friends, and neighbors have the great honor of welcoming him home.

Madam Speaker, on behalf of a grateful Nation, I thank Romulo Camargo for honorably defending the freedoms that all Americans hold dear. While Chief Camargo was fighting for freedom and liberty, his family, friends and loved ones were praying for him back home. They and this Congress will not soon forget his bravery and commitment to our Country.

IN HONOR AND REMEMBRANCE OF  
LINDA TRIVISONNO

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Linda Trivisonno, devoted wife, mother, grandmother and friend—beloved and cherished by her family and many friends.

Born Linda Conforto, she met her best friend and love of her life—her husband Mike Trivisonno—at Mayfield Heights High School. From young adulthood, to marriage, to becoming parents then grandparents—their mutual devotion to their family and to each other never wavered. Linda was a talented, caring and kind individual, and she never hesitated to reach out to help someone in need. Her beautiful smile, genuine grace, quick wit, and warm demeanor perfectly complemented Mike's outspoken and larger-than-life personality.

Linda coveted the role of wife, mother and grandmother. Her family was the center of her world and this was evident within everything she did with them and for them—from never missing special events in the lives of her children and grandchildren, to preparing wonderful meals for family gatherings. Linda's great sense of humor and wit was known to her family and friends and was also shared with Mike's radio audience. Radio listeners felt as though they knew Linda, cheering her on whenever she sparred with Mike on the air.

Madam Speaker and colleagues, please join me in honor of Linda Trivisonno, whose joyous spirit and love for others will exist forever within the hearts and memories of those who loved and knew her best—her family and

friends. I extend my condolences to her husband, Mike; to her children, Michelle, Michael Jr. and Anthony; to her son-in-law, Ted; to her grandchildren, T.J. and Miranda; to her brother James; to her mother-in-law, Elvera; and to her extended family members and many friends.

Linda Trivisonno's generous and kind heart and energy for life, transcends time and distance, and her beautiful spirit will live forever in the hearts and memories of those who knew and loved her most—especially her husband, children, and grandchildren—and she will be remembered always.

TRIBUTE TO JUDGE RICHARD S.  
BRAY

**HON. J. RANDY FORBES**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Judge Richard S. Bray, who has received the distinct honor of being named Chesapeake's First Citizen for 2009.

Judge Bray has tirelessly championed a myriad of charitable causes in Chesapeake, throughout Hampton Roads, and all of Virginia. His exemplary service to his community has contributed greatly to the lives of those living and working in Chesapeake.

Born and raised in Portsmouth, Virginia, Judge Bray is a 1964 graduate of Woodrow Wilson High School, a 1968 graduate of Randolph-Macon College, and a 1971 graduate of the Marshall-Wythe School of Law at the College of William and Mary. After serving as a law clerk to Virginia Supreme Court Chief Justice Lawrence W. I'Anson, Judge Bray founded his own law firm in 1975, which became Bray and Whitehurst. Judge Bray practiced law in Chesapeake until 1989. He was then selected by the General Assembly as a judge of the Court of Virginia's Third Judicial Circuit, where he served with distinction for two years before being elected as a Judge of the Court of Appeals of Virginia. Judge Bray's exemplary judicial service to the Court of Appeals lasted over a decade until his retirement in 2002.

Since 2002, Judge Bray has served as the President and CEO of the Beazley Foundation, Inc. The Beazley Foundation is a philanthropic beacon that champions educational, charitable, and religious causes in the Hampton Roads area and beyond. In 2008 alone, the Beazley Foundation provided \$3.7 million in grants for scholarships and other charitable community services. Through the Foundation, Judge Bray has touched the lives of countless Virginians, such as the thousands who have received health care through the Chesapeake Care Free Clinic, which offers health care services to those who cannot afford care on their own.

In addition to his leadership on the Beazley Foundation, Judge Bray also presently serves as a Director of Towne Bank, the Chesapeake Alliance, and the Virginia State Fair. He has also served on the Virginia Marine Resources Commission, as Director of the People's Bank of Chesapeake, and as the founding Chairman of the Board of Directors for Greenbriar Country Club.

Judge Bray embodies the noble ideals of volunteerism, community spirit, and local investment. His efforts have done much to improve Chesapeake and the lives of the people within it. Please join me in heartfelt congratulations to Judge Bray for the well-deserved honor of being named Chesapeake's First Citizen.

TRIBUTE TO SUSIE HUDSON

**HON. PARKER GRIFFITH**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. GRIFFITH. Madam Speaker, I rise today to honor the memory of someone who has played a large role in the development of north Alabama, Susie Hudson of Huntsville.

Mrs. Hudson was known as a visionary and a brilliant businesswoman, but first and foremost she was known as a fighter. She fought for the well-being of her friends and family and for the revitalization of Huntsville, but her strongest battle was her fight with cancer. Susie died Tuesday, September 1, and she will be sorely missed.

Mrs. Hudson was described as "the jewel of Huntsville," but she was so much more than that. Her tireless work to create a more fluid learning environment at the University of Alabama-Huntsville has allowed the brightest minds our region has to offer to excel and give back to their community and their country.

Mrs. Hudson moved to Huntsville in 1974 and honored her community with 35 dedicated years of commitment and service. She was the epitome of devotion to the people of North Alabama. On behalf of the Tennessee Valley, I respectfully rise in honor to pay tribute to Susie Hudson's life and her entire family.

IN HONOR AND REMEMBRANCE OF  
EDWARD J. CAMPBELL

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Edward J. "Sonny" Campbell, devoted husband, father, grandfather and friend, whose commitment to family, to his Irish heritage and to Cleveland has left a positive impact throughout our community.

Formerly of County Mayo, Ireland, Mr. Campbell travelled often from Cleveland to the Emerald Isle, where he still has extended family members and many friends. He settled in the Cleveland area, where he married the late Maeve McNeeley. Together they raised Thomas and Mary and were the proud grandparents of Sean, Brian, Christine, Maura and Neal.

Armed with a kind heart, great sense of humor and unwavering work ethic, Mr. Campbell mastered the plumbing trade and was an active leader and member of the Pipefitters Local 210. Mr. Campbell's love for his Irish heritage was reflected throughout his life—and the custom and traditions of his beloved Irish

homeland was handed down to his children and grandchildren. His involvement in the Irish-American community extended from his role as Grand Marshall of Cleveland's Annual St. Patrick's Day parade, to his volunteer service as past president of the West Side Irish American Club.

Madam Speaker and colleagues, please join me in honor and remembrance of Edward J. "Sonny" Campbell, whose joy for life, kind heart and quick smile will forever reflect within the hearts and memories of those who loved and knew him best—especially his children and grandchildren. I extend my condolences to Mr. Campbell's children, Thomas and Mary; to his grandchildren, Sean, Brian, Christine, Maura and Neal; to his brothers, sisters, nieces and nephews. From Cleveland to County Mayo, Mr. Campbell's beautiful spirit and joyous life will continue to touch the hearts of many, and he will never be forgotten.

TRENT GASKILL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Trent Gaskill of Kansas City, Missouri. Trent is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and earning the most prestigious award of Eagle Scout.

Trent has been very active with his troop, participating in many scout activities. Over the many years Trent has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Trent Gaskill for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING 100 YEARS OF  
SERVICE OF ITASCA FIRE PRO-  
TECTION DISTRICT NO. 1

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. ROSKAM. Madam Speaker, I am pleased to rise today to recognize the Itasca Fire Protection District No. 1 in my Congressional District for their Centennial Celebration. This year marks 100 years of their loyal service to the community.

During the weekend of September 11th and 12th, the community will gather to recognize these heroic men and women, both past and present, who have served faithfully for a century. These firefighters and paramedics serve the families and businesses of Itasca, as well as those in surrounding communities.

Day in and out these men and women risk their lives to protect our communities. Their

bravery and courage often goes unnoticed, but their efforts are very deserving of our recognition and admiration.

Fire Chief James MacArthur and the men and women of Itasca's Fire Protection District No. 1 reflect the pride and tradition of excellence that exists throughout the Fire Protection Community.

Madam Speaker and Distinguished Colleagues, please join me in celebrating this special occasion and the long years of service and commitment that it represents.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, September 8, 2009, I missed three recorded votes on the House floor. Had I been present, I would have voted NAY on Roll Call 687, YEA on Roll Call 688, and YEA on Roll Call 689.

EARMARK DECLARATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. JONES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 3326, Department of Defense Appropriations Act for Fiscal Year 2010.

Republican WALTER B. JONES  
Project: U.S. Navy Cancer Vaccine Program  
Recipient: OncBioMune, LLC, 17050 Medical Drive, 4th Floor, Baton Rouge, LA 70816  
Account: Research & Development, Navy  
Amount: \$3,000,000

Explanation: The U.S. Navy Cancer Vaccine Program was initiated in 2005 and was the first cancer vaccine program conducted at the Naval Health Research Center. It has received congressional appropriations beginning in FY06. Currently, U.S. military health authorities estimate that in the past year alone, \$42 million was spent on direct health care costs in the military healthcare system related to prostate cancer. Continued development of the vaccine through this project will save the lives of military personnel suffering from cancer as well as reduce health care costs in the military healthcare system.

Republican WALTER B. JONES  
Project: North Carolina Counter Drug Task Force Growth

Recipient: North Carolina National Guard, 4105 Reedy Creek Road, Raleigh, NC 27607  
Account: Drug Interdiction And Counter-Drug Activities, Defense  
Amount: \$1,000,000

Explanation: The National Guard Counter-Drug Program conducts a full spectrum campaign that bridges the gap between and among DoD and Non-DoD institutions in the fight against illicit drugs and transnational

threats to the Homeland. The program includes support for analysis and interdiction support, law enforcement training and anti-drug education and awareness. Currently, the North Carolina National Guard is unable to fully support drug-law enforcement agencies in the State because the program funding has not maintained pace with inflation and pay increases. This appropriation will fund additional manpower and equipment to support the Drug Demand Reduction program, DEA case loads, and the Marijuana Eradication Program.

NATIONAL HISPANIC HERITAGE  
MONTH

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. VISCLOSKEY. Madam Speaker, it is with great respect that I rise to celebrate National Hispanic Heritage Month and its 2009 theme—Embracing the Fierce Urgency of Now! From September 15, 2009, through October 15, 2009, the people of the United States will once again celebrate the histories, cultures, and traditions of our Hispanic American brothers and sisters. Since its inception as National Hispanic Heritage Week in 1968, which later became National Hispanic Heritage Month in 1988, Americans have taken this time to not only honor the rich culture and traditions of Hispanic Americans, but also to reflect on the countless contributions they have made that have led to improvements in their communities, and in turn, a better America.

As we reflect on the importance of the contributions that have been made by Hispanic Americans, I would like to take this opportunity to pay tribute to one individual in particular from the First Congressional District who has represented the epitome of leadership and civil service within Northwest Indiana, the Honorable Lorenzo Arredondo, Lake County Circuit Court Judge. For over three decades, Judge Arredondo has presided over his courtroom, making him the longest serving elected State trial judge in the United States.

Raised in East Chicago, Indiana, Judge Arredondo has brought a very unique perspective to the courtroom. As a child in East Chicago, he grew up in a very diverse community, influenced by many ethnic groups, all living and working together. In East Chicago, a city centered around its steel mills, Judge Arredondo also learned the value of hard work, and of teamwork. This, no doubt, served him well in his later pursuits and has been a cornerstone of his remarkable career.

While serving on the bench for more than three decades is a truly amazing feat, it is Judge Arredondo's passion for and service to improving the justice system that makes his tenure so impressive. His distinguished career includes service on the faculty of the National Judicial College and the Indiana Trial Advocacy College, on the board and executive committee of the American Judicature Society, as president of the Hispanic National Bar Association, and on the boards of the Indiana Judges Association and Judicial Conference. Not one to rest on his laurels, Judge

Arredondo is currently vice-chair of the Indiana Supreme Court's Commission on Race and Gender Fairness, and he serves on the board of the Legacy Foundation. At home in Lake County, understanding the important role families play, Judge Arredondo has made great strides in improving opportunities for families, including the creation of the Family Division of the Lake County Court and the Domestic Relations Counseling Bureau, as well as the "Children's Room," which aims to reduce stress on children whose parents are attending court.

While his knowledge and experience have crossed all cultural and racial divides, Judge Arredondo's contributions to issues vital to the Hispanic population are unmatched. It is for this reason that he has been summoned on numerous occasions to the White House to share his experience and his knowledge. For his contributions, Judge Arredondo is one of only five individuals in the thirty-nine year history of the National Hispanic Bar Association to receive the prestigious Lincoln-Juarez Award. Additionally, Judge Arredondo has been awarded the Indiana Judges Association Award for excellence in public information, the Indiana State Bar Association's prestigious Rabb Emison Award, and the Sherman Minton Award for Judicial Excellence.

Madam Speaker, as we celebrate National Hispanic Heritage Month, let us pay tribute to leaders such as Judge Lorenzo Arredondo, who have contributed so much to the improvement of our communities and our nation. I respectfully ask that you and my other colleagues join me in commending Judge Arredondo for his lifetime of service to the First Congressional District. I am proud to serve as his representative in Washington, DC.

#### RECOGNIZING THE CONSECRATION OF THE FIRST ARMENIAN APOSTOLIC CHURCH IN ARIZONA

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to recognize the consecration of the first Armenian Apostolic Church in Arizona, which will take place Sept. 20 in Scottsdale, and to honor the many valuable contributions the Armenian community has made to our state.

The Armenian community first came together in Arizona in an organized way just over a half century ago, and it has grown and flourished ever since. The first Armenian clergy who visited Arizona performed their services in the homes of local residents while community members worked together to donate and save for a permanent worship center.

In 1963 the State of Arizona officially acknowledged the Armenian Apostolic Church of Arizona. A few years later, a local Armenian family donated property in Scottsdale for the first church site. In 1992, the church established the Armenian Church Cultural Center and later the Eleanor Ordjanian Library on that site.

And on Sunday, Sept. 20, this inspiring story will culminate with the consecration of the first Armenian Apostolic Church, a new sanctuary that was made possible with the support and hard work of countless community volunteers.

Madam Speaker, please join me in recognizing the contributions of the Armenian community to Arizona and in wishing them well on the consecration of their new sanctuary.

#### HONORING SUFFOLK COUNTY LEGISLATOR JOHN J. FOLEY

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. BISHOP of New York. Madam Speaker, I rise today to honor former Suffolk County Legislator John J. Foley, who passed away this week at the age of 90.

Mr. Foley served from 1976 to 1993 in the Suffolk County legislature, longer than any other Democrat. Before this, he served on the Brookhaven Town board from 1959 to 1967. In office and out, he fought to improve health care, education, and the environment in order to make life better for the Long Island residents he represented.

He was succeeded in the legislature by his son, Brian X. Foley, who said that his father's personal creed was "people not politics." Today, Brian carries on his father's work as a member of the New York State Senate.

A man of strong personal faith, John Foley believed that every person had dignity and sought to treat every person with respect. He believed that the government could play a positive role in the lives of individuals and communities.

Mr. Foley earned the respected of colleagues on both sides of the aisle in New York as he fought to increase funding for open space, health centers, community college, mental health and services for the disabled. In the 1980s, he was a delegate to the White House Commission on Aging. In 1990, he led the effort to save the county infirmary and replace it with a modern \$34-million nursing home, which was named in his honor. A strong supporter of education, he served for 25 years on the Eastern Suffolk Board of Cooperative Educational Services and was a trustee of Suffolk Community College.

John Foley served as a role model to me and so many others who have entered into public service. His voice will be sorely missed.

My thoughts and prayers go out to his family, his sons Brian, Dennis and Michael, daughters Mary Ann Hughes and Patricia Kuhn, 12 grandchildren and three great grandchildren.

#### HONORING WALLACE BAUMANN

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. DUNCAN. Madam Speaker, my hometown of Knoxville, Tennessee lost a great citizen and community champion recently.

Wallace Baumann was a longtime friend of mine and a tireless contributor to the arts in East Tennessee. His family is an institution in Knoxville, and the building that housed their business has been a fixture in downtown Knoxville since just after the Civil War, when Wallace's grandfather Captain W.W. Wooddruff opened the hardware and furniture store.

The store remained open through most of the 20th Century, being passed down through the generations and standing out as a downtown staple even during difficult economic times. Although the business is now gone, the unique building which housed it remains with the family name still attached. I could not imagine downtown Knoxville without this landmark.

Wallace never stopped serving his Country or his Community during his 84 years. He served during World War II in the 10th Armored Division, surviving the Battle of the Bulge.

He was also a member of many boards and organizations throughout Knoxville, most notably serving on the Knoxville Symphony Society Board. Wallace could often be found at the Tennessee Theatre, and he even personally financed the restoration of the Theatre's historic organ.

Wallace's life is a living history of Knoxville, Tennessee that I hope will not soon be forgotten. Recently, the Knoxville Publication Metro Pulse wrote of this great loss to our community, recounting how Wallace was there to see John Barrymore and Glenn Miller perform at the Bijou Theatre and witness Ingrid Bergman plant a tree on Market Square.

Madam Speaker, in closing, I would like to call to the attention of my colleagues and other readers of the RECORD the article by Jack Neely in Metro Pulse, which is reprinted below. I thank Wallace Baumann for his dedication and love of East Tennessee, and I will greatly miss my friend.

[From the Metro Pulse, Aug. 19, 2009]

WALLACE BAUMANN, 1925-2009—A MEMORY OF  
A SURPRISING PHILANTHROPIST

(By Jack Neely)

Wallace Baumann died last week. I'd seen him a few times this summer, and he seemed more or less the same as he did when I was first aware of who he was, sometime in the '60s. Cheerful, well-dressed, and with a cogent remark about the last issue of Metro Pulse.

He didn't look 84, or even 74, as several people have observed this week; some who hadn't known him for long had assumed he was 20 or even 30 years younger. Wallace may have been evidence of a paradoxical truth, that while young men look older when they wear a jacket and tie, old men look younger. I never in my life saw Wallace without a jacket and tie, and with prominent horn-rimmed glasses, he looked like an executive in one of those business-office comedies of the '60s. For the last couple of years, there's been a big portrait of him in the Tennessee Theatre in the landing of the right stairway up to the balcony. He was in recent decades the theater's biggest supporter. He directed much of the recent painstaking restoration of the theater; he was three when it was built, and remembered it in its earliest days. But many weren't aware of the extent of his personal investment in the place.

Baumann was a merchant, by trade. He was, for some decades, the president of

Woodruff's Furniture, the Gay Street institution his great-grandfather, William Wallace Woodruff, founded at the end of the Civil War. About 20 years ago, when downtown retail was widely reputed to be deceased, Woodruff's was an extravagant exception, this multi-story emporium with inventory that seemed fresh and up-to-date. The last time I was there—it was the early '90s, we'd just had a second kid and needed a kid-proof dining table—I found a plausibly trendy one at Woodruff's. It was the last time I saw a representative of a bygone profession in my home town: Wallace may have been our last merchant to employ elevator operators.

The place is now the Downtown Grill and Brewery. The last time I talked to Wallace about it, he hadn't been inside to see his great-grandfather's building renovated as a popular restaurant and brewpub. He seemed all right with the fact of it, but didn't feel an urgency to look. The family name is still on the building; Woodruff was Wallace's middle name.

Wallace and I had some sharp disagreements about some downtown issues, but stayed friendly, and he was my handiest resource for certain questions about the past of our shared hometown. A lifelong bachelor, he lived alone in Sequoyah Hills and was usually there to answer his phone. For a guy in my position, it's been handy to have the phone number of a person who remembered going to see John Barrymore get off the train for his show at the Bijou, 70 years ago, and who recalled both of Glenn Miller's shows at the Tennessee as if they were last Tuesday. ("Wallace never said, 'Ah, it was a long time ago, I just don't remember.'") A few months ago, when I heard an implausible story about Ingrid Bergman planting a dogwood tree on Market Square 40 years ago, I was pretty confident Wallace would know something about it, and sure enough he was right there beside her, and had a funny story about it.

He was also an authority on architecture, though I don't think he would have claimed to be perfectly objective on the subject. The Baumann family, German immigrants who arrived in East Tennessee in the mid-19th century, was arguably Knoxville's first architectural dynasty, dominating local commercial and institutional architecture in the late 19th and early 20th centuries. Wallace was a Baumann who didn't design buildings, but he was a champion of the Baumanns' architecture. Wallace's father, who died almost half a century ago, was the last of them. (Wallace once corrected me, rather sternly, when in a column I referred to his father as Albert B. Baumann Jr. That was his given name, maybe, but Wallace told me no one ever called him anything but "A.B.")

Baumann was a great supporter of several civic organizations, especially the Knoxville Symphony Orchestra, and he could be counted on to attend each performance with a lady friend. Even if you'd known him for decades, as I did, you might not gather, in conversations with this elegant gentleman in the lobby of the Tennessee, that he was a combat veteran of World War II, a member of Combat Command B of the 10th Armored Division, one of the first to breach the Siegfried Line. He spent much of 1944 in a foxhole near Bastogne with an M1 for company. He hardly spoke of the war. I never even knew he'd been in the service until he was invited to write an article about his wartime memories, in an especially interesting collection of memoirs of members of First Presbyterian Church, called *We Were There*. It's characteristic that in his description of the Siegfried

Line, he mentioned that he'd previously known it only from newsreels at the Tennessee Theatre.

(That book, by the way, is as good a collection of local memories of that war as I've seen. Bill Tate, another contributor to that book, a B-17 navigator who was shot down over Germany, and a survivor of a Nazi prisoner-of-war camp, also died last week.)

Back in 2001, Baumann personally financed the complete restoration of the theater's original Wurlitzer organ; they sent the organ away to one of the world's top organ technicians. Today it's said to be one of fewer than 20 concert-grade organs in America which are installed in their original locations. Wallace was proud of that fact.

The bill came to \$180,000. Wallace was a private man, and during his life didn't want that detail to be known. I hope it's okay to mention it now.

#### IN COMMEMORATION OF FRANK FAT'S 70TH ANNIVERSARY

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Ms. MATSUI. Madam Speaker, I rise today to commemorate the late Frank Fat, the 70th anniversary of Frank Fat's Restaurant, the entire Frank Fat's staff, and the Fat Family for their service and dedication to the people of Sacramento. For decades the Fat Family and their restaurants have been a local treasure and I ask my colleagues to join me in saluting them on the 70th anniversary of the restaurant's founding.

After immigrating to the United States, Frank Fat first worked as a waiter and then as a manager at his uncle's Hong King Lum restaurant. While waiting tables, a customer asked Frank to go to the downstairs gambling hall to place a 50-cent bet on a Keno game. The ticket produced \$900 in winnings, but the unknown customer had left the restaurant. Frank held the cash for two months until the customer returned. As a reward for his honesty, the customer later gave Frank a loan, which he used to buy a rundown speakeasy to turn into a restaurant of his own.

Frank Fat's restaurant opened on August 31, 1939, at 806 L Street in Sacramento, where it still stands today. At the time, dinners were just 50 cents and lunches 25 cents. When asked about his recipe for the enduring success of his namesake restaurant, Frank remarked, "You give people good food, a nice place to eat it and make them happy. Pretty simple, really." Frank's simple combination for success has endured for 70 years. Frank represented everything good in a human being. He was decent, honest, hardworking and humble.

Located only blocks from the State Capitol, Frank Fat's soon became the gathering place for every lawmaker and governor since Earl Warren. It is said more legislative decisions were made at Frank Fat's than in any office at the Capitol. Among them was the famous "napkin deal" that produced landmark tort reform that is still in effect today.

After Frank's passing in 1992, Lina and Tom Fat, Frank's daughter-in-law and son, modern-

ized the cuisine with a unique California-Pacific style and expanded the business to bring Chinese cuisine in the tradition of Frank Fat's to people across California. Today, Frank is remembered for the success of Frank Fat's and an expanded chain of more than a dozen restaurants across California, including locations in Old Sacramento, Folsom, Roseville, Cache Creek and San Diego. After 70 years of service, the Fat Family continues Frank's commitment to good food, good atmosphere and good service.

Dedicated to community service, the Fat Family has continued Frank's philosophy of giving back to the community by supporting the Chinese American Council of Sacramento and the Pacific Rim Festival, which is held annually in Old Sacramento. In honor of the 70th anniversary, the Fat Family, community leaders, and restaurant patrons will raise money for Sacramento Crisis Nurseries.

Madam Speaker, I hereby commemorate and honor the late Frank Fat, the restaurant that bears his name, its staff, and the Fat Family for their dedication in serving fine cuisine to the people of Sacramento for more than 70 years. I ask all my colleagues to join me in wishing the Fat Family and Frank Fat's restaurant another 70 years of unparalleled success.

#### PERSONAL EXPLANATION

**HON. JOHN M. McHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. McHUGH. Madam Speaker, I was unavoidably detained and missed rollcall No. 693. At this time, I wish to note that had I been present, I would have voted "yea."

AMERICA SALUTES THE MEMORY OF MARGARET BUSH WILSON: CIVIL RIGHTS ICON, CHAMPION OF EQUAL JUSTICE FOR ALL

**HON. WM. LACY CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. CLAY. Madam Speaker, I stand today to salute the memory of Margaret Bush Wilson, a civil rights pioneer. Ms. Wilson was 90 years old when she died quietly on August 11, 2009. She was an integral force in human rights advocacy, having been a tireless champion for equality and justice. The St. Louis community and our entire nation have lost a giant, and I have lost a dear friend.

After earning a law degree from Lincoln University, Ms. Wilson became the second woman of color licensed to practice law in the state of Missouri. Ms. Wilson would go on to serve as Missouri's Assistant Attorney General and the U.S. Attorney for the Rural Electrification Administration. After World War II, she and her husband, Robert E. Wilson Jr., started a law firm in St. Louis.

A civil rights lawyer who specialized in housing law, Ms. Wilson led the fight in St.

Louis to upend restrictive neighborhood covenants in what eventually became the landmark 1948 U.S. Supreme Court ruling *Shelley vs. Kraemer*. The outcome of this case ensured that states could not defend nor enforce restrictive covenants as a state action, effectively giving blacks the legal right to move into the neighborhood of their choice.

After presiding over both city and state branches of the NAACP, Ms. Wilson became the first African American woman to head the national NAACP board in 1975. After completing nine terms as Chairwoman, Ms. Wilson returned to St. Louis, where she continued to practice law, champion justice and equality, and mentor young law students and civic leaders until her death.

Madam Speaker, I ask that all Americans honor Margaret Bush Wilson for her exceptionally brave career as a legal advocate and human rights pioneer. Her life has brought honor to all of us and she will live forever in our memories. I ask that my colleagues join me in paying tribute to Margaret Bush Wilson.

CONGRATULATING JOYCE RICHARDS, RECIPIENT OF JUNIOR ACHIEVEMENT WORLDWIDE'S 2009 CHARLES R. HOOK AWARD

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to recognize the accomplishments of Junior Achievement of Arizona. I am a strong supporter of JA's mission and programs. During my twenty eight years as a teacher of Government, I used their materials, hosted speakers in my classroom and visited their facility.

Good programs reflect the quality of the people who run them. I would like to congratulate the organization's President, Joyce Richards, for winning JA Worldwide's 2009 Charles R. Hook Award. This award is the top honor for JA Presidents who demonstrate superior results in promoting the growth and development of Junior Achievement in their area.

Junior Achievement is the world's largest organization dedicated to teaching students in Kindergarten through 12th grade about the importance of economics, entrepreneurship, and financial literacy. The organization reaches over 9 million students around the world each year, with over 130 local offices in the United States and operations in over 110 countries worldwide. One of the things that makes JA so unique is its use of adult volunteers to bring business to life for students. In the United States alone, young people in more than 188,000 classrooms benefit annually from these positive role models.

Ms. Richards is clearly deserving of receiving this year's Hook Award. She joined the Junior Achievement of Arizona office in 1997 as Vice President of Development, and was named as President in 2001. The organization has grown dramatically under her leadership, and JA of Arizona now reaches nearly 90,000 students. The organization's programs are provided at no cost to schools and are funded

entirely through the private sector. As part of these efforts, Ms. Richards spearheaded a \$4 million capital campaign to build two JA BizTown programs, and expanded JA's impact into the Tucson community by launching a JA operation that now reaches 10,000 students.

Especially in the current economic climate, teaching students the importance of economics and financial literacy is of the utmost importance, and I congratulate Ms. Richards and Junior Achievement of Arizona for their efforts.

#### EARMARK DECLARATION

**HON. ROSCOE G. BARTLETT**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. BARTLETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received in H.R. 3293 and H.R. 3288. The list is as follows:

Bill Number: H.R. 3293

Account: HRSA—Health Facilities and Services

Legal Name of Requesting Entity: Washington County Hospital

Address of Requesting Entity: 251 East Antietam St., Hagerstown, MD 21740

Description of Request: Washington County Hospital building is becoming obsolete. Washington County Health System would build a 5th floor in the new tower being built.

Bill Number: H.R. 3288

Account: Federal Lands (Public Lands Highway)

Legal Name of Requesting Entity: Maryland DOT

Address of Requesting Entity: 7201 Corporate Center Drive, Hanover MD 21076

Description of Request: Funds would be used to design, right of way or construction of intersection improvements to improve safety, operations, and access in the vicinity of National Naval Medical Center to support BRAC related growth.

Bill Number: H.R. 3288

Account: Federal Lands (Public Lands Highway)

Legal Name of Requesting Entity: Maryland DOT

Address of Requesting Entity: 7201 Corporate Center Drive, Hanover MD 21076

Description of Request: Funds would be used for the design right of way acquisition or construction of intersection improvements in the vicinity of Aberdeen Proving Grounds to support BRAC related growth.

HONORING CHRISTOPHER J. NANGLE

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant and a resident of Chester County, Pennsylvania, who has retired after more than 35 years of

loyal service to the Commonwealth of Pennsylvania.

Christopher J. Nangle began his career as a park ranger at Marsh Creek State Park in 1974 and has faithfully served there until his retirement on August 14, 2009. He was promoted in 2004 to Chief Ranger for Marsh Creek and French Creek State Parks.

Chief Ranger Nangle has done a tremendous job preserving the extraordinary natural resources of the 1,075-acre Marsh Creek State Park and making sure that the approximately 12,000 visitors who flock to the Park on summer weekends to fish, hike or sail on the 535-acre Marsh Creek Lake have a safe and enjoyable outdoor experience.

Whether rescuing a dog trapped on icy Marsh Creek Lake or successfully leading the search for hikers lost in the dense woods, Chief Ranger Nangle has demonstrated great leadership and professionalism. In addition, he has shared his wealth of knowledge and experience as a Pennsylvania Fish and Boat Commission water and ice rescue instructor.

Madam Speaker, I ask that my colleagues join me today in congratulating Christopher J. Nangle on his exemplary career and honoring his outstanding service and dedication to the people of Pennsylvania.

#### EARMARK DECLARATION

**HON. PETER HOEKSTRA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. HOEKSTRA. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding that will benefit the Second Congressional District of Michigan as part of H.R. 3326.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 3326

Account: Army, Aviation Advanced Technology

Legal Name of Requesting Entity: L3 Communications Combat Propulsion Systems

Address of Requesting Entity: 76 Getty St. Muskegon, Michigan, 49442

Description of Request: Provide \$4 million for Heavy Fuel Engine Family for Unmanned Systems. The funding would be used to continue the development, installation, and testing of fuel efficient and higher power density heavy-fuel engine to meet the Department of Defense requirement that Unmanned Aerial Systems' engines to operate on JP-8 fuel.

MATTHEW TRAVIS TERRELL

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Terrell of Liberty, Missouri. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and

earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew Terrell for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### HONORING THE CREWMEN AND THEIR SERVICE TO THE USS "ALABAMA"

##### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. BONNER. Madam Speaker, the city of Mobile and the state of Alabama are honored to be the home of the USS *Alabama*, and I rise today to honor her former crewmen for their tremendous sacrifice and service.

For more than 40 years, the USS *Alabama* has graced Mobile Bay with her beauty. As one of Alabama's top tourist attractions, she continues to serve as a lasting memorial and tribute to the "Greatest Generation."

Constructed in the Norfolk Navy Yard on December 1, 1940, the USS *Alabama* was commissioned on August 16, 1942, with Captain George B. Wilson in command.

In nearly five years of commissioned service, the USS *Alabama* earned nine battle stars for participation in the Atlantic and Pacific Campaigns of World War II. The USS *Alabama* is representative of the South Dakota class of American battleships that fought against Japan in World War II. She also earned the Navy Occupation Service Medal Pacific, for the period fought in Korea during September of 1945.

The USS *Alabama* defended her nation against an enemy of oppression and now reflects the pride of a grateful nation. After retiring in 1962, the USS *Alabama* was stationed in Mobile Bay and opened as a museum the following year. Nicknamed the "Mighty A," she was added to the National Historic Landmark registry in 1986.

Former Alabama Governor George C. Wallace received the battleship on behalf of the state. Years later, in remembering the event, he said, "On the day we were piped aboard by the U.S. Marine Band from Washington, tears welled up in my eyes, and chills went down my spine, as I thought of all the boys killed in World War II, and who died and were dying in the Vietnam War, and that this was a tribute to them for us to save this ship as a lasting monument."

Madam Speaker, the USS *Alabama* holds a reunion every year in April, to honor the crewmen who fought for each American's freedom. Of the approximately 6,000 original members of the USS *Alabama*, the following members were able to attend the most recent reunion: Hildrey H. Arnette, Frank Basham, Preston A. Bristow, John R. Brown, Stan Bryn, Gene

Giarrusso, Daniel R. Glass, Leo J. Goulet, Albert A. Grimm, William Hahn, Millard F. Hill, John Kilgore, Jimmie D. Maish, Raymond Medved, Sr., Dr. William R. Miller, Frank Radulski, Sr., Leuco B. Sealy, Frank Sherman, John Simpler, Edward J. Suchy, Kenneth E. Thomas, and Leva Loyd Witt.

They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to these men—and all of the soldiers who fought in World War II—for their selfless devotion to our country and the freedom we enjoy.

#### SHANNON SILVA, LABOR LEADER OF THE YEAR

##### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. FILNER. Madam Speaker, I rise today to honor a very dedicated, committed leader of the labor movement in America who deserves to be recognized for his tireless contributions to working men and women.

Shannon Silva was born and raised in San Diego, California. He graduated from the University of San Diego High School in 1974. After High School, Shannon followed the family tradition as a tuna fisherman, where he was stationed on one of the first exploratory boats to fish off both coasts of Africa. After fishing career concluded, he worked for the Pepsi Cola Bottling Group from April 5, 1976 to April 7, 1991. On April 8, 1991, Shannon went on to work for Interstate Brands Corporation (Weber's Bread) as a sales driver and union supervisor until February 28, 1999. While working for Weber's Bread, Shannon also served on the Executive Board of Teamster's Local 683.

He was elected as a Trustee on January 1, 1989, and appointed Recording Secretary on October 1, 1991 and appointed the Local's President on February 1, 1993.

On March 1, 1999 Shannon went to work for Local 683 full time as a Business Representative, until December 31, 2004. On January 1, 2005 he was appointed Secretary Treasurer of Local 683 and was re-elected January 1, 2007, in which he continues to serve in that capacity.

Shannon is currently a member of the San Diego-Imperial Counties Labor Council Executive Board. He was also appointed to the National Bakery Drivers Policy Committee and serves as a Trustee on the San Diego County Teamsters-Employers Insurance Trust Fund, Teamsters Miscellaneous Security Trust Fund and the Southern California Bakery Drivers Security Fund.

It gives me a great honor Madam Speaker, to join with so many colleagues, community leaders and well wishers in proclaiming Shannon Silva as the San Diego Imperial Counties Labor Council's 2009, Labor Leader of the Year.

#### HONORING BENJAMIN HERZBERG

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Benjamin Herzberg, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1447, and in earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop participating in many scout activities. Over the many years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Benjamin Herzberg for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### EARMARK DECLARATION

##### HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the HIRE Education Construction and Green Academy Program.

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010

Provisions/Account: Higher Education Account—Fund for the Improvement of Postsecondary Education

Name and Address of Requesting Entity: The entity to receive funding for this project is Lincoln Land Community College located at 5250 Shepherd Road, Springfield, Illinois 62794-9256.

Description of Request: The funding would be used to purchase equipment in order to train targeted individuals for jobs with a current or projected shortage in order to enhance their employment opportunities. Targeted individuals include women, minorities, dislocated workers and the incarcerated.

#### BEATRICE ROSENBERG'S 90TH BIRTHDAY

##### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. MEEK of Florida. Madam Speaker, I'd like to take this opportunity to say a few words about one of my constituents, Beatrice Rosenberg, born "Bernice Zam" on her 90th birthday.

Beatrice Rosenberg, born Bernice Zam, in the Bronx, New York, September 12, 1919,

has lived through a Great Depression, two World Wars, and the many other events that have marked the last 90 years in America and through it all has continued to laugh and to dance. Her family and friends have said that through all of this, through poverty, through wartime and through widowhood, she has been relied on and has "been there" for them.

Bernice's father died when she was six months old. Her mother was a factory seamstress paid by the piece to sew lace onto ladies' undergarments. In 1935, when Bernice was 16, she had to quit high school to work in a laundry to support her pregnant mother and out-of-work stepfather. She gave all her earnings to her mother, except for carfare to work and to dance clubs, where she jitterbugged her cares away.

In 1943 she married a young pilot just before he shipped off to fight in World War II. (When her license application didn't match her birth certificate, she learned that her birth name actually was Beatrice, not Bernice). Her husband was overseas when she gave birth to their daughter in July 1944, and a few months later he was shot down and reported missing in action in France. A farmer found and sheltered him in a barn until the French Resistance could smuggle him out of danger.

For two years after the war she lived on an airbase in Ashiya, Japan, as part of the post-war occupation, but the marriage was strained by the time they returned to the States. She and her daughter moved into a one-bedroom apartment in a 5th floor walk-up in the Bronx already occupied by her own mother and teenage half-sister.

In 1949 she brought her daughter with her to Savannah, Georgia, where her husband was stationed on a Strategic Air Command Base, to obtain a divorce. She waitressed in a diner for \$25 a week plus tips, on the 3:00 to midnight shift, hiring a teenager for her daughter's after-school care. She met and married another airman, and after two years he shipped out to an operation in the Azores. Unfortunately, he died at the age of 33 after spending years in the service operating refuelers.

With an 11-year-old daughter to care for, Bernice could not indulge her grief. Instead, she moved back into that cramped Bronx apartment, and used some Air Force insurance money to take a course in switchboard. She became a receptionist and met Dan Rosenberg. They lived happily for many years, and when he passed on, Mrs. Rosenberg moved in with her daughter and her family while working full time and eventually moved to Florida and sold handbags at Macy's, finally retiring at age 70. Since then she has enjoyed a life of card games, friendships, and family. Although she uses a walker, she still dances every chance she gets.

Her family: daughter Sydelle Pittas and her husband Phillipe Koenig; her granddaughter Pilar Alessandra and husband Pat Francis along with their daughters Sara and Rita; granddaughter Chris Pittas; and granddaughter Michele Koenig Augieri and her husband Gary Shafner (who have just given her a great-grandson named Felix), join with many other nieces and nephews in paying tribute to Beatrice Rosenberg on her 90th birthday.

At 90, Mrs. Rosenberg still laughs heartily and will, no doubt, dance at her party.

## PERSONAL EXPLANATION

### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed 4 votes. Had I been present, I would have voted as follows.

Rollcall No. 690, on the Motion to Suspend the Rules and Agree to H. Res. 447, I would have voted "yea."

Rollcall No. 691, on the Motion to Suspend the Rules and Pass H.R. 2097, I would have voted "yea."

Rollcall No. 692, on the Motion to Suspend the Rules and Pass H.R. 2498, I would have voted "yea."

Rollcall No. 693, on the Motion to Suspend the Rules and Agree to H. Res. 722, I would have voted "yea."

### HONORING BRANDON MICHAEL REYNOLDS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brandon Michael Reynolds, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop participating in many Scout activities. Over the many years Brandon has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brandon Michael Reynolds for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### NORTH CAROLINA REMEMBERS SENATOR RUSSELL G. WALKER, SR.

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. PRICE of North Carolina. Madam Speaker, on September 2 North Carolina lost one of its most consequential and compassionate political leaders, former Senator Russell G. Walker, Sr., of Asheboro. Recent days have been filled with tributes from those of us who treasured the opportunity to know and work with Russell—former Governor Jim Hunt described him as "one of the most caring people I have ever met in politics." But untold thousands who never met Russell are also in his debt, by virtue of his work on mental health, maternal and child health, water qual-

ity, and other policy challenges during his ten terms in the North Carolina Senate.

Russell was born in 1918 in the community of Conetoe, in Edgecombe County, North Carolina, and his family soon moved to High Point. During the Depression years Russell worked after school to help keep bread on the table and got into the grocery business, moving to Asheboro to manage a store at age 19. He married Ruth Brunt in 1941—the beginning of a 68-year marriage that warmed the hearts of all who knew them and of a family that includes three children, Russell, Jr., Steve, and Susan, seven grandchildren, and three great-grandchildren.

Russell enlisted in the Army Air Corps after Pearl Harbor and spent much of World War II "flying the hump," hauling troops, bombs, and fuel from India to China over the treacherous Himalayas. He founded his own supermarket chain, Food Line, after the war, and became a mainstay of civic, religious, and political life in Randolph County. Serving first on the Asheboro City Council, he gained election to the North Carolina Senate in 1974. While he is rightly known statewide for his pioneering and persistent work in health and human services, citizens of Asheboro are well aware of many more local and tangible results of his service: the North Carolina Zoo (the strategic location of which, in Asheboro, was no accident!), highway U.S. 64, and the Asheboro airport.

I came to know Russell well in 1979–80, when I took a leave of absence from Duke University to serve as executive director of the North Carolina Democratic Party during his time as party chairman. We had a wonderful time riding North Carolina's roads together, visiting far-flung towns and counties and along the way talking for hours about every imaginable topic. I learned a great deal, especially, about Russell's wartime experience and the 1972 Nick Galifianakis Senate campaign, which Russell had managed and which was still fresh on his mind.

Above all, however, Russell and I became good friends, and I came to understand what a remarkable man he was—compassionate, fair and decent, firm in his own convictions but open to what he might learn from others, quick to spot another person's promise and to offer encouragement. These are qualities I treasured in my own father and which I have seen in few people to the extent they were exemplified by Russell Walker.

I could say more, Madam Speaker, about my indebtedness to Russell Walker as a mentor and for the encouragement and help he offered in 1986 and beyond as I began my own congressional career. But the most important and enduring point is the one about character, and I can underscore it with a story told by Lloyd Hamlet, a long-time friend of Russell's and mine, to the Asheboro Courier-Tribune last week.

A youngster was caught stealing food at one of Russell's stores. The police were called, but Russell intervened and had a talk with the boy. He said that there was no food at his house; his dad was not in the home and his mother was often away. Russell went with the boy to his home, learned more about his circumstances, and eventually left the house filled with food from his store.

Anyone who knew Russell Walker well would recognize him from that story. The story would be neither remembered nor recounted if Russell had reacted in the expected way. But we recall it fondly because of what it says about the man we knew and about the enduring power of love and kindness—a reversal, we may hope, of Shakespeare's famous dictum: it is the good that we do that endures. Certainly there is much good that Russell Walker did that lives after him—individual acts of kindness and encouragement, and social policies made more effective and humane by his years of legislative leadership. We are grateful for his life and the way he lived it and continue to be inspired by his example.

**HONORING THE 90TH ANNIVERSARY OF THE ROTARY CLUB OF SAULT STE. MARIE**

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. STUPAK. Madam Speaker, I rise to recognize the Rotary Club of Sault Ste. Marie, Michigan, as it celebrates its 90th anniversary in the community. Over the years, the Rotary Club of Sault Ste. Marie has worked diligently to provide service to others, to promote high ethical standards, and to advance world understanding, goodwill, and peace in Sault Ste. Marie and the surrounding areas.

One of the oldest Rotary Clubs in Michigan, the Sault Ste. Marie club was chartered on January 1, 1919. Since its inception the club has taken an active role in supporting and enriching individuals and projects that make Sault Ste. Marie a positive place to live and do business.

Service projects have been a continuing priority for the club. Each year members honor past president Charlie Graver with the Rotary Graver Auction, which has raised nearly \$150,000 to fund youth projects around the community. In the 1960s the Rotary Club built Rotary Park, where visitors can enjoy the view of the lake carriers in the St. Marys River. Today, Rotarians are rebuilding the park starting with the "Poppink Path" walkway. The club has also helped finance Project Playground and agreed to maintain it with yearly repairs and cleanups.

Recognizing the importance of education, the Rotary Club has established the William Poppink Distinguished Teacher Award given annually to one local elementary and secondary teacher recognized for their outstanding contribution to education. The club also presents students in the area with scholarships through the Sault Rotary Strahl Scholarship Fund. The club has raised thousands of dollars to support the community-based Soo Theatre Project, now teaching more than 400 students the arts and providing shows for the community at the historic Soo Theatre.

The Sault Ste. Marie Rotary Club has also done much for those in the community with intellectual disabilities. Members work closely with Special Olympics to staff events and hold an annual Special Olympics carnival. The club also hosts a Valentine's Day lunch each year for special education students in the area.

The club also reaches out beyond Sault Ste. Marie by giving area students the opportunity to go abroad and learn about new cultures in countries across the world. At the same time the club hosts young people from across the globe that come to Sault Ste. Marie to learn about life in the United States.

Madam Speaker, since the formation of the Sault Ste. Marie Rotary Club, members have continuously upheld their mission of, "Service Above Self." The Sault Ste. Marie area has benefited greatly from members' long tradition of community pride and dedication to fostering the ideal of service through action. Madam Speaker, I ask that you and the entire U.S. House of Representatives join me in congratulating the Sault Ste. Marie Rotary Club on its 90th anniversary as well as thanking members for their active involvement in the Sault Ste. Marie community.

**HONORING THE 125TH ANNIVERSARY OF ST. JOHN'S NORTH-WESTERN MILITARY ACADEMY**

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. KIND. Madam Speaker, I rise today to honor St. John's Northwestern Military Academy and to recognize its 125th anniversary.

St. John's Military Academy was founded in 1884 in Delafield, Wisconsin, by Dr. Sidney T. Smythe with the goal of educating young men in a program of physical, moral and religious education that trained student character as well as mind.

The principles are echoed in the academy's motto, "Work Hard, Play Hard, Pray Hard." Dr. Smythe believed that the way to get the most out of a boy is to challenge him and to make him reach just a little farther than he had supposed his arms could stretch. From its small beginnings, the academy grew steadily as it became recognized as one of the leading schools of its kind in the Nation.

Northwestern Military Academy was established in 1888 in Highland Park, Illinois, by Harlan Page Davidson, whose philosophy of education was remarkably similar to Sidney Smythe. In addition to academic classes, cadets participated in athletics, gymnastics, drill instruction and bayonet practice. In 1911, naval training was added to the academy's program and the name was changed to Northwestern Military & Naval Academy, gaining national recognition as an educational experience with a military emphasis.

In 1995, St. John's Military Academy, and Northwestern Military & Naval Academy joined to become St. John's Northwestern Military Academy, located at the St. John's 110-acre campus in Delafield. Though the emphasis has shifted away from the military arts of an earlier day, the discipline, self-confidence, loyalty and camaraderie remain just as strong today. Shaped by each school's strong history, common goals and similar philosophies, the academy continues its long tradition of education and leadership with honor.

**EARMARK DECLARATION**

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the cancer research facility.

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010

Provisions/Account: Health Resources and Services Administration—Health Facilities and Services Account

Name and Address of Requesting Entity: The entity to receive funding for this project is the University of Illinois College of Medicine at Peoria, located at One Illini Drive, Peoria, Illinois 61605.

Description of Request: The funding would be used to finance the construction of a cancer research facility.

**RECOGNIZING BRAD HICKS**

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. WALDEN. Madam Speaker, I rise today to recognize the accomplishments of Brad Hicks, the president and CEO of the Chamber of Medford/Jackson County headquartered in Medford, Oregon.

Brad has deep and enduring roots in southern Oregon that have grounded his personal and professional life in special ways. He treasures the beautiful Rogue Valley in which he was raised and where he and his lovely wife, Kimberly, have chosen to raise their son, Jonathan. Brad's love of southern Oregon and his steadfast belief in its bright future have driven his chamber career along a steady path of unselfish service to the Rogue Valley.

Brad grew up in Grants Pass, Oregon and graduated with a degree in political science from Southern Oregon State College, now known as Southern Oregon University. After public service as an aide to members of the state legislature and the U.S. Congress, Brad returned home to southern Oregon in 1993 where he began his chamber management career as membership director of the Chamber of Medford/Jackson County. Brad was mentored by a chamber legend, Bill Haas, who taught him the essentials of running an effective chamber.

In 1994 Brad became advertising sales director, and then marketing director in 1995, serving in that capacity until being selected to his current position when Bill Haas retired at the end of 1999.

Under Brad's leadership as president and CEO, the Chamber of Medford/Jackson County has grown to be the largest chamber in Oregon, far surpassing the membership of chambers in much larger communities. The Chamber of Medford/Jackson County has not only grown significantly, it has been recognized repeatedly for its effective service to the community. Theirs is the model that other chambers

follow for membership growth, political involvement, and communications with the membership.

Brad gives greatly of himself to his community and to his profession. He has served ably on a long list of local boards, commissions, and philanthropic endeavors. Brad has served on the United States Chamber of Commerce West Institute Board of Regents, the American Chamber of Commerce Executives Board of Directors, and the Northwest Chamber Leaders. Brad is a past president of the Oregon State Chamber of Commerce, and was named that organization's Chamber Executive of the Year in 2006. Brad was also recently awarded the 2008 Western Association of Chamber Executives' "Executive of the Year" award.

Madam Speaker, Brad Hicks is an impactful leader who makes a difference in his community. He brings considerable skills and experience to his service to others and he never rests in his constant personal and professional growth.

However, it is Brad's latest accomplishment that compels me to address this body today. Through years of hard work and dedication, Brad recently joined a very elite group of chamber executives when he achieved the status of certified chamber executive, or CCE as it is known in the chamber profession. In the past 38 years, fewer than 460 chamber executives have achieved the coveted CCE level. The CCE program is designed to assess a senior manager's knowledge of the four core chamber management areas: management, planning and development, membership, communications, and operations.

The CCE earned by Brad is a national recognition of his commitment to his profession, his dedication to managerial and leadership excellence, and his leadership in state, regional, and national chamber professional associations.

I value what Brad has accomplished and his contribution to his community. I invite each of you today to join me in thanking Brad Hicks for his service and in congratulating him on achieving the rare accomplishment of certified chamber executive.

HONORING JAKE ALAN  
FOTHERINGHAME

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jake Alan Fotheringhame, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 125, and in earning the most prestigious award of Eagle Scout.

Jake has been very active with his troop participating in many Scout activities. Over the many years Jake has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jake Alan Fotheringhame for his accomplishments with the Boy Scouts

of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO LANCE CORPORAL  
DONALD JAMES HOGAN

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, Lance Corporal Donald James Hogan, United States Marine Corps. Today I ask that the House of Representatives honor and remember this incredible young man who died in service to our country.

Lance Corporal Hogan graduated from Tesoro High School in 2007 and fulfilled his dream to follow in his grandfather's footsteps by joining the U.S. Marine Corps. His grandfather reached the rank of Gunnery Sergeant and Lance Corporal Hogan wanted to match his grandfather's success through a career in the Marine Corps. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force at Camp Pendleton.

Hogan is remembered by friends as supportive, loyal and unselfish. He was a cross country runner in high school and his teammates recall his encouraging spirit that got them across the finish line. On Wednesday, August 26, 2009, Lance Corporal Hogan was killed while on a foot patrol in southern Afghanistan when a roadside bomb went off nearby in a blast that also injured several other Marines. He was 20 years old. Lance Corporal Hogan is survived by his father Jim, mother Carla, and sister Adrianna.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Lance Corporal Hogan, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Hogan family learned of their son and brother's death was probably the hardest day they have ever faced and my thoughts, prayers and deepest gratitude for Lance Corporal Hogan's sacrifice goes out to them. There are no words that can relieve their pain and what words I can offer only begin to convey my deep respect and highest appreciation.

Lance Corporal Hogan's family have all given a part of themselves in the loss of their loved one and I hope they know that their son and brother, the goodness he brought to this world and the sacrifice he has made, will never be forgotten.

PERSONAL EXPLANATION

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 685 I was unavoidably detained.

Had I been present I would have voted "aye" on rollcall No. 685.

HONORING DARIN MATTHEW  
DUNLAP

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Darin Matthew Dunlap, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 202, and in earning the most prestigious award of Eagle Scout.

Darin has been very active with his troop participating in many Scout activities. Over the many years Darin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Darin Matthew Dunlap for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 65TH ANNIVERSARY OF BIG BROTHERS BIG SISTERS OF GREATER FLINT

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. KILDEE. Madam Speaker, today I would like to extend congratulations to Big Brothers Big Sisters of Greater Flint as they mark their 65th anniversary. This Saturday, September 12, a celebration will be held in my hometown of Flint, Michigan, in honor of this occasion.

The Flint area Big Brothers program developed from an idea of Frank Manley to pair at-risk boys with mentors. He established an informal program during the 1930's and then Father, later Monsignor, Earl Sheridan brought Father Flannigan from Boy's Town to Flint in the 1940's. Through his example and inspiration, the Flint Youth Bureau was formally established in 1944. The Mott Foundation provided the funding and Joe Ryder was the first Executive Director, serving in that capacity for 23 years.

In 1955, Frank Manley, William Minardo and Allen Matherne started the Big Sisters program. The two organizations merged in 1985. Since that time Big Brothers Big Sisters of Greater Flint has partnered with several organizations to expand mentoring programs in the area. They have also developed innovative programs like school-based mentoring. Working with the Urban League the 100 Men 100 Boys group was started. The Superstar Club serves unmatched children. In addition, 25 congregations signed agreements to support the Mentoring Children of Prisoners Program (AMACHI).

Madam Speaker, I ask the House of Representatives to join me in applauding the work

of Big Brothers Big Sisters of Greater Flint as they celebrate 65 years of providing positive role models to children, especially children from single parent homes. Their partnerships with the Flint Community Schools and the Genesee Intermediate School District will help them expand their mission to include even more children. I congratulate them for their commitment to serve the youth of our community and to help them grow into the leaders of tomorrow.

#### EARMARK DECLARATION

### HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the bioenergy and bioprocessing program.

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010

Provisions/Account: Higher Education Account—Fund for the Improvement of Postsecondary Education

Name and Address of Requesting Entity: The entity to receive funding for this project is Richland Community College located at One College Park, Decatur, Illinois 62521.

Description of Request: The funding would be used for the expansion of Richland's bioenergy and bioprocessing degree programs.

#### HONORING THE ENFIELD FIRE DEPARTMENT FOR ITS MANY CONTRIBUTIONS TO THE TOWN OF ENFIELD

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. COURTNEY. Madam Speaker, I rise to honor the exemplary work of the men and women of the Enfield Fire Department who have given tirelessly of themselves in defense of the community they love so dearly. In addition to their selfless acts of heroism, the department has seen fit to establish a memorial which honors the memory of those who lost their lives on September 11, 2001.

For more than 100 years, the men and women of the Enfield Fire Department have put their lives on the line every day to protect their community and the citizens of Enfield. The department was founded on October 15, 1896, after a group of individuals joined together to investigate and combat fires that had been deliberately set. Since that day, more than a century later, the department has continued to serve and protect the people of Enfield with honor and distinction.

In addition to their service to the community, the Enfield Fire Department has taken it upon themselves to create a memorial garden commemorating those who lost their lives on Sep-

tember 11, 2001. On September 11, 2008, the memorial was dedicated with a public ceremony and parade attended by hundreds of Enfield residents. Each year residents of the town will gather to honor the memory of those whose lives were lost on that most fateful day.

The Enfield Fire Department continues its tradition of service to their community, and thanks to their efforts the people of Enfield will never forget that most tragic of days in our Nation's history. The admirable efforts undertaken by the Enfield Fire Department to memorialize the tragedies of September 11, 2001, should inspire each and every one of us to better appreciate the sacrifices made on that fateful day and I ask that my colleagues join me in congratulating the Enfield Fire Department.

#### HONORING ANDREW BLAINE ALLEN

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Blaine Allen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 202, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop participating in many Scout activities. Over the many years Andrew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andrew Blaine Allen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### INTRODUCTION OF UNITED STATES COMMISSION ON AN OPEN SOCIETY WITH SECURITY ACT OF 2009

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Ms. NORTON. Madam Speaker, today, I introduce the United States Commission on an Open Society with Security Act which expresses an idea I began working on when the first signs of the closing of parts of our open society appeared after the Oklahoma City bombing tragedy, well before 9/11. I introduce this bill on the eighth anniversary of 9/11 because this bill grows more urgent as an increasing variety of security measures proliferate throughout the country without any thought about their effect on common freedoms and ordinary access, and without any guidance from the government or elsewhere. The introduction of this bill also precedes my upcoming September 22nd hearing on federal building security, which has gotten so out of

control that a tourist passing by a federal building cannot even get in to use the restroom or enjoy the many restaurant facilities located in areas otherwise bereft of such opportunities. The security in federal buildings has too long resided only in the hands of non-security experts who do not take into account actual threats, and as a result, spend lavish amounts on needless security procedures. For example, the Government Accountability Office completed sting operations this year, carrying bomb making materials into 10 high-security federal buildings and assembling them in the bathrooms. This scandal shines a light on the failure to use risk-based assessments in allocations of resources.

The bill I introduce today would begin a systematic investigation that takes full account of the importance of maintaining our democratic traditions while responding adequately to the real and substantial threats terrorism poses. To accomplish its difficult mission, the Commission created by this bill would be composed not only of military and security experts, but for the first time, they would be at the same table with experts from such fields as business, architecture, technology, law, city planning, art, engineering, philosophy, history, sociology, and psychology. To date, questions of security most often have been left almost exclusively to security and military experts. They are indispensable participants, but these experts cannot alone resolve all the new and unprecedented issues raised by terrorism in an open society. In order to strike the balance required by our democratic traditions, a diverse group of experts needs to be working together at the same table.

For years before our eyes, parts of our open society have gradually been closed down because of terrorism and the fear of terrorism—whether checkpoints on streets near the Capitol even when there were no alerts, to applications of technology without regard to their effects on privacy. We have also seen heightened controversy, litigation, hearings, legislation and court decisions because of the use of technology that intercepts terrorist communications but also covers communications among Americans.

Following the unprecedented terrorist attack on our country on 9/11, Americans expected additional and increased security adequate to protect citizens against this frightening threat. However, in our country, people also expect government to be committed and smart enough to undertake this awesome new responsibility without depriving them of their personal liberty. These years in our history will long be remembered by the rise of terrorism in the world and in this country and the unprecedented challenges they have brought. We must provide ever-higher levels of security for our people and public spaces while maintaining a free and open democratic society. Yet, this is no ordinary war that we expect to be over in a matter of years. The end point could be generations from now. The indeterminate nature of the threat adds to the necessity of putting aside ad hoc approaches to security developed in isolation from the goal of maintaining an open society.

When we have faced unprecedented and perplexing issues in the past, we have had the good sense to investigate them deeply and to

move to resolve them. Examples include the National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission), the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (also known as the Silberman-Robb Commission) and the Kerner Commission that investigated the riotous uprisings that swept American cities in the 1960s and 1970s. The important difference in this bill is that the Commission seeks to act before a crisis-level erosion of basic freedoms takes hold and becomes entrenched. Because global terrorism is likely to be long lasting, we cannot afford to allow the proliferation of security that neither requires nor is subject to advance civilian oversight or analysis of alternatives and repercussions on freedom and commerce.

With no vehicles for leadership on issues of security and openness, we have been left to muddle through, using blunt 19th century approaches, such as crude blockades, unsightly barriers around beautiful monuments and other signals that the society is closing down, without appropriate exploration of possible alternatives. The threat of terrorism to an open society is too serious to be left to ad hoc problem-solving. Such approaches are often as inadequate as they are menacing.

We can do better, but only if we recognize and then come to grips with the complexities associated with maintaining a society of free and open access in a world characterized by unprecedented terrorism. The place to begin is with a high-level presidential commission of experts in a broad spectrum of disciplines who can help chart the new course that will be required to protect our people and our precious democratic institutions and traditions.

#### EARMARK DECLARATION

### HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Center for Health Professions Performance Improvement.

Bill Number: H.R. 3293—Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2010

Provisions/Account: Health Resources and Services Administration—Health Facilities and Services Account

Name and Address of Requesting Entity: The entity to receive funding for this project is the Mid-Illinois Medical District located at 130 West Mason Street, Room 216, Springfield, Illinois 62702.

Description of Request: The funding would be used for the construction of the Center for Health Professions Performance Improvement that will provide continuing educational opportunities for individuals in the healthcare industry.

#### RECOGNIZING THE 125TH ANNIVERSARY OF THE SALVATION ARMY'S PRESENCE IN ALTOONA, PENNSYLVANIA

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. SHUSTER. Madam Speaker, I rise today to recognize the 125th Anniversary of the Salvation Army's presence in Altoona, Pennsylvania. The Salvation Army has had a long and cherished history assisting the community with essential services like utility assistance, food banking, emergency shelter, clothing, Christmas help, and many other services critical to the lives of families in need.

The exact date of the founding of the Salvation Army in Altoona remains unclear after all of these years. However, their ministry was one of action, not of chronicle. In the beginning the ministry of the Salvation Army in Altoona, like many others, was primarily a ministry of the street, a ministry that took its message and its critical services directly to the people.

Over the past 125 years, the Salvation Army in Altoona has occupied about 15 different locations. On December 5, 1976, the Salvation Army built their permanent location after a successful capital fund drive.

At different holidays the Salvation Army provides gifts to the nursing homes, VA hospitals, and anywhere individuals might not receive necessary needs at any time. The Salvation Army in Altoona does not discriminate against anyone based on their race, color, creed, or religion. The Salvation Army in Altoona maintains a presence in the community to assist and love and to meet the needs of all those who need it.

Historically, the Salvation Army has provided programs for children to help with their self esteem and caring for others, women and men programs, and older adult programs. The Salvation Army in Altoona still provides these services and will carry on its tradition of social and worship services in the community for many years to come. I congratulate them on this wonderful milestone.

#### PERSONAL EXPLANATION

### HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. BOYD. Madam Speaker, due to personal reasons, I was unable to attend to votes this week. Had I been present, my votes would have been as follows:

"Yea" on H.R. 3123;  
 "Yea" on H.R. 310;  
 "Yea" on H.R. 324;  
 "Yea" on H. Res. 447;  
 "Yea" on H. Res. 722;  
 "Yea" on H.R. 2498;  
 "Yea" on H.R. 2097, and  
 "Yea" on H.R. 965.

#### TRIBUTE TO AMERICAN LEGION DAY

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to one of our Nation's largest and most successful veterans advocacy organizations, the American Legion. Since the Congressional charter was issued on September 16th, 1919, the American Legion has worked tirelessly to serve American veterans and communities across the nation. Arkansas has the honorable distinction of becoming the first American Legion Department in the United States to be incorporated.

The American Legion was founded under four principles or pillars: The care for our veterans, the care for our children, a strong national defense, and the promotion of Americanism. Over the years, the American Legion has become a preeminent community-service organization, which includes more than 2.5 million members at over 14,000 American Legion posts worldwide.

Every year, members of the American Legion donate thousands of hours of community service in veterans' medical facilities and homes to care for our nation's heroes. They remain committed to upholding the ideals of freedom and democracy, strive to improve the overall quality of life to our nation's servicemen and women, and tirelessly work to make a difference in the lives of fellow Americans.

Today, on American Legion Day, we now have an opportunity each year to come together and celebrate the organization's long history and distinguished service to the community, state and nation. Millions of people who have been positively affected by the American Legion, as well as the American people are grateful for their efforts in serving our country. On behalf of the United States House of Representatives, we thank you for your courage, your character, and your service to our country.

#### RECOGNIZING REVEREND WAYNE PERRYMAN

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. REICHERT. Madam Speaker, today I rise in recognition of an individual from my district and his efforts to honor the principles of President Abraham Lincoln. Reverend Wayne Perryman from Mercer Island, Washington, and Kasandra Rae Huff, an 18-year-old student from Longview, Washington, created a piece of artwork that was recently accepted into the permanent collection of the Abraham Lincoln Presidential Library and Museum.

As our Nation confronts challenging times, we must remember and treasure the life and work of President Lincoln as he led this country through an extraordinarily difficult period. I commend Reverend Perryman and Ms. Huff for their artwork and am pleased to submit the

text of it on their behalf into the CONGRESSIONAL RECORD.

This portrait of Lincoln is the fine work of Miss Kasandra Rae Huff, an eighteen year old high school student from Longview, Washington.

Kasandra sincerely admired our 16th President, who was perhaps the most lonely person that ever occupied the White House. He was a man not known for his good looks, but for his good heart.

Many scholars criticize Lincoln for his thoughts regarding what to do with the freed blacks after ending slavery, but few commend him for what he did for blacks by ending slavery. During the past thirty-plus years African Americans have occupied every major cabinet level position in the United States government; two have sat on the United States Supreme Court; several others have run our nation's largest cities, including Detroit, Los Angeles, New York, Chicago, and Atlanta; one headed the Joint Chiefs of Staff; and 145 years after Lincoln delivered the Gettysburg Address, this nation has elected its first black president.

History reveals that Lincoln's appreciation for blacks was an evolving process, as it was for most Americans. The more exposure he had, the more he appreciated and saw African Americans as equals. By the time he reached Gettysburg on that cold November afternoon in 1863, he was at peace with idea of blacks being equal. Using carefully selected words in a cleverly crafted speech that he had worked on all night, he told those who gathered at the cemetery in Gettysburg what he thought about equality when he spoke these words:

"Four score and seven years ago, our fathers brought forth upon this continent, a new nation, conceived in liberty and dedicated to the proposition that all men are created equal."

Even though he wrestled with what to do with the freed slaves after the war, he had grown to appreciate African Americans through his relationship with his black advisor, Frederick Douglass, and his wife's best friend and traveling companion, Ms. Elizabeth Keckley, a black dress designer. (Keckley, a freed black woman, designed dresses for Mary Todd Lincoln and other prominent women of that time.)

Evidence of Lincoln's evolving feelings toward blacks was clear to everyone when Democrats pressured Lincoln to sit down with Jefferson Davis to negotiate peace. The president, who once thought that saving the union "without freeing any slave" was an option, took that option off the table and stated that "reunion and the emancipation" were the only grounds for peace. Democrats tried to embarrass and discredit the president by accusing him of prolonging an unnecessary and unpopular war and by placing cartoons in newspapers depicting Lincoln as a "Widow Maker" and the killer of young men. Committed to the cause, Lincoln said, "If at the end, when I come to lay down the reins of power, I have lost every friend on earth, I shall have at least one friend left, and that friend shall be down inside of me."

His renewed commitment to the emancipation of blacks was also reflected in the portion of the Gettysburg Address where he said:

"That this nation under God, will have a new birth of freedom and that the government of the people, by the people and for the people shall not perish from this earth."

Unfortunately, many critics are quick to quote from Lincoln's speeches prior to the Gettysburg Address, but not as quick to

quote from his speeches after the Gettysburg address. Through Frederick Douglass, Elizabeth Keckley and the black soldiers who so bravely fought for the Union, Lincoln had gained a greater appreciation than most Americans for blacks. His struggle was not so much over how he would accept the new black citizens, but how his fellow white brothers and sisters who had only a stereotypical view of blacks would accept them.

With Jefferson Davis leading the nation of the Confederate States, Lincoln was the only president in our lifetime who was faced with the possibility of a future where there would be two separate nations rather than the one that our founding fathers had established. Winning the war and uniting the country was a tremendous accomplishment and that alone should make Lincoln the greatest president of all time. Had he allowed the South to exist as a separate nation, and had we remained as two smaller countries instead of one we know today, becoming a superpower would have been only a dream and never a reality. As two separate (smaller) nations, we would not have grown to be a superpower and our defense of democracies around the world would have never been a possibility. How different the world be, had he failed.

Had he lost the Civil War, what would have happened to blacks? What would have happened to the Republican Party, the Party of Lincoln? Would the defeat of the Union also have meant the destruction of this new fragile political party? Without the Party of Lincoln, would there have been the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution as well as other subsequent Civil Rights legislation to give blacks freedom, citizenship and the right to vote—all of which paved the way for America to elect its first black president?

Even though members of the Party of Lincoln honor Ronald Reagan as a great president, he was no Abraham Lincoln. Reagan gave his service to this country, but Lincoln gave his life for his country. Without Lincoln there is a strong possibility that there would be no Republican Party today. We owe it to ourselves to honor this man by keeping the true Legacy of Lincoln alive. Republicans, African Americans and the world as a whole owe this lonely log-splitting country lawyer much more than we will ever know: perhaps even our lives.

Please help us establish and maintain the Legacy of Lincoln through the Legacy of Lincoln Foundation so that future generations will know of his true greatness and his enduring contribution to the entire world.

#### EARMARK DECLARATION

### HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Achieving Lightweight Casting Solutions.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Provisions/Account: Army: "RDT&E" Section of the bill, Line Title: End Item Industrial Preparedness, Program Element: 0708045A, Line Number: 179.

Name and Address of Requesting Entity: The entity to receive funding for this project is American Foundry Society, 1695 North Penny Lane, Schaumburg, IL 60173.

Description of Request: The funding would be used to develop lightweight metals and casting methods to produce vital defense components in fast, low cost, efficient ways.

#### RECOGNIZING THE HARLEM CULTURAL ARCHIVES HISTORICAL SOCIETY'S TRIBUTE TO THE LLOYD EVERETT DICKENS FAMILY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. RANGEL. Madam Speaker, I rise today in recognition of The Harlem Cultural Archives Historical Society's tribute to the legacy of the Lloyd Everett Dickens Family at their 2nd Annual Award Luncheon taking place at Harlem's renown Londe's Supper Club.

Before the first Wall Street crash and Great Depression of the early 1920's, hard-working successful African Americans found it very difficult to rent apartments and buy homes. Landlords did not want Blacks living in their buildings as tenants, and white property owners would not acknowledge Blacks who sought to bid on their property.

Two young men, Fred and Lloyd Dickens from Watonga, Oklahoma, where their father, Andrew, was a United States marshal disliked what they had observed and what Blacks were experiencing in seeking housing and ownership. They created and built a partnership to conduct real estate business in Harlem and throughout the City of New York.

By the late 1950s, Lloyd E. Dickens had built a reputation as one of Harlem's most successful veterans in the housing profession. He had also established a name in political circles, distinguishing himself as both a District Leader and Assembly Member as one of New York City's major powerbrokers. In 1959, he was the only Tammany Hall leader to defy party leaders when then Manhattan Chairman Carmine G. De Sapio sought to end the political career of Congressman Adam Clayton Powell, Jr. Instead of following, Dickens led, pressing an agenda that called for a fair share of patronage and representation to deal with the social and economic problems of black people.

For the rest of his years, Lloyd Dickens remained in the vanguard of the struggle to secure equality for blacks and other minorities in the job market, the courts, city government and education. Today, the Dickens family legacy continues through Lloyd's two daughters, Delores Richards and my political wife Inez "Betty" Dickens. Delores continues to run Lloyd E. Dickens & Company with the same dedication, integrity, fairness and core values, which was inspired by her father and uncle. Inez is following in the same path as her father, District Leader, first vice chair of the New York State Democratic Committee, and now, the Majority Whip of the New York City Council—second most powerful female member and highest-ranking African-American woman.

Madam Speaker, it gives me great pleasure to thank the Harlem Cultural Archives Historical Society for preserving and documenting Harlem's illustrious contributions and its history; and for establishing the Dickens Family Scholarship for college students who have exhibited an interest in the Harlem community and achieved academic excellence. It is the least that we can do to honor and pay tribute to a man who did so much for our community and all people of good will.

CONGRATULATING BISHOP JACOB COHEN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and extend my congratulations to Bishop Jacob Cohen on his 50th anniversary of pastoral ministry in service to the A.M. Cohen Temple, the Eastern Florida Jurisdiction, and the Church of God in Christ.

Bishop Jacob Cohen, the ninth son and twelfth child of Bishop Amariah Melvin Cohen, founder and pastor of the Miami Temple Church of God in Christ, was educated in the Miami-Dade County Public School System. While a student at Florida Agricultural and Mechanical University his educational pursuit was interrupted with his decision to serve in the United States Army, stationed in Fort Bragg, North Carolina. He then went on to serve the 82nd Airborne Division. Upon honorable discharge, he enrolled at Fayetteville State University in North Carolina and graduated in 1958 with a bachelor's degree in education.

Soon after, Bishop Cohen married his wife, Mrs. Josie Jackson, the daughter of the Late Deacon John and Mother Josie Jackson. The two are blessed with four children, four grandchildren and four great-grandchildren.

In 1971, Bishop Cohen was appointed as Superintendent of the Miami District and also served as Jurisdictional Bishop of the Eastern Florida Jurisdiction. In 1972, he was elected to serve on the General Board of the Church of God in Christ, the governing board of the international church. He served for 14 years.

With a career spanning half a century, Bishop Cohen served on many national, state, and local boards and advisory councils including the NAACP, YMCA, Governor's Committee on the Black Family, and the Boy Scouts. He sponsored the Labor Task Force for the renovations of Saints Industrial Junior College, established the Clergy Bureau for the Church of God in Christ, and wrote the financial plan for the National Church of God in Christ. On March 11, 2006, Bishop Jacob Cohen was presented with an Honorary Doctorate Degree from Saint Thomas Christian College in Jacksonville, Florida.

Under the leadership of Bishop Cohen, A.M. Cohen Temple has taken an active and progressive role in directly addressing the temporal and spiritual needs of our neighbors. I want to commend him for his tireless apostolate in ministering to those who were imprisoned, to the hungry and to all those seeking the love and solace of a Church that seeks to

affirm and confirm their dignity as God's children. Bishop Cohen's anniversary in the ministry takes on a meaning much greater than the passage of time, for he and the Church have met the spiritual needs of thousands of people who came before them, and through the grace of God will continue to do so for another century to come. It is a magnificent legacy we will celebrate.

Madam Speaker and my colleagues, I ask that you join me in honoring Bishop Jacob Cohen, a humble servant of God, a true beacon of hope and a guiding light in the 17th Congressional District of Florida.

IN HONOR OF THE LIFE LAB SCIENCE PROGRAM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. FARR. Madam Speaker, I rise today to honor the community-based Life Lab Science Program for their 30 years of work in the field of science and environmental education. The Life Lab Science Program is committed to environmental stewardship by promoting science and garden-based education for all learners. Since its inception in 1979, the Life Lab has supported science and garden-based education through publications, professional development, and innovative programs. Through the efforts of the Life Lab Science Program, thousands of educators and youth have developed gardens, while simultaneously learning about food, health, the interrelationships of the natural world and environmental sustainability.

Today, the Life Lab Garden Classroom is a two-acre interactive and educational garden which receives over 15,000 visitors each year. Using the Life Lab garden and farm, in cooperation with the UCSC Center for Agroecology and Sustainable Food systems, the Life Lab Garden Classroom teaches environmental science, garden-based nutrition and effective outdoor education pedagogy to children and adults alike. It offers guided garden-based field trips for elementary school classes, a variety of workshops for teachers, and an opportunity for the public to learn about ecological concepts in a hands-on, living laboratory.

The Life Lab Science Program also works with schools in Santa Cruz County to make a positive impact on the environment through an intensive waste reduction program, called Waste Free Schools. Along with gaining a deeper understanding of educational issues related to waste reduction, each participating school organizes a Community Outreach event. These events educate the greater community about resource conservation and the school's waste reduction efforts. Currently, Waste Free Schools conducts assemblies and in-class presentations that reach over 8,000 students each year.

Another significant contribution of the Life Lab Science Program is the Monterey Bay Science Program, which provides professional development services to teachers in order to bring all learners into the mainstream of academic literacy. This award-winning program

hosts teacher workshops on how to use scientific concepts from the physical, earth and life sciences.

Programs such as the Life Lab Garden Classroom, Waste Free Schools, and the Monterey Bay Science Program serve to educate the youth of today about the importance of environmental sustainability and waste management. The Life Lab Science Program is a rare gem, teaching people of all ages about the unbreakable bond between humans and the beautiful environment in which we live. The efforts of the Life Lab, and others like it, better our chances at some day achieving a sustainable future, in which all citizens truly appreciate the plentiful gifts we reap from the land.

Madam Speaker, I applaud the Life Lab Science Program's efforts to promote environmental sustainability and education in an interactive living laboratory. Its dedication towards environmental education is one that ought to be mimicked across the nation, as the effects of unsustainable practices and environmental degradation begin to be felt by our generation and those to come. I know I speak for the entire House when I congratulate the Life Lab Science Program for its 30 years of commendable community service and extend our wishes for many more to come.

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Manufacturing Lab for Next Generation Engineers.

Bill Number: H.R. 3326 Department of Defense Appropriations Act, 2010

Provisions/Account: Army: Army; Research, Development, Test and Evaluation; University Research Initiatives

Name and Address of Requesting Entity: Bradley University, 1501 W. Bradley Avenue, Peoria, IL 61625.

Description of Request: The funding would be used to construct a laboratory to discover innovative and creative manufacturing techniques and teach these techniques to engineers so they can be competitive in a global economy.

RECOGNITION OF SUICIDE PREVENTION WEEK SEPT. 6-12

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the week of September 6 through September 12 as National Suicide Prevention Week. Suicide is a public health problem and suicide prevention is a responsibility we all must share.

The reality of suicide is staggering. Did you know that in the United States more people

die by suicide each year than homicide? Suicide is now the leading cause of death among people from the age 15 to 24. In fact, the suicide rate for those 15–24 years old has more than doubled since the mid-1950s.

It is estimated that 5 million people in the United States are survivors of a loved one's suicide. Many of us, myself included, have been touched by teenage suicide. For every completed suicide by a youth, it is estimated that 100 to 200 attempts are made. Each year, there are approximately 10 youth suicides for every 100,000 youth. Each day, there are nearly a dozen youth suicides, and every 2 hours and 5 minutes, a person under the age of 25 commits suicide.

Most suicidal individuals do not want to die, but they do not know how to end the pain they are experiencing nor do they comprehend the permanence of their act. They use their behavior as a means of coping with stress and calling out for help. We must assist these individuals. Not all adolescent attempters may admit their intent so we must look for the signs of at-risk behavior, such as the expression of hopelessness, sadness, or threats to hurt oneself. We must be aware of the abuse of drugs or alcohol, withdrawal from family and friends, or increased aggressive or impulsive behavior.

When suicidal behaviors are detected early, lives can be saved. As a community, we must promote awareness that suicide is a public health problem and develop strategies to reduce the stigma associated with mental health and suicide prevention services. There are services available in our communities to address the behaviors and underlying causes of suicide. I ask my colleagues to join me in supporting National Suicide Prevention Week, because together we can reduce the number of lives shaken by a needless and tragic death.

REMEMBERING SEPTEMBER 11, 2001

### HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES  
*G1Thursday, September 10, 2009*

Mr. MACK. Madam Speaker, I rise today to remember those who lost their lives on September 11, 2001.

This week, we remember the thousands who lost their lives on September 11. We remember their courage, their dreams and their spirit. Their families and loved ones are in our thoughts and prayers.

As we stand here, eight years later, the memories of that September morning remain

very fresh, and we shall never forget those dreadful hours, days, weeks and subsequent months where the American spirit was put to the ultimate test.

But we, as a Nation, are resilient and have showed the world our resolve. The dark shadows of terrorism did not, and will not crush the steadfast determination of the American people.

Since that terrible day, we have shown the world that America remains vibrant, optimistic and resolute in our ideals of freedom and democracy.

Our shining city on a hill continues as a beacon of freedom to the world.

This anniversary also reminds us of the challenges we have ahead of us when it comes to the protection of freedom, security and prosperity. Tyrants across the region have not wasted any time in crushing personal freedoms and fomenting hate.

Madam Speaker, this week we honor those who lost their lives on September 11. We honor them in our thoughts and prayers. We also honor them by imparting the significance of the day and the lessons we have learned as a Nation on to our children and grandchildren. Finally, we honor them by upholding the ideals of freedom, security, and prosperity that continue to make our country strong.

### PERSONAL EXPLANATION

#### HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 283, 284, 285, 286, and 287 I was unavoidably detained.

Had I been present I would have voted "nay" on rollcall No. 283; "nay" on rollcall No. 284; "nay" on rollcall No. 285; "aye" on rollcall No. 286; and "aye" on rollcall No. 287.

HONORING MSGR. JOHN "JED" PATRICK ON HIS RETIREMENT FROM ST. MICHAEL'S PARISH

#### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 10, 2009*

Mr. STUPAK. Madam Speaker, I rise to recognize Monsignor John "Jed" Patrick, or "Father Jed" as his parishioners know him, on his

retirement from St. Michael's Parish in Marquette, Michigan. During his 41 years of ministry in the Diocese of Marquette, Father Jed served both his parish and his community with dedication, sharing his life and his church with open arms.

A native of Ironwood, Michigan, Father Jed served parishes in Marquette, Escanaba, Trenary, Palmer, Gladstone, Big Bay, and my hometown of Menominee. He became pastor at St. Michael's in 1995, serving there 14 years before his retirement.

Father Jed attended St. Lawrence Minor Seminary in Mt. Calvary, Wisconsin and St. Francis Major Seminary in Milwaukee. He went on to study in Rome, until he was ordained a priest on December 21, 1967 by Bishop Francis Reh at St. Peter's Basilica at the Vatican. His first assignment after ordination was to the very parish he retired from—St. Michael's Parish in Marquette.

At St. Michael's, Father Jed served as director of vocations and Vicar General. He also was responsible for the Catholic Campus Ministry at Northern Michigan University. In 1999, Pope John Paul II bestowed the title of Prelate of Honor to His Holiness on Father Jed, allowing him to be addressed as Monsignor.

Father Jed is a friend, and I have seen firsthand his deep commitment to his parishioners, his dioceses, and to the Upper Peninsula. The Marquette Diocese is rich in history, rich in faith and rich in the Lord's spirit and Father Jed upheld each of these traditions to the fullest extent throughout his 41 years of service.

Father Jed now plans to catch up on reading, work in his yard and around his home and travel to places both far and near to the Upper Peninsula. But even in retirement he continues to spread the Word of the Lord, taking on weekend assignments in churches throughout the area.

Madam Speaker, it was at St. Michael's in Marquette that Father Jed first stepped into the priesthood, and it was at St. Michael's that he stepped down after his decades of service to parishioners throughout the Upper Peninsula. His work and his ministry have touched the lives of many, including myself, and have become an important part of the history of the Diocese of Marquette. He has shown dedication to the Roman Catholic Church and devotion to the Lord. And so I ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in honoring Monsignor John "Jed" Patrick on his retirement from St. Michael's Parish in Marquette.

## SENATE—Friday, September 11, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Assistant Chaplain, Dr. Alan Keiran, offered the following prayer:

God of justice and righteousness, teach our lawmakers to mobilize our national might for Your glory. May their labors bring deliverance to captives, sight to the ethically and morally blind, and comfort to those who are bruised by life's thorns. Give them a spiritual vitality that will enable their faith to survive life's trials and tribulations. In deep humility of spirit, may they seek to know Your will and demonstrate the courage to choose Your way and purpose. When the choice is between honor and self-interest, may they never hesitate to do right.

O God, we pause this day to remember all the victims of 9/11, their families and the firefighters and police officers whose lives were sacrificed in heroic efforts to rescue those in need. Bless our Nation with renewed commitment to face today's challenges with tenacity and vigilance.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 11, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leader-time is reserved.

### MOMENT OF SILENCE IN REMEMBRANCE OF 9/11

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a moment of silence. (Moment of Silence.)

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business. It is my understanding that the distinguished Republican whip wishes to have control of the first half hour and that the second half hour would be controlled by the Democrats.

Following that morning business, which will last for 1 hour, the Senate will resume consideration of H.R. 3288, the Transportation and HUD appropriations bill. As previously announced, there will be no rollcall votes during today's session of the Senate.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arizona is recognized.

### PROGRESS MADE SINCE 9/11

Mr. KYL. Mr. President, following this moment of silence, I think all of us on this morning are reflecting on where we were and what we were doing on the morning of September 11, 2001. In this body, we are reflecting on the things that occurred thereafter that enabled us to respond to that heinous terrorist attack.

I wanted to read some comments I wrote for the Arizona Republic that were printed this morning:

Eight years have passed since al Qaeda terrorists attacked the United States. Today, we remember the thousands who lost their lives and are reminded of the brutality and evil of our enemy.

Terrorists have not struck on our soil since 9/11 because we gained useful intelligence and have been able to thwart attacks. This is due in part to intelligence improvements implemented after a bipartisan commission investigated the terrorist attacks and provided recommendations to protect against future attacks. Known as the 9/11 Commission, it described in detail a lack of cooperation among the Justice Department and members of the intelligence community prior to 9/11 that made the United States more vulnerable to attack. It also described how second guessing of intelligence operations had caused intelligence agents to be risk-averse and overly cautious in carrying out their duties.

Following the release of the commission's report, Congress and government agencies made critical changes to improve intergovernmental cooperation and pushed the agencies to be bold in acting to protect the American people. The result was an intelligence community that was aggressive in tracking, capturing, and interrogating terrorists, and devising other technical means of gathering key intelligence.

The interrogation techniques employed during the post-9/11 period produced information that saved lives. For example, interrogations of Khalid Sheik Mohammed, the mastermind of the September 11 attacks and the man the CIA has called its "preeminent source" on al Qaeda, revealed plans to carry out a September 11-type attack on the West Coast and attack landmarks in New York, such as the Brooklyn Bridge.

But, the passage of time since 9/11 seems to have dimmed memories of important lessons learned, as demonstrated by Attorney General Eric Holder's recent decision to appoint a prosecutor to reopen a previously closed investigation into the techniques intelligence officers used to interrogate terrorists. There is little doubt that this step, which could lead to criminal charges against intelligence officers, will drive a wedge between the Justice Department and the intelligence community and discourage the intelligence community from acting aggressively.

Intelligence officers will not be able to focus on their critical responsibility if they are worried that actions they take today will be subject to legal recriminations when the political winds shift. Indeed, CIA director Leon Panetta has sounded a similar warning—that he's become increasingly concerned that this focus on what happened in the past will distract intelligence officers from their core mission of protecting America. It will also spur distrust between the Justice Department and the intelligence community and return us to the days when a virtual "wall" separated government agencies charged with fighting terrorism.

The attorney general's decision to reopen this investigation will have serious repercussions—and it is wholly unnecessary. When he announced the appointment of the prosecutor, the attorney general failed to acknowledge that the Justice Department has already investigated the alleged interrogation abuses that are the subject of this new probe. One individual was prosecuted and convicted for abuses. Three former attorneys general and numerous career prosecutors have examined the evidence and determined

that it does not support further prosecution of intelligence officials.

The president himself has repeatedly said that he wants to look forward, not backward on this issue. But, the actions of his administration (over which he has control) are inconsistent with his stated intent. I believe the nation would be better served if the administration focused more on supporting the intelligence community as it continues every day to do the hard work of intelligence gathering, rather than distracting it from its duties and chilling its activities.

#### REFLECTIONS ON THE PRESIDENT'S ADDRESS

Mr. KYL. Mr. President, I wish to reflect on the speech President Obama gave on Wednesday evening. We have had time to reflect on its meaning, time to have the pundits give their views on it, time to see some reaction by the American people, and time to visit with colleagues about their reaction to answer the question of whether it moved us further along to a bipartisan solution to the health care challenges that we all acknowledge face our Nation.

I must report this morning, with some disappointment, I do not believe it achieved that purpose. During the month of August, when we were back home talking with our constituents, they spoke to us about their concerns and their fears about the plans that have been put forth by the House of Representatives and Senate committees, and we brought those ideas back to Washington. I had hoped, with the thought that there could be a readjustment—a pressing of the restart button, as it were—to have these bills in the House and Senate more accurately reflect the will of the American people.

The public opinion surveys are virtually unanimous that public opinion does not favor the plans that have been presented to the Congress. In fact, by roughly 52 to 42, the surveys say the American people disagree with or disapprove of those proposed solutions. But rather than reflecting on what the public has been saying, which the President did not do on Wednesday evening, it seemed he simply recharged the same program he has been pushing for all these many months now and criticized those who disagreed with him and effectively threw down the gauntlet and said it is going to be this way or no way.

I don't think that is the way to reach a bipartisan consensus or reflect the will of the American people. I am especially disappointed because, in the President's comments, there seems to be no room for honest disagreement. I must tell you, after working with colleagues on both sides of the aisle for months, there are honest disagreements and some honest disputes about some of the facts. There has to be room for that honest debate, rather than simply calling each other by pejorative

names or condemning anything they say.

Let me quote some of the words the President used: "partisan spectacle." The opposition's "unyielding ideological camps"—trying to "score short-term political points." He talked about the "bogus claims spread by those whose only agenda is to kill reform at any cost." Maybe some people believe that, but that is not the people in this body or in the other body.

In order to reach out to those with whom there are disagreements, I think the President has to use a different phraseology than suggesting the only reason people disagree with him is to "kill reform at any cost." He talked about lies from prominent politicians and arguments that were false and said: "To my Republican friends, I say that rather than making wild claims about a government takeover of health care, we should work together. . . ." And so on.

Well, I talked to my constituents, and they are very concerned about the role of government in their health care decisions and the decisions of their families and their doctors. When you read the legislation, I don't think they are wild claims to say the role of government would be much greater than it is today and, to many people, to an extent that causes great fear and concern.

The President talked about the "demagoguery and distortion" and said: "So don't pay attention to those scary stories." Of course, he had some pretty scary stories in his speech. There is nothing wrong with pointing out serious problems in order to spur people to action. But if it is OK for one side to do that, it ought to be OK for the other side—for those who disagree with him.

Finally, he said he is not going to "waste time with those who have made the calculation that it's better politics to kill this plan than improve it." Certainly, that isn't the motivation of the people in the other body or this body with whom we disagree. He also said: "If you misrepresent what's in the plan, we will call you out." That is a threat and the kind of Chicago-style politics that I don't think has a place in the presentation in the House of Representatives, where I have heard five Presidents give speeches. Far and away, this was the most political. Therefore, I think it was the least effective in bringing people together for a bipartisan solution.

Also, the most disappointing thing was what I would say is an inability to confront honest differences of opinion and have an honest debate about those disagreements. The President is very good at what I have called setting up a straw man. He sets up an argument that nobody has made and then knocks it down and declares success. That is a disingenuous way to make an argument.

I will illustrate this with maybe five different points he covered in his speech. You have heard the President say for months that if you like your insurance, you get to keep it. How many times have you heard that? The problem is, it is not true—under either the House or the Senate bills. I will explain why in a moment. But it is not true. Eventually, I think the President's advisers must have told him you cannot say that. Let's reform the way you say it so that what you say is legally and technically true. Wednesday night, here is what the President said:

Nothing in this plan will require you or your employer to change the coverage or the doctor you have.

Then he repeated that. Well, nobody ever said there was anything in the bills that required you or your employer to change. We simply read the bills and observed that, as a result of the legislative language, they would change because their plans would no longer exist. Naturally, if your plans no longer exist or if your employer said: I am not going to cover you anymore because it is cheaper to go to the public option, then you would lose your coverage. So the President changed the language to be technically correct, leaving the impression that what he said before is still true when, in fact, it is not. Both the CBO and the Lewin Group—a totally objective analysis—demonstrate that for two separate reasons, it is still true if you like your insurance, you are not going to be able to keep it. Most people are not.

The Lewin Group notes that of the over 100 million Americans—probably close to 120 million Americans—who will go to the public option or government-run plan, as the President proposed, 88 million of those will lose their employer-sponsored insurance because it is cheaper for the employer to drop their coverage, pay the fine, and allow them to enroll in the government program—88 million.

For senior citizens—and this is especially important in my State of Arizona—7 million seniors, according to CBO, will lose their private Medicare plan coverage, and that is because the President's plan, these bills, drastically reduces the support that is provided to insurance plans called Medicare Advantage, where their primary purpose is to serve people in more rural and less populated areas, but they exist in urban areas as well.

Over 10 million seniors are enrolled in Medicare Advantage plans. In my State, we have one of the highest rates of enrollment, with about 39 percent of Medicare beneficiaries in the Medicare Advantage plans.

The President and the Democrats who have written this legislation would like to do away with those Medicare Advantage plans. As a result of the language of the bills, according to the CBO, at least 7 million seniors will

be moved off Medicare Advantage because those plans will no longer be available.

The point being that while, of course, the President is correct that nothing in the plan requires you to leave your coverage if you like it, the reality is that over 88 million people who have insurance through their employer and 7 million seniors who have Medicare Advantage plans will lose their coverage because of the provisions of the bill.

The fact remains it is still not true, if you like your insurance, you are going to be able to keep it—at least for almost 100 million; to be totally accurate, about 95 million Americans.

The President made another argument. He said: I know you Republicans have been interested in medical malpractice reform, so I am going to do something about that.

I have to characterize it as a very disingenuous proposal. Everybody knows there is a huge amount of money that could be saved in health care delivery if we did something to reform this jackpot-justice system that requires physicians to pay, by one estimate, about 10 cents of every health care dollar spent for their premiums for malpractice insurance.

Another study demonstrated that over \$100 billion a year is wasted in physicians and hospitals practicing defensive medicine in order to protect themselves from these liability suits, these malpractice suits.

We have been pushing for malpractice reform for years. What was the President's response? He is going to ask the Secretary of HHS, Kathleen Sebelius, to look into an idea that the Bush administration was promoting after the Senate rejected, on almost partisan lines, medical malpractice reform proposed by Republicans.

Secretary Sebelius was the director of the Kansas Trial Lawyers Association from 1978 to 1986. Some kind of encouragement to the States to develop some kind of alternative dispute resolution mechanism is hardly tort reform.

Given the fact that this is a huge problem, a lot of money could be saved if we have meaningful tort reform. We believe it would be better to develop real tort reform and include it in the legislation rather than simply direct the Secretary to look into something I think is bound to result in virtually nothing.

A third point I think is highly misleading—and this received a lot of publicity because of the unfortunate comments by a Member of Congress in a very uncourteous comment to the President—the President said:

The reforms I am proposing would not apply to those who are here illegally.

In one sense, that is a true statement because there is not a provision that says we are going to cover illegal immigrants. By the same token, on re-

peated occasions when Members of the House of Representatives sought to ensure that illegal immigrants would not be covered, amendments to ensure eligibility requirements and confirmation of eligibility by assuring only U.S. citizens would receive the benefits of the program, those amendments were defeated.

So it has been proposed that maybe we can just resolve this question of who is right by agreeing to a simple amendment that says illegal immigrants will not have the benefits of this program, and there is going to be enough confirmation of their eligibility or noneligibility to ensure that is the case. That is how we could resolve it.

We could do the same thing with regard to funding of abortions. There is an argument, are they or are they not? There is a very simple answer. Instead of rejecting the Hatch amendment, which was done in committee, adopt the Hatch amendment that simply says no funding of abortions.

I think we are going to know pretty clearly if there is an intent to deceive, to have the language seem to prevent illegal immigrants or funding for abortions but in reality it ends up that they get the coverage or that abortions are funded.

There is a very simple solution: adopt the Republican language that makes it very clear. But, no, that has not been done, and we will see whether it will be done.

I thought one of the most unfortunate phrases the President used was, in speaking to America's seniors:

Not a dollar of the Medicare trust fund will be used to pay for this plan.

The President acknowledged in his speech that about half of the cost of the almost \$1 trillion expense of this plan will be by virtue of cuts in Medicare. I think he used the word "savings" in Medicare. The question is, what exactly are those cuts? What is that savings? What the President said was, "Not a dollar of the Medicare trust fund will be used to pay for this plan," as if that answers the questions and seniors should not be worried.

First of all, nobody said the trust fund is going to be used. Does anybody know how much money is in the trust fund? I will tell you. Zip. The trust fund is broke. Medicare is in big financial trouble. There isn't any money in the trust fund to pay for anything. Nobody ever suggested that was the problem.

Here is the problem, twofold: One, they are going to get somewhere a little less than \$200 billion by reducing the allocations to the plans that provide Medicare Advantage. I talked about that earlier. They don't like Medicare Advantage because it is a private alternative, so they want to get seniors off Medicare Advantage. That is why seniors who like Medicare Ad-

vantage are out of luck because they reduce the support for those plans by almost \$200 billion. That is where part of it comes from. The rest of it, \$300 billion or so, comes from getting rid of waste, fraud, and abuse. That is when I heard some laughter in the Chamber because we have been trying to get rid of waste, fraud, and abuse for years, and it is very hard to do.

The President provided absolutely no specifics. None of the bills have any specifics about this point. Nobody knows how this is going to be done. It is very unrealistic to expect it will occur in any way except what some have acknowledged, which is that the payments to providers—that is to say, doctors, hospitals, nurses, and others—will be reduced. That is how we will "save" that money. Bear in mind, these are providers who today receive on the order of 70 percent of reimbursement from Medicare, 70 percent of what it costs them to provide the services. That is why those who buy private insurance have to pay more than 100 percent. They have to subsidize the other 30 percent or thereabouts that Medicare does not cover.

What happens when that is reduced even further, when that is cut down to 60 percent, let's say, or 50 percent? It is going to raise the premiums of everyone else who has to increase their subsidy for the government program, and it ends up reducing the care available for seniors. There are not as many doctors, the waiting lines get longer, the care that is available decreases, and we end up with rationing. That is what seniors are concerned about.

This is not a wild charge. This is not a falsity. It is in the bills. The President attempts to distract attention from it by saying we are not going to spend any money in the trust fund to pay for this. So what. There isn't any money in the trust fund.

The question is, are you going to hurt seniors' care by cutting physician and hospital payments under Medicare and eliminating the support for Medicare Advantage bills? That is what is in the two bills. That is what is going to hurt seniors.

There are a lot of arguments that do not really match up to the claims made. They set up a straw man and knock down the straw man, but still standing is the fact that the bills that are in the Congress will give the government a much greater role in our health care decisions, will increase premiums for millions of people, will result in rationing of care, and will put the government in charge of decisions with respect to treatment. All of these are concerns people expressed during the month of August and some before that need to be addressed.

Instead of simply doubling down, as some folks said, and saying: It is going to be my way or else we will call out those who disagree with us—I think we

ought to listen to the American people. What I hear they have said is the following: First of all, rather than taking on a massive new spending program of close to \$1 trillion, adding several trillion to the debt over the next couple of decades, rather than increasing our debt, rather than having another government takeover following all those that have occurred so far, let's focus on the most pressing problems facing Americans, and that is putting America back to work, getting the economy going again, reducing our debt, and making sure we don't have new taxes. That is what we would like to have you focus on.

To the extent there are specific problems with health care, deal with those as well, but you can do that on a step-by-step basis in a way that targets specific solutions to specific problems.

I mentioned the problem of defensive medicine costs, over \$100 billion a year in money we should not be spending but doctors force us to spend it, in fact, to protect themselves from this jackpot-justice system.

All right, the way to resolve that is with real medical malpractice reform. We do not need a demonstration project. I will give you a couple—Texas and Arizona. By passing modest malpractice reforms in those two States, significant progress has been made in reducing medical costs, reducing premiums, and attracting doctors. I am told that something like 7,000 doctors have moved into Texas in the last 4 years pretty much as a direct result of the more benign climate in which they can practice medicine as a result of this malpractice reform. Premiums have been cut to—I forget precisely—I think it is 21 or 23 percent.

We know what works. Let's target a specific solution to a specific problem. We don't have to worry about taking over the whole private sector system of health care delivery, putting at risk the insurance people already have that serves them well.

Finally, I note that there is some discrepancy between what the President said about his plan and the bills that are pending in Congress. My colleague, Senator CORKER, has written to the President and asked if we could get a copy of his bill because some of the things he described are not in either the House or Senate bill. At least they do not accurately describe those two bills.

I will give one example. He said:

I will not sign a plan that adds one dime to our deficits—either now or in the future. Period.

That is great. Unfortunately, the House and Senate bills, according to the CBO, add to the deficit: the HELP Committee in the Senate about \$750 billion worth, and in the House committee about \$239 billion worth. Clearly, these two bills are not what the President is talking about. Obviously,

he has something else in mind. If he is going to be selling that to the American people, we need to see it. So I encourage the White House to send up the legislation they have so we can see what it is they are talking about that is different from these other two bills.

I said finally, but one final point. The President did not talk about how he was going to pay for it except for Medicare cuts. He did not mention the taxes on small businesses, the taxes on jobs, the taxes on employers, the penalties individuals would have to pay if they do not buy insurance as mandated here, even a tax on the chronically ill. Senator BAUCUS is proposing to limit flexible spending account contributions to \$2,000, which would raise about \$18 billion. What it would do is penalize those who have significant illnesses and would like to make larger contributions to their flexible spending accounts.

Americans have a right to be concerned about the cost of this, the way it is paid for, the effect on their health care, and the effect on their family's future. I think we need to debate it in an honest and forthright way. I am not pulling any punches this morning, but I am hoping we can bring people together to recognize what the American people are asking for is a step-by-step approach that targets solutions to specific problems and does not try to do it in the kind of comprehensive way that results in a 1,300-page bill that, frankly, nobody will read except some staffers, and we won't know what is in it until well after the fact and which is very hard for Congress to get right.

The unintended consequences of that kind of legislation are always enormous. The costs are always far greater than anybody predicted, and the impact on the American people can be very deleterious.

So my hope is that we will listen to the American people on this, take our time to do it right, do it in a step-by-step approach, target our solutions, get away from this massive government intrusion—which is reflected in both of the bills that have been considered by the House and Senate—and, most importantly, focus first and foremost on what is most on the minds of the American people domestically; that is, the economic situation here that will be made worse if we impose new taxes on small businesses, for example. It will be made worse if we take on massive new debt. We need to focus on putting people back to work, not spending as much money, not adding to our debt, and then decide what kinds of solutions we can afford with respect to health care. If we do that, I think we will have complied with the request of our constituents, which, after all, is what we are here to do. We will have done something good for the American people, and we will not have violated that first principle of medicine, which

is, of course, to first do no harm. I think the American people were pretty clear over the month of August that they wanted us to start with that proposition, and it would be a good place for us to start in the so-called health reform we are about to take up over the next several weeks.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

#### SURGE THE AFGHAN ARMY

Mr. LEVIN. Mr. President, today we mark a solemn anniversary. Eight years ago this morning, our Nation was attacked by terrorist extremists motivated by hatred and bent on destruction. It is always appropriate to reflect on the shock of that day, the innocent lives lost, and the efforts our Nation has made since that day to ensure that Afghanistan, the nation that hosted those terrorists, cannot again become a safe haven for terrorists seeking to attack us. But today is an especially appropriate occasion to take stock of those efforts and consider how best to continue them.

I recently returned from a trip to Afghanistan where I was joined by my colleagues, Senators JACK REED and TED KAUFMAN. The situation in Afghanistan is serious. Security has deteriorated. But if we take the right steps, we can ensure Afghanistan does not revert to a Taliban-friendly government that can once again provide a safe haven for al-Qaida to terrorize us and the world.

The Obama administration's new strategy focusing on securing the Afghan population's safety and partnering with the Afghan security forces in that effort is an important start in reversing the situation in Afghanistan. The change in strategy has led our forces, in the words of General McChrystal's Counterinsurgency Guidance, to:

... live, eat and train together [with the Afghan security forces], plan and operate together, depend on one another, and hold each other accountable ... and treat them as equal partners in success.

The general's guidance goes on to say that the success of the Afghan security forces "is our goal."

To achieve that goal, we should increase and accelerate our efforts to support the Afghan security forces in their efforts to become self-sufficient in delivering security to their nation before we consider whether to increase U.S. combat forces above the levels already planned for the next few months. These steps include increasing the size of the Afghan Army and police much faster than presently planned; providing more trainers for the Afghan Army and police than presently planned; providing them with more equipment than presently planned; and working to separate local Taliban

fighters from their leaders and attract them to the side of the government, as we did in Iraq.

While the security situation in Afghanistan has worsened, we still have important advantages there. The Afghan people hate the Taliban. Public opinion polls there show support for the Taliban at about 5 percent. In addition, the Afghan Army is highly motivated and its troops are proven fighters.

Despite those advantages, we face significant challenges. General McChrystal believes—and I agree—that we need to regain the initiative and create a momentum toward success. General McChrystal worries, and rightly so, about the perception that we have lost that initiative and the impact of that perception on the Afghan people, their government, al-Qaida, and the Taliban. By contrast, if we can dispel that perception, we have a chance to convince local and lower level Taliban fighters to lay down their arms and rejoin Afghan society.

I believe the most effective way to retake the initiative in Afghanistan is with a series of steps to ensure that the Afghan Army and police have the manpower, equipment, and support to secure their own nation.

First, we should increase troop levels for the Afghan Army and police faster than currently planned. There are approximately 90,000 troops in the Afghan Army now, and that number is scheduled to go up to 134,000 by October of 2010. The Afghan police are scheduled to reach a level of 82,000 by the same time. For a long time, many of us have urged the establishment of a goal of 240,000 Afghan troops and 160,000 Afghan police by 2013. The Afghan Minister of Defense has strongly supported those numbers. It now appears that our government and the Afghan Government are prepared to accept those goals. But the need for additional Afghan forces is more urgent. I believe it both possible and essential to advance those goals by a year, to 2012.

Our own military in Afghanistan has repeatedly pointed to a need for more Afghan forces. In one sector of Helmand Province we visited last week, our marines outnumbered Afghan soldiers by five to one. A marine company commander in Helmand Province told the New York Times in July that a lack of Afghan troops “is absolutely our Achilles’ heel.”

What do we need to do to increase the size of the Afghan Army and police? According to Afghan Defense Minister Wardak, there is no lack of Afghan manpower. We have been assured it is available. But we will need significantly more trainers. We asked General Formica, who is in charge of the American effort to train Afghan security forces, whether such an increase is possible. He indicated he would make an assessment of what would be nec-

essary in order to meet the earlier timetable. In the meantime, we should press our NATO allies with much greater forcefulness to provide more trainers. If our NATO allies are not going to come through with the combat forces they pledged, at least they could provide additional trainers.

Larger Afghan security forces will also require more mid-level Afghan officers. In addition to supporting efforts to graduate more Afghan officers from army academies, we should consider the recommendation of Defense Minister Wardak that previous midlevel officers who fought the war against the Soviets return to service on an interim basis. Minister Wardak emphasized that those men are well qualified and well motivated. And while they may not be trained in the most current tactics, they nonetheless could temporarily meet the need of the enlarged army while the new group of officers is trained.

A larger Afghan force will need supporting infrastructure, such as barracks. While the available infrastructure may not be the most modern, it is adequate and exists in sufficient amounts.

Larger Afghan security forces will require additional equipment. There must be a major effort to transfer a significant amount of the equipment that is coming out of Iraq to the Afghan Army and police. Such a significant commitment to equip the Afghan security forces would also help demonstrate U.S. determination to take the initiative and create momentum in the right direction. There is an enormous amount of equipment coming out of Iraq. Our military is calling it one of the greatest transfers of military goods in world history. A significant part of it could be transferred to the Afghan forces, increasing their capability without weakening our own readiness. Yet there does not seem to be that kind of a crash effort in place to do just that. We need to obtain, on an urgent basis, a list of the basic equipment needs of the Afghan forces and a list of how those needs could be met in a major program to transfer equipment leaving Iraq.

Rapidly expanding Afghan’s military and police forces would address one of the major problems and risks we now face. General McChrystal told us he worries that waiting until 2013 for a larger Afghan force creates a gap in capabilities that brings significant risk of failure. But if we accelerate the training and equipment of Afghan forces by a year, we address his concern. Depending on additional capability from Afghanistan, rather than U.S. forces, also addresses a major problem of public perception in Afghanistan. The larger our own military footprint there, the more our enemies can seek to drive a wedge between us and the Afghan population, spreading

the falsehood that we seek to dominate a Muslim nation.

Finally, we should make a concerted effort to separate the local Taliban from their leaders. In Iraq, large numbers of young Iraqis who had been attacking us switched over to our side and became the Sons of Iraq. They were drawn in part by the promise of jobs and amnesty for past attacks and in part by the recognition that the status quo was creating horrific violence in their own communities. In their own interests and the interests of their nation, they switched sides and became a positive force.

That same prospect exists in Afghanistan. Afghan leaders and our own military leaders say that local Taliban forces are motivated largely by the need for a job, loyalty to the local leader who pays them, and not by ideology or religious zeal. They believe an effort to attract these fighters to the government side could succeed if they are offered security for themselves and their families and if there is no penalty for previous activity against us.

General McChrystal himself has emphasized the potential for such reintegration to accomplish the same result as was achieved in Iraq. Here is what General McChrystal said on July 28:

Most of the fight materials we see in Afghanistan are Afghans, some with foreign cadre with them. But most we don’t see are deeply ideological or even politically motivated; most are operating for pay; some are under a commander’s charismatic leadership; some are frustrated with local leaders. So I believe there is significant potential to go after what I would call mid- and low-level Taliban fighters and leaders and offer them reintegration into Afghanistan under the constitution.

But this game-changing possibility was apparently not factored into General McChrystal’s assessment. There is no plan yet to put in place a Sons of Iraq approach in Afghanistan. It is urgent that we lay out the steps that need to be taken to involve local and national Afghan leaders in that effort. They alone can accomplish this crucial job, but first we and our Afghan allies must draft such a plan on an urgent basis, and the potential positive impact of such a plan should be taken into account as we consider the need for any additional U.S. military resources.

Afghanistan’s people are grateful for our aid but also eager to assume responsibility for their own future. In a tiny village in Helmand Province, we were invited to meet with the village elders at their council meeting—called a shura. A group of 100 or so men sat on the floor and chatted with us about their future and their country’s future. When asked how long the United States should stay, one elder said: “Until the moment that you make our security forces self-sufficient. Then you will be welcome to visit us not as soldiers but as guests.”

Helping Afghanistan achieve self-sufficiency and their own security is everybody's goal. On that, there is little difference of opinion in Afghan's village councils or in the corridors of this Capitol. Can we help Afghanistan reach self-sufficiency in security fast enough? Can we get there in a way that regains the initiative and creates the momentum we need? Can we encourage those lower level Taliban to abandon an insurgency headed by terrorists whose fanaticism they do not share? I believe we can, by supporting a far more rapid growth in the Afghan Army and police, by providing more trainers more quickly, by a rapid infusion of two Afghan units of equipment no longer needed in Iraq, and by rapidly adopting a plan for the reintegration of lower level Taliban fighters into Afghan society. In other words, we need a surge of Afghan security forces. Our support of their surge will show our commitment to the success of a mission that is clearly in our national security interest, without creating a bigger U.S. military footprint that provides propaganda fodder for the Taliban.

I believe taking those steps on an urgent basis, while completing the previously planned and announced increase in U.S. combat forces, provides the best chance of success for our mission—preventing Afghanistan from again being run by a Taliban government which harbors and supports al-Qaida, whose goal is to inflict additional catastrophic attacks on the United States and the world. I believe we should implement those steps before considering an increase in U.S. ground combat forces beyond what is already planned by the end of the year.

I yield the floor and thank the Senator from Ohio as well.

#### ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank the chairman for his leadership.

Mr. BOND. Mr. President, excuse me. I thought I would have time at 10:30.

Mr. BROWN. I will speak no more than 10 minutes, so you will be free to have the floor by 10:30. I will yield the floor well before 10:30.

Mr. BOND. The Senator said 2 minutes?

Mr. BROWN. No, up to 10 minutes, I was told.

Mr. BOND. May I ask unanimous consent that morning business be extended? I need 15 minutes. I ask that morning business be extended for an additional 10 minutes to accommodate my colleague from Ohio.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, if the Senator would amend that

to include the Senator from Florida as well?

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask that the Senator from Ohio be recognized for 10 minutes, that I be recognized for 15 minutes, and that following that the Senator from Florida be recognized for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Ohio is recognized.

#### HEALTH CARE REFORM

Mr. BROWN. Mr. President, 2 nights ago the President of the United States spoke in the Chamber down the hall on the other side of the Capitol. He did what he needed to do. As I have been in the House and Senate—the House for 14 years and the Senate now for 2½—it was the best speech I had ever seen in my time, sitting and listening to the last three Presidents. Most importantly, it explained why this health care bill is so important and why it works for those who already have insurance as it builds consumer protections around those insurance policies—no more preexisting conditions, no more cutting people's care off because they have been too expensive, no more discrimination based on gender or disability or age or geography. It explained why this legislation makes sense for people who do not have insurance, who have been without insurance or who have inadequate insurance. It really explained well why this legislation is so important to small business.

I have come to this floor almost daily when we were in session the last few months, to share stories of Ohioans. I know the Presiding Officer, as he traveled in his State, in Northern Virginia and Richmond and Roanoke, has heard these stories and gets these letters, too, showing the depth of the problem. So many people don't have health care, and so many who do have insurance have seen significant problems. They have paid their premiums month after month. Then they get very sick, they may have to take biologic drugs, they may have long hospital visits, their health care may have cost \$100,000 or \$200,000, and their insurance company simply cuts them off. How is that fair?

Let me share some of these letters today for 7 or 8 minutes and then make some comments about them.

Yvon from Wakeman in Huron County in northern Ohio writes:

My husband, a union carpenter, was out of work for 7 months straight. He just went back to work in June on a week-by-week basis.

My husband must get 130 hours of work per month to get insurance. Otherwise, we have to keep paying for COBRA, which expires at the end of the year.

It is also expensive.

In June he earned 129½ hours and we were told that because it was not the required 130 hours, we had to pay out of pocket. We offered to pay for the ½ hour and were told no, we could not.

There is no way in the world we can afford to pay for private insurance. If my husband does not have enough hours, we will have no insurance. It goes month to month like that. I am a wife, mother, sister, cousin and aunt. I want to live.

She loses her insurance and can't get her insurance out of a technicality. These things will simply not happen under this health insurance legislation we are considering over the weeks ahead, where insurance companies can deny care for a whole host of reasons, where somebody might not qualify for health insurance. Yvon and her husband will be able to go in the health care exchange. They will be able to get into private care. They can get insurance, if they choose, from Aetna or BlueCross. They can work with their union plan that her husband apparently has as a carpenter or they can go into public option. She would have those choices.

Bob from Cleveland has been an owner of a steel processing firm since 1990 and has had to grapple with deteriorating health benefits over the last 5 years. His firm employs 30 employees, 20 of whom depend on the company's depreciating health care coverage while the remaining 10 have had to use alternative forms of insurance—perhaps a spouse who works has a good insurance plan. He is hoping that the reform will address the burden shouldered by small businesspeople and that Congress will craft legislation that protects small businesses from high insurance deductibles and premiums.

The Presiding Officer was in business before he was Governor of Virginia and understands this as a business person. When you have a small number of employees, you pay a lot more per employee for insurance than if you are a larger company. Even worse, if you have 20 or 30 employees and 2 or 3 of them get very sick and get very expensive care, that small businessperson—the owner, the company—sees their premiums, their costs go way up or they sometimes get cut off entirely.

This legislation will allow Bob and his business to take his entire business, if he so chooses, into the exchange and go to Signa or go to Medical Mutual in Cleveland—it is a not-for-profit Ohio company—or go to Aetna or go to BlueCross or go into the public option.

Bob would have that choice in his business. He also would be eligible for significant tax credits as a small businessperson.

Ricky from Garfield Heights, OH, writes:

My doctor tried to order a MRI for my back pain. The insurance company declined the request, saying I had to try therapy which only worsened [my condition]. Finally, insurance approved an MRI.

But shortly after that, my employer could no longer afford that insurance and had to switch to a new provider, which also meant I had to find a new doctor.

Still suffering from back pain, the new doctor told me I needed another MRI. I asked about using the first MRI, but the new insurance company told me I had to get another one. So I am back to square one, with a bulging disk in my back.

One of the important things in this legislation is you can keep what you have. If you have a physician, you will not be forced into another plan and have to choose another physician or another hospital or another physical therapist, as happened in Ricky's case, or another occupational therapist.

Sharon from Springboro, OH, between Dayton and Cincinnati, in Warren County.

My husband had a stroke in June 2009 and was released from the hospital a few weeks ago. That's when the real problems started. Our private insurer increased co-pays to \$560 a week for the therapy my husband needs. I also learned insurance will stop by the end of the year.

There's been a lot of worry. We need help now.

That is the point. This legislation, some people have said—I had townhall meetings, meetings all over my State, as many did here. Typically, more people were supportive, who showed up—more were for the bill than against, but there was certainly a significant number of people against it. But a lot of people said: You have to slow down; we don't want to take this too fast.

As President Obama said the other night, Teddy Roosevelt wanted this 100 years ago. Harry Truman, President Kennedy, President Johnson, President Nixon, President Clinton—so many people tried to do this. We have been working on this legislation intensively all year. The Health, Education, Labor and Pensions Committee that Senator Kennedy chaired, on which I sit, had 11 days of what is called markup, intensive debate, vetting—I have never seen a committee have that long a period of examination of a bill like that. We accepted 160 Republican amendments, and I voted for most of those amendments. This bill has a lot of bipartisan aspects in it. On the big questions, there are philosophical disagreements to be sure. The point is, every day we wait, 30 people in my State lose their insurance—30 people every single day.

Sharon from Springboro doesn't want us to wait any longer. We waited. We worked on this. We need to do this by the end of the year.

I will conclude with this one because I know Senator BOND wants to take the floor in a moment.

Vondolee from Franklin County:

We need health insurance reform. My stepfather has Medicaid, without which he would have died some time ago. As a young man, he had routine shoulder surgery but was transfused with blood that was contaminated with Hepatitis C. He subsequently suffers from other health problems, including deep bone ulcers. Thank goodness he had Medicaid because he would not have been able to pay for his care and recovery.

Please help the people, not the insurance or pharmaceutical companies.

Mr. President, your comment on the insurance and pharmaceutical companies—I was here in the House of Representatives when the Medicare partial privatization legislation was written 5 or 6 years ago. By and large, it was written by the drug and insurance companies. It provided a lot of private dollars that went to both of those industries.

Frankly, there is a very strong insurance lobby here in this Congress today. The insurance industry is spending up to \$1 million a day lobbying against it. Insurance companies don't like this legislation.

A lot of the myths we hear in our town meetings, the myths about illegal immigrants getting coverage under this plan, getting subsidies—not true; the myths about death panels—not true; the myths about euthanasia—not true. A lot of that comes from the insurance companies in this town. They have a lot to lose. If this legislation passes, the insurance companies will not do quite as well as they have been doing, but this bill is in the public interest, not in the special interests.

Those are some of the letters I have received. I know many in this body receive letters just like this from people all over their States.

This legislation is necessary. We need to work hard and move forward on this in the weeks ahead.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

#### SUCCEEDING IN AFGHANISTAN

Mr. BOND. Mr. President, 8 years ago today, terrorists based in Afghanistan carried out the deadliest attacks on American soil since Pearl Harbor. It was on that horrifying September morning in 2001 that America's worst fears were realized. No longer was terrorism something that only happened on the other side of the globe. Instead, those terrorist killers had struck the very heart of America here at home.

Long before 9/11, there were deadly warnings, warnings that for the most part went unheeded. For over two decades, al-Qaida and other terrorists attacked our Nation, from the marine barracks bombing in Beirut in October 1983 to the Pan Am 103 bombing in 1988,

from the first World Trade Center bombing in 1993 to the Embassy bombings in 1998, to the USS *Cole* attacks in 2000. While al-Qaida declared war against the United States a long time ago, it took the tragedy of September 11 and the loss of thousands of lives before America decided to fight back.

Today, as we reflect on the anniversary of 9/11 and the lives lost that day, we can honor the victims and their families by finishing the job in Afghanistan and defeating the terrorists who are bent on death and destruction.

I agree with the comments of my colleague, the Senator from Michigan, who said that we need to build the Afghan Army to 240,000. We need to build and strengthen the Afghan police. But we also must support President Obama's chosen general, GEN Stanley McChrystal, in his request for needed troops and resources.

President Obama has called Afghanistan an "international security challenge of the highest order." I agree. When the President stressed that "the safety of people around the world is at stake," he did not overstate the importance of succeeding in Afghanistan.

President Obama used even starker terms when he spoke to our veterans at this year's VFW convention and said:

Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al-Qaida would plot to kill more Americans. So this is not only a war worth fighting, this is fundamental to the defense of our people.

I could not agree more. While the President has used this week to pitch health care reform, I hope after reflecting on the anniversary of the September 11 attacks, he will refocus his attention and that of the American people on achieving victory in Afghanistan.

To repeat, terrorism is the premiere challenge of our time. If we fail to conquer this challenge, nothing else will matter much, not even health care reform. As Vice Chairman of the Senate Intelligence Committee, I can tell you that al-Qaida and other radical Islamic terrorists have not stopped trying to strike Americans at home and our allies around the world.

It is critical that my own party, Republicans, support President Obama in the fight against terrorists. We Republicans must demonstrate that politics ends at the water's edge and strongly support the strategy the President has laid out with his generals for victory in Afghanistan.

Let's avoid the politics we too often saw in Iraq, declaring defeat where our troops in theater were fighting for their lives and our freedom; undercutting our President while he tried to help rally allies to join us in the battle.

For my Democratic colleagues, I hope they follow the stirring words of the leader of their party at the VFW

and do not give in to the pundits peddling pessimism. Do not give in to the leftwing that has prematurely declared defeat in Afghanistan, as they so readily declared in Iraq; much, I might add, to the grave concern of our troops in harm's way, which I heard firsthand by e-mail from my son in Fallujah.

Many of the naysayers are saying that victory in Afghanistan is not possible. We hear the refrain over and over: It has been 8 years. Why have we not left? Unfortunately, our country has a history of abandoning Afghanistan.

Earlier this week in an interview, Defense Secretary Robert Gates acknowledged what a serious strategic mistake our Nation made turning our backs on Afghanistan after Soviet forces were defeated there two decades ago. Sadly, under administrations of both parties America has repeatedly ignored the lessons of history, repeatedly turned our backs on Afghanistan. It is no wonder the people of Afghanistan doubt our commitment to their defense.

The problems we face in Afghanistan today are in many ways more complex than those we faced on September 12, 2001. We know al-Qaida has found sanctuary in Pakistan's Federally Administered Tribal Areas. The Taliban government is gone, but the Taliban insurgency has risen and has grown in strength. This insurgency has prevented the new Afghan Government from establishing its writ throughout Afghanistan and threatens Afghanistan's long-term stability.

If not stopped, this insurgency could once again allow a terrorist safe haven, whether for al-Qaida or other terrorist groups, to flourish in Afghanistan. We cannot let that happen. President Obama's new strategy, being implemented by General McChrystal, is our best chance of success.

Now, do not get me wrong. While we are on the right path to long-term victory in Afghanistan, the road will not be easy. In fact, it is going to get worse before it gets better. We have seen evidence of this already. The fighting has been tough in Afghanistan the last few months, and too many of our brave troops have been wounded or killed in action. Those recent casualties should not come as a surprise, however, to anyone who has been following events in Afghanistan. U.S. Marines recently began clearing rural areas in southern Afghanistan that have served as Taliban safe havens for years.

Before these operations began, our military commanders very clearly warned Congress and the American people that taking southern Afghanistan back from the Taliban would be costly. As the father of a marine who served two tours of duty in Iraq, I did not take this news lightly. But many of my colleagues in the Senate and I agreed then and agree now that defeating the militants is a job that must be done.

Our brave marines will no doubt succeed in clearing these areas in southern Afghanistan of terrorists, the same terrorists who brazenly throw acid in the faces of young girls on their way to school and coldly murder mullahs who have the audacity to disagree with their brand of hatred. But even after this is accomplished, much work will still need to be done in a country recovering from decades of war.

Key to our success is General McChrystal's recognition of the importance of building sustainable security in Afghanistan through the use of "smart power," combining military power with economic development, education, and diplomatic strategies.

While we need military forces to build security in the short term, sustaining long-term security requires smart power. Before Afghans can choose peace and the democratic process, they need enough food to eat and a stable community in which to live. That is exactly what "smart power" seeks to do. This same strategy is already proving successful in Afghanistan's Nangarhar Province.

During a visit to Afghanistan in 2006 with General Eikenberry, I heard from him and President Karzai of the need to improve and rebuild the agricultural sector in Afghanistan. I tried to do so through the creation of a land grant university consortium that would set up an agricultural extension service through USAID. Unfortunately, USAID lacked the capacity to implement this vision.

So I turned to my friends, the soldiers and airmen in the Missouri Guard who, in their civilian lives, were farmers and possessed other agricultural expertise to empower the Afghans. For over a year, the Missouri National Guard's Agricultural Development Teams, ADTs, have been helping Afghans harvest high-value alternatives to opium poppies and build irrigation systems and wells for clean water.

Decades of war in Afghanistan have left most of the country mired in 18th century practices. These ADTs provide agricultural specialists to help the Afghans rebuild their agricultural know-how and literally sow the seeds of peace in Afghanistan. Thanks to the ADTs' dedication and hard work, poppy production in Nangarhar has been virtually eliminated, where it was the second most prolific producer of poppies before.

The first of these teams started to work in Nangarhar in February of 2008. The second rotation is underway. I just joined friends and family back in Missouri to celebrate the send-off of the third rotation of the ADTs. By showing a consistent commitment to the people in Nangarhar, these citizen soldiers have built relationships and trust at the local level, influencing hearts and minds to reject the deadly influence of the radical extremists.

Like "The Show Me State" motto, Missourians have shown the way forward. Thanks to their leadership, 10 other States are now sending specialized Agricultural Development Teams to provinces throughout Afghanistan.

These successes make it clear that we need to increase the investment in smart power strategies through these agricultural teams. Ten other State National Guards are now committed to the vital mission of building sustainable economies, protecting them with military force province by province. We need appropriate military protection in every province in Afghanistan. The Guard is uniquely suited to this mission. But we also need Federal military and economic efforts.

In addition to smart power, General McChrystal also understands that a counterinsurgency strategy is key to success in Afghanistan. I have been disappointed to listen to the talking heads in Washington advocate recently for an alternative approach, a mere counterterrorism strategy.

It is easy, of course, to play arm chair general from thousands of miles away. But these talking heads seem to have forgotten that a counterterrorism strategy alone failed in Iraq. Not surprisingly, it has failed so far in Afghanistan.

Counterterrorism by remote control does not cut it. The so-called surgical strikes, whether by air or ground, increase civilian casualties and only allow insurgents, from the Taliban to the drug lords to al-Qaida, to filter back in once the attacks are over. This approach leaves the people in the country subject to retaliation if they do not cooperate with the terrorists, which, not surprisingly, they do.

Conversely, the counterinsurgency strategy will ensure the violent insurgents are defeated and do not come back. I also agree with the administration that part of this strategy must allow some of the "day fighters," those who are hard-core al-Qaida supporters or Taliban ideologues, to lay down their weapons and to return to peaceful lives.

If we are getting the job done right, we will naturally lure desperate young men away from the false promises of extremism. A viable and appropriately resourced counterinsurgency strategy is not only essential for success in Afghanistan, it is pivotal in the future of Pakistan.

Driving terrorist safe havens out of eastern and southern Afghanistan is crucial, but not if al-Qaida and Taliban militants continue to find sanctuary in the remote border regions of west Pakistan. The threat these transplanted terrorists pose has become even more real over the last 6 months as the world watched Taliban militants creep closer to Pakistani nuclear facilities.

We must support the Pakistan Government and its newly aggressive military action to take out the terrorists threatening their country and Afghanistan.

The horrors of nuclear-armed terrorists would be put at risk and put at risk freedom-loving people everywhere. This is not a risk we or the world can take. The stakes of turning our backs on this conflict could not be higher. America ignored the fact that Afghanistan became one giant camp for terrorists in the 1990s, and thousands of Americans died on 9/11 as a result. And thousands of our brave troops have died in defense of our Nation since then.

We face a similar threat today, 8 years after 9/11. Al-Qaida has shifted their terrorist sanctuaries from Afghanistan to the Federally Administered Tribal Areas, FATA, of Pakistan. The Taliban, the same people who sheltered Osama bin Laden and defied U.S. demands to hand him over, now fight efforts by the international community to bring stability to Afghanistan.

Our U.S. withdrawal, in whole or in part, from Afghanistan now would be a tacit yet unambiguous approval for the return of Taliban control over Afghanistan. In turn, this would lead to the establishment of safe havens for many of the world's most violent and feared terrorists. American abandonment of Afghanistan now could possibly hand over the keys to a nuclear-armed kingdom to violence-loving terrorists.

I returned this past August from Denmark and Greece, two relatively small countries but steadfast allies in their resolve to support the NATO mission and stabilize Afghanistan. Declaring defeat in Afghanistan today would signal to our allies that Americans no longer have the resolve to defeat terrorists. Declaring defeat in Afghanistan today would signal to our allies that simply by waiting us out, violent extremists can triumph over the combined military and economic might of the international community. Finally, declaring defeat in Afghanistan today would signal to the families of those who died on September 11 and the troops who have fought since then in the years since in service to their country that their loved ones died in vain. These are not signals our great Nation should ever send.

Instead, we must declare unequivocally our courage, resolve, and patience to provide needed resources and more troops to allow the smart power strategy of General McChrystal to succeed. This alone is the signal America should send.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

#### 9/11 REMEMBRANCE

Mr. NELSON of Florida. Mr. President, before I make some comments about our departed colleague, Senator Kennedy, I must comment on the gravity of the remembrance of this day in history several years ago.

There is not a person living who was old enough at the time on that fateful day in 2001 who does not remember exactly where they were when the tragedy occurred and this Nation was struck by terrorists, struck from within.

Our Nation had grown up in its history of always having been protected in the homeland, protected by geography, with two big oceans that kept us insulated from attack from without. Then suddenly we were shocked into the realization that we could be attacked on our own homeland. Of course, what America has done in reaction to that, in perfecting our defenses, in increasing our intelligence apparatus, so that we get the information before the terrorists can carry out their dastardly deeds.

That has been significant in the protection of this Nation and its people. Of course, we remember exactly that fateful day, every one of us. This Senator was only a few yards from this Chamber on the west front of this U.S. Capitol building in a meeting with leadership. We were aware that the Twin Towers had been struck with the first and second planes. Somehow we wanted to continue our meeting, even though our minds couldn't stay on the subject matter of the day, when someone burst in the room—I believe it is S-219—and said the Pentagon had been hit. We leapt to the window overlooking the Mall in the direction of the Pentagon and could see the black smoke rising.

It is interesting the reactions you have at a time such as that. My wife and I had, a few days before, moved into an apartment overlooking the southwest corner of the Pentagon. It is called Pentagon Row. Of course, I leapt to a telephone to try to get a message to her to get out of the apartment and get into the basement garage. Being unsuccessful to reach her, I came back into the room everyone had deserted and out into the hallway, seeing the hallway crowded with people going down the stairs and hearing the Capitol policeman at the bottom of the stairs saying: Get out of the building, run, run, get out of the building. Of course, the report had come in that the fourth airplane was inbound for Washington.

It was a day that brought Senator ROCKEFELLER and me together, as he beckoned to me to get into his car and, as we drove away from the Capitol complex, scrambling with our cell phones, trying to get office staff to tell them to get out of the buildings and get to a location where they could inform us away from the Capitol complex. Senator ROCKEFELLER and I

wound through streets in Washington until we got to a location where we could wait to try to get additional information. Since then, of course, our Capitol police force and the Department of Homeland Security have come through with procedures and instructions that are much more definitive than we had on that day.

I will never forget on that day when Senator ROCKEFELLER and I decided we needed to move away from the location we were—we wanted to get to a place we could get news; we went to his home—hearing not a sound in the sky since all air traffic had been ceased on order of the Secretary of Transportation, but then hearing that silent sky being pierced by the sound of F-15s overflying the Capitol. It was a day that we not only can remember but that we can take great lessons and instruction from to prepare not to let it happen again, one we remember today and those people who sacrificed, those people who were the victims.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. NELSON of Florida. Mr. President, it is equally a solemn subject on which I rise to remember our friend and colleague Ted Kennedy who died at the young age of 77. I say "young age" because it was another one of our colleagues, Senator John Glenn, who flew on a 10-day spaceflight at age 77. Today, 11 years later, he still looks as young as he looked back then. So 77 is way too young an age for cancer to take our friend Ted Kennedy.

From the funeral and the remembrances, we know that he was the youngest of nine children. He had four brothers. He was born in 1932 and elected to the Senate in 1962. He spent 46 years in the Senate, longer than all but two of our colleagues. He loved this institution, and he loved his fellow Senators. Of course, so many pieces of major legislation affecting the well-being of the American people if they don't have his name on it, certainly bear his fingerprints. Many of those pieces of legislation reflect the work of his pen.

He fought tirelessly for the sick, the poor, the disabled, the children, the old. He was the driving force behind efforts to guarantee rights to the disabled, to provide family and medical leave, and to ensure a fair minimum wage. He also remembered individuals, both his colleagues, his staff, and his constituents. He was the first person to call during hard times. Why do you think that yesterday, our most esteemed colleague, Senator BYRD, in his bent-over, physically disabled condition now, was wheeled to this floor in his wheelchair, and his voice rose to the occasion in memorializing his friend. I remember Senator BYRD telling me how thoughtful Senator Kennedy was on a major birthday in his

80s, when Senator Kennedy had sent him the requisite number of roses.

Of course, no matter what your political persuasion, you could see Ted Kennedy as an example of public service. He devoted his entire life to public service. He did so despite his easy financial condition. He did so despite numerous opportunities elsewhere. He did so despite seeing his three brothers sacrifice their lives in service to their country.

I want to quote from our colleague Ted Kennedy, a quote from April 2006. He said:

The defining aspect of our country is opportunity—the hope that you can do better, that your children can do better. But you need an even playing field. To do that, you can't be sick and in school. You've got to have health care. You've got to have an economy working to give people a chance to get ahead. It is not guaranteed. But you do have to have an opportunity. Our country is big enough and strong enough and wealthy enough to give that kind of opportunity to everybody. That's what I work on every day.

What an example for all of us. There is something else I wish to say about our colleague, because much has been made of his flaws. But who among us does not have flaws? Maybe Senator Kennedy realized so much his flaws that he decided despite those, he was going to do the best he could do for his fellow humankind. So he dedicated his life to the poor, the sick, the young and old, and the disabled. He fought against discrimination of all types. Indeed, he stood up for the least among us. Who cannot admire that, in being a champion for the least among us.

Godspeed, Ted Kennedy.

Ms. KLOBUCHAR. Mr. President, I join my colleagues today in remembering the amazing life of Senator Edward Kennedy, a man beloved in the Senate and beloved in America.

My thoughts and prayers are with his wife Vicki, his children, and his whole family.

Like so many others, I consider myself lucky to have worked with him. He was more than a colleague, he was a mentor and a friend.

I remember that he used to send me a message, "The lantern is lit," when we would have late night votes. It was his way of beckoning me and a small group of Senators—Senator SCHUMER, Senator CANTWELL and maybe one or two others—to his office in the Capitol where he would regale us with stories as only an Irishman would.

Ted Kennedy's wit and stories, his passion for a cause and his country and his love for the Senate made me want to go to work every day. He never gave up and he had a fiery zest for the legislative battles that was always tempered by a bipartisan pragmatism.

I remember last year when we were working on the Medicare improvements bill, which was absolutely critical to Medicare recipients across the country.

Seniors were counting on us to pass this bill, but we were just one vote short of the 60 we needed. But HARRY REID knew how to find that last vote. The afternoon of the vote, the doors of the Senate swung open and in walked Senator Kennedy.

I will always remember watching him walk onto the Senate floor with then-Senator Obama and his son PATRICK on either side of him. Every single Senator had made their way to the floor, and the gallery was full. Applause erupted as he walked out, even though it is against the Senate rules. Each of us gave him a tearful hug and kiss as he made his way to cast his vote.

His very presence seemed to open the floodgates. Suddenly, a bill that was about to fail by one vote passed by nine as Republicans who had spent weeks blocking the bill suddenly switched their votes after Senator Kennedy.

His presence was so persuasive that day because his colleagues knew these were issues he believed in deeply, and had spent his life fighting for. He never gave up on the good fight.

Ted Kennedy, with his booming voice, gave a voice to the voiceless and stood up for those who had no one standing with them. As he said, "We are all part of the American family and we have a responsibility to help members of that family when they are in need."

Ted Kennedy did more than just speak these words, he lived them. Day in and day out on the Senate floor, he fought for justice and equality and opportunity for all Americans.

I will give you just one example, after we tragically lost our friend and colleague Paul Wellstone, Senator Kennedy picked up his torch and helped get the Mental Health Parity Act through the Senate.

His many achievements will be etched in the history books and his legacy will live on in the hundreds of laws that bear his name.

But Ted Kennedy will be remembered for more than just his legislation, he will be remembered for his heart and his humor and his zest for life.

On a snowy winter day in Washington, DC, one year, one of my friends took his family to go sledding and who should he see? Senator Kennedy and Senator DODD across the way, sledding down by the National Cathedral.

This is the Ted Kennedy I will remember, a man who made the most of life, a man who loved his friends and his family and a man who worked each and every day to make this country stronger.

While he will no longer walk onto the Senate floor, he will remain with us through the lessons he taught us and the memories he blessed us with.

Today, let us honor his life by picking up his torch and continuing to fight the good fights, while also respecting those on the other side of us.

Let us fulfill his dream of "an America where we can all contend freely and vigorously, but where we will treasure and guard those standards of civility which alone make this nation safe for both democracy and diversity."

Ted Kennedy loved this country and was willing to work with anyone and find common ground in order to open the doors of opportunity for all Americans.

He carried the weight of history on his shoulders, but rose up to become the lion of the Senate and one of the greatest legislators in our country's history.

Although he is no longer with us, he will continue to inspire us.

Mrs. MURRAY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### REMEMBERING SEPTEMBER 11, 2001

Mr. MCCONNELL. Mr. President, September 11 is a day of the year that has special resonance for all Americans and always should. Earlier this week I was honored to stand with some of the family members of those who died 8 years ago this morning on flight 93. They were here to mark the establishment of a memorial to those brave men and women who gave their lives that day over a field in Pennsylvania and who in the process may very well have saved the lives of many of us here. Their role in history will now be forever memorialized here in the Capitol, ensuring that we never forget their sacrifice nor the sacrifice of the thousands of other innocent men and women who were taken from us on that terrible day. This is just as it should be, because as I said during the ceremony earlier this week, there are some moments in the life of a nation that are worth remembering. There are others that are impossible to forget. September 11, 2001, is both.

All of us who lived through that day know this to be true. We know that with each passing year, the day itself may become more distant in time but the memories do not. And yet it is important we mark that day each year with sadness for those whom we lost; with solemn pride in the heroes of 9/11; and with renewed determination to confront terrorism wherever it is found. The memory of the fallen impels us.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, like all Americans, I will never forget where I was on September 11, 2001, and I will never forget the way our country responded. In the face of great tragedy, Americans came together with courage and unity.

Eight years later, we continue to face great challenges. As a government—and as a nation—we are working to improve our safety and tackle the many difficulties facing us today. The safety of all Americans remains priority No. 1 for everyone in government. We still have troops working hard to protect and defend our Nation. At the same time, we continue to recognize that our diversity is also America's greatest strength. Despite our many differences, in times of need we are always one nation united.

This year, for the first time, 9/11 has been designated a National Day of Service and Remembrance. It is with a heavy heart that I stand on the floor of the Senate today marking this day with a cloak and white roses on the desk of our departed colleague, Senator Ted Kennedy.

Ted worked to designate this day as one of service, and in April the President signed the Edward M. Kennedy Serve America Act making that goal a reality. Ted would be proud of each and every American who took up that call.

The mission of this new designation is:

[T]o honor the victims of 9/11 and those who rose to service in response to the attacks by encouraging all Americans and others throughout the world to pledge to voluntarily perform at least one good deed, or another service activity on 9/11 each year. In this way we hope to create a lasting and forward-looking legacy—annually rekindling the spirit of service, tolerance, and compassion that unified America and the world in the immediate aftermath of the 9/11 attacks.

I cannot think of a better way to honor the memory of those who were lost than by taking a moment today to remember, and then performing a good deed or act of service.

September 11 is not just a day of national loss but of personal loss. My thoughts and prayers go out to everyone who lost a friend or loved one. Your loss is our loss, and you are forever in our hearts.

Ms. SNOWE. Mr. President, I rise on this most solemn of occasions as our Nation pauses to commemorate the horrific September 11 terrorist attacks that were perpetrated against our country 8 years ago. With utmost reverence for the unimaginable loss experienced on that fateful morning at the World Trade Center, the Pentagon, and in a field near Shanksville, PA, we remember with the heaviest of hearts all of those tragically taken too soon. And in my home State of Maine, we join families who pay tribute to victims

they knew and loved—Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline Norton, Robert Norton, James Roux, Robert Schlegel, and Stephen Ward. Their lives were deplorably cut short, but they will be eternally etched in our memory.

Indeed, this is a heartbreaking anniversary—one of inconsolable sorrow and anguish that recalls vicious and inhuman attacks against our fellow citizens and our nation. But this is also a time when all that may divide us is set aside to focus on everything that unites us as we coalesce together as a single and unconquerable voice against the forces of treachery and terror that sought to destroy us and break our spirit.

We share in the grief borne by those with family and friends who perished in these heinous acts of cowardice, and we join with them in paying homage to their memories and the legacies they leave behind. And we recognize that even the march of time can never fully diminish the litany of emotions we experience as we strive to comprehend how such malice could exist in the world and could be committed so ruthlessly against innocent people.

Yet amid the trials and tribulations that this date in our history evokes, we take solace in the sacred truth that none of us grieves alone, that there are no strangers among us—only Americans.

We recall that, during one of the darkest days in our Nation's extraordinary and storied history, we also witnessed our Nation's mettle and solidarity, the inexhaustible courage and undaunted bravery that provided us with boundless inspiration and hope that sustained us then and inspires us today. And nowhere was that more evident than with the first responders who, in the face of unspeakable adversity and peril, heroically ran toward the very dangers others were desperately trying to escape, placing their lives in harm's way in the most courageous and valiant of endeavors to save others without regard for their own safety.

The noble devotion of the firefighters, police officers, and rescue workers has forever established a selfless example of seemingly ordinary Americans performing extraordinary deeds in the service of others. Those men and women of valor illustrated the lasting and powerful truism that the benevolent forces that seek to uplift humankind will ultimately prevail over those base elements that would conspire to bring it down.

We also honor all who, in the days following September 11, searched for survivors and worked in the devastation at Ground Zero, the Pentagon, and in the wreckage of United flight 93. Many—indeed, far too many—of these fearless responders paid with their own lives or now live with the indelible ef-

fects of having worked so closely to the rubble and ruin. They gave their all so that we could heal as a Nation and we will never forget their exceptional contributions.

Their service and sacrifice are also a vivid reminder of the exceptional men and women who have donned our country's uniform to safeguard and defend our Nation. Whether on our shores or soil here at home or around the globe, their steadfast sense of duty and love of country are an inspiration to us all, their commitment fortifies our determination, and their professionalism steadies our hands in an uncertain world.

Like every American, the details of the morning of September 11, 2001, are powerfully seared in my mind from how it originated with beautiful and clear blue skies to its conclusion with a grief-stricken Nation in mourning and stunned disbelief. I watched the images on the television along with the rest of the world, and later that day as the Sun set over the National Mall—still capped by the billowing smoke from the wound in the side of the Pentagon—I joined my colleagues in the House and Senate on the U.S. Capitol steps in singing, "God Bless America." It was an unmistakable message of unity and one that demonstrated to the country and to the world that we would never be deterred—that our freedoms could never be crushed by the blunt and tortuous instruments of terror that are no match against a resilient people certain in the knowledge that good ultimately triumphs over evil.

The unending pain of loved ones lost does not ease with the passing of years, and yet out of the horrors of these atrocities emerged heroes who were then and will forever be shining testaments to the very best of who we are as a nation. And so, today, we memorialize those whose lives were stilled on September 11, and at the same time, we cannot help but extol the unbounded courage and indomitable spirit exhibited on that day and during the aftermath that continues to be the hallmark of this great land.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3288, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are now on the floor considering the Transportation, Housing and Urban Development appropriations bill. This is an extremely important measure to everyone here and to the country, with important investments in our roads, bridges, highways, airports, housing, and infrastructure across the country. My ranking member, Senator BOND, and I are here ready to go and ready to work. We are waiting for our colleagues to come to the floor to offer their amendments, and I encourage them to do so.

The majority leader has asked us to move this bill as expeditiously as possible. We need to finish all of our appropriations bills by October 1 of this year in order to make sure people have the funding they need and so they know where we are going.

So we again ask our colleagues to come to the floor, and if they do have amendments, offer them, or if they do not, allow us to continue to finish this bill.

If there are no Members here seeking recognition at this point, I suggest the absence of a quorum.

Mr. BOND. Mr. President, I ask the Senator to withhold the suggestion of an absence of a quorum.

Mrs. MURRAY. Mr. President, I withhold.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I add to what the Chair, Senator MURRAY, has said. We are open. We are ready to do business. We have, I believe, close to two dozen amendments that have been filed. This would be an ideal time for people to come in and discuss their amendments, to bring them up. We are scheduled, I believe, to have votes on pending HUD amendments on Monday afternoon when we return, and it would be good for people, without time constraints, to come in and explain why they wish to amend the bill, and to allow us to debate those amendments and be ready for votes.

But we know there is interest. We know amendments have been filed, and we will have at least this morning to consider those amendments. I assume the majority leader will bring us in Monday afternoon. So I urge my col-

leagues, if you have an amendment to be seriously considered, whether it is on this side or the majority side, please bring it forward and let us have an opportunity to look at it, review it, debate it, discuss it, and prepare it for a vote.

With that, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

## ANNIVERSARY OF AMERICA'S WAR ON TERROR

Mr. DEMINT. Mr. President, today marks the eighth anniversary of America's war on terror—the day we began to fight back. But 9/11 was not the day the war began. Radical Islamic terrorists were at war with the United States long before that harrowing morning 8 years ago. That is crucial to remember now as the terror and tragedy of that day recedes into the past.

This war did not begin with the 9/11 attacks or when we sent troops to Afghanistan and it will not end when we defeat terrorists on any battlefield. Our goal cannot be merely to end one war but to win the war on terror. We will not win by trying to appease the grievances of our enemies. They do not hate our policies—they hate us, our freedoms, and our way of life.

The 3,000 on 9/11 were the consequence of a broad bipartisan failure of American leadership to understand that hate. The consequences of forgetting now will be far worse. Our enemies' strategy is based on what they see as our short memory. As the terrifying images of 9/11 fade, our enemies

believe we will lose our nerve and retreat back into the false sense of security they exploited with those four jetliners on 9/11.

We cannot let that happen. If we lose our resolve and surrender our vigilance, the next attack might not be in airplanes but something far more devastating and lethal. Their plan depends on us forgetting, and so our challenge is to never forget.

We have sacrificed in blood and treasure. Thousands of families have lost what can never be replaced. From the men of Flight 93 to the mountains of Afghanistan to the sands of Iraq, heroes have fallen. Today we mourn their loss, honor their memory, and recommit to finish the work they began, not just in foreign theaters of war but here at home. The challenge of 9/11 is not just to win a war but to prevent the next one. We will do that by remembering that our enemies are still hating and still planning. We must never forget.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

## AMERICAN CHALLENGES

Mr. MCCAIN. Mr. President, there are a lot of things happening in the United States and the world today. There are many issues and challenges we face. Obviously, the issue of health care reform has dominated the news and our attention. We had a somewhat interesting joint session of Congress the night before last.

But there are also other issues facing the Congress and the Nation. One of them, of course, is our strategy in Afghanistan. My colleagues have been discussing and debating that, and we will, as has the President, continue to debate and discuss as the President makes some very tough decisions concerning Afghanistan.

I have the greatest respect and regard for my colleague and friend, the distinguished chairman of the Senate Armed Services Committee. He and I are in agreement on many issues. It is very clear that Senator LEVIN wants a larger Afghan National Army. I have long maintained we need a larger Afghan Army. But I believe it is a false choice to try to grow the Afghan National Army while holding back on any additional U.S. combat troops.

I remind my colleagues that the lesson of Iraq, and the one General McChrystal wants to put into place in Afghanistan, is we do not get very far

merely by putting individuals through a training course and releasing them into combat. As a matter of fact, when we examine the history, the very unhappy history of our engagement and involvement in Iraq, there was a time when the Iraqi Army was built up to a very large size—as I recall, around a couple hundred thousand—and then it basically collapsed, totally collapsed in the face of attacks from both Shia and Sunni extremists.

I think the buildup of the Afghan Army is an important component but remember, the lesson of Iraq was that our troops went out and fought and lived and spent 24/7 with the Iraqi military and gradually, over time, they became a far more capable fighting force and one of which all of us can be proud. It is mentorship at every level, including partnership in joint operations with U.S. forces, that will build a robust and capable Afghan military and pave the way for our eventual successful exit from Afghanistan. To do this we need more U.S. combat troops in Afghanistan.

There is a lot more I would like to say about it, but there are vital areas that are controlled by the Taliban and its allies today. It will require U.S. military force to shape, clear, hold, and build in those areas. If we await the day when the Afghan National Army is increased in size and is capable of carrying out all these operations fully on its own, it may well be too late. We are reaching a decisive moment in Afghan history and our own. I believe the United States must commit the decisive force levels to bring about a significant change in the security environment in Afghanistan with the aim of seeing real change over the next 12 to 18 months.

This issue will continue to be an issue of mounting concern and importance to the American people. But I also want to point out, in the face of mounting reports of fraud and abuse carried out during the recent Afghan Presidential elections, I have real concerns about the integrity of the electoral process there. Yesterday, the Electoral Complaints Commission, a body backed by the United Nations, threw out votes from 83 polling stations across three provinces due to fraud. It also ordered recounts at hundreds of other polling stations and is due to examine irregularities in other areas of the country. These and other serious allegations of fraud undermine the perceived legitimacy of this election. I believe that perception is key to Afghan's political future. I believe we must urge the Electoral Complaints Commission to complete its work as soon as possible and to present a full report with its assessment of the fairness of the election in its entirety.

The Afghan people desire and deserve a fair electoral process and a leader who is elected legitimately. This elec-

tion must be breakthrough for Afghanistan in terms of better governance, more competence, and less corruption. They have suffered from poor governance for far too long. We should desire no less and take the necessary steps to ensure that the government we are backing in Kabul is legitimate and has the support of the Afghan people and the international community.

I recall when it was fraud and an unfair election in Ukraine and the United States of America lent its weight and support of the then Orange Revolution and a free and fair election was held. We will wait until the electoral commissions issue their findings, but I am very concerned already about the information that we have concerning significant voter fraud. That may have called for a runoff election between President Karzai and his leading opponent, Abdullah Abdullah.

While all Americans take occasion today to commemorate the terrible attacks of 2001, each of us also has cause to reflect on some of the lessons our Nation learned in the wake of 9/11. Its often hard to think clearly about the days before those attacks, when the world seemed at once a safer and more distant place, and our country a superpower in a secure neighborhood. We saw before 9/11 that America had interests across the globe, and we believed that our actions must be motivated by the ideals that have made us great. Yet we also often assumed—wrongly—that the volatility that spilled across distant shores would never wash over ours; that instability and repression in remote and obscure places was cause for tragedy but not for alarm.

We have learned a lot since that day. We have learned that history is often made in the very remote and obscure places that draw so little of our attention. We have learned that the degree of freedom and stability in other countries is connected to the security we enjoy at home. And we have learned that we must remain the authors of history, or face becoming its victims.

Today I would like to spend just a few moments discussing recent events in one of those places which, I would bet, seems like a peripheral concern to most Americans. Few of us wake up in the morning scouring the papers for the latest news from Lebanon, or follow the ins and outs of politics in Beirut. Yet in recent days we, have seen the portents of new political crisis in Lebanon and, while all of us must hope that it will be resolved easily and peacefully, we know from the history of that country that it very well may not be.

Yesterday, Prime Minister-designate Saad Hariri stepped down, unable to form a national unity government some 2½ months after his election in June. After his moderate and relatively pro-Western party won the largest number of seats in the Lebanese par-

liament, Mr. Hariri proposed the formation of a broad based government that would even award a share of the cabinet posts to Hezbollah.

Yet Hezbollah has been intent on thwarting these efforts to form a cabinet.

Despite the fact that the Lebanese constitution confers on the President and Prime Minister the power to make cabinet appointments, and irrespective of Mr. Hariri's repeated attempts to form a government, talks have broken down over the demand by a Hezbollah-allied party that it retain the Telecommunications Ministry. This may appear to be a small and insignificant point of contention, and surely not one that would prompt an incoming Prime Minister to abandon his post, until we consider that Hezbollah badly wants to retain control over telecommunications and surveillance in Lebanon.

Hezbollah, of course, not only possesses a surveillance capacity and an independent communications and broadcasting system, but also retains vast weaponry befitting its status as an independent militia. Along with its Syrian and Iranian sponsors, Hezbollah continues to both exert influence outside the constitutional process and invite foreign meddling in Lebanese affairs.

I believe that the United States should take a strong stand in favor of respecting the outcome of the June democratic elections, and urge the parties in Lebanon to form a government in a manner that respects the constitutional process. Over the longer term, it is abundantly clear that there can be no durable peace in Lebanon, nor any long-term stability in the political process there, so long as Hezbollah continues to act freely as an armed, independent militia. According to some reports, Hezbollah remains today the best armed force in the country, better armed, indeed, than even the Lebanese Armed Forces. Such a situation invites further fighting at some point between Hezbollah and Israel and suggests that Hezbollah will continue to use its military power to induce cooperation with its demands at home. Sooner or later, one way or another, and as the U.N. Security Council has demanded, Hezbollah must be disarmed.

We should also make perfectly clear to Syria that better ties with the United States will require an end to its malign interference in its neighbor's affairs. The administration has made a major effort this year to reach out Syria, sending a number of delegations to Damascus and making clear that better ties with the U.S. are possible if Syria changes its ways. Yet we should recall that it has been just 4 years since Mr. Hariri emerged onto the political stage after his father, Rafik Hariri, was murdered in a bombing. Reports indicate that suicide bombers continue to cross the Syrian border

into Iraq. And Syria maintains its hostility to Israel and its close ties to the government of Iran. We must be clear that there must be real change on these issues in order for Syria to enjoy significantly warmer relations with the United States.

Some Americans might reasonably ask why. Why should we care about the freedom and democratic aspirations of the Lebanese people? What matter is it of ours? Don't we have enough problems here at home, without spending our time and attention on the affairs of a small country far from our shores?

In answering this, I would return to the theme with which I set out these brief remarks. We have learned since the attacks of 9/11 that instability in such places is not often confined to its borders. In lands where repression and despair are rife, intolerance and extremism grows in the hearts of some, and violence in the minds of a few. In Lebanon, as in so many other places around the world, the population aspires to something better than to be pulled from side to side by a thuggish and cruel militia. The vast majority of the Lebanese people want only that which we here in America desire, the freedom and security to build, through their talents and industry, a better life for themselves and their children. As Americans, we must demonstrate that we stand beside them in this hope. As we commemorate today the terrible acts of a small group dedicated to extinguishing this very ideal throughout the world, we should, I believe, rededicate ourselves and our policies to advancing this noble goal.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. Yes.

#### TRIBUTE TO THE LOGAN COUNTY LITTLE LEAGUERS

Mr. MCCONNELL. Mr. President, I rise today to recognize the remarkable accomplishments of the Logan County Little League All-Star team. While I remember fondly the years I played America's pastime in my youth, none of my experiences can compare to those of these 10 Little Leaguers as they competed in this year's Little League World Series.

Despite its small-town feel, Logan County has produced a number of notable individuals, from astronauts and governors to NBA players and Major League Baseball pitchers.

So it is not surprising that a community that has already produced such notable figures would rally behind a group of 11- and 12-year-old players who represented the Commonwealth of Kentucky and the Great Lakes Region in this year's Little League World Series. As the first team from Kentucky to reach this level of competition in 4 years, Logan County's All-Stars demonstrated their talent in the games leading up to their World Series bid.

When four players homered in the regional final in Indianapolis, the Logan County All-Star team set its sights on Williamsport, PA. Thankfully, their vision found support in the community. In order to afford the sizable cost of travel and lodging, the Little Leaguers and their supporters raised funds in all manner of ways, from selling steak sandwiches and auctioning off signed baseballs to holding a telethon at a local radio station.

The team played its first two games of the double elimination tournament against the West Region champions from Chula Vista, CA. While the Western team proved to be overpowering, Logan County's team demonstrated remarkable sportsmanship. As the proud winning-bidder of an auctioned T-shirt put it, "Their character is impeccable, and we know a lot of them . . . they behave themselves and they represent Logan County and Kentucky perfectly."

Regardless of what the scoreboard read, Logan County's All-Stars are winners. Moreover, this experience stretches beyond moments played out between the chalk-marked lines of the field. These youngsters were able to meet and develop bonds with other players from countries all over the world. Several players described their trip with one word—"awesome."

It is with great honor that I place the names of this year's Logan County Little League All-Stars into the RECORD. Under the leadership of manager Kevin Gettings, team members Caleb Bruner, Joe Holliday, Zack Denney, Tucker Baldwin, Daniel Beaty, Desmon Quarles, Matt Harper, Barrett Croslin, Ian Woodall, and Jacob Wood made their hometown, their State, and this Senator very proud.

#### ADDITIONAL STATEMENTS

##### COMMENDING THE NATIONAL EXTENSION ASSOCIATION FAMILY AND CONSUMER SCIENCES

• Mr. COCHRAN. Mr. President, I would like to take a moment to inform the Senate of the importance of the National Extension Association Family and Consumer Sciences, NEAFCS, and its network of associates on its 75th anniversary. This organization educates and recognizes Extension Service professionals who work to impact the

quality of life for individuals, families, and communities. These educators provide practical, research-based education to help improve the quality of life for families and individuals.

Providing adults and youth with the necessary skills and knowledge to help them achieve the best quality of life possible is paramount to creating healthy families and a healthy American economy. The Cooperative Extension System, part of the land grant university system, is a nationwide educational network funded cooperatively by the U.S. Department of Agriculture, State governments, and county governments. Extension system initiatives in nutrition, healthy lifestyles, early brain development, food safety, financial management, and building strong families enable citizens to gain knowledge and skills to lead full and productive lives.

Cooperative Extension professionals and members of the National Extension Association of Family and Consumer Sciences have been offering educational workshops, seminars, publications, media outreach, and websites to help individuals and communities for 75 years. I commend the NEAFCS on their 75th anniversary as well as the local faculty and staff who provide education that is critical to the quality of life in many rural communities.

I also urge the President of the United States to issue a proclamation to commend this organization on its 75th anniversary. The American people should become more familiar with these services and take advantage of the educational opportunities that Family and Consumer Sciences educators offer through the extension system.●

#### REMEMBERING RICHARD CRITTENDEN

• Ms. KLOBUCHAR. Mr. President, today, we mourn the loss of Officer Richard Crittenden, a true hero who gave his life in the line of duty. My thoughts and prayers go out to his wife, his son and stepdaughter, his grandchildren, the North St. Paul Police Department and the entire community during this difficult time.

On Monday, September 7, 2009, Officer Crittenden was shot and killed while responding to a domestic disturbance. On that day, he made the ultimate sacrifice in order to protect a citizen in danger.

Officer Crittenden was a dedicated officer who served the North St. Paul Police Department for 9 years. He is fondly remembered by those in the community as a "great cop." I join my House colleague, U.S. Representative BETTY MCCOLLUM, in saying that we are forever grateful for his service and bravery.

As we mourn his loss, let us also pay tribute to all the law enforcement officers who risk their lives every day to

protect our lives. As a former prosecutor, I gained an unending respect for all members of the law enforcement community. They serve on the frontlines every day to protect public safety and our communities. Let us never forget their service and their courage.●

#### RECOGNIZING TEX TECH INDUSTRIES

● Ms. SNOWE. Mr. President, 8 years ago today, we witnessed the horrendous attacks of September 11, 2001. Since that time, we have been engaged in a global fight against terrorism, and our Nation's military men and women have defended our country admirably and bravely. As we rely on them for our Nation's protection, they, in turn, rely on hundreds of businesses nationwide to provide them with state-of-the-art safety products. Today, as we mark this painful anniversary, I rise to recognize a small Maine company that is working every day to keep our military personnel safe by producing intricate textiles used to make body armor.

Tex Tech Industries, headquartered in Portland with an additional facility in the town of Monmouth, has been manufacturing textiles since 1902. Several years ago, Tex Tech began transitioning itself from a traditional textile mill into a dynamic, cutting edge leader in its field, and the company presently makes over 7,000 different unique products involving textiles, in part due to its remarkable research and development capabilities.

Of note, Tex Tech is the world's largest producer of tennis felt, the green material used to cover tennis balls. It is Tex Tech's work with high-tech fabrics, however, that has been most impressive. From durable and well-engineered fireblocking protection for mattresses, aircraft hulls, and school bus seats, to small and precise components found in specialized machine parts like rollers for X-ray processing, Tex Tech's products have a functional, everyday use to them.

I am most grateful to Tex Tech for its stellar and critical work developing specialized body armor used to protect our Nation's servicemembers. Tex Tech's ground-breaking Core Matrix Technology is used to produce hard and soft armor, safety products, and hard composites for ballistic structural reinforcement. This distinctive invention effectively protects our Nation's law enforcement officers and military personnel facing danger. In particular, it is employed to create the body armor that is used on outer tactical vests worn by our country's soldiers in Iraq.

For its outstanding work and dedicated service, Tex Tech Industries has received prestigious national recognition. In particular, the Small Business Technology Council honored Tex Tech with its 2006 Tibbetts Award as a result

of the company's work with the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs, which provide critical seed funding for small businesses developing our Nation's next generation of innovations. The award specifically highlighted the company's contributions to the Maine economy and research and development field in the State. The SBIR-STTR programs are critical to the growth of thousands of companies nationwide, and I am proud of Tex Tech's success story.

Tex Tech has left an indelible mark on dozens of products we use every day; but on a larger scale, it has also contributed to improving safety for millions of Americans facing danger day in and day out. As our service men and women fight tirelessly to keep our country safe—and prevent another 9/11—I thank Tex Tech Industries for doing its part to keep them safe. Their commitment to our State and Nation are extremely laudable, and I wish them continued success in their multiple endeavors.●

#### MESSAGE FROM THE HOUSE

##### ENROLLED JOINT RESOLUTION SIGNED

The President pro tempore (Mr. BYRD) announced that on today, September 11, 2009, he had signed the following enrolled joint resolution, previously signed by the Speaker of the House:

S.J. Res. 9. Joint resolution providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian.

#### ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 11, 2009, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 9. Joint resolution providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN:

S. 1663. A bill to make available funds from the Emergency Economic Stabilization Act of 2008 for funding a voluntary employees' beneficiary association with respect to former employees of Delphi Corporation; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. DORGAN, and Mr. CRAPO):

S. Res. 262. A resolution designating the month of September 2009 as "National Atrial Fibrillation Awareness Month" and encouraging efforts to educate the public about atrial fibrillation; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 981

At the request of Mr. DODD, his name was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 262—DESIGNATING THE MONTH OF SEPTEMBER 2009 AS "NATIONAL ATRIAL FIBRILLATION AWARENESS MONTH" AND ENCOURAGING EFFORTS TO EDUCATE THE PUBLIC ABOUT ATRIAL FIBRILLATION

Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. DORGAN, and Mr. CRAPO) submitted the following resolution; which was considered and agreed to:

## S. RES. 262

Whereas atrial fibrillation is a cardiac condition in which electrical pulses disrupt the regular beating of the atria in the heart, hampering the ability of the atria to fill the ventricles with blood, and subsequently causing blood to pool in the atria and form clots;

Whereas atrial fibrillation is the most common cardiac malfunction and affects at least 2,200,000 people in the United States, with increased prevalence anticipated as the population of the United States ages;

Whereas atrial fibrillation is associated with an increased long-term risk of stroke, heart failure, and mortality from all causes, especially among women;

Whereas, according to the Journal of the American College of Cardiology, atrial fibrillation accounts for approximately 1/3 of hospitalizations for cardiac rhythm disturbances;

Whereas, according to the American Heart Association, 3 to 5 percent of people in the United States who are 65 years of age and older are estimated to have atrial fibrillation;

Whereas, according to a study in the American Heart Association journal "Circulation", atrial fibrillation is recognized as a major contributor to strokes, with an estimated 15 to 20 percent of strokes occurring in people with atrial fibrillation;

Whereas the Journal of the American College of Cardiology estimates that the treatment of atrial fibrillation costs approximately \$3,600 per patient annually, for a total cost burden in the United States of approximately \$15,700,000,000;

Whereas obesity is a significant risk factor for atrial fibrillation;

Whereas better education for patients and health care providers is needed in order to ensure timely recognition of atrial fibrillation symptoms; and

Whereas more research into effective treatments for atrial fibrillation is needed: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of September 2009 as "National Atrial Fibrillation Awareness Month";

(2) supports efforts to educate people about atrial fibrillation;

(3) recognizes the need for additional research into treatment for atrial fibrillation; and

(4) encourages the people of the United States and interested groups to observe and support National Atrial Fibrillation Awareness Month through appropriate programs and activities that promote public awareness of atrial fibrillation and potential treatments for atrial fibrillation.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2330. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2331. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2332. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2333. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2334. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2335. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2336. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2337. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2338. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2339. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2340. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2341. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2342. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2343. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2344. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2345. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2346. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2347. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2348. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2349. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2350. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2351. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2352. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2353. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2354. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2355. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2356. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2357. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2358. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2359. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2360. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2361. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2330. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the ARC/THE Tunnel (New Jersey Trans-Hudson Midtown Corridor).

SA 2331. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Sound Transit-University Link LRT Extension, WA.

SA 2332. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the RTD West Corridor, CO.

**SA 2333.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Mid-Jordan Light Rail, UT.

**SA 2334.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Northwest/Southeast Light Rail MOS, TX.

**SA 2335.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Dulles Corridor Rail Project, VA.

**SA 2336.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Weber County to Salt Lake City Commuter Rail, UT.

**SA 2337.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Houston North Corridor LRT, TX.

**SA 2338.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Houston Southeast Corridor LRT, TX.

**SA 2339.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the South Sacramento Light Rail Extension, CA.

**SA 2340.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Honolulu High Capacity Transit Corridor Project, HI.

**SA 2341.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Metrorail Orange Line Extension, FL.

**SA 2342.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Wilshire Boulevard Bus-Only Lane, CA.

**SA 2343.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the City of Charlotte, Charlotte Area Transit System's (CATS) Blue Line Extension-Northeast Corridor Project, SC.

**SA 2344.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the CTA Red Line North Station, Track, Viaduct, and Station Rehabilitation, IL.

**SA 2345.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Draper Light Rail, UT.

**SA 2346.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Metro Gold Line Eastside Extension, Los Angeles, CA.

**SA 2347.** Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of

Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Bellevue to Redmond Bus Rapid Transit, WA.

**SA 2348.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Tennessee Statewide Bus Program, TN.

**SA 2349.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the RTD East Corridor, CO.

**SA 2350.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the RTD Gold Corridor, CO.

**SA 2351.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Wilmington to Newark Commuter Rail Improvement Program, DE.

**SA 2352.** Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Ann Arbor-Detroit Regional Rail Project, Detroit, MI.

**SA 2353.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Stamford Urban Transit way, CT.

**SA 2354.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds in this Act may be used to fund the Hoover Dam Bypass Bridge, AZ.

**SA 2355.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

After section 414, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available under this Act may be directly or indirectly distributed to the Association of Community Organizations for Reform Now (ACORN).

**SA 2356.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

After section 414, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available under this Act shall be distributed to—

(1) an organization which has a pending indictment for or has been convicted of a viola-

tion under Federal or State law relating to fraudulent voting in any Federal or State election; or

(2) an organization which employs an individual who has a pending indictment for or has been convicted of a violation under Federal or State law relating to fraudulent voting in any Federal or State election.

**SA 2357.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

**SEC. 132. AMENDMENTS TO SAFETEA-LU.**

(a) HIGHWAY 35.—Section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended—

(1) by striking the project description in item 576 and inserting “Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, and construction of an interchange at milepost 1 on I-129”; and

(2) by striking the project description in item 4507 and inserting “Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, and construction of an interchange at milepost 1 on I-129”.

(b) CUMING STREET.—Notwithstanding any other provision of law relating to eligibility under title 23, United States Code, amounts made available for the Cuming Street Transportation Improvement Project in items 4497 and 4506 of section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) and in item 276 of section 1934(c) of such Act may be expended for—

(1) lighting, landscaping, and pedestrian enhancements on Cuming Street from 16th Street to 30th Street and on Burt Street from 31st Street to Florence Boulevard, including burial of certain overhead utilities;

(2) pedestrian safety improvements on 24th Street from Cuming Street to Davenport Street, including the incorporation of traffic circles at Cass Street and Davenport Street and adjacent lighting, landscaping, and safety enhancements; and

(3) the reconfiguration of the Dodge Street/Douglas Street transition curve in conjunction with 30th Street.

(c) KEARNEY RYDE.—Section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended—

(1) by striking the project description in item 160 and inserting “Nebraska—Statewide Transit Bus, Bus Facilities, and Related Equipment”; and

(2) by striking the project description in item 586 and inserting “Nebraska—Statewide Transit Bus, Bus Facilities, and Related Equipment”.

**SA 2358.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes;

which was ordered to lie on the table; as follows:

After section 414, insert the following:  
SEC. 4. None of the funds made available under this Act shall be directly or indirectly distributed to the Association of Community Organizations for Reform Now (ACORN).

**SA 2359.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON USING FUNDS FOR CERTAIN HOUSEHOLDS.**

(a) IN GENERAL.—No funds made available under this Act may be used for or provided to a household that—

(1) includes a covered offender; and  
(2) resides in federally-subsidized housing in New Orleans, Louisiana.

(b) DEFINITIONS.—In this section—

(1) the term “covered offender” means an individual that—

(A) has been convicted of an offense under Federal, State, or tribal law—

(i) that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim; or

(ii) involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

(B) is a member of a criminal street gang, as defined in section 521 of title 18, United States Code;

(2) the term “federally-subsidized housing” means any housing for which housing assistance is being provided; and

(3) the term “housing assistance” means any assistance, loan, loan guarantee, housing, or other housing assistance provided under a housing-related program administered, in whole or in part, by the Secretary of Housing and Urban Development.

**SA 2360.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . Nothing in this Act shall be construed to affect or modify the community service requirements under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)).

**SA 2361.** Mr. GREGG submitted an amendment intended to be proposed by

him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . (a) This section may be cited as the “Axe the Stimulus Plaques Act”.

(b) Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) may be used for physical signage to indicate that a project is being funded by that Act.

**NATIONAL ATRIAL FIBRILLATION AWARENESS MONTH**

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 262.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 262) designating the month of September 2009 as “National Atrial Fibrillation Awareness Month” and encouraging efforts to educate the public about atrial fibrillation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 262) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 262**

Whereas atrial fibrillation is a cardiac condition in which electrical pulses disrupt the regular beating of the atria in the heart, hampering the ability of the atria to fill the ventricles with blood, and subsequently causing blood to pool in the atria and form clots;

Whereas atrial fibrillation is the most common cardiac malfunction and affects at least 2,200,000 people in the United States, with increased prevalence anticipated as the population of the United States ages;

Whereas atrial fibrillation is associated with an increased long-term risk of stroke, heart failure, and mortality from all causes, especially among women;

Whereas, according to the Journal of the American College of Cardiology, atrial fibrillation accounts for approximately 1/3 of hospitalizations for cardiac rhythm disturbances;

Whereas, according to the American Heart Association, 3 to 5 percent of people in the United States who are 65 years of age and older are estimated to have atrial fibrillation;

Whereas, according to a study in the American Heart Association journal “Circulation”, atrial fibrillation is recognized as a

major contributor to strokes, with an estimated 15 to 20 percent of strokes occurring in people with atrial fibrillation;

Whereas the Journal of the American College of Cardiology estimates that the treatment of atrial fibrillation costs approximately \$3,600 per patient annually, for a total cost burden in the United States of approximately \$15,700,000,000;

Whereas obesity is a significant risk factor for atrial fibrillation;

Whereas better education for patients and health care providers is needed in order to ensure timely recognition of atrial fibrillation symptoms; and

Whereas more research into effective treatments for atrial fibrillation is needed: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of September 2009 as “National Atrial Fibrillation Awareness Month”;

(2) supports efforts to educate people about atrial fibrillation;

(3) recognizes the need for additional research into treatment for atrial fibrillation; and

(4) encourages the people of the United States and interested groups to observe and support National Atrial Fibrillation Awareness Month through appropriate programs and activities that promote public awareness of atrial fibrillation and potential treatments for atrial fibrillation.

**ORDERS FOR MONDAY,  
SEPTEMBER 14, 2009**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Monday at 2 p.m., September 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3:00 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of Calendar No. 153, H.R. 3288, the Transportation and related agencies appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. REID. Mr. President, rollcall votes are possible after 5:30 p.m. Monday. As previously announced, there will be no rollcall votes after 3 p.m. on Tuesday, September 15.

**ADJOURNMENT UNTIL 2 P.M.  
MONDAY, SEPTEMBER 14, 2009**

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:42 p.m., adjourned until Monday, September 14, 2009, at 2 p.m.

**SENATE—Monday, September 14, 2009**

The Senate met at 2 p.m. and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who has given us this good land for our heritage, empower our Senators to have clean hands and pure hearts worthy of a nation that depends on You. Spare them from impure thoughts, careless manners, and compromising conduct. Keep them humble and eager to accept Your forgiveness and renewing grace. Lord, infuse them with such a spirit of civility that they will be peacemakers who are called Your children. Create in them pure hearts that they may understand Your will and follow where You lead.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, September 14, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,

President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, we are going to be in a period of morning business until 3 o'clock—for 1 hour. After that, we are going to move back to the Transportation appropriations bill. There will be a vote at 5:30 p.m. today on a matter relating to the Transportation appropriations bill.

**NOT LETTING HISTORY REPEAT ITSELF**

Mr. REID. Mr. President, just a year ago today, our economy came precariously close to its breaking point—as close to the brink as it had in generations. One year ago today, Lehman Brothers, part of the foundation of Wall Street for more than a century and a half, collapsed.

Much is being made of this anniversary. The media is dedicating significant amounts of air time, newsprint, and bandwidth to analyzing what it means, to recording how far we have come since that day, and to describing the work we still have before us. President Obama went to Wall Street today to reiterate the importance of strengthening the system that keeps financial firms in check.

But as significant as this occasion is, it is critical to remember that the economic crisis was not created in a day. As dramatic as it may sound, the reality is that our economy did not wake up on the morning of September 14 and suddenly find itself in the emergency room. In fact, this was a long time coming. The Lehman collapse was simply the final straw that broke a vulnerable economy's back, the final spark that ignited a highly flammable and flawed system.

The conditions that created this crisis had been brewing for years. A lethal combination of government deregulation and industrial irresponsibility meant Wall Street could run wild. And run wild it did. Greed, excess, and reckless risk ruled the day. Disdain for government oversight—even though the singular purpose of oversight is to protect the people—was in vogue. Loopholes were exploited. When the rules did not offer any loopholes, those rules were broken.

More than a year and a half before his company's collapse, a Lehman ex-

ecutive told his boss how risky the mortgages that had artificially inflated their business were. He knew the bubble was bound to burst, and he knew that once the housing market fell, it would fall onto the nearby dominos in the banking markets and credit markets. He saw it coming.

I repeat, he knew that once the housing market failed, it would fall onto the nearby dominos in the banking markets and credit markets. He saw it coming.

Bear Stearns knew as early as 2005 that the complicated loans it packaged were too good to be true. The Securities and Exchange Commission saw the warning signs and started an investigation but then dropped the case. They saw it coming too.

But the industry did not act alone. For years, the previous administration put the interests of Wall Street before those of Main Street. The mantra of the last 8 years was deregulation, deregulation, and more deregulation. The last White House refused to police lenders when they deceived and defrauded Americans looking for loans and necessity to protect consumers when they were being abused.

The previous administration did nothing while Wall Street traders bid up the price of oil, took windfall profits, and left the tab for the rest of a Republican idea Warren Buffett called financial weapons of mass destruction.

It is interesting to note, I believe the Presiding Officer was in a meeting last Thursday when Warren Buffett told us, in an effort to help General Electric, he bought their credit division. He looked this over and found that some of the swaps were not due for 100 years—100 years. He said he knew he couldn't help that and lost hundreds of millions of dollars. He said: I want nothing to do with that, even though the original investment was to help the economy. What Warren Buffett called financial weapons of mass destruction is what they were.

Instead, the previous administration sat and watched while the subprime mortgage market sent millions into foreclosure and nowhere worse than in Nevada. It gave tax breaks to the wealthiest Americans but gave no thought to how we would make up for the lost revenue.

It looked the other way while the executives who got us into this mess took home bonuses and golden parachutes and continued to look the other way while taxpayers, consumers, and investors were taken to the cleaners.

It declared war on fiscal responsibility and accountability. It said anything goes, but all Americans saw go

were their jobs. That is all they saw go. They saw their jobs, their homes, and their economic security go down the drain.

The previous administration simply refused to safeguard the American people from an impending crisis clearly visible on the horizon. It was a time of blissful ignorance, at best, and willful neglect, at worst.

The hard-working Americans who lost everything did nothing wrong, but their leaders did nothing—period.

We all know what happened next. Our economy was paralyzed and credit was frozen. Families and businesses were forced to make painful cuts—cuts that were felt in every corner of our country and every industry in our economy.

The stock market lost a third of its value in just a few months in 2008. Consumer confidence was at an all-time low as the cost of living went up and incomes went down. Families and financial institutions alike could not pay the bills. People could not get car loans, students could not get college loans, and small businesses could not grow their companies.

Economic experts, from Nobel Prize winners to former Cabinet Secretaries, to Ivy League professors, said we needed to act fast to keep a bad situation from getting worse.

Despite it all, those in the Bush White House and some Republicans in Congress told us the economy was fundamentally sound at a time when it was fundamentally flawed.

The history books will tell the tale of what happened in the weeks and months after September 14, 2008: major investment banks that for decades simply disappeared; institutions that were once synonymous with success became synonymous with distress; and America took unprecedented steps to stabilize a bleeding economy.

But the history books will also tell the tale of what happened before September 14, 2008. The singular lesson from that gilded age is that we cannot wait until a system collapses before we act to save it.

Today, the system headed for its breaking point is the health insurance system. We have already seen what happens when we do nothing about rising health care costs and reckless health insurance policies. We have already seen what happens when we let the market take care of itself, as some of my colleagues have urged us to do.

Over the past 8 years of inaction, the price of staying healthy in America rose to record levels, and the number of Americans who cannot afford insurance did the same.

For the millions of families who file for foreclosure because they cannot afford both their house and their health care, not acting is not an option.

For the millions of Americans who filed for bankruptcy because their medical bills grow higher and higher, not acting is not an option.

For the millions of Americans who skip doctor visits or treatments they need to stay healthy or who never fill the prescriptions their doctor gives them because health care is simply so expensive, not acting is not an option.

For the 600,000 Americans—including 46,000 from Nevada—who, we learned last week, joined the ranks of the uninsured between 2007 and 2008, not acting is not an option.

During that time, 600,000 Americans have lost their health insurance. In Nevada, 220 families a day lose their health insurance. The number is much higher in densely populated States such as Virginia.

That is a lesson we need to hear extra loud today. We again see the storm clouds gathering. This time they hover over the health care system. We again can predict the very real and very painful consequences of not acting. We again see disaster but again one that is avoidable. Again, we have a choice.

If we learn the lessons of the financial crisis, the choice we will make is to put the future of the American people first. We will choose to recognize that working people, not greedy executives, are the backbone of our economy, and we will choose to give them the security and stability they deserve.

We will choose to act in the short term for the sake of the long term.

We will choose to put the American people first and fulfill our fundamental duty to promote their well-being.

We will choose to keep the insurance companies and government bureaucrats out of people's medical decisions.

We will choose to keep health care companies honest and accountable.

We will choose to give the American people more choices in their health care coverage.

And we will choose to make quality, affordable care available to every single American.

Those in Congress who think we cannot afford health insurance reform sound an awful lot like those who didn't want to risk the windfall profits during Wall Street's heyday.

Those in the health insurance business who let their profits and bonuses, rather than their conscience or ethics, guide their decisions sound an awful lot like those who got us into this mess in the first place—those who saw all the warning signs and stuck their heads in the sand.

This country has no place for those who hope for failure and this time has no patience for those who seek more of the same failed policies.

George Santayana famously said:

Those who cannot remember the past are condemned to repeat it.

My response to those who want to ignore the lessons of last year is simply we cannot afford to let history repeat itself.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, over the past months, Americans have grown increasingly alarmed about the high levels of spending and debt we have seen under the new administration. They have become increasingly vocal about these concerns out of a growing sense that the White House does not seem to be listening to them, that it is talking over them.

Nowhere is this more apparent than in the debate over health care and never more so than in the President's speech to Congress last week. For weeks and weeks, Americans had expressed their concerns about the Democrats' health care proposals at town-hall meetings across the country. Yet the President returned from the August break with a speech that did not address any of them.

Instead, he stated his intention to spend nearly \$1 trillion on a plan he says will expand coverage without increasing costs or adding to the deficit. These are precisely the claims Americans are finding so difficult to square with reality. The speech itself was certainly well delivered, but in the end Congress is not going to be asked to vote on a speech. It is going to be asked to vote on specific legislation.

In my view, the President's speech only highlighted the concerns that millions of Americans and Members of both parties in Congress continue to have with the Democratic plans for health care reform because when you strip away the pageantry of the speech itself, what you are left with is simply this: one more trillion-dollar government program and a whole lot of unanswered questions about how we are going to pay for it. What is it going to mean for seniors and small business owners, and how is it going to affect the quality and availability of care for millions of Americans, the vast majority of whom are happy with the care they have? These are legitimate questions, and it is unfair for anyone to dismiss those who ask them as either cranks or scaremongers. The answers to these questions impact some of the most important aspects of people's lives, and people just aren't getting answers.

Take the issue of cost. The President says he is going to pay for his plan by cutting waste, fraud, and abuse out of the system. That raises a couple of questions. First of all, if there is such waste, fraud, and abuse, then why isn't the administration doing something about it already? Second, if we are seeing this kind of waste, fraud, and abuse in an existing government program,

why shouldn't we expect it to exist in the new government program the White House wants to create? Of course, we should root out waste, fraud, and abuse. I don't know anybody who is against that. But let's do it for its own sake, not to justify a very brandnew government program most Americans aren't even asking for.

How about Medicare? The administration plans to pay for much of its health care proposals with hundreds of billions of dollars in cuts to Medicare. A significant portion of this would involve cuts to Medicare Advantage, a program that serves more than 11 million American seniors, nearly 90 percent of whom say they are satisfied with it. But faced with questions about his proposed cuts to Medicare, the administration insists services to seniors won't be cut. Mr. President, this is absurd. How can the administration tell America's seniors with a straight face that it is about to cut \$½ trillion from Medicare but that those cuts won't affect the program in any noticeable way?

What about the hundreds of billions of dollars the administration would have to raise to pay for its plan even after its proposed cuts to Medicare? The White House hasn't said where it plans to get all of that money, but to most people, the answer is pretty obvious: more spending, more taxes, higher deficits—or, most likely, all three.

What about the deficit? The White House says its health care plan won't add a dollar to the deficit. How do they square that with the fact that the Congressional Budget Office has said repeatedly and unequivocally that every proposal they have seen would, in fact, add hundreds of billions of dollars to the deficit?

Any schoolkid in America could tell you that creating a massive new government program will cost a lot of money, that cutting Medicare by hundreds of billions of dollars will lead to cuts in services people currently enjoy, and that higher taxes on small businesses will lead to even more job losses.

These are serious questions. The administration's response to them is not. Their response is to accuse anyone who asks them of being a scaremonger and to give them the same two-word answer they gave everybody who questioned the stimulus: Trust us.

When it comes to health care, Americans are saying these arguments don't add up. These are simple questions. The administration should answer them. If they can't, it is even further validation that the questions are worth asking.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

#### TRIBUTE TO DR. NORMAN BORLAUG

Mr. GRASSLEY. Mr. President, I come to the floor today to pay tribute to a fellow Iowan, Dr. Norman Borlaug, a 1970 Nobel Peace Prize laureate. That honor—Dr. Borlaug's winning the Nobel Peace Prize—was because he was the father of the Green Revolution.

Dr. Borlaug passed away over the weekend at the age of 95. I am honored to have known Dr. Borlaug. He was a remarkable man, a true son of the Iowa soil. A tenacity found through wrestling, a love of the soil, and a twist of fate helped Dr. Borlaug develop the scientific breakthroughs to ease malnutrition and famine around the globe. His effort to spare people from the sharp hunger pains that strike an empty stomach is an example for generations to come that one person can, in fact, make a difference—and, in his case, a big difference.

Dr. Borlaug's notoriety most often comes, as I have just said, as the father of what is called the Green Revolution, a time when drastically increased crop yields over a short period of years helped alleviate world hunger. It is from this work that he is credited with saving more lives than any other person in history.

It is said that Dr. Borlaug's desire for a sufficient food supply came from his childhood. He grew up in a small town on a family farm in northeast Iowa. His education came in a one-room schoolhouse full of immigrant children. It was there where he and his schoolmates learned the common threads between them, similar to what their own parents learned, that working together to provide food for their families was more important than any ethnic differences that might divide them.

In true Iowa tradition, as a young man Dr. Borlaug was an outstanding wrestler. His wrestling skills took him to the University of Minnesota, where he, besides wrestling, earned a bachelor's and master's degree in forestry and, by a twist of fate, a doctorate in plant pathology.

It was after his graduation and World War II service that Dr. Borlaug first saw the plight of poverty-stricken wheat farmers in rural Mexico. In the early going, his work in Mexico was discouraging, but Dr. Borlaug showed his tenacity and willingness to get dirt under his fingernails and, in fact, over a period of time ingratiated himself to the local farmers. With the help of Mexican farmers, Dr. Borlaug and his

scientific team eventually developed a disease-resistant wheat—a breakthrough in the fight against hunger.

His success in Mexico gave Dr. Borlaug the opportunity to help developing countries all around the world. His innovative work brought an agricultural revolution to poor and hungry countries. I don't think it is a stretch to say that Norman Borlaug transformed these countries. His work helped these countries avoid starvation and famine, but he also helped to lift the social conditions and create more peaceful societies.

His commitment to this important cause has been recognized worldwide. I already alluded to the fact that he was a 1970 Nobel Peace Prize winner. He is one of only five people to be awarded three different medals of honor: the Nobel Peace Prize, the Presidential Medal of Freedom, and this Congress awarded him the Congressional Gold Medal. That may not sound like much, but let's just put that into context. The other four recipients of all three of those awards—again, the Nobel Peace Prize, the Presidential Medal of Freedom, and the Congressional Gold Medal—include Nelson Mandela, Elie Wiesel, Mother Teresa, and Dr. Martin Luther King, Jr.

Mr. President, Dr. Borlaug may not be a name known at every kitchen table, but this man is one of the greatest humanitarians who have ever lived. He dedicated his life to the development of scientific breakthroughs in order to ease malnutrition and famine all over the world.

One of Dr. Borlaug's latest efforts began in the early 1980s. There wasn't anything in the Nobel armada of prizes that represented agriculture, which is why he received the Peace Prize for recognition of his research in agriculture, and so Dr. Borlaug thought there ought to be an annual award for research in agriculture and helping with the problems of food production. Through his initiative, the World Food Prize was initiated. It recognizes the achievement of individuals who have advanced human development by improving the quality, quantity, and availability of food in the world. Just as Dr. Borlaug dreamed, the World Food Prize is helping to continue to inspire future generations of scientists and farmers to innovate and lift those mired in poverty and preserving Dr. Borlaug's legacy over the years. The World Food Prize is the idea of Dr. Borlaug, and so his scientific work will live on.

The World Food Prize exists today because of the John Ruan family endowing it. They are an outstanding Des Moines business family, and they have endowed this. President of the World Food Prize is the former Ambassador to Cambodia, Dr. Ken Quinn. The World Food Prize has been headquartered in Des Moines since 1992, about 4 or 5 years after its founding.

An extraordinary man, with a brilliant vision and Iowa common sense who turned his dreams into reality—that was Dr. Norman Borlaug.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 30 minutes remaining in morning business, with Senators having a 10-minute limit. The Senate goes out of morning business at 3 o'clock.

Mr. ALEXANDER. Will the Chair please let me know when 1 minute is remaining—after 9 minutes?

The ACTING PRESIDENT pro tempore. The Chair will so advise.

### PUSH OUT THE CZARS

Mr. ALEXANDER. Mr. President, according to news accounts, there are approximately 32 or 34 so-called czars in the Obama White House and government. Respected voices in the Senate—Senator BYRD, a senior Democrat and Senator HUTCHISON, a senior Republican—have pointed out that these czars are an affront to the Constitution. They are anti-democratic. They are a poor example of a new era of transparency, which is what was promised to this country. I would add that they are a poor way to manage the government, and they seem to me to be the principal symptom of this administration's 8-month record of too many Washington takeovers. We have an AIDS czar, an auto recovery czar, a border czar, and a California water czar. We have a car czar, a central region czar, and a domestic violence czar. There is an economic czar, an energy and environment czar, a faith-based czar and a Great Lakes czar. The list goes on, up to 32 or 34. One of these, for example, is the pay czar, Mr. Kenneth Feinberg, the Treasury Department's Special Master for Compensation. He will approve pay packages at seven firms receiving TARP funds, thus deciding how much pay is too much. This will affect the top earners at some of the major corporations in America.

According to Mr. Feinberg, in answer to some questions, he said:

The statute provides guideposts but the statute ultimately says I have discretion to decide what it is that these people should make and that my determination will be final. Anything is possible under the law.

That is the pay czar. Then we have a manufacturing czar. The manufacturing czar's name is Mr. Ron Bloom. He is also the car czar. We have had manufacturing czars before in other administrations, but as Rollcall pointed out on September 8, Mr. Bloom's background and new position differs from the two czars who served under former President George W. Bush:

Bloom is a former union official, remaining close to leaders in organized labor.

Bush's manufacturing czars were placed in the Commerce Department. Bloom, on the other hand, was entrusted with a high profile Presidential task force on autos, and will operate within an office that has broad authority over domestic policy. He will head the auto task force which is in the Treasury Department.

According to the policy director for the AFL-CIO, Mr. Bloom is expected to have a major role in the development of climate change legislation. So-called buy American provisions that favor home-grown products, and tax credits for domestic industry need to be included, said the policy director for the AFL-CIO, in the climate change provision. If it's not done right, the President could lose votes, said the AFL-CIO Policy Director.

In other words, Mr. Bloom may end up being the protectionist czar as well.

Then there is the health czar, a very distinguished Tennessean, Nancy-Ann DeParle, a very able woman I know well. But who is in charge of health care policy? Is it the Secretary of Health and Human Services, confirmed by the Senate, accountable to the Congress, accountable, therefore, to the people of the country? Or is it someone in the White House who, an administration official says will "wake up every morning focused on health care reform, and she is going to be focused on that the entire day through?"

There have been czars in the White House, at least since President Franklin D. Roosevelt. Of the 32 or 34 we have today—and I am using those two numbers because there are different reports and 2 or 3 czar positions are vacant—only 8 are confirmed by the Senate. We have had czars before, but there has never been anything quite like this.

Let me take my concerns one by one. Article I of the Constitution of the United States gives to the Congress the appropriations power and sets up, in articles II and III, the executive and judicial branches, a system of checks and balances to make sure no one branch of the Federal Government runs away with the government. Senator ROBERT BYRD, the President pro tempore of the Senate, wrote a letter to President Obama on February 23. Senator BYRD, who is often called the Constitutional conscience of the Senate, expressed his concern over the increasing appointments of White House czars and the relationship between these new positions and their executive branch counterparts, noting:

Too often, I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

That is Senator BYRD speaking. He goes on to say:

The rapid and easy accumulation of power by White House staff can threaten the Constitutional system of checks and balances. At the worst, White House staff have taken direction and control of programmatic areas that are the statutory responsibility of Senate-confirmed officials.

Continuing:

As presidential assistants and advisers, these White House staffers are not accountable for their actions to the Congress, to Cabinet officials, and to virtually anyone but the president. They rarely testify before congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege. In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability.

More recently, one of the senior Republicans, Senator KAY BAILEY HUTCHISON of Texas, who is the senior Republican on the Senate Committee on Commerce, Science and Transportation, said in an op-ed in the Washington Post:

I oversee legislation and agencies that cover policy areas as vast and varied as trade, technology, transit, consumer protection and commercial regulation. As many as 10 of the 32 czars functionally fall under my committee's jurisdiction. Yet neither I nor the committee chairmen have clear authority to compel these czars to appear before our panel and report what they are doing. The Obama administration presented only two of these officials for our consideration before they assumed their duties. We have had no opportunity to probe the others' credentials.

That is Senator KAY BAILEY HUTCHISON of Texas. I ask unanimous consent to have printed in the RECORD following my remarks the comments of Senator ROBERT BYRD and the op-ed of Senator KAY BAILEY HUTCHISON.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1).

Mr. ALEXANDER. As the Senator said, many of these czars have no vetting by the Senators, no appropriation requests to be considered by us, no testimony given, and answer no hard questions. Who is making the policy, then, on health care, on climate change, on energy?

I have been reading President James K. Polk's diaries. I may be the only one in the United States reading them these days. They are actually very interesting. He wrote down every night what he did that day, back in the 1840s. Among the things he did, he had a Cabinet meeting every Tuesday and Saturday and every major issue that came before him, whether it was the war with Mexico, annexation of Texas, the argument with Great Britain about what to do in Oregon—he submitted all those questions to his Cabinet, and then the Cabinet, of course, had to go before the Congress and testify. He didn't always agree with the Cabinet.

Secretary of State Buchanan disagreed with President Polk quite a bit, but Secretary Buchanan then had to go before the Congress and come back and tell the President what he heard. That was a long time ago, but what the Framers had in mind was checks and balances where the President leads the

country, the Cabinet manages the government, and the Cabinet, as the managers of the government, are accountable to the people through their elected Representatives.

The 32 or 34 czars are not representative of the way the American system of government is supposed to work. This is not an era of transparency. It creates so much centralization of power that it is the antithesis of freedom, which is the principal characteristic, the principal aspect of the American character.

The second aspect of this large number of czars that is troublesome is the issue of managing the government. Forty years ago, I worked in the White House for President Nixon under a wise man named Bryce Harlow.

I ask unanimous consent to proceed as in morning business until I am finished with my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. Harlow had worked for President Eisenhower. He was a wise counselor to President Johnson. He knew a lot about how the American Government is supposed to work. He said to me, then a very young staff member—he said:

Lamar, our job here in the White House is to push the merely important issues out of the White House so that we can reserve to the President only that handful of truly Presidential issues.

George Reedy, who was Lyndon Johnson's Press Secretary, wrote:

The job of the President is three things—to see an urgent need, to develop a strategy to meet the need, and persuade half the people he's right.

Mr. Reedy didn't say anything about managing the Government of the United States out of the White House. He talked about leading the country.

Our current President is very skilled at persuading half the people he is right. He has demonstrated that in an election. He continues to demonstrate that with his speeches. That is not the issue. The issue is whether he ought to bring into the White House, or closer to him into the government, a large group of men and women who are accountable to him but not accountable to anybody else. It is not good for the President of the United States, I would submit, to have close to him people he listens to who do not have to listen to anybody else, or at least who do not have to listen to the elected Representatives of government.

Everyone knows the first thing that happens when a new President is elected is people pick offices, and which office do they pick? They want the office closest to the President because it is an unwritten rule in Washington DC, that influence in Washington is measured in direct proportion to the number of inches one is physically from the President of the United States. So the First Lady usually ends up with the

most influence. After that, go right down the hall in the West Wing over to the Executive Office Building. After a while you get out around the Cabinet offices.

I used to be in one of the Cabinet offices in the first President Bush's administration. It is true, the persons with the most influence with the President are almost always the men and women who are closest to him.

The other aspect of management that this seems to contravene in the White House is the "one thing at a time" idea. One thing at a time is best exemplified, I suggest, by President Eisenhower when he said "I shall go to Korea." He said that more than a half century ago when the big issue before the country—there were many, but the biggest issue was the Korean war. President Eisenhower said, in October of the election year, "I

all go to Korea," and in December he went. And he said to the American people, "I will focus my attention on the war in Korea. It will have my full attention until the matter is concluded."

Because he was President and because he had capacity for leadership, people believed he would probably get that one thing done. In fact he did because, in our system of government, people know if the President selects a single issue—say it is health care, say it is climate change, say it is resolving the debt, or fixing Social Security—if he picks one thing and throws himself into that for as long as he is there, the odds are he is going to wear everybody else out. He might have to compromise a little bit along the way.

I used to think this as Governor—and the Presiding Officer was once Governor in Virginia. Often our best proposals would get changed in the legislature. I learned a long time ago you could either condemn that or say: Well, they improved my proposal. Give the other side some credit, and go on to the next issue.

But a Governor and certainly a President who picks one thing can get a lot done. We have a lot of very talented people in and around the President. The President himself is highly intelligent and well liked by the American people, as well as he is by those of us in the Senate. But sometimes I am afraid the Obama White House resembles the Harvard Law Review meeting where everybody has a bright idea, everybody is very smart, but everyone forgets that someone has to be the operator. Someone has to make it run. Someone has to pick one thing and lean into it for as long as it goes.

My point is, having a large number of bright advisers or czars for every issue under the Sun, clustered around the President, coming up with bright ideas, and who are unaccountable to the Congress for most of what they have to say, is not the best way for a President to pick a single, major issue—let's say health care—and lead the country.

Finally, the number of czars we now have today, who have accumulated over the last several administrations and today have reached a record level is anti-democratic. Czars are usually Russians; they are not Americans. Czars are usually imperialists, not Democrats.

The dictionary says a czar is an autocratic ruler or leader or an emperor or king. A czar is not associated with a democracy, not associated with an era of transparency.

Czars are alien to our way of thinking and our way of government. I am afraid czars are becoming a symbol of this administration and the number of Washington takeovers. Let me not just use my own words, a New York Times article today said:

But one year after the collapse of Lehman Brothers set off a series of federal interventions, the government is the nation's biggest lender, insurer, automaker and guarantor against risk for investors large and small.

Between financial rescue missions and the economic stimulus program, Government spending accounts for a bigger share of the nation's economy—26 percent—than at any time since World War II. The Government is financing 9 out of 10 new mortgages in the United States. If you buy a car from General Motors, you are buying from a company that is 60 percent owned by the Government.

If you take out a car loan or run up your credit card, the chances are good that the Government is financing both your debt and that of your bank. And if you buy life insurance from the American International Group, you will be buying from a company that is almost 80 percent Federally owned.

I ask unanimous consent to have printed in the RECORD this article from September 14 following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2).

Mr. ALEXANDER. Czars are becoming a symbol of a runaway government in Washington with too many Washington takeovers. Dr. Samuel Johnson, the British moralist a few centuries ago, was once introduced to a talking dog in a London pub. The proud owner of the dog asked Dr. Johnson what did he think of how well his dog talked.

Dr. Johnson is reported to have said, he was not so impressed with how well the dog talked, but that the dog talked at all.

That is about the way I feel about the nearly three dozen White House czars and government czars. I am not so worried about who they are, I am worried that the czars are there at all. I believe that the American people in addition to respected Senators, such as Senator BYRD on the other side of the aisle, and Senator HUTCHISON on this side of the aisle, sense this is a problem.

My respectful suggestion to the President is along the same lines as Senator BYRD and Senator HUTCHISON

have made. I believe it is time to push these czars out of the White House, and leave the management of government to the managers of government in the Cabinet and the positions in the departments of government who are accountable to the Congress. The positions who are accountable for their confirmation, accountable to answer the questions of Members of Congress, accountable for appropriations that have to be approved by Congress before they can spend the people's money. That is the American way.

I ask unanimous consent to have printed in the RECORD the list of czars published in the newspaper Politico on September 4.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3).

#### EXHIBIT 1

##### BYRD QUESTIONS OBAMA ADMINISTRATION ON ROLE OF WHITE HOUSE "CZAR" POSITIONS

WASHINGTON, DC—Senator Robert C. Byrd, D-W.Va., the Constitutional conscience of the Senate, has written to President Barack Obama expressing his concerns over the increasing appointments of White House "czars," and the relationship between these new White House positions and their executive branch counterparts, noting that "too often, I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process."

Byrd, in his February 23 letter, specifically referenced the creation of new White House Offices of Health Reform, Urban Affairs Policy, and Energy and Climate Change Policy, noting that "the rapid and easy accumulation of power by White House staff can threaten the Constitutional system of checks and balances. At the worst, White House staff have taken direction and control of programmatic areas that are the statutory responsibility of Senate-confirmed officials."

"As presidential assistants and advisers, these White House staffers are not accountable for their actions to the Congress, to cabinet officials, and to virtually anyone but the president. They rarely testify before congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege. In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability," Byrd's letter continued.

Byrd cited President Obama's recent memorandum to the executive departments and agencies in which Obama noted that, "A democracy requires accountability, and accountability requires transparency."

"As you develop your White House organization, I hope you will favorably consider the following: that assertions of executive privilege will be made only by the President, or with the President's specific approval; that senior White House personnel will be limited from exercising authority over any person, any program, and any funding within the statutory responsibility of a Senate-confirmed department or agency head; that the President will be responsible for resolving any disagreement between a Senate-confirmed agency or department head and White House staff; and that the lines of authority

and responsibility in the Administration will be transparent and open to the American public," the letter requested and concluded.

#### EXHIBIT 2

[From the New York Times, Sept. 14, 2009]

##### U.S. IS FINDING ITS ROLE IN BUSINESS HARD TO UNWIND

(By Edmund L. Andrews and David E. Sanger)

WASHINGTON.—When President Obama travels to Wall Street on Monday to speak from Federal Hall, where the founders once argued bitterly over how much the government should control the national economy, he is likely to cast himself as a "reluctant shareholder" in America's biggest industries and financial institutions.

But one year after the collapse of Lehman Brothers set off a series of federal interventions, the government is the nation's biggest lender, insurer, automaker and guarantor against risk for investors large and small.

Between financial rescue missions and the economic stimulus program, government spending accounts for a bigger share of the nation's economy—26 percent—than at any time since World War II. The government is financing 9 out of 10 new mortgages in the United States. If you buy a car from General Motors, you are buying from a company that is 60 percent owned by the government.

If you take out a car loan or run up your credit card, the chances are good that the government is financing both your debt and that of your bank.

And if you buy life insurance from the American International Group, you will be buying from a company that is almost 80 percent federally owned.

Mr. Obama plans to argue, his aides say, that these government intrusions will be temporary. At the same time, however, he will push hard for an increased government role in overseeing the financial system to prevent a repeat of the excesses that caused the crisis.

"These were extraordinary provisions of support, not part of a permanent program," said Lawrence H. Summers, director of the National Economic Council at the White House. "You're seeing a process of exit every day. It's a process that's going to take quite some time, but the prospects are much brighter today than they were nine months ago."

That process unfolds every day in a bland bureaucrat's haven, an annex connected by an underground tunnel to the Treasury's main building on Pennsylvania Avenue. There, about 200 civil servants—accountants, lawyers, former investment bankers—oversee the \$700 billion program that pumps taxpayer money into banks, insurance companies and two of Detroit's Big Three auto companies.

In the main Treasury building, senior officials hold veto power over executive pay packages for the biggest recipients of government loans, like Citigroup and Bank of America. A separate group, working closely with the Federal Reserve Bank of New York, oversees the multibillion-dollar bailout of American International Group. Ten blocks away, at the Federal Reserve, officials are still providing the emergency liquidity that keeps a battered economy moving.

To Mr. Obama's critics, thousands of whom took to the streets of Washington this weekend to protest a new era of big government, all these efforts are part of a plan to dismantle free-market capitalism. On the ground it looks quite different, as a new president and his team try to define the proper role, both as owners and regulators.

#### A LIGHT HAND ON THE REINS

Far from eagerly micromanaging the companies the government owns, Mr. Obama and his economic team have often labored mightily to avoid exercising control even when government money was the only thing keeping some companies afloat.

A few weeks ago, there were anguished grimaces inside the Treasury Department as the new chief executive of A.I.G., Robert H. Benmosche, whose roughly \$9 million pay package is 22 times greater than Mr. Obama's, ridiculed officials in Washington—his majority shareholders—as "crazies."

Causing even more unease to policymakers, Mr. Benmosche insisted that A.I.G.—one of the worst offenders in the risk-taking that sent the nation over the edge last year—would not rush to sell its businesses at fire-sale prices, despite pressure from Fed and Treasury officials, who are desperate to have the insurer repay its \$180 billion government bailout.

But in the end, according to one senior official, "no one called him and told him to shut up," and no one has pulled rank and told him to sell assets as soon as possible to repay the loans.

A similar hands-off decision was made about the auto companies. Shortly after General Motors and Chrysler emerged from bankruptcy, some members of the administration's auto task force argued that the group should not go out of business until it was confident that a new management team in Detroit had a handle on what needed to be done.

But Mr. Summers strongly rejected that approach, and the Treasury secretary, Timothy F. Geithner, agreed.

"The argument was that if the president said he wasn't elected to run G.M., then we couldn't hire a new board and then try to run any aspect of it," one participant in the discussions said. The auto task force took off for summer vacation in July, and it never returned.

But it will probably be several years before the government can begin to sell its stake in G.M. back to the public, and even then, according to a report issued last week by the independent monitor of the Troubled Asset Relief Program, some of the \$20 billion or so funneled to G.M. and Chrysler is probably gone forever.

#### WINDING DOWN PROGRAMS

By contrast, Mr. Obama's team and the Federal Reserve have been more successful than generally recognized at winding down many of the support programs for banks. Nearly three dozen financial institutions have repaid \$70 billion in loans to the Treasury, and officials predict that \$50 billion more will be repaid over the next 18 months. Indeed, the government has earned tidy profit on the first round of repayments.

One of the biggest backstops has been the Temporary Liquidity Guarantee Program of the Federal Deposit Insurance Corporation, which now guarantees about \$300 billion worth of bonds issued by banks.

The volume of new guarantees has declined to less than \$5 billion a month in August from more than \$90 billion a month earlier this year. The F.D.I.C. announced last week that it would either end the program entirely on Oct. 31 or reduce it further by substantially increasing the fees that banks have to pay.

Similarly, one of the Fed's biggest emergency loan programs, the Term Auction Facility, has shrunk by more than half in the last 12 months. A second big program, which finances short-term i.o.u.'s for businesses,

has shrunk to \$124 billion, from \$332 billion a year ago.

Obama administration officials bristle at even the hint that their rescue measures have ushered in a new era of "big government."

But supporters and critics alike worry that it will be difficult to shrink the government to anything like its former role. For one thing, Mr. Obama is determined to expand government regulation of business and to beef up federal protections for consumers.

#### SEEKING MORE OVERSIGHT

Mr. Obama's proposals to overhaul the system of financial regulation would give the Fed new powers to supervise giant financial institutions whose failure could threaten the entire financial system.

To limit the dangers posed by insolvent institutions that are "too big to fail," the F.D.I.C. would receive new authority to close them in an orderly way.

The administration would impose much tougher regulation over the vast market for financial derivatives like credit-default swaps and other exotic instruments for hedging risk.

It would also create an entirely new Consumer Financial Protection Agency, which would have broad power to regulate most forms of consumer lending.

In his speech on Monday, White House officials say, Mr. Obama will step up pressure on Wall Street to accept tougher oversight. Even though his proposals have made little headway in Congress, largely because of the battle over health care, Democratic lawmakers said they were determined to pass comprehensive legislation by next year.

"Big government now is the consequence of too little government before," said Representative Barney Frank, chairman of the House Financial Services Committee. "What you have right now, with the government owning companies, is the result of insufficient regulation before."

On a practical level, experts say it will take years for the government to unwind some of its rescue programs.

Thanks to the mortgage crisis and the collapse in housing prices, private investors have fled the mortgage market, and the federal government now finances about 9 out of 10 new home loans in the United States.

The Treasury took over Fannie Mae and Freddie Mac, the government-sponsored finance companies that own or have guaranteed more than \$5 trillion in mortgages, in the first week of September 2008. Fannie and Freddie now buy or guarantee almost two-thirds of all new mortgages. The Federal Housing Administration guarantees another 25 percent.

The cost of keeping the two giant companies afloat has been huge. The Treasury has provided Fannie and Freddie with \$95 billion to cover losses tied to soaring default rates and losses in value on their own mortgage portfolios. Analysts predict that the companies will need considerably more in the year ahead. At the same time, the Fed is buying almost all the new mortgage-backed securities issued by Fannie Mae, Freddie Mac and the F.H.A. Buying up those securities drives up their price and pushes down their effective interest rates, and ultimately lowers borrowing costs to homebuyers.

#### AN ENORMOUS SCALE

The scale of the Fed's intervention has been staggering. The central bank has acquired more than \$700 billion in mortgage-backed securities so far, and officials have said they will buy up to \$1.25 trillion—a goal

that should take the Fed until early next year. To help Fannie and Freddie raise the money they need to buy mortgages from lenders, the Fed is also buying \$200 billion of their bonds.

All told, the government is propping up almost the entire mortgage market and, by extension, the housing industry.

As the government backs away from its rescue operations, economists and others worry about unknown consequences. Some analysts are already predicting that mortgage rates will bump higher when the Fed stops buying mortgage securities, potentially delaying a recovery in housing.

But the much bigger puzzle is how the government will untangle Fannie Mae and Freddie Mac, with their combustible mix of taxpayer support, public policy goals and for-profit structures.

"It will be very difficult to unwind, having stepped in as big as they did," said Howard Glaser, a senior housing official during the Clinton administration and now an industry consultant in Washington. "There is no structure, no mechanism, for private investors to come back into the market."

Other experts and policy makers have begun to raise broader concerns. Even if the Obama administration and the Fed do manage to shrink the government's role to precrisis levels, has the government's immense rescue simply set the stage for more frequent interventions in the future?

"This crisis, whether it's because of the Fed or the Treasury or Congress, has created a lot of new moral hazards," said Charles I. Plosser, president of the Federal Reserve Bank of Philadelphia. "Once you have done this once, even though it was in a severe crisis, the temptation will be for people to figure that in the next crisis you'll do it again. You've got to figure out a way to say no."

[From the Washington Post, Sept. 13, 2009]

#### CZARIST WASHINGTON

(By Kay Bailey Hutchinson)

The Framers of the Constitution knew that the document founding our democracy must be the anchor of liberty and the blueprint for its preservation. Wisely, they provided a balance of powers to ensure that no individual and no single arm of government could ever wield unchecked authority against the American people.

Nearly 250 years later, these critical lines of separation are being obscured by a new class of federal officials. A few of them have formal titles, but most are simply known as "czars." They hold unknown levels of power over broad swaths of policy. Under the Obama administration, we have an unprecedented 32 czar posts (a few of which it has yet to fill), including a "car czar," a "pay czar" and an "information czar." There are also czars assigned to some of the broadest and most consequential topics in policy, including health care, terrorism, economics and key geographic regions.

So what do these czars do? Do they advise the president? Or do they impose the administration's agenda on the heads of federal agencies and offices who have been vetted and confirmed by the Senate? Unfortunately—and in direct contravention of the Framers' intentions—virtually no one can say with certainty what these individuals do or what limits are placed on their authority. We don't know if they are influencing or implementing policy. We don't know if they possess philosophical views or political affiliations that are inappropriate or overreaching in the context of their work.

This is precisely the kind of ambiguity the Framers sought to prevent. Article One

tasks the legislative branch with establishing federal agencies, defining what they do, determining who leads them and overseeing their operations. Article Two requires the president to seek the advice and consent of the Senate when appointing certain officials to posts of consequence. Thus, authority is shared between government branches, guaranteeing the American people transparency and accountability.

As the senior Republican on the Senate Committee on Commerce, Science and Transportation, I oversee legislation and agencies that cover policy areas as vast and varied as trade, technology, transit, consumer protection and commercial regulation. As many as 10 of the 32 czars functionally fall under my committee's jurisdiction. Yet neither I nor the committee chairman have clear authority to compel these czars to appear before our panel and report what they are doing. The Obama administration presented only two of these officials for our consideration before they assumed their duties. We have had no opportunity to probe the others' credentials.

Recently we saw the kinds of dangerous details that can slip by when a powerful federal official isn't put through the Senate confirmation process. Before assuming the post of "green jobs czar," Van Jones had engaged in such troublesome activities as endorsement of fringe theories about the Sept. 11 attacks. He has ties to a socialist group. The Senate confirmation process would typically provide an appropriate forum for identifying and discussing these types of issues and for allowing for public input. Jones's case highlighted the lack of accountability that is becoming commonplace under the Obama administration.

While Jones rightly resigned, there are dozens of other administration czars about whom we still know very little. It is Congress's duty to know who is serving at the highest levels of government, what they are doing, and what qualifications or complications these people bring to the job. It is also our responsibility to make this information known to the people who have elected us to serve and protect them. This is how we ensure accountability.

The deployment of this many czars sets a dangerous precedent that undermines the Constitution's guarantee of separated powers. It must be stopped. President Obama should submit each of his many policy czars to the Senate so that we can review their qualifications, roles and the limits on their authority. To deliver anything less is to deny the American public the accountability and transparency the Constitution guarantees.

#### EXHIBIT 3

[From Politico, Sept. 4, 2009]

#### PRESIDENT OBAMA'S "CZARS"

Politico has compiled a wide-ranging list of President Barack Obama's various "czars." The bolded names were confirmed by Congress, and the italicized names are statutorily created positions created by Congress in legislation.

**Afghanistan Czar**—Richard Holbrooke.

**AIDS Czar**—Jeffrey Crowley.

**Auto Recovery Czar**—Ed Montgomery.

**Border Czar**—**Alan Bersin.**

**Car Czar**—Ron Bloom.

**Central Region Czar**—Dennis Ross.

**Domestic Violence Czar**—Lynn Rosenthal.

**Drug Czar**—**Gil Kerlikowske.**

**Economic Czar**—Paul Volcker.

**Energy and Environment Czar**—Carol Browner.

Faith-Based Czar—Joshua DuBois.  
Great Lakes Czar—Cameron Davis.  
Green Jobs Czar—Van Jones (resigned on Sept. 6).

Guantanamo Closure Czar—Daniel Fried.  
Health Czar—Nancy-Ann DeParle.  
Information Czar—Vivek Kundra.  
International Climate Czar—Todd Stern.  
Mideast Peace Czar—George Mitchell.  
Pay Czar—Kenneth Feinberg.  
Regulatory Czar—Cass Sunstein.\*  
Science Czar—John Holdren.

Stimulus Accountability Czar—Earl Devaney—statutory position.  
Sudan Czar—J. Scott Gration.

**TARP Czar—Herb Allison.**

Terrorism Czar—John Brennan.

**Technology Czar—Aneesh Chopra.**

Urban Affairs Czar—Adolfo Carrion Jr.

**Weapons Czar—Ashton Carter.**

WMD Policy Czar—Gary Samore.

\*Nomination was sent to Senate on April 20, no action yet taken.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3288, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are again here on Monday afternoon talking about a very important bill that came to the floor last Thursday. That is the investment in infrastructure, transportation, and housing across the country. We have many issues important to many Members who want to get this bill passed and to the President as quickly as possible so we can move forward. My colleague from Missouri and I have worked very hard to put the bill together. We are here this afternoon ready and waiting for our colleagues to offer amendments so we can get to final passage. I know the majority leader wishes us to finish this fairly

quickly. We have a number of appropriations bills we want to complete before the end of September deadline. So we ask our colleagues to get their amendments up, and we will move through them as quickly as we can.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I echo what the chairman of our subcommittee, the Senator from Washington, has said. We have had it out now. We have had this bill out. It has been on the floor since Thursday. We had Friday and the weekend to look at it. A number of my colleagues, many on this side of the aisle, have talked about offering amendments. I hope they will be ready to bring those amendments down. I think one or two are going to be offered this afternoon so we can have votes scheduled at 5:30, as the majority leader has suggested. It is not only the majority leader, it is the Senator from Washington and I who are urging people to come down. This is a very important bill. Everybody has transportation needs, concerns, and issues. Housing is such a significant challenge right now, given the situation in the financial markets and the situation with housing. We have many people who are dependent upon federally supported housing. We need to make sure we have the funds made available to take care of their needs.

We have special needs projects such as the VASH program for veterans with assisted housing that the Chair and I have entered into. That is very important for bringing our service men and women home and giving them the right kind of accommodation. All of these things are in the context of significant financial problems in the Federal Housing Administration. FHA, if you read the papers, is at a crisis point. I have described it as a ticking timebomb. Regrettably, I think that is still an accurate calculation. We have funds to provide to HUD and to the Secretary of HUD, to the IG and others, to deal with problems before they become more serious. So we need to get this bill passed.

I hope our colleagues would bring their amendments forward. We will only be able to vote until 3 o'clock tomorrow afternoon. We would appreciate them bringing as many amendments as they can forward before then, this afternoon and tomorrow, so we can go about the business of conferencing with the House, getting a measure that will get to the President so he can sign it and put these critically important funds to work.

I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNNS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 2355

Mr. JOHANNNS. Mr. President, I ask that amendment No. 2355 be called up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNNS] proposes an amendment numbered 2355.

Mr. JOHANNNS. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Prohibiting direct or indirect use of funds to fund the Association of Community Organizations for Reform Now (ACORN))

After section 414, insert the following:

SEC. 4 \_\_\_\_ . None of the funds made available under this Act may be directly or indirectly distributed to the Association of Community Organizations for Reform Now (ACORN).

Mr. JOHANNNS. Mr. President, I rise today to discuss an amendment pertaining to ACORN, otherwise known as the Association of Community Organizations for Reform Now.

Records will indicate that ACORN has received \$53 million in Federal funds—taxpayer money—since 1994. In the current transportation and housing appropriations bill, ACORN is eligible to add to that number, to receive millions more in taxpayer funds from several different accounts and purposes. It could receive money through mortgage counseling, it could receive money through CDBG, community development block grants, and it could receive money from the Neighborhood Stabilization Program.

The people of Nebraska sent me to Washington to protect them from waste and fraud and abuse, and they asked me to change the status quo. I take that responsibility very seriously. That is why my amendment would prohibit one more penny—one more penny—of taxpayer money from going to ACORN in the transportation and housing appropriations bill.

The recent news surrounding ACORN is alarming, at a minimum. In fact, it is outrageous. Last week, Miami-Dade prosecutors issued arrest warrants for 11 ACORN employees. The employees are charged with falsifying voter registration cards. A total of 1,400 voter registration cards were turned in, and 888 of those cards were found to be a fake. This means almost three-quarters of the voting cards were fraudulent. Then, damaging news surfaced regarding hidden videotapes at the Baltimore and Washington, DC, ACORN offices.

You will not believe this: They feature ACORN employees offering advice on illegal activities, including tax evasion, prostitution, and fraud. Today we find out that a different ACORN office—this time in Brooklyn—also offered advice on the same topics. I would suggest, obviously, this is a pattern of very rotten behavior. Well, the alarm bells are rightly going off.

The Census Bureau notified ACORN on Friday that it is severing all ties with the group for all work having to do with the 2010 census. Notwithstanding the fact that is long overdue, I applaud them for that action.

The Census letter pulled no punches, and I am quoting:

... it is clear that ACORN's affiliation with the 2010 Census promotion has caused sufficient concern in the general public, has indeed become a distraction from our mission, and may even become a discouragement to public cooperation, negatively impacting 2010 Census efforts. Unfortunately, we no longer have confidence—

“We no longer have confidence”—

that our national partnership agreement is being effectively managed through your many local offices. For the reasons stated, we therefore have decided to terminate the partnership.

Some may even say today, as amazing as this would sound, that the recent events are isolated, that they are not a fair and accurate representation of ACORN. How you could say that I am not sure, but to these defenders, I urge them to read the 88-page incriminating report published in July by the minority staff of the House Committee on Oversight and Government Reform. It is entitled—and, again, I am quoting, and I have the report here—“Is ACORN Intentionally Structured as a Criminal Enterprise?”

Mr. President, I ask unanimous consent that the Executive Summary of that report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. House of Representatives, Committee on Oversight and Government Reform, Darrell Issa (CA-49), Ranking Member

#### IS ACORN INTENTIONALLY STRUCTURED AS A CRIMINAL ENTERPRISE?

##### I. EXECUTIVE SUMMARY

“We should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections”—President John Adams, Inaugural Address, 1797.

The Association of Community Organizations for Reform Now (ACORN) has repeatedly and deliberately engaged in systemic fraud. Both structurally and operationally, ACORN hides behind a paper wall of non-profit corporate protections to conceal a criminal conspiracy on the part of its directors, to launder federal money in order to pursue a partisan political agenda and to manipulate the American electorate.

Emerging accounts of widespread deceit and corruption raise the need for a criminal investigation of ACORN. By intentionally blurring the legal distinctions between 361

tax-exempt and non-exempt entities, ACORN diverts taxpayer and tax-exempt monies into partisan political activities. Since 1994, more than \$53 million in federal funds have been pumped into ACORN, and under the Obama administration, ACORN stands to receive a whopping \$8.5 billion in available stimulus funds.

Operationally, ACORN is a shell game played in 120 cities, 43 states and the District of Columbia through a complex structure designed to conceal illegal activities, to use taxpayer and tax-exempt dollars for partisan political purposes, and to distract investigators. Structurally, ACORN is a chess game in which senior management is shielded from accountability by multiple layers of volunteers and compensated employees who serve as pawns to take the fall for every bad act.

The report that follows presents evidence obtained from former ACORN insiders that completes the picture of a criminal enterprise.

First, ACORN has evaded taxes, obstructed justice, engaged in self dealing, and aided and abetted a cover-up of embezzlement by Dale Rathke, the brother of ACORN founder Wade Rathke.

Committee investigators have established that a violation of corporate duties led to gross abuses of tax laws and other federal regulations. According to documents obtained from insiders, ACORN was made aware of its lax management structure but chose to ignore the problems and continue a cover-up of criminal activity. By refusing to report Dale Rathke's embezzlement of \$948,607.50 as an excess benefit transaction, ACORN appears to have violated the Internal Revenue Code. ACORN's cover-up of the embezzlement for more than eight years would also constitute obstruction of justice.

Second, ACORN has committed investment fraud, deprived the public of its right to honest services, and engaged in a racketeering enterprise affecting interstate commerce.

Committee investigators have documented ACORN's use of charitable contributions against donor intent, typified by ACORN's secret transfer of donor funds to recover losses due to embezzlement. Moreover, ACORN commingles the accounts of federally-funded affiliates with politically-active affiliates and lacks sufficient oversight to safeguard taxpayer and donor interests, even though it receives millions of federal dollars.

ACORN's purposeful lack of quality control translates into the employment of convicted felons and other suspect persons. Through a strategy of providing financial incentives to employees who meet voter registration quotas, ACORN conducts voter drives that routinely produce fraudulent registrations. In fact, ACORN's employment practices have the intentional effect of encouraging voter registration fraud while linking criminal culpability to the lowest-level employees rather than the directors who contrive the illegal schemes.

To date, nearly 70 ACORN employees have been convicted in 12 states for voter registration fraud, though no federal charges have been filed against ACORN's directors. In fact, Pennsylvania judge Richard Zoller—after holding a low-level ACORN employee liable for election law violations—noted that “somebody has to go after ACORN.”

Third, ACORN has committed a conspiracy to defraud the United States by using taxpayer funds for partisan political activities.

Committee investigators have unearthed documentation that ACORN and its affiliates conducted meticulous research that fed aggressive campaign initiatives designed to

elect Democratic candidates in targeted races. ACORN forged both formal and informal connections with former Illinois Governor Rod Blagojevich, Ohio Senator Sherrod Brown and President Barack Obama, among others. Each of these campaigns received financial and personnel resource contributions from ACORN and its affiliates as part of a scheme to use taxpayer monies to support a partisan political agenda. These actions are a clear violation of numerous tax and election laws.

Documents contained in this report reveal ACORN's political agenda. ACORN's 2005–2007 Strategic Plan states that “just as important as . . . mobilizing existing progressive voters, ACORN and similar groups actually create new progressive voters.” In the same document, ACORN acknowledges that its “issue campaigns play the dual role . . . of attracting new members, and educating or politicizing existing members.” One particular issue where ACORN claims success is “fighting key elements of the national Republican program.”

In other documents, ACORN affiliates take credit for the election of former-Illinois Governor Rod Blagojevich. In the 2006 year-end report of ACORN affiliate Service Employees International Union (SEIU) Local 880, efforts to elect Blagojevich and advance partisan political agendas are called “flawless.”

Labor organizations, unions, and other tax-exempt entities stretched Chicago-style political manipulation and back room schemes beyond Illinois to other state-wide and national campaign efforts. In the State of Ohio, where ACORN directors drafted a political plan contained in this report, overt partisan goals are enumerated. The ACORN Ohio Political Plan states: “ACORN will target three competitive Ohio congressional districts as well as a half dozen state rep seats nested within the districts. Our electoral work will mobilize and educate voters [and] our paid professional canvass will execute tightly managed Voter ID and GOTV canvasses moving our core constituency of base and swing voters to the polls to vote for the candidates who most closely align with a progressive Working Families Agenda.”

Moreover, documents provided by former ACORN employees and contained in this report demonstrate the degree to which ACORN and ACORN affiliates organized to elect President Barack Obama in 2008.

Fourth, ACORN has submitted false filings to the Internal Revenue Service (IRS) and the Department of Labor, in addition to violating the Fair Labor Standards Act (FLSA).

Committee investigators have tracked ACORN's numerous failures to comply with federal laws that required the payment of excise taxes on excess benefits to Dale Rathke. SEIU Local 100—under the direction of ACORN founder Wade Rathke—filed bogus reports with the Labor Department in order to conceal embezzlement. ACORN violated the overtime and record-keeping provisions of FLSA. All of these fraudulent acts would constitute a violation of 18 U.S.C. §1001 by presenting false documents to the United States government.

Fifth, ACORN falsified and concealed facts concerning an illegal transaction between related parties in violation of the Employee Retirement Income Security Act of 1974 (ERISA).

Committee investigators have concluded that ACORN plundered employee benefits and violated fiduciary responsibilities under ERISA by relieving corporate debts through prohibited loans to a related party. Moreover, ACORN affiliates lack independent

control of their own assets and maintain shoddy accounting practices that serve to hide ACORN's secret and illegal use of monies.

ACORN conspired to conceal information concerning prohibited transactions from its board in violation of its corporate charter. ACORN's termination of board members who sought to uncover its illegal activities perpetuates a cover-up at the expense of adherence to its own bylaws.

The evidence contained in this report proves that ACORN's stated purpose to promote grassroots civic participation has been perverted through fraudulent and illegal acts. The weight of evidence against ACORN and its affiliates is astounding. This syndicate of tax-exempt organizations has coordinated and implemented a nation-wide strategy of tax fraud, racketeering, money-laundering and manipulating the American electorate.

Scrutiny is essential to lift a dark cloud of suspicion from nonprofit community organizations; to bring to justice the responsible parties who have heretofore been shielded from prosecution by ACORN's obscure organizational structure; to protect the American system of democratic self-government from manipulation and disruption; and to free our political climate from the choke of corruption that threatens to strangle free and fair elections.

Mr. JOHANNIS. According to the report:

Operationally, ACORN is a shell game played in 120 cities, 43 states and the District of Columbia through a complex structure designed to conceal illegal activities, to use taxpayer and tax exempt dollars for partisan political purposes, and to distract investigators. Structurally, ACORN is a chess game in which senior management is shielded from accountability by multiple layers of volunteers and compensated employees who serve as pawns to take the fall for every bad act.

There is a history here, and it is a sad history. In 1998, an ACORN employee was arrested for falsifying voter registration forms. In 1999, Philadelphia authorities found hundreds of fraudulent registration forms by ACORN. In October of 2008, the pattern continues. ACORN's Nevada offices were raided by Federal agents, and in 2009 their Las Vegas field director was charged with voter registration fraud. In May 2009, seven ACORN employees were charged in Pittsburgh for voter registration fraud.

I cite this sad, tragic history because the events of the last week were not isolated, and I do not believe it was accidental that this video caught ACORN employees delivering the same message in different cities. They magnify a troubling, systemic, and criminal pattern. In fact, they serve as a public window into an organization that is besieged by corruption, by fraud, and by illegal activities, all committed—all committed—on the taxpayers' dime. Mr. President, I would suggest to you, if we had the capability to ask every taxpayer in America: Is this how you want your money spent, we would have a nearly unanimous count saying: Absolutely not.

At a time when we are experiencing record deficits and the economy is

struggling every day to get back on its feet, how in the world can anyone come to this floor of the Senate and say: I want to cast my vote to continue to fund this organization with taxpayer dollars, hard-earned dollars by American families, when so many questions of legitimacy reign? I think the answer to that is simple. I do not see how anybody could cast that vote. To do so, in my judgment, would ignore the proof, and it would also ignore our responsibility to protect taxpayers from waste and fraud and abuse. I would go so far as to say that I respect that some of my colleagues believe the work done by ACORN in some communities might be valuable. But I would respectfully suggest that the problems riddling this organization, in office after office, cannot and should not be trivialized. This is an opportunity for the Senate to stand up and say: Enough is enough, just as the Census Bureau did.

As Judge Richard Zoller said, after holding an ACORN employee liable for election law violations:

Somebody has to go after ACORN.

Well, I suggest today, on the floor of the Senate, that "somebody" is each and every U.S. Senator. That "somebody" is each Senator, who now has the ability to come to the floor and say to the taxpayers back home: We will not tolerate this any longer. Until a full investigation is launched into ACORN, no taxpayer money should be used to fund its activities. A vote in favor of my amendment is a vote in favor of the taxpayer and a vote against the status quo.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 25 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FISCAL UPDATE

Mr. VOINOVICH. Mr. President, building on a series of speeches I have given over the past few years and in the tradition of a former Member of this body, Senator Fritz Hollings of South Carolina, I hope to provide my colleagues and the American people with regular updates on our catastrophic national debt. Unfortunately, given the lack of action to address this coming tsunami, I believe President Obama and Congress need to be reminded of the fiscal realities in which we find ourselves. Senator Hollings

came down to the Senate floor every few weeks with a poster updating the national debt, and today I renew his tradition, and I will continue it until we do something about this unsustainable financial crisis.

One of my grandchildren's favorite stories is "The Emperor's New Clothes" by Hans Christian Anderson. In the tale, an emperor goes about the land wearing a nonexistent suit sold to him by a new tailor who convinced the monarch the suit is made of the finest silks. The tailors—two swindlers—tell the emperor that the threads of his robes will be so fine that they will look invisible to those dimwitted or unfit for their position. The emperor and his ministers, themselves unable to see the clothing, lavish the tailor with praise for the suit because they do not want to appear dimwitted or incompetent.

Word spread across the kingdom of the emperor's beautiful new robes. To show off the extraordinary suit, a parade was formed. People lined the streets to see the emperor show off his new clothes. Again, afraid to appear stupid or unfit, everyone pretends to see the suit. It is only when a child cries out "the emperor wears no clothes" does the crowd acknowledge that the emperor is, in fact, naked.

Much like the emperor, America's elected leaders know we face a fiscal train wreck, but we are choosing to ignore our current economic reality. I am here to tell my colleagues and President Obama, the emperor has no clothes and we are naked in terms of dealing with our deficits and national debt.

As shown right here on this chart, get the book out. I am sure you have it. Read it. That is where we are right now. The irony is that the American people know we are naked, and they are coming to Washington to let us know we are naked, and so does the rest of the world, and our credibility and our credit today are at risk.

I have this chart, what I refer to as the "Wheel of Misfortune." This lays out quite clearly what our national debt is today.

One of the reasons I ran for the Senate back in 1998 was I wanted to come to Washington and reduce the national debt and balance budgets, which is something I did as the mayor of the city of Cleveland and something I did as Governor of the State of Ohio.

When I came to the Senate in 1999, our gross national debt stood at \$5.6 trillion or 61 percent of the GDP. Today, as you can see from the chart behind me, the gross national debt is nearly \$11.8 trillion. I understand the President is going to ask us to increase our debt limit to \$12 trillion and, quite frankly, I believe he is going to be asking us to raise the debt limit to more than \$12 trillion.

This is an increase of more than 100 percent in 10 years. Much of this increase has come recently. In fact, from

2008 to 2009 alone, the Federal debt will increase 22 percent, boosting the country's debt-to-income ratio—our national debt as a percentage of GDP—from 70 percent last year to 86 percent this year. We haven't seen this kind of GDP debt since the Second World War. It was 65 years ago during the Second World War that we saw these kinds of numbers.

By the way, this does not include our unfunded Medicare and Social Security obligations which the Peterson Foundation recently tagged at \$56.4 trillion. This is the equivalent of a \$483,000 debt per American household or \$184,000 for every man, woman, and child in America today. Those are unfunded liabilities.

It doesn't take an economist to realize our course is unsustainable. President Obama and this Congress are fully aware of this reckless fiscal path. Yet they continue to spend and borrow, spend and borrow. Our Federal Government is the worst credit card abuser in the world. We talk to our kids about not abusing their credit cards. What kind of example do we set? You know what. We are putting the tab on the credit of our children and grandchildren.

Like the boy who cried "the emperor has no clothes," the American people see through this sham. There were a bunch of them here this weekend who saw through the sham. A recent poll conducted by the Peterson Foundation showed that after their personal job, the most pressing concern of Americans is the national debt. Americans are cutting back, folks, in their own family. They are making tough decisions. They know they haven't been living within their means.

Some people are saying: Why are they paying attention to this finally? Well, they are finally realizing in their own families they need to redo the way they are doing things, and they are asking themselves: Why isn't our Federal Government doing the same thing we are doing in our households? It is no wonder they are looking at government's reckless spending with disapproval and wondering why we are not doing the same thing they are doing. They are mad as hell, and they aren't going to take it anymore.

The media is also finally starting to pay attention to this issue. Recently, the Washington Post ran an article by Fred Hiatt, their chief editorial writer, acknowledging that our long-term fiscal path is unsustainable, as well as an editorial taking the administration to task for lacking a plan on how to start digging our economy out of this fiscal crisis.

Additionally, Newsweek published an article by Fareed Zakaria where he outlines what he describes as "the disease of modern democracy: the system cannot impose any short-term pain for long-term gain." We are unwilling to pay for it or do without.

The first one, this Newsweek article, is called,

There is a Silver Lining.

The crisis has forced the United States to confront bad habits developed over the past few decades. If we can kick those habits, today's pain will translate into gains.

The other is a Washington Post article entitled "No Laughing Matter. Why the U.S. Needs to Get Serious About Long-Term Budget Deficits."

Mr. VOINOVICH. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the articles to which I previously referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek Magazine, Oct. 20, 2008]

#### THERE IS A SILVER LINING

(By Fareed Zakaria)

Some of us—especially those under 60—have always wondered what it would be like to live through the kind of epochal event one reads about in books. Well, this is it. We're now living history, suffering one of the greatest financial panics of all time. It compares with the big ones—1907, 1929—and we cannot yet know its full consequences for the financial system, the economy or society as a whole.

I'm betting that, in the end, the world's governments will win this battle against fear. They have potentially unlimited tools at their disposal, especially if they act in concert. They can nationalize firms, call bank holidays, suspend trading for weeks, buy up debt and equity, and renegotiate home mortgages. Most important, the American government can print money. All of these tools have long-term effects that are extremely troublesome, but they are nothing compared with the potential collapse of the financial system. And Washington seems to have recognized that it must do whatever is required to shore up that system. Big questions remain. What will it take to stop the fall? How costly will it be? How long before the rescue plan starts to have an effect? But at some point, the panic that gripped world markets last week will end. Of course, that will not mean a return to growth or a bull market. We're in for tough times. But it will mean a return to sanity.

Amid all the difficulties and hardship that we are about to undergo, I see one silver lining. This crisis has—dramatically, vengefully—forced the United States to confront the bad habits it has developed over the past few decades. If we can kick those habits, today's pain will translate into gains in the long run.

Since the 1980s, Americans have consumed more than they produced—and they have made up the difference by borrowing.

Two decades of easy money and innovative financial products meant that virtually anyone could borrow any amount of money for any purpose. If we wanted a bigger house, a better TV or a faster car, and we didn't actually have the money to pay for it, no problem. We put it on a credit card, took out a massive mortgage and financed our fantasies. As the fantasies grew, so did household debt, from \$680 billion in 1974 to \$14 trillion today. The total has doubled in just the past seven years. The average household owns 13 credit cards, and 40 percent of them carry a balance, up from 6 percent in 1970.

But the average American's behavior was virtue itself compared with the govern-

ment's. Every city, every county and every state has wanted to preserve its many and proliferating operations and yet not raise taxes. How to square this circle? By borrowing, using ever more elaborate financial instruments. Revenue bonds were backed up by the prospect of future income from taxes or lotteries. "A growing trend is to securitize future federal funding for highways, housing and other items," says Chris Edwards of the Cato Institute. The effect on the projects, he points out, is to make them more expensive, since they incur interest payments. Because they "insulate the taxpayer from the cost"—all that needs to be paid now is the interest—they also tend to produce cost overruns.

Local pols aren't the only problem. Under Alan Greenspan, the Federal Reserve obstinately refused to inflict any pain. Russian default? Cut interest rates. Worried about Y2K? Cut rates. NASDAQ crash? Cut rates. The economy slows after 9/11? Cut rates. Whatever the problem, the solution was to keep the money flowing and goose the economy. Eventually, by putting the housing market on steroids, the strategy created problems too large to untangle.

The whole country has been complicit in a great fraud. As economist Jeffrey Sachs points out, "We've wanted lots of government, but we haven't wanted to pay for it." So we've borrowed our way out of the problem. In 1990, the national debt stood at \$3 trillion. (That sounds high, but keep reading.) By 2000, it had almost doubled, to \$5.75 trillion. It is currently \$10.2 trillion. The number moved into 11 digits last month, which meant that the National Debt Clock in New York City ran out of space to display the figures. Its owners plan to get a new clock next year.

"Leverage" is the fancy Wall Street word for debt. It's at the heart of the current crisis. Warren Buffett explained the problem in his inimitable way on "The Charlie Rose Show." "Leverage," he said, "is the only way a smart guy can go broke . . . You do smart things, you eventually get very rich. If you do smart things and use leverage and you do one wrong thing along the way, it could wipe you out, because anything times zero is zero. But it's reinforcing when the people around you are doing it successfully, you're doing it successfully, and it's a lot like Cinderella at the ball. The guys look better all the time, the music sounds better, it's more and more fun, you think, 'Why the hell should I leave at a quarter to 12? I'll leave at two minutes to 12.' But the trouble is, there are no clocks on the wall. And everybody thinks they're going to leave at two minutes to 12."

If there is a lesson to be taken from this crisis, it's a simple and old rule of economics: there is no free lunch. If you want something, you have to pay for it. Debt is not a bad thing. Used responsibly, it is at the heart of modern capitalism. But hiding mountains of debt in complex instruments is a way to disguise costs, an invitation to irresponsible behavior.

At some point, the magical accounting had to stop. At some point, consumers had to stop using their homes as banks and spending money that they didn't have. At some point, the government had to confront its indebtedness. The United States—and other overleveraged societies—have now gotten the wake-up call from hell. If we can respond and change our behavior markedly, this might actually be a blessing in disguise. (Though, as Winston Churchill said when he lost the election of 1945, "at the moment it appears rather effectively disguised.")

In the short term, all the solutions to the current crisis require that governments take on more debts and larger obligations. This is inevitable and necessary. But that doesn't mean we should, as some noted economists advocate, stimulate the economy with more tax cuts. That would be only one more way to keep the party going artificially—like asking a drunk to go to AA next year, but in the meantime to have even more whisky. A far better stimulus would be to announce and expedite major infrastructure and energy projects, which are investments, not consumption, and therefore have a much different effect on the country's fiscal fortunes. (They are not listed separately in the federal budget, but that's just bad accounting.)

In the medium and long term, we have to get back to basics. Households, for instance, should save more. Governments should put incentives in place that make such savings more likely. The U.S. government offers enormous incentives to consume (the deduction of mortgage interest being the best example), and it works. We have the biggest houses in the world, the thinnest flat-screen TVs and the most cars. If we were to tax consumption and encourage savings, that would also work. Regulations on credit-card debt should be revised to ensure that people understand the risks and costs of these instruments. Moving in this direction would be good for families and for the government as well.

Wall Street will also need to change. Paul Volcker has long argued that the recent spate of financial innovation was nothing of the kind: it simply shuffled around existing resources while contributing few real benefits to the economy. Such activity will now be reduced significantly. Boykin Curry, managing director of Eagle Capital, says, "For 20 years, the DNA of nearly every financial institution had morphed dangerously. Each time someone at the table pressed for more leverage and more risk, the next few years proved them 'right.' These people were emboldened, they were promoted and they gained control of ever more capital. Meanwhile, anyone in power who hesitated, who argued for caution, was proved 'wrong.' The cautious types were increasingly intimidated, passed over for promotion. They lost their hold on capital. This happened every day in almost every financial institution over and over, until we ended up with a very specific kind of person running things. This year, the capital that remains is finally being reallocated to more careful, thoughtful executives and investors—the Warren Buffetts . . . of the world."

Volcker has also argued that the highly complex financial system was not nearly as stable as people believed and that far-reaching efforts were needed to regulate and stabilize it. Now these issues will get attention at the highest level. The fear on Wall Street is that a Democratic administration would overregulate. But look at who is advising Barack Obama—Buffett, Volcker, former Treasury secretaries Robert Rubin and Larry Summers. It is more likely that what will come from their efforts will be a better-regulated financial system that, while producing less-extravagant profits, will be more stable and secure.

The financial industry itself is likely to shrink, and that's not a bad thing, either. It has ballooned dramatically in size. Curry points out that "30 percent of S&P 500 profits last year were earned by financial firms, and U.S. consumers were spending \$800 billion more than they earned every year. As a result, most of our top math Ph.D.s were being

pulled into nonproductive financial engineering instead of biotech research and fuel technology. Capital expenditures went into retail construction instead of critical infrastructure." The crisis will stop the misallocation of human and financial resources and redirect them in more-productive ways. If some of the smart people now on Wall Street end up building better models of energy usage and efficiency, that would be a net gain for the economy.

The American economy remains extremely dynamic and flexible. Even now, the most surprising data continue to be how resilient the economy has been through all these shocks. That will not last, especially if the panic persists. But even so, it highlights the fact that the U.S. economy has underlying virtues and, after a tough recession, will probably recover faster than many can now imagine. The rise in emerging-market economies, which have been powering global growth, will not vanish overnight, either.

A new discipline would benefit America in a more general sense, too. Ever since the collapse of the Soviet Union, the United States has operated in the world with no constraints or checks on its power. This has not been good for its foreign policy. It has made Washington arrogant, lazy and careless. Its decision making has resembled General Motors' business strategy in the 1970s and 1980s, a process driven largely by a vast array of internal factors but little sense of urgency or awareness of outside pressures. We didn't have to make strategic choices; we could have it all. We could make blunders, anger the world, rupture alliances, waste resources, wage war incompetently—it didn't matter. We had more than enough room for error—lots of error.

But it's a different world out there. If Iraq cast a shadow on U.S. political and military credibility, this financial crisis has eroded America's economic and financial power. In the short run, there has been a flight to safety—toward dollars and T-bills—but in the long run, countries are likely to seek greater independence from an unstable superpower. The United States will now have to work to attract capital to its shores, and manage its fiscal house better. We will have to persuade countries to join in our foreign endeavors. We will have to make strategic choices. We cannot deploy missile interceptors along Russia's borders, draw Georgia and Ukraine into NATO, and still expect Russian cooperation on Iran's nuclear program. We cannot noisily denounce Chinese and Arab foreign investments in America one day and then hope that they will keep buying \$4 billion worth of T-bills another day. We cannot keep preaching to the world about democracy and capitalism while our own house is so wildly out of order.

It's a fundamental American belief that competition is good—in business, athletics and life. Checks and balances are James Madison's crucial mechanisms, exposing and countering abuse and arrogance and forcing discipline on people. This discipline will be painful for a country that has gotten used to having it all. But it will make us much stronger in the long run. If we can learn the right lessons from this crisis, the United States will once more be playing by its own rules. And that cannot be bad for us.

[From the Washington Post, June 5, 2009]

#### NO LAUGHING MATTER

The Obama administration inherited from its predecessor both a tanking economy and a huge federal budget deficit. Under the circumstances, it cannot be faulted for increasing the deficit in the short run, because a

mammoth recession called for fiscal stimulus. Thus, it is neither surprising nor irreversibly dangerous that the total federal debt held by the public looks as if it will reach 57 percent of gross domestic product by the end of fiscal 2009 on Sept. 30—well above the previous four decades' average of about 40 percent. What is more alarming is that, barring major spending cuts or tax increases, President Obama's budget could drive that figure to 82 percent by 2019, according to the Congressional Budget Office.

We are already getting a taste of the problems that could develop if the president and Congress do not address this soon. Since the end of last year, the interest rate on 10-year Treasury notes has gone up from 2 percent to over 3.5 percent. That number is within historical norms; indeed, Treasury rates probably had been artificially depressed during the financial panic of the fall. But the spike, which will cost the government tens of billions of dollars, also reflects mounting investor concern—at home and, especially, abroad—about the U.S. fiscal situation. If government borrowing costs continue to accelerate, they could kill economic growth for years to come.

It was a sign of the times that Treasury Secretary Timothy F. Geithner had to travel to Beijing this week to reassure China, the world's largest holder of Treasury debt, that lending money to the U.S. government is still a wise thing to do. Mr. Geithner insisted that, "in the United States, we are putting in place the foundations for restoring fiscal sustainability." To be sure, China doesn't have many good alternatives to parking its massive trade surpluses in dollars. But it does have some, including commodities and the debt of more fiscally prudent European governments. In a moment that all Americans should consider a wake-up call, Mr. Geithner was met with laughter when he told a group of Chinese students that their country's assets were "very safe" in Washington.

The chairman of the Federal Reserve, Ben S. Bernanke, was considerably more decorous than the Chinese students in testimony before Congress on Wednesday but, in essence, only slightly less skeptical. "Even as we take steps to address the recession and threats to financial stability," he said, "maintaining the confidence of the financial markets requires that we, as a nation, begin planning now for the restoration of fiscal balance."

Mr. Bernanke did not say explicitly that there is no such plan in Mr. Obama's budget—at least not according to the CBO, whose estimates of the president's budget show annual deficits lingering indefinitely above 4 percent of GDP. Nor did he point out that Congress has yet to come up with credible financing for the president's desirable but expensive health-care proposal. He did not say that Mr. Obama and Congress have done nothing so far to deliver on the president's pledge of entitlement reform. But if the Fed chairman had said those things, he would have been absolutely right.

Mr. VOINOVICH. Mr. President, now is the time to take the first step toward fiscal responsibility and making good on our promises by enacting meaningful, comprehensive tax and entitlement reform. The recent pay-as-you-go legislation passed by the House isn't going to get the job done. We know that. This Band-Aid relies on smoke and mirrors and exempts the

2001 and 2003 tax cuts, patching the alternative minimum tax, updating physician payments in Medicare, and modifying the estate tax. It is intellectually dishonest. Even the Budget Committee chairman in the Senate, Senator CONRAD, calls this pay-go that came out of the House insincere. If Congress is going to reenact statutory pay-go, then it should apply to everything, not just to what is convenient.

We need real comprehensive reform. I am pleased to say it appears as though President Obama is finally starting to get it. In an interview with the Washington Post, President Obama endorsed the idea of creating a commission where—here is what he said:

Everything is going to be on the table when it comes to examining our tax and entitlement systems and presenting long-term solutions to place the United States on a fiscally sustainable course.

He went on to say:

What you end up having to do in terms of structural reforms realistically is you probably have to set up some sort of commission or mechanism that reports back with the prospect of maybe locking in a pledge for action, post election.

I know we have talked about this on occasion, about this commission and setting it up and trying to get the administration to commit to it so we can let the American people know we are sincere about doing something about this debt and balancing our budget.

For the past three Congresses, I have been calling for such a commission. This Congress, I am proud to say, Senator LIEBERMAN has joined me as an original cosponsor to create the commission now.

Similar to the BRAC process, the Save America's Future Economy Commission—we call it SAFE—would break the legislative logjam in Washington by creating a bipartisan, bicameral committee to draw up policy prescriptions for the government's long-term budget shortfalls that would then go before Congress on an up-or-down vote. The legislation is similar to legislation introduced by Congressmen JIM COOPER and FRANK WOLF in the House, and today they have 69 cosponsors. It is vital—it is vital—to ensuring the solvency of entitlement programs for future generations.

It is my understanding that Pete Peterson and David Walker of the Peterson Foundation have endorsed this legislation along with the Heritage Foundation, the Brookings Institute, the Business Roundtable, and a host of other former CBO Directors who said it is time for us to do something about the problem, and they understand we will not get it done with the regular order of business. We have to have a commission come back with a recommendation, put it on a fast track, send it to the House, send it to the Senate, and let us either vote up or down as we do with the commissions we have set up on closing bases.

I am sure many of my colleagues are familiar with this legislation. I know David Walker has met with both Republican and Democratic legislative leaders or directors regarding this legislation.

Continuing down our current path, folks, is unsustainable. It is unsustainable, and it is immoral. For too long we have clothed ourselves in economic falsehoods, pretending they would protect us from the harsh economic realities. Folks, time is running out. The world sees that the emperor, in fact, has no clothes. I am calling on President Obama to follow through on his comments about the need for a commission and support the SAFE Commission Act.

OMB Director Peter Orszag has understood our fiscal crisis in the past and called for the creation of an entitlement commission, but since joining the administration he has stopped pushing for a commission, instead focusing just on health care reform. The bottom line is health care reform is but one of the major issues that needs to be addressed to respond to our fiscal crisis. We must also reform the Tax Code to encourage personal savings, investment, job creation, and economic growth. A lot of Americans are not aware of this fact, that we spend \$240 billion a year paying our taxes; that is, to pay for professional help and keeping track of all of the papers we need to have when we prepare to pay our Federal income tax.

I think the current health care debate in Congress is a perfect example of why a piecemeal approach doesn't work. If we dealt with the fiscal crisis, it would be a lot easier for us to deal with health care.

There is a new poll out just today, AP, that says half of Americans are more concerned about tackling our debt than our health care reform, education, and climate change. Did my colleagues hear that? Over half of them say deal with the fiscal crisis. The reason I believe we are having such a darn difficult time dealing with health care and why we are not going to pass any kind of climate change legislation is that the people of this country know we have a fiscal crisis and they want us to contend with that before we deal with these other issues.

I think the American people know we can't afford the health care system we now have, and we must find a way to be more responsible. Think of this: We spend \$2.2 trillion on health care in this country. The Medicare trust fund will be insolvent in 2017, and we have to reform the way we pay physicians under the program, which experts say will cost us \$280 billion over 10 years. Furthermore, the States are already overburdened by the cost of their Medicaid programs.

We gave the States \$87 billion in the stimulus bill. I can tell you in ordinary

circumstances, many States usually come to Washington with a tin cup. I can guarantee you that the Governors of this country are going to be down here with a large bathtub asking us to fill it because of the problems they confront.

In other words, they can't now take care—well, they can now because they got the \$87 billion, but once that runs out, they are going to be down here saying: We can't handle the current system as it is. How can we expand Medicaid when we can't take care of the Medicaid Program we now have? With the financial crisis we have in this country, we have to be careful of taking on something we can't afford, particularly when we can't afford to pay for what we already have.

I am surprised that in the President's speech last week he didn't talk about the fact that by 2017—everybody needs to understand this—the money coming in for Medicare would not be adequate to take care of the people who are out there who are eligible for Medicare. It is part of what I call that unfunded liability I talked about earlier.

The Peterson Foundation recently commissioned an in-depth health care study conducted by the Lewin Group, and I urge my colleagues to take a close look at this analysis and see the principles the Peterson Foundation lays out to determine a fiscally responsible health care reform bill.

I am not the only one calling for Congress to be fiscally responsible when considering health care reform. In order for health care reform legislation to be fiscally responsible, it must, one, pay for itself over a 10-year period; two, not add to the deficit beyond a 10-year period; three, bend the cost curve down to reduce health care spending; and four, significantly reduce current unfunded obligations. That is what we should be talking about.

President Obama and Congress must act. We all came to Washington to serve, and we have a moral responsibility to leave this place better than what we found it. How will we look our children and grandchildren in the eye knowing we have mortgaged their future at a time when we know they are going to have to work harder than we have to maintain the standard of living we enjoy.

God has blessed me with three children and seven grandchildren. I am constantly worried about what kind of America they are going to be living in. I know darn well the competition we face today worldwide is a lot more fierce than anything I experienced during my life here. I know because of that competition they are going to have to work harder. They are going to have to work smarter. It would be very cruel for us, on top of that, to lay this terrible burden on their shoulders and say: We weren't willing to pay for it or do without, so you take care of it. It is your problem. You handle it.

I was pleased to hear President Obama echo this last Wednesday during his joint session of Congress, the same sentiment I have just made. He stated—and I quote the President of the United States:

I understand that the politically safe move would be to kick the can further down the road—to defer reform one more year, one more election, one more term. But that is not what the moment calls for. That is not what we came here to do. We did not come here to fear the future. We came here to shape it. I still believe we can act, even when it is hard.

President Obama's words ring true in light of the fiscal challenges we face as a nation today. And they should get the first priority. Until we start on a commission, Congress, the administration, the American people, and the world will know the Emperor has no clothes. We are naked in terms of realizing and dealing with our fiscal crisis. Now is the time to act.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

The Senator from Missouri.

AMENDMENT NO. 2355, AS MODIFIED

Mr. BOND. Madam President, I ask unanimous consent that the Johannis amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2355), as modified, is as follows:

(PURPOSE: PROHIBITING USE OF FUNDS TO FUND THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN))

After section 414, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, I rise today to support the amendment offered by my colleague from Nebraska, Senator JOHANNIS. He has proposed an amendment to end taxpayer funding for the Association of Community Organizations for Reform Now.

We cannot allow taxpayer funds to support groups engaged in repeated voter registration fraud activities, and

now their repeated assistance for housing, tax, and mortgage fraud.

I recognize—and let's be clear about it—that ACORN has helped counsel homeowners through the recent mortgage meltdown. Doubtless, they have helped good people find affordable housing solutions. But that cannot outweigh the numerous and repeated abuses of taxpayer dollars allowed to occur in their name.

In my home State of Missouri, several ACORN workers in Kansas City admitted to voter registration fraud. There have been other investigations throughout the State. Unfortunately, ACORN vote fraud in Missouri is not isolated. ACORN workers in Arkansas, Colorado, Florida, Michigan, North Carolina, New Mexico, Ohio, Minnesota, Pennsylvania, Texas, Virginia, Wisconsin, and Nevada have all been associated with fraudulent voter registration activities.

This long list shows this is not a problem of a handful of rogue employees but, regrettably, an endemic systemwide culture of fraud and abuse. Now we have disgusting and unacceptable video footage of ACORN housing workers counseling on how prostitutes might circumvent mortgage applications, tax law, and child endangerment laws. Again, this despicable behavior is not isolated to one rogue employee but has occurred repeatedly in Washington, Baltimore, and New York.

For those who say that minority and low-income advocates are being picked upon, I say the causes of expanding housing and voting opportunities and wise counseling and assistance to those who need help are too important to be allowed to be sullied by such a morally fraudulent organization. The tireless volunteers and underpaid staffers toiling to help the impoverished and disenfranchised do not deserve to have their reputation pulled down by the organization they work for which cannot put an end to these abuses. All taxpayers deserve to know their hard-earned tax dollars are not going toward voter, housing, mortgage, or tax fraud assistance.

Congress has the opportunity to end this relationship now. I am hoping we will be able to vote this afternoon, and I urge my colleagues to support the Johannis amendment.

I yield the floor.

Mr. HATCH. Madam President, I rise to speak in support of an amendment by my good friend, Senator MIKE JOHANNIS, that would prevent our taxpayer dollars from being directed to the Association of Community Organizations for Reform Now, more commonly known as ACORN. I also want to commend the Census Bureau's recent decision to cut all ties with ACORN.

Simply put I am very pleased with this decision, which was announced late last week through a letter from Census Bureau Director Robert Groves

to ACORN's National Headquarters. As I met with Dr. Groves in my office just last week, I raised this very issue and expressed my disappointment, along with the disappointment of many of the Utahns I represent, that ACORN would have any association with such an important and historic event such as the 2010 Census.

Anyone who knows me, knows that I am always supportive of reasonable efforts to ensure that taxpayer funds are not used for unlawful activities, particularly when those activities may be construed to be partisan in nature. That is why I have followed this particular issue so closely throughout the year and raised the issue directly with Director Groves.

In fact, as next year's census quickly approaches, I continue to work with Census officials at the Commerce Department on all levels. As all Utahns are keenly aware, the Decennial Census requires precision and uniformity—both of which I am closely monitoring as the Census moves forward.

To that end, I am hopeful that the Census Bureau will ensure that all Americans are counted fairly and accurately, with the privacy of the individual always in mind. I applaud Director Groves and his decision for the Census Bureau to cut all ties with ACORN. I am pleased that he listened not only to my concerns, but also to the concerns of thousands of Utahns and Americans from across country who have expressed severe disappointment with ACORN's involvement in the 2010 Census. Personally, I feel ACORN should not have been involved in the 2010 Census in the first place. However, I recognize Director Groves' decision as an important step toward an accurate and fair count and look forward to assisting in additional efforts toward that same end in the near future.

While I am encouraged by the recent actions by the Census Bureau, I believe it is critical to adopt Senator JOHANNIS' amendment so we can know with certainty that partisan political organizations like ACORN will not be underwritten with taxpayer dollars.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to vote in relation to the Johannis amendment No. 2355, as modified; that no amendment be in order to the amendment prior to the vote; and that there be 2 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, with that, there will be a vote at 5:30 this afternoon, and if any other Senators wish to come to the floor to speak to their amendments, we are

here ready and waiting for them to do that.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FINANCIAL ABUSES

Mr. KAUFMAN. Madam President, tomorrow is the first anniversary of the Lehman Brothers collapse, the largest bankruptcy in United States history. Lehman's failure sent shock waves throughout the entire country.

The resulting financial meltdown plunged the American economy into the most severe recession since the 1950s. Credit markets froze, investor confidence collapsed, stock prices crashed, and millions of Americans lost their jobs, their homes, and their savings.

Lehman brought about its own demise. Once the Nation's fourth-largest investment bank, Lehman allowed a culture of recklessness to engulf its firm.

But the blame for this downward spiral and for the consequences to millions of Americans does not end with Lehman. At a time when banks were taking on unprecedented risk, our regulatory agencies were taking their referees off the field.

The SEC, like other regulatory agencies, has made many mistakes in recent years: from failing to monitor the credit rating agencies and permitting the banks to increase their capital-leverage ratios to as much as 30- or 50-to-1 to buy up what turned out to be toxic assets, to removing the uptick rule without putting anything effective in its place and failing to put in place systems to monitor and adjust its regulations as the markets rapidly evolved.

Our Nation has paid dearly for these mistakes.

In response, we have vowed to shine a light on Wall Street, to enact financial regulatory reforms, to push for clearer and enforceable laws, to strengthen our oversight agencies—all in an effort to prevent history from repeating itself and to rebuild the credibility of and investor confidence in our markets.

But our actions have not yet followed our words.

President Obama has proposed a new financial regulation plan that would enforce stricter capital and liquidity requirements for investment banks, revamp the disjointed regulatory system, and impose higher standards for risky products like credit default swaps.

I applaud President Obama's efforts to address the regulatory problems that devastated our economy and I look forward to working with my colleagues to create a systemic risk regulator, to regulate derivatives effectively, and to ensure consumer financial protections.

But we cannot simply react to problems after they have occurred. We must also adopt a forward-looking approach to regulation that recognizes manipulation and wrongdoing while it is happening and stops it in its tracks.

Because of the damage that was done to our economy by the prior financial scandals, the regulatory agencies and Congress need to catch up and redress prior mistakes—while at the same time focus on current questionable market practices before new problems arise.

Since I became a Senator in January, I have been spending much of my time in Congress asking questions and promoting regulatory solutions to current questionable practices on Wall Street. And I have stressed repeatedly the need for the SEC to step forward as a strong and determined cop on the beat.

I believe that democracy and fair markets are the foundation of our American society.

They are both based on the notions of equality and fairness—the idea that all Americans have an equal opportunity to succeed.

For markets to have credibility and investors to have confidence, Congress and the SEC must act urgently to restore a level playing field for investors.

If investors don't believe the markets are fair, they won't invest in them. It is as simple as that.

Fairness may be an ever-changing and elusive concept when it comes to the financial markets, but it must be defined and then defended by the regulators. Where abuses continue in our financial markets, those abuses must be addressed through clear rules with teeth and through tough enforcement.

Otherwise, we will be left with two financial markets: One market for huge-volume, high-speed players, who can take advantage of every loophole for profit, and another market for retail investors, whose orders are seemingly filled as an afterthought without any special priority.

For example, since March, I have worked with a bipartisan group of Senators to push the SEC to do more about abusive or so-called "naked" short selling.

When Lehman Brothers began to go down, many believe naked short sellers drove it into its grave, profiting handsomely by manipulating the price of Lehman's stock down, down, down.

The SEC will be holding a roundtable on September 30th to discuss pre-borrow requirements and centralized "hard locate" system solutions that I and other Senators have proposed. I strongly urge the Commission to pro-

pose new rules addressing these issues and to begin to elicit serious comments about their effectiveness.

At the very least they should set up pilot programs to test how they might work.

Otherwise, if the SEC does nothing, I am concerned that when the conditions for profitable naked short selling reoccur, there will be no enforceable rules to stop it, and the SEC will be unable to punish those who undertake it, just as the SEC has yet to punish anyone for the naked short selling events of last year.

More recently, several questionable market structure issues have come to light, threatening market fairness in ways we are only beginning to understand.

Wall Street has undergone a radical transformation in only the last few years. Only a few years ago, powerful trading organizations, like the New York Stock Exchange, handled over 80 percent of all transactions. Today, the market is currently heavily fragmented and dominated by high-frequency traders.

According to research by the Tabb Group, there are now over 50 trading venues in the United States. Technologically advanced high-frequency trading firms now represent over 61 percent of the daily trading volume in stocks.

Institutional investors prefer to trade in dark liquidity pools, which arguably violate the spirit of rules that require fair and non-discriminatory access to quotations.

These innovations, from market fragmentation to high-speed electronic trading, have produced benefits, including increased liquidity, narrowed spreads, and lowered commissions for most investors.

But while competition and innovation have flourished, the fundamental fairness of our markets cannot be taken for granted.

Actions by the SEC over recent decades have had the unintended consequence of producing markets that now seem to favor the most technologically sophisticated traders, sometimes at the expense of ordinary retail investors. Moreover, competition for market trading volume among market centers now includes questionable practices such as liquidity rebates, flash order offerings, co-location of servers, and other inducement arrangements with broker-dealers and other market participants.

Congress, the SEC, and the public they serve need to stand back and better understand what has happened. Even for the skilled insiders, it is all very complicated and opaque, and the challenge we face is to understand the benefits, costs, and risks of these developments to long-term investors, in a market environment very different from just 5 years ago.

This is why I recently called on the SEC to undertake a comprehensive review of a broad range of market issues, analyzing the current market structure from the ground up before piecemeal changes built on the current structure add to the potential for execution unfairness.

I am concerned that questionable practices threaten to further erode investor confidence in our financial markets and that our understanding and regulatory capability have not kept pace with those changes.

To her credit, SEC Chairman Shapiro, for whom I have great respect as well as for the urgent tasks she confronts in this challenging era for the Commission, has begun such a review and has agreed to broaden it.

In her letter responding to my concerns, she too recognizes the trade-offs between liquidity and fairness, as well as the importance of standing up for the interests of long-term investors.

She wrote: "If . . . the interests of long-term investors and professional short-term traders conflict, the Commission previously has emphasized that 'its clear responsibility is to uphold the interests of long-term investors.' I firmly agree that the Commission's focus must be on the protection of long-term investors."

Alan Greenspan, the former Fed Chairman, in commenting on the fixed income markets, learned this lesson too late: technological developments without effective regulation do not always lead to the best interests of investors.

He wrote: "All of the sophisticated mathematics and computer wizardry essentially rested on one central premise: that enlightened self interest of owners and managers of financial institutions would lead them to maintain a sufficient buffer against insolvency by actively monitoring and managing their firms' capital and risk positions." The premise failed in the summer of 2007, the former Fed Chairman said, leaving him "deeply dismayed."

We are all deeply dismayed, and we do not ever want to be so dismayed again.

So while recent developments in the equity and options markets are very different from what happened in the fixed income markets, Congress must exercise its oversight capacity to lay out the issues and ask the tough questions about high-frequency trading and recent market structure issues.

High-frequency traders have many tools at their disposal that give them significant advantages over regular investors.

The first is speed. In order to receive information as quickly as possible, high-speed firms place their computer servers right next to the exchanges. Co-locating allows them to receive information a few milliseconds before the rest of the world. Because every milli-

second is critical in the world of high-frequency trading, firms are willing to pay millions of dollars annually for this advantage.

Information on price movement and market trends is routed directly to electronic algorithms, designed by top engineers to make trades automatically.

These programs rely on the rapid acquisition of information in order to read the markets and execute trades instantaneously, sometimes as many as 1,000 times in a single second.

To prevent abuse, the SEC must ensure "fair access" for co-located servers at the exchanges and a method of allocation that does not disadvantage retail orders.

Another advantage for insiders in this new system, arises from what are known as market latency disparities.

Market fragmentation appears to permit high-speed traders to use the disparities in time, place, speed, and price to advantage themselves over unsuspecting investors.

Let me read from a recent article in *The Economist* magazine entitled "Rise of the Machines." "High-frequency traders attempt to uncover how much an investor is willing to pay—or sell for—by sending out a stream of probing quotes that are swiftly cancelled until they elicit a response. The traders then buy or short the targeted stock ahead of the investor, offering it to them a fraction of a second later for a tidy profit."

While the cost to each individual might be slight, the Tabb Group estimates that high-speed stock traders banked about \$8 billion in profits last year. Let me repeat: \$8 billion with a "b." How much of this profit came from legitimate practices that benefited all investors, and how much of it was a toll paid by the average investor?

We all know the old adage, that it is easier to steal a penny or two from 100 million people than to steal a million dollars from one person.

We need to know if high-speed traders are proving this to be true in our markets every day.

Some market practices have also introduced potential conflicts of interest into the marketplace. For example, trading venues offer rebates to investors who post limit orders, which bring liquidity to their exchange, and charge for market orders, which take liquidity out of the exchange. Some broker-dealer firms direct a sizable majority of their order flow to the exchanges that offer the highest payments and lowest fees.

In theory, best execution is always the first priority, as regulations clearly state that even if the customer's order is routed to a market that does not have the best price, it must be re-routed to the market center that does.

I am concerned that regulators are outmatched by the rapid advances in

high-speed trading. In a highly fragmented system where millions of trades take place in a microsecond, the ability to measure and enforce so-called "best execution" may be a vain hope.

The so-called Rule 605 forms, which purport to measure execution quality, are woefully outdated. The first column for time for execution reads "0-9 seconds." In a gap of 9 seconds, prices can change significantly. In a world of 50 market venues, with structural latency issues being targeted by an entire industry of high-frequency traders, millions of trades reaping millions of dollars can take place before retail investors and the regulators who protect their interests can comprehend what happened.

We need to ask if regulators are looking through the wrong end of a telescope when they should be using a microscope.

Average investors must now wonder if their orders are being routed to a venue because it offers the best execution quality for them, or because it leads to the most revenue or lowest transaction fees for their brokers.

Liquidity rebates paid by the exchanges have increased trade volume and thereby provided added revenue for exchanges.

Most of the traders who capitalize on rebates are high-frequency traders who execute millions of low-risk trades a day. These market participants are not investors. Rather, they step in between buy and sell orders, trade on both sides of a security, and cash in on double the rebate.

Let me again read from *The Economist*: "Another popular HFT [high-frequency trading] strategy is to collect rebates that exchanges offer to liquidity providers. High-frequency traders will quickly outbid investors before immediately selling the shares to the investor at the slightly higher purchase price, collecting a rebate of one-quarter of a cent on both trades."

Some argue that such innovations add needed liquidity to the market. But high-speed traders mainly target the most frequently-traded stocks.

Liquidity is light and spreads are wide on many lower-volume stocks. We must rigorously examine the degree to which rebates actually bring liquidity to the marketplace where it is needed and help the market function properly.

I have discussed a variety of questionable practices that deserve and I hope will receive a searching examination by the SEC and by Congress.

While some of these innovations have produced benefits, they have also created wide disparities between high-speed traders and average investors. We do not have a clear accounting of all the costs and benefits of these recent market structure changes.

Under the current system, until empirical data shows up to dispel our concerns, we have little reason to believe

average investors can compete with the high-speed traders they are up against.

We must question whether certain broker-dealers are acting in the best interests of their customers, under cover of flawed regulation and antiquated enforcement techniques. At the same time, we have dark trading platforms that are insufficiently monitored by regulators and which undermine public price discovery.

Moreover, unlike specialists and traditional market-makers that are regulated, some of these new high-frequency traders are unregulated, though they are acting in a market-maker capacity.

They have no requirements to “maintain a fair and orderly” market. They trade when it benefits them.

If we experience another shock to the financial system, will this new, and dominant, type of pseudo market maker act in the interest of the markets when we really need them? Will they step up and maintain a two-sided market, or will they simply shut off the machines and walk away? Even worse, will they seek even further profit and exacerbate the downside?

Because our rules and regulations are so inapt, most of the practices I’ve mentioned today are still legal, but they are not fair.

It used to be that steroids were not banned by Major League Baseball. In fact, they were great for business. The game’s biggest sluggers hit home runs at an unprecedented rate, enthralling fans in the process. But the game was tainted, the competition was unfair, and the power was not genuine. Eventually, the game suffered a crisis of legitimacy.

High-frequency trading, while not illegal, may operate in ways that undermine the legitimacy of our financial markets. In order to restore investor confidence, we must effectively regulate unfair performance-enhancers. We must shine a light on dark pools, conduct a searching examination of high-frequency trading strategies to ensure they are not manipulative, ban flash orders, and give regulators the tools they need to ensure that broker-dealers are acting in the best interests of their clients.

I know as well as anyone the benefits of free markets. I know that technology, innovation, and competition are critical components of economic growth. But we must balance those interests, against the values of fairness and equal opportunity. We must bring back a level playing field, encourage long-term investment, and help our economy grow.

I am not here today, to stand in the way of progress. I do not wish to return to a horse-and-buggy system.

High frequency trading and the “Rise of the Machines”—as *The Economist* called it—are here to stay.

I don’t want to ban them. I don’t want to slow them down.

Simply put, technological developments should not control our regulatory destiny; rather, our regulatory agencies should ensure that technological progress everywhere bring benefits to long-term investors. And where the interests of the two are in conflict, our regulators must stop the practices of professional short-term traders that harm the interests of long-term investors.

The market structure rules themselves should not enshrine or permit illicit advantages that a careful review, a surgeon’s scalpel, electronically constructed solutions, and effective enforcement can end.

Neither should needed solutions that protect investor interests, like reinstatement of some form of the uptick or bid test—or the need for a “hard locate” requirement to end naked short selling once and for all—remain unused primarily in deference to the desires and convenience of high-frequency traders.

For our part, we in Congress need to undertake a fundamental review of the oversight responsibilities we give to regulators, examining whether they have adequate tools to carry out these responsibilities.

We have become complacent in thinking that continually updating our body of regulations is enough, when in reality we perhaps have failed to provide regulators with the necessary tools they need to observe these complex financial institutions.

So on this anniversary of the Lehman Brothers collapse, I conclude by saying I look forward to working with my colleagues, not only to address the financial crises of the past, but also to scrutinize and begin to correct the financial abuses of the present, so we can avoid the problems of the future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHANNIS. Madam President, at 5:30, in a few minutes, we are going to vote on the pending amendment, which is an amendment to bar ACORN from receiving any money from the appropriations bill we are considering. I spoke earlier today, so I will only speak a couple of minutes.

I wanted to come to the floor again to underscore the importance of this vote and to underscore the history that brings us here today to take this action. The history is a sad one.

On September 9, 2009, Miami-Dade prosecutors issued arrest warrants for 11 ACORN employees. The employees are charged with falsifying voter reg-

istration cards. A total of 1,400 voter registration cards were turned in, and 888 of those were found to be fake. That means that almost three-quarters of those cards were fraudulent.

Late last week, damaging news surfaced regarding hidden videotapes at the New York, Baltimore, and Washington, DC, ACORN offices. What is the feature on these videotapes? They feature ACORN employees offering advice on a number of illegal activities, including tax evasion, prostitution, and fraud—all with taxpayer dollars.

Finally, the Census Bureau notified ACORN on Friday in a letter that it was severing all ties. The Census Bureau has had a bellyful. They severed all ties with this group having to do with the 2010 census. Here is what they said in the letter:

... it is clear that ACORN’s affiliation with the 2010 Census promotion has caused sufficient concern in the general public, has indeed become a distraction from our mission, and may even become a discouragement to public cooperation, negatively impacting the 2010 Census efforts.

The letter goes on:

Unfortunately, we no longer have confidence that our national partnership agreement is being effectively managed through your many local offices. For the reasons stated, we therefore have decided to terminate the partnership.

According to a report published in July by the minority staff of the House Committee on Oversight and Government Reform, again quoting:

Operationally, ACORN is a shell game played in 120 cities, 43 states and the District of Columbia through a complex structure designed to conceal illegal activities, to use taxpayer and tax exempt dollars for partisan political purposes, and to distract investigators. Structurally, ACORN is a chess game in which senior management is shielded from accountability by multiple layers of volunteers and compensated employees who serve as pawns to take the fall for every bad act.

It doesn’t stop there. In 1998, an ACORN employee was arrested for falsifying voter registration forms. In 1999, Philadelphia authorities found hundreds of fraudulent registration forms by ACORN. In October of 2008, ACORN’s Nevada offices were raided by Federal agents and in 2009 their Las Vegas field director—their field director: unbelievable—was charged with voter registration fraud.

In May 2009, seven ACORN employees were charged in Pittsburgh for voter registration fraud.

To date, nearly 70 ACORN employees have been convicted in 12 States for voter registration fraud.

The events of the last week are not isolated. We have only caught them. As Judge Richard Zoller said, after holding an ACORN employee liable for election law violations:

Somebody has to go after ACORN.

Madam President, I suggest this afternoon that “somebody” is each and every Member of the Senate. Until a

full investigation is launched into ACORN, no taxpayer money should be used to fund their activities. A vote in favor of my amendment is a vote in favor of the taxpayer and against the status quo.

I will just wrap up by saying, if somehow we could bring the taxpayers of America to the Senate floor and ask them: Do you want your taxpayer dollars to continue to fund this organization, with this kind of history, with the videos that have been just released, overwhelmingly, taxpayers would say: Absolutely not.

This is our opportunity to stand up against an organization that does not deserve the trust of the American people.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHANNES. Madam President, I ask for the yeas and nays on the pending amendment and I yield back all time.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Mrs. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 7, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—83

Akaka	Bunning	Dorgan
Alexander	Cantwell	Ensign
Barrasso	Cardin	Enzi
Baucus	Carper	Feingold
Bayh	Chambliss	Feinstein
Begich	Cochran	Franken
Bennet	Collins	Grassley
Bennett	Conrad	Hagan
Bingaman	Corker	Harkin
Bond	Cornyn	Hatch
Boxer	Crapo	Inhofe
Brown	DeMint	Inouye
Brownback	Dodd	Isakson

Johanns	McConnell	Shaheen
Johnson	Menendez	Shelby
Kaufman	Merkley	Snowe
Kerry	Murkowski	Specter
Klobuchar	Murray	Stabenow
Kohl	Nelson (NE)	Tester
Kyl	Nelson (FL)	Thune
Landrieu	Pryor	Udall (CO)
Lautenberg	Reed	Udall (NM)
LeMieux	Reid	Voinovich
Levin	Risch	Warner
Lieberman	Roberts	Webb
Lincoln	Rockefeller	Wicker
Lugar	Schumer	Wyden
McCaskey	Sessions	

NAYS—7

Burr	Gillibrand	Whitehouse
Casey	Leahy	
Durbin	Sanders	

NOT VOTING—9

Burr	Graham	McCain
Byrd	Gregg	Mikulski
Coburn	Hutchison	Vitter

The amendment (No. 2355), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### VOTE EXPLANATION

• Ms. MIKULSKI. Madam President, had I been present, I would have voted in favor of amendment No. 2355 offered by Senator JOHANNES.

Mrs. MURRAY. Madam President, my counterpart, Senator BOND, and I have been on the Senate floor Thursday afternoon, Thursday evening, Friday, and this afternoon and into the evening today. We are waiting for Members to bring their amendments to the floor.

For the information of all Senators, there will not be votes after 3 o'clock tomorrow, as everybody knows. We intend to finish this bill by Wednesday. So there is not a lot of floor time tomorrow.

If anyone has an amendment, offer it tonight. We will set up the vote for tomorrow or Wednesday. Again, we intend to finish this bill by Wednesday. So do not expect that your amendments will have time after that.

Again, I ask Members who have amendments to bring them to the floor and offer them so we can get them considered and up for a vote.

Again, it is going to be a short week. We need to get the bill done by Wednesday. We ask everybody to please consider that and come and offer their amendments so we can get this bill moving.

Mr. CONRAD. Madam President, I rise to offer for the record the Budget Committee's official scoring of H.R. 3288, the Departments of Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$67.7 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$51.8 billion. When outlays from prior-year budget

authority are taken into account, discretionary outlays for the bill will total \$134.5 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and is \$8 million below its allocation for outlays. No budget points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	Defense	General Purpose	Total
Senate-Reported Bill:			
Budget Authority .....	174	67,526	67,700
Outlays .....	174	134,287	134,461
Senate 302(b) Allocation:			
Budget Authority .....			67,700
Outlays .....			134,469
House-Passed Bill:			
Budget Authority .....	174	68,647	68,821
Outlays .....	174	134,411	134,585
President's Request: <sup>1</sup>			
Budget Authority .....	174	68,696	68,870
Outlays .....	174	134,829	135,003
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority .....			0
Outlays .....			-8
House-Passed Bill:			
Budget Authority .....	0	-1,121	-1,121
Outlays .....	0	-124	-124
President's Request:			
Budget Authority .....	0	-1,170	-1,170
Outlays .....	0	-542	-542

<sup>1</sup> For comparison purposes, President's requested level is adjusted to remove \$39.45 billion in proposed BA that continues to be classified as transportation obligation limitations.

Note: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111-32).

#### MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The Senator from Connecticut.

#### DESIGNATING THE KENNEDY CAUCUS ROOM

Mr. DODD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 264, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 264) designating the Caucus Room of the Russell Senate Office Building as the "Kennedy Caucus Room."

S. RES. 264

Whereas, during the last century, few rooms have borne witness to as much history

as the Caucus Room of the Russell Senate Office Building;

Whereas, during the last century, few families have played as integral a role in the history of the United States as has the Kennedy family;

Whereas the Senate mourns the passing of Senator Edward Moore Kennedy, one of the most accomplished, effective, and beloved Senators of all time;

Whereas Senator Edward Moore Kennedy played a role in every major national debate during the last 50 years, serving as a constant champion of the disadvantaged and overlooked;

Whereas the legacy of Senator Edward Moore Kennedy includes not only his prolific achievements on behalf of the people of the United States, but the enduring friendships he formed with colleagues on both sides of the aisle;

Whereas the wit and passion of Senator Edward Moore Kennedy and his perseverance in the face of adversity will be remembered in equal measure to his impressive legislative and rhetorical skills;

Whereas Senator Edward Moore Kennedy was part of a proud family tradition of public service, which included 2 other distinguished Senators;

Whereas never before have 3 brothers served in the Senate, and rarely have any 3 brothers served the United States so well;

Whereas John Fitzgerald Kennedy served the people of Massachusetts with distinction in the Senate, before being elected the 35th President of the United States;

Whereas Robert Francis Kennedy served the people of New York with distinction in the Senate, after serving as the 64th Attorney General;

Whereas Edward Moore Kennedy served the people of Massachusetts with distinction in the Senate for nearly half a century, acting as a tireless advocate for those who might otherwise have been without an advocate;

Whereas the Senate has been greatly enriched by the dedication, compassion, and talent of the 3 Kennedy brothers who served as Senators;

Whereas, in the Caucus Room of the Russell Senate Office Building, the people of the United States have commemorated tragedy, celebrated triumph, and held hearings of great importance on the most important issues facing the Nation;

Whereas it was in the Caucus Room of the Russell Senate Office Building that both Senator John Fitzgerald Kennedy and Senator Robert Francis Kennedy announced their intention to run for the office of the President of the United States;

Whereas a spirit of passionate advocacy and deep respect for the institution of the Senate should govern the deliberations that take place in the Caucus Room of the Russell Senate Office Building; and

Whereas the Senate wishes to honor the life and work of Senator Edward Moore Kennedy, to recognize the contributions of the 3 Kennedy brothers who served as Senators, and to celebrate the spirit of public service exemplified by the Kennedy family: Now, therefore, be it

*Resolved*, That the Senate designates room 325 of the Russell Senate Office Building, commonly referred to as the "Caucus Room", as the "Kennedy Caucus Room", in recognition of the service to the Senate and the people of the United States of Senators Edward Moore Kennedy, Robert Francis Kennedy, and John Fitzgerald Kennedy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Madam President, I wish to take a second and thank, first of all, the majority leader, Senator REID, for his support in this effort. I recognize as well our colleague from Massachusetts, Senator KERRY, who is my lead cosponsor in this effort and a very close and dear personal friend of Ted Kennedy for many years. And I thank our colleagues.

We are joined by the presence of our colleague from the other body, Senator Ted Kennedy's son PATRICK, who serves with great distinction in the other body. I am pleased he is here with us at this moment to watch this resolution be adopted.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the distinguished Senator from Connecticut. There was no closer or better friend to Ted Kennedy than CHRIS DODD. I admire and respect his many efforts in the Senate to fight the fights in the spirit of Ted Kennedy.

This could not be more appropriate, and I do not think anything more needs to be said. I thank him, and I thank the majority leader. It is wonderful to have PATRICK, Congressman KENNEDY, on the floor of the Senate to share in this moment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I join, of course, Senator KERRY, Senator DODD, and Congressman KENNEDY in honoring PATRICK's father and the Kennedy family in what used to be the Russell caucus chamber. There is no more appropriate place, I believe, to honor Senator Kennedy than right there.

#### MANUFACTURING AND TRADE

Mr. BROWN. Madam President, last week in Cincinnati, President Obama joined thousands of Ohioans at the Nation's largest Labor Day picnic. Ohioans gathered together to celebrate our history of workers who transitioned our Nation from one industry to the next, sustaining our economy, creating the middle class, and strengthening the middle class.

It is time once again to invest in our workers. It is time to invest in a national manufacturing policy.

As Ohioans understand, manufacturing for so many is a ticket to the middle class, and Ohioans understand that a strong middle class makes a strong nation. That is why American

workers deserves a manufacturing strategy that works for them.

First, we must invest in manufacturing innovation. We should make research and development tax credits permanent to incentivize investment in emerging manufacturing industries, such as clean energy, so that the tax system is predictable so investors will bring money forward, especially for capital-intensive industries that create jobs such as wind and solar manufacturing.

Second, a national manufacturing strategy must strengthen our component supply chain. Companies that make the parts for cars and trucks should be able to expand to make component parts for other industries, such as clean energy, aerospace, and biotechnology. If a company can make glass for a truck, they can make glass for solar panels. If a company can make gears for a car, they can make gear boxes for wind turbines.

The Investments for Manufacturing Progress and Clean Technology Act, the IMPACT Act, I introduced 4 months ago, would provide a \$30 billion revolving loan fund to help component part manufacturers transition to the clean energy economy.

Third, we must better connect workers with jobs in emerging industries. Earlier this year, I introduced the Strengthening Employment Clusters to Organize Regional Success Act which will allow local communities to determine their workforce needs from the bottom up. Workforce investment boards working with local businesses, working with local community colleges, working with local organized labor could determine what they want to specialize in region by region, even within a State. That way workers will be retrained for jobs that actually exist, that are productive, and that build the middle class.

Fourth, there must be improved Federal assistance for economically distressed communities. When a major plant closing results in massive job loss and economic decline, there must be a coordinated Federal response such as we are trying to do in Wilmington, OH, in response to the closing of DHL, the same way the Federal Government responds to disastrous base closings—disastrous in terms of what it does to local communities—and the same way the Federal Government responds to help a community to recover from a devastating flood or tornado.

Fifth, a national manufacturing strategy must revamp how our Nation does trade. It must include fair trade policies that promote American manufacturing and level the playing field for workers and products alike.

I applaud the President's decision Friday night to stand up and enforce fair trade rules that will save jobs, that will help our communities, that will strengthen the middle class.

Since China joined the World Trade Organization, American workers have not been assured that the government would defend them against unfair trade. With this section 421 decision—a section of trade law that China agreed to during the permanent normal trade relations debate—President Obama has taken the side of American workers and American manufacturers.

If American workers and manufacturers are going to compete in the global market, they need to have a government that uses the trade enforcement tools that exist, including the section 421 safeguard.

As part of becoming a member of WTO, as I said, about a decade ago, China agreed to this so-called section 421 safeguard. Four times it has been invoked or been suggested by the International Trade Commission, a bipartisan, generally free trade arm of the Federal Government, four times President Bush backed off and let China have its way. This is the first President who stood up on this issue to actually enforce the trade laws that exist on the books to make our trade policy fairer and to help American workers.

The data in this case on tires make clear that American workers are getting crushed by a surge in tire imports from China. Imports of these products more than doubled in volume and tripled in dollar value in only a 4-year period. During this time, domestic production obviously declined. Manufacturers could not sell their high-quality products and orders dropped. In many cases, there was no choice but to slow or even halt production.

Take, for example, workers at the Denman Tire Company located in Leavittsburg, OH. I have been to that plant. That plant that has been in operation for almost 100 years produces a variety of tires. About half of its 2,600 units-per-day capacity is dedicated to the passenger and light truck tires that are the subject of this trade investigation. The facility employs 270 men and women in good-paying, skilled jobs that strengthen the middle class.

Take, for example, workers at the Cooper Tire and Rubber facility in Findlay, OH. There over 1,100 workers produce some 22,000 units per day. The Cooper facility has also been in operation for almost a century.

It is time our trade policies reflect our national interest and that we do not practice trade according to a textbook that was out of print 20 years ago. It is time our trade laws were enforced to promote our goods and services—and our auto communities.

Tomorrow the President travels to Lordstown, OH, a northeast Ohio community not far from Youngstown, where GM workers are building the next generation fuel-efficient vehicles, the most fuel-efficient vehicles in the GM fleet. Increased production of these vehicles invests in Ohio workers and

invests in the future of our auto industry.

We have a rare opportunity to reinvigorate manufacturing by helping to build demand for products and technologies in a brand new industry. We have not had an opportunity such as this in 40 years. We can build a new industry that will help end global warming and create good will and will rebuild our Nation's manufacturing backbone. We can build on our auto industry, which in my State has been a leading economic engine for all kinds of next-generation manufacturing.

When you look at a GM factory in Parma, outside of Cleveland, or a Chrysler factory in Toledo, you are also seeing the genesis of next-generation manufacturing jobs up and down the Ohio Turnpike as it crisscrosses from west of Toledo in Williams County to the Pennsylvania border near Youngstown—jobs in the aerospace industry, the component parts industry, the largest industry still in America—auto parts, auto components, auto supply parts—and you can also see jobs in the soap industry all coming out of the auto industry. These jobs were created out of America's manufacturing ingenuity and entrepreneurship.

Plainly and simply, as we work to build more fuel-efficient autos, we will expand opportunities for new manufacturing jobs that become part of the green jobs supply chain.

Again, this manufacturing strategy must include rigorous trade enforcement.

I am struck by the chorus of voices from editorial boards and from the conventional wisdom think-tanks that warn against creeping protectionism. Safe to say, none of these editorial writers and none of these think-tank academicians have ever lost their job because of trade agreements or ever lost their job because of unfair trade practices.

These think-tank academicians and these editorial board members are confusing protectionism with pragmatism. Utilizing trade remedies under limited circumstances, as the President did, as provided for under international trade rules, is not protectionism. It is simply enforcing the law. Enforcement of trade remedy laws consistent with WTO rules, again, is not protectionism.

Most Americans recognize that trade plays an important roll in creating opportunities for economic growth. But when our trade deficit is bumped up against \$2 billion a day for much of the last several years—we buy \$2 billion more in products than we sell abroad, about a third of that bilaterally with China alone—you know something is not working.

American workers and businesses have an entrepreneurial spirit and can compete with anyone. They also need to look to new markets to sustain economic growth. American workers can

compete with anyone, but they must rely on this government to enforce fair trade practices. Done right, a national manufacturing policy can reinvest in our workers' capacity to build next-generation technologies and can rebuild the next generation of middle-class families.

One thing is certain: It is time to invest in the workers and the communities that are the backbone of our middle class.

I yield the floor.

#### 50TH ANNIVERSARY OF BALL HOMES

Mr. McCONNELL. Madam President, I read with great interest a recent article published in the Lexington Herald-Leader, retracing the 50 years of hard work that Don and Mira Ball have put into making their business the largest provider of new homes in central Kentucky. On top of their success in business, Don and Mira should be commended for the good work they have done on behalf of their community. They have supported several community initiatives, including the Hope Center that helps at-risk and homeless individuals get the stability and the help they need to improve their lives. I am proud to have joined them in support of this and other efforts for the good of everyone in their city and surrounding region.

I know all of my colleagues will join me in recognizing Don and Mira for all they have done for the Lexington community, and for 50 years of Ball Homes.

I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington Herald-Leader, Aug. 9, 2009]

**HOMESELLER: BALL HOMES IS CELEBRATING 50 YEARS IN BUSINESS**

(By Melissa Nipper)

Now Central Kentucky's largest home builder, Ball Homes was incorporated in 1959 by Don and Mira Ball. Today, the company is still family owned and operated by Don and Mira and their three children. Ray Ball is the president, and siblings Mike Ball and Lisa Ball Sharp serve as vice presidents.

Ball Homes has built thousands of affordable houses in Kentucky neighborhoods over the last five decades. Every year since 1998, *BUILDER* magazine has named Ball Homes one of the top 100 builders of single-family homes in the nation.

While the Ball name is usually associated with home building, the family is also deeply ingrained in the community, supporting organizations such as Habitat for Humanity, the Hope Center, Virginia Place and many others. Many of their efforts promote home ownership, helping people overcome obstacles to the American Dream.

"We are glad that our children see the value of the family business and that what we do is not just to make a living," Mira said. "We are building affordable homes that people can be proud of. We love this community, all of us do, and I don't think there's a better place to be."

## A STRONG FOUNDATION

Don and Mira met while attending the University of Kentucky. Don was a pre-law student and worked part time distributing brochures for a builder. The couple married in 1955 and four years later started their business. They share fond memories of the early days.

"I remember when Don had his real estate license, we moved 13 times in two and a half years," Mira said. "We would find a house that was marketable, fix it up, sell it and buy a new one. That enabled us to get started. Don used to say that our furniture was on wheels."

Ball Homes started targeting the first-time home buyers and over the years evolved into a company that builds for the "total market," Mira said.

"I guess the biggest change is, back then we were building houses for \$10,950," Don said. "Now the lots cost more than that."

One thing that hasn't changed is that Ball Homes has always been a family affair. Don and Mira never pushed the home-building business on their children. But from his earliest days, Ray remembers coming to the office with his parents. And of course, there were always summer jobs to be had for the Ball siblings.

"I think (the family business) says a lot about the way our parents raised us," said Lisa, who focuses on Ball Homes' sales, marketing and customer relations. "They weren't in any way overpowering, but they gave us moral lessons and giving back to the community was just inherent in the way they live."

## A BLUEPRINT FOR SUCCESS

So how does a builder remain successful for five decades—throughout a continuously evolving market, constant changes in technology and even during economic downturns and recessions?

Like all businesses, Ball Homes has had its share of challenges. The toughest time for the company was in the 1980's, when mortgage interest rates soared to 22 percent. The family had to develop creative products and financing to weather the hard times. "And of course, it helped us that that period was a relatively short duration," Don said.

The family has never been afraid to try new ideas and adapt to the marketplace. In the early 1990s, Ball Homes expanded its product line, offering more styles of homes in a wider variety of price ranges.

They also stretched their base into surrounding communities of Versailles, Paris, Richmond, and Frankfort. The company also builds in Louisville, and in 2008 was ranked Louisville's No. 1 home builder by BUILDER magazine.

In recent years, the builder has incorporated energy-efficient materials and technology into all of its homes. New Ball Homes meet Energy Star qualifications. (The Energy Star designation signifies that a home meets strict energy efficiency guidelines set by the U.S. Environmental Protection Agency.)

"People may say they don't build (homes) like they used to," Mira said. "Well, today we do so much more with energy efficiency and we build them better than we used to."

Ball Homes has several ongoing projects, including the Chilesburg community which features a six-home model village where home buyers can see a variety of floor plans and amenities in one location.

They recently opened another model home village at their newest development, Glasford. Located in Lexington on the outer loop of Man O' War Boulevard between Tates

Creek and Nicholasville roads, Glasford offers 30 floor plans and many luxury options, including beautiful tilework, built-in book cases and crown molding, chair rail and wainscoting packages in formal living and dining rooms.

## A BRIGHT FUTURE

Innovative products, careful planning and great employees helped make Ball Homes what it has become over the past 50 years. However, Ball family members say their success and future depend on the most important component of their business—the customers, many of whom are living in their second and even third-generation Ball Home.

"One of the keys to our success in the environment is that we are recognized as a company that has been here many years, and we will remain here," Ray said. "We just try to take care of the customer and offer a good product in good locations."

## COMMENDING JIM WILLIAMS

Mr. MCCONNELL. Madam President, I rise today to pay tribute to Jim Williams, the director of communications of one of Kentucky's most storied racetracks, Keeneland in Lexington. After 38 years at the forefront of Kentucky's racing community, Mr. Williams has left a legacy worthy of the champion thoroughbred horses who have won there, and the entire State wishes him well as he retires from the job he loves.

Keeneland racetrack is located in the beautiful Bluegrass region of Kentucky. Since 1936 Keeneland has operated two meets per year, every April and October. For nearly 40 of those years, Mr. Williams has helped transform what was once a small racetrack that began on a local farm into a premier equestrian facility.

Mr. Williams's passion and dedication for Keeneland and horse racing began when he was just a boy, when he moved to Lexington and attended his first race at Keeneland. Since that first race, Mr. Williams has been in attendance at a majority of Keeneland's races.

Mr. Williams has had the opportunity to serve under three Keeneland presidents: Mr. Ted Bassett, Mr. Bill Greely and the current CEO, Mr. Nick Nicholson. Mr. Nicholson spoke dearly of Jim when asked to reflect on his service. In a recent article in the Lexington Herald-Leader, he said:

To put Jim's tenure in perspective, when he joined Keeneland in 1971, Richard Nixon was president, "All in the Family" premiered on television, and gas was 30 cents a gallon. Since that time, Jim has been the public face of Keeneland, and he has conducted himself in a manner that has enhanced Keeneland's stature in the eyes of everyone who has had the pleasure of meeting him. Jim is a man of character, integrity and humility. We at Keeneland thank him for his many years of service and wish him the best in his retirement.

Jim Williams is a legend in Kentucky horse racing and his contributions to the Commonwealth's most hallowed sport are immeasurable. His retirement is going to leave a large hole that will

be very hard to fill. Mr. President, I ask my colleagues to join me in recognizing Jim Williams for his 38 years of service to Keeneland and to Kentucky horse racing.

## BOWLING GREEN AREA CHAMBER OF COMMERCE

Mr. MCCONNELL. Madam President, I read an article of great interest in the Bowling Green Daily News involving the Bowling Green Area Chamber of Commerce. The article commended the chamber on being recognized by the American Chamber of Commerce Executives as the number-one chamber in the nation. Bowling Green and the surrounding community has experienced significant growth in the areas of business and industry, due to the chamber's efforts to keep Bowling Green a flourishing and vibrant city. I know my colleagues join me in commending the Bowling Green Area Chamber of Commerce for all it has done to better their community and State. I am pleased to see their hard work being recognized.

I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bowling Green Daily News, Aug. 4, 2009]

"WE'RE NO. 1" CHANTS A THRILL FOR BG AREA CHAMBER LOCAL GROUP NAMED BEST IN THE NATION IN ITS CATEGORY

(By Jenna Mink)

"About 100 state and local officials, business leaders and community members gathered at the Bowling Green Area Chamber of Commerce today, many of them chanting, 'We're No. 1.' The Bowling Green Area Chamber of Commerce recently was named the best chamber of its size in the nation, chamber officials announced today.

"I can't tell you what a great feeling it is to say we're the No. 1 chamber in the nation," said Jim Hizer, president and CEO of the Bowling Green Area Chamber of Commerce.

Each year, the American Chamber of Commerce Executives, a national group of chamber leaders, chooses the top chambers in the nation. Chambers are separated into three categories based on their revenue; the Bowling Green Area Chamber of Commerce won in the mid-size category, beating about 45 chambers that were invited to apply for the award.

When choosing the top chamber of commerce, ACCE officials look at "the entire scope of the chamber, from its financial practices all the way to programs and special events," said Tonya Matthews, vice president of chamber operations. "They really don't miss a beat in digging into the chamber."

This is the second year the local chamber has been a finalist—last year, it was one of the top three chambers, but did not pick up the top award.

"All I was thinking about was to be a finalist two years in a row and not come home with an award would be an empty feeling," Hizer said. "But we don't have to worry about that." The chamber of commerce

works to boost the business community by attracting new companies to the area and helping existing businesses expand.

"Our principle responsibility is to bring wealth and prosperity to our community for the benefit of our business members, partners and for all citizens," Hizer said.

About 7,000 chambers exist in the United States and 1,400 of those are members of the ACCE. This year, two other cities that sit along Interstate 65 won ACCE awards—Nashville's chamber won the large division and Columbus, Ind., won the small division, according to the chamber.

In 2008, about 26 businesses either located or expanded operations in the Barren River area with a total investment of about \$105 million and 2,092 additional jobs, according to the chamber.

And because of its new businesses and expansion efforts, southcentral Kentucky received several national recognitions last year—the area was named by *Forbes Magazine* the 12th best small place in the area for businesses and careers. It was also ranked 33rd of 363 metropolitan areas in job growth and employment.

"The fact that the Bowling Green metropolitan area, by virtually every measure, has been . . . the fastest growing metropolitan area in the state of Kentucky, is evidence that we are achieving our objective in spite of a challenging economic environment," Hizer said.

As for future economic development, the ACCE award will help attract new businesses and convince existing businesses to consolidate here or expand, Hizer said.

"This sent a message to the rest of the world that there are some special things happening here in southcentral Kentucky," Hizer said. "And that in and of itself will draw additional interest to our community."

Mr. BUNNING. Madam President, I would like to take this opportunity to recognize the Bowling Green Area Chamber of Commerce for receiving the 2009 Chamber of the Year award.

The Bowling Green Chamber of Commerce is truly an outstanding organization. It provides an invaluable service to South Central Kentucky by working with its more than 1,300 partners to stimulate economic development and create a better business environment in the region. Its hard work and advocacy has also enabled Bowling Green to compete nationally and to earn *Site Selection Magazine's* ranking of ninth for its number of 2008 industry and expansion projects.

The greater Bowling Green region is home to a resilient economy where small and large businesses are forced to contend with a number of economic challenges. Recognizing these challenges, the Bowling Green Chamber of Commerce has remained committed to aiding businesses as they work their way through today's economic landscape.

Strong leadership and solid organization have contributed to the chamber's record of success. Under the guidance of current chamber president, Jim Hizer, the chamber's membership and activities have continued to increase, providing local businesses more opportunities for growth and employment.

I would like to congratulate the Bowling Green Chamber of Commerce

for receiving the 2009 Chamber of the Year award. Over the years, it has become a strong organization committed to serving the interests of its members and community. I wish it all the best in its future endeavors within Kentucky and around our Nation.

#### REMEMBERING SEPTEMBER 11, 2001

Mr. LEAHY. Madam President, last Friday was the eighth anniversary of the September 11 terrorist attacks, and we solemnly remembered the thousands of innocent lives, of many nationalities and religions, that were so cruelly and indiscriminately destroyed on that infamous day. It was a defining moment for our country, and since then we have sought to address the shocking intelligence and security failures that enabled the perpetrators to so brazenly enter this country and carry out those attacks, as well as to track down the masterminds of that atrocity and to destroy al-Qaida and other terrorist networks that have become a global menace.

We all recognize the threat that violent extremists pose to Americans, as well as to citizens of other countries, and the imperative of countering it. This should not be a matter of partisan politics, but of working together in a common purpose for the sake of law abiding people everywhere. I supported many of the initiatives of the Bush administration, as I have the Obama administration, to make our borders more secure, to improve our intelligence gathering, to track down terrorists and bring them to justice.

But there have been strong differences over what tactics to use, and the effectiveness of military force to combat violent extremism in countries where we are widely seen as invaders or occupiers. No issue has generated more controversy than the Bush Administration's abuse of detainees, whether at Abu Ghraib prison in Iraq, Bagram prison in Afghanistan, Guantanamo, other secret detention facilities around the world, or through the use of "extraordinary rendition" whereby prisoners were secretly delivered to the custody of foreign security forces whose use of torture was well documented.

These policies and practices, conceived and supported at the highest levels of the Bush administration, justified by Department of Justice lawyers who made a mockery of the law, and steadfastly defended as recently as last week by former Vice President Cheney, were abhorrent. They were also dangerous. They violated our international legal obligations, caused grave harm to our reputation as a country devoted to the rule of law, endangered our service men and women who every day face the risk of capture and mistreatment by our enemies, and caused deep embarrassment among the

American people who, for generations, have taken pride in the image of our country as a defender of human rights and the highest moral values.

Last Friday, these issues and concerns were eloquently addressed in a timely piece in *The Miami Herald* by two distinguished retired senior U.S. military officers, Charles C. Krulak, who was commandant of the Marine Corps from 1995 to 1999, and Joseph P. Hoar, who was commander in chief of U.S. Central Command from 1991 to 1994. I urge all Senators to read it, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *Miami Herald*, Sept. 11, 2009]

FEAR WAS NO EXCUSE TO CONDONE TORTURE

(By Charles C. Krulak and Joseph P. Hoar)

In the fear that followed the Sept. 11, 2001, attacks, Americans were told that defeating Al Qaeda would require us to "take off the gloves." As a former commandant of the U.S. Marine Corps and a retired commander-in-chief of U.S. Central Command, we knew that was a recipe for disaster.

But we never imagined that we would feel duty-bound to publicly denounce a vice president of the United States, a man who has served our country for many years. In light of the irresponsible statements recently made by former Vice President Dick Cheney, however, we feel we must repudiate his dangerous ideas—and his scare tactics.

We have seen how ill-conceived policies that ignored military law on the treatment of enemy prisoners hindered our ability to defeat al Qaeda. We have seen American troops die at the hands of foreign fighters recruited with stories about tortured Muslim detainees at Guantánamo and Abu Ghraib. And yet Cheney and others who orchestrated America's disastrous trip to "the dark side" continue to assert—against all evidence—that torture "worked" and that our country is better off for having gone there.

In an interview with Fox News Sunday, Cheney applauded the "enhanced interrogation techniques"—what we used to call "war crimes" because they violated the Geneva Conventions, which the United States instigated and has followed for 60 years. Cheney insisted the abusive techniques were "absolutely essential in saving thousands of American lives and preventing further attacks against the United States." He claimed they were "directly responsible for the fact that for eight years, we had no further mass casualty attacks against the United States. It was good policy . . . It worked very, very well."

Repeating these assertions doesn't make them true. We now see that the best intelligence, which led to the capture of Saddam Hussein and the elimination of Abu Musab al-Zarqawi, was produced by professional interrogations using non-coercive techniques. When the abuse began, prisoners told interrogators whatever they thought would make it stop.

Torture is as likely to produce lies as the truth. And it did.

What leaders say matters. So when it comes to light, as it did recently, that U.S. interrogators staged mock executions and held a whirling electric drill close to the body of a naked, hooded detainee, and the former vice president winks and nods, it matters.

The Bush administration had already degraded the rules of war by authorizing techniques that violated the Geneva Conventions and shocked the conscience of the world. Now Cheney has publicly condoned the abuse that went beyond even those weakened standards, leading us down a slippery slope of lawlessness. Rules about the humane treatment of prisoners exist precisely to deter those in the field from taking matters into their own hands. They protect our nation's honor.

To argue that honorable conduct is only required against an honorable enemy degrades the Americans who must carry out the orders. As military professionals, we know that complex situational ethics cannot be applied during the stress of combat. The rules must be firm and absolute; if torture is broached as a possibility, it will become a reality. Moral equivocation about abuse at the top of the chain of command travels through the ranks at warp speed.

On Aug. 24, the United States took an important step toward moral clarity and the rule of law when a special task force recommended that in the future, the Army interrogation manual should be the single standard for all agencies of the U.S. government.

The unanimous decision represents an unusual consensus among the defense, intelligence, law enforcement and homeland security agencies. Members of the task force had access to every scrap of intelligence, yet they drew the opposite conclusion from Cheney's. They concluded that far from making us safer, cruelty betrays American values and harms U.S. national security.

On this solemn day we pause to remember those who lost their lives on 9/11. As our leaders work to prevent terrorists from again striking on our soil, they should remember the fundamental precept of counterinsurgency we've relearned in Afghanistan and Iraq: Undermine the enemy's legitimacy while building our own. These wars will not be won on the battlefield. They will be won in the hearts of young men who decide not to sign up to be fighters and young women who decline to be suicide bombers. If Americans torture and it comes to light—as it inevitably will—it embitters and alienates the very people we need most.

Our current commander-in-chief understands this. The task force recommendations take us a step closer to restoring the rule of law and the standards of human dignity that made us who we are as a nation. Repudiating torture and other cruelty helps keep us from being sent on fools' errands by bad intelligence. And in the end, that makes us all safer.

#### POLAND'S 70 YEAR JOURNEY

Mr. KERRY. Madam President, this month we commemorate an important anniversary: 70 years ago the Second World War began in Europe with a ruthless Nazi assault on Poland. Outnumbered and outgunned, Poland's defenders fought bravely, forced to surrender only through the overwhelming force of their enemies. Every American should remember the sacrifice made by the heroes of Poland, whose bravery was tragically often rewarded with a concentration camp or a bullet in the head in a dark forest. They were the first of many innocent victims, almost too many to count.

On an occasion like this it is important to honor the past, remind the present of the sacrifice of those who came before, and warn the future that the world should never allow the initiation of such catastrophic events again.

In September 1939, authoritarian paranoia and violence won out over trust and humanity, and in the end the world burned. Seventy years later, Poland and its democratic neighbors work together in Brussels to build a better Europe. We remember the importance of that hard-won cooperation on this 70th anniversary.

As Americans, let us appreciate this achievement, help extend the cooperation, and continue to assist in the preservation of democratic ideals.

#### BASKETBALL HALL OF FAME INDUCTEES

Mr. HATCH. Madam President, I wish to speak about a matter of great prominence to the people of my State. This past Friday, in Springfield, MA, Jerry Sloan and John Stockton were inducted into the Naismith Memorial Basketball Hall of Fame. This is a well-deserved honor, and I wanted to take a few moments to congratulate them both.

As any fan of professional basketball can tell you, the Energy Solutions Arena in Salt Lake City is widely considered one of the most difficult places for visiting teams to play. Some have tried to blame this on the city's high elevation, but, if you have ever been to a game there, you know very well that it is because of the Jazz fans.

You see, due to its relatively small population, Utah has only one major sports franchise—the Jazz. And there were times when people thought that this small market would not be able to sustain even a single NBA team. But for more than two decades the Jazz have enjoyed one of the most loyal and supportive fan bases of any team in professional sports. This is due in no small part to the careers of both John Stockton and Jerry Sloan.

John Stockton grew up in Spokane, WA, and played basketball at both Gonzaga Prep and Gonzaga University in his hometown. He was a relative unknown when he moved into the professional ranks, picked by the Jazz in the middle of the first round of the 1984 draft and initially relegated to a reserve role on the team. But after three seasons he became the full-time starter at the point guard position and went on to have one of the most prolific careers in basketball history.

Over the course of his career, he accumulated numerous honors. He was selected to play in the NBA All Star game 10 times. He played on the 1992 and 1996 Olympic teams—the first two Olympic squads to include professional players winning Gold Medals in both

years. He was selected to the All-NBA First Team twice, the All-NBA Second Team six times, the All-NBA Third Team three times, and the NBA All-Defensive Second Team five times. In 1996, the NBA celebrated its 50th anniversary by selecting the 50 Greatest Players in NBA History. Of course, John Stockton was honored on this list as well.

Though the accomplishment of winning an NBA championship eluded him, Stockton did lead the Jazz to two consecutive NBA Finals appearances in 1997 and 1998. John Stockton was immortalized in the first of those seasons when, in Game 6 of the Western Conference finals, he scored the last 9 points for the Jazz, including a last-second 3 pointer to send the Jazz to the Finals for the first time. This was probably the most memorable moment of Stockton's career and the history of the Jazz franchise and it is still replayed in montages of great sports moments.

It is impossible to talk about John Stockton without mentioning Karl Malone. Together, these two formed one of the game's legendary one-two punches. Together, they became the league's models of consistency, commitment, and success. The two played 18 seasons and an NBA record 1,412 regular-season games together as teammates. Due to their collaborative efforts, Malone finished his career as the second highest scorer in NBA history and Stockton holds the all time career assist record.

Let's talk about that assist record for a moment. In the 63-year history of the NBA, only 4 players have career assist totals of over 10,000. Stockton finished his career with 15,806 assists. Mark Jackson, No. 2 on the list, collected 10,334 assists—5,483 fewer than Stockton.

But, the raw numbers don't do this record justice. To put it in perspective, only 37 players have dished out 5,483 or more assists in their entire careers. Indeed, just getting that many assists over a whole career would put you in pretty elite company—and that is the difference between John Stockton's total and that of the guy who is next in line.

This record is among the truly unbreakable records in all of sports—and it isn't the only one held by John Stockton. He also holds the career record in steals, also by a considerable margin. He holds the NBA record for the most seasons and consecutive games played with one team and is third in total games played.

John Stockton's success on the floor was matched only by his consistency. He missed only 22 games during his career, 18 of them came in 1 season. In 17 of his 19 seasons in the NBA, he played in every single game. Overall, he played in 1,504 of 1,526 possible games. These are Lou Gehrig or Cal Ripken-type numbers.

Stockton will always be remembered for his no-nonsense approach to the game, his hard-nosed defense, his matchless work ethic, and his quiet, unassuming personality. His unflashy, fundamentally sound style of play earned him the respect of John Wooden, the legendary UCLA basketball coach, who once said that John Stockton was the only NBA player he would pay money to see.

Stockton retired in 2003 and returned home to Spokane. While other NBA greats have sought careers in broadcasting and coaching after their careers were over, so far, John has been content to stay at home with his family. This comes as no surprise to those who know him.

Guiding John through most of his NBA career, was coach Jerry Sloan, who, once again, is also being inducted into the Hall of Fame. Sloan's careers as both a player and a coach have been characterized by his unyielding toughness and an unmatched drive to compete.

Jerry was born and raised in McLeansboro, IL, and played his college career at the University of Evansville. He played one season in the NBA for the Baltimore Bullets before being selected by the Chicago Bulls in the expansion draft. In fact, he was the team's first player, earning him the nickname "The Original Bull." Sloan quickly became known for his tenacity on defense, and he led the expansion team to the playoffs in its first season.

He had an exceptional career as a player. He played in two All-Star Games, was named to the NBA All-Defensive First Team four times and the All-Defensive Second Team twice. He also led the Bulls to the playoffs on various occasions and helped them to win the franchise's only division title prior to the Michael Jordan era. After his playing career was cut short by knee injuries, the Bulls retired Sloan's No. 4 jersey, the first jersey retirement in the team's history.

Immediately after his retirement, he became part of the Bull's coaching staff, starting out as a scout, eventually working his way up to head coach, a position he held for three seasons. A few years later, he joined the Jazz coaching staff as an assistant to another Utah sports icon, Frank Layden. In 1988, when Layden's health forced him to retire, Jerry was named head coach of the Jazz, a position he has held ever since.

Coach Sloan just finished his 20th season as coach of the Jazz, a milestone that, in today's sports world, is almost unthinkable. Over the course of his Jazz tenure, literally hundreds of coaching changes have taken place throughout the NBA. In a league that has had a number of great coaches in its history, none have coached for the same team as long as Jerry Sloan.

This extends to other sports as well. Currently, Sloan is the longest-tenured coach in any major professional sport.

There are a number of reasons to explain his longevity. The most obvious is that he has been successful. He is currently fourth on the list for alltime coaching wins—though he holds the record for most wins with one team. In 17 out of the 20 seasons he's been in Utah, the Jazz have been in the playoffs, the only absences coming in transitional years after the departures of John Stockton and Karl Malone.

Another reason Sloan has been able to stick around is his consistent, no-nonsense approach to the game. Over time, teams have changed strategies to become flashier in order to cater to younger fans and the new era of players, many of whom have been self-centered prima donnas. Throughout that time, Coach Sloan has been a model of consistency, placing premiums on discipline and hard work among his players. The result has been a franchise that, for over two decades, has competed at a high level.

In many ways, Stockton and Sloan were alike, and their strengths complemented each other. Neither one will claim to have been able to be successful without the other.

Currently, there is a huge statue of John Stockton in front of the Energy Solutions arena alongside a statue of Karl Malone. Chances are, in 20 or 30 years when Jerry Sloan finally decides to hang it up, they will want to build a monument to him as well. Neither of these gentlemen would actively seek such limelight, but few are as deserving.

Once again, I would like to extend my congratulations to both John Stockton and Jerry Sloan for this great honor and to thank them for their contributions to the Utah community.

#### ADDITIONAL STATEMENTS

##### COMMENDING DICK RUSH

• Mr. INHOFE. Madam President, on behalf of the Oklahoma Congressional Delegation, I would like to congratulate Richard P. Rush on his retirement from the Oklahoma State Chamber of Commerce.

Dick will be leaving the State chamber next spring after serving as its president and chief executive officer for 24 years. Dick has made a positive contribution to the State of Oklahoma and has been characterized as "the State's leading pro-business advocate." Dick's success is evident in both his internal administration of the State chamber and his work leading key probusiness campaigns which have made a positive impact on Oklahoma creating jobs and increasing business development.

Due to Dick's work, the State chamber now operates debt free. During his tenure, Dick has built the State chamber to over 2,000 members. He has been named Executive of the Year by the Oklahoma Chamber of Commerce Executives and is already a member of the Oklahoma Chamber of Commerce Hall of Fame.

Through leading key campaigns advocating new business opportunities and job creation such as Right-to-Work and tort reform, Dick has been credited with saving the business community in Oklahoma over \$2 billion. In fact, the State chamber recently earned the Nation's highest honor from the American Tort Reform Association and the U.S. Chamber's Institute for Legal Reform. Just this year, the State chamber was awarded the "The State Legislative Achievement Award" by the U.S. Chamber's Institute for Legal Reform and the first annual "Gold Medal for the Best State Civil Justice Legislation" by the American Tort Reform Association. Dick has also led international outreach serving as Executive in Charge of sister chamber work between the Oklahoma State Chamber and both the Gansu, China Provincial Chamber and the Liaoning, China Provincial Chamber. Dick was a presenter at the VI Hemispheric Sister Cities Forum in Iquique, Chile, and he is the recipient of the "The George Nigh Global Trade Award." Dick's involvement in Oklahoma business development has been extensive.

Dick's success is due in part to his long history in chamber management. Before coming to Oklahoma, Dick worked in chambers throughout the country from California to Texas before coming to Oklahoma in 1986. His experience also extends internationally as Dick worked as a project adviser for the U.S. Chamber's Center for International Private Enterprise serving as a consultant to the National Chamber of Commerce of Zimbabwe, Africa.

Oklahomans can appreciate Dick's service to the Oklahoma State Chamber and the entire State of Oklahoma, and we wish him the very best in his retirement and all future endeavors. •

##### COMMENDING C. VIVIAN STRINGER

• Mr. MENENDEZ. Madam President, I rise to extend my congratulations to C. Vivian Stringer for her induction into the Naismith Memorial Basketball Hall of Fame. It is a proper tribute for such a distinguished and celebrated career. This is certainly an incredible honor which stands tall, even amongst her other considerable accolades.

The success that Vivian Stringer has achieved in her 38-year coaching career, including the last 14 at Rutgers University, speaks for itself: 825 victories; 30 seasons of 20 or more wins; 22 NCAA Tournament appearances; 4 Final Fours with 3 different programs;

Olympic Gold as an assistant coach with the 2004 U.S. Women's Basketball team. Her commitment to excellence is unsurpassed and lauded by peers and supporters alike.

Most importantly, Vivian Stringer has served, above all else, as a teacher to each of her players. Her dedication to education beyond the court is clear, as her players traditionally graduate on par with their nonathlete classmates. The students who have walked into her program walk out of it as strong and dignified women, each ready to continue the legacy of achievement that Vivian Stringer has set before them, whatever the arena. Two years ago, Vivian Stringer's leadership was on display as the Lady Scarlet Knights, in the face of adversity and slander, served as shining examples of exceptional poise and grace.

This 2009 Hall of Fame Class is indeed one of the most distinguished in memory, and it is fitting that Vivian Stringer enters alongside other luminaries that share her caliber of achievement. I applaud Vivian Stringer's service to Rutgers University, the entire basketball community, and the great State of New Jersey. I wish her luck as she continues her career and in all of her other future endeavors.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 599. A bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty (Rept. No. 111-75).

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2871. A communication from the Deputy Secretary of Defense, transmitting the report of the authorization of (4) officers to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2872. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employer Comparable Contributions under 4980G, and Requirement of Return for Filing of the Excise Tax under Section 4980B, 4980D, 4980E or 4980G" ((RIN1545-BG71)(TD9457)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2873. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reasonable Good Faith Interpretation of Required Minimum Distribution Rules by Governmental Plans" ((RIN1545-BH53)(TD9459)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2874. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification to Consolidated Return Regulation Permitting an Election to Treat a Liquidation of a Target, Followed by a Recontribution to a New Target, as a Cross-Chain Reorganization" ((RIN1545-BI72)(TD9458)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2875. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Single Insured—Reinsurance" (Rev. Rul. 2009-26) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2876. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Insurance E&P Project" (Rev. Rul. 2009-25) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2877. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Contribution Increases under Automatic Contribution Arrangements" (Revenue Ruling 2009-30) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2878. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Paid Time Off Contributions" (Revenue Ruling 2009-31) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2879. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Paid Time Off Contributions at Termination of Employment" (Revenue Ruling 2009-32) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2880. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "ICE Futures Canada, Inc. 1256(g)(7)(C) Qualified Board or Exchange" (Revenue Ruling 2009-24) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2881. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Adding Automatic Enrollment to Section 401(k) Plans—Sample Amendments" (Notice 2009-65) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2882. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Enrollment in SIMPLE IRAs" (Notice 2009-66) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2883. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Adding Automatic Enrollment to SIMPLE IRA Plans—Sample Amendment" (Notice 2009-67) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2884. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Explanation—Eligible Rollover Distributions" (Notice 2009-68) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2885. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rollovers from Employer Plans to Roth IRAs" (Notice 2009-75) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2886. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-164, "Modifications to the Permanent System of Highways and Designation of Water Lily Lane, N.E., and Cassell Place, N.E., S.O. 07-3090, and Transfer of Jurisdiction of Portions of Parcel 170/27 and Parcel 170/28, Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2887. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-165, "KIPP DC Douglas Property Tax Exemption Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2888. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-166, "Closing of a Portion of the Public Alley in Square 2892, S.O. 08-6440, Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2889. A communication from the Chairman of the Council of the District of

Columbia, transmitting, pursuant to law, a report on D.C. Act 18-167, "Vending Regulation Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2890. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-168, "Closing of a Public Alley in Square 5928, S.O. 08-4393, Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2891. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-169, "University of the District of Columbia Expansion Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2892. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-170, "Council Cable Autonomy and Control Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2893. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-171, "Stimulus Accountability Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2894. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-179, "District Land Disposition Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2895. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-180, "District Land Disposition Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2896. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-185, "New Convention Center Hotel Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2897. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-189, "Omnibus Public Safety and Justice Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2898. A communication from the Deputy Assistant Administrator for Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances; Table of Excluded Nonnarcotic Products; Nasal Decongestant Inhalers Manufactured by Classic Pharmaceuticals LLC" ((Docket Number DEA-3291) (RIN1117-AB23)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on the Judiciary.

EC-2899. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 90) and Gulf of Alaska Groundfish (Amendment 78); Limited Access Privilege Programs" (RIN0648-AX25) received in the Office of the

President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2900. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea/Aleutian Islands Crab Rationalization Program; Amendment 28" (RIN0648-AW97) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2901. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery" (RIN0648-AV77) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2902. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 92) and the Gulf of Alaska" License (Amendment 82) Limitation Program" (RIN0648-AX14) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2903. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Primary Pacific Whiting Season for the Shore-Based Sector" (RIN0648-AQ39) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2904. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakut District of the Gulf of Alaska" (RIN0648-QX51) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2905. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-QX52) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2906. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009-2011 and Turtle Mitigation Requirements in Purse Seine Fisheries" (RIN0648-AX60) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2907. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Revision of Single Geographic Location Requirement in the Bering Sea Subarea; Amendments 62/62" (RIN0648-AR06) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2908. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish; Amendment 1" (RIN0648-AS25) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2909. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Experimental Permitting Process, Exempted Fishing Permits, and Scientific Research Activity" (RIN0648-AR78) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2910. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Emergency Rule; Extension" (RIN0648-AX61) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2911. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-QX75) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2912. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker Rockfish in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-QX57) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2913. A communication from the Director of Sustainable Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XQ58) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2914. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XQ59) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2915. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Highly Migratory Species Fisheries" (RIN0648-AW50) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON:

S. 1664. A bill to amend title 10, United States Code, to modify the appointment and grade of the Chief of the Army Medical Specialist Corps; to the Committee on Armed Services.

By Mr. LUGAR:

S. 1665. A bill to amend the Andean Trade Preference Act to add Paraguay and Uruguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. CARDIN, Mr. WHITEHOUSE, and Ms. LANDRIEU):

S. 1666. A bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. KERRY, and Mrs. GILLIBRAND):

S. 1667. A bill to provide for the development and coordinator of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand past, assess present, and predict future human-induced and natural processes of abrupt climate change, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNET:

S. 1668. A bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. DURBIN, and Mrs. FEINSTEIN):

S. Res. 263. A resolution designating October 2009 as "National Medicine Abuse Awareness Month"; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. KERRY, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEMIEUX, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 264. A resolution designating the Caucus Room of the Russell Senate Office Building as the "Kennedy Caucus Room"; considered and agreed to.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 265. A resolution honoring the firefighters who sacrificed their lives while battling the Station Fire in southern California in August 2009; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 229

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Minnesota

(Mr. FRANKEN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 451

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 518

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 518, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 795

At the request of Mr. HATCH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 883

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1244

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1254

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1254, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1318

At the request of Mr. GREGG, the names of the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1340

At the request of Mr. LEAHY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1382

At the request of Mr. DODD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1490

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1490, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1492

At the request of Ms. MIKULSKI, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1511

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1511, a bill to amend titles XVIII and XIX of the Social Security Act to improve awareness and access to colorectal cancer screening tests under the Medicare and Medicaid programs, and for other purposes.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 242

At the request of Mr. VOINOVICH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Res. 242, a resolution supporting the goals and ideals of "National Aerospace Day".

AMENDMENT NO. 2355

At the request of Mr. JOHANNIS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. ISAKSON), the Senator from South Dakota (Mr. THUNE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 2355 proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 2355 proposed to H.R. 3288, *supra*.

AMENDMENT NO. 2356

At the request of Mr. JOHANNIS, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 2356 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2361

At the request of Mr. GREGG, the names of the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. ISAKSON), the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2361 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. CARDIN, Mr. WHITEHOUSE, and Ms. LANDRIEU):

S. 1666. A bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, today along with Senators CARDIN, WHITEHOUSE, and LANDRIEU I am introducing legislation that requires the administrator of the Environmental Protection Agency to satisfy three conditions before granting a waiver from the Clean Air Act of 1970 to producers of mid-level blends of ethanol. These are fuels that contain more than ten percent ethanol that are destined for use in engines originally designed to work with just gasoline.

While I believe that expanding our capacity to generate and use renewable energy is an important step toward becoming energy independent, I have serious concerns about the impact of ethanol on engines and fuel efficiency. Ethanol blends are more corrosive than gasoline and can cause failure in small and older engines, such as boat engines.

The 2005 Energy Policy Act required that renewable fuels be introduced into our fuel supply to reduce our dependence on foreign oil. In 2007, that Renewable Fuel Standard was updated to require that by the year 2022 we introduce annually a minimum of 36 billion gallons of renewable fuel into our fuel supply.

The first, easiest route to satisfying the renewable fuel mandate was through blending ethanol, chiefly derived from corn, into gasoline at a level of 10 percent by volume, resulting in a gasoline known as "E10." Due to its high oxygen content, this fuel requires a Clean Air Act waiver, which EPA first granted in 1978. Today, in many areas of the country, people only have E10 as a choice at the pump. This includes my constituents in Maine. While the most modern engines have been designed to work with E10, older engines have well-documented difficulties using this fuel. I am very concerned that they will have even greater problems using ethanol fuel blends with even higher levels of ethanol.

E10 was introduced into Maine in 2008 and now it is the only fuel choice in the State. E10 has caused problems for some of my constituents. One topped off his gas tanks before heading to sea but, two miles out, the boat stopped. He later discovered that his tanks were topped off with E10 that destroyed his boat's fuel lines and caused fuel filters and carburetors to clog. He eventually

had to tear up the boat deck and replace the fuel tanks at a cost of thousands of dollars.

In March 2009, manufacturers of mid-level ethanol blends containing as much as 15 percent of ethanol by volume, termed E15, petitioned the Environmental Protection Agency, EPA, to also grant this new fuel a waiver from the Clean Air Act. Many organizations share my concern about this development and are demanding that the performance of E15 in the current fleet of engines be thoroughly investigated before the new fuel can be introduced into commerce.

In June, 21 Senators wrote to the administrator of the EPA urging her to ensure that independent and comprehensive testing of any ethanol blend fuel with greater than 10 percent ethanol was completed prior to any waiver from current EPA guidance as required under the Clean Air Act. The response on July 20 was that a decision to grant a waiver for the new fuel rests entirely on the demonstration that the new fuel will not cause or contribute to the failure of vehicles or engines to meet emission standards. This is not adequate to alleviate my concerns about older and non-road engines.

Thus, today I am introducing the Mid-Level Ethanol Blends bill. This bill requires that the EPA Science Advisory Board carefully evaluate the body of evidence presented about E15's performance in the current inventory of engines and report back to the Administrator before any waiver is granted. The report would indicate whether or not a sufficient body of evidence exists to support a decision to grant a waiver, which is hotly contested between supporters of E15 and those who caution against introducing the fuel into the market now. Automobile manufacturers who warranty their products to perform with E10 are justifiably concerned about whether they will be able to extend the warranty to users of E15 without putting themselves at significant economic risk. They will require significant testing of all engine and emission systems before accepting such risks.

The Science Advisory Board also would report on the ability of the wholesale and retail gasoline fuel infrastructure to introduce an E15 fuel into commerce without consumer confusion or misfueling. The Science Advisory Board also would estimate whether consumers throughout the country will be able to purchase gasoline other than E15 immediately and for five years after the introduction of the new blend. This will provide the Administrator with information about potential difficulties faced by many millions of vehicle, boat, and small-engine devices, for example, lawnmowers, chainsaws, weed trimmers, snowmobiles, that have engines whose performance could be compromised were they unable to use any fuel other than E15.

Once the Science Advisory Board report is released and the public has an opportunity to comment on the Board's findings, should the administrator decide to grant a waiver, this bill requires that the administrator formally respond to the recommendations of the Science Advisory Board in the waiver announcement. The administrator can only issue a waiver if the findings are that it will not adversely affect conventional gasoline-powered onroad and nonroad vehicles and nonroad engines in widespread use as of the date the new fuel is introduced.

There are over 200 million engines in the U.S. today that could conceivably be damaged by the introduction of new fuel blends containing higher amounts of ethanol. Should this occur, it would result in significant hardship to millions of Americans. We simply cannot place so many people in jeopardy through precipitous actions. Any introduction of a new fuel must be done carefully with ample time for testing.

As we pursue strategies to lessen our dependence on foreign oil, we must also take action to insure that ethanol fuel blends are safe and efficient for current engines. I urge my colleagues to join me, Senator CARDIN, and the coalition of organizations endorsing this legislation, and ensure that the ramifications of introducing mid-level ethanol blends into commerce are thoroughly understood before they are granted a waiver from the Clean Air Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1666

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. INTRODUCTION OF HIGHER ETHANOL BLENDS INTO COMMERCE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) MID-LEVEL ETHANOL BLEND.—The term "mid-level ethanol blend" means an ethanol-gasoline blend containing greater than 10 percent ethanol by volume that is intended to be used in any conventional gasoline-powered onroad or nonroad vehicle or engine.

(3) WIDESPREAD USE.—The term "widespread use", with respect to the use of a particular fuel, system, or component in an onroad or nonroad vehicle or nonroad engine, has such meaning as is given the term by the Administrator in accordance with the determination of the Administrator under section 202(a)(6) of the Clean Air Act (42 U.S.C. 7521(a)(6)).

(b) INTRODUCTION OF HIGHER ETHANOL BLENDS INTO COMMERCE.—Notwithstanding any other provision of law, the Administrator may permit or authorize the introduction into commerce of a mid-level ethanol blend for use in conventional gasoline-powered onroad and nonroad vehicles and nonroad engines only if—

(1) not later than 1 year after the date of enactment of this Act, the Science Advisory

Board of the Environmental Protection Agency, after opportunity for public comment and an analysis of available independent scientific evidence, submits to the Administrator, and the Administrator provides for notice and a public comment for a period of not less than 30 days on, a report that describes (and, with respect to the matters described in subparagraph (A), provides recommendations on mitigating)—

(A)(i) the impact of the mid-level ethanol blend on engine performance of conventional gasoline-powered onroad and nonroad vehicles and nonroad engines;

(ii) emissions from the use of the blend; and

(iii) materials compatibility and consumer safety issues associated with the use of those blends (including the identification of insufficient data or information for some or all of those vehicles and engines with respect to each of issues described in this clause and clauses (i) and (ii));

(B) the ability of wholesale and retail gasoline distribution infrastructure, including bulk storage, retail storage configurations, and retail equipment (including certification of equipment compatibility by independent organizations), to introduce the mid-level ethanol blend into commerce without widespread intentional or unintentional misfueling by consumers; and

(C) the estimated ability of consumers, determined through separate reviews of populations in rural areas and of areas with populations greater than 50,000 individuals, to purchase gasoline other than that mid-level ethanol blend—

(i) in metropolitan areas having populations greater than 50,000 individuals throughout the United States; and

(ii) in all areas of the United States, by the date that is 5 years after the mid-level ethanol blend is introduced into commerce;

(2)(A) the permit or authorization is granted through the fuels and fuel additives waiver process under section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) after the close of the public comment period on the report required under paragraph (1); and

(B) the Administrator formally responds to the recommendations of the Science Advisory Board in the waiver announcement; and

(3) the mid-level ethanol blend is introduced into commerce for general use in all conventional gasoline-powered onroad and nonroad vehicles and nonroad engines in widespread use as of the date on which the Administrator authorizes that introduction.

By Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. KERRY, and Mrs. GILLIBRAND):

S. 1667. A bill to provide for the development and coordinator of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand past, assess present, and predict future human-induced and natural processes of abrupt climate change, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise today to offer a bill to authorize funding for abrupt climate change research. I am pleased to be joined on this bill by Senator CANTWELL as lead cosponsor and by our colleagues, Senators SNOWE, KERRY, and GILLIBRAND.

Abrupt climate change is defined as a large-scale change in the climate system that takes place over a few decades or less, persists, or is anticipated to persist, for at least a few decades, and causes substantial disruptions in human and natural systems.

Our bill authorizes \$10 million per year for the next 6 years for a comprehensive and integrated competitive, peer-reviewed, research program at the National Oceanic and Atmospheric Administration to understand, assess, and predict abrupt climate change.

Abrupt climate change is not necessarily a result of increased amounts of greenhouse gases in our atmosphere. It can be caused by natural phenomena, such as massive volcanic eruptions, or natural climate variability.

However it comes about, abrupt climate change can pose significant risks and challenges to our society. For us to uphold our responsibility as stewards of the Nation's environmental and economic security, it is crucial that we better understand abrupt climate change so that we can recognize it early and respond to it effectively.

Understanding and predicting climate change are enormous scientific challenges. The challenges are made even more difficult with the recognition that the climate system is capable of dramatic and abrupt changes. Past global temperatures have swung as much as 20 degrees fahrenheit within a decade, accompanied by drought in some places and catastrophic floods in others. An abrupt climate change triggered by the ongoing buildup of greenhouse gases in the atmosphere would also likely result in the redistribution of atmospheric moisture and rainfall, with substantial impact on the world's food supplies. Unfortunately, we have no satisfactory understanding of what triggers abrupt climate changes.

The National Academy of Sciences and the U.S. Climate Change Science Program have identified abrupt climate change as a key priority for additional research. The National Academy of Sciences stated that "Large, abrupt climate changes have repeatedly affected much or all of the Earth." Furthermore, the Academy went on to state that "abrupt climate changes are not only possible but likely in the future, potentially with large impacts on ecosystems and societies," and noted that we're not doing nearly enough to identify the threat of abrupt climate change. The U.S. Climate Change Science Program last reported to the President and Congress on abrupt climate change in December 2008. The overarching recommendation of this report is the urgent need for committed and sustained monitoring of components of the climate system particularly vulnerable to abrupt climate change. Our bill provides a framework and funds for the U.S. to better understand and address abrupt climate change.

One reason this funding is so urgent is that we are rapidly losing one of the greatest sources of information: ice cores from glaciers. The University of Maine's Climate Change Institute has one of the best abrupt climate change research programs in the world. The Climate Change Institute uses ice cores from glaciers and ice sheets around the world to make discoveries that change the way we think about climate change. Unfortunately, numerous glaciers around the world are melting, and when they go, we lose the very record that has given us so much of this critical climatic history.

I have had several opportunities to see how scientists are able to use glaciers and ice sheets to understand climate change. In 2006, I joined Senators MCCAIN and SUNUNU in traveling to the South Pole to see groundbreaking research taking place on ice more than 2 miles deep. Along the way we toured some of the University of Maine research sites in New Zealand with distinguished Professor George Denton, who was the first scientist from the University of Maine to be elected to the National Academy of Sciences. According to Professor Denton, 50 percent of the glaciers in New Zealand have melted since 1860, and this melting is unprecedented in the last 5,000 years. We stood with the professor on sites that had been buried by massive glaciers at the beginning of the 20th century, but are now ice free.

I also traveled with Senators MCCAIN, SUNUNU, and others to Ny-Alesund, the northernmost community in the world. The scientists we met with told us that the global climate is changing more rapidly now than at any time since the beginning of civilization. They further stated that the region of the globe changing most rapidly is the Arctic. The changes are remarkable and disturbing.

In the last 30 years, the Arctic has lost sea-ice cover over an area 10 times as large as the State of Maine. In the summer, the change is even more dramatic, with twice as much ice loss. The ice that remains is as much as 40 percent thinner than it was just a few decades ago. In Ny-Alesund, Senator MCCAIN and I witnessed massive blocks of ice falling off glaciers that had already retreated well back from the shores where they once rested.

The melting of glaciers and sea ice, the thawing of permafrost, and the increases in sea levels resulting from warming are already beginning to cause environmental, social, and economic changes. If these changes were to be compounded with an abrupt climate change on the scale seen in our climatic history, the result could be devastating.

This measure has passed the Senate many times, as part of the 2001, 2003, and 2007 energy bills. I hope this is the

year that we finally pass this important provision into law. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1667

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Abrupt Climate Change Research Act of 2009".

#### SEC. 2. ABRUPT CLIMATE CHANGE DEFINED.

In this Act, the term "abrupt climate change" means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

#### SEC. 3. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and carry out, a program of extramural awards, made on a peer-reviewed and competitive basis, to conduct scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program established under subsection (a) shall be as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the simulation of climate change by such models against an improved global array of records of past abrupt climate changes.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce for each of fiscal years 2010 through 2016, \$10,000,000 to carry out the research program established under section 3(a).

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are authorized to remain available until expended.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 263—DESIGNATING OCTOBER 2009 AS "NATIONAL MEDICINE ABUSE AWARENESS MONTH"

Mr. GRASSLEY (for himself, Mr. DURBIN, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 263

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly;

Whereas the abuse and recreational use of over-the-counter and prescription medicines can be extremely dangerous and produce serious side effects;

Whereas during a recently sampled month, approximately 7,000,000 individuals 12 years of age and older reported using prescription psychotherapeutic medicines for non-medical purposes;

Whereas prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives are second only to marijuana as the most abused drug in the United States;

Whereas recent studies indicate that 2,500,000 children between 12 and 17 years of age, or 1 out of every 10 children, have intentionally abused cough medicine to get high from the ingredient dextromethorphan;

Whereas 4,700,000 young adults, or 1 out of every 5 young men and women, have used prescription medicines for non-medical purposes;

Whereas in 2008, the National Institute on Drug Abuse estimated that the rates for intentional abuse of cough medicine among eighth, tenth, and twelfth graders stood at 3.6 percent, 5.3 percent, and 5.5 percent, respectively;

Whereas according to research from the Partnership for a Drug-Free America, more than 1/3rd of teenagers mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs;

Whereas the lack of understanding by teenagers and parents of the potential harms of these powerful medicines makes it more critical than ever to raise public awareness about the dangers of their abuse;

Whereas when prescription drugs are abused, they are most often obtained through friends and relatives, but can also be obtained through rogue internet pharmacies;

Whereas parents should be aware that the Internet gives teenagers access to websites that promote abuse of medicines;

Whereas National Medicine Abuse Awareness Month promotes the message that over-the-counter and prescription medicines should be taken only as labeled or prescribed, and that taking over-the-counter and prescription medicines for recreational use or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to educate themselves about this problem and talk to their children about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the rising abuse of medicines;

Whereas educational toolkits and training methods have been developed on how to best engage and educate parents and grandparents, teachers, law enforcement officials, doctors and health care professionals, and retailers about the potential harms of cough medicine abuse; and

Whereas educating the public on the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb the disturbing rise in medicine abuse: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 2009 as "National Medicine Abuse Awareness Month"; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth of the potential dangers associated with medicine abuse.

Mr. GRASSLEY. Mr. President, I am pleased to submit a resolution designating the month of October, 2009 as the National Medicine Abuse Awareness Month. The abuse of prescription drugs and cold medicine is currently the fastest growing drug abuse trend in the country. According to the most recent National Survey of Drug Use and Health, NSDUH, nearly 7 million people have admitted to using controlled substances without a doctor's prescription. People between the ages of 12 and 25 are the most common group to abuse these drugs. However, more and more people are dying because of this abuse. The Centers for Disease Control and Prevention report that the unintentional deaths involving prescription narcotics increased 117 percent from the years 2001 to 2005.

Abuse of over-the-counter, OTC, cough and cold medicines is also alarming. While these common cold medicines are safe and effective if used properly, the abuse of these medicines can also be destructive. According to a study conducted by the Partnership for a Drug-Free America, nearly one in ten young people between the ages of 12 and 17 have intentionally abused cough medicine to get high off its main ingredient Dextromethorphan. These are statistics that can no longer be ignored.

Millions of Americans use these medicines every year to treat a variety of symptoms due to injury, depression, insomnia, and the effects of the common cold. Many legitimate users of these drugs often do not use as much medication as the prescription contains. As a result, these drugs remain in the family medicine cabinet for months or years because people forget about them or do not know how to properly dispose of them. However, many of these drugs, when not properly used or administered, are just as addictive and deadly as street drugs like methamphetamine or cocaine.

According to the NSDUH, more than half of the people who abuse these drugs reported that they obtained OTC and prescription drugs from a friend or relative or from the family medicine cabinet. As a result, groups like the Community Anti-Drug Coalitions of America, the Consumer Healthcare Products Association, and the Partnership for a Drug-Free America have been reaching out to communities throughout the nation to raise awareness of this growing drug abuse trend and encourage communities to tackle the problem head on. Many community anti-drug coalitions, public health officials, and law enforcement officials have been holding town halls, organizing community "clean out your medicine cabinet" events, and holding many other events to raise awareness of this growing abuse in an effort to reverse this trend.

We can stop the growing trend of medicine abuse in its tracks, but it will

require all sectors of the community to join together to make it happen. The National Medicine Abuse Awareness Month Resolution promotes the message that over-the-counter and prescription medicines must be taken as directed, and when used recreationally or in large doses they can have serious and deadly consequences. This resolution will help remind parents that access to drugs that are abused doesn't just happen in alleys and on the streets, but can often occur right in the home. I urge all my colleagues to join me in supporting this resolution.

**SENATE RESOLUTION 264—DESIGNATING THE CAUCUS ROOM OF THE RUSSELL SENATE OFFICE BUILDING AS THE “KENNEDY CAUCUS ROOM”**

Mr. DODD (for himself, Mr. KERRY, Mr. REID, Mr. McCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEMIEUX, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 264

Whereas, during the last century, few rooms have borne witness to as much history as the Caucus Room of the Russell Senate Office Building;

Whereas, during the last century, few families have played as integral a role in the history of the United States as has the Kennedy family;

Whereas the Senate mourns the passing of Senator Edward Moore Kennedy, one of the most accomplished, effective, and beloved Senators of all time;

Whereas Senator Edward Moore Kennedy played a role in every major national debate

during the last 50 years, serving as a constant champion of the disadvantaged and overlooked;

Whereas the legacy of Senator Edward Moore Kennedy includes not only his prolific achievements on behalf of the people of the United States, but the enduring friendships he formed with colleagues on both sides of the aisle;

Whereas the wit and passion of Senator Edward Moore Kennedy and his perseverance in the face of adversity will be remembered in equal measure to his impressive legislative and rhetorical skills;

Whereas Senator Edward Moore Kennedy was part of a proud family tradition of public service, which included 2 other distinguished Senators;

Whereas never before have 3 brothers served in the Senate, and rarely have any 3 brothers served the United States so well;

Whereas John Fitzgerald Kennedy served the people of Massachusetts with distinction in the Senate, before being elected the 35th President of the United States;

Whereas Robert Francis Kennedy served the people of New York with distinction in the Senate, after serving as the 64th Attorney General;

Whereas Edward Moore Kennedy served the people of Massachusetts with distinction in the Senate for nearly half a century, acting as a tireless advocate for those who might otherwise have been without an advocate;

Whereas the Senate has been greatly enriched by the dedication, compassion, and talent of the 3 Kennedy brothers who served as Senators;

Whereas, in the Caucus Room of the Russell Senate Office Building, the people of the United States have commemorated tragedy, celebrated triumph, and held hearings of great importance on the most important issues facing the Nation;

Whereas it was in the Caucus Room of the Russell Senate Office Building that both Senator John Fitzgerald Kennedy and Senator Robert Francis Kennedy announced their intention to run for the office of the President of the United States;

Whereas a spirit of passionate advocacy and deep respect for the institution of the Senate should govern the deliberations that take place in the Caucus Room of the Russell Senate Office Building; and

Whereas the Senate wishes to honor the life and work of Senator Edward Moore Kennedy, to recognize the contributions of the 3 Kennedy brothers who served as Senators, and to celebrate the spirit of public service exemplified by the Kennedy family: Now, therefore, be it

*Resolved*, That the Senate designates room 325 of the Russell Senate Office Building, commonly referred to as the “Caucus Room”, as the “Kennedy Caucus Room”, in recognition of the service to the Senate and the people of the United States of Senators Edward Moore Kennedy, Robert Francis Kennedy, and John Fitzgerald Kennedy.

**SENATE RESOLUTION 265—HONORING THE FIREFIGHTERS WHO SACRIFICED THEIR LIVES WHILE BATTLING THE STATION FIRE IN SOUTHERN CALIFORNIA IN AUGUST 2009**

Mrs. BOXER (for herself and Mrs. FEINSTEIN), submitted the following resolution; which was considered and agreed to:

S. RES. 265

Whereas in late August 2009, the Angeles National Forest and neighboring communities north of Los Angeles, California were engulfed by an intense wildfire, which came to be known as the “Station Fire”;

Whereas the Station Fire, ignited by arson on August 26, 2009, burned more than 160,000 acres of public lands and private property in Los Angeles County and the Angeles National Forest, including more than 160 structures and homes;

Whereas as of September 9, 2009, the Station Fire was the 10th largest wildfire in modern California history, and the largest wildfire in the modern history of Los Angeles County;

Whereas as of September 9, 2009, the Station Fire continued to threaten 12,000 structures in the National Forest and nearby communities such as Acton, Altadena, Glendale, La Cañada Flintridge, La Crescenta, Pasadena, Littlerock, Sunland, and Tujunga;

Whereas more than 8,000 fire personnel and 800 fire engines and approximately 40 helicopters, 13 fixed winged aircraft, and 88 water tenders were deployed statewide to assist with firefighting efforts;

Whereas the extraordinary effort made by firefighters throughout the region contributed to the preservation of the historic Mount Wilson Observatory, a national landmark for astronomical research;

Whereas Fire Captain Tedmund D. “Ted” Hall, aged 47, and Firefighter Specialist Arnaldo “Arnie” Quinones, aged 34, lost their lives in the line of duty fighting the Station Fire;

Whereas Tedmund D. Hall joined the Los Angeles County Fire Department on April 22, 1981;

Whereas during his time in the Los Angeles County Fire Department, Tedmund D. Hall served the city of Lakewood, the city of Whittier, the city of La Puente, and the Department's command and control team;

Whereas in January 2001, Tedmund D. Hall was promoted to fire captain;

Whereas Tedmund D. Hall is survived by his wife, Katherine, sons Randall and Steven, and parents, Roland Ray and Donna Marie Hall;

Whereas Arnaldo Quinones joined the Los Angeles County Fire Department on August 6, 1998;

Whereas during his time in the Los Angeles County Fire Department, Arnaldo Quinones served the city of Palmdale, the city of Covina, and the city of La Cañada Flintridge;

Whereas in December 2005, Arnaldo Quinones was promoted to firefighter specialist; and

Whereas Arnaldo Quinones is survived by his wife, Loressa, who is expecting their first child, and his mother Sonia Quinones: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its heartfelt condolences to the families, fellow firefighters, and friends of Tedmund D. Hall and Arnaldo Quinones;

(2) recognizes the noble and brave service that firefighters provide to every community in the United States; and

(3) honors Tedmund D. Hall and Arnaldo Quinones for the sacrifices they made in giving their lives to protect Californians from the Station Fire.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2362. Ms. LANDRIEU submitted an amendment intended to be proposed by her

to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2363. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2364. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2365. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2366. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2367. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2368. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2369. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2362.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 11 and 12, insert the following:

SEC. 234. Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(1) identifies programs of the Department of Housing and Urban Development that directly support the activities of community-based organizations that carry out housing and community development activities in areas for which the President has declared a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), as a result of Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008 (referred to in this section as “hurricane disaster areas”), including—

(A) programs under section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note);

(B) the program under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note);

(C) programs of the Office of Rural Housing and Economic Development of the Department of Housing and Urban Development;

(D) programs of the Neighborhood Reinvestment Corporation (commonly referred to as “NeighborWorks America”);

(E) the community services block grant program under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(F) the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); and

(G) the HOME investment partnership program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.);

(2) contains, for each of the programs identified under paragraph (1), the total amount of funds expended by each program in hurricane disaster areas—

(A) during each of fiscal years 2005 through 2009;

(B) in each State; and

(C) in each county or parish;

(3) contains the total number of nonprofit organizations that—

(A) primarily serve hurricane disaster areas; and

(B) received a direct benefit from a program identified under paragraph (1) on or after August 28, 2005;

(4) to the extent practicable, contains—

(A) the total number of jobs created by the nonprofit organizations described in paragraph (3) using funds provided by programs described in paragraph (1); and

(B) the total number of units of housing constructed or redeveloped by the nonprofit organizations described in paragraph (3) using funds provided by programs described in paragraph (1);

(5) identifies any hurricane disaster area that is underserved by the programs identified under paragraph (1); and

(6) contains recommendations for improvements to the programs identified under paragraph (1) that would benefit areas affected by natural or man-made disaster.

**SA 2363.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, line 17, strike “\$85,000,000” and insert “\$88,000,000”.

On page 268, line 23, strike “\$50,000,000” and insert “\$53,000,000”.

**SA 2364.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 11 and 12, insert the following:

SEC. 234. The matter under the heading “COMMUNITY DEVELOPMENT FUND”, under the heading “COMMUNITY PLANNING AND DEVELOPMENT”, under the heading “DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT” in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3601) is amended by striking “: Provided further, That none of the funds provided under this head-

ing may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program”.

**SA 2365.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 11 and 12, insert the following:

SEC. 234. The matter under the heading “COMMUNITY DEVELOPMENT FUND”, under the heading “COMMUNITY PLANNING AND DEVELOPMENT”, under the heading “DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT” in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3601) is amended by striking “: Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program”.

**SA 2366.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) FUNDING LIMITATION.—Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, amounts made available in this Act for the National Railroad Passenger Corporation (Amtrak) shall immediately cease to be available if Amtrak prohibits the secure transportation of firearms on passenger trains.

(b) DEFINITION.—In this section, the term “secure transportation of firearms” means—

(1) if an Amtrak station accepts checked baggage for a specific Amtrak route, Amtrak passengers holding a ticket for such route are allowed to place an unloaded firearm or starter pistol in a checked bag on such route if—

(A) before checking the bag or boarding the train, the passenger declares to Amtrak, either orally or in writing, that the firearm is in his or her bag and is unloaded;

(B) the firearm is carried in a hard-sided container;

(C) such container is locked; and

(D) only the passenger has the key or combination for such container; and

(2) Amtrak passengers are allowed to place small arms ammunition for personal use in a checked bag on an Amtrak route if the ammunition is securely packed—

(A) in fiber, wood, or metal boxes; or

(B) in other packaging specifically designed to carry small amounts of ammunition.

**SA 2367.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of

Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 132. (a) The project description in item 3730 under section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended by adding at the end the following: “(to include the Montgomery Outer Loop)”.

(b) The project description in item 16 under section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended by adding at the end the following: “(to include the Montgomery Outer Loop)”.

**SA 2368.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 215, between lines 2 and 3, insert the following:

SEC. 156. Notwithstanding any other provision of law, amounts made available for the Rail Line Relocation and Improvement Program under title I of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 935) and directed to “Phase 3 Rail Rehabilitation in Redwood Falls, MN” in the explanatory statement appearing on page H2472 of the Congressional Record shall be available for obligation and expenditure for “Minnesota Valley Regional Rail Authority, MN.”.

**SA 2369.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 22 and 23, insert the following:

SEC. 172. (a) Title I of Public Law 106-346 is amended, under the heading “Capital Investment Grants”, by inserting “and Manchester” after “Nashua”.

(b) Title I of Public Law 107-87 is amended, under the heading “Capital Investment Grants”, by inserting “and Manchester” after “Nashua”.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate

on September 14, 2009, at 10 a.m. to conduct a hearing entitled “Cyber Attacks: Protecting Industry Against Growing Threats.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## ONE HUNDREDTH ANNIVERSARY OF UNIVERSITY OF WISCONSIN-LA CROSSE

Mr. MERKLEY. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 258 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 258) commemorating the 100th anniversary of the University of Wisconsin-La Crosse.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 258) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 258

Whereas La Crosse is located on the west-end border of middle-Wisconsin, on the east side of the Mississippi River;

Whereas the first Europeans to see the site of La Crosse were French fur traders who traveled the Mississippi River in the late 17th century;

Whereas La Crosse was incorporated as a city in 1856;

Whereas Thomas Morris sponsored a bill in the Wisconsin State Senate that led to the creation of the current-day University of Wisconsin-La Crosse;

Whereas the University of Wisconsin-La Crosse was founded in 1909 as the La Crosse State Normal School for the purpose of teacher preparation;

Whereas the philosophy of Fassett A. Cotton, the university's first president, was to train the whole person;

Whereas “mens corpusque”, Latin for “mind and body”, is the motto on the university seal;

Whereas the college changed its name to Wisconsin State College-La Crosse in 1951 when the Wisconsin State teachers colleges began awarding baccalaureate degrees in liberal arts;

Whereas the University of Wisconsin-La Crosse offers 88 undergraduate programs in 44 disciplines and 26 graduate programs;

Whereas the University of Wisconsin-La Crosse celebrated its 50th anniversary in 1959, the same year that presidential candidate John F. Kennedy visited the campus and spoke to the student body in Graff Main Hall auditorium;

Whereas U.S. News & World Report ranked the University of Wisconsin-La Crosse sec-

ond among midwestern public universities offering bachelor's and master's degrees;

Whereas the University of Wisconsin-La Crosse men's athletic teams adopted the nickname “Eagles” in the fall of 1989, and the women's teams adopted that nickname a year later;

Whereas the University of Wisconsin-La Crosse athletic teams have won 59 National Collegiate Athletic Association Division III titles in 9 different sports; and

Whereas 2009 marks the 100th anniversary of the founding of the University of Wisconsin-La Crosse: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 100th anniversary of the University of Wisconsin-La Crosse; and

(2) commends the university for its status as a leading public university that excels in academics, athletics, and quality of life for students.

## HONORING SOUTHERN CALIFORNIA FIREFIGHTERS

Mr. MERKLEY. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 265, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 265) honoring the firefighters who sacrificed their lives while battling the Station Fire in southern California in August 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 265

Whereas in late August 2009, the Angeles National Forest and neighboring communities north of Los Angeles, California were engulfed by an intense wildfire, which came to be known as the “Station Fire”;

Whereas the Station Fire, ignited by arson on August 26, 2009, burned more than 160,000 acres of public lands and private property in Los Angeles County and the Angeles National Forest, including more than 160 structures and homes;

Whereas as of September 9, 2009, the Station Fire was the 10th largest wildfire in modern California history, and the largest wildfire in the modern history of Los Angeles County;

Whereas as of September 9, 2009, the Station Fire continued to threaten 12,000 structures in the National Forest and nearby communities such as Acton, Altadena, Glendale, La Cañada Flintridge, La Crescenta, Pasadena, Littlerock, Sunland, and Tujunga;

Whereas more than 8,000 fire personnel and 800 fire engines and approximately 40 helicopters, 13 fixed winged aircraft, and 88 water tenders were deployed statewide to assist with firefighting efforts;

Whereas the extraordinary effort made by firefighters throughout the region contributed to the preservation of the historic Mount Wilson Observatory, a national landmark for astronomical research;

Whereas Fire Captain Tedmund D. "Ted" Hall, aged 47, and Firefighter Specialist Arnaldo "Arnie" Quinones, aged 34, lost their lives in the line of duty fighting the Station Fire;

Whereas Tedmund D. Hall joined the Los Angeles County Fire Department on April 22, 1981;

Whereas during his time in the Los Angeles County Fire Department, Tedmund D. Hall served the city of Lakewood, the city of Whittier, the city of La Puente, and the Department's command and control team;

Whereas in January 2001, Tedmund D. Hall was promoted to fire captain;

Whereas Tedmund D. Hall is survived by his wife, Katherine, sons Randall and Steven, and parents, Roland Ray and Donna Marie Hall;

Whereas Arnaldo Quinones joined the Los Angeles County Fire Department on August 6, 1998;

Whereas during his time in the Los Angeles County Fire Department, Arnaldo Quinones served the city of Palmdale, the city of Covina, and the city of La Cañada Flintridge;

Whereas in December 2005, Arnaldo Quinones was promoted to firefighter specialist; and

Whereas Arnaldo Quinones is survived by his wife, Loressa, who is expecting their first child, and his mother Sonia Quinones: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its heartfelt condolences to the families, fellow firefighters, and friends of Tedmund D. Hall and Arnaldo Quinones;

(2) recognizes the noble and brave service that firefighters provide to every community in the United States; and

(3) honors Tedmund D. Hall and Arnaldo Quinones for the sacrifices they made in giving their lives to protect Californians from the Station Fire.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101-595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from West Virginia (Mr. ROCKEFELLER), ex officio, as Chairman of the Committee on Commerce, Science and Transportation; and the Senator from Washington (Ms. CANTWELL), Committee on Commerce, Science and Transportation.

#### ORDERS FOR TUESDAY, SEPTEMBER 15, 2009

Mr. MERKLEY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, September 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the

morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half, with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of Calendar No. 153, H.R. 3288, Transportation HUD appropriations; and finally, I ask the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons. The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Madam President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Tuesday, September 15, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF COMMERCE

ERIC L. HIRSCHHORN, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE MARIO MANCUSO, RESIGNED.

##### ENVIRONMENTAL PROTECTION AGENCY

BARBARA J. BENNETT, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE LYONS GRAY, RESIGNED.

##### TENNESSEE VALLEY AUTHORITY

BARBARA SHORT HASKEW, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2014, VICE DONALD R. DEPRIEST, RESIGNED.

##### DEPARTMENT OF STATE

JEFFREY L. BLEICH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

LESLIE V. ROWE, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

MICHAEL W. PUNKE, OF MONTANA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED.

##### DEPARTMENT OF JUSTICE

LAURIE O. ROBINSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JEFFREY LEIGH SEDGWICK, RESIGNED.

##### THE JUDICIARY

BARBARA MILANO KEENAN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. DAVID J. CONBOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. JAMES V. YOUNG, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. IVAN N. BLACK

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 514:

##### To be lieutenant general

MAJ. GEN. JOHN F. KELLY

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) GREGORY J. SMITH

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

THOMAS M. ANDERSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major

RICKY B. REAVES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

##### To be major

JOSE R. PEREZTORRES

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

##### To be lieutenant colonel

LOYD A. GRAHAM  
JOHN T. LINNETT  
NINO A. VIDIC

##### To be major

VIRGINIA L. HAYS  
KRISTINE R. SAUNDERS  
BRETT A. SESHUL  
CHRISTINE E. STAHL

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

SONNIE D. DEYAMPERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be colonel

DOUGLAS LOUGE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, CHAPLAINS, UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### To be major

JAMES PEAK

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

##### To be lieutenant colonel

JOYVETTA LEWIS  
DARRIN W. OLINGER

##### To be major

JOSEPH C. GUIDO  
JEFFREY M. HUSTON  
STUART A. LUTTRELL  
JAE H. OH  
LEONARDO D. REEDER  
JAMES D. RYE  
STEVEN A. SABO  
AARON J. WIGGINS  
CHRIS A. WOODY  
WILLIAM A. WYMAN

##### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

##### To be lieutenant commander

BRIAN J. ELLIS  
MARY B. POHANKA  
GREGORY W. SAYBOLT  
MATTHEW L. TUCKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### To be captain

ANTHONY T. COWDEN

JAMES P. MURRAY  
PHILIP E. OLD

*To be commander*

MAURICE A. FISCHER

CYNTHIA S. SIKORSKI

*To be lieutenant commander*

JAMES L. BARR  
STEVEN A. DILIBERTO

MILL ETIENNE  
KHOA H. NGUYEN  
STEPHEN T. PADHI  
SEAN T. RICKS  
JARED E. SCOTT

## HOUSE OF REPRESENTATIVES—Monday, September 14, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 14, 2009.

I hereby appoint the Honorable MAZIE HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### CARGO SCREENING SOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, last week marked the eighth anniversary of 9/11. Congress should honor the memory of that tragedy by solidifying its homeland security agenda. That means taking the right steps to keep the Nation safe, free and prosperous. At the same time, Congress should resist initiatives that do not actually improve security and impair international trade.

The international maritime community has long voiced their concerns with the blanket application of the 9/11 law mandating 100 percent scanning of all U.S.-bound containers from more than 700 ports around the world. The countries that have raised concern include United States allies such as the United Kingdom, Germany, Japan, the Netherlands, New Zealand and Singapore.

H.R. 1, implementing the 9/11 Commission Recommendations Act of 2007, called the public's attention to issues of supply chain security and the potential threats faced by this Nation and all of those with a stake in this supply chain.

One hundred percent container scanning as a security tool may seem like an appealing way to ensure container security, but it is fraught with various operational and technical challenges. In addition, it provides a false sense of security, as the effectiveness of the analysts become degraded, given that there will be information overload and desensitization of the analysts.

Requiring 100 percent scanning of all in-bound sea containers, more than 11 million containers annually, may be well-intentioned, but it is not feasible, given the current technology. A 100 percent scanning requirement could simply strangle commerce, have a significantly damaging impact on American manufacturing and cost a lot of jobs.

The international flow of containers will also be slowed as a result of the severe bottleneck in busy ports. Similarly, U.S. ports such as Long Beach, New Jersey and Los Angeles will have their congestion problems exacerbated if the international maritime community makes similar reciprocal demands on the United States.

One other important point: The backup in cargo traffic caused by 100 percent scanning could inadvertently cause a higher security risk. Major delays in inspecting and processing containers would put the cargo in greater risk of tampering at the docks. 100 percent scanning will also bring about huge costs to port operators, shippers and ocean carriers. Costs incurred through such a requirement will eventually filter down to the very constituents that we are trying to protect. This will be essentially hurtful as consumers deal with rising prices and a weak economy.

U.S. manufacturers, large and small, have a substantial interest and concern regarding the security of our Nation's ports and the safe transport of their products. This legislation would levy counterproductive Federal mandates on industry, unnecessarily increase costs, cause massive delays and disruptions in the global supply chain and ultimately cost American jobs.

More can and should be done to secure our borders and supply chains against terrorist activities. H.R. 1, however, will impose additional cost burdens on the United States economy, both small and large, with the establishment of cargo security inspection protocols that rely simply on unproven technologies and that do not ensure security improvements that are commensurate with the expenses that would be

incurred to implement these programs. This legislation will add uncertainty and costs to the international supply chain, severely impacting the flow of legitimate trade, but with little demonstrative improvement in security.

My colleagues, there is an alternative approach which has broader international consensus, and that is a risk-based approach, coupled with the concept of total supply security along the chain. Such an approach, where all stakeholders in the supply chain undertake security measures to protect their cargo, is less duplicative and more holistic. A layered, risk-based, targeted approach to cargo security, rather than a one-size-fits-all, such as in H.R. 1, will provide more effective security with better utilization of limited resources.

So, my colleagues, striking the proper balance between security needs and the free flow of legitimate trade will continue to be a challenge that will face all of us into the future. Unfortunately, slowing the international supply chain and adding significant costs by implementing unproven technologies is not consistent with the challenge today.

Congress should rethink cargo screening mandates in H.R. 1 before more time, money and limited resources are wasted by the Department of Homeland Security.

### HAVING HONEST, MEANINGFUL DEBATE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 5 minutes.

Mr. GOHMERT. Madam Speaker, I appreciate, as always, the chance to address the House.

You know, two days before the President gave his speech here to the joint session last Wednesday, the President was on television, and I watched and typed up his comments, and he talked about the critics of his health care plan, including me as a critic of what I understand his health care plan to be. And the President said these exact words.

He said, "You have heard the lies. I have got a question for all those folks. What are you going to do? What's your answer? What's your solution? And, you know what? They don't have one."

That is simply not true. It is so difficult to try to have a meaningful debate over a bill, and even as I have, take H.R. 3200, the bill we have been given, and read directly out loud from

that bill to show what it actually says, and then have the President of the United States call critics of the bill liars. We are lying. You have heard our lies.

He keeps talking about "his plan," "his bill," "this plan," "this bill." Then he came over as a guest here in the Chamber. Now, some people don't understand why the President speaks from the lower podium rather than the upper podium. It is because this is the People's House. He is an invited guest into this House, and that is why he is at the lower podium.

We were given just excerpts just minutes before the speech started, and that came by BlackBerry, by e-mail, because we were told there was simply not time to get us a copy of the speech, as has always been done in a joint session any time I have been here in the last 4½ years, and I am told that has been the tradition. It is not a right, so nobody made demands. But imagine our surprise when we look up here in the gallery and see that every reporter appeared to have an entire transcript that they looked through as they went through his bill.

But I kept seeing in the transcript of the brief excerpts we were given the President referring to "the plan," "this plan," "our plan," "this bill," and again "this plan," without telling us what bill he is talking about if it is not H.R. 3200.

How do you have debate on a bill that is not the one before you? And there was debate all the next day among people. Is he embracing H.R. 3200? Some thought he was. Some thought he wasn't. Well, what bill? He says he is going to call us out if we misrepresent "his bill."

Tell us, Madam Speaker, we need to be told what the bill is before we can be called out as misrepresenting it. I would try read from the bill, if you would tell us what it is.

He also said in that speech, and I will read from the excerpt we were given, he said, "If you come to me with a serious set of proposals, I will be there to listen. My door is always open."

Well, I talked to my congressional friend TOM PRICE, who says he has been trying week after week to get to come talk to the President about his serious proposal. He has got a great one. I have a proposal. We have called over. And I am not going to call the President a liar, because I believe he knows his door is open. The problem is there are these massive gates and heavily armed guards between us and that open door that he says that is open to us.

Anyway, we had the Speaker of the House previously this year say the CIA lied. Now, of course, we have had the President say that we have spread lies. And they both used that "L" word.

We have been told that abortion is not covered, and everybody should know, especially people brilliant like

the President, if it is not specifically excluded, it is included.

The President told the CIA they were not going to be pursued over the interrogations, that he had their back. I am not going to say he lied, because he didn't say whether he was going to stab it or protect it.

But it is time for the President and our leadership over here to quit using the "L" word, because that "L" word goes down in our well, and as my late mother used to say, Madam Speaker, what is in the well will come up in the bucket.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Father, strong to save, You are ever faithful in Your love and concern for us all. In turn, You ask us to be faithful, listening to Your word and taking it to heart.

You require us to be faithful to our commitments, to Your commandments, to each other and those we serve in Your holy name.

Forgive our faults and failures. Help us to learn from our mistakes. May we recognize personal shortcomings so to make us all the more understanding of others.

May Your forgiveness free us to live a new life and be more forgiving. Thus may Your compassion for the poor, the weak and the alienated, Lord, guide us now and forever.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. GOHMERT) come forward and lead the House in the Pledge of Allegiance.

Mr. GOHMERT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## HEALTH CARE REFORM FOR ALL AMERICANS

(Mr. SABLAN asked and was given permission to address the House for 1 minute.)

Mr. SABLAN. Mr. Speaker, in his recent speech to the House and Senate, President Obama stated that leaving Americans without health insurance is wrong and "should not happen in the United States of America."

I could not agree more strongly with our President. When it is accessible and affordable, health care ensures high quality of life, helps families, and saves life.

In my home, the Northern Mariana Islands, our health care system is sorely in need of improvement. But the current health care bills being debated in the House and Senate exclude the U.S. territories from the exchange and affordability credits, denying the men, women, and children living there the benefits their fellow citizens will enjoy.

Mr. Speaker, to quote our President, this is wrong, and it should not happen in the United States of America.

I ask for the support of my colleagues in bringing health care reform to all Americans, including those in the territories.

## CONCERNS WITH GOVERNMENT-RUN HEALTH CARE PLAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, during the August recess, I was honored to host the largest congressional townhalls in the history of South Carolina: 1,700 people in Columbia; 1,500 in Lexington; 1,500 in Beaufort; and 1,200 in Hilton Head. During my 25 years of serving the public in the State Senate and Congress, I have not seen such passionate events full of patriots, 95 percent of whom support health insurance reform, but not a government takeover.

I presented my concerns in a handout with a government-run health care plan: \$1.6 trillion in costs, 100 million people losing their current coverage, \$818 billion in taxes, 1.6 million jobs lost, according to the National Federation of Independent Businesses, and rationing of care.

I presented a better way, the Empowering Patients First Act, introduced by the Republican Study Committee led by Dr. Tom Price. It provides for portability, keeping current coverage, tax

incentives to purchase insurance, lower costs through competition, and bars government-funded abortions.

In conclusion, God bless our troops, and we will never forget September the 11th in the Global War on Terrorism.

#### IT'S TIME FOR US TO TALK ABOUT HEALTH CARE

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, I have got some news here. It says as of September 10, 11:23 a.m., reported by The Hill, Speaker NANCY PELOSI said, Democrats should cease efforts to sanction Representative JOE WILSON. It goes on to quote her and says, It's time for us to talk about health care, not JOE WILSON.

But Democratic leaders, it goes on to say, were looking into what formal action the House might take against WILSON, and then, But PELOSI dismissed that idea as well as a call for WILSON to apologize on the floor.

I am on to health care reform. I am not going to discuss JOE WILSON, she said. I think his actions spoke for itself. He has apologized. He will figure out what is appropriate for him to do.

And I am really confused. What do you call it when somebody says something that they are going to do, and then they don't do it? What is that statement?

#### AMERICANS' TRUST IN MEDIA REACHES NEW LOW

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Americans' trust in the media has plummeted to an all-time low, according to a new survey by the Pew Research Center. According to Pew, only about a quarter of Americans say that news organizations are not politically biased, less than one-third say the media generally get the facts straight, less than one in five say that the media deals fairly with all sides of the story, and just 29 percent had a favorable opinion of the liberal New York Times, the lowest rating for any international organization in the Pew survey.

Americans have lost faith in the national media. Whether it's health care or other issues, it's up to the media to restore the public's trust by reporting the facts fairly.

#### APOLOGY ACCEPTED

(Mr. KING of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, I come to the floor today to make the

point that last Wednesday night during a joint session there was a very brief breach of decorum here by Congressman JOE WILSON, someone who is a true consummate Southern gentleman, an officer and a gentleman.

He immediately called the White House, the White House immediately accepted JOE WILSON's apology, and that must be the end of it. A gentleman that conducted himself as a gentleman immediately in the aftermath, without putting his finger to the political winds, he did the right thing.

No one has a claim to any further redress if the President of the United States accepts an apology, and he did.

So I stand with JOE WILSON. Let's get on with the business of this House, and let's start running this country instead of doing cheap political points, which I expect will be coming to the floor of this House sometime about tomorrow.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore VAN HOLLEN on Tuesday, August 25, 2009:

H.R. 3325, to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### RECOMMENDING TEACHING CONSTITUTION TO HIGH SCHOOL STUDENTS

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 686) recommending that the United States Constitution be taught to high school students throughout the Nation in September of their senior year, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 686

Whereas the United States Constitution is the fundamental law of the United States;

Whereas people in the United States of all ages, income levels, and political beliefs fail tests of civic literacy;

Whereas a 1998 survey revealed that more teenagers knew who the "Fresh Prince of

Bel-Air" was than the Chief Justice of the Supreme Court, more knew the star of the motion picture "Titanic" than who was the vice president of the United States, and more can name the Three Stooges and the 3 American Idol judges than can name the 3 branches of government;

Whereas fewer than half of all people in the United States can name the three branches of the United States Government;

Whereas students at top colleges and universities in the United States scored an average of only 59.4 percent for seniors and 56.6 percent for freshmen on tests of civic literacy;

Whereas people in the United States aged 25 to 34 score an average of 46 percent on a test of civic literacy and people aged 65 and over score the same 46 percent;

Whereas research shows that an increase in civic knowledge, including that of the United States Constitution, almost invariably leads to the beneficial use of that knowledge; and

Whereas research shows that greater civic learning leads to more active citizenship, and people in the United States who fulfill their civic obligations beyond voting are more knowledgeable about their country's history and institutions: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) all high school seniors across the country should spend at least one week learning about the United States Constitution in September of their senior year, as knowledge of this historic document, which constitutes the very foundation of our country, is critical to being an effective citizen; and

(2) upon reaching voting age, high school seniors should engage in civic learning activities on an issue of importance to them to demonstrate their understanding of their rights and responsibilities as citizens of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 686 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 686 and thank Mr. GRAYSON, the sponsor of this resolution, for his leadership.

Almost 222 years ago, on Thursday, September 17, 1787, the delegates to the Constitutional Convention met in Philadelphia for the last time to sign the document they created, a living and breathing document that stands as the world's longest surviving written charter government.

This resolution brings attention to the importance of this document by calling for all high school students to

learn about the Constitution. Many students today have little exposure to this rich document and its history. And without a basic understanding of the Constitution and the benefits it provides, it is less likely that these same students will vote or engage in active citizenship.

One program that combats this lack of knowledge is, "We the People: The Citizen and the Constitution." The program encourages civic awareness and responsibility in middle school and high school students through hands-on activities. Students discover firsthand how the Constitution and the Bill of Rights impact their everyday lives and participate in simulated congressional hearings. At the national level, students utilize higher-order thinking skills as they demonstrate their knowledge of constitutional theory by defending a historical or contemporary issue.

Programs like "We the People" make the Constitution come alive and help students connect what they are learning to contemporary issues and events. This type of learning is important not only for its academic aspects, but also for the way in which it improves our democracy. Learning about the Constitution promotes positive civic attitudes and fosters involvement in our democracy.

This Thursday, September 17, is Constitution Day, because on September 17, 1787, the Constitution was signed and history was made. One way students and teachers can observe this important day and celebrate the legacy of our Founding Fathers is by learning more about the timeless document signed 222 years ago and finding ways to actively participate in our democracy.

I want to express my support for this resolution and encourage young people to learn about how the Constitution affects their everyday lives. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I rise today in support of House Resolution 686, recommending that the United States Constitution be taught to high school students throughout the Nation in September of their senior year. It has been reported that just over half of all Americans can correctly identify the three branches of government. In fact, a recent poll indicated we have more people in America who can identify The Three Stooges than they can the three branches of government.

More than one in five believe that the three branches of government are the Republican, Democrat and independent branches, and only a small percentage of Americans can identify the role of the judiciary in the Federal Government. Yet, if you ask teenagers to name the three judges on "American Idol," they can rattle off their names immediately.

The word "civic" originates from the Latin word "civis," meaning "citizen." At the heart of civic education is the concept that we must understand what it means to be a citizen. The importance of civic education is that without a public informed about their civic duties, the rights and freedoms promised by our constitutional structure may not be realized.

Our young people in future generations must understand that it is our constitutional framework and the freedom and liberty it provides which forms the glue that holds our society together. The Constitution is a blueprint for connecting our large and diverse society in a peaceful coexistence, for the most part.

Passing on an understanding of our country's history and the constitutional framework upon which it was founded is the duty of one generation to the next. As my friend from the Northern Mariana Islands mentioned, September 17, 2009, will mark the 222nd anniversary of the signing of the U.S. Constitution.

□ 1415

I think it is appropriate that teachers and parents across the country use this anniversary as an opportunity to discuss the importance of our Constitution and the principles it embodies with all students, but especially high school seniors, who are preparing for the next chapter of their lives, and many of them to vote for the first time.

It is also important to note that when the Founders came together and finally agreed on this Constitution, it was born out of a distrust for government. So they put this document together, and it was a long process. In fact, Benjamin Franklin, after 5 weeks, said, We've been going 5 weeks. We have more noes than ayes. And then he went on to say, Of course, We know that a sparrow cannot fall to the ground without God's notice. And, How can an empire rise without his aid?

He went on to say, It's written in the sacred writing that unless the Lord build a house, they labor in vain that build it.

He went on to point out and make a motion that they should begin each day with prayer, just as we have from 1787 until now. But then they went on to finally create a document they could agree on with a House of Representatives. But they were concerned. There was all this debate. One House still wouldn't be strong enough to have all the checks and balances to control a government that might try to run away and take away their liberty.

So they didn't feel good about just one House. They wanted two houses. But they didn't want one House, maybe a House of Lords and a House of Commons, where one is more powerful than the other. They wanted both Houses to

be able to completely veto what the other is doing to stop the other House from moving forward with the law.

So they got two Houses, where they could do that. And that wasn't good enough. They said, We need an executive, but we don't want to have this thing where a legislative body then elects one of their own. We want somebody elected outside that, and then he can veto what those two Houses did.

You know, that is still not good enough, because we really don't trust government. Let's have another branch outside that, called the judiciary, and we will give them a veto over laws that are made, too. That way, we can control runaway government.

And it was ferocious argument and debate coming around to this final document that my friend from the Mariana Islands has pointed out has been such a tremendous asset for the history of mankind. And it was so moving that at the conclusion they agreed on the Constitution, they agreed to come forward with a Bill of Rights thereafter, that it's reported that Benjamin Franklin said, as he was recognized at the end, looking at the chair behind President George Washington as he stood there—and, by the way, this massive painting can be seen right outside this House—he said, Mr. President, I have been looking at the half of the sun carved in the back of your chair, wondering throughout this process if that were a rising sun or a setting sun. He said, I now believe that is a rising sun.

I agree with him, and I agree so wholeheartedly with my friend that this is an excellent proposal, a resolution to encourage this kind of thing, to recommend this to the State, not to ram it down anybody's throat; but young people need to know this, especially before they vote, know the three branches as well as the three judges from American Idol.

I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, again, I encourage my colleagues in the House to please support House Resolution 686.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 686, which recommends that the United States Constitution be taught to high school students throughout the Nation in September of their senior year. Understanding the Constitution and fundamentals of the government of the United States is essential to being a contributing member of our society. By recommending that the U.S. Constitution be taught to high school seniors, this measure will help prepare people of voting age to participate in the democratic process.

The state of public awareness and understanding of the U.S. system of government requires action to improve civic education. Americans from all walks of life—rich and poor, young and old, and Republican and Democrat—fail civic literacy tests. Moreover, many institutions of learning of all calibers and at all levels do not adequately prepare students to be knowledgeable citizens. Nearly

half of the States do not require that U.S. civics and American history be taught in school. Education is vital to improving the vitality of our democracy.

In Texas, teaching of the constitution is part of our social studies curriculum and 91 percent of our students passed our exit exams in the 2007–2008 school year. This shows an effort on our part to educate our students on the governing doctrine of our great nation and the retention by our students of this information. Instituting such requirements helps develop responsible adults who understand their responsibilities as a citizen of this great nation.

I believe that all citizens need to have a strong understanding of the U.S. Constitution and the institutions of U.S. government. Individuals must understand the basic tenets of our Constitution in order to protect their rights and fully participate in the democratic process. Furthermore, civic Recommending to the States that they teach the United States Constitution as a part of the senior year curriculum will send a clear message that civics is an important part of a high school education. Increasing knowledge of the U.S. Constitution and our government will also lead to increased civic engagement among our students. Teaching the basic tenets of government to those students who will then become voters will increase voter participation rates and create a more active citizenry.

Mr. BOOZMAN. Mr. Speaker, I rise before you today to express my support, not only for the principles of House Resolution 686, but for all of the historical foundations of our Nation and its laws. The Constitution is our Nation's most precious and important document. The Constitution spells out the vision that our founders had for this land and its people, while directing us on how to protect the many freedoms and gifts it provides us. A fundamental understanding of social studies, like many other subjects, is imperative for our children, and our Nation, to achieve their greatest potential. That understanding of social studies must include many things, but most importantly an understanding of our Constitution, our Founding Fathers, their vision and ideals for this Republic, and a sense of civic duty that embodies charity and the American spirit of independence. In order for our students to grasp these concepts and relate them to the rest of their educational experiences and daily lives, these concepts and themes must be revisited throughout the education of young Americans and not just for a week in September. As the Constitution is the foundation of our Republic and its laws and principles, in teaching our students about American government and American history the Constitution should provide a foundation and frame of reference throughout the educational process. I am greatly appreciative for all of our teachers and education professionals and thank them for the service they provide to our communities. I would encourage them to include our founding documents and the lessons provided by our Founding Fathers into their classrooms whenever possible.

Mr. SABLÁN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mar-

iana Islands (Mr. SABLÁN) that the House suspend the rules and agree to the resolution, H. Res. 686, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### SUPPORTING HISPANIC-SERVING INSTITUTIONS WEEK

Mr. SABLÁN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 737) expressing the sense of the House of Representatives that a National Hispanic-Serving Institutions Week should be established.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 737

Whereas Hispanic-Serving Institutions play an important role in educating many underprivileged students and helping them attain their full potential through higher education;

Whereas there are currently about 268 Hispanic-Serving Institutions in the United States;

Whereas Hispanic-Serving Institutions are actively involved in stabilizing and improving their communities;

Whereas celebrating the vast contributions of Hispanic-Serving Institutions contributes to the strength and culture of our Nation;

Whereas the achievements and goals of Hispanic-Serving Institutions are deserving of national recognition; and

Whereas the week of September 20th would be an appropriate week for such recognition: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the achievements and goals of Hispanic-Serving Institutions across the country;

(2) supports the designation of an appropriate week as “National Hispanic-Serving Institutions Week”;

(3) requests the President to issue a proclamation designating such week; and

(4) calling on the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic-Serving Institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

##### GENERAL LEAVE

Mr. SABLÁN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 737 into the record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLÁN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 737, which encourages the establishment of the week of September 20 as National Hispanic-Serving Institutions Week. Hispanic-Serving Institutions are degree-granting institutions with full-time equivalent enrollment that are at least 25 percent Hispanic. In 1990, there were only 137 recognized Hispanic-Serving Institutions. Today, there are 268 such institutions, educating more than half of all Hispanic college and university students in the Nation.

Hispanic Americans face multiple obstacles in access and completion of higher education. While Hispanic high-school graduates are more likely than their white peers to go on to college, they are less likely to complete their bachelor's degrees because of issues linked to poverty, immigration, and enrollment status.

Hispanic-Serving Institutions play a crucial role in addressing these issues and obstacles while remaining committed to educating underserved students across the country.

Working to increase enrollment and retention, Hispanic-Serving Institutions have created many innovative programs. At El Camino College in California, their “First Year Experience” class has rates 10 to 30 percent higher than the rest of the student body. The program provides a learning community through linked classes and a team of instructors and counselors who work together to increase student success.

At the University of Texas, El Paso, deep relationships with the surrounding K–12 community schools have helped bridge a path for students to obtain a higher education and be prepared for college-level work.

Hispanic-Serving Institutions continue to produce extremely accomplished members of our society. Their alumni include Members of Congress and some of the President's closest advisors in his Cabinet.

Lastly, it is important to note that September is Hispanic Heritage Month. This month celebrates the accomplishments and contributions of Hispanics in the United States while honoring the Hispanic culture in our country. It is appropriate that we include Hispanic-Serving Institutions in this honor.

I thank Representative GRIJALVA for his leadership in bringing this important resolution forward. Mr. Speaker, I ask my colleagues to support this important resolution and join me in my commendation of our country's Hispanic-Serving Institutions.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 737, a resolution expressing the sense of the House of Representatives that a National Hispanic-Serving Institutions Week should be established.

I want to thank the gentleman from Arizona, Mr. GRIJALVA, for introducing this resolution. Mr. GRIJALVA recognizes the important role that HSIs play for all postsecondary students, especially minority students.

HSIs and their student body are very diverse. The community of HSIs includes 2-year and 4-year institutions and public and private institutions. In 2007, 46 percent of students enrolled in HSIs were Hispanics, and the remaining 44 percent were a diverse mix of students from various ethnicities and backgrounds. Even with this diversity of the student body, geographical location and population served, the principal missions of all of these institutions is to provide a quality education.

HSIs deserve recognition for the contribution they make to the education community and the Nation. While comprising less than 10 percent of the Nation's institutions of higher education, HSIs educate over two-thirds of Hispanic students enrolled in colleges and universities. Most HSIs do not have access to the resources or endowment income that other institutions can draw on. However, they are still successful in their effort to provide a high-quality education, often to some of our most disadvantaged students.

We have consistently worked to improve the Nation's support for Hispanic-Serving Institutions. Just last Congress, the Higher Education Opportunity Act, the reauthorization bill for the Higher Education Act, included a provision that created a new program designed to allow these institutions to improve their graduate and professional programs. We also provided more flexibility to HSIs through broadening their uses of Title V funds to include activities like the development of articulation agreements, the development of distance learning technologies, and providing additional financial literacy counseling to students and families.

It is important that we recognize the contributions of HSIs and their graduates by celebrating HSI Week. The number of HSIs increases every year. From 2006 to 2007, 13 new institutions qualified as an HSI. These institutions provide an ever-increasing number of students with a high-quality education and leadership skills for the future, and they deserve recognition for such.

Mr. Speaker, I urge my colleagues to support this resolution.

I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, again, I encourage my colleagues to support House Resolution 737.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 737.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING NATIONAL COACHES APPRECIATION WEEK

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 6) recognizing the significant contribution coaches make in the life of children who participate in organized sports and supporting the goals and ideals of National Coaches Appreciation Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 6

Whereas coaches are a vital part of organized youth sports;

Whereas approximately 42 million American children participate in organized sports each year, but more than 20 million children in the United States lack the opportunity to participate in organized sports, in part because of an insufficient number of coaches;

Whereas a national effort to promote coaching is needed to increase the number of adults serving as coaches in youth sports;

Whereas the purpose of the Congressional Caucus on Youth Sports is to educate Members of Congress, the media, and the public on the need to restore a child-centered focus in youth sports that will produce immeasurable positive benefits for the well-being and character development of children;

Whereas sports and coaches help children fight obesity, increase their self-esteem, learn leadership skills, and discover how to incorporate the values of sports into other aspects of their daily lives;

Whereas youth sports activity can reduce gang participation and youth violence;

Whereas children need adults who will believe in them and who give children the support they need to be a success;

Whereas coaches can positively impact the physical, emotional, and educational life of children;

Whereas coaches who volunteer their time help educate children, serve as role models, and, in some situations, are parental surrogates; and

Whereas the designation of the week of September 13 through 19, 2009, as National Coach Appreciation Week would raise awareness and leverage resources to engage millions of children in organized sports that promote health, nutrition, and fitness, as well as other youth development outcomes: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the significant contribution coaches make in the life of children who participate in organized sports;

(2) supports the goals and ideals of National Coach Appreciation Week; and

(3) encourages the people of the United States to observe National Coach Appreciation Week with appropriate recognition, ac-

tivities, and programs to demonstrate the importance of sports and coaches in the life of children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 6 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 6, which recognizes the immeasurable contributions coaches make in the lives of children who participate in organized sports. This week, our Nation will honor adults who volunteer their time to coach our Nation's young with National Coaches Appreciation Week.

Approximately 42 million American children participate in organized sports each year. Youth sports, along with coaches, help fight childhood obesity, increase player self-esteem, develop leadership skills, and create opportunities for children to explore their passion. Participation in sports also develops discipline and fosters positive peer bonding, which helps keep students engaged in school. Because of their involvement with sports, many young athletes develop a lifelong commitment to exercise and well-being.

The benefits of sports participation cannot be overstated. High school students who participate in athletics are more likely to have a healthy mind and body.

□ 1430

Specifically, girls who play sports have better grades and are more likely to graduate compared to girls who do not participate in athletic activities. The risk of breast cancer, osteoporosis and obesity are also reduced with as few as 4 hours of exercise a week.

In addition to the many physical benefits of youth sports, coaches help athletes overcome personal challenges. The presence of a coach helps keep students engaged and provides alternative support systems that can help children stay away from mischief.

To acknowledge some of the dedication and hard work our youth sports coaches offer to children, the National Alliance for Youth Sports created a Coach of the Year award. This is a very prestigious national award that is given to an individual who is committed to the development of children.

Last year's winner, Clarence McQueen, demonstrated his commitment to children by coaching basketball, baseball and flag football while teaching the benefits of teamwork, trust and hard work.

Today, more than 20 million children in the United States lack the opportunity to participate in organized sports due, in part, to the lack of available coaches. We must continue to encourage adults to volunteer and commit time to youth sports, as this resolution suggests.

Mr. Speaker, once again I want to express my support for this resolution, and I thank Representative MCINTYRE for bringing this bill forward. I urge my colleagues to vote in favor of this bill.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 6, recognizing the significant contributions that coaches make in the lives of children who participate in organized sports and supporting the goals and the ideals of National Coaches Appreciation Week.

Coaches make a lasting impression on America's young people. I bet that almost every Member in this Chamber could name at least one coach that has had a profound impact on their lives and encouraged them to become the person that they are today. This resolution brings national attention to the contributions of coaches and recognizes the time and energy that they dedicate to the athletic and moral development of children. In addition, National Coaches Week aims to encourage more adults to give their time to coaching, enabling more children to benefit from participation in organized sports.

It is widely accepted that children can benefit in numerous ways from participation in organized sports. Research has found that children who play sports, especially girls, are more often likely to have a positive body image and a higher self-esteem. They also are less likely to be overweight. Children involved in sports are less likely to take drugs or smoke, and statistics show that students who are involved in sports while in high school are more likely to experience academic success and graduate from high school.

The role of a coach can vary from a high-intensity, full-time college football coach to a parent who volunteers to coach his 4-year-old daughter's community soccer team every week. Many coaches in high school are primarily teachers of academic subjects, and many volunteer coaches have other full-time careers in addition to their coaching duties.

Approximately 42 million American children participate in organized sports every year. Each one of these children is influenced in some way by the coach

or coaches who lead their team. Along with refining athletes' individual skills, coaches are responsible for instilling good sportsmanship, a competitive spirit and teamwork.

I stand in support of this resolution, recognizing the roles and contributions of America's coaches and recognizing National Coaches Appreciation Week, and I ask for my colleagues' support.

I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I am pleased to recognize the sponsor of this bill, the gentleman from North Carolina (Mr. MCINTYRE), for 5 minutes.

Mr. MCINTYRE. Mr. Speaker, I rise today in support of a bill that I introduced on the very first day of this session of Congress, House Resolution 6, a resolution which recognizes this week, September 13 through 19, as National Coaches Appreciation Week.

The narrative of the American coach is a powerful testament to the role that volunteerism has played in shaping our country. The passage of H. Res. 6 will build upon this and add another layer of support to those countless individuals and families who give of their time voluntarily to encourage, work with and support our Nation and its young people, as well as time to hold practices, organize games and rally interests within their communities.

I started the Congressional Caucus on Youth Sports in 2006 in order to shift the focus of our youth sports culture. There had been a report card done on the attitudes of many toward youth sports and toward the umpires, the referees and the coaches, and the bad language and the ugly fights that were occurring and the way people were putting down those who took time to work with our young people.

This is a chance for us to emphasize powerful values that we all want for our families and our communities; opportunities not only to emphasize things like sportsmanship, but also what goes along with sportsmanship, those concepts of teamwork, of civility, of respect, of discipline, of loyalty and of learning how to graciously accept the victories and the defeats that we all may face in life from time to time.

As a result, I've also had the benefit of meeting with other youth sports organizations from all over this country that are doing wonderful work, trying not to start another government program but to work with the programs that are already working in our communities across this Nation.

Every afternoon, including this afternoon, there will be young people after school, hurrying out to football fields, soccer fields, tennis courts and other venues to get ready, to practice for their games this weekend. There will be all kinds of recreational activities going on, and we need to be supporting those parents, those families and those volunteer coaches who are out there

giving of their time to help support our young people.

This isn't about reform or reinventing the wheel. It's about simply recognizing these contributions, honoring them, and then providing the tools and the resources to help them do well what they're already doing and for which we are grateful.

I would also like to thank our caucus cochairman, JIM JORDAN from Ohio, for his work on this, and a fellow Congressman from North Carolina, HEATH SHULER, who chairs the Professional Sports Caucus, because they too have been supportive of this effort.

I remember, as many of you probably do, having the influence of sports in my life. My father, Dr. Douglas McIntyre of Lumberton, North Carolina, coached me growing up, and I've had the same privilege to coach my sons Joshua and Stephen and, in fact, over 130 other young people in three different sports over 7 years who only knew me as Coach MCINTYRE.

I had the opportunity to work with them, to encourage them, to build their self-esteem as well as the other practical benefits of sports not only in character but physical fitness and fighting obesity and a healthier lifestyle. And by working with three all-American, drug-free teams that I coached, they also learned the dangers of getting involved in activities that can only hurt and not help your self-image and your physical well-being.

We all know of coaches who have helped a player make a tough decision, pushed a player to achieve things they never thought possible, and shaped their sense of integrity, character and discipline that now propels them to the successes that they can accomplish today and tomorrow.

Mr. Speaker, I urge my colleagues to support H. Res. 6 and honor National Coaches Appreciation Week; and in doing so, colleagues, you are supporting and recognizing a vital part of our country's culture and ensuring that our Nation's youth have access to role models who can put them on the path to achievement.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mr. SABLON. Mr. Speaker, I want to again express my support for this resolution, and I ask my colleagues to vote in favor of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 6 to recognize the significant contribution coaches make in the life of children who participate in organized sports and to support the goals and ideals of National Coaches Appreciation Week. Our coaches deserve to be honored for the work they put forth in developing the young minds of tomorrow's leaders. Coaches have long served as the backbone of youth sports, nurturing generations of minds, bodies and souls.

H. Res. 6 applauds the ongoing effort of our coaches who put in extra time and effort to make the difference in the lives of our children; coaches are a vital part of organized youth sports. Their efforts welcome approximately 42 million American children to participate in organized sports each year. However, 20 million children here in the United States are unable to participate in organized sports, in part due to an insufficient number of coaches. A national effort to promote coaching is needed to increase the number of adults serving as coaches in organized sports.

The Congressional Caucus on Youth Sports will educate Members of Congress, the Media, and the Public on the need to restore a child-centered focus in youth sports that will produce immeasurable positive benefits for the well-being and character development of children. Sports and coaches help children fight obesity, increase their self-esteem, learn leadership skills, and discover how to incorporate the values of sports into other aspects of their daily lives. Children need adults who will believe in them and leaders who give children the support they need to be a success. Coaches can positively impact the physical, emotional, and educational life of children. According to Paul Caccamo, President of Up2Us, a national coalition that seeks to increase the impact of and access to youth sports as a tool for positive youth development, "Young people who play sports are higher achievers." He also said that "They are more likely to attend college, land jobs with more responsibility and greater pay, and less apt to fall to drug and alcohol abuse. With dropout rates and gang activity on the rise in our urban cities, we cannot afford to stand by when we know there's an alternative. National Coach Appreciation Week recognizes the men and women who have dedicated their time to give our children better, brighter futures."

Not only will National Coach Appreciation Week recognize the men and women who have dedicated their time to give our children better and brighter futures, it will put forth a great effort to recruit more adults to do this admirable work. As stated by the Up2Us coalition "National Coach Appreciation Week would raise awareness and leverage resources to engage millions of children in organized sports that promote health, nutrition, and fitness, as well as other youth development outcomes."

Mr. SABLAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 6.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SUPPORTING NATIONAL SAFETY MONTH

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 459) expressing support for designation of "National Safety Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 459

Whereas, after years of decline, the rate of unintentional injuries and deaths in the United States has reversed and has reached unacceptably high levels in recent years;

Whereas deaths from motor vehicle collisions, poisonings from unintentional overdoses, and falls remain as the three leading causes of preventable death in the United States;

Whereas the cost of unintentional injuries to people in the United States exceeds \$684,400,000,000 each year and causes great suffering among individuals and their families;

Whereas the cost of unintentional injuries to workers and their employers is \$175,300,000,000 each year, including the value of 114,000,000 days of lost productivity;

Whereas preventing unintentional injury and death requires the cooperation of all levels of government, the Nation's employers, and the general public;

Whereas the National Safety Council, founded in 1913, was congressionally chartered in 1953 to lead this Nation in injury prevention through safety and health education, training, and advocacy in the United States;

Whereas the National Safety Council educates the workforce about policies, practices, and procedures leading to increased safety, protection, and health in business and industry, as well as in schools and colleges, on roads and highways, and in homes and communities;

Whereas since the summer season is a time of increased rates of preventable injuries and death, it is an appropriate time to focus the attention of our workforce and community leaders on injury risks and preventions by celebrating June 2009 as "National Safety Month"; and

Whereas the National Safety Council in 2009 as part of its public education about safety and health will provide this Nation a monthlong campaign in June: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of "National Safety Month";

(2) recognizes the contributions of the National Safety Council and its ongoing commitment to raising awareness about the need for the implementation of safe practices in our schools and jobs; and

(3) encourages citizens to observe the "National Safety Month" with appropriate ceremonies and educate themselves about the importance of implementing safe practices in our schools and on our jobs to prevent unintentional injury and death.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

## GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 459 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of House Resolution 459 which recognizes the month of June as National Safety Month and commends the National Safety Council for its ongoing commitment to educating the public on the prevention of accidental injury and death.

The National Safety Council was established in 1912 by a small group of midwestern industrial leaders concerned about safety in the workplace. Since then, the council has broadened its scope to include the home, transportation and the community. Its membership has grown to over 18,000 companies with more than 33,000 locations. All together, the council represents 8.3 million employees across the Nation.

In 1953, a congressional charter was granted to the National Safety Council to lead the country in injury prevention through safety education and training. The council has had a great impact at the local level by providing a variety of community-based programs and services, including workshops, training and conferences, as well as by providing a local voice for safety and health education. Through the efforts of the National Safety Council, more than 8.5 million rescuers have been trained and more than 60 million people have taken one of the NSC defensive driving courses.

The training and information offered by the National Safety Council has helped raise attention to the cost of accidental injuries to this Nation. Each year, accidental injuries cost Americans more than \$684 billion. Additionally, unintentional injuries cost workers and their employers \$175 billion each year.

We know that the work of the National Safety Council complements the essential injury prevention and emergency response training efforts by the Occupational Safety and Health Administration, the Mine Safety and Health Administration and the many excellent State worker safety and health agencies. While National Safety Month is over, the health and safety of our workers and families should be a top priority year round.

Mr. Speaker, once again, I express my support for National Safety Month, and I want to thank Congressman ROSKAM for bringing this bill forward. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 459, expressing support for the designation of National Safety Month. I want to thank my colleague, Mr. ROSKAM of Illinois, for introducing this resolution. This resolution recognizes the work of the National Safety Council to educate our citizens about accident and injury prevention.

The National Safety Council works tirelessly through its nationwide networks to prevent accidents in the workplace, in our homes and on our roads. Founded in 1913 and congressionally chartered in 1953, the National Safety Council conducts workshops and training opportunities to help prevent both injuries and illness. These include a diverse range of issues from preventing the spread of H1N1 to making drivers more aware of the dangers of distracted driving.

This week, the council is encouraging parents to ensure proper child safety seat installation. According to the NSC's statistics, motor vehicle crashes are the leading cause of death for children 2 to 12. And as adults are buckling in children, the council reminds them to use their seat belts as well.

Many injuries are preventable and constant vigilance in our daily activity will go a long way to reduce the risk. I rise today to commend the National Safety Council for its dedication to the important task of raising awareness of accident and injury prevention, and I urge the passage of H. Res. 459, commending the council's service to the Nation. I ask my colleagues to support this resolution.

Having no additional speakers, I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, once again, I express my support for National Safety Month, and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 459, which expresses support for the designation of June as National Safety Month. Promoting safety awareness will help to reduce thousands of preventable injury and deaths in the United States in the workplace, on roads and highways, and in our homes and neighborhoods.

Each week of National Safety Month focuses on a different aspect of safety: traffic, workplace, home, and community. This year's National Safety Month themes are teen driving, fall prevention, overexertion, and distracted driving. The statistics on the types of safety that comprise this year's National Safety Month are jarring.

According to the National Safety Council, NSC, traffic crashes are the number one cause of teen fatalities, accounting for 38 percent of all teen deaths. In 2007, 20,600 people died from falls in U.S. homes and communities. Moreover, the U.S. Department of Labor documented that 8 percent of all occupational fatalities from trauma were caused by

falling. Overexertion, particularly in the form of back injuries, affects over 1 million workers. Lastly, 80 percent of automobile crashes are the result of distracted driving. Given these drastic statistics, I believe that National Safety Month is an important effort to improve the well being of our country.

Injuries and loss of life due to preventable accidents are tragedies that traumatize workplaces, families, and communities. In addition to the suffering of the victims and their families, accidents in the home and on the road created over \$600 billion in costs to Americans. Accidents in the workplace created over \$175 billion in costs for workers and employers. I believe that National Safety Month will help to improve our national economy as we climb out of the economic downturn.

In my home State, the Texas Chapter of the National Safety Council is working hard to educate and influence the public in order to prevent accidental injury and death. The Texas Chapter contributes to Texas' public safety through events such as National Seat Check Saturday, National Child Passenger Safety Week, National Preparedness Month, and the Texas Safety Conference & Expo. I am proud of the work that the Texas Chapter of the NSC does to train safety professionals, reach out to the public for safety education, and raise awareness of safety.

By raising awareness and educating the public on safety, National Safety Month honors the work of safety experts and professionals. Safety experts research, analyze, and publish information on improving safety in many aspects of our daily lives. Safety professionals provide training in schools and colleges, workplaces, and communities, as well as to drivers across the country. The work of these men and women save countless lives each year, and through this resolution, we honor their contribution to society.

In addition to supporting National Safety Month, we must also recognize the achievements of the National Safety Council, NSC. The NSC was established in Illinois in 1913 to promote industrial safety. Since then, their mandate has expanded to include traffic safety, home safety, community safety, and workplace safety at large. In 1953, the NSC received a Congressional Charter. Today, over 51,000 labor organizations, businesses, schools, public agencies, private organizations, and individuals comprise the NSC. The NSC and its 40 member local chapters coordinate safety events, educate the public, analyze safety research, and raise awareness about safety issues. The NSC inaugurated the first National Safety Month in June 1996. In addition to National Safety Month, the NSC holds an annual Congress & Expo to exchange information among safety experts, safety professionals, and the safety industry. Their work is an invaluable contribution to the well-being of our country.

Mr. SABLAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution, H. Res. 459.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SABLAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

#### SUPPORTING THE GOALS AND IDEALS OF SENIOR CAREGIVING

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 59) supporting the goals and ideals of senior caregiving and affordability, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 59

Whereas 8,000 people in the United States turn 60 years old every day;

Whereas an estimated 35,900,000 people, 12.4 percent of the population, are 65 years of age and older;

Whereas the United States population age 65 and older is expected to more than double in the next 50 years to 86,700,000 in 2050;

Whereas the 85 and older population is projected to reach 9,600,000 in 2030 and double again to 20,900,000 in 2050;

Whereas it is estimated that 4,500,000 people in the United States have Alzheimer's disease today;

Whereas it is estimated that number will increase to between 11,300,000 and 16,000,000 by 2050;

Whereas 70 percent of people with Alzheimer's disease and other dementias live at home, and these individuals are examples of individuals who need assistance in their homes with their "activities of daily living";

Whereas currently over 25 percent of all seniors need some level of assistance with their "activities of daily living";

Whereas in order to address the surging population of seniors who have significant needs for in-home care, the field of senior caregiving will continue to grow;

Whereas there are an estimated 44,000,000 adults in the United States providing care to adult relatives or friends and an estimated 725,000 nonfamily private paid senior caregivers;

Whereas both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes;

Whereas the Department of Labor estimated that paid caregivers for the year 2006 worked a total of 835,000,000 hours, and the projected hours of paid senior caregivers are estimated to increase to 4,350,000,000 hours by 2025; and

Whereas the longer a senior is able to provide for his or her own care, the less burden is placed on public payment systems in State and Federal governments: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) recognizes caregiving as a profession;

(2) supports the private home care industry and the efforts of family caregivers nationwide by encouraging individuals to provide care to family, friends, and neighbors;

(3) encourages accessible and affordable care for seniors;

(4) reviews Federal policies and supports current Federal programs which address the needs of seniors and their family caregivers; and

(5) encourages the Secretary of Health and Human Services to continue working to educate people in the United States on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

#### GENERAL LEAVE

Mr. SABLÁN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Concurrent Resolution 59 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 59, which is a bill that supports the ideals of senior caregiving and addresses the important issue of affordability.

Research professionals tell us that our seniors are living longer than any previous generation. The number of people over the age of 65 will double in the next 50 years, and the demand for senior care will rise to unprecedented levels. Currently, 25 percent of all seniors need some level of assistance with their daily living activities. Families, neighbors, and private care serve this role for many seniors. As demand increases, so does the need for affordable and quality care.

There are between 30 and 38 million adult caregivers age 18 and older. They are our friends, family members, partners, and neighbors. On average, they work 21 hours per week. Not only do these unpaid caregivers provide long-term services to persons of all ages, but they contribute to the economy. In 2006, the AARP estimated that caregiving services have an annual economic value of \$350 billion.

Many caregivers put their own health at risk while caring for others. Caregivers are more likely to report chronic illnesses at twice the rate as non-caregivers. Though they save the country billions of dollars, caregivers report having higher medical bill expenses than noncaregivers.

Providing better support for caregivers is essential to the well-being of

our health care system, our long-term care system, and our economy.

I want to express my support for this resolution and thank Congressman TERRY for bringing this resolution forward. I urge my colleagues to support me on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today and am proud to do so in support of House Concurrent Resolution 59, supporting the goals and ideals of senior caregiving. I also want to take the opportunity to thank my colleague from Nebraska (Mr. TERRY) for introducing this resolution.

According to the Administration on Aging, the number of people age 65 and older was 37.9 million in 2007, an increase of 3.8 million since 1997. The population of those 65 and older is projected to increase from 40 million in 2010 to 55 million in 2020. The number of those 85 and older is projected to increase from 4.2 million in the year 2000 to 6.6 million in the year 2020.

In the United States today, it's estimated that 4.5 million people have Alzheimer's disease, and this number is expected to increase to between 11.3 million and 16 million by 2050. Seventy percent of people with Alzheimer's disease and other dementias live at home and need assistance to perform normal daily activities.

Today, a quarter of all seniors need some level of assistance with their daily activities, and according to the Administration on Aging, persons reaching age 65 have an average life expectancy of an additional 19 years.

Caregiving for these individuals takes many forms. Caregivers may be full- or part time, live with their loved one, or provide care from a distance. Caregiving ranges from simple help such as shopping to conducting medical procedures.

There are an estimated 44 million adults in the United States providing care to adult relatives or friends. The longer a senior is able to provide for his or her own care, the less burden is placed on our public systems. Caregivers keep individuals out of institutions and help them live out their lives in familiar surroundings and with dignity. It is appropriate that we take a few minutes today to honor these individuals who give so much of themselves to provide care for our aging population.

I stand in support of this resolution recognizing the profession of senior caregiving and supporting the private home care industry, and I ask for my colleagues' support.

Ms. WATERS. Mr. Speaker, I rise in full support of H. Con. Res. 59—supporting the goals and ideals of senior caregiving and affordability. Our national population of seniors

is growing at unprecedented rates. National statistics reveal that 8,000 people turn 60 each day. Moreover, an estimated 44 million adults in the United States currently provide care to their senior relatives and friends. In light of these trends, it is our responsibility to ensure that senior citizens, especially those suffering from Alzheimer's disease and other forms of dementia, have access to the quality and professional care they need to live their lives to the fullest. I commend Rep. LEE TERRY for bringing this measure before the floor.

This resolution demonstrates that Congress is concerned about our senior citizens and we are actively engaging and learning more about the senior caregiving industry. Today, 35.9 million people, roughly 12.4 percent of the U.S. population, are aged 65 years and older. Moreover, 25 percent of all seniors require some level of assistance with their daily life activities. At this rate, the population of seniors is expected to increase each year and is in danger of exceeding the availability of qualified professionals and trained caregivers. Therefore, it is important that we now begin to take the necessary steps to effectively manage the needs of our aging population.

We can accomplish this objective by providing some much needed support to family caregivers across the country. Family caregivers expend a lot of time, energy, and resources caring for their senior relatives. And many families that do not provide care within their homes rely on non-family private caregivers. In this regard, Congress must help to foster a private home care industry environment that supports enterprises that provide accessible and affordable caregiving services to seniors. This must also include standardized training to paid caregivers with the opportunity for their ongoing professional development. Additionally, Congress must examine and continue to fund current federal programs that address the affordability and accessibility challenges our seniors and their family caregivers face.

Mr. Speaker, I am pleased to add my voice of support for H. Con. Res. 59—supporting the goals and ideals of senior caregiving and affordability. And I look forward to working with my colleagues to ensure we continue to provide the necessary resources toward senior caregiving and improve affordability so that all our senior citizens will have access to quality caregiving when they need it.

Mr. TERRY. Mr. Speaker, thank you for conducting this debate on H. Con. Res. 59. This important concurrent resolution supports the goals and ideals of senior caregiving. I would like to thank the distinguished Chairman and Ranking Member of the House Education and Labor Committee as well as the Chairwoman and Ranking Member of the Subcommittee on Healthy Families and Communities for their role in bringing this concurrent resolution to the House Floor. Furthermore, I would like to particularly thank the 42 cosponsors of this important resolution.

Seniors are one of our most precious resources. In order to take care of our seniors, we need a nation of caregivers.

On March 30, 2009, I introduced H. Con. Res. 59 in order to help promote the goals and ideals of senior caregiving. The idea for this concurrent resolution was brought to me

by the world's large senior care provider, Home Instead Senior Care, which is located in my congressional district in Omaha, Nebraska. Home Instead understands first hand the importance of senior caregiving. Its over 800 franchises worldwide provide care to over 60,000 seniors. Home Instead is just one of hundreds of companies who provide care to seniors. In addition to these paid caregivers, you have millions of individuals who provide care to their elderly parents, siblings, friends etc.

To illustrate the need for senior caregivers, today in the United States, there are more than 38 million people who are 65 years of age or older and this number is expected to more than double by 2050. For this reason, it is critical that we as a nation are prepared to meet and manage the needs of our aging population. We must work to educate people in the United States on the impact of aging and the importance of knowing the options available to seniors when they need assistance to meet their personal needs.

In 2006, the U.S. Bureau of Labor Statistics reported a total of 767,000 paid personal and home care aides providing more than 835 million hours of care to a senior population of 38 million. These statistics speak to the point that seniors prefer to remain in their homes if their needs are met with affordable and safe homecare. I firmly believe the longer a senior is able to provide for his or her own care, the less burden is placed on public payment systems in state and federal governments.

This important concurrent resolution pledges to study the needs of an aging population and seeks alternatives which can make caregiving more affordable. Moreover, this resolution importantly recognizes the caregivers who provide these homecare services. This resolution will draw attention to our everyday heroes who enhance the lives of our senior population. This resolution also focuses on those caregivers who are excited to have an employment opportunity to work with our seniors.

I would like to take this opportunity to thank the three national associations who are supportive of this legislation: National Family Caregivers Association; the National Association for Home Care and Hospice; and the National Private Duty Association. These three groups illustrate the widespread support for this resolution amongst the caregiver community.

In conclusion, Mr. Speaker, H. Con. Res. 59 is an important step in recognizing the important work of caregivers. I encourage my colleagues to support this important concurrent resolution.

NATIONAL PRIVATE DUTY ASSOCIATION,  
*Indianapolis, IN, July 1, 2008.*

The National Private Duty Association formally endorses the Concurrent Resolution which Home Instead Senior Care has circulated. This Resolution does an excellent job of promoting the goals and ideals of senior caregiving and affordability.

The National Private Duty Association is supportive of the intent of this Resolution which is to increase the visibility of senior caregivers in a positive manner. Moreover, the National Private Duty Association believes the six recommendations listed in the Resolution are important steps forward in our effort to educate the public on senior caregiving.

We encourage other associations to support this Resolution effort and we look forward to becoming a part of the coalition in support of this. I would be happy to discuss the merits of this Resolution at any time.

Sincerely,

SHEILA McMACKIN,  
*President,*  
*National Private Duty Association.*

NATIONAL FAMILY  
CAREGIVERS ASSOCIATION,  
*Kensington, MD, September 1, 2008.*

PHYLLIS HEGSTROM,  
*Secretary of Industry Affairs, Home Instead,*  
*Omaha, NE.*

DEAR PHYLLIS: The National Family Caregivers Association supports your resolution to bring attention to the work of the private pay homecare industry. Although family caregivers provide 80% of all longterm care services, we can't do it alone. We need a healthy homecare industry that we can turn to for help on a regular or intermittent basis.

As the country continues to age, and as the number of people 85 and older increases, the ability of our nation to support caregiving in the home will increase exponentially. Given that services to assist people with activities of daily living and instrumental activities of daily living are not covered by Medicare, and long-term care insurance is not a realistic solution for many Americans, it is incumbent on all of us to work together to find solutions to the problems that face us individually and as a nation.

Thank you for making this effort on behalf of families, homecare providers, and the caregivers who are the lifeblood of your industry.

Sincerely,

SUZANNE MINTZ,  
*President/Co-founder.*

NATIONAL ASSOCIATION FOR  
HOME CARE & HOSPICE,  
*Washington, DC, December 1, 2008.*

PHYLLIS HEGSTROM,  
*Secretary of Industry Affairs, Home Instead*  
*Senior Care, Omaha, NE.*

DEAR PHYLLIS: The National Association for Home Care & Hospice is the nation's largest organization that advocates on behalf of providers of home care and hospice services, their employees, and their clients. We congratulate you and heartily endorse your efforts to secure enactment of a Congressional resolution that supports family and professional caregivers, calls for continued funding for programs that provide vital community-based services, and recommends broader education of the public and policymakers on the needs of our growing senior population.

In recent years our nation's health care needs have changed considerably, and one of our greatest challenges at this time is the development of more effective means of caring for individuals with multiple chronic conditions. This challenge can only be effectively met by greater emphasis on the services and supports that allow our population to enjoy maximum functioning in the least restrictive environment possible. For most individuals, that environment is the home. We strongly support any efforts that help to raise awareness and expand access to home and community-based services, as well as to ease the burden on informal caregivers.

Many thanks for your commitment to the disabled and infirm citizens of our nation. Please feel free to call upon us if we can be of any assistance to you.

Sincerely,

VAL J. HALAMANDARIS,  
*President.*

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SABLON. Mr. Speaker, I wish to express my support for this concurrent resolution, and I urge my colleagues to support its passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 59, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING EFFORTS TO REDUCE INFANT MORTALITY

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 260) supporting efforts to reduce infant mortality in the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 260

Whereas the infant mortality rate of a nation is an important indicator of that nation's overall health;

Whereas the Centers for Disease Control and Prevention have found that the United States ranked 29th in the world in infant mortality in 2004, falling from 12th in 1960;

Whereas there are more than 28,000 deaths to children under 1 year of age each year in the United States;

Whereas preterm birth has a considerable impact on the United States infant mortality rate, in 2005, 68.6 percent of all infant deaths occurred to preterm infants, up from 65.6 percent in 2000;

Whereas the United States infant mortality rate for non-Hispanic Black women was 2.4 times the rate for non-Hispanic White women in 2005;

Whereas in 2005, the United States infant mortality rates were above average for non-Hispanic Black women at 13.63 deaths per 1,000 live births, for Puerto Rican women at 8.30 deaths per 1,000 live births, and for American Indian or Alaska Native women at 8.06 deaths per 1,000 live births;

Whereas in Memphis, Tennessee, the infant mortality rate is three times higher than that of the United States (higher than any other city in the country), and the 2005 infant mortality rate in the 38108 zip code of Memphis was deadlier for babies than that of the countries of Vietnam, Iran, and El Salvador with 31 deaths per 1,000 live births, 5 times that of the 2005 national average of 6.86 deaths per 1,000 live births;

Whereas adequate prenatal care has a studied, positive effect on the health of the baby;

Whereas prenatal care is one of the most important interventions for ensuring the health of pregnant women and their infants;

Whereas 29 percent of mothers 15 to 19 years of age received no early prenatal care in 2004 according to the Department of Health and Human Services;

Whereas non-Hispanic Black mothers were 2.6 times more likely than non-Hispanic White mothers to begin prenatal care in the third trimester, or not receive prenatal care at all;

Whereas babies born to mothers who received no prenatal care are three times more likely to be born at low birth weight, and five times more likely to die, than those whose mothers received prenatal care, as stated by the Department of Health and Human Services;

Whereas the United States' high infant mortality rate reflects in part racial disparities in premature and low birthweight babies; and

Whereas the racial disparities in infant mortality may relate to socioeconomic status, access to medical care, and the education level of the mother: Now, therefore, be it

*Resolved*, That the House of Representatives supports efforts to understand racial disparities and the rate of infant mortality in order to lower the rate of infant mortality in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Tennessee (Mrs. BLACKBURN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

#### GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 260, a resolution that supports efforts to reduce infant mortality in the United States.

The United States amazingly enough ranks 29th in the world in the incidence of infant mortality. That is a shocking figure. And while there are a lot of reasons for infant mortality—there's education, there's health care, there are certain other issues that may be existent—health care is the primary one. And as we discuss health care in this Congress, it is hard to submit looking at the United States being 29th in the world in infant mortality, that we don't have a problem somewhere with our health care system.

The extremely high incidence of infant death in the African American community is particularly troubling. In Shelby County, Tennessee, the county which I represent, African American babies die at three times the Nation's infant mortality rate. Prematurity is the number one cause of infant death in the United States, accounting for at

least 60 percent of those deaths. Poor women are much more likely to deliver a premature or a low-weight baby as they cannot afford prenatal care or are simply not educated about what is required for women during pregnancy or have access to health clinics or inner-city doctors, general practitioners, which might be provided if we can pass a health care bill here.

We must work together to lower our country's infant mortality rate, and that starts with lowering our rate of premature births and educating people and providing access to health care.

I was spurred to introduce H. Res. 260 by the devastating rate of infant mortality in Memphis, in Shelby County. And I represent part of Shelby County; the honorable gentlewoman from Brentwood, Tennessee, represents a part of Shelby County, as well, on the Republican side.

In 2007 the 38108 ZIP code in north Memphis, which is a predominantly low-income neighborhood, had an infant mortality rate of 31 deaths per 1,000 live births. That's almost five times the Nation's rate of 6.78 deaths per 1,000 live births; and that ranks the 38108 area worse than the developing nations of Iran, Indonesia, Nicaragua, El Salvador, Syria, and Vietnam in infant mortality.

In my own family, there was an incident of infant mortality. My mother and father's first child, Rosemary, died at 1 month of age in 1945. She was buried with some other family members, not direct family, in 1945. When my father passed in 1992, we buried him at Elmwood Cemetery, a different cemetery than where my sister was buried. But my mother was so touched and always was by the loss of her child that she had her name put on the stone with my father even though her remains were at another cemetery where her name was also.

That taught me something about infant mortality: a mother never forgets the loss of a child, and it affects that mother forever. So it's a problem that affects people of all races and stays with us for all time.

I recently had the opportunity to visit Africa, several countries there, one of which was Liberia, which has a very high rate of infant mortality as well. They have very few doctors there. They don't have good health care. And that has got to be a problem that we need to deal with and we try to with our foreign aid, and I commend President Bush as well as President Obama for extending aid to Africa and so many humanitarian efforts, particularly PEPFAR, but also others.

This month Nicholas Kristof and his wife, Sheryl WuDunn, authored a book, published it, entitled "Half the Sky," which is about women in the world and how they have had difficulties rising to the level that they could and that we could empower women and have a tre-

mendous economic advantage, particularly in disadvantaged countries, by giving women the opportunity to participate in the workforce and be educated. Much of the book is dedicated to the enslavement of women but also to maternal mortality and infant mortality as well. I encourage everybody to consider reading the book and taking up this cause.

This September is Infant Mortality Awareness Month; so I am especially proud that we are considering this important resolution today.

I urge my colleagues to join me in supporting passage of House Resolution 260, which supports efforts to address this important public health problem and a moral problem, and understand racial disparities that persist in infant mortality and try to make America better than 29th in the world.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

I rise today to support H. Res. 260, supporting efforts to reduce infant mortality in the United States.

I want to thank my colleague Congressman COHEN for his work on this resolution. It has been exemplary, and we thank him for his leadership. I also want to recognize other members of our delegation who have stood with him and with me in this work to address infant mortality, Congressman TANNER and Congressman GORDON, both of whom are original cosponsors, as is Congressman WAMP; and we thank them for their participation.

Congressman COHEN has championed the cause of prenatal care since he and I served together in the Tennessee Senate, and I am honored to stand and work on this resolution with him now. I stand in support of the legislation, and I hope that all of our colleagues will join us in this effort. It is an important issue for Memphis, Tennessee, which, as Mr. COHEN said, is a community we both represent. And I hope that our conversation on the floor today will be just one more step in a unified effort to end the staggering rates of infant mortality that plague many of our communities.

In this conversation, I am reminded of the Healthy Start program that was reauthorized and signed into law by President George W. Bush on September 3, 2008. Healthy Start provides services tailored to the needs of high-risk pregnant women, infants, and mothers in geographically, racially, ethnically, linguistically diverse communities with exceptionally high rates of infant mortality. The goal of the program has been to reduce the factors that contribute to infant mortality, particularly among minority groups, and remains a very important program to help reduce the deaths of children each year.

□ 1500

Congressman COHEN's work certainly builds on this goal. Adequate prenatal care should be available to all mothers in Tennessee and certainly in this country to ensure healthy infants and pregnant women.

The Department of Health and Human Services has stated that children of mothers who receive no prenatal care, and this is a staggering statistic to me, those children born to mothers who receive no prenatal care are three times more likely to be born at low birth weight and five times more likely to die than those born to mothers who receive prenatal care. Again, that is three times more likely to be born at a low birth weight which makes that first year very difficult, and five times more likely to die. This is an area where working together, we can do something.

It is important that our communities and also young mothers get the care that they need in early pregnancy. Memphis, Tennessee, has one of the highest infant mortality rates of any city in the U.S. That isn't a statistic that only impacts the neighborhoods in Memphis where infant mortality is a daily reality, it is a tragedy that all of Tennessee mourns.

By stating today that the rate of infant mortality in Memphis, Tennessee, and in America is unacceptable, we are making another important step toward solving the problem.

Mr. Speaker, I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I thank the gentlelady from Tennessee for her remarks which are so appropriate; and I would like to add that there are efforts in Shelby County, the Blues Project and the ABC Project that the county has, to combat infant mortality and work with pregnant women and new mothers.

If a child is born premature, it costs at least 20 times as much money to keep that child alive for the first year. So if their efforts could be successful to eliminate and reduce infant mortality, and some of that comes through programs such as the county and others have—Blue Cross/Blue Shield has the Blues Project—we could save money in the health system because we won't spend so much keeping premature babies alive at the trauma center. It is an example where if we have preventive care and wellness programs, by investing money, we can save money. And we can save so much with infant mortality.

I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, just to add to the gentleman's comments and to talk a little bit about the efforts that we have participated in in our State, as you look at Shelby County and Memphis, you see there has been a wonderful partnership between your local, State, and Federal entities to ad-

dress this. Also between the community and the not-for-profit sector, individuals who have said this is a problem. These children deserve to have a healthy start in life. They deserve to have a good solid first year.

Recognizing that you have a problem is the first important step in solving that problem. Certainly we have all worked together for many years to make certain that education is an enormous component of the step forward to address low birth weights, to address infant mortality, and to make certain that our children get that healthy start that they need in life.

I commend those who have worked with us at the local, State and Federal level, as well as the community partners in Shelby County and across the State of Tennessee, who have made this a priority. I thank the gentleman for his leadership on the issue.

I yield back the balance of my time.

Mr. WAMP. Mr. Speaker, I rise in support of H. Res. 260, a resolution supporting efforts to reduce infant mortality in the United States. I thank Congressman STEVE COHEN for introducing this legislation, and I am proud to be an original cosponsor.

The infant mortality rate provides the best sense of the health of a country, and unfortunately, the U.S. ranks 29th in the world in this category. That means twenty-eight other countries have better success than us in delivering and maintaining the health of a child during its first year of development. Needless to say, this is a disturbing sign, and something we as a nation must address.

Although this is a national problem, it unfortunately hits close to home for my state of Tennessee. Nowhere in the country is the infant mortality rate higher than in Memphis. While devastating, the issue has inspired St. Jude's Hospital in-depth research on infant mortality, and this has led to discoveries about the variety of factors that affect infant mortality.

My hometown of Chattanooga, Tennessee, also struggles with a similar sad phenomenon known as low birth weight (LBW) which can, and usually does, lead to the death of children under one year of age. A baby is considered to have a low birth weight if it is less than five pounds at birth. Of the twenty-eight zip codes in Hamilton County which encompasses Chattanooga, twenty-seven have high rates of LBW, meaning Hamilton County has a higher percentage of LBW than some third-world nations. Researchers are hard at work to pinpoint the actual cause.

Mr. Speaker, our nation's high infant mortality rate is one of the most significant issues facing the health and future of our country, and this resolution recognizes the exceptional work that is being done to address it.

I urge all Members to support the passage of this important resolution.

Mr. COHEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 260, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COHEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING THE PERSISTENTLY HIGH RATES OF DROWNING FATALITIES AMONG CHILDREN

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 57) expressing the importance of swimming lessons and recognizing the danger of drowning in the United States, especially among minority children, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 57

Whereas the success of the United States Olympic swim team, including the record-breaking eight gold medals won by Michael Phelps, has brought great attention to swimming;

Whereas a New York Times article entitled "Despite Olympic Gold, Swimming Statistics Are Grim", highlighted the irony of the United States Olympic glory in light of a shocking number of drownings in the United States;

Whereas the New York Times has also highlighted the discrepancies in swimming education between African-American children and White children in the article "Everyone Into the Water";

Whereas according to the Centers for Disease Control and Prevention (CDC), there were 3,582 unintentional and fatal drownings in the United States in 2005 representing an average of 10 drowning deaths each day;

Whereas for every child who fatally drowns in the United States, there are four near-drowning incidents that require emergency care and can lead to brain damage resulting in permanent disabilities ranging from loss of memory to the loss of all basic functions;

Whereas children are the most susceptible to fatal drowning incidents with one out of four victims being 14 years old or younger;

Whereas drowning is the second most common unintentional cause of death among children ages 1 to 14;

Whereas minority drowning rates greatly exceed the rates of White children;

Whereas according to the CDC, the fatal drowning rate for African-American children between the ages of 5 and 14 is over three times higher than the rate for White children, and the rate for American Indian and Alaska Native children is over two times higher;

Whereas according to a study by the University of Memphis, almost 60 percent of African-American and Latino children do not know how to swim as compared to roughly 30 percent of White children;

Whereas long-existing stigmas regarding minorities and swimming have contributed

to the lack of swimming education in minority communities, and nonswimming minority families are far less likely than nonswimming White families to enroll in swimming lessons;

Whereas according to the United States Census Bureau, in 2007, 33.7 percent of African-Americans, 28.6 percent of Latinos, and 12.5 percent of Asian-Americans lived below the poverty line as compared to 10.1 percent of Whites, and swimming lessons can cost hundreds of dollars per course;

Whereas the Virginia Graeme Baker Pool and Spa Safety Act was signed into law in December 2007 addressing the pressing need for increased pool and spa safety requirements and education to prevent accidental deaths by drowning;

Whereas effective drowning prevention strategies require several approaches such as supervision, fully gated pools, CPR training, and swimming skills;

Whereas the ability to swim is an important and essential skill, and according to Safe Kids USA, in order to help prevent drowning, children should be enrolled in swimming lessons as early as age 4 to learn how to float, tread water, and enter and exit the pool; and

Whereas nonprofit initiatives, like the USA Swimming Foundation's program "Make A Splash", are working hard to meet the need for swimming lessons by partnering with local communities to offer all children access to swimming education: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses the importance of access to swimming lessons for all communities in the United States as an integral part of drowning prevention;

(2) recognizes the danger of fatal unintentional drowning in the United States;

(3) condemns the persistently high rates of fatal drowning among all children, and the particularly high rates of fatal drowning among minority children;

(4) celebrates the passage of the Virginia Graeme Baker Pool and Spa Safety Act;

(5) celebrates the work of initiatives like USA Swimming Foundation's "Make A Splash" and Safe Kids USA to educate parents and caregivers on water safety and drowning prevention messages; and

(6) encourages public and private funding to support current and future initiatives that provide all children access to swimming education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentlewoman from Tennessee (Mrs. BLACKBURN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

#### GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of House Resolution 57, a resolution recognizing the persistently high rates of drowning fatalities among children.

According to the Centers for Disease Control and Prevention, there were 3,582 unintentional and fatal drownings in the United States in 2005. This figure represents an average of 10 drowning deaths a day.

Children are the most susceptible to fatal drowning incidents. In fact, drowning is the second most common cause of unintentional death among children ages 1 to 14.

On top of this startling statistic, for every child who fatally drowns in the United States, there are four near-drowning incidents that require emergency care. These accidents can lead to brain damage and result in permanent disabilities ranging from loss of memory to the loss of all basic functions.

Drowning rates among minority children greatly exceed those of their non-minority counterparts. The fatal drowning rate for African-American children is over three times that for Caucasian children. American Indian and Alaskan Native children have rates over two times as high as Caucasian children.

Contributing to these disparities is limited access to swimming lessons. African Americans and Latinos are more likely to live below the poverty line, putting lessons that can cost hundreds of dollars per course out of reach.

House Resolution 57 not only condemns the persistently high rates of drowning among children, but it also recognizes the hard work of organizations that promote access to swimming education and teach skills that will help save lives.

I urge my colleagues to help bring awareness to this serious issue, and join me in supporting final passage of House Resolution 57.

I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 57 expressing the importance of swimming lessons and recognizing the danger of drowning in the United States. With almost 10 unintentional and fatal drowning deaths each day in our country, it is important to recognize those most vulnerable to drowning, and it is usually our precious children under the age of 14 who have not yet learned to swim. Swimming education programs in communities and swimming lessons for those as young as 4 years old could help lower the number of fatal drownings each and every year.

The Virginia Graeme Baker Pool and Spa Safety Act, which was signed into law in December 2007 by President Bush, has led to increased pool and spa safety requirements and education.

I thank the gentlewoman from Florida who has joined us on the floor for her excellent leadership and outstanding work on that issue. It is one that was important to all of us in deal-

ing with the FTC and the regulations. We commend you, and we thank you for your work.

Effective prevention strategies like the Pool and Spa Safety Act and nonprofit initiatives like the U.S.A. Swimming Foundation's "Make a Splash" program have been successful in teaming up with local communities to offer all children access to swimming education and lessons.

I want to thank the sponsor of this bill, Representative ALBIO SIREs from the Garden State of New Jersey, for his work on this resolution. I stand in support of the legislation, and I hope that my colleagues will join me.

Mr. Speaker, I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), as long as she doesn't mention anything about the Tennessee-Florida game on Saturday.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I will reserve that option until later on in the week as the stakes get higher.

I thank the gentleman from Tennessee. I rise today in support of House Resolution 57, and thank the gentlelady from Tennessee for her kind words. We are in support of this legislation today to express our support for the importance of swimming lessons and recognizing the persistently high rates of drowning fatalities among children.

Drowning is, as you have heard, the leading cause of unintentional deaths in America to children ages 1 to 4. Last year alone, 13 children in Broward and Miami-Dade counties, which are in my congressional district, died as a result of accidental drowning in swimming pools and spas.

In fact, a recent report issued in May by the Consumer Product Safety Commission indicates that the average number of drowning deaths involving children younger than 5 in pools and spas has actually increased from a yearly average of 267 from 2002 to 2004 to 283 from 2003 to 2005.

I have been involved in the issue of pool safety throughout my career, and worked hard with many of my colleagues in this body and in the Florida legislature to pass swimming pool safety legislation and drowning prevention legislation. The passage of the Virginia Graeme Baker Pool and Spa Safety Act which was signed into law by President Bush on December 19, 2007, was a milestone in our efforts. The goal of that law is to improve the safety of all pools and spas by increasing the use of layers of protection and promoting uninterrupted supervision to prevent child drowning and entrapments.

Although I have been pleased to see public pools around the Nation come into compliance with the new regulations, it is clear that we must continue

to raise awareness about the necessity of swimming lessons for all of our children.

Unfortunately, African Americans, Latinos, and other minority groups are more likely to live below the poverty line, putting expensive swimming lessons out of reach for too many kids. That is why we must encourage communities around the country to provide free lessons to low-income children as part of an overall child safety program.

I want to commend the organization Swim Central in my home county of Broward for the exceptional example that they provide in doing just that, providing swimming lessons for more than 30,000 children, to kids in Broward County since the year 2000.

House Resolution 57 not only condemns the persistently high rates of drowning among children, but it celebrates the hard work of organizations that are offering access to swimming education and are teaching skills that will help save lives.

I thank my friend and colleague, Congressman SIRES, for introducing this important resolution and urge my colleagues to help bring awareness to this serious issue by joining me in support of its passage.

Mr. SIRES. Mr. Speaker, I am proud to rise today to discuss a serious issue that affects all children: unintentional drowning.

This summer millions of children took to the water as the weather warmed and pools opened all over the United States, but not all children receive the proper, life saving education that can play a critical role in drowning prevention. Minority children, more often than other children, do not participate in swimming lessons or do not have access to swimming lessons.

Roughly 3,500 people fatally drown each year in the United States—that is about 10 people a day—and more than 25 percent of these victims are children 14 and under. In fact, drowning is the second most common cause of accidental death among children. Alarming, fatal drowning rates are 2 to 3 times higher among minority children. According to a study by the University of Memphis, almost 60 percent of African-American and Latino children do not know how to swim as compared to roughly 30 percent of nonminority children. These statistics are not just shocking; they are shameful.

In order to help spread awareness about these startling statistics and how we can better protect our children, Representative WASSERMAN SCHULTZ and I introduced H. Res. 57, a resolution recognizing the persistently high rates of drowning fatalities among children. The resolution expresses the danger of fatal unintentional drowning in the United States, and condemns the high rates of fatal drowning among all children.

This resolution also celebrates the hard work of initiatives that currently provide swimming lessons to underprivileged communities as well as other efforts that help educate children, parents and caregivers about drowning prevention.

The ability to swim is an important and essential skill, and according to Safe Kids USA,

in order to help prevent drowning, children should be enrolled in swimming lessons as early as age 4 to learn how to float, tread water, and enter and exit the pool.

The USA Swimming's Make A Splash Program has partnered with organizations in 31 states and has reached out to over 90,000 children to provide access to swimming education.

Together with these organizations, we must promote access to the type of education that can not only improve children's health, but help save their lives. I urge my colleagues to help bring awareness to this serious issue, and support final passage of H. Res. 57.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 57, which expresses the importance of swimming lessons and recognizes the danger of drowning in the United States, especially among minority children. Though interest in swimming throughout the United States has increased due to national attention to sporting events like the success of the U.S. Olympic Swim Team, drowning is still amongst the leading causes of death of American children. A study by the Centers for Disease Control and Prevention found that in 2005 there were 3,582 unintentional drownings in the United States, and average of 10 per day!

According to an article in the NY Times, an even more daunting statistic is that African children and teens ages 5 to 19, are 2.3 times more likely to drown than Caucasian children in this age group. For children 10 to 14, the rate is five times higher. Nearly 6 out of 10 African-American and Hispanic children are unable to swim, nearly twice as many as their Caucasian counterparts, a concern often highlighted by U.S. Olympian Cullen Jones, who is African-American and swam the third leg of the winning men's relay this week. This unprecedented statistic is unacceptable as it is fairly easily preventable, steps such as adult supervision, regularly using life jackets, learning CPR, and fencing of backyard swimming pools can help save the lives of many of our youth according to the Centers for Disease Control.

Some alarming statistics as stated by my very own district of Houston, TX declare that from May of 2005 to May of 2007:

HFD responded to more than 50 drownings, resulting in at least 8 deaths.

Traditionally, apartment pools account for most of the submersions.

60 percent of the pool incidents occurred at apartments.

We also had several bathtub drowning incidents and several in lakes or bayous.

Most of the children involved submersions involved 4 years old and infants (0–1 year old). Although, all age groups had submersions.

Incidents occurred every hour of the day, though 1–2 p.m. and 4 p.m.–7 p.m. had the higher number of incidents.

In 2006, The New York Times story "Everyone Into the Water" reported on why the barriers to swimming for black children are so high. The report stated that "studies have shown that many Africans were avid swimmers when they were brought over as slaves, most slaves born in the United States were not allowed to learn to swim because it was a

means of escape. That created generations of non-swimmers and spawned the myth that African-Americans could not swim. Though widely discredited, a 1969 study titled "The Negro and Learning to Swim: The Buoyancy Problem Related to Reported Biological Difference," was printed in The Journal of Negro Education and fed the stereotype. The problem was compounded by segregation, which kept blacks out of many pools and beaches. The USA Swimming Foundation is trying to address the problem through its Make a Splash program, which is working to educate parents and increase swimming rates among all children. Donors who want to help can sponsor swimming lessons for children.

The passing of H. Res. 57 expresses the importance of providing access to swimming lessons for all communities in the United States as an integral part of drowning prevention. This Resolution celebrates the work of initiatives like USA Swimming Foundation's "Make A Splash" and Safe Kids USA to educate parents and caregivers on water safety and drowning prevention messages. H. Res. 57 also encourages the public and private funding to support current and future initiatives that provide all children access to swimming education.

Mrs. BLACKBURN. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I want to thank Congresswoman WASSERMAN SCHULTZ and Congressman SIRES for their hard work on this, and my counterpart from Tennessee for her excellent work.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 57, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution recognizing the persistently high rates of drowning fatalities among children."

A motion to reconsider was laid on the table.

#### RECOGNIZING 15TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN ACT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 738) recognizing the 15th anniversary of the enactment of the Violence Against Women Act of 1994.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 738

Whereas in recognition of the severity of the crimes associated with domestic violence, sexual assault, and stalking, on September 13, 1994, President Bill Clinton signed

the Violence Against Women Act of 1994 (hereinafter referred to as "VAWA") as part of the Violent Crime Control and Law Enforcement Act of 1994;

Whereas subsequent reauthorizations of VAWA include the Violence Against Women Act of 2000 (hereinafter referred to as "VAWA 2000"), signed by President Bill Clinton, and the Violence Against Women Act and Department of Justice Reauthorization Act of 2005 (hereinafter referred to as "VAWA 2005"), signed by President George W. Bush;

Whereas VAWA was the first comprehensive legislative package designed to end violence against women;

Whereas the protections and provisions afforded by VAWA were subsequently expanded and improved by VAWA 2000, which created a legal assistance program for victims and expanded the definition of domestic violence crimes to include dating violence and stalking;

Whereas VAWA and interventions funded by that Act have reduced the incidence of domestic violence, have lowered sexual assault rates, and have averted societal costs by reducing the need for emergency and medical responses;

Whereas VAWA has succeeded in bringing communities together to address domestic violence, dating violence, sexual assault, and stalking, including combined efforts by law enforcement, prosecutors, courts, victim services, and community-based programs to develop long-term plans for addressing such crimes locally and statewide;

Whereas VAWA has provided crucial Federal support to Indian tribes to combat the problems of sexual and domestic violence in Indian country;

Whereas VAWA brings innovative practices to the field by funding demonstration projects and training, and supporting the development of specialized courts and police teams;

Whereas the Sexual Assault Services program, authorized by VAWA 2005, enabled the 1,300 rape crisis centers in the United States to reduce waiting lists, reach out to underserved communities, and provide more comprehensive services to survivors of sexual assault;

Whereas VAWA provides a means for many victims of domestic violence who were dependent on their batterers for immigration status to self-petition and obtain legal immigration status on their own, and to access legal services to flee violence and recover from trauma;

Whereas organizations throughout the United States have received grants under VAWA to provide legal assistance to young victims of dating violence;

Whereas VAWA has provided crucial Federal support for efforts by criminal justice officials and victim service providers to hold offenders accountable and to keep stalking victims safe;

Whereas the continued support of VAWA and subsequent Acts combating violence against women is essential to best serve the 3,400,000 individuals in the United States who are stalked each year; and

Whereas September 13, 2009, marked the 15th anniversary of the enactment of the Violence Against Women Act of 1994: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the 15th anniversary of the enactment of the Violence Against Women Act of 1994;

(2) continues to support the goals and ideals of the Violence Against Women Act of

1994 and its subsequent reauthorization Acts; and

(3) recognizes the need to continue vigorous enforcement of the provisions of the Violence Against Women Act of 1994 and similar Acts and programs to deter and prosecute crimes of violence against women.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentlewoman from Tennessee (Mrs. BLACKBURN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

□ 1515

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 738 recognizes the 15th anniversary of the passage of the Violence Against Women Act.

Signed into law on September 13, 1994, by President Bill Clinton, the Violence Against Women Act, also known as VAWA, recognizes the severity of crimes associated with domestic violence, sexual assault, and stalking.

This historic legislation was the first comprehensive policy package designed to dramatically reduce violence against women. Its protections and provisions were subsequently expanded and improved in the Violence Against Women Acts of 2000 and 2005.

When VAWA was reauthorized in 2000, it improved the foundation established in VAWA 1994 by creating a legal assistance program for victims and by expanding the definition of domestic violence crimes to include dating violence and stalking. I could not be more proud of these accomplishments, and I am honored to be here today to help recognize this significant program's 15th year of success.

VAWA-funded interventions have lowered both domestic violence and sexual assault rates. Not unimportantly, since the 1994 passage of VAWA it is estimated that more than \$14 billion in societal costs have been averted by reducing the need for emergency and medical responses.

This important legislation has also succeeded in bringing communities together to address domestic violence, dating violence, sexual assault, and stalking. Currently, law enforcement, prosecution, the courts, victim services, and community-based programs work together on the grassroots and

State-wide levels to develop long-term plans for addressing the four categories of crime.

VAWA funding of demonstration projects, trainings, and development of specialized courts and police teams has led to the creation of new techniques to successfully prevent violence against women. For example, the Sexual Assault Services program created in VAWA 2005 enabled our Nation's 1,300 rape crisis centers to reduce waiting lists, reach out to underserved communities and provide more comprehensive services to survivors of sexual assault. But that's not all this monumental legislation has done to help eradicate violence against women. In addition, VAWA 2000 created T and U visas to allow victims of human and sexual trafficking and violent crimes such as sexual assault to come forward and seek law enforcement assistance without the fear of deportation.

Over 1,300 victims of human trafficking have received T visas. The National Center for Victims of Crime has also witnessed dramatic improvement during the past 15 years in the way our Nation responds to stalking cases. This progress, too, is attributed to the Violence Against Women Act.

Undoubtedly, VAWA has provided crucial Federal support for criminal justice officials and victim service providers who work so hard each day to hold offenders accountable and keep stalking victims safe.

The holistic approach to addressing violence against women that VAWA promotes is inextricably linked to the improved safety and security of victims of domestic and sexual violence and their families. For these reasons, I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this House resolution, which, as the gentlelady from Florida said, recognizes the 15th anniversary of the enactment of the Violence Against Women Act of 1994, or VAWA.

One out of every three people in the United States has been a victim of domestic violence, and that is according to Department of Justice statistics. Legislation proposing a Federal response to this violence against women was first introduced in 1990, although such violence was identified as a serious problem as early as the 1970s. So in 1994, Congress passed the Violence Against Women Act to protect women against violent crime, including domestic abuse. The act created grant programs to be administered by the Departments of Justice and Health and Human Services.

Funding under the bill recognized enforcement as well as educational and

social programs to combat violent crime targeted against women. VAWA grants provide funding for the investigation and the prosecution of violent crimes perpetrated against women and support increased pretrial detention of defendants. VAWA also imposes automatic and mandatory restitution on those convicted.

In 2000, Congress reauthorized many VAWA programs, set new funding levels, and created new grant programs to address sexual assaults on campuses and assist victims of domestic abuse. These programs continue the essential work begun by the earlier act and add important services for immigrant, rural, disabled and older women.

The VAWA Reauthorization Act of 2000 also created new stalking offenses by creating penalties for a person who travels in interstate or foreign commerce with the intent to kill, injure, harass or intimidate a spouse or intimate partner.

VAWA was reauthorized for an additional 5 years when President Bush signed the act in 2005. The legislation expanded VAWA to include initiatives to help children who have been exposed to violence and to train health care providers to support victims of abuse.

The 2005 reauthorization also provided funding for crisis services for victims of rape and sexual assault. The act also improved support services, such as transitional housing, to women and children who have been forced to leave their homes because of this violence.

As the resolution notes, over the last 15 years VAWA has provided Federal support for efforts by law enforcement officials and victim service providers to hold offenders accountable and to keep those victims safe.

I join my colleagues in recognizing the 15th anniversary of the enactment of VAWA and urge continued support of the goals and the ideals of the Violence Against Women Act.

Mr. Speaker, in yielding back the balance of my time, I would thank so many of the volunteers in our communities who have been instrumental in working with many of us in starting rape and sexual abuse centers and supporting those victims, especially the children that we've been able to reach out and provide additional help and support for over the last few years. I know many of my colleagues have served in local and State legislative bodies, and we have had this as a very important focus of much of our work to make certain that women and children were protected from this strike of violence, and so I commend all of them.

I thank the gentlelady from Florida.

I yield back the balance of my time.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I would like to concur and associate myself with the remarks of the gentlelady from Tennessee as we celebrate 15 years since the first passage of the Violence Against Women Act.

I remember back in my early days in the Florida Legislature when we were struggling—and I'm sure that you went through the same thing in Tennessee—just to get domestic violence recognized as a serious crime. And we fought to pass laws like this one around the country, fought subsequently to get a crime like stalking declared as a crime and not just get sort of brushed aside as something trivial that women shouldn't worry their pretty little heads over. These kind of crimes, domestic violence, sexual assault, stalking, are taken seriously now by law enforcement. They have the resources behind them as a result of the Violence Against Women Act.

We look forward to the reauthorization, the discussions that will occur next year, and celebrate the 15th year since VAWA's first introduction and passage.

Ms. SLAUGHTER. Mr. Speaker, I am proud today to introduce H. Res. 738 to recognize the accomplishments we have made in the fight to end violence against women in the United States in the fifteen years since President Clinton signed the Violence Against Women Act into law on September 13, 1994 as part of the Violent Crime Control and Law Enforcement Act of 1994. This recognized the severity of the crimes associated with domestic violence, sexual assault and stalking, we have made great progress.

In 1993, a woman was raped every six seconds in the United States and a female was beaten every 15 seconds.

In July 1994, there were three times as many animal shelters in the United States as battered women shelters.

No doubt about it—the Violence Against Women Act has vastly improved access to support and care to women and families who are victims of domestic violence and stalking.

During a time, when women were still considered secondary to men, my colleagues of the Congressional Caucus on Women's Issues and I battled to explain the importance of protecting women from the horrors of violence and abuse.

In the House, I worked with former Representatives Patricia Schroeder, Constance Morella and now Senators OLYMPIA J. SNOWE, and BARBARA BOXER and CHUCK SCHUMER to author the Violence Against Women Act. In the Senate, Vice President BIDEN, then the Chairman of the Senate Judiciary Committee, championed the Senate version of VAWA.

The 1994 bill was a watershed, marking the first comprehensive legislative package designed to end violence against women. The protections and provisions afforded by the 1994 law were subsequently expanded and improved in the Violence Against Women Act of 2000 and they Violence Against Women and Department of Justice Reauthorization Act of 2005.

VAWA has led to the reduction of domestic violence incidents reported. By reducing the need for emergency and medical responses, VAWA has averted more than \$14 billion dollars in societal costs as VAWA-funded interventions have lowered domestic violence frequency and sexual assault rates.

VAWA has succeeded in bringing communities together to address domestic violence, dating violence, sexual assault, and stalking. Prior to VAWA, few helping systems in a community addressed these crimes. Now law enforcement, prosecution, the courts, victim services and community based programs work together on the grassroots and statewide levels to develop long-term plans for addressing the crimes. VAWA has brought innovative practices to the field by funding demonstration projects, trainings, and supporting the development of specialized courts and police teams.

The Sexual Assault Services Program, created in VAWA 2005, enabled the country's 1300 rape crisis centers to reduce waiting lists, reach out to underserved communities, and provide more comprehensive services to survivors of sexual assault across the nation.

Since 1997, VAWA has funded the Sexual Assault Coalition Resource Sharing Project (RSP) to develop and strengthen state and territorial sexual assault coalitions. In 1997, there were only 26 states with either no coalition or a coalition with no paid staff. Through VAWA and the efforts of the RSP in 2009 all 50 states and 5 territories have sexual assault or dual issue sexual assault/domestic violence coalitions in place.

During the last fifteen years, the National Center for Victims of Crime has witnessed dramatic improvement in the way our nation responds to stalking cases, progress greatly owed to the Violence Against Women Act (VAWA). By including stalking in the original landmark bill, Congress elevated this crime in our nation's consciousness and highlighted it as a serious offense requiring heightened attention.

With VAWA funding, the National Center for Victims of Crime created the Stalking Resource Center raise national awareness of stalking and to encourage the development and implementation of multidisciplinary responses to stalking in local communities across the country. VAWA has also provided crucial federal support for efforts by criminal justice officials and victim service providers to hold offenders accountable and to keep stalking victims safe.

VAWA has supported the Stalking Resource Centers work to create a model stalking code that will serve as a guide for lawmakers' initiatives to update their states' stalking laws to keep pace with an ever-changing, and has enabled the SRC to train over 30,000 multidisciplinary professionals across the country who work with and respond to stalking victims, better equipping them to respond to the crime of stalking.

I urge my colleagues to join me in honoring the fifteenth anniversary of the signing of VAWA which took place on September 13, 1994 while recognizing the accomplishments we have made and the continuing commitment in the fight to end violence against women.

Ms. WATERS. Mr. Speaker, I rise today in strong support of H. Res. 738, Recognizing the 15th Anniversary of the Enactment of the Violence Against Women Act, offered by my friend and colleague Representative LOUISE SLAUGHTER of New York.

The 15th anniversary of President Clinton signing this landmark legislation into law offers

us the opportunity both to see how far we have come and to recognize that there is still much ground to be covered as we continue to protect vulnerable women and work on behalf of abused women across this nation.

What is so important about VAWA, just as much today as it was 15 years ago, is that it specifically identifies women as an at-risk population because of violence perpetrated against them. Violence against women ranges from rape to physical and mental abuse to stalking to other forms of domestic violence. It was appropriate to pass legislation specifically geared toward identifying different forms of violence, who was affected by this violence, and what judicial and social services were available for victims and potential victims. Our current Vice President JOE BIDEN played a leading role in shaping and forwarding this legislation when he was in the Senate, and we should acknowledge him for championing the bill and being instrumental in its final passage.

Since the enactment of VAWA into law, there has been a proliferation of community and advocacy organizations, shelters, health clinics, and law enforcement divisions and programs dedicated to protecting women from abuse and to giving them time to heal and piece their lives back together.

VAWA funding has made it possible for women—and often times their children—to be able to leave their batterers and seek the help they need to begin life anew, more so than at any other time in our Nation's history. And given the unprecedented rate at which state and local budgets have been slashed during the recent economic downturn, VAWA funding is more crucial than ever: to date the Office of Violence Against Women, created under the Department of Justice to implement VAWA, has issued \$3.5 billion in grants and cooperative agreements.

I have long strived to be a voice for those who have difficulty being heard. Despite the significant inroads that VAWA has made in the lives of countless women throughout this country, we continue to see alarming trends in the rates of abuse, rape, and murder of women. Under the auspices of VAWA and other initiatives meant to protect women, I will continue to champion women and to offer and sponsor legislation to protect and empower them.

I was proud to vote for the passage of VAWA 15 years ago. So let today mark an important milestone to commemorate the work that has been done over the last 15 years. But let it also force all of us to redouble our efforts to continue legislating and advocating on behalf of women who find themselves in abusive and dangerous relationships and situations.

I urge my colleagues to vote in favor of H. Res. 738 and I commend Representative SLAUGHTER for offering it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support for H. Res. 738, Recognizing the 15th Anniversary of the Enactment of the Violence Against Women Act of 1994. I express my gratitude to Ms. SLAUGHTER for her leadership in introducing this important bill. This is legislation that I have worked on since becoming a member of the House Judiciary Committee in 1995 and I have worked with my colleagues through the years to improve the legislation.

The need for such legislation is punctuated by the tragic murder of Yale graduate student Annie Le. While an investigation into this matter is still ongoing, Ms. Le's death appears to have been related to her wedding scheduled for today. As a Yale alumnae, I'm particularly grieved by this tragedy, and my heart and sympathies go out to Ms. Le, her family, and her mourning fiancée, on what would have been their wedding day.

Ms. Le's murder in a Yale research building shows that domestic violence has no barriers, and crosses racial, ethnic, and economic boundaries. It is in this backdrop that we celebrated legislation proposing a federal response to the problem of violence against women.

A review of history shows that the first legislative action on this matter was introduced in 1990, although such violence was first identified as a serious problem by Congress in the 1970s. In 1994, this legislative action culminated by the passage of the Violence Against Women Act (VAWA). Funding under the bill emphasized enforcement as well as educational and social programs to prevent crime. The focus of the funding was on local government programs, an approach that the sponsors of the bill believed was the most promising technique for reducing crime and violence. They also cautioned that, because of the variety of programs funded through the states, the impact of the bill may be difficult to quantify. Funding through FY2000 was authorized through the Violent Crime Reduction Trust Fund (VCRTF). Authorization for VCRTF expired at the end of FY2000. Nonetheless, most of the programs in VAWA received appropriations for FY2001.

On October 28, 2000, President Clinton signed into law the Victims of Trafficking and Violence Protection Act of 2000, which included the Violence Against Women Act of 2000. The Violence Against Women Act of 2000 (VAWA 2000) continued to support VAWA by reauthorizing existing programs and adding new initiatives, including grants to assist victims of dating violence, transitional housing for victims of violence, a pilot program aimed at protecting children during visits with a parent who has been accused of domestic violence, and protections from violence for elderly and disabled women. It also made technical amendments, and required grant recipients to submit reports on the effectiveness of programs funded by the grants to aid with the dissemination of information on successful programs. The bill amended the Public Health Service Act to require that certain funds be used exclusively for rape prevention and education programs. Moreover, the bill made it easier for battered immigrant women to leave and to help prosecute their abusers.

This last element is important to note. Under the old law, battered immigrant women could be deported if they left abusers who are their sponsors for residency and citizenship in the United States. VAWA 2000 created special rules for alien battered spouses and children to allow them to remain in the United States.

The original VAWA, established within DOJ and HHS discretionary grant programs for state, local, and Indian tribal governments. VAWA 2000 reauthorized many VAWA programs, set new funding levels, and created

new grant programs to address sexual assaults on campuses and assist victims of domestic abuse.

VAWA 2000 also authorized the Attorney General to award grants to private nonprofit entities, Indian tribal governments, and publicly funded organizations to increase the availability of legal assistance to victims of domestic violence, stalking, or sexual assault in legal matters, such as immigration, housing matters, and protection orders, at minimum or no cost to the victim. These grants may be used to establish or expand cooperative efforts between victim services organizations and legal assistance providers, by providing training, technical assistance, and data collection.

VAWA 2000 included grants to be administered by HHS for short-term transitional housing assistance and support services for victims of domestic abuse. The Keeping Children and Families Safe Act of 2003 and the PROTECT Act authorized funding of both HHS and DOJ transitional housing assistance programs for victims of domestic violence.

VAWA 2000 amended the language of the existing STOP grants and "Grants to Encourage Arrest Policies" to provide funds to increase protection of older individuals and individuals with disabilities from domestic violence and sexual assault through policies and training for police, prosecutors, and the judiciary. It also created new grants, administered by the Attorney General, for training programs to assist law enforcement officers, prosecutors, and court officials in addressing, investigating and prosecuting instances of elder abuse, neglect, and exploitation, and violence against individuals with disabilities, including domestic violence and sexual assault.

VAWA 2000 authorized the Attorney General to award grants to state, local, and Indian tribal governments to provide supervised visitation and safe visitation exchange for children involved in situations of domestic violence, child abuse, or sexual assault.

Several studies were authorized in VAWA 2000. These included studies of (1) insurance discrimination against victims of domestic violence; (2) workplace effects of violence against women; (3) unemployment compensation for women who are victims of violence; and (4) parental kidnapping. VAWA 2000 also required the National Institute of Justice (NIJ) to develop a research agenda and plans to implement the agenda based on the National Academy of Sciences' recommendations in the report *Understanding Violence Against Women*.

VAWA 2000 contains the Battered Immigrant Women Protection Act of 2000, which provides for increased protection of immigrant women who are victims of domestic abuse, and creates special rules for alien battered spouses and children to allow them to remain in the United States. VAWA 2000 also established a task force to coordinate research on domestic violence.

VAWA 2000 established a definition for "dating violence" and amended the existing law so that STOP grants, Grants to Encourage Arrest Policies, and Rural Domestic Violence grants can be awarded for programs to combat dating violence, defined as violence committed by a person (A) who is or has been in

a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

In 2005, Congress reauthorized VAWA, through the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005). VAWA 2005 reauthorized many existing programs for FY2007 through FY2011, and authorized a number of new programs for victims of domestic and dating violence, sexual assault, and stalking. The act emphasized collaboration among law enforcement, health and housing professionals, and women, men, and youth alliances, and encouraged community initiatives to address these issues.

VAWA 2005 advanced the ball to protect battered women and children. Specifically, VAWA 2005 programs sought to focus on young victims of violence; improve the health care system's response to violence; inform the public and employers about domestic and dating violence, sexual assault, and stalking; protect the privacy of victims of violence; provide housing assistance, including public housing, for battered women and children; and support outreach efforts to underserved populations such as ethnic, immigrant, and racial populations.

In an effort to more closely monitor the status and performance of some of these programs, VAWA 2005 provided for some grant recipients to submit reports on policies and procedures they followed. The act also provided funding for studies and research on effective interventions that prevent both acts and effects of domestic and dating violence, sexual assault, and stalking.

Over the past 15 years, the federal government, with the use of the public treasury has funded interventions which have lowered assault rates. This intervention is estimated to have saved over \$14 billion in public safety resources that would have been required had VAWA programs not prevented or addressed cases of domestic violence in each of the fifty states and all of the U.S. territories.

I have worked with formidable organizations such as Texans Against Sexual Assault, who work to bring voices to women who have been victims of sexual crimes, and helping them along an emotional recovery. Also, the Texas Council on Family Violence, which has connected more than 15,000 Texas victims of domestic violence with emergency shelter and protection.

In 2005, I offered an Amendment to the VAWA to provide \$2 million for the Office on Violence Against Women, the Violence Against Women Prevention and Prosecution Programs account for "child abuse training programs for judicial personnel and practitioners." This allocation would be offset by the Edward Byrnes Memorial Justice Assistance Grant Program and transferring the funds to the Office on Violence Against Women, Violence Against Women Prevention and Prosecution Program. Instead, I proposed that this money be channeled to a program that has been significantly under-funded for many

years, the Violence Against Women Prevention and Prosecution Program's account for child abuse training programs for judicial personnel and practitioners as authorized by section 222 of the 1990 Act. Domestic Violence is of the utmost concern, to me and my constituents. However, in the past, the chronic lack of funding and resources has left a number of child victims in the cold to cope with the horrible and immense physical and psychological effects of the abuse that they have endured.

As we look down the road for future VAWA reauthorizations, I urge my colleagues to focus on how we can take a more comprehensive look at domestic violence. Indeed, violence between family members and others related by special relations requires a dedication of resources to address problems that could be addressed by conflict management counseling and other mental health treatment. Indeed, juvenile justice data shows that families who are separated as a result of VAWA programs may also have an unintended consequence of contributing to juvenile delinquency, particularly amongst children of color, young boys in particular.

Together we must take a stand and work together for Women's rights, as well as the rights for families. We must work on building a brighter future, and make gender based and family based violence a thing of the past. I urge my colleagues to support this important bill.

Ms. TSONGAS. Mr. Speaker, I rise today to commemorate the 15th anniversary of the Violence Against Women Act. This law, which was originally signed in 1994, is one of the most significant achievements in our history for advancing the equality and empowerment of women.

Nearly a quarter of women in the United States are victims of domestic violence every year. 1 in 6 women will be a victim of sexual assault in her lifetime. And that number is 4 times higher for women in college.

Domestic violence not only harms the victim, it has a cumulative effect on communities. Children who grow up in households where domestic violence occurs are 60–75 percent more likely to experience child abuse. These children tend to suffer from a variety of psychological problems during their lifetime.

Given these staggering facts, it is our responsibility to make sure that women and children have peace of mind that there is someone on their side if they are faced with such harm. The Violence Against Women Act has given communities the kinds of resources they need to bring this peace of mind closer to a reality.

This Act not only increased the criminal penalty for acts of domestic violence, but strengthened the ability of our communities to respond and even prevent these incidents in the first place. VAWA funds legal assistance for victims of domestic violence, strengthens domestic violence shelters, and helps to enforce restraining orders.

The law also established an national hotline called by over 1.5 million abused women seeking help. As a result, domestic violence is down 50 percent and rape is down 60 percent nationwide.

But we still have a long way to go. 60 percent of sexual assaults are still not reported to

the police. Although this number has declined significantly since 1993, we must continue these efforts to end the threat of violence against women and children.

In our society, no woman should ever feel so scared for their lives and their safety that they are unable to fulfill their potential. We must create a culture in which women and girls can thrive, and this Act has taken us one step closer to that goal.

I want to thank the Congresswoman from New York for this important resolution.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of H. Res. 738, a resolution honoring the 15th Anniversary of the Violence Against Women Act (VAWA). I am an original cosponsor of this resolution to support the goals and ideals of VAWA. Today we recognize the progress that has been made in reducing domestic violence in our country but also the significant work that remains.

In 1994, the Violence Against Women Act (VAWA) began creating safe havens for families affected by domestic violence. This historic legislation has succeeded in making America's women more safe and secure and it has strengthened America's response to the crimes of domestic violence, sexual assault and stalking. Victims of domestic violence are now more able to access services and counseling during their darkest hours and prosecutors have the tools to pursue perpetrators. VAWA is working to bring communities together by coordinating law enforcement officers, victim advocates and prosecutors.

No one should have to live in fear or suffer in silence from domestic violence. We as society must provide sufficient resources to federal, state and local law enforcement officers and prosecutors who specialize in crimes targeted against women. We must also support organizations that offer services to women and families who have experienced violence.

Domestic violence hurts families and entire communities. The communities of Minnesota's Fourth District learned this all too well on September 7, 2009, when North St. Paul police officer Richard Crittenden and Maplewood police officer Julie Olson answered a domestic violence call—one of the most dangerous an officer can receive. Officer Richard Crittenden was killed and Officer Olson was injured in the line of duty. Officer Crittenden made the ultimate sacrifice—his life—to protect a woman from a man who had repeatedly abused her.

Mr. Speaker, at this time I would like to acknowledge all those who work to reduce domestic violence in communities across our country. Much has been accomplished in the last fifteen years, but the number of incidents of violence against women still remains too high. On this anniversary, I urge my colleagues to recommit themselves to ending domestic violence.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H. Res. 738, a resolution honoring the 15th anniversary of the Violence Against Women Act of 1994. As a Co-Chair of the Congressional Caucus for Women's Issues I am proud to support landmark legislation that shined a light on the problem of intimate partner violence and provided women with the resources needed to escape violent relationships.

This 15th anniversary, we celebrate the tremendous gains we have made in raising

awareness about domestic violence and empowering women to leave unhealthy relationships and rebuilt their lives away from their abusers.

President Clinton signed the Violence Against Women Act on September 13, 1994, as part of the Omnibus Crime Bill. And over the last 15 years we have made tremendous progress toward ending the cycle of abuse. States have taken up the charge and have passed close to 700 laws to combat domestic violence, sexual assault, and stalking. As a result, more victims are reporting their abuse and the number of women killed by an intimate partner decreased by 24 percent. The number of comprehensive service program has grown exponentially since the passage of VAWA.

However, we have more work to do. Despite these gains, the anniversary of VAWA reminds us that there are many women and children still living in terror and in constant fear for their safety.

Today, the cost of intimate partner violence exceeds \$5.8 billion annually, \$4.1 billion of which is for direct medical and mental health services. Nearly 1 in 4 women in the U.S. will be abused by a current or former partner at some time in their lives.

We need to continue looking for a wide range of solutions to this problem. We need to devote more resources to helping women and their children begin living healthy and happy lives free of violence.

I am glad we are honoring the legislation on its 15th anniversary and I look forward to reauthorizing the program next year. I hope that we will continue our efforts to protect women from abuse and encourage the building of healthy families.

I urge all of my colleagues to strongly support the resolution.

Mr. HARE. Mr. Speaker, I rise today in strong support of recognizing the 15th anniversary of the Violence Against Women Act (VAWA) of 1994. I commend our distinguished colleague from New York, Representative SLAUGHTER, for introducing this resolution which recognizes a significant achievement in the women's rights movement.

This landmark legislation, originally authored by our former colleague, Senator JOSEPH BIDEN, set a new standard for preventing violence against women and provides resources necessary for coping with attacks that have occurred. Since the enactment of VAWA fifteen years ago, this country has made significant progress in our response to domestic and dating violence, sexual assaults and stalking.

Provisions of VAWA have allowed for additional training for law enforcement officers dedicated to these issues. Additionally, VAWA authorized funding for an office within the Department of Justice, which is dedicated to ending violence against women. Notably this legislation created a national domestic violence hotline, which has provided information and help to millions of women in crisis.

VAWA has brought communities together in order to address domestic violence and rally support for survivors. It is important for Congress and all Americans to recognize the achievements of this legislation. Since VAWA's inception, this country's awareness of domestic violence has increased and re-

sources to help victims have become more readily available and accessible.

Though we have made great progress, the instances of domestic violence, sexual assault, stalking and dating violence are still too high. Far too many women in our great nation are victims of violence. We must take further action to keep women safe and provide justice for those who have been victims. Too many communities remain underserved and lack the resources to provide services to victims of sexual violence. We need to continue to increase awareness about sexual violence, provide funding to programs that prevent and punish that violence and educate women about the help that is available to victims.

I am proud of the achievements made in the past fifteen years, and I look forward to supporting the renewal of the Violence Against Women Act in 2010. Again, I thank my friend from New York for introducing H. Res. 738 which commemorates this landmark legislation.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) that the House suspend the rules and agree to the resolution, H. Res. 738.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 23 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HIMES) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 6, by the yeas and nays;

H. Res. 459, by the yeas and nays;

H. Con. Res. 59, by the yeas and nays.

Proceedings on H. Res. 260 will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## RECOGNIZING NATIONAL COACHES APPRECIATION WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 6, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the resolution, H. Res. 6.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 45, as follows:

[Roll No. 696]

YEAS—388

Abercrombie	Clay	Green, Al
Aderholt	Cleaver	Green, Gene
Adler (NJ)	Clyburn	Griffith
Akin	Coble	Guthrie
Altmire	Coffman (CO)	Gutierrez
Andrews	Cohen	Hall (NY)
Arcuri	Cole	Hall (TX)
Austria	Conaway	Halvorson
Baca	Connolly (VA)	Hare
Bachmann	Conyers	Harman
Bachus	Cooper	Hastings (FL)
Baird	Costa	Hastings (WA)
Baldwin	Costello	Heinrich
Barrow	Courtney	Heller
Bartlett	Crowley	Hensarling
Barton (TX)	Cuellar	Hерger
Bean	Culberson	Herseth Sandlin
Becerra	Cummings	Higgins
Berkley	Dahlkemper	Hill
Berman	Davis (AL)	Himes
Berry	Davis (CA)	Hinchee
Biggert	Davis (KY)	Hinojosa
Bilbray	Davis (TN)	Hirono
Billirakis	DeFazio	Hodes
Bishop (GA)	Delahunt	Holden
Bishop (NY)	DeLauro	Holt
Bishop (UT)	Dent	Honda
Blackburn	Diaz-Balart, L.	Hunter
Boccheri	Diaz-Balart, M.	Inglis
Boehner	Dingell	Inslee
Bonner	Doggett	Jackson (IL)
Bono Mack	Donnelly (IN)	Jackson-Lee
Boozman	Doyle	(TX)
Boren	Dreier	Jenkins
Boswell	Drieaus	Johnson (GA)
Boucher	Duncan	Johnson (IL)
Boustany	Edwards (MD)	Johnson, E. B.
Boyd	Edwards (TX)	Jones
Brady (PA)	Ehlers	Jordan (OH)
Brady (TX)	Ellison	Kagen
Braley (IA)	Ellsworth	Kanjorski
Bright	Emerson	Kaptur
Broun (GA)	Engel	Kennedy
Brown (SC)	Eshoo	Kildee
Brown-Waite,	Etheridge	Kilpatrick (MI)
Ginny	Fallin	Kilroy
Buchanan	Farr	Kind
Burton (IN)	Fattah	King (IA)
Butterfield	Filner	Kingston
Calvert	Flake	Kirkpatrick (AZ)
Camp	Fleming	Kissell
Campbell	Forbes	Klein (FL)
Cantor	Fortenberry	Kline (MN)
Cao	Foster	Kosmas
Capito	Fox	Kratovil
Capps	Frank (MA)	Kucinich
Cardoza	Franks (AZ)	Lamborn
Carnahan	Fudge	Lance
Carney	Galleghy	Langevin
Carson (IN)	Garrett (NJ)	Larsen (WA)
Carter	Giffords	Larson (CT)
Cassidy	Gingrey (GA)	Latham
Castle	Gohmert	LaTourette
Castor (FL)	Gonzalez	Latta
Chaffetz	Goodlatte	Lee (CA)
Chandler	Gordon (TN)	Lee (NY)
Childers	Granger	Levin
Chu	Graves	Lewis (CA)
Clarke	Grayson	Lewis (GA)

Linder  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel E.  
Mack  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson

Oliver  
Ortiz  
Pallone  
Pascarelli  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (WI)  
Salazar  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions

Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Tsongas  
Bachmann  
Bachus  
Turner  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bibray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke

## SUPPORTING NATIONAL SAFETY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 459, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the resolution, H. Res. 459.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 47, as follows:

[Roll No. 697]

YEAS—386

Aderholt  
Adler (NJ)  
Akin  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bibray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke

Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeLahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driebehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Fudge  
Gallegly  
Garrett (NJ)  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger

Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel E.  
Mack  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neugebauer  
Nunes  
Nye

Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascarelli  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (WI)  
Salazar  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner

Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Wu  
Yarmuth  
Young (AK)

## NOT VOTING—45

Ackerman  
Alexander  
Barrett (SC)  
Blumenauer  
Blunt  
Brown, Corrine  
Burgess  
Buyer  
Capuano  
Crenshaw  
Davis (IL)  
Deal (GA)  
DeGette  
Dicks  
Frelinghuysen

Gerlach  
Grijalva  
Harper  
Hoekstra  
Hoyer  
Israel  
Issa  
Johnson, Sam  
King (NY)  
Kirk  
Lipinski  
Lynch  
Marchant  
Markey (MA)  
McHugh

McMahon  
Mollohan  
Moran (KS)  
Neal (MA)  
Rogers (KY)  
Rohrabacher  
Rush  
Ryan (OH)  
Shimkus  
Smith (WA)  
Tanner  
Towns  
Waters  
Woolsey  
Young (FL)

□ 1857

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## NOT VOTING—47

Abercrombie  
Ackerman  
Alexander  
Barrett (SC)  
Blumenauer  
Blunt  
Brown, Corrine  
Burgess  
Buyer  
Capuano  
Crenshaw  
Davis (IL)  
Deal (GA)  
DeGette  
Dicks

Frelinghuysen  
Gerlach  
Grijalva  
Harper  
Hoekstra  
Hoyer  
Israel  
Issa  
Johnson, Sam  
Kennedy  
Kirk  
Lipinski  
Lynch  
Marchant  
Markey (MA)  
McHugh

McMahon  
Mollohan  
Moran (KS)  
Neal (MA)  
Rogers (KY)  
Rohrabacher  
Rush  
Ryan (OH)  
Shimkus  
Smith (WA)  
Tanner  
Towns  
Waters  
Woolsey  
Young (FL)

□ 1906

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KENNEDY. Mr. Speaker, on rollcall No. 697, I was unavoidably detained. Had I been present, I would have voted "yea."

### SUPPORTING THE GOALS AND IDEALS OF SENIOR CAREGIVING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 59, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 59, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 0, not voting 46, as follows:

[Roll No. 698]

YEAS—387

Abercrombie	Carson (IN)	Forbes
Aderholt	Cassidy	Fortenberry
Adler (NJ)	Castle	Foster
Akin	Castor (FL)	Fox
Altmire	Chaffetz	Frank (MA)
Andrews	Chandler	Franks (AZ)
Arcuri	Childers	Fudge
Austria	Chu	Gallely
Baca	Clarke	Garrett (NJ)
Bachmann	Clay	Giffords
Bachus	Cleaver	Gingrey (GA)
Baird	Clyburn	Gohmert
Baldwin	Coble	Gonzalez
Barrow	Coffman (CO)	Goodlatte
Bartlett	Cohen	Gordon (TN)
Barton (TX)	Cole	Granger
Bean	Conaway	Graves
Becerra	Connolly (VA)	Grayson
Berkley	Conyers	Green, Al
Berman	Cooper	Green, Gene
Berry	Costa	Griffith
Biggert	Costello	Guthrie
Blibray	Courtney	Gutierrez
Bilirakis	Crowley	Hall (NY)
Bishop (GA)	Cuellar	Hall (TX)
Bishop (NY)	Culberson	Halvorson
Bishop (UT)	Cummings	Hare
Blackburn	Dahlkemper	Harman
Boccieri	Davis (AL)	Hastings (FL)
Boehner	Davis (CA)	Hastings (WA)
Bonner	Davis (KY)	Heinrich
Bono Mack	Davis (TN)	Heller
Boozman	DeFazio	Hensarling
Boren	Delahunt	Herger
Boswell	DeLauro	Herseth Sandlin
Boucher	Dent	Higgins
Boustany	Diaz-Balart, L.	Hill
Boyd	Diaz-Balart, M.	Himes
Brady (PA)	Dingell	Hinche
Brady (TX)	Doggett	Hinojosa
Braley (IA)	Donnelly (IN)	Hirono
Bright	Dreier	Hodes
Broun (GA)	Driebehaus	Holden
Brown (SC)	Duncan	Holt
Brown-Waite,	Edwards (MD)	Honda
Ginny	Edwards (TX)	Hunter
Buchanan	Ehlers	Inglis
Burton (IN)	Ellison	Inslee
Butterfield	Ellsworth	Jackson (IL)
Calvert	Emerson	Jackson-Lee
Camp	Engel	(TX)
Campbell	Eshoo	Jenkins
Cantor	Etheridge	Johnson (GA)
Cao	Fallin	Johnson (IL)
Capito	Farr	Johnson, E. B.
Capps	Fattah	Jones
Cardoza	Filner	Jordan (OH)
Carnahan	Flake	Kagen
Carney	Fleming	Kanjorski

Kaptur	Miller, George	Schauer
Kennedy	Minnick	Schiff
Kildee	Mitchell	Schmidt
Kilpatrick (MI)	Moore (KS)	Schock
Kilroy	Moore (WI)	Schrader
Kind	Moran (VA)	Schwartz
King (IA)	Murphy (CT)	Scott (GA)
King (NY)	Murphy (NY)	Scott (VA)
Kingston	Murphy, Patrick	Sensenbrenner
Kirkpatrick (AZ)	Murphy, Tim	Serrano
Kissell	Murtha	Sessions
Klein (FL)	Myrick	Sestak
Kline (MN)	Nadler (NY)	Shadegg
Kosmas	Napolitano	Shea-Porter
Kratovil	Neugebauer	Sherman
Kucinich	Nunes	Shuler
Lamborn	Nye	Shuster
Lance	Oberstar	Simpson
Langevin	Obey	Sires
Larsen (WA)	Olson	Skelton
Larson (CT)	Oliver	Slaughter
Latham	Ortiz	Smith (NE)
LaTourette	Pallone	Smith (NJ)
Latta	Pascarella	Smith (TX)
Lee (CA)	Pastor (AZ)	Snyder
Lee (NY)	Paul	Souder
Levin	Paulsen	Space
Lewis (CA)	Payne	Speier
Lewis (GA)	Pence	Spratt
Linder	Perlmutter	Stark
LoBiondo	Perriello	Stearns
Loeb sack	Peters	Stupak
Lofgren, Zoe	Peterson	Sullivan
Lowe	Petri	Sutton
Lucas	Pingree (ME)	Taylor
Luetkemeyer	Pitts	Teague
Lujan	Platts	Terry
Lummis	Poe (TX)	Thompson (CA)
Lungren, Daniel	Polis (CO)	Thompson (MS)
E.	Pomeroy	Thompson (PA)
Mack	Posey	Thornberry
Maffei	Price (GA)	Tiahrt
Maloney	Price (NC)	Tiberi
Manzullo	Putnam	Tierney
Markey (CO)	Quigley	Titus
Marshall	Radanovich	Tonko
Massa	Rahall	Tsongas
Matheson	Rangel	Turner
Matsui	Rehberg	Upton
McCarthy (CA)	Reichert	Van Hollen
McCarthy (NY)	Reyes	Velazquez
McCaul	Richardson	Visclosky
McClintock	Rodriguez	Walden
McCollum	Roe (TN)	Walz
McCotter	Rogers (AL)	Wamp
McDermott	Rogers (MI)	Wasserman
McGovern	Rooney	Schultz
McHenry	Ros-Lehtinen	Watson
McIntyre	Roskam	Watt
McKeon	Ross	Waxman
McMorris	Rothman (NJ)	Weiner
Rodgers	Roybal-Allard	Welch
McNerney	Royce	Westmoreland
Meek (FL)	Ruppersberger	Wexler
Meeks (NY)	Ryan (WI)	Whitfield
Melancon	Salazar	Wilson (OH)
Mica	Sanchez, Linda	Wilson (SC)
Michaud	T.	Wittman
Miller (FL)	Sanchez, Loretta	Wolf
Miller (MI)	Sarbanes	Wu
Miller (NC)	Scalise	Yarmuth
Miller, Gary	Schakowsky	Young (AK)

NOT VOTING—46

Ackerman	Frelinghuysen	Mollohan
Alexander	Gerlach	Moran (KS)
Barrett (SC)	Grijalva	Neal (MA)
Blumenauer	Harper	Rogers (KY)
Blunt	Hoekstra	Rohrabacher
Brown, Corrine	Hoyer	Rush
Burgess	Israel	Ryan (OH)
Buyer	Issa	Shimkus
Capuano	Johnson, Sam	Smith (WA)
Carter	Kirk	Tanner
Crenshaw	Lipinski	Towns
Davis (IL)	Lynch	Waters
Deal (GA)	Marchant	Wooley
DeGette	Markey (MA)	Young (FL)
Dicks	McHugh	
Doyle	McMahon	

□ 1914

So (two-thirds being in the affirmative) the rules were suspended and the

concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### ELIMINATE PAY-TO-PLAY CONTRACTS

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, I rise today to discuss H.R. 3427, the State Ethics Law Protection Act.

In a day and age where indictments and allegations of wrongdoing have become all too common, in fact, in Illinois, people read the scandal du jour in their newspaper. In this event, many States and local governments have enacted laws to eliminate awarding contracting based on pay-to-play, a practice of trading campaign contributions for lucrative government contracts.

Sadly, a loophole in the Federal Highway Administration's contracting requirements is making it difficult, if not impossible, for States to implement these anti-corruption laws if they want to continue to receive Federal highway support. It is up to us in Washington to make sure that our constituents are best served and their taxpayer dollars are being spent wisely.

By amending the Federal Highway Administration's contracting requirements, we in Washington can ensure that States have every tool at their disposal to encourage and ensure transparency and accountability. Please join me in supporting H.R. 3427, the State Ethics Law Protection Act, to ensure our dollars are being spent efficiently and effectively.

### RECOGNIZING THE 40TH ANNIVERSARY OF LINCOLN MONTESSORI SCHOOL

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute.)

Mr. FORTENBERRY. Mr. Speaker, this month Lincoln Montessori School of Nebraska is celebrating its 40th anniversary. Started in 1969 by Mary and Larry Verschuur, Lincoln Montessori School is one of the first schools in the United States to be custom built to facilitate the Montessori curriculum. The school has served hundreds of families over two generations and is fully a part of Nebraska's diverse educational community.

Forty years later, Mary and Larry are still the school's motivating force. They guide young children daily with beautiful and purposeful materials, offer after-school enrichment classes for older children, conduct classes to help parents understand and implement the Montessori philosophy, and

lecture on education in Nebraska and around the world. The result: children who are self-directed and self-disciplined, joyful, and eager to learn. The children are free to discover the world.

Mr. Speaker, on behalf of the First District of Nebraska and the United States Congress, I thank the Verschuurs, two extraordinary people, for their dedication to the formation of young children and congratulate them on the 40th anniversary of Lincoln Montessori School in Nebraska.

#### WELCOMING HOME PENNSYLVANIA NATIONAL GUARDSMEN

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to praise Pennsylvania National Guardsmen who just arrived home after serving 8 months in Iraq. Members of the 56th Stryker Brigade Combat Team's First Battalion 112th Infantry have arrived at Ft. Dix, New Jersey. Some 1,500 U.S. flags will line their route, along with countless yellow ribbons placed by Pennsylvanians who want to show their thanks.

The soldiers come from Crawford County and from the cities of Bradford and Ridgway. Earlier, guardsmen from the 2nd 112th Regiment Infantry Regiment from Bellefonte and Lewistown came home.

The brigade operated in 800 square miles that was home to 900,000 Iraqis. They captured some 80 hidden supply dumps, causing severe shortages and disrupting enemy operations.

As these men and women are reunited with their families, we realize the sacrifices they have made. The child's birth that they missed, the report cards, the joys of a sports milestone, they can't replace those lost moments. But we can pause and stop and say thank you, and God bless and welcome home.

#### STOP THE INNOVATION TAX

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, as we continue the debate on health care, we must remain cognizant of the impact on both jobs and health care innovation.

That's why I strongly oppose the new \$40 billion innovation tax on the medical device industry that's being proposed in the Senate. Minnesota, and the Third Congressional District in particular, is home to many of the top medical device manufacturers responsible for life-saving technologies. Hundreds of small businesses and entrepreneurs in the medical technology field also call Minnesota home.

I visited and I have met with many of these entrepreneurs. They are hard working. They are employers that provide tens of thousands of good-paying jobs for Minnesotans. Moreover, these medical breakthroughs save money, and they improve the quality of care.

A massive new tax increase will stifle job growth. It will stifle innovation, and it will ultimately harm quality health care. I strongly urge the Senate, the President, and my colleagues to oppose this misguided new tax.

#### THE PEOPLE'S RESISTANCE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, freedom's bell has sounded across this Nation. It is loud; it is clear. The people's resistance to big, bloated government has begun in the hearts and minds of the American people.

It was shown in their actions over the weekend. Over a million Americans took time off from work, gathered up their families, made their signs, brought their flags and came to D.C. with the cry for government to listen. Their message to Congress and the administration: We have had enough.

They have watched in stunned horror as this Congress has made government bigger and less accountable. Congress has lavishly spent trillions of their tax dollars, money that does not belong to the government, but to the people.

Now the threat of a government takeover of their health care has made it personal to them. It doesn't matter how many times it's said otherwise, the American people understand what government-run health care looks like, and they don't like it.

Thomas Jefferson once said: "The natural progress of things is for liberty to yield and government to gain ground." But the tide is turning, Mr. Speaker. The American resistance is awake and on its feet and on the move. People are not happy, and we ignore them at our own risk.

And that's just the way it is.

#### CZARS IN THIS ADMINISTRATION

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, as I have been in my own district and spoken with many individuals who have attended my townhall meetings, they have exercised their right to bring their grievances before this Member of Congress.

And one of the issues they have talked about is the question of the constitutional importance of these so-called czars. We now have over 30 czars in this administration, those that have not been subject to the scrutiny of con-

sideration by the United States Senate, those who apparently have decision-making responsibility in areas, who have traditionally been in Cabinet level officers, and others who have in fact been vetted by the Senate. It seems the longer I am here the more it appears that political life in Washington seems to follow art.

Now, you might say we have come to a situation in Washington, D.C. in which we now have a new show. It's called "Dancing with the Czars." It could last more than a full TV season because we have more than 30 of them. It can continue on into the summer. It's not a joke, it's serious, and the American people deserve answers.

#### PEOPLE IN THIS COUNTRY WANT TO CUT SPENDING

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, this weekend on national television, Mr. Axelrod, who works for the President at the White House, said that the big meeting on the Mall really didn't amount to much, and it really didn't represent what the American people think.

I don't know what that guy is smoking down at the White House, but I think it might be illegal.

The people in this country at the TEA parties and on the Mall this weekend are telling every Member of Congress and in the Senate they want to cut spending. They don't want more government intrusion into their lives, and they want just to be left alone.

But this body here, and my colleagues on the Democrat side, continue to come up with new proposals, new spending, and we are spending trillions and trillions of dollars that we simply don't have. And our kids are going to bear the responsibility for that because we are not doing our job.

And, secondly, I just wanted to say one more thing. This ACORN group needs to be investigated. They are getting access to almost \$10 billion, and we know there are an awful lot of crooked things going on. It needs to be investigated by this body. My colleagues on the Democrat side, who are the chairmen of the committees, need to listen.

We need to investigate ACORN.

#### LEHMAN BROTHERS COLLAPSE

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, it was 1 year ago today that Lehman Brothers collapsed. And as we mark this 1-year anniversary, it is also with trepidation that we remark that the

Federal Government today is the leading insurer, the leading lender, and the leading carmaker in the United States, the Federal Government.

Since the inception of Bailout Nation less than 1 year ago today, an economist from Arizona State University has documented, today the Federal Government owns or controls 30 percent of private business profits. That's right, 30 percent. And if President Obama gets his way and nationalizes an additional 18 percent of private wealth in the health care industry, that would be nearly 50 percent of private business profits.

Think of that, 50 percent of private business profits nationalized in less than 1 year's time. We can do better. Let's enjoy freedom. Let's embrace freedom and let's say no to Bailout Nation and to the Federal Government taking over the private economy.

And let's investigate ACORN.

#### HONORING NASA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few months ago we celebrated the 40th anniversary of the Apollo mission for NASA, and we are excited as a Nation to think of the brightness and the genius of our country.

Tomorrow, before the Science and Technology Committee, the author of the "Augustine Report" will present his findings regarding NASA. As a representative from the Houston area, where the Johnson Space Center is, I encourage America to be that same genius.

Let's continue manned space flight and continue our exploration in space, as well as our support for the international space station. Out of those efforts come new inventions, new cures for diseases, and new opportunities for the genius of America to be seen around the world. We must continue manned space flight.

Supporting the space centers in Florida and Alabama, California, Mississippi and Texas, I know America can achieve for the future.

□ 1930

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### FREEDOM OF SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, a few days ago, there was a townhall meeting not too far from here in Reston, Virginia. Over 3,000 people were inside and about that many outside who could not get into the school. Now this townhall event was held at South Lakes High School, and one of the security officers there, a Wesley Cheeks, Jr., did not like one of the signs that the protesters were carrying and holding up. The sign apparently was not to the officer's political liking.

So the security officer demanded that out of the thousands of signs at the event, the one he didn't like was going to come down, and he ordered the person to take it down because it was obviously critical of the administration. Note, Mr. Speaker, there was nothing illegal about the sign.

This officer told the man with the sign to put his sign away or he would be arrested. Yes, arrested for freedom of speech and the right to protest. The protester said, This used to be America. Officer Weeks said in response, Well, it isn't any more, okay.

Well, Mr. Speaker, it's not "okay." Not by a long shot. This is still America, the land of the free—the land where we can disagree with government, whether government likes it or not—the land paid for in blood by bold men of noble character and heart and noble action, who understood that free speech undergirds liberty and freedom. They understood that the right to speak the truth to authoritarian power is granted by the Almighty to those bold enough to stand and claim that right. No king, no government, no dictator, and no high school security officer has the right to abuse their authority and suppress freedom of speech.

One of the founding principles of this Nation is freedom of speech. It is so fundamentally important that our Founding Fathers put it first in our Constitution's Bill of Rights, made it the First Amendment to the Bill of Rights, because it is the most important. Without the First Amendment, the rest are meaningless.

The First Amendment simply says, Congress—that's us, folks—shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble and to petition the government for redress of grievances.

It is the tendency of all governments to encroach upon the rights of people in this Nation, and other nations. And while many Americans are going about their daily business of work, taking their kids to school, to football practice, to Boy Scouts, grocery shopping, and going to dinner, mowing the grass, and living their lives, don't underestimate that these people are paying attention to what government is doing to them.

Freedom of speech is crucial for folks to get the attention of fellow Americans when the size of government no longer fits the Constitution. Freedom of speech is sacrosanct, and not just for those who agree with government, but it is a holy right, especially for those who disagree with government oppression.

It is the right of a free people to speak truth when the government is wrong. It is the right of the people to gather and stand in the face of their elected officials and speak what they see—tyranny of a government gone amok.

It is the right of a self-governing people to come together in cities around the Nation to speak out and to hold the government accountable when those who seek to rule over us have stepped out of their constitutional bounds.

There can be no more fundamental display of our God-given right to freedom of speech than what we're seeing from the American Resistance Movement today. From townhalls to city streets, the right of free speech is one of the very guardians of the freedom and liberty that make this Nation the greatest in history. And it is the government that would do well to listen, be silent, and then act in the interest of the American people.

And that's just the way it is.

#### START OF THE FINANCIAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today marks the 1-year anniversary of the fall of Lehman Brothers. Just prior to that, former Treasury Secretary and former Goldman Sachs executive Hank Paulson; Fed Chairman Ben Bernanke; and then-President of the Federal Reserve Bank of New York and now Treasury Secretary, Tim Geithner, bailed out Fannie Mae, Freddie Mac, and orchestrated the first of multiple tranches of taxpayer money to AIG.

Some mark the fall of Lehman as the start of our financial crisis, but it started long before. It started on Wall Street, the very place that President Obama gave his financial regulatory reform speech today. The President stated, Restoring a willingness to take responsibility—even when it is hard—is at the heart of what we must do. Very carefully worded, Mr. President. But what real reform will assure it?

Willing to take responsibility. Mr. President, Wall Street has responsibility for the greed they bred, for ripping off American taxpayers and taking exorbitant profits, destroying anything and anyone in its path, and then taking more bonuses and continuing to live their high life.

Wall Street will never willingly and openly accept its responsibility for

their role in our financial system's downfall. It's our responsibility to hold them accountable.

It is too late to ask Wall Street to play nice and make reforms. They had their chance, and they blew it. You can be sure they are going to pay millions to lobbyists and PACs to protect their bonuses, loopholes, their safety nets, and the current structure of banking in this country.

It's time to face down Wall Street and stand up for Main Street. The time spent waiting for Wall Street's willingness to change is over. The results of the taxpayer bailout are clear: More profits for Wall Street, plus massive bonuses, while foreclosures skyrocket across this country.

Wall Street had its chance to open credit lines to business, as well as to direct funds they got from the taxpayers to help millions of families facing foreclosure work out those loans, but instead they took the money for themselves and racked up huge profits in the last quarter.

Wall Street had its chance to be responsible as stewards of the tax dollars they got. They failed. They didn't even try. Wall Street banks cannot even tell us where the TARP dollars, that is, the taxpayer dollars, went.

The arms of their businesses which service loans are moving at a snail's pace to help people find ways to work out their mortgages. Why? Because they can make more money when loans are delinquent. The pace of loaning to businesses and people is almost stuck. What are fast and furious are the payouts of bonuses and profits.

Wall Street executives like Lloyd Blankfein of Goldman Sachs are waltzing around the changes they should make around compensation and bonuses, but talk is cheap because it costs them nothing. It's a good press release. Name me one Wall Street money-center bank that has restructured its compensation structures. Wall Street is fighting to have custom credit default swaps and other derivative instruments remain unregulated in the coming reforms.

This moment in history marks the time for each Member of Congress and public servants at the FDIC, the SEC, the Federal Reserve, the Treasury, and associated regulators to act and create the kind of reform that creates a credit system which stands strong for generations and contains moral hazard.

Will America allow itself once again to be bought out by Wall Street? Or will we stand together thoughtfully, deliberately to empower regulators and to reform this system with a new banking system that respects communities, encourages savings, assures sound credit? Will we break up the megabank trusts or continue to allow the concentration of financial power in the few greedy hands that are holding it today? Will we move forward with a stronger,

more creative, more prudent, more sound community-oriented financial system again?

It's time to work on a bipartisan basis to do this. We can't race. We have to debate real financial reform here, not cosmetic bills that are brought up on this floor. We must share the rationale behind reform and make it real. And we must shift the balance of credit power from Wall Street back to Main Street and the American people.

The challenge is crystal clear. The question is: Do we have the will to do it here—to create a financial regulatory system again for the betterment of all people in our Nation, to strengthen community lending and sound and prudent credit practices at the local level and, in turn, the world's financial system? The jury is out.

#### THE URGENCY OF PREVENTING IRAN FROM ACQUIRING NUCLEAR WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, last week we commemorated a sad anniversary of the September 11th attacks on our Nation. On that fateful day 8 years ago, we realized that protecting our homeland and defeating our enemies would require innovative approaches and an unconventional view of the threats that we face. However, when looking at the Iranian nuclear threat, it would appear that some have forgotten the lessons of 9/11.

Many believe that because Iran has not yet mastered all of the elements needed for an operational nuclear weapon, we have the luxury of time. Mr. Speaker, that is not so. Iran has already produced 1,400 kilograms of low-enriched uranium, which can easily be used for a "dirty nuke."

As former President Clinton noted in the year 2005, if you have basically a cookie's worth of fissile material and you put it into a traditional bomb, you can amplify the destruction power by hundreds-fold or more.

So the nuclear threat from Iran already exists in a radiological form. Yet, the U.S. and the U.N. Security Council have actually lowered the requirements imposed on the Iranian regime with respect to its nuclear activities. The initial U.S. position with respect to Iran's nuclear program was to demand its complete, verifiable, irreversible dismantlement. Then it went down to a mere temporary suspension of uranium enrichment. And now, reportedly, only a commitment from the Iranian regime that they will not use growing supplies of enriched uranium to make nuclear weapons.

This, as a U.S. government official was quoted as saying just last week, "Iran is now either very near or in pos-

session already of sufficient low-enriched uranium to produce one nuclear weapon" and is closer "to a dangerous and destabilizing possible breakout capacity." And this means a breakout capacity for producing not a dirty nuke but a conventional nuclear weapon.

Iran is pouring enormous resources into its nuclear program. Its missiles can already strike U.S. forces, can strike Israel and our allies in the Middle East and Europe, and it is only a matter of time until it has the capability to hit us here at home.

Inexcusably, one administration after another has not fully implemented the range of sanctions that are called for in current U.S. law, nor have we leveraged our resources to secure cooperation from our allies, particularly those on the U.N. Security Council. And this year we have filed another bill for another range of sanctions on Iran, and we have yet to get that bill out of committee, in spite of over 300 sponsors for that bill.

Next week at the United Nations in New York, for the first time a President of the United States will chair a meeting of the U.N. Security Council. The Council will be holding a special summit on the general issue of nuclear nonproliferation, but will ignore the actions of specific countries such as Iran.

The U.S. will also not use its presidency on the Security Council this month to pursue further sanctions targeting the Iranian regime. In fact, rather than using our platform at the U.N. to urge immediate action against the regime, the U.S. has again succumbed to Iranian manipulation.

Joined by France, Germany, Britain, Russia, and China, we will meet with the regime in Brussels on October 1 to resolve the disputes over Tehran's nuclear program.

Let's get this straight. As the threat posed by the Iranian regime increases, as the Iranian regime inches closer to weaponizing its nuclear program, the response from the so-called international community is to schedule more talks—legitimizing the regime by engaging them directly.

By its own statements, the regime is committed to the destruction of Israel and the U.S. as well. Ahmadinejad has repeatedly denied the existence of the Holocaust, called for Israel be wiped off the map, spoken of achieving "a world without America and Zionism."

□ 1945

Iran is also the world's leading state sponsor of terrorism, assisted the attacks on our soldiers and continues to this day in Iraq and Afghanistan, and poses a growing threat to the Persian Gulf, a major source of the world's oil. This threat is becoming global, as Tehran expands its presence and influence throughout the Middle East and South and Central Asia and right here

in Latin America as well as Africa. But right here in our own hemisphere, one need look no further than the 1994 bombing of the Jewish community center in Argentina, Buenos Aires, to demonstrate Iran's willingness and ability to attack targets half a world away.

In July, Secretary of State Hillary Clinton called for even stricter sanctions on Iran to try to change the behavior of the regime. I couldn't agree more, but we need them now. Let's act now.

#### TEACHING HIGH SCHOOL SENIORS ABOUT THE U.S. CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, I rise this evening to honor the United States Constitution. Earlier today, the House unanimously passed my bill, House Resolution 686, the Teach the Constitution Week resolution. Congressman RON PAUL and I combined our efforts on this important legislation because society is losing its knowledge of our Nation's most fundamental principles. The Constitution lays out the tenets of our Republic, and House Resolution 686 specifically proposes that seniors in high school across the Nation be taught about the Constitution at the start of their senior year in high school for 1 week.

Mr. Speaker, the Constitution is the highest law of the land. If we're not teaching our children about a document so fundamental to our Nation's past, present and future, then what are we teaching them? Too many Americans have no real understanding of the principles of this historic document. More teenagers can name the judges of American Idol and more teenagers can name the Three Stooges than can name the three branches of our government. This is a true disservice to our Nation and its citizens, and this is the reason why we should promote a better understanding of the Constitution on the part of our Nation's youth.

The resolution also encourages seniors to petition the government on an issue of personal importance to them to demonstrate their understanding of their rights and responsibilities as citizens of the United States. They can write letters, organize a trip to Washington, D.C., to see Congress in action, or call their Representatives to voice their opinions about bills and laws in which they have an interest.

Mr. Speaker, I am so pleased to say that earlier this afternoon, the House of Representatives passed House Resolution 686, just 3 days before we celebrate Constitution Day, which marks the 222nd anniversary of the original signing of the U.S. Constitution by members of the Constitutional Convention on September 17, 1787.

I want to thank the 222 Representatives who signed on as cosponsors of this bipartisan bill. I hope that it will help to reinforce the great importance of the U.S. Constitution to our Nation.

#### THE 19TH CONGRESSIONAL DISTRICT OF TEXAS' VIEWS ON HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, like many Members in the House, I spent a good part of August visiting with people in the 19th Congressional District that sent me here. I had several coffees all across my district. One of the things that they spoke loud and clear of is that they are very concerned about the direction of their country. And as I listened to the President's speech and I listened to some of his advisers, they think these people are not Main Street America, that they are somehow disillusioned. Well, they are disillusioned. They are disillusioned with our government. They see their government bailing out banks. They see their government bailing out car companies. They see their government taking over every aspect of their lives and now wants to take over our health care. I want to read you some of the comments from the people of the 19th Congressional District.

Janie from Lubbock, Texas: "I am self-employed and pay my taxes. I firmly believe we currently have way too much government in our business and daily lives."

Jennifer from Wolfforth, Texas: "Keep the government out of our health care. Remind them of our broken systems, Social Security, Medicare and Medicaid. We don't need another one."

Bobby from Lubbock: "I do not want the government to run my health care. America does not need any more debt."

Rick from Lubbock asked this question: "Why can't government cut back on its spending like the rest of us have to?"

Nelma from Lubbock: "My husband and I were born into very poor families. We were able to realize the American Dream. I want this opportunity for the upcoming generations."

Michael from Lubbock: "Reform is definitely necessary, but not the kind that has been proposed."

James from Lubbock: "Read, understand and apply the Constitution." A novel idea, James.

Mandy from Lubbock: "We want to keep our great insurance that we pay premiums for. We don't want to have our tax dollars fund another fiasco and become another Canada."

Holly from Wolfforth: "Stop the spending. When I was deeply in debt, I stopped buying, worked hard and paid

for things slowly but surely. I am out of debt now. I did not ask anyone to print money for me or pay for me."

John from Lubbock: "Promise us that you will sign yourself, your family on the same plan that you force us into."

Grace from Lubbock: "I hope you have listened to the many people here in Lubbock who do not have health insurance and who cannot afford it."

James from Lubbock: "The U.S. Congress and the executive branch of the Federal Government, in particular, should limit their reach to what is allowed by our Founding Fathers' documents."

Robert from Lubbock: "We must stop this crazy deficit spending and borrowing."

Marilyn from Lubbock: "I hope that you will find a way to use the programs already available to cover all Americans."

Rosalie from Lubbock: "Government is spending too much money. Back off."

Larry from Lubbock: "In the bill there is language limiting the growth of physician-owned hospitals. These hospitals are able to supply health care services more efficiently than other community-based larger hospitals. I am against this bill."

Sandra from Lubbock: "We need to slow things down and people need to read all of the bill before doing any voting."

Kayla from Lubbock, who attended with her grandmother: "I am 9 years old, and I am wondering why the heck you're spending my future. Thank you for listening."

Ron from Lubbock: "When my kids were in college, my friends called me the ATM. I don't know the President. I don't want to be his ATM."

George from Lubbock: "As Big Government continues to expand, there is a commensurate loss of individual freedom, accompanied by excessive spending and an amassing of a ridiculous deficit."

Michelle from Lubbock: "I am a RN in a local emergency room. I am personally against the health care bill. How do we fix overcrowding of ERs? ER nurses are working twice as hard and seeing twice as many patients compared to the past."

Jack from Lubbock, "Say 'no' to the government health care and protect our borders."

Joel from Lubbock: "Please say 'no' to all excessive spending. Some of it does not fit with our Constitution."

Susan from Lubbock: "I have been an RN for 34 years. I am tired of seeing patients turned away due to lack of insurance. This takes such a toll on families and health care providers."

Mary from Lubbock: "Please do all that you can to keep health care in our hands, not the government."

Mr. Speaker, Mr. President, these are not people that are off on some tangent. These are people that are concerned about their country. They are concerned that the government is taking over every aspect of their lives. They're concerned that we are mortgaging the future of their children and their grandchildren. They're concerned that their personal liberties and freedoms are at risk.

Mr. President and Madam Speaker, it's time to listen to the American people and quit giving speeches.

#### CORRUPTION IN ACORN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. You know, Mr. Speaker, one of the things that concerns me is that the more liberal media seems to ignore some of the things that are extremely important to the people of this country and to the freedoms we enjoy and the money that's being spent by the Congress.

This weekend and today I watched a number of these shows that I watch on a regular basis because those of us in this body, we follow the news very, very closely. Mr. Glenn Beck, Sean Hannity and Mr. O'Reilly, who are all on FOX, focused attention over the past few weeks on this ACORN organization. It's really interesting to find out that ACORN, which helped the President get elected, was such a strong force for him and whom he congratulated on the support they gave him, and he told them he wanted to work with them and he wanted to have their advice on issues of major concern. So he's very close to ACORN.

ACORN, which received \$53 million from 1993 until now—that's 16 years. They received \$53 million over 16 years. This year, they now have access to \$8.5 billion. Now, I mean, that's a heck of a reward, it seems like to me, for being supportive of the administration. Then Mr. FRANK, on the Banking Committee, puts legislation through, which has passed the House, that would give them access to an additional \$1.5 billion. That's \$10 billion ACORN has access to.

If you were watching any of these television shows in the last week, you'll see that some people went in and they posed as a prostitute and a man who was soliciting for a prostitute. I think they call him a pimp. They asked the advice of ACORN, and ACORN gave them advice on how to circumvent the law, how to hide what they were doing from the law, how they could make money and not report it to the Government of the United States.

Then these people asked, Well, we want to bring some young people in from South America. They're underage, and we want them to work for us in this prostitution ring. The people at

ACORN said—and there were two or three of them—they said, Well, here's how you do it. And they explained to them how they could claim them as children or dependents and expand their ring of prostitution. This is all documented. It's on television, and it's in the papers—some papers, very few. Yet ACORN is going to get almost \$10 billion.

They have been involved in other nefarious activities, and they were supposed to work on the Census. Can you imagine? The way the States get money from the Federal Government is based, in large part, on the Census that's taken—how many people live in a congressional district, how many people live in a State—and the money that comes from the Federal Government is divided up, in large part, on the basis of the Census.

So ACORN was going to have a major role in working to count the number of people throughout the country and, in effect, decide where this money is going to be going. This is an organization that has a tremendous amount of corruption. They're finding more and more corruption every single day, and the taxpayers of this country are allowing them, through the Congress, to have access to almost \$10 billion of our taxpayers' dollars. That is insane.

We've asked the Congress and leaders of the Democrat Party, the chairmen of these various committees, to hold hearings on this, to have an investigation, and we have yet to have any investigation whatsoever, not one. So today I wrote a letter to Chairman TOWNS of the Government Reform and Oversight Committee, who is a very good friend of mine and a very fair man. I have asked Chairman TOWNS to have an investigation into ACORN.

When you're talking about \$10 billion of the taxpayers' money going to an organization that we know has been involved in various nefarious activities and that we know has been involved in corruption, we certainly should at least look into what they're doing and stop them from using taxpayers' dollars to do these things.

This is something that we shouldn't allow anybody to shovel under the rug. The administration should take responsibility for conducting an investigation and pushing for it, and the Members of Congress on the majority side that has the chairmanships in both the House and the Senate need to push very hard for an investigation, and we need to do it now. We need not to give them one dime until that investigation is completed.

#### CAREFULLY CRAFTING HEALTH CARE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. SCALISE) is recognized for 5 minutes.

Mr. SCALISE. Mr. Speaker, as we're having a debate on the issue of health care and a lot of different ideas and different things are being passed around, I think it's really important that we look at the real reason why we need to make reforms to our health care system in America.

Clearly there are problems with health care, but there are very narrow problems with people who don't have the ability and the access to get health care at an affordable price. What we need to do is focus on fixing the problems in the system that don't work, but at the same time, we need to be very careful not to destroy the things that make medical care in the United States the best medical care in the world.

I think what concerns many of us is this proposal of a government takeover of our health care system where the government would come in all under the guise of competing against private companies. Of course anybody that understands what competition really means and who looks at the concept of the Federal Government, with taxpayer backing, coming in as your competitor when they write the rules that both of you have to play by—they've got this health care czar that they're creating in their bill, which, by the way, I think the count is up to over 30 czars now created in this administration.

We need to sunset these czars. We need to get rid of these czars. We shouldn't have people with these unbridled powers that have absolutely no accountability to the public, did not go through the scrutiny of the normal process that a cabinet secretary or high-ranking official would have to go through with Senate confirmation, testifying before committees and being answerable to the American people. Yet you've got these czars with these powers, and now they're trying to create a health care czar that would literally have the ability to make major decisions over individual families' health care.

□ 2000

I think it's very important to go through and talk about some of these claims that are being made because they are claims that are being made that completely are contradicted by the bills that we have before us in the Congress that are brought by and supported by this President and this administration.

One of the first claims that's been made a whole lot is if you like the health care you have, you can keep it. Now, personally I think that's a very important claim. I think that's one of the sacred parts of health care that we should maintain. If people like the health care they have, they should keep it. The problem is in the bill that President Obama supports in the

House, the only bill this administration, Speaker PELOSI, and others are promoting, is H.R. 3200. In that bill, in fact, on page 15 of that bill, they give the power to the health care czar, again an unappointed bureaucrat, a person who did not go through any confirmation process, who was just appointed by the President, who is wholly unaccountable to Congress, this health care czar would have the power to decertify private plans.

That's right. That means if you have a health care policy you like, the health care czar, in their bill, has the power to take away your health care plan even if you do like it. It's in their bill. We actually tried to take that out in committee.

Another claim that's been made a whole lot that was made here on this House floor deals with the issue of illegal immigration and do illegal aliens have access to health care. Now, many have claimed that illegal aliens wouldn't be able to get health care in their bill. The problem is, according to the Congressional Budget Office, the President's bill allows 8 million illegal aliens to have access to his government-run health care plan. That testimony was given by the Congressional Budget Office. That's not a Republican or a Democrat who said that. That's the bipartisan group that we actually have to follow who scores these bills, who makes a determination whether or not these statements are accurate. The Congressional Budget Office has said 8 million illegal aliens would have access to this government plan that the President is supporting, H.R. 3200.

And there are a lot of other claims that are similar to those that are just not accurate. One of the ones that's thrown around a lot by the President and others is this straw man that we've got to fix health care and if we don't pass his bill, then everybody else is for the status quo if they're not for his bill, if they don't want the government to take it over.

That's not true. If you look at the bills that are out there, there are many bills that I and others support that are very different approaches than the bill that the President and Speaker PELOSI support. One good one is H.R. 3400. H.R. 3400 has nearly 40 Members of Congress that are cosponsors, including four medical doctors, people that really understand the problems in health care. In our bill we actually address the problems that exist. We address the problems with preexisting conditions. I don't think it's fair or right that somebody can be denied health care coverage because they're battling maybe a disease like cancer or some other tragic disease that in the current system they are currently discriminated against. We fix that problem in our bill. We invoke real competition, but it's not by bringing in the government; it's by allowing people to buy across State lines and have competition.

So we need to address these problems in a real, honest way.

#### THE NATION'S CURRENT FINANCIAL SITUATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, the context of my remarks is engaging the issue of the current financial situation that the United States finds itself in.

Mr. Speaker, it was less than 1 year ago that the government began Bailout Nation, which was \$700 billion in tax money that was given to the United States Treasury Secretary for the purpose of stabilizing America's financial situation. Let's take just a brief history of what has happened in the United States in just less than 1 year's time.

This Congress appropriated essentially a blank check to the Treasury Secretary of \$700 billion, a blank check. The Treasury Secretary literally could do anything he wanted to do with that \$700 billion. That \$700 billion went to the Treasury Secretary. It's gone to bail out banks. It's gone to bail out an insurance company, and it has gone to set up the automobile task force.

In that time we have seen \$700 billion go not only for that bailout; we also saw \$29 billion go to Bear Stearns to shore up that investment banking house. We also saw \$200 billion go for Fannie and Freddie, the secondary mortgage company, because, remember, all of this began with a meltdown in the housing industry. So we thought, first of all, money needed to go to bail out the secondary mortgage provider.

Almost all loans today in the United States are now backed up by the Federal Government. This is amazing what has happened to our country in less than 1 year's time. We saw over \$100 billion of our tax money go to bail out the largest insurance company in the United States, AIG. Still the United States taxpayer has yet to be repaid the money for AIG. We have yet to be made whole.

We have yet to be made whole for the money that was extended to General Motors and Chrysler. That's tens of billions of dollars that were given to the car companies. We were told that we had to give them tens of billions so they wouldn't go into bankruptcy. Well, lo and behold, what happened? Both GM and Chrysler went into bankruptcy.

We were told that we had to give all of this money to Freddie and Fannie so that they won't go into bankruptcy, and we continue to pour taxpayer money into Freddie and Fannie. Not only that, the American taxpayer was told to give another \$75 billion in mortgage bailout money.

At what point do we say enough is enough? Two hundred billion dollars for the secondary mortgage company, another \$75 billion for mortgage bailout. But that wasn't enough because the American taxpayers were told we needed to give a trillion dollars in stimulus programs. A trillion dollars. That money hasn't been completely let out, thank God. Every penny that hasn't let out at this point should be reeled back in, and we shouldn't be committing any more of that money.

We also agreed in this body to spend another \$400 billion in an end-of-the-year budget gap that we were able to shore up.

At this point we know the Congressional Budget Office has said that our country will be in deficit \$1.6 trillion this year, and it may get worse. How do we know that? Unemployment is at 9.7 percent, and President Obama's own economic adviser has said if we pass his version of the government takeover of health care, we will lose 5.5 million more jobs. We have lost 4 million jobs. If we pass President Obama's health care reform, by his numbers, we will lose another 5.5 million jobs. And if we pass his national energy tax, the cap-and-trade bill, this energy tax, by President Obama's own numbers, will cost our economy an additional 2.5 million jobs lost every year going forward. This doesn't seem to be working for us as we look at this 1-year anniversary of Lehman Brothers collapsing.

So now the Federal Government owns or controls 30 percent of all private business profits. And if President Obama gets his way and takes over another 18 percent of our economy in health care, that means the Federal Government will own or control 48 percent of private business profits. Just think, a year ago 100 percent of private business profits were private. Today we're looking at the specter of 48 percent of private business profits owned or controlled by the Federal Government.

Mr. Speaker, that's why the American people are nervous. That's why they don't want government to own or control any more of our economy.

#### GOSPEL MUSIC, FOREIGN POLICY, AND HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have some joyous moments in this body, and I am delighted to say that we will have that tomorrow.

Gospel music is part of America's culture, and I was very pleased to pass the legislation, House Joint Resolution 12, to acknowledge gospel music as part of the great culture of America.

Tomorrow here in this House, we will celebrate the gospel music heritage

legislation that was passed in this House and in the Senate by my colleague and friend Senator BLANCHE LAMBERT LINCOLN. And we will celebrate it with the wonderful sound of Richard Smallwood.

We have the privilege and honor of celebrating this cultural aspect of America reaching from the East to the West, from the North to the South, in places like Nashville, Tennessee; to Iowa; to Atlanta, Georgia; to Houston, Texas; to New York, New York; and places in California and around this Nation. We had the pleasure of celebrating it at the Kennedy Center. Bryon Cage and the Ebenezer Choir, AME Church, was there on Saturday evening celebrating gospel music heritage.

We're excited about it. And we thank our House leadership for helping us pass this honoring of those wonderful gospel musicians that all of us have enjoyed over the years and decades: some starting out or gaining their rock and roll status like Elvis Presley from their original origins of gospel music or Al Green, the gospel singer, or Mahalia Jackson or Marian Anderson or Yolanda Adams. So many great gospel singers have given all of us joy no matter from whence we have come.

So I would like to thank the House leadership. I would like to thank the majority leader and his staff and Chairman TOWNS and the ranking member of the Government Oversight Committee, all of whom helped this day come to fruition.

As we move into issues that require our attention, Mr. Speaker, I would like to comment very briefly on our position in Afghanistan. Tomorrow I will have the opportunity to join in listening to Ambassador Holbrooke, who has just returned back from Afghanistan, and I would like to offer these thoughts.

I do believe that Afghanistan is very important to the United States, and after 9/11 it was important to respond to the attack on this Nation. But now I think it is important to emphasize a diplomatic surge and the stand-down of the military soldiers, all who are valiantly working there. I believe it is important to allow the Afghan people, through the building of schools and roads and through the building of the Afghan Army, to take control of their own security. We cannot allow this to be a 20-year war as it was with Russia, and the Afghan people must stand up.

Some may say it is not the time, that it is a difficult time. And they are right, because instead of pursuing the cause in Afghanistan, over the last 8 years we failed and detoured into Iraq, Iraq that took thousands of American lives and still unfortunately and tragically struggles today with democracy and leadership in their own country. But I do believe it is time for a surge of diplomacy in Afghanistan, and I am

going to work with my colleagues to see this happen.

I wish to mention Iran, as well, as the General Assembly gathers in the United Nations and particularly to focus on Camp Ashraf that has displaced Iranians. These individuals are in Iraq and they are subject to abuse. I'm calling upon the administration to demand for the people that are displaced that happen to be Iranians who are in Iraq to be treated with human dignity and for that camp to be protected and for the Iraqi military to protect that camp and not allow the intrusion into that camp and the rampage that's going on and the attack on women and children. Enough is enough. If Iraq claims itself to be a democracy, it is important.

I also call upon the General Assembly to comment on the abuses in Iran, the human rights abuse, the press abuse, the lack of freedom of press. Even as we debate this question of nuclear proliferation, we should not allow the kinds of abuses that are going on in Iran.

As I move to the domestic issue, Mr. Speaker, I think it is important that we clarify that health care is something that America wants. Sixty percent of the American people want health care. And as I was coming here to Washington, I met someone, Mrs. Wallace, in the airport who indicated that her son will have to have surgery costing a million dollars, and she pleaded that we get our job done. I said I would take her message to Washington, D.C. She was sending off her sister going to New Zealand. They have not been hampered by a program that is, in essence, underwritten by the government, but we're not asking for a program to be underwritten by the government; we are asking for people to have choice. But more importantly, we are asking to have an option, a public option, that will provide for the competitiveness that is so very important in providing health care for all Americans.

Let's stop all the myths and the attacks, and let's have an evenhanded debate to recognize that a public option provides for competition.

□ 2015

I want to conclude, Mr. Speaker, by simply saying we have celebrated this 1 year with the Lehman Brothers, but I will say to you that we have to have a recovery that makes sense, and this administration is working on it.

#### ETHICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, as some people might know and some of my col-

leagues know, I have been appearing before this House for the leadership hour now for approximately 12 weeks, and I have been talking about this House of hypocrisy that we seem to be thriving in here as we have all of these issues that involve multiple people concerning ethical issues, and in some instances maybe even criminal issues that need to be addressed. I have raised the issue because I want to remind the leadership of this House that if we don't address these issues, we are failing in our duty as Members of Congress.

As we sit here with the Democrat majority blasting JOE WILSON for a very inadvertent outcry in the House of Representatives, we seem to have forgotten what I have been talking about for the last 12 weeks which is Chairman CHARLIE RANGEL's decades of tax evasion and ethics violations that have been raised over and over on the floor of this House. This is the ultimate of hypocrisy. So I am going to talk about it again tonight. I think it is important that we listen.

It is important to also know this has not just started in the last few months. Today is a very important day. This is September 15, I believe. Close to it anyway. On September 15, 2008, the New York Times, certainly not one of the more conservative newspapers, and I don't think anyone would consider them a Republican newspaper, called for the resignation of Chairman RANGEL as chairman of the Ways and Means Committee because of the allegations that he himself had pointed out to this House on the floor of this House of his failure to report certain items of value and failure to pay taxes on about \$75,000 worth of income that he realized in the Dominican Republic on a vacation home that he owned there and rented out. He rightfully said he was going to correct that by paying the taxes and amending his return and that he felt bad about it, and that he had turned himself in to the Ethics Committee.

Well, this turning yourself in to the Ethics Committee is almost the hypocrite's dream because you say I want you to judge me. Well, are they? They have had a year now. This was turned in to the Ethics Committee a year ago. We were promised when this new Congress started, we were promised in the fall of last year by the Speaker of this House, NANCY PELOSI, that she was sure that all of the Rangel issues would be resolved by the first or second week of January of this year. And yet they are still not resolved.

The Ethics Committee's job is to be the charging body in this Congress, and they are to look into these allegations and they are to make decisions. It is our method of policing ourselves. Quite frankly, when you find your method of policing yourself has failed, and I would argue 1 year on one person is

pretty close to failure, then maybe we need to come up with a new system. Maybe we need to come up with a new way. Maybe we are not capable of policing ourselves.

There have been bodies like bar associations and medical associations that have historically policed up their own members; and other associations, certified public accountants, architects, and others have boards that police up their members. If they do a good job, they should be commended. And if they fail, they should be condemned. There is an old adage in the law, and having spent the vast majority of my life in the trial court in Texas, serving 20 years on a trial bench as a district judge, for 20 years prior to my coming to Congress 8 years ago, I can tell you we have an adage that justice delayed is justice denied. That is why we have things like speedy trial acts in the courts of America where a defendant can say I want this case brought to trial within a set time period because justice delayed is justice denied.

That's why we have multiple terms of grand juries and we promote the grand jury process to move cases along through the system so we can deal with felony criminal cases in an opportune way so justice is not delayed. Therefore, justice is not denied. That is why we come up with alternative forms of resolution of disputes in the courthouse because our civil dockets and our family law dockets get so bogged down in numbers that justice becomes delayed; and, therefore, justice is denied.

Well, I would argue that when one man stands at that microphone and for about an hour confesses his transgressions to this House, defended by the speech and debate clause of the Constitution, and states in no uncertain terms that he had made some serious errors and he was going to correct them and that he was turning it over to the Ethics Committee to get it resolved, then he has not been fairly treated by the Ethics Committee not resolving this. That is one of the things that I want to point out. I am about resolution of disputes. I am about solving these types of things that put an evil light upon this House of Representatives.

We have enough trouble with the public right now. Our poll numbers are terrible. But the reality is that the history of this place calls upon us to be honorable people. We address each other as honorable people. And if you are going to be an honorable person, then we have to have a means of recourse when honor is challenged even if you challenge it yourself. And I would argue that our methods that we are using right now in the Ethics Committee are failing this House of Representatives and the leadership whose committee it is is failing this House of Representatives. This needs to be resolved.

When we talked about this 1 year ago, we heard about Mr. RANGEL's issues concerning the rent that he failed to report as income, and he announced to us that he was paying the taxes and would pay any penalties and interest that may be assessed against him. Later we learned that he paid taxes but he didn't pay any penalties and interest because they weren't assessed against him. That looked to me like the IRS was giving special privileges to Mr. RANGEL. Why would they do that? Could it be because he is the chairman of the committee that oversees the IRS and the chairman of the committee that writes the tax laws of this Nation? It could be, but that is not right. That is not the way it ought to be. Just because 652,000 Americans decide to send one of us to Congress, does that mean that we have special rights that others in this country do not have? No, it does not. And we need to stand up and say so. We go through that same line everybody else does at the airport. We get our pockets emptied at the airport, and we go through the magnetometer just like everybody else at the airport, and we should. We are not different than anybody else in the United States.

And yet I think it is totally, totally inappropriate for the chairman of the Ways and Means Committee, who has admitted that he failed for years to pay taxes on income that he received in the Dominican Republic, that he should not be assessed penalties and interest. For 10 years I practiced law in Texas, and I represented a lot of people who had trouble with the IRS. And I always saw when we finished it up and resolved their issues, penalties and interest. In many instances, the penalties and interest were more than the taxes. And Mr. RANGEL, and I don't have exact numbers, but it was for a period of 10 or 15 years that he didn't pay on this income. Why shouldn't he pay penalties and interest?

So I wrote him a letter. I said very respectfully, Mr. Chairman, I am sure that you do not want to be treated any differently than any other American. I would request that you speak to the IRS and ask them to assess the appropriate penalties and interest, and that you pay them. I received no reply to that.

So I introduced a bill that I call the Rangel rule. The Rangel rule says very simply if you owe penalties and interest on income that you fail to pay, when you pay that tax, write on your tax form "exercising the Rangel rule" and you as an American citizen will be treated the same as the chairman of the Ways and Means Committee.

I thought that was fair. I thought that was just. It is still in the hopper. I am perfectly willing, if the leadership of this House will bring it up, to put it to a vote of my colleagues, and we might be surprised; the Rangel rule

might actually become law. But we should at least have that find of fair treatment for Americans, the same kind of fair treatment we expect to have. We don't expect people in this Congress to get different treatment.

That is what I have been talking about, failing to report. We have to file a report every year. It is required by law. It is like an oath, and if you violate that oath, there are consequences of violating that oath. You basically swear this is what I owe, this is what I made. This is dividend income or interest income, or whatever. We sign and swear to that. That would at least make it subject to perjury. And we file it every year.

Now the complaint that we give ranges is true. You can report that I own property that is worth between \$250,000 and \$500,000, and you don't know exactly what end of that rainbow you are talking about, that that is the range. I didn't write the forms; those are the forms. But if you fail to report it, you are given a certain amount of time to amend it. That is fair. People can miss something. And many of the things that Mr. RANGEL talked to us about when he talked on the floor of this House was the things that he didn't report. That is good. He was being honest with the American people and with the Members of this House. He turned that over to the Ethics Committee, too. I assume that he filed the amended reports. And that is sort of what we have been trying to get resolved before the Ethics Committee, is this something that should be sanctionable by the House? The Ethics Committee's job is to tell us that. We have certain sanctions that this House can have. They are set out in our rules. Those rules were given to us by Thomas Jefferson, a fairly famous scholar and famous Democrat. We have got these rules, we have these sanctions, and that committee is supposed to function to start the process.

□ 2030

Today is the first anniversary of the process starting for that, just what I told you so far.

But since then, since that time other things have come forward. In fact, recently, other things have come forward. Mr. RANGEL has been found, in many newspaper articles that have been coming out about this, in a potential additional violation of underreporting income and assets in 2007 by more than half, including the failure again to report the income from his Caribbean resort property. He has aides that work for him that also failed to file these reports and failed to disclose this information.

His lease of a multi rent-controlled apartment was part of the discussions that took place at that time. He is using his House parking space as a storage place for a car he didn't want

to pay to be stored. His failure to report or pay taxes on his rental income in the Dominican Republic, the alleged quid pro quo trading legislation action in exchange for the new Rangel Center and College and New York College. All of these things are part of previous accusations. But now we have new properties, brand new retirement accounts, brand new investment accounts, five different investment accounts that, oops, we just discovered those. And we've just discovered rental properties over in Brooklyn, New York, and over in New Jersey, just discovered and have just come out in the newspapers. And there's article after article after article.

As we celebrate this anniversary, here are some of the things that are out there. We just talked about some of them, the parking spot and all those things. There is also a trip taken by Mr. RANGEL and others to the Caribbean; it was paid for by lobbyists when we had a firm promise by the Speaker and the leadership of this House, the Democrat leadership, that this was a new Congress, they were draining the swamp. Well, the swamp is not drained; in fact, we're knee deep in alligators right now. But the draining of the swamp was there would be no more lobbyists paying for trips, when we have multiple Members of this House, including Mr. RANGEL, who went on a lobbyist-paid trip where they are on film thanking the individual lobbyists for their contributions to the trip.

People say, why isn't this working? Why isn't this Ethics Committee working? And of course the newspapers, who like to speculate, have pointed out that three of the five Democrat members on the Ethics Committee have received major campaign donations from CHARLIE RANGEL. We asked why Speaker PELOSI hasn't taken a hand in this and we found out 119 Democrats have been given money by Mr. RANGEL for their next campaign. And so he's a source of funds for the majority party here in this House, and that may be it, but we don't know.

But you know what? What this is all about is I am sick and tired of everybody being lumped together as evil people in this House. And therefore, justice delayed is justice denied, and it's time we address some of these issues.

I am joined by my friend, who is a classmate of mine, from Iowa. He is one of the stars of this floor because when he speaks, he speaks from the heart. Brother KING, tell us what you've got to say. I will yield you what time you may need.

Mr. KING of Iowa. I thank the gentleman and the judge from Texas. I thank you, Judge CARTER, for your leadership on this issue. And I know that it's hard for a lot of Members to come down to the floor and raise an issue that has to do with the ethics of

any other Member. Whatever party they might be, if they're a Democrat or if they're a Republican, there's a certain restraint that exists in this House Chamber. And sometimes it's because Members are afraid that they or their agenda will be punished by a powerful committee Chair who holds a gavel.

There are some, though—as you have done for 12 or 13 or more weeks—that have stepped up here and stood on principle and talked about real ethics and talked about the standards of this House and the standards that we need to hold the other Members to—and ourselves to for that matter—regardless of the consequences that might come along within this circle of people that work together every day. We've got to be the ones that raise the standard of this House and hold it up.

Now, if you have someone who is in charge of the IRS who doesn't pay their taxes, immediately they lose the moral authority to claim anyone else's tax money. That's the case with Tim Geithner. And it's a point that I think has been alluded to at least by the gentleman from Texas. And if you have the chairman of the most powerful committee in the House of Representatives, the Ways and Means Committee, and the lists of these questions, the ethical questions and the problems with his own taxes gets longer and longer after this—happy birthday, Chairman RANGEL—a year since The New York Times called for the chairman to step down, CHARLIE RANGEL to step down as chairman of the Ways and Means Committee.

And I can remember the exhortation that took place when Republicans were in the majority and Democrats were looking for anything that they could fabricate to allege against the people in power on this side. I remember constant attacks on Speaker of the House Newt Gingrich, who had something like 74 charges brought against him; every one of them specious, none of them substantive, and none of them stuck during all that period of time. But it was designed to focus on the person that held the most power here in the House of Representatives.

And so that taints this. And people think that it's purely a political battle that's going on. Well, it's political in a lot of ways. Judge CARTER talked about how political it is with 119 Members of the Democrat Caucus in the House of Representatives having received a campaign check from CHARLIE RANGEL. When you have a majority—close to it anyway—near the majority of your own caucus that you've contributed to their campaign, somehow they just magically, over time, lose their conviction to stand up for pure ethics.

And it's a shame, but the reality of the political world today is that it isn't just a matter of altruism, it isn't just people that come here—and many do come here to do the right thing; many

come here because they want to help America; many come because they believe—they're either liberals or conservatives or someplace in between, but they believe in what they do and they stand up and speak out about it. That sense of conviction, that sense of altruism is something that should be applauded and honored and respected whatever that judgment is, whether they're liberals or whether they're conservatives.

I think a lot of America believes that that's what drives this House. I'd like to think it is, it's part of what drives this House. But another part that drives this House is political power, political patronage, campaign contributions. The influence that comes from being able to direct policy as chairman of a committee is a powerful thing, it's an influential thing. And why does Chairman RANGEL have all that money to give to 119 Members of his own caucus? Because he controls the tax-writing committee. He controls a lot of the regulations that control the economy of the United States of America—at least the free market economy and what's left of it.

And so there are those who disagree with the philosophy and the policy that CHARLIE RANGEL drives as the man who holds the gavel chairing the Ways and Means Committee. And there are many people in this country, many companies, many corporations, many entities that will find a way to get checks into that campaign fund because they don't want to be punished. And that money gets delved out to Members of their own caucus. And the chairman forgets to pay his taxes and underestimates his liabilities and assets by more than half, including forgetting to report the income off of his villa property in the Dominican Republic and forgetting to report that he is receiving rent subsidy on apartment houses for years in New York City.

The failure to report and pay taxes on rental income from the villa in the Dominican Republic is as clear as it can be. And was it an attack of conscience that Chairman RANGEL had when he finally amended the statement? I think not, because to falsify those statements is a felony. But when the issue was raised by Judge CARTER, by The New York Times, by a number of others, then the chairman stepped forward and amended his returns, and then amended them again—I actually don't know how many rounds it's been that those ethics reports or financial reports have been amended.

But they're not, I can't envision, being amended because of an attack of conscience; they're being amended because the news media, JOHN CARTER, other Members have stepped forward and laid the facts out before the American people. They're being amended to avoid the embarrassment and perhaps the prosecution in order to comply

with and hopefully avoid an Ethics ruling when it comes out of the dysfunctional Ethics Committee in the House of Representatives.

So I think it's pretty interesting that there is an alleged—this is one of the list of things that have emerged in the last year—an alleged quid pro quo of trading legislative action in exchange for donations to a center named for CHARLIE RANGEL at City College of New York. I remember one of our Members, JOHN CAMPBELL from California, in particular, came down to the floor and offered an amendment to strike \$1 million out that was earmarked for a center that was named after CHARLIE RANGEL. And he asked Mr. RANGEL, would you really ask that they name a center after you? And the answer was, essentially, I wouldn't want it to be named after you, Mr. CAMPBELL, but yes, I've been here a long time, it's okay, I think we're allowed to do that.

House Members don't do that. There are posthumous names for Federal buildings for Members of Congress, but it's very rare to find a Member of the House of Representatives to ask for real estate to be named after them; kind of a self-glorification. Quid pro quo? Possibly. It certainly raises a question.

But trips to the Caribbean, this is something that's fairly astonishing. The gift rule violation, the trips to the Caribbean that were sponsored by the Carib News Foundation in 2007 and 2008, raised all kinds of questions. Now the chairman of the Ways and Means Committee—which, by the way, shouldn't be in the business of trying to direct the IRS to examine anybody; he should be worried about national policy and how that affects on a broad perspective, not micromanaging and focusing on an IRS investigation. But he had the audacity to push for a crackdown on U.S. taxpayers who make honest mistakes on their own returns, and then on the heels of Secretary Geithner's crackdown of UBS depositors for failing to pay their own taxes. The timing of this couldn't be worse.

And it goes on. The statement that I thought was really interesting was the Democrats' House of hypocrisy. They made a lot of allegations, but the House of hypocrisy—the IRS should investigate both CHARLIE RANGEL and TIM GEITHNER. And the problem is Tim Geithner controls the IRS. And so if you control an entity, it's pretty unlikely that they're going to do a vigorous job of investigating the people that actually decide what's going to go on within the operation.

The House Committee on Standards hasn't produced anything yet—that's the Ethics Committee. It's been dysfunctional for a long time. It took place that the former ranking member of the Ethics Committee, who is now the chairman of the Justice Appropriations Committee from West Virginia,

funny—under investigation himself. And he holds the gavel that controls the appropriations to the people that are investigating him and he controls their purse strings, ALAN MOLLOHAN.

Interesting. House of hypocrisy: Geithner controlling the IRS; CHARLIE RANGEL controlling the Ways and Means and the tax code; the House Committee on Standards can't seem to move; the chairman, CHARLIE RANGEL, has given campaign donations to three of the five Democrats on the Ethics Committee. Now, it should be unethical to make contributions from the House to Members on the Ethics Committee because, after all, especially if you're under investigation, surely that would turn the focus on him.

And the other interesting thing—this is one that really stands out—we had a little investigation going on on these Caribbean trips that are in question that Mr. RANGEL was on. Well, it turns out that the chairman of the investigation of the Caribbean trips was also along on the trip, so he knows what was going on there. If he would have thought there was a problem, he would have blown the whistle at that time, one would think.

This isn't the America that the people in this country pay for, that they want to have. It's not the America that the people I know deserve. This country is full of hardworking, honest, decent people, white collar and blue collar people, people that get their hands dirty every day, people that keep their hands clean and use their brain and their fingers and their computers or calculators, their telephones and their steering wheels, people that are down in the trenches, people that are in the meatpacking plants, people that are producing a product every single day, and they give up time away from their families and their homes and they pay their taxes and they comply with the regulations. And they fear the IRS coming into their kitchen or their office and doing an audit of them. And they respect the government.

And we have a House of hypocrisy here where the chairman of the Ways and Means Committee can't seem to get his own filings right on his own accounting forms, the rules that he writes, and has the audacity to turn up an IRS investigation on people that may not be.

119 Democrats have received money from CHARLIE RANGEL. Funny, the Ethics Committee can't move. Three of the five Democrats on the Ethics Committee seem to have received money from CHARLIE RANGEL.

□ 2045

So I would just say this: that we've got to clean this House up. We've got to end this House of hypocrisy. If anyone is under investigation, under question, and if the chairman of a committee and if the Speaker of the House

can't see fit to bring the right kind of decorum and the right kind of decency and when a liberal newspaper like The New York Times is indignant at this House of Representatives—the House of hypocrisy run by Speaker PELOSI—and is thumbing its nose at the people of the United States of America, if The New York Times can see it, I guarantee you the people in my district can see it. They know it in Iowa. They know it in Texas. They know it in the heartland of America. They know it across the red zones of America. Everybody who gets up, who goes to work, who punches a time clock, who earns a salary, who pays his taxes, who carries his weight, and who contributes to this country understands that we've got to have a Nation that's a rule of law.

You can't write enough laws to make a decent people out of an indecent people. You can't cure hypocrisy by covering it up. At some place, at some time, somebody has got to dig up that rotting corpse, and it's going to have to have the light of day shine upon it. When that happens, we'll learn the truth, and there will be a day when the American people rise up again as they did last Saturday, when they came into this city by the hundreds of thousands.

Hundreds of thousands of people came to Washington, D.C., on Saturday and registered their rejection and their contempt for the profligate overspending that has taken place in this Congress, for the corruption that's here and for the House of hypocrisy that it is. They want clean, decent people, like they are, representing them in this Congress. Between them, they have the solutions to everything that's wrong with America. They aren't all good ideas, but among them are all the ideas that we need to solve the problems that we have.

We need to listen to the American people. We need to listen to the Founding Fathers. We need to be re-anchored back to the Declaration and to the Constitution. We have got to reform our fiscal responsibility. We have got to take this IRS out of our lives and get back our freedom. We have got to give people school choice. We have got to make sure that the younger generations learn it right and that they learn about God and country—our true history—and about our Founding Fathers, about personal responsibility and about the price for freedom and what freedom is and about the pillars of American exceptionalism.

This House of hypocrisy is not a pillar of American exceptionalism. It is a corrosive entity that undermines the pillars of American exceptionalism. We must clean it up. It needs to happen now. Why not on the first anniversary of The New York Times' calling for the resignation of CHARLIE RANGEL as the chairman of the Ways and Means Committee? As my father always said, there is no time like the present.

I thank the gentleman from Texas, and I yield back the balance of my time.

Mr. CARTER. I thank my friend for everything he had to say, and I agree with everything he said.

I want to say something that is concerning me. It has come to my attention, through the rumors that have spread around the Halls of Congress, that some are saying this issue that I have raised about Mr. RANGEL has something to do with his race. I want to make it very clear: I spent 20 years on the bench. I believe in that Lady Justice who stands there with that blindfold. I can tell you in no uncertain terms—and I will leave it up to the people in my district, and you can check with them—that I never gave a sentence to a criminal defendant based upon his race nor did I even see the color of his skin. I based it upon his behavior, and the behavior that needed punishing I certainly punished. It had nothing to do with the race of anybody. When people start accusing someone of being a racist because he raises an issue of right and wrong, there's something wrong in this House of Representatives.

I bring this up now because I would hope this wouldn't happen, but if it does, I stand ready, willing and able to point out that this has absolutely nothing to do with race.

By the way, Mr. RANGEL isn't the only Member of this Congress whom I have spoken against and said that we needed to do something about. I just had to get that off my chest. Before this stuff starts, I want you to know the race card has nothing to do with what I'm trying to do on the floor of the House. I'm trying to see that we get justice at this level.

Mr. KING pointed out the fact that the Chairman of the IRS has got issues of not paying taxes. Who is going to go after him? The chairman of the Ways and Means Committee has issues of all sorts, which we've talked about here. Who is going to go after him? Well, I'll tell you who can—the Justice Department.

You know, when there are allegations of improper behavior, if those things rise to the level of criminal behavior, it is the duty and responsibility of the Justice Department to investigate, and I think the Justice Department should. It's supposed to be like that Lady Justice—blind to the political ramifications and going forward based only upon doing justice. That's why it is called the "Justice Department." If there are issues here that people see, the Justice Department ought to do something about it.

This Congress has the ability to hold hearings on these issues, and they have the ability to hold hearings on the other issues that have been talked about here tonight, and it's about time we did it. We have issues of major pro-

portions that are being totally ignored by this House. This has become the House of hypocrisy, as Mr. KING said. There are those who accused others of a culture of corruption just 2 years ago and actually, blatantly, stepped forward on the floor of this House and admitted so. Now, as the corruption is being exposed, all of a sudden, we don't hear anything more about that. It is hypocrisy. I wanted to bring that up because it's important.

I've spent my lifetime trying to be like that Lady Justice—blind as to who you're dealing with. If people will think back, I have said the reason I stand here tonight is because the rule of law is the glue that underpins the very basic foundation of this Republic, and if we let the rule of law be forgotten or to be discarded and if we, as a people, are not bound together by those agreed laws we've agreed to through our legislative process and if political power or influence changes that, then we're no different than a banana republic. Therefore, nothing is more sacred to the basic premises of a Republican form of government and a democracy than that all people, no matter what their statuses, are bound by the law.

Together, we just sent a man who stole in a Ponzi scheme billions of dollars from people around the world. Do you know what? It speaks to the American system. He is in prison tonight. That's the rule of law, and that's the way it's supposed to be.

So, when we talk about this—and occasionally I do—I smile and have fun with the Rangel rule, but the reality is, if we surrender the rule of law, we surrender our freedom and we surrender our Nation. We just can't do it. With all the political back-and-forth that may go on on the floor of this House, I believe in my heart—and I hope in my heart—that every person who sits in these seats is about standing up for the rule of law. If they are not, they don't belong here, because the rule of law is the glue that holds our society and our Republic together. It's very simple. It's not a complex issue. It's that people, as a people, decide to govern themselves with certain rules and regulations that are required of us as citizens. It's what we promise to do by being good citizens. So we're not going to take a handgun and walk across the street and rob the grocery store, because that is disruptive, and society has decided we're not going to tolerate that. That armed robbery in Texas will put you in prison for life, and believe me, I can tell you several people who know that very fact.

There's a reason we have laws: They hold our society together. It's not a law that says the poor immigrant gets the prison sentence and the rich executive does not. If they both break the law and the punishment is prison, they both ought to go to prison because that's the rule of law.

So, when we have issues that affect the rule of this House and, maybe, the rules of law of this Nation—right now, I'm talking about the rules of the people's House. This is the House of the people. This is the only House of the people. Don't let those Senators fool you, okay? They're not the House of the people. This is the House of the people. If someone dies in this House or is removed or leaves office in the middle of a term, nobody appoints his replacement. It is unlawful to appoint his replacement, because the Constitution of these United States says this is the House that is elected by the people. If we have a Senator die, the States can have a rule which says the Governor—and in fact, my State has that rule. If a Senator dies or leaves office in the middle of the term, our Governor gets to appoint a replacement Senator until such time as an election is held, and most States have something along those lines, which means they're not necessarily placed in that office by the people. That's the difference. When we say this is the House of the people, this is the only House of the people.

If we can't abide by our own rules when we are in charge of making those rules that govern life in America, what kind of example is that? Maybe these folks who've been in the streets for the last couple of weeks, who've been marching and yelling and fussing about Congress, have got something to fuss about; because the truth is, if we can't govern our own House, how can we be expected to govern our Nation?

I have been pointing out to the Democrat leadership of this House, who has this responsibility—you know, when you're in the majority, you govern. When we were in the majority, we governed. Governing is hard. It's harder than being in the minority. In the minority, you can just vote your conscience, and that's what we all should do anyway, but in the majority, you're responsible for the results just like whoever sits in the White House is responsible for the results.

Well, if we can't even figure out our own little rules and make our own little rules happen, how can we make laws that are responsible for the results that affect the people in Iowa or the people in Texas or the people in Louisiana or the people in Oregon or the people in Maine? How can the people have confidence if we can't even take care of our own business?

By the way, an issue is coming up, I think, in this House. Whether you're for it or against it, Joe Wilson made an outcry the other night, and he knows and has admitted that he should not have done that. In the heat of emotion, he made an outcry while the President was speaking. Joe is a very honorable man, and he immediately apologized to the President of the United States, and he immediately, in writing, apologized to the White House and to the Vice

President. Now there's another street rumor that a privileged resolution is going to be filed on the floor of this House to censure Mr. WILSON before this Congress.

Of course, it's kind of interesting that the process is normally done through privileged resolutions, but there's usually some involvement by the Ethics Committee. I don't see any here. The Speaker has already said she didn't think it was appropriate to do this, and she made public statements that we should move on with health care and that he has apologized. I read that in the newspaper. Yet we're going forward on this. Then I'm crying for 12 weeks about really offensive behavior: When you pay your taxes, don't you think the guy who runs the Ways and Means Committee ought to pay his taxes? I don't see anybody jumping up, except the one time I did, and offering a privileged resolution. Mine was tabled on party lines and didn't get addressed, but I find it curious. I think Joe Wilson has apologized. He has acted like a gentleman, and I think that's where it ought to be. I agree with Speaker PELOSI's statements of 3 days ago to the press that we should move on. We'll see, but I hope we don't do that because it's just going to add, I say, to the hypocrisy of what we're talking about.

I yield back to my friend from Iowa.

□ 2100

Mr. KING of Iowa. I thank the judge from Texas.

And listening to the dialogue here on floor, I have to also rise in defense of the individual that everybody knows here is a true gentleman, a true Southern gentleman, and that's Congressman JOE WILSON of South Carolina. Anybody that knows JOE knows that he is the consummate officer and a gentleman.

He comes from generations of military personnel. He has four sons that have served in the military. And JOE spends his life and his time respecting others, respecting our military people who serve this country. And I have never known JOE to be anything other than a respectful, polite, gentleman, and, yet, duty, honor, country.

He was offended by what he heard here in the House of Representatives. And, for me, so was I.

The President of the United States came into the House of Representatives, as our guest, and stood here at the podium, here in the well, from the rostrum of the Speaker, and he threw the first stone. And he said, the prominent politicians had lied, and he began to tell how. That's how this was set up.

The President threw the first blow in here as a guest of the House of Representatives. And JOE WILSON, a man of honor, was offended at that, instantaneously. It was an instinctive thing, if you know the man.

And, also, so was the instinct to go to the phone immediately after the speech and call the White House and do what he did. That's enough. There doesn't need to be more, and the people in this House that are seeking to gain a partisan advantage and turn this into a circus over two words that probably were said a lot of other times that night here in the House of Representatives too, but they were covered by the other chatter, that happened to be two words that went into a pause of silence, and the timing of it really was unfortunate.

But I don't think JOE WILSON was unique in his emotion. It just happened to be made clear and embellished by the press. And so I don't make excuses for that and neither does he.

But if the President of the United States accepts an apology, no other person has any grounds to request redress beyond that point. And this House of Representatives shall not be turned into a circus to deal with minutiae because Democrats in this country have decided to run this country over the cliff into socialized medicine. And they can't sell it to the American people, so they want to change the subject. That's what it is.

And, by the way, the President of the United States injected himself into an incident that took place up in Boston when a professor at Harvard was breaking into his own house and the neighbors, out of good will, called the cops and Officer Crowley showed up, and the President himself made intemperate remarks.

They were emotional, they were knee-jerk and they show his bias—no really bias in JOE except duty, honor country, truth, justice in the American way. That's not a bias; that's an altruistic belief system that's in the gentleman JOE WILSON.

But the President injected himself and injected race into that situation up in Boston with the professor and the police officer, and he invited them out to the White House for a beer. And so it became a global story about how the President's masterful diplomacy brought everybody together at the White House. And we all knew what kind of beer everybody drank sitting there at the picnic table sitting outside—I actually don't know if they drank any. We know that they served it.

Well, so the President has accepted JOE WILSON's apology, and we are watching, through the majority whip, drive a resolution towards the floor tomorrow to try to excoriate a Southern gentleman.

And the President is sitting there now, having accepted the apology, and all he has to do is tell Rahm Emanuel, pick up the phone, call up there and talk to CLYBURN or PELOSI or STENY HOYER, the majority leader, and call off the dogs. We don't need this circus

on the floor of the House of Representatives over something that may or may not have offended the President of the United States.

But that's over because he has accepted the apology. So now if we have a circus on the floor of the House, and the President doesn't come in and be a referee—and maybe call for a beer summit, so invite JOE WILSON out to the White House, that's what I would like to see happen—if the President doesn't call for that you have to wonder if he isn't secretly sitting there watching the fight, enjoying it, enjoying the circus that they are staging for tomorrow.

The circus itself will bring disgrace on the House of Representatives, and it's designed to cover this House of hypocrisy that we have. But instead it will illuminate it. And as the judge was saying about the rule of law, when I write rule of law, I capitalize it. Rule of law, R and L, capitalize it, in everything I write. Sometimes the staff slips by, but I get it in there, because I have such reverence for the rule of law.

And if we are going to be a Nation that functions, we all have got to have reverence for the rule of law. And if you look at some of these other countries that have some gifts and some blessings that look like they might be comparable to that of the United States and you wonder what's wrong, why can't Russia get their act together. Why can't Mexico get their act together and go there and look.

I can go almost anywhere in the world and tell you what I think we ought to do at least to fix it. But I can go to those places, and I can't tell what you ought to do. Because I don't know how to fix corruption.

When corruption is endemic in the culture of a country, you cannot have enough law enforcement officers. You cannot clean it up. It's got to be something that is a habit of the heart of the culture of the people.

We have had that throughout these centuries in the United States of America. And the things that threaten it, it isn't just a reflection of the chairman of the Ways and Means Committee that has this whole list of ethical problems, including tax avoidance, and that's the nicest way I can say that. It isn't just that. It's the culture that supports it.

It's the Speaker of the House that enables it. It's the majority leader that backs it up. It's the fact that we are dealing with this House of hypocrisy while we are trying to set standards for the people of the United States of America and saying be altruistic, pay your taxes, follow through and do your part. And if you do that, we are a greater country.

But if people decide to take the CHARLIE RANGEL/Tim Geithner route, we can't have enough enforcement officers out there working for the IRS to go out and collect enough taxes to go out and run this government. It's got

to be because people have great respect and reverence for the rule of law, and it should start here. This should be the highest standard in the House of Representatives.

But if I go to Mexico or if I go to Russia, I see there are natural resources, I see a good labor force, people that are pretty good workers—more so I think in Mexico than Russia from my observations, but they also were used to payola. They are used to payoffs. They don't think they can make a difference. They don't think their voice matters.

And when it gets to that point in the country where people don't believe any longer that their voice matters, and if they don't believe in the people that are making the decisions for them, and if they don't willingly comply with the laws and pay their taxes, then it all becomes a whole nation of gotcha, and who was the victim of enforcement, and who knew how to pay somebody off that had influence so they can avoid doing the right thing. And that might be paying taxes. It might be completely violating it in a violent way, just plain out and out theft.

If they can get by with it, if they have influence, the rule of law. The rule of law is the central pillar of American exceptionalism. Without it, we would have never become the unchallenged greatest Nation in the world.

But we are, because of that central pillar, the rule of law. Now, there are many other pillars, but the central pillar is a rule of law, and we have got to respect it.

And if you don't like the law, we will run for office or support somebody that does and ask them to change it. That's why we have this system. We have amendments to the Constitution. We don't like the Constitution, find a way to amend it.

If the people speak, we are supposed to listen here. Hundreds of thousands showed up in Washington D.C. over this past weekend. And we need to hear what they have to say.

But they want to respect their elected Representatives. They want the rule of law to adhere to. They don't want to see this country flooded over with the level of corruption that we have seen in places like Mexico and Russia, or I go there and I think, what can be done?

I can prescribe the solutions that I think are very constructive to those countries, but if you could snap your fingers and get rid of the corruption in those countries, that would be the biggest thing that could be done. And then the people would have hope; they would have faith again. They would believe again that their government was responsible and responsive to them.

But the rule of law—and I think about how important it is to comply with the letter and the intent of the law, not just avoid prosecution, not

just find a way to skirt around the edge of it, respect and revere the law and comply with the letter and the intent of the law.

And I had this little thought that popped up into my head—I was listening to the judge talk about this—this little phrase recurs back to me: no controlling legal authority. Do you remember that?

The Vice President of the United States, Al Gore, said, well there is no controlling legal authority. So, therefore, if there isn't any way that you can control his activities by enforcing a law that one can point to, therefore, whatever he might do apparently is acceptable or maybe even moral.

In the absence of prohibition, things become moral in this era of morals relativism.

I reject that. We have got to have high standards, high standards of conscience, high standards of morality, and our laws uphold those standards. And the people on the left will constantly argue you can't legislate morality.

Well, but if you de-legislate the morality that others legislated, now you have, now you have lowered the standard. Now you have lowered the bar. And now people believe it's acceptable, and it has happened over and over again. Our legislation is morality. Our legislation, the laws of America, the laws of our States and our local subdivisions uphold the moral standards of the people that pass them.

It's often our faith; our Judeo-Christian values are what shaped this country. The Declaration and the Constitution are infused with Judeo-Christian values. And those values are part of the culture reflected in the documents, not the documents that drove the culture.

And if we lose our culture, the documents will become meaningless to us. That's why we have got to stand up for the rule of law here on the floor of the House of Representatives, and everybody in America has to stand up for the rule of law, the letter and the intent of law, and the moral and ethical foundation that underpins it, or we lose our way, and we lose our country.

Mr. CARTER. I thank the gentleman for that impassioned speech. We have about 5 minutes more left.

So I make it very clear, I don't think I made it clear, but Roll Call newspaper reported on August 25 some of these issues with Mr. RANGEL.

I am going to go through them very quickly. He filed an amended return about his 2007 assets and income disclosing more than \$600,000 in assets, tens of thousands of dollars in income, that he had failed to report. He failed to report, for instance, a Congressional Federal Credit Union, which is just right down the hall from us here, account of at least \$250,001; an investment fund account also worth at least \$250,001.

He originally claimed assets of \$516,000 to \$1.316 million. Now he has revised it to \$1.028 million to \$2.5 million.

And once again he failed to report the income on his Dominican Republic account. He failed to report investments that netted him between 29,000 and 81,000 in capital gains dividends and in rental income when he previously claimed between 6,000 and 17,000.

He failed to report his investment in certain stocks, at least 1,001 of Yum brands; 15,001 in PepsiCo; and 250,001 in funds of Allianz Global Investors Consults Diversified Port III, half the limit, number three.

He failed to report rental income, and that's on top of the multiple allegations we have been talking about. It's time for a Member that justice must be swift and justice delayed is justice denied.

I ask the leadership of this House to move this process, reconcile these issues of the chairman of the Ways and Means Committee, and let's resolve this crisis of this House so we can no longer be called the House of hypocrisy.

□ 2115

#### EXAMINING THE FACTS ON HEALTH CARE REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, tonight I want to take a little time to examine some of the statements President Obama made when he addressed Congress on the issue of health care. Many of the things he mentioned in his address deserve some clarification or outright rebuttal.

The President said that, Not a dollar of the Medicare trust fund will be used to pay for this plan. That was easy for the President to say, and it is technically correct. It is technically correct only because there is no Medicare trust fund. It is an accounting mirage, a sham of government IOUs, thanks to decades of government deficit spending.

And, furthermore, among more than \$500 million in proposed savings from Medicare, the Democrat bills also propose redirecting \$23 billion from the Medicare Improvement Fund to fund new health care entitlements. According to current law, the Medicare Improvement Fund is designated specifically "to make improvements under the original Medicare fee-for-service program."

Then there is the issue of taxpayer-funded abortion coverage. President Obama said, Under our plan, no Federal dollars will be used to fund abortions,

and Federal conscience laws will remain in place. But independent groups have confirmed that the legislation will result in Federal funds being used to pay for abortions—both through the government-run health plan and through Federal subsidies provided through the exchange, despite various accounting gimmicks created in a so-called Energy and Commerce Committee “compromise.”

Republicans offered amendments in all three of the committees to say this money cannot be used for abortions, and they were rebuffed at each turn.

President Obama also went on to claim that, “Reducing the waste and inefficiency in Medicare and Medicaid will pay for most of this plan. Much of the rest will be paid for with revenues from the very same drug and insurance companies that stand to benefit from tens of millions of new customers.”

But the Congressional Budget Office had previously found that the cuts to Medicare Advantage plans included in the Democrat legislation would result in millions of seniors, including thousands and thousands in my district in North Carolina, losing their current plan—a direct contradiction of the President's assertion that, Nothing in this plan requires you to change what you have.

The President could have strengthened his statements by quoting sections and lines to back up the statements. We who have presented our alternatives and who have stood to refute the comments have been able, in most cases, to quote the section and the line of the bill to show that what we are saying is the truth.

As you can see from this discussion of the President's speech, when it comes to the debate over health care reform, there are often two sides to the issue, and it is simply not as cut and dried as President Obama has tried to make it out.

Many of us have serious misgivings and disagreements with the proposed legislation and will not allow our disagreements to be mischaracterized and sidelined by lofty rhetoric.

#### CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to enter remarks into the RECORD on this topic.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. Certainly I appreciate the opportunity to join my colleagues

of the Congressional Black Caucus, the CBC, for this Special Order. Currently, the CBC is chaired by the Honorable Barbara Lee from the Ninth Congressional District of California.

My name is Congresswoman Marcia L. Fudge, and I represent the 11th Congressional District of the State of Ohio. CBC members are advocates for the human family nationally and internationally and have played a significant role as local and regional activists. We continue to work diligently to be the conscience of the Congress, but understand all politics are local. Therefore, we provide dedicated and focused service to the citizens of the congressional districts we serve.

The vision of the founding members of the Congressional Black Caucus, to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens, continues to be a focal point for the legislative work and political activities of the Congressional Black Caucus.

As Members of Congress, CBC members also promote legislation to aid neglected citizens throughout the world. We understand that the United States, as a bellwether, has the ability to positively impact our neighbors abroad.

The United States is a leader in advocating for the underprivileged at home and abroad. Americans understand that if we uplift others, then we, too, will be advanced.

With this in mind, tonight's CBC hour will focus on poverty reduction and the economic, social and political outlook for the continent of Africa. Specifically, I will discuss increasing access to both education and financial services in Africa.

As a member of the Education and Labor Committee, I know well the far-reaching effects of education on individuals' quality of life and a nation's economic competitiveness. In the context of improving developing nations such as many African countries, the basic education offers the hope of a more prosperous world.

The benefits of basic education are innumerable. For instance, we know that when all citizens receive a good education, their nation's economic prosperity is increased, preventable illness is decreased, democratic ideals are spread, violent conflicts are reduced, and women are able to advance further than if they were discouraged from pursuing their studies.

Mr. Speaker, I see we have been joined by our Chair, the Honorable BARBARA LEE from California. I would now like to yield to the gentlelady, Mr. Speaker.

Ms. LEE of California. Let me thank the gentlelady for yielding and also for organizing once again the voice of the Congressional Black Caucus. Thank you so much, Congresswoman FUDGE, for continuing to raise the critical issues that our entire country must ad-

dress at this moment in our history, and thank you so much for having a focus tonight on the continent of Africa, which is often forgotten.

Africa faces numerous challenges, which you mentioned earlier, but also enormous opportunities, and the promotion and the strengthening of the United States-Africa relationship is really vital to realizing the progress that's being made in addressing enduring crises related to food insecurity, the devastating health pandemic, such as HIV and AIDS, and the growing rates of inequality and poverty. Also, the economic prosperity.

As Chair of the Congressional Black Caucus, I am proud to point out that the Congressional Black Caucus is privileged to draw upon the wisdom and the expertise of our colleague on the House Committee on Foreign Affairs, Congressman DONALD PAYNE of New Jersey. Congressman PAYNE is more than a member, however; he is a resident expert on Africa. He understands the continent and each country on the continent.

He is the Chair of the Africa and Global Health Subcommittee. He is recognized on the continent of Africa as being a person who seeks global peace and security every step of the way. He is also the leader of our Congressional Black Caucus International Affairs Task Force.

The Congressional Black Caucus also is ably represented on the Foreign Affairs Committee by Congressman GREGORY MEEKS of New York; Congresswoman and former ambassador DIANE WATSON of California; Congresswoman SHEILA JACKSON-LEE of Texas; and also Congressman DAVID SCOTT of Georgia.

President Obama has likewise demonstrated a clear commitment to turn the corner in Africa, most notably with his announcement of a government-wide United States review of the U.S. Global Development Policy. Also, a renewed \$3.5 billion food security initiative. And also we must remember his very stern and forthright speech in Ghana, where he asserted America's responsibilities to help advance a brighter future in Africa with action, not just with words.

Further, Secretary of State Clinton's recent visit to Africa brought much needed attention to the global fight against HIV and AIDS, violence against women, trade opportunities with the continent, and all of the development and aid issues which the Department of State is responsible for.

Despite such a positive outlook for our administration's strategy, the persistence of health pandemics, chronic food insecurity, a global economic crisis, and a looming threat of climate change continues to threaten the livelihood of millions of individuals across Africa each and every day. There are currently more people going hungry in

the world than ever before. According to the United Nations' Food and Agriculture Organization, almost a sixth of the world's population, or 1 billion individuals, are now undernourished.

Encouraging sustainable, long-term development will require a significant contribution from the United States and international partners. Recent estimates indicate that it will cost \$500 billion to \$600 billion for the next 10 years to allow developing nations such as those in Africa to grow, using renewable energy sources rather than relying on dirty fuels.

Members of the Congressional Black Caucus and its International Affairs Task Force under the leadership of Chairman PAYNE have long been a leading voice in Congress in calling for the United States to provide support for adaptation and sustainable development abroad, as well as assistance to ensure affordable access to emerging clean technologies.

The reality is that any strategy to combat global warming and climate change will need to include meaningful and equitable action on the international level. The scale of these challenges reflects the urgency of our efforts here in Congress.

The goal of the Congressional Black Caucus is to find and fund long-term, sustainable solutions to these threats at the household, community, and national levels.

Despite this great moral imperative, the United States continues to spend a disproportionately small amount of funding on nonmilitary foreign affairs programs. Most people in our country think that we spend a large portion of our budget on foreign affairs, but we just do not do that.

Instead of spending a staggering 52 percent of the Federal discretionary budget on an inflated defense budget for the Pentagon, that continues to invest in Cold War-era weapons systems to the tune of about \$100 billion for, really, an enemy that does not exist, we should be investing in diplomacy and development activities that will help bring stability to nations on the brink of collapse and conflict. That is the essence of how we ensure our own national security.

That's why I have introduced H. Con. Res. 63, a resolution calling for an increase in nonmilitary foreign assistance to an amount equal to no less than 1 percent of GDP. It's hard to imagine we're not even at 1 percent yet.

Foreign assistance programs are essential in promoting national security and improving the credibility and standing of the United States in the world. To that end, our Congressional Black Caucus will continue to work to develop clear goals and strategies for alleviating poverty, improving global health, and encouraging sustainable development, particularly in Africa.

We will also continue to strengthen America's foreign assistance and diplomatic capacities, which is critical to this effort.

In noting the critical role of the United States in Africa, I must also speak out with regard to our responsibility to urgently seek peace for the residents of Darfur and the Sudan. When it comes to Darfur and the Sudan, it's important to recognize that the people of Sudan's desire for a just and longstanding sustainable peace has been crushed repeatedly by one of the most brutal regimes in the world.

More than 2 million South Sudanese have died in the 21-year war, and suffered countless atrocities, mostly committed by the same regime in Khartoum.

□ 2130

That's why it's so important to do the right thing now, which is to support the International Criminal Court in its efforts to hold Sudan's President Bashir accountable for his crimes against humanity. And let me tell you, they are crimes against humanity. I have visited the refugee camps on three occasions and witnessed the effects of genocide that were taking place right in front of my eyes. I tell you, we cannot lift sanctions at this point. We have to keep the pressure on to help make sure that people in the Sudan are protected and that the humanitarian assistance gets to them and gets to them immediately.

The Congressional Black Caucus under Congressman PAYNE's leadership was instrumental. We encouraged President Obama to appoint a special envoy for Sudan who is fully empowered and resourced to focus on Sudan as a whole and with special attention to the ongoing genocide in Darfur, the full implementation of the CPA and the humanitarian crisis.

I have to applaud and thank President Obama for appointing Major General Gratton as the special envoy for Sudan because General Gratton, who I met the first time I was in Sudan, is really uniquely qualified to undertake this critically important post. I know that I speak for all of my colleagues in the Congressional Black Caucus when I say that we look forward to working with the special envoy to move us past the current stalemate, to end the genocide in Darfur and to bring peace to the long-suffering people of the Sudan. These are just a few—and I mean just a few—of the many critical issues with which the Congressional Black Caucus is taking a leading role.

The continent of Africa is strong. It's resilient. The Congressional Black Caucus is committed to working with our colleagues here in Congress to enact policies which support African nations in their efforts to ensure good governance, to prevent violence and conflict, and to provide a foundation

for future stability, human development and sustainable economic growth.

So thank you again, Congresswoman FUDGE, for this evening and for giving us the chance to, once again, speak our minds and tell the American people what the Congressional Black Caucus not only continues to work on but also to encourage their support for many of the policies and the funding initiatives that we have been long calling for for many, many years. Thank you.

Ms. FUDGE. Thank you, Madam Chair. Mr. Speaker, I would just very much like to thank our Chair for being here at every Special Order, for the support that she has given to me personally but, more importantly, for the leadership she gives to the CBC. I thank you, Madam Chair, for being here.

Mr. Speaker, if I may continue, I wanted to just talk about the economic prosperity on the African continent. Many African countries do still, indeed, struggle to achieve economic sustainability and growth. This pursuit is undermined in part by the large number of citizens who have not received a basic education. Not a single economically viable nation achieved its prosperity without implementing near universal primary education. Additionally, education increases a Nation's gross domestic product. Adults with a primary school education earn twice as much as adults without any schooling.

In the areas of health, education and behavior changes are also the most effective way to address preventable diseases, including smallpox, tuberculosis, diarrhea and other water-borne illnesses. According to some estimations, if all children completed primary education, 700,000 new cases of AIDS and HIV could be prevented each year.

We also need to improve the political stability and reduce conflict. Education and the free exchange of ideas also encourages democratic styles of government. When citizens are well informed, they are more likely to participate in their democracy. As it relates to violent conflicts, education that teaches tolerance, the value of each individual, and respect for different beliefs is the best method to reduce violence and extremism.

Basic education provides girls and women with expanded employment opportunities, which is important for the overall advancement of families. Women's employability is especially crucial if they are the family's sole support. Children of educated women are in better health and are twice as likely to be enrolled in school.

Mr. Speaker, 75 million children worldwide are not at school; 55 percent of them are girls. Sub-Saharan Africa accounts for nearly one-half of the world's school-age children who are not enrolled in school. Twelve percent of the developing world's primary school-

age population is not in school; more than 80 percent of them are in rural areas, and the vast majority are poor. Globally, 134 countries account for two-thirds of the out-of-school children, and current projections show that those countries will have 29 million out-of-school children by the year 2015.

Among African nations, there are various barriers to basic education. The lack of school buildings, shortage of teachers, prohibitive compulsory fees, and unique challenges faced by girls all limit many Africans' abilities to access formal education. However, these challenges are not insurmountable. Nearly 80 million new places of instruction must be created in order for all school-age African children to be accommodated. This will be a large undertaking, to say the least.

I applaud African governments for making progress towards the goals advanced in the Dakar Framework for Action in 2000. That framework was a statement signed by 164 countries during the 2000 World Education Forum stating that their commitment to universal education was strong. But without diligent support from the international community, these great goals will remain elusive.

In addition to the need for new schools, it is estimated that an additional 3 million teachers are needed in Africa in order for the continent to reach its goal of universal education by the year 2015. In Nigeria, which is the most populous country in Africa, there is a shortage of 1 million teachers.

Not only are workforce shortages caused by the difficulty to obtain thorough education, the availability of teachers on the continent is also impacted by the HIV/AIDS epidemic. The disease, itself, has robbed education systems of manpower and knowledge and continues to drive up cost. In a report released by the World Bank in 2002, an estimated 860,000 children in sub-Saharan Africa lost teachers to AIDS in 1999. In some cases where there has been an increase in class enrollment, the loss of one teacher can affect hundreds of students. The cost of replacing these instructors is prohibitive for many countries. If the nation of Swaziland hired and trained enough staff to replace the teachers lost to HIV and AIDS, the estimated cost would be \$233 million, more than half of the government's budget for 2001–2002.

Again, there are too many primary and secondary schools in the developing world that are forced to rely on student fees to supplement government funding. These fees, while modest by American standards, often prevent children from enrolling. Similarly, some families cannot afford the uniforms commonly required by the schools.

In 2003, Kenya eliminated primary school fees in a step towards universal

primary education for its entire population. In Kenya alone, 1.5 million students who had not previously attended school then enrolled, increasing the average class size from 40 to 120. Kenya took a step in the right direction, but these actions must be coupled with greater investment by local governments and donors to address the issues of quality that arise when access to education is increased.

While this statistic represents an improvement in the rate of primary school enrollment during the early nineties of over 10 percent, we should also be aware that the problems still remain. In countries such as Djibouti, Ethiopia, Niger and Mali, less than half of all school-age children go to school, and there is a disparity in enrollment rates between boys and girls. Forty-two percent of girls as opposed to 38 percent of boys are out of school.

As the international community and donors discuss the importance of quality education, we must remember the vast numbers of teachers who will need to be trained and what this means to the international partners who work with African governments and civil society groups. Education is a long-term path to economic viability. Stimulating small businesses through micro-lending is another method of improving the economies of developing nations, which will ultimately lead to expanded trade and business opportunities for all of the world.

I and several Members recently returned from a congressional delegation to Tunisia, Rwanda, Zimbabwe and Senegal. Our goal was to educate Members on the impact that the global financial crisis has had on the continent of Africa. Additionally, we examined the regional impact of multilateral development banks, international financial institutions, and the International Monetary Fund.

The codol spent significant time examining the effect of the global economic crisis on local economies. We were especially interested in how the multilateral development banks and the United States supports, particularly the African Development Bank, are helping countries to obtain grants, loans and technical assistance. We also explored the role and impact of the IMF on the region during this period of economic crisis.

Africa is of increasing strategic interest to the global economy. The continent is expected to soon provide the United States with more petroleum than the Middle East. Again, I will repeat. The continent of Africa is expected to soon provide the United States with more petroleum than we get from the Middle East.

Several reports state that more than half of all Africans are estimated to live on a dollar or less a day. The nations we visited were interested in help up, not a handout. Well-intentioned

countries and organizations have poured billions of dollars into improving conditions for Africans, but their efforts have repeatedly failed to stimulate large-scale sustainable growth. This is, in part, because many of these groups do not fully incorporate local traditions, values and attitudes into their assistance programs. Assistance can only be successful if it is culturally sensitive and adapts to the needs of the local community.

The direct impact of the global crisis on Africa, however, has been relatively contained. Many African nations have not been severely affected by the crisis since African banks generally are not well integrated into the global financial system. Nonetheless, African countries still are at risk of indirect adverse effects, such as reduced worldwide demand for African exports, a dampening of economic growth, a tightening of credit, and reduced remittance flows. Despite these setbacks, Mr. Speaker, African countries can greatly benefit from programs that both encourage productivity and promote economic independence.

Access to formal financial services is a key component of economic development. One method to facilitate development is when banking institutions or even individuals grant small loans to other individuals, usually to establish or expand a small or self-sustaining business. When individuals gain access to credit, they can start a business, hire their neighbors, and stimulate local economic growth. For example, a loan made to a woman to buy a sewing machine can yield an income when she offers her sewing and tailoring services. Or if a loan helps a family purchase a cow, the milk produced from the cow can generate both nourishment and income.

The average microfinance loan amount ranges from \$50 to \$5,000, and the repayment cycle can range from 90 days to 18 months. Repayment of microfinance loans is 98 percent compared to regular business loans by traditional lenders. Official microfinance organizations are currently only reaching 5 to 8 percent of the businesses who are in dire need of loans. Access to credit for the poor is in dire need as well. Microfinancing institutions also provide access to savings accounts.

Microfinance has proven to be successful because of its ability to reach the poor, especially women with highly sustainable programs that have a positive impact. As the United Nations Office of Special Adviser on Africa reports, women are a better credit risk than men and more responsible managers of meager resources. Furthermore, women are, and I quote, more committed to using their loans for the benefit of their household rather than self-gratifying consumption, as is common among many African men. Empowering women sets families on the

path toward economic independence. This case study demonstrates how microfinance can help alleviate poverty.

In 2007, Absa Bank Group in South Africa established a dedicated microenterprise finance unit to make funding more readily available to businesses that are formally excluded from getting regular bank loans. It has been estimated that as many as 97 percent of microentrepreneurs in South Africa had no access to loans prior to receiving funding through the AMEF. Today, more than 4.5 million people on low incomes use Absa Bank services for everything from microloans to saving accounts and transactions, leading the way for microenterprise loans in South Africa.

In addition to providing loans, microfinance institutions can also support individuals by keeping savings in a secure manner and by helping to accumulate interest on deposits.

□ 2145

This allows the poor to lift themselves out of poverty.

Self-reliance, Mr. Speaker, is the key. I've seen both the despair and the resiliency of Africans. In Rwanda I met a woman who was given a cow. Shortly after she received the cow, the cow had a calf, which she was then obligated to give to her neighbor. But based upon the cow she had and the milk that she could harvest from that particular cow, she was able to not only feed her family but to sell enough milk to then buy a bicycle.

She bought a bicycle, Mr. Speaker, so that she could ride the 3 miles it took to get clean water. So instead of walking, now she could ride and send her children to get clean water. She then made enough money to send her children to school and pay the fees. She then took out a loan and bought another cow, and with that cow she is able now to buy food and clothing. She is able to do much more than she was before. She is really quite an entrepreneur. And, by the way, Mr. Speaker, this woman has AIDS. But she is raising five children on her own because someone gave her a cow and she had the ability to go from there.

Mr. Speaker, in the very near future, microloans that support small-scale entrepreneurship will improve the lives of Africans and empower them to work their way out of poverty. Microfinance is already proven in India and Bangladesh to be an effective economic development strategy. According to World Vision, one loan, just one loan, can create 40 jobs in a community of approximately 600 to 700 people.

The difficulties faced by African nations should not deter us from providing assistance. Through America's support of expanding basic education and access to financial services, we can assist African leaders and people in

creating a more vibrant continent and, in turn, a richer world. My recent experience has confirmed for me that both of these approaches can empower people by providing them with confidence, self-esteem, and the financial means to contribute to their economic advancement. Our leadership and our moral strength is only enhanced when we help others. Truly, Mr. Speaker, we lift as we rise.

#### HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. MASSA). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, as always, it is an honor to have the privilege to represent my constituents here on the floor of the House of Representatives and convey the thought process for myself and a good number of my colleagues about the issues of the day. And hopefully we will be able to cap off this evening and send some people to bed with some thoughts that they'll wake up in the morning supporting or else have good reasons to oppose.

A lot has transpired here since the August break began, and we only have 1 week behind us here in the House of Representatives since we have returned. That deep tradition has been that Members of Congress would leave Washington, D.C. in the hot, humid month of August. This tradition began before air conditioning. It's a good tradition, and I think we should keep it because we saw something phenomenal in America this past August, and it seemed like a never-ending series of townhall meetings that took place in community after community. Nearly every congressional district held something. Some held many, many meetings. I don't know the record on the number of the townhall meetings that were had, but I'm sure it fell in the dozens of meetings for a single Member.

For myself I represent 32 counties in western Iowa, the western third of the State, that's sliced from Minnesota down to Missouri, 32 counties, 286 towns. I held a good number of townhall meetings, and it was a very rewarding experience.

The thing that I take away from it, Mr. Speaker, and there are many—I got some ideas on the health care issue that are on my list that I will talk about here in a moment, Mr. Speaker. But the thing that I will remember the most, it isn't a single issue or a single individual or a way an argument was phrased or worded or how compelling they were, and there were many that were compelling arguments, but it was the image of town after town, meeting after meeting, rooms full of people, often people in standing room around the outside, some people standing and

looking in the doorway. We always found a way, I think, though, where everybody could hear. If they wanted in, they could get in. We couldn't always hear the comments of everyone because there were just too many.

But the dissenters had their say. And they actually had, I think, a disproportionate amount of voice within the meetings that I had, but that's all right. We got to hear from both sides of the argument. We got to hear from more of those that oppose a national health care plan than those that support it. Those that supported it were a distinct minority in my district, but they had more than their fair share to say.

So I weighed those issues, and I watched their reaction. But the thing I remember the most were hundreds of attentive people sitting there with focused attention, listening to every word, listening to the words that were spoken by their friends, their neighbors, their family members, listened to the responses that I gave, and weighing this and putting it into their calculator for what America is going to look like.

I will never forget those faces, those eyes looking up to the front of the room, paying attention to every word, taking notes. Some of the questions were so well worded, so carefully phrased, you could tell that there was a deep amount of research that went into the questions. I wondered if some of them didn't stay up nearly all night long to be ready just for their chance, their chance to have that moment to have their say.

And I'm so encouraged by their commitment, and I wish they had more voice. I wish we could hear them now, Mr. Speaker. I wish we could fill this Chamber up with the people that filled up these townhall meetings, and especially the leadership, but the rank and file of all of us that have the privilege here to serve in the House of Representatives could hear those voices again in here.

I hope when we debate a health care bill here on the floor of the House that this gallery is full of people. I hope the C-SPAN camera, Mr. Speaker, represents millions out there that are watching every move, listening to every word, people that are taking notes, people that are tape-recording our actions and our words and carefully analyzing, and I hope we're held accountable for the decisions that are made in committee where generally it doesn't get the press that it gets here on the floor.

But when the day comes, the American people need to know that they have been heard, that we went home, that we traveled our districts, we did our townhall meetings, and that we came back and conferred with each other and arrived at a decision that's the right decision for the long-term

best interests of our descendants, our progeny and their descendants as well, Mr. Speaker.

So I hope that's what happens. And I don't know that it will. I don't know that it will because there are forces at play, and some of the people, especially in the majority, have voiced this, that their townhall meetings with their constituents are just one of the places where they get the information to decide. Other places might be the lobby. It might be their coffers. It might be their leadership. And it could be just simply a deeply entrenched philosophy that favors Big Government over freedom.

So for me in my townhall meetings, if there was one position that I took that I was clear on that had the most support of all, it was I will not support a bill that diminishes the people's freedom in the United States of America. That's my pledge, Mr. Speaker. I will not diminish our freedom. It's my freedom too. And I have taken an oath to uphold this Constitution, and it's our Constitution and it's about freedom. It isn't just about individual freedom. It's about the freedom of the States to control those things which are not specifically designated and enumerated for the Federal Government. This Federal Government has reached across the 10th Amendment and violated at least the spirit and I will say also the letter of the Constitution over and over again.

And if this United States of America passes a health care bill that looks anything like H.R. 3200, it will be a violation of our Constitution consistently in several different ways.

So I'm very concerned about where we go with this: the disregard, the cavalier attitude that many Members of Congress have towards the Constitution, towards their oath to the Constitution, towards its meaning and towards its content.

And this drive to create this single-payer system, you know, you just couldn't drive the wooden stake in the heart of HillaryCare back in 1993 and 1994. When Senator Phil Gramm stood on the floor of the United States Senate right down this hallway where I'm faced right now and he said this health care bill, this national health care bill will pass over my cold, dead political body, a lot of people thought that Senator Phil Gramm was going to become a cold, dead political body and that HillaryCare was going to pass. But it has not. It's been 15 years and more since Phil Gramm made that statement, and he has held off this nationalized health care, this socialized medicine juggernaut. He has and many others have too. It has been a national effort.

Yes, there are people out there that think that they'd be better off if somebody else would take the responsibility

for their health care, and they are large in number but small in percentage, Mr. Speaker.

Now, I will make this point that we have constantly heard the words and the statistics that are over 40 million people that are uninsured in America, that we have got to do something about the uninsured. And this number of 40 million usually rounds up to around 44 million. Now it has kind of crept up to 47 million and probably the most reliable number is close to 46 million people uninsured in America. Now, that's a pretty large percentage of our population. We have about 306 million Americans, and if 46 or 47 million are uninsured, that's, let's see, one-sixth or a little bit less of our population.

It's funny that the uninsured is about the same percentage of our population as the GDP is consumed by health care. But if that number is 47 million, and that's the highest number that's consistently delivered by the other side, and sometimes they stretch it and round it up to 50 million, but if the uninsured in America are 47 million, they would have us believe that these are chronically uninsured people that are stuck on these uninsured rolls year after year after year.

Well, that's not the case, Mr. Speaker. A lot of these people are just temporarily uninsured and they're in transition between policies. So as those policies change, occasionally they find themselves without coverage.

But I began to ask this question a little more carefully, and that is, Who are the people with affordable options? If somebody's uninsured and they're making a million dollars a year, I'm sorry, my heart doesn't bleed for them. They have decided that they don't care to have a health insurance policy and they're willing to take the risk with their equity. So that's not my concern. In fact, the United States Senate Republican conference staff set the bar at \$75,000 a year. If you make \$75,000 or more a year and you don't have health insurance, we are not going to put you in the category where you get a lot of our governmental compassion to extract dollars out of somebody else's labor to provide that person making over \$75,000 a year with health insurance.

Now, the President has decided to do class envy at \$250,000; but let me just say that if you're making more than \$75,000, you can find a way to pay for your own health insurance even if you just buy catastrophic, and you should get a health savings account and grow that health savings account and buy a major medical policy, a catastrophic health insurance policy, take care of your own incidental health care bills. But 47 million uninsured at any given time, the biggest number that we get.

Now, to boil this down, Mr. Speaker, to who are the people without affordable options, you take the 47 million

and you subtract from it those that we really don't want to provide health insurance for out of the taxpayers' pocket at least, and that's going to be those that are in the country illegally. Even the President of the United States doesn't insist that we insure illegals under this policy. It was a new position that he took the other night. I'm not sure that he's as serious as we would like, but I was encouraged that right back here a few feet behind me, the President of the United States said, no, we are not going to fund illegals. Well, H.R. 3200 does. The Congressional Budget Office thinks so. The Congressional Research Service thinks so.

□ 2200

The vote that took place in the Ways and Means Committee that voted down the citizenship standard requirements in order to qualify for under H.R. 3200, this health care bill. That partisan vote. Or Democrats voted down the language that would require proof of citizenship that's tried, tested and true, and used to be part of our Medicaid policy from the beginning, was voted down by a vote of 29-28 in the Ways and Means Committee. Democrats then wanted to leave a door open, at least in committee, so illegals could be funded under that newer policy.

That also was the case in the Ways and Means Committee, right down the party line exactly. They voted down the effort to try to raise the standard and require proof of citizenship. But the President is now taking the position he doesn't want to fund illegals in this. I think he got pushed into that pretty hard.

So 47 million uninsured at a given time minus 5.2 million illegals, this is according to the Republican Conference in the United States Senate. I think there are a lot more than that, Mr. Speaker. They use 5.2 million. I'll use that for the sake of our discussion. Subtract that from 47 million.

We also do not want to—and cannot under current law and should not—fund those who are new immigrants here. They're under the 5-year bar; no welfare until you've been here 5 years, take care of yourself for half a decade, and then you can qualify if you come legally. Under the 5-year bar, another 5 million.

Now we're adding this up. So you have 5.2 million illegals, 5 million new immigrants, but legal, under the 5-year bar, now we're at 10.2 million. Those making \$75,000 a year or more, I mentioned those, there are 9 million of those. Those who qualify for government programs, all part of the 47 million, 9.7 million Americans qualify for government programs but don't sign up, mostly Medicaid, Medicaid eligibles but not enrolled. They don't know that they didn't enroll in anything—and if we take it and hand deliver it to them. So we're adding up some numbers here.

Then, those Americans who are eligible with their employer but they've either opted out or not bothered to opt into the employer-offered health insurance.

So those numbers, 5.2 million illegals, 5 million legal here under the 5-year bar, 9 million making more than \$75,000 a year or more, 9.7 million eligible for government programs, mostly Medicaid, but not signed up, and 6 million eligible for employer programs not signed up. That comes to 34.9 million Americans of the 47 million that we don't want to cover with this new policy under H.R. 3200, this health care plan.

There is a consensus out there that says we're not really worried about these categories. The one we're worried about are the Americans without affordable options. That number is not 47 million any longer. If you've done the math, Mr. Speaker, you will have subtracted each of these categories from the 47 million. All these categories add up to 34.9 million. Take that from 47 and you come to 12.1 million Americans without affordable options. That is the universe we're trying to fix.

The President has said we have two problems with health care in America; the first one is the economic crisis that we're in—it's a year long now, still a crisis—well, it's a problem; the stock market was good today, I might say. And he says we can't fix the economy unless we first fix health care. In fact, the cost of health care is the problem with our economy. And he would tell us if we could fix the health care problem, we would fix the economy.

Well, what's the problem with health care? According to the President of the United States—mostly as a candidate, but also as a President—we spend too much money. Health care costs too large a percentage of our gross domestic product. There's a problem. We have to fix it, otherwise we can't fix the economy; the President's position.

The other position that he has, the two points on health care, is that we have too many uninsured. Well, let's deal with the big problem first. We spend about 14.5 percent of our gross domestic product on health care in America. That's premiums and the care and the litigation and all of those things. The average of the industrialized world is about 9.5 percent of their GDP on health care. Well, we spend a high percentage on recreation and a high percentage on other things too. We are a rich nation. One of the reasons we spend that kind of money on health care is because we do have the wealth in order to distribute it to the health care industry, to that one-seventh of the economy that is our health care industry.

So we have wealth, and we decide to spend it on health. It's not the worst thing, but we should examine it objectively. I do think we spend too much, too large a percentage, but by the same

token I don't think they get very good health care in those countries that spend a lot less. But we spend about half again on health care in the United States as a percentage of our GDP as they do in other countries, but we produce more per capita than most of those countries too. And I need to pull that back and equate the two, and I haven't done that yet. I hope somebody does and gets me the information, otherwise I will sit up some night and do the doodling, Mr. Speaker.

But we spend too much money on health care. What would you do about that? If you have a problem in your family budget and you are spending too much money, you don't solve the problem by going out and spending a lot more money. The score on this bill is someplace between \$1 trillion and \$2 trillion; on the low side it's \$1 trillion. The most consistent number that has been produced, the analysis of it is \$1.6 trillion.

So according to the President, we spend too much money on health care. And I don't necessarily disagree, but his solution is to spend another \$1.6 trillion on it. That's not a solution. It doesn't solve the family budget to spend more money when you're spending too much, and it doesn't solve the government problem to spend more money when you're spending too much. And so even if the President identifies the problem correctly, he has the erroneous solution to apply to it: Voila, we spend too much money, therefore, the solution is spend more.

This was the approach he brought to this economic crisis to demand more money through the stimulus fund, too, when we came to our conference and said, FDR lost his nerve, he should have spent a lot more money. He convinced us that the President of the United States wasn't going to make that mistake, he was going to spend a lot more money. He was going to be FDR/Keynesian economics on steroids. And that's what we got, Mr. Speaker. And the White House made a \$2 trillion mistake on their projections, \$2 trillion.

I remember when the junior Senator from Iowa, Tom Harkin, made the statement that \$6 billion was just pencil dust. And his opponent here walked around with a man-size pencil to talk about pencil dust. Well, I don't know that \$6 billion was pencil dust—in that context it can be questioned. But I can tell you that \$1.6 trillion is not pencil dust. Getting within \$2 trillion of the target is not pencil dust. That's real, huge money.

But if we're spending too much money on health care, then why wouldn't we address the things that fix the problem? Why don't we come at this in a different way and go after those most obvious things that we can use to fix the problem? Now, for example, how much money does defensive

medicine cost? What does it work with in the macro economics of the health care equation? And there are some numbers that will rattle on down to around 5.5 percent of overall health care costs. The health insurance underwriters, the top legislative officer gave me a number of 8.5 percent, the cost of medical malpractice premiums and litigation and defensive medicine. Those three things together, 8.5 percent, are overall health care costs.

If you take the 8.5 percent and you apply it to the 14.5 percent of our GDP, you can come up with a number of about \$203 billion a year that's going all for defensive medicine and malpractice premiums and trial lawyers and litigation. In other words, it isn't being spent on good health care; it's money that's being churned up in the system to pay other people to do other things other than deliver a product to people for the benefit of their good health.

Defensive medicine. Some of the providers got together and advised me in one of my meetings that their consensus was between 20 and 28 percent of the tests that they do are for defensive medicine purposes. In other words, get the test, get it on the record to protect them in case somebody files a malpractice lawsuit against them. They can always roll out the test and go to court and say, Well, I did this and this and this, and I ran this test, and these were all negative, so therefore our medical conclusion was thus. And of course we all know there are anomalies when it comes to health.

Defensive medicine. Twenty to 28 percent of the tests, the unnecessary costs in health care that have to do with malpractice and premiums and in litigation and in defensive medicine, perhaps 8.5 percent, I see numbers to 10 percent, numbers up to 16 percent of the overall health care bill.

□ 2210

I'll settle on that 8½ percent number—perhaps it's slightly less—but if it's the 16 percent, as a number of doctors have pointed out, then you're looking, roughly, in the area of \$400 billion a year. Over 10 years, there's the \$4 trillion, Mr. President.

I remember his speech, and I know there were some folks who saw the humor when the President of the United States said, If you adopt my policy, over time, it will save \$4 trillion.

Over time. How long is "over time"? Is that right before the end of infinity? Is it 1 year? 5 years? 10 years? 20 years? a generation? a half a century or a century? a millennia? Over time, his policy would save \$4 trillion. Now, there is an ambiguous statement. You know, if you'd invest a penny and drop it in your passbook savings account, over time, you'd be worth \$4 trillion, too, Mr. Speaker. I think you wouldn't want to wait that long.

So, as to the high cost of health care, if it needs to be addressed—and I think it does—let's go where we can get the most money, the best results the quickest. Let's do lawsuit abuse reform. Let's adopt the California policy. Let's adopt the Texas policy. We passed it out of the House of Representatives about 4 years ago. We passed it out of the Judiciary Committee, where I sat; brought it to the floor; passed it here; messengered it over to the Senate. The wholly-owned subsidiary of the Trial Lawyers Association decided to kill our malpractice reform, our lawsuit abuse reform, that passed this House under the leadership, at that time, of the chairman of the Judiciary Committee, JIM SENSENBRENNER. So it's the simplest thing we couldn't do, the most effective thing we couldn't do.

If you do the scoring on this—now, I don't think we're going to get it all. I don't think we'll fix all of those problems, but if we did, it would be around \$203 billion a year, just by my little back-of-the-envelope calculation. Over a decade—we do our calculations here on a 10-year budget—that's \$2 trillion. We could save as much as \$2 trillion from health care just simply by cutting the trial lawyers out, still letting people get whole and letting the doctors do their doctoring without having to do defensive medicine, and it would reduce dramatically their malpractice premiums. As I say, they passed medical malpractice reform in Texas, and the doctors who had undergone an exodus from Texas began to come back to Texas again. It's interesting.

So, if health care costs too much, why don't we address the problems of costly health care? Why don't we put more competition in it?

In some States, as much as 80 percent of the health insurance that's available to them is offered by one company. One company so dominates the market that it's 80 percent. In my State, one company dominates the market up to 70 percent. Why don't we let the people in New Jersey buy health insurance in Kentucky? Why don't we let the people in New York buy health insurance in Texas? Why don't we let them buy it in Iowa for that matter? We have pretty good policies available in Iowa. If we'd let people buy insurance across State lines, that would solve another allegation of the President of the United States.

He has said that they need to inject competition into the health insurance industry because too few companies dominate the market so much that they can dictate premiums, and that probably is true in localities. In fact, I just won't take issue with that statement. Yet the solution is not to establish a Federal government-run health insurance policy. We know how that goes. Many of us have made the argument:

If you do that, if you set up Federal health insurance, it will swallow up the

rest of the private insurance companies in the country. We have 1,300 health insurance companies in the United States today that are selling a possible combination of 100,000 policies. If we get ObamaCare, we're going to get a national health insurance system that will be subsidized by the taxpayers, and all of our private insurance companies will also have to meet new standards written by the new Health Choices Administration, czar-issioner. That's what we'll see happen. The result of that will be the pattern that is out there for us. Here is one pattern:

In 1968, they passed National Flood Insurance. Yes, there were private property and casualty insurers in the business of selling flood insurance to people who lived where they could be flooded. That happened. It wasn't a great big market back in those years, but we didn't have a great big infrastructure to protect either back then. We do now. The Federal Government stepped in and passed the National Flood Insurance Act, and in a short period of time, all property and casualty flood insurance companies dropped the selling of flood insurance, and today, you can only buy one kind of flood insurance. That is the Federal Government's. They have the monopoly now. They dominate the market. They have squeezed everybody else out, and they have destroyed the private market in flood insurance. Well, you don't have to just buy that model. You could think that's an anomaly.

We could look at another situation that's going on. How about the student loan program in the United States with all of the private companies, the private banks and the lending institutions that manage the student loans and the good competition that we've had? Now we have GEORGE MILLER, who's deciding that he wants to replace it all with Federal. A smaller and smaller percentage of our student loans are provided now through the private sector. They want to eliminate it all. If GEORGE MILLER has his way—and I'm confident the President would sign whatever GEORGE MILLER puts on his desk—you won't be able to go to a bank and borrow money to go to college. It will all be through the Federal Government. The Federal Government will control it all.

Oh, by the way, Federal flood insurance is a monopoly. The only flood insurance you can buy in the United States is from the Federal Government. The owned, operated, managed, marketed premium is set by the Federal Government. Federal flood insurance is \$19.2 billion in the red, and there's no way to get it back. So do we want more of this?

Let me throw another concept out here. Here is another interesting thing that comes out in listening to people at townhall meetings. Mr. Speaker, some proponents of ObamaCare would say,

Well, listen. We have Medicaid and we have Medicare and we have Social Security, and they're all government programs. You like those, don't you?

Well, yes. The people who are receiving the benefits like them better than nothing, and some parts of them are pretty good, but there's a big difference between what they're proposing here and Medicaid, Medicare and Social Security. In all three of those categories that I've mentioned, of those government programs that we have, the people receiving the benefits are predominantly not the ones paying for them at the time they receive them. They are the beneficiaries of someone else's labor and largesse. The highest producing people in America are paying the most taxes, and now the President and the liberals in this Congress are determined to tell the freedom-loving, top-producing Americans that not only are they going to have to continue to fund somebody else's Medicaid, Medicare and Social Security, but now they're going to have to fund a whole lot of other people's health care, those who are in the most productive years of their lives, and by the way, you're going to fund everybody else's, but your choices are going to be diminished because the Federal Government has to be able to compete and push out a lot of the private providers. I guarantee you, if they pass this bill, there will not be 1,300 health insurance companies any longer. There will not be 100,000 possible policy combinations any longer. That number will diminish overnight and over time, and we'll see how long it takes before there's the same number of private health insurance companies in America as there are property and casualty companies that are selling flood insurance.

I see my friend from Minnesota, MICHELE BACHMANN, has arrived at the floor—persistent, relentless and ever on the ball. I would be so happy to yield as much time as she may consume to the gentlelady from Minnesota.

Mrs. BACHMANN. I could never hold a candle to the stunning STEVE KING of Iowa, so I thank you for deferring to me for a few minutes, and I am extremely grateful for the gentleman's comments on the floor so far this evening.

One thing that has been brought to my mind from your comments is you'd recalled that you'd remembered that President Obama came to meet with House Republicans down in the bowels of the Capitol building, just below where we're standing now, and he gave a private speech to us where there were no members of the press. One thing that I recall from that meeting with the President is the President had said to us he would prefer to enact his full agenda and be a one-term President rather than not enact his agenda and be a two-term President.

I think that the American people cannot underscore enough the fact that the President is very determined in his desire to enact this health care legislation, and perhaps never again will one party hold the type of cards that have been dealt in their hands as they hold right now. That's why I think the American people recognize that, with an overpowering one-party domination, we see an intention to enact this government takeover of health care that literally will lead to life-and-death decisions.

You talked about three different areas where the government has gotten involved, and it reminded me of yesterday, when I was meeting with a group of constituents, and a gentleman told me this story. He said he'd just purchased from what is now known as "government motors" in our country—because the Federal Government has taken over not one but two car companies. The United States Government is now the largest car manufacturer in the United States. Well, government motors—and again, this is nothing derogatory against our dealerships. Our dealerships, through no fault of their own, are in the current situation that they're in. We know 3,500 car dealerships have received pink slips from our government, putting out of work about 150,000 good American-paying jobs.

□ 2220

Well, in the midst of this, a gentleman told me yesterday he went to what's now called Government Motors, fondly. He purchased a top-of-the-line vehicle, brand new. His dashboard split, so he has a brand-new dashboard in this top-of-the-line vehicle from Government Motors.

He went down to the good dealership, excellent dealership that he purchased the car from. Dealership said, sure, it's under warranty, we will take care of that for you. The gentleman waited. He didn't hear back. He said, hey what's up with my dashboard, brand-new car, top of the line, Government Motors? It's under warranty, what gives?

I am calling all around the country. This wonderful local dealer turned over every stone that he could. And do you know what he discovered? In the entire country, in the United States, there isn't one single dashboard available to replace this brand-new top-of-the-line dashboard in the car he just purchased.

What am I going to do?, he said. Well, since the Federal Government took over GM, suppliers have been let go. No new suppliers are in place.

So here this gentleman purchased a car. It's the last of its series. How many suppliers are going to be out there bidding for a car that will never be built again?

That's part of the problem when government takes over. Because does government really have to worry about customer satisfaction the same way

that a private business has to worry about government satisfaction? I think that's what the American people in their innate genius understand in the middle of this health care debate.

They understand that when government is in charge, government doesn't necessarily have to worry about customer satisfaction unless you are an elected official. Then you know you have to go back to your constituency. You have to answer for the votes that you cast and the decisions that you make.

But if you are government and you own the company and you dominate the company, what do you worry about customer satisfaction, especially if you are not only the car maker, but you also control the contracts with the dealerships and you are the lender? Because, let's face it, now the Federal Government is also the lender when it comes to car sales.

And the Federal Government is backing a lot of the credit card loans that are out there now. So where is the public going to go, and who does the Federal Government have to answer to?

And this is what people know, because now it's about my health care and my child's health care, and my elderly mother's health care. And I really care about my mother, but will a bureaucrat, a nameless, faceless bureaucrat give a rip if my mother can't get her hip replacement or she can't get the pacemaker?

Remember, that question was asked of President Obama. He held a townhall meeting in the White House, and, recall, there was a woman who stood up and said, President Obama, my mother was 100 years old. I couldn't get one doctor to give her the pacemaker she needed until finally I found a doctor who said your mother has a lot of spirit. I will get her a pacemaker. He did, and her mother was still living 5 years later, doing very well with her pacemaker.

President Obama's response? He said, Well, you know, maybe a pill would be the better answer than surgery.

Well, the woman didn't need a pain pill. What she needed was the surgery. And this is exactly the point.

Will we have bureaucrats and politicians looking at their bottom lines in their constituencies rather than having a doctor who, really, his best interest is to make sure that patient is healed and becomes well? Who will make the decisions in this upcoming scenario? That's really what the American people want to know.

Mr. KING of Iowa. I thank the gentlelady from Minnesota.

I was just listening to the General Motors part of this discussion, and I am thinking about the components of General Motors, Government Motors, and how this all transpired. And it first came about with the first little dialogue going on. And some of us said put

them through chapter 11. We are not going to be without cars. Somebody will take up those assets and turn them into a competitive company.

Speaker PELOSI said, I am not going to get the unions—I am not going to let the car makers get bargaining leverage over the unions. So you had the bond holders, the secured creditors involved in this.

And then the President effectively fired the CEO of General Motors.

Mrs. BACHMANN. That's right.

Mr. KING of Iowa. And hand-picked his own guy to go in there as the CEO of General Motors and over, close, near that period of time, picked, hand-picked all but two members of the board of directors on General Motors. And the Federal Government ended up with 61 percent of General Motors. That's the U.S., the Federal Government, the Canadian Government, 12.5 percent, the unions, 17.5 percent. Now I didn't do the math on what's left. It's not much.

And then on top of that you have Cash for Clunkers that goes out and buys these cars or puts the down payment down. And the Federal Government guaranteeing some of the loans for the cars, it is the perfect circle of socialized economy. It's astonishing to me.

Now what do you do if you are out here making a car that you can't sell, and you need to pay the scale for the workers that didn't give up anything if we pass a national health care act? The unions didn't give up anything in this deal, but they got 17.5 interest in a company.

Mrs. BACHMANN. Let's go back to the crux of this issue, and it is the economy, what's happening in the United States economy.

And as we have seen, the Federal Government comes in and effectively nationalizes about 30 percent of our economy, and they are on a deep, long drive to make sure that they can nationalize another 18 percent by taking over health care. And what's more, with the national energy tax, they want to take over even more of the national economy so that the Federal Government would effectively own or control well over 50 percent of the private business profits earned in this company. What has it yielded for the economy?

And I just looked at an article today that was in the Hill newspaper. And it said President Obama's chief economist has said, today, the jobless rate will remain high despite economic growth. She voiced worry that the economic growth expected in the coming years won't be enough to bring down the unemployment rate to pre-recession levels.

Christina Romer said, in 2010, that's next year, Representative, next year, the economy will likely grow, but the jobless rate will peak at 10 percent.

We are at 9.7 percent unemployment now. It's going to grow, according to the President's chief economist, up to 10 percent. It won't start falling at a rapid clip.

In fact, the administration, independent economists expect next year steady but not over-the-top GDP growth of between 2 to 3 percent. That will bring unemployment down slowly, but not by big movement; Unemployment on the right trajectory, but not coming down.

This is incredible. We were told we had to pass in 3 days a trillion-dollar stimulus plan because the President said otherwise we would go to 8 percent unemployment. We could only wish we had 8 percent unemployment.

We are at 9.7 percent. The President's chief economist said we are going to over 10. And according to the President's chief economist, if this health care plan goes into effect, we will lose another 5.5 million jobs. If we put his national energy tax into plan, it will be another 2.5 million jobs lost every year. The President is bent on a China-India jobs stimulus plan.

We are losing American jobs, ceding them to our national competitors, and the Americans aren't gaining anything for it. That's why last week the flash point, when President Obama stood here in this Chamber and gave a speech to the joint session of Congress, there was one story that overshadowed the entire night, and that was one of our colleagues, Mr. JOE WILSON of South Carolina who had made a statement to President Obama.

And in the midst of that statement, Representative JOE WILSON became effectively the point at the tip of the spear on this debate. And it was over the issue of whether the President was accurate in his statement that illegal aliens would be receiving health care benefits coequal with other Americans that are here lawfully in our country and at the expense of taxpayers. That was really the flash-point issue.

And what we found out last Friday night, we saw Democrat Members of Congress saying we are willing to put that verification in the bill, in other words proving that our colleague, JOE WILSON, was right, which makes it almost incomprehensible to me to believe that the Democrat majority plans to bring about a resolution tomorrow in this very Chamber condemning our colleague for his words.

He has already apologized for his lack of decorum, everyone agrees with that.

But to think that you would say to one of our colleagues, who the Democrats have already proved right by admitting that they are going to take the provision out of the bill that Representative WILSON was referring to?

It's almost uncanny to me that we would live to see such a day when that would happen.

□ 2230

Mr. KING of Iowa. I thank the gentlelady. I believe it says in the book of John that if you forgive men's sins, they are forgiven them. If you hold them bound, they are held bound.

President Obama said he accepted the apology. That's forgiveness. Because the President accepted the apology from the officer and the gentleman, JOE WILSON, no one else in the country has a claim to any other redress whatsoever.

Mrs. BACHMANN. Which is why I thank the gentleman from Iowa, Representative STEVE KING, for penning a letter asking others of our colleagues on both sides of the aisle to join that letter in support of our colleague, JOE WILSON. I was very happy to sign on to your letter.

But you, STEVE KING, the stunning STEVE KING of the State of Iowa, you took the initiative on that front. You were right to do so. And I am extremely grateful for your leadership on this issue. Because this is the point. When we're talking about this, it isn't about the President; this isn't about any Member of Congress. This is about the American people. Will the American people continue to enjoy the finest health care system that the world has ever known or will we lose our freedom of choice over health care and will Americans lose the control over another 18 percent of private business profits.

This is a big deal. This is a really big issue. Because, since the inception of Bailout Nation less than a year ago, 30 percent of private business profits are now owned or controlled by the Federal Government. If President Obama gets his way, that's another 18 percent—almost 50 percent.

This is the issue right now. Will our economy be better off by government taking over the economy. No? Are you kidding. We've already seen demonstration of that in the last few months. Surely, we would not be better off with President Obama nationalizing health care and the energy industry.

Mr. KING of Iowa. Let me just roll this question back across your analytical accountant, CPA, tax lawyer mind, and that is, if 30 percent of the private profits today are controlled by the Federal Government, and if another 18 percent would be swallowed up in a national health care plan, taking us to 48 percent of the private, what if all private interests were rolled up in shares, and you could buy derivatives of those shares of the private sector? What if you could do that?

And what if the Federal Government then controlled 48 percent of all the shares of the private sector? Because that would be the equivalent, I would think. They would almost be to the point of having controlling interest over the private sector of the economy of the United States of America. Is that how the equation works out?

Mrs. BACHMANN. That's exactly right, Representative. Again, we know President Obama's intention is to effectively nationalize the energy by giving the Federal Government control over the use and distribution of energy.

Remember, we had a conversation earlier.

Then-candidate Obama, Senator Obama, made the statement during the course of his campaign. He said, Americans can't think that they can drive SUVs, set their thermostats at 72 degrees, or eat as much as food as they want, and think the rest the world will be okay with that.

Well, let's take a look at the report card since President Obama has come into office. By taking over GM and Chrysler, what we're seeing is the diminution of the SUV. We're seeing a lot of these high-end vehicles now being phased out, and instead we're seeing the new cars that the President wants to have put in place by Government Motors. That's the SUV portion.

What about setting our house temperature at 72 degrees and buildings like this one at 72 degrees? Well, once we have the government effectively nationalizing energy, people won't be able to afford to set their thermostats at 72 degrees. They will be sitting at home shivering at 55 degrees in winter, and in summer most likely won't even be able to turn on the air-conditioning.

And what about food? President Obama said we can't eat as much food as we want and think the rest of the world will be okay about that, as if that matters to freedom-loving Americans. Well, we just heard last week that the Federal Government now under the Obama administration is calling for a reordering of America's food supply. What is that going to mean? Now will the White House decide how many calories we consume or what types of food we consume?

You're from an agriculture State, I'm from an agriculture State. My farmers are very concerned about this. Our farmers are some of the greatest geniuses the world has ever seen. When you think of the percentage of farmers that we had in this country producing the food when the Nation first began, we're now at less than 2 percent of our population produces all of the food that Americans consume. Not only that, a good portion of the world as well.

Mr. KING of Iowa. Reclaiming my time, you triggered something in my memory here, Mrs. BACHMANN, and that would be the hearings that we held before the House Agriculture committee. This would have been March 13, 2007. It has to do with what people should be eating and what is healthy, and how we're going to legislate that from the Federal level.

There were those on that committee that thought that we should increase food stamps substantially. In fact, they were pushing to increase food stamps

46 percent. For the most part, they got that job done.

Mrs. BACHMANN. That's right.

Mr. KING of Iowa. But, how do you justify that when you can't find people that are suffering from malnutrition or people that are actually hungry, chronically hungry. There are people that miss meals. I'm among them. But we don't have chronic hunger in America.

In order to justify the expansion of food stamps, they brought before us the president of La Raza, that's the organization that stands for The Race. Her name is Janet Murguia. And in that testimony she said this—and this is a quote, "There is also mounting evidence that the overweight and obesity trends in the United States are due, in part, to high levels of food insecurity."

So we have a situation where the argument is being made to the United States Congress that we have fat people in America that are overweight because they were worried about some meals that they might miss one day in the future, and they tended to overeat in the present tense. So if we would just give them an unlimited supply of food stamps, then they would eat less, lose weight, and live healthy and happy thereafter, that's what she's telling us. Food insecurity.

So I'm wondering, Where has this world gone, George Orwell? How did we get to this place? And I remember walking down along Franklin Delano Roosevelt's monument and looking at the symbols that he has of the speech that he gave that is sort of the idea of the four freedoms. Freedom of speech, freedom of religion—I'll stand and defend those. They are rights. They are freedoms. They are guaranteed.

But freedom from want and freedom from fear can't be guaranteed by anybody but God. And I'm not sure it's healthy to have freedom from want, because want is what drives us to produce and be better. And then our philanthropy that comes from the times we're short causes us to help other people that are short.

Mrs. BACHMANN. If the Representative would allow me to intervene, there is one want that we don't have to worry about any more, and that's one organization in the United States that has been given a great abundance, and that's the organization ACORN.

I know that you have done a great deal of work in trying to expose the nefarious activities of ACORN. We learned last week that ACORN, which has a persistent record of voter fraud indictments across the country, was brought under indictment for 11 counts of voter fraud down in the State of Florida. And then there were videos that came out showing that ACORN, which is a grand recipient of Federal money, was found facilitating bringing in underage girls illegally across not only State lines but across our country's borders into the United States for the purpose of prostitution.

ACORN was not only enabling this illegal criminal business, they were also coaching people on how to avoid their tax payments that they would have to pay and how to go into federally funded housing.

That's why I have been writing letters to the Census Bureau, to the Housing and Urban Development Agency, to call on them to stop all current and future grants and to investigate all past grants.

ACORN has been a recipient of \$53 million in Federal funds since 1993. Now, since President Obama, who is a former employee of ACORN, since he has become the President, now ACORN has access to \$8.5 billion. And in another bill that passed through the House, an additional \$1 billion—a billion dollars, \$8.5 billion ACORN has access to.

Mr. KING of Iowa. Mrs. BACHMANN, why didn't you do something about it?

Mrs. BACHMANN. Why didn't I do something about that?

Mr. KING of Iowa. Yes.

Mrs. BACHMANN. I did. I have and you have. We've been writing letters.

Mr. KING of Iowa. Did you offer an amendment in Financial Services?

Mrs. BACHMANN. I did. I offered an amendment in Financial Services. It did pass out of the committee. And the amendment said that organizations like ACORN or similarly situated organizations that are currently under indictment for voter fraud would be ineligible to have access to Federal grants.

Mr. KING of Iowa. Did Chairman FRANK vote for that amendment?

Mrs. BACHMANN. Chairman FRANK voted for that amendment in the committee, yes.

Mr. KING of Iowa. Why isn't it law?

Mrs. BACHMANN. Well, it came to the House floor and Chairman FRANK said in the course of his remarks here on the floor that he was not—he didn't read the amendment fully. He wasn't aware of what the amendment said. And so he said it came to his attention later by his staff, and so now he was going to change that.

□ 2240

Mr. KING of Iowa. Could that be interpreted to mean that ACORN talked to his staff after the committee meeting and advised him that he should come to the floor and change the language?

Mrs. BACHMANN. I can't tell you whether ACORN spoke with him or not. I have no knowledge of that. All I know is that when Chairman FRANK came to the floor, he proceeded to pull my amendment out of the bill, which he did, which meant that now ACORN would have access to another \$1.5 billion in addition to the \$8.5 billion that they already have access to.

ACORN, in my opinion, should have the Internal Revenue Service look at

their tax-exempt status. In my opinion, I think ACORN has a very tough time proving that they should hold onto their tax exempt status. Not only that, they have a tough time proving that they should be a recipient of any more Federal housing grants. If they want to be an organization, they can, but they shouldn't be a recipient of Federal taxpayer funds.

Mr. KING of Iowa. Here is an image. In fact, this poster is not here tonight, but I will try to bring it down later this week so everybody can see it, Mr. Speaker. I thought it would be good for me to go down to the headquarters of ACORN to see what it looked like. So I went on down there to 2609 Canal Street, New Orleans, Louisiana. That's the national headquarters and, for all I know, the international headquarters of ACORN. In there is where they process the paperwork for many of—probably most of—and probably not quite all of their affiliate corporations. But inside those doors, the most fortified building in that neighborhood—I yield back.

Mrs. BACHMANN. Aren't there over 200 affiliated organizations housed, and it's a two story building?

Mr. KING of Iowa. Yes. But it's a four- or five-story building. I would have to look at the picture to count the stories. But the first two are all bars, and it's fortified. Then above that, it's high enough so that the crowds can't get in. But behind the glass in ACORN's national headquarters on the street side, there's a huge poster: "Obama for President '08," and hanging right next to it is an ACORN flag. I have that picture. I have turned it into a poster. I brought it down here on the floor.

ACORN is a 501(c)(3) not-for-profit organization. It is unlawful for them to engage in partisan politics, and yet they are a get-out-the-vote organization for Democrats. They are taking Federal tax dollars, and they're pushing it through to run political campaigns, and then they boldly advertise it in the front window of their national headquarters in New Orleans with an Obama poster.

Mrs. BACHMANN. Over and over, I have had people tell me that ACORN is effectively the electioneering arm of the Democratic Party, and that is concerning. At least I would think that the Democrat majority that controls this House would want to hold hearings to clear their name, to say that ACORN is not our electioneering arm and prove that assertion false. I would think that's exactly what they would want to do, which is why I wrote letters to Chairman BARNEY FRANK and to Speaker PELOSI, demanding that we have oversight hearings and investigate ACORN to take a look at all of the grants that ACORN has received to see if they have been spent wisely, if they've been used according to the

rules that have been set up for their disbursement.

Mr. KING of Iowa. Mrs. BACHMANN, you have raised a lot of children, foster children, your own natural born children. It is a phenomenal thing. Have you ever caught any of your children with their hand in the cookie jar?

Mrs. BACHMANN. Oh, yes, I have.

Mr. KING of Iowa. Did any of them ever call for a hearing to clear their name?

Mrs. BACHMANN. No. They knew they were guilty, Mr. KING.

Mr. KING of Iowa. I think that is the case. Clearly, it's a partisan get-out-the-vote organization. They're everywhere in America, in over 100 major cities, and then subdivisions within the cities. Their reach doesn't just go into politics. We saw what was going on with the—what's the nicest word—subornation of prostitution, child prostitution, the encouragement of what appears to be illegal immigration, saying that they're going to help with a child tax credit, the refundable tax credit which is a transfer from the taxpayers to the pimp and the prostitute out of the pocket of the taxpayers, enabled by ACORN.

Mrs. BACHMANN. This is ACORN enabling it. And one of our colleagues said that he would hold hearings about ACORN. Several months ago there was one indictment after another that came out after voter fraud. Now these latest indictments deal with the housing grants that ACORN is receiving. He announced that he was going to hold hearings and investigate ACORN. Then the next thing we knew, he was not going to hold those hearings because he said the higher ups told him—these are his own words—he said, the higher-ups told him that he was not to hold hearings.

I think the American people have a right to know. I think they have a right to know that these red flags about ACORN didn't just happen last week. These red flags have gone up months and years ago. Remember, the Speaker of the House said that she was going to drain the swamp. That's what she was going to do, drain the swamp of corruption. But could anything be more corrupt than a taxpayer-funded tax-free organization doing the electioneering bidding for a dominant political party? Does it get any more circular than that and, some might suggest, incestuous?

Mr. KING of Iowa. Well, it's circular, and it's incestuous. The statement that was made about investigating ACORN was made by Chairman JOHN CONYERS, the chairman of the Judiciary Committee. I was sitting in the room when that was going on. We had a hearing before the Constitution Subcommittee, the subcommittee chairman is JERRY NADLER from New York. Chairman CONYERS said, I think there's substance here. I think we should look into it.

Chairman NADLER said, When I see something substantive, then I will consider hearings. There was plenty of substance. There is plenty more substance here now.

But since that time, JOHN CONYERS has said, Well, the powers that be—not necessarily the higher-ups—but the powers that be have decided that there wouldn't be hearings. Now who could “the powers that be” be when you are the chairman of the Judiciary Committee in the House of Representatives? You really only look up and you think, well, the powers that be are either the Speaker of the House or the President of the United States.

Well, what we do know is the President of the United States used to work for ACORN. That's irrefutable and not arguable. He not only worked for ACORN but he also was a trainer for ACORN, and he headed up Project Vote, which is part and parcel of ACORN. The President wore an ACORN jersey. He was a player and a coach, and now he is an alumni who has hired ACORN to help facilitate hiring people at a minimum on the Census and now they've backed off of that. I'm not all that optimistic that that will stick. But we have a President of the United States with a chief of staff named Rahm Emanuel who used to serve in the House of Representatives. He is known for hardball, hard-core Chicago-style politics. And we're going to have to wonder if we can actually get hearings and investigations.

Here's what needs to happen, Mr. Speaker: This Congress needs to have multiple committees with bipartisan hearings and investigations on every aspect of ACORN. The Department of Justice has to deploy an entire division to go in and do a complete forensic audit of every dollar that comes and goes from ACORN and every one of their affiliates. They have to bring the IRS into this so we can track every dollar, and we've got to see indictments. We've got to see the perp walk. We are going to have to see people put in prison for what they're doing to the American taxpayers, Mr. Speaker.

Mrs. BACHMANN. And also there's video footage today of the President speaking to ACORN, saying that ACORN would be a part of his decision-making on various bills.

Mr. KING of Iowa. Mr. Speaker, did I hear a gavel? Does that mean my time has expired?

The SPEAKER pro tempore. The gentleman has 60 seconds.

Mr. KING of Iowa. Okay. I thank you, Mr. Speaker. Then I will just simply conclude. I didn't pick up the sound very well.

I appreciate the gentlelady from Minnesota coming to the floor to engage in this discussion and dialogue that we have. I'll appreciate it when this Congress steps forward and does the investigations of ACORN and multiple com-

mittees, the Finance Committee, the Ways and Means Committee, the Judiciary Committee, the Government Reform Committee, those, among others. And when the Justice Department steps up and instead of shutting down an investigation of voter intimidation, which was an open and shut case of intimidation in Philadelphia, if they will step in and really do an investigation of ACORN, let's give the taxpayers their due, let's represent the American people, let's clean this place up, and let's have the high standards that were envisioned by the Founding Fathers.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. HOYER) for today and the balance of the week on account of a family medical emergency.

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of a family medical issue.

Mr. ROGERS of Kentucky (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. MCHUGH (at the request of Mr. BOEHNER) for today and September 15 on account of a family medical matter.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRAYSON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, September 15, 16 and 17.

Mr. INGLIS, for 5 minutes, today.

Mr. FORBES, for 5 minutes, September 15.

Mr. SOUDER, for 5 minutes, today.

Mr. NEUGEBAUER, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. SCALISE, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

#### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon

signed by the Speaker pro tempore, Mr. VAN HOLLEN:

H.R. 3325. An act to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

#### BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 10, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 3325. To amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

#### ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 15, 2009, at 10:30 a.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3295. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan and Auxiliary Provisions; Technical Amendment [Docket No.: APHIS-2007-0042] (RIN: 0579-AC78) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3296. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Grape Crop Insurance Provisions and Table Grape Crop Insurance Provisions (RIN: 0563-AC09) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3297. A letter from the Acting Director, Bureau of Land Management Chief, Forest Service, Department of the Interior Department of Agriculture, transmitting 2008 report, "Monitoring Fuel Treatments Across the Continental United States for Overall Effectiveness and Effects on Aquatic and Terrestrial Habitat, Air and Water Quality"; to the Committee on Agriculture.

3298. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium Lauryl Sulfate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0041; FRL-8430-5] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3299. A letter from the Director, Office of National Drug Control Policy, Executive Of-

fice of the President, transmitting notice of funds transferred between Office of National Drug Control Policy agency programs; to the Committee on Appropriations.

3300. A letter from the Acting Deputy Under Secretary of Defense, Department of Defense, transmitting Inventory Lists for the Department of the Army, Navy, and Air Force, pursuant to section 2330a Title 10 of the U.S. Code as amended by section 807 of the National Defense Authorization Act of Fiscal Year 2008; to the Committee on Armed Services.

3301. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report on the proposed test and evaluation (T&E) budgets that are not certified by the Director of the Defense Test Resource Management Center (TRMC) to be adequate for FY 2010; to the Committee on Armed Services.

3302. A letter from the Acting Secretary, Department of the Navy, transmitting Report to Congress on Public-Private Competition Result; to the Committee on Armed Services.

3303. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3304. A letter from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the 2009 Report to Congress, "Secure and Fair Enforcement for Mortgage Licensing Act (SAFE Act)"; to the Committee on Financial Services.

3305. A letter from the Council for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Section 108 Community Development Loan Guarantee Program: Participation of States as Borrowers Pursuant to Section 222 of the Omnibus Appropriations Act, 2009 [Docket No.: 5326-I-01] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3306. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Interest Rate Restrictions on Insured Depository Institutions That Are Not Well Capitalized received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3307. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Capital Classifications and Critical Capital Levels for the Federal Home Loan Banks (RIN: 2590-AA21) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3308. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Department's "Major" final rule — Capital Adequacy Guidelines: Treatment of Perpetual Preferred Stock Issued to the United States Treasury under the Emergency Economic Stabilization Act of 2008 [Regulation Y; Docket No. R-1336] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3309. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Fiscal Year 2006 Report to Congress on the Impact and Effectiveness of Administration for Native Americans Projects", pursuant to

Section 811(e) of the Native American Programs Act of 1974; to the Committee on Education and Labor.

3310. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3311. A letter from the Secretary, Department of Health and Human Services, transmitting FY 2008 Performance Report to Congress for the Medical Device User Fee Amendments of 2007; to the Committee on Energy and Commerce.

3312. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee; Risk Communication Advisory Committee; Termination and Recharter [Docket No.: FDA-2009-N-0310] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3313. A letter from the Acting Administrator, Energy Information Administration, transmitting the Administration's report entitled, "Annual Energy Review 2008"; to the Committee on Energy and Commerce.

3314. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Consumer Products Rule [EPA-R05-OAR-2007-1129; FRL-8941-9] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3315. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans of Michigan: Clean Air Interstate Rule [EPA-R05-OAR-2009-0294; FRL-8944-7] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3316. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and Defer Sanctions, Final County, Arizona [EPA-R09-OAR-2009-0521; FRL-8946-2] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3317. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Delaware [EPA-R03-OAR-2009-0238; FRL-8936-4] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3318. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District, Kern County Air Pollution Control District, Mohave Desert Air Quality Management District [EPA-R09-OAR-2008-0566; FRL-8939-2] received August 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3319. A letter from the Office of Managing Director, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2008 [MD Docket

No. 08-65] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3320. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting reports in accordance with Section 36(a) and 26(b) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

3321. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112(b); to the Committee on Foreign Affairs.

3322. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006., pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

3323. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-52, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3324. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-35, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3325. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-45, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3326. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-48, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3327. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-49, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3328. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

3329. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Foundation's required General/Trust Fund Financial Statements for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

3330. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3331. A letter from the Deputy Assistant Secretary for Information Systems and Chief

Information Officer, Department of the Treasury, transmitting report on the training on, and use of the government-wide authority for category rating in competitive examining; to the Committee on Oversight and Government Reform.

3332. A letter from the Solicitor, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3333. A letter from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3334. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting a copy of the boundary description and classification of the North Fork of the Smith Wild and Scenic River, Rogue River — Siskiyou National Forest, Oregon, pursuant to 16 U.S.C. 1274; to the Committee on Natural Resources.

3335. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting a copy of the boundary description and classification of the Upper Rogue Wild and Scenic River, Rogue River — Siskiyou National Forest, Oregon, pursuant to 16 U.S.C. 1274; to the Committee on Natural Resources.

3336. A letter from the General Counsel (Acting), National Indian Gaming Commission, Department of the Interior, transmitting the Department's final rule — Amendments to Various National Indian Gaming Commission Regulations (RIN: 3141-0001) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3337. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending December 31, 2008, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

3338. A letter from the Assistant Attorney General, Department of Justice, transmitting annual "Report to Congress: National Instant Criminal Background Check System (NICS)", submitted in accordance with the NICS Improvement Amendments Act of 2007 (Pub. L. 110-180); to the Committee on the Judiciary.

3339. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Foreign Officials: Definition of Immediate Family Members, As Amended [Public Notice: 6676] received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3340. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3299-EM in the State of New York, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3341. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1846-DR for the State of Oklahoma, pursuant to Public Law 110-329, sec-

tion 539; to the Committee on Transportation and Infrastructure.

3342. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30680; Amdt. No. 482] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3343. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30678 Amdt. No. 3332] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30679; Amdt. No. 3333] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3345. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-IV, GIV-X, and GV-SP Series Airplanes and Model GV Airplanes [Docket No.: FAA-2009-0683; Directorate Identifier 2009-NM-129-AD; Amendment 39-15991; AD 2009-17-01] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 Airplanes [Docket No.: FAA-2009-0464; Directorate Identifier 2008-NM-189-AD; Amendment 39-15992; AD 2008-16-09 R1] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3347. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2009-0004; Directorate Identifier 2008-NM-160-AD; Amendment 39-15995; AD 2009-17-04] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3348. A letter from the Administrator, FEMA, Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1844-DR for the state of South Dakota, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

3349. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Special Rules Governing Eligible Combined Plans received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3350. A letter from the Chairman, Social Security Advisory Board, transmitting report entitled "Bridging the Gap: Improving SSA's Public Service through Technology"; to the Committee on Ways and Means.

3351. A letter from the Regulation Coordinator, Department of Health and Medicaid Services, transmitting the Department's

"Major" final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2010 [CMS-1538-F](RIN: 0938-AP56) received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Pursuant to the order of the House on September 10, 2009 the following report was filed on September 11, 2009]*

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3246. A bill to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy; with an amendment (Rept. 111-254). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. McDERMOTT:

H.R. 3556. A bill to require the Secretary of Health and Human Services to establish a self-referral disclosure protocol under the Medicare Program to enable health care providers of services and suppliers to disclose violations of section 1877 of the Social Security Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES:

H.R. 3557. A bill to provide an emergency cost-of-living increase for Social Security benefits for 2010; to the Committee on Ways and Means.

By Mr. GRIFFITH:

H.R. 3558. A bill to allow incumbent contractors to be eligible to re-compete for Government contracts as small businesses, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 3559. A bill to amend titles XVIII and XIX of the Social Security Act to improve awareness and access to colorectal cancer screening tests under the Medicare and Medicaid programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRE (for himself, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. McDERMOTT, Mr. SMITH of Washington, and Mr. PAYNE):

H.R. 3560. A bill to amend the Foreign Assistance Act of 1961, to establish the Health

Technology Program in the United States Agency for International Development to research and develop technologies to improve global health, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TEAGUE (for himself and Mrs. KIRKPATRICK of Arizona):

H.R. 3561. A bill to amend title 38, United States Code, to increase the amount of educational assistance provided to certain veterans for flight training; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 3562. A bill to designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the "Chaney, Goodman, Schwerner Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. EDWARDS of Texas:

H. Con. Res. 183. Concurrent resolution recognizing the contributions of Dr. Norman E. Borlaug to the United States and the world; to the Committee on Foreign Affairs.

By Mr. MEEKS of New York:

H. Con. Res. 184. Concurrent resolution expressing the sense of the Congress that the bankruptcy proceedings of Lehman Brothers Holding Inc. and Lehman Brothers Europe Inc. be resolved in an equitable and expeditious process between the United States and United Kingdom, and that the interests of American investors be given due consideration and be treated with urgency throughout; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. PIERLUISI, Mr. RODRIGUEZ, Mr. SIRE, Mr. ORTIZ, Mr. REYES, Mr. SERRANO, Mr. GONZALEZ, Ms. LINDA T. SANCHEZ of California, Mr. BACA, Ms. VELÁZQUEZ, Mr. CARDOZA, Mr. BECERRA, and Ms. RICHARDSON):

H. Res. 737. A resolution expressing the sense of the House of Representatives that a National Hispanic-Serving Institutions Week should be established; to the Committee on Education and Labor; considered and agreed to.

By Ms. SLAUGHTER (for herself, Mr. CONYERS, Ms. EDWARDS of Maryland, Mrs. MALONEY, Ms. WOOLSEY, Ms. WASSERMAN SCHULTZ, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Ms. SPEIER, Ms. MOORE of Wisconsin, Ms. BORDALLO, Ms. DEGETTE, Ms. RICHARDSON, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HODES, and Ms. MCCOLLUM):

H. Res. 738. A resolution recognizing the 15th anniversary of the enactment of the Violence Against Women Act of 1994; to the Committee on the Judiciary; considered and agreed to.

By Mr. BOSWELL (for himself, Mr. LATHAM, Mr. KING of Iowa, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. KISSELL, Ms. MCCOLLUM, Mr. GRAVES, Ms. MARKEY of Colorado, Mr. PAYNE, Mr. FORTENBERRY, Mr. MORAN of Kansas, Mr. HOLDEN, Mr. ROGERS of Alabama, Mr. WALZ, Mr. HOLT, Mr.

PUTNAM, Ms. ROYBAL-ALLARD, and Mr. JOHNSON of Illinois):

H. Res. 739. A resolution honoring the life and achievements of Dr. Norman E. Borlaug for his many contributions to alleviating world hunger; to the Committee on Foreign Affairs.

By Mr. BOSWELL (for himself, Mr. BRALEY of Iowa, Mr. KING of Iowa, Mr. LATHAM, and Mr. LOEBSACK):

H. Res. 740. A resolution recognizing the valuable contributions of the extension offices of land-grant universities; to the Committee on Agriculture.

By Ms. MARKEY of Colorado (for herself, Ms. EDWARDS of Maryland, Mr. KENNEDY, Mr. COURTNEY, Mr. OLIVER, Mr. MCGOVERN, Ms. DEGETTE, Mrs. CAPPS, Mr. QUIGLEY, Mr. TEAGUE, Ms. TITUS, Mrs. MALONEY, Mr. MINNICK, Mr. CROWLEY, Mr. ADLER of New Jersey, Mr. PETERS, Ms. SHEA-PORTER, Mr. WELCH, Mrs. DAHLKEMPER, Mr. SCHAUER, Ms. SCHWARTZ, Ms. MOORE of Wisconsin, Mr. SIRE, Mr. SCOTT of Virginia, Mr. MCMAHON, Mr. LUJÁN, and Mr. BLUMENAUER):

H. Res. 741. A resolution expressing support for designation of October 8, 2009, as national Jumpstart's "Read for the Record Day"; to the Committee on Education and Labor.

By Mr. MARSHALL (for himself, Mr. BARROW, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. JOHNSON of Georgia, Mr. KINGSTON, Mr. LEWIS of Georgia, Mr. LINDER, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, and Mr. WESTMORELAND):

H. Res. 742. A resolution congratulating the Warner Robins Little League softball team from Warner Robins, Georgia, on winning the 2009 Little League Softball World Series; to the Committee on Oversight and Government Reform.

By Mr. MURPHY of Connecticut (for himself and Mr. COURTNEY):

H. Res. 743. A resolution honoring the life of Frank McCourt for his many contributions to American literature, education, and culture; to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. BAIRD.

H.R. 55: Mr. PRICE of North Carolina.

H.R. 124: Mr. BURTON of Indiana and Mr. SHULER.

H.R. 197: Mr. KRATOVIL.

H.R. 272: Mr. ROSS.

H.R. 275: Mr. LUETKEMEYER and Mr. GUTHRIE.

H.R. 294: Mr. CARTER.

H.R. 422: Mr. MATHESON.

H.R. 433: Mr. CARTER.

H.R. 501: Mr. CONYERS.

H.R. 503: Mr. JOHNSON of Georgia.

H.R. 537: Mr. WEXLER.

H.R. 571: Mr. ACKERMAN, Mr. VAN HOLLEN, and Mrs. BIGGERT.

H.R. 621: Mr. FARR, Mr. COOPER, Mr. PRICE of Georgia, Mrs. DAVIS of California, Mr. BERMAN, Mr. SALAZAR, Mr. CLAY, Mr. DOYLE, Mr. LATOURETTE, Mr. SCOTT of Georgia, Mr. HALL of New York, and Mr. BURTON of Indiana.

H.R. 634: Mr. COSTELLO and Mr. JONES.

H.R. 646: Mr. ROYCE, Mr. MCGOVERN, Ms. CHU, Ms. WOOLSEY, and Mr. WEXLER.

- H.R. 669: Mr. WEXLER.  
H.R. 678: Mr. HOEKSTRA, Mr. McDERMOTT, and Mr. SESTAK.  
H.R. 758: Mr. COHEN.  
H.R. 793: Mr. YOUNG of Alaska.  
H.R. 868: Mr. GUTHRIE and Mr. HINCHEY.  
H.R. 916: Mr. REYES.  
H.R. 930: Mr. LATOURETTE.  
H.R. 932: Ms. RICHARDSON.  
H.R. 953: Mrs. DAHLKEMPER, Mr. McDERMOTT, and Mr. BOUCHER.  
H.R. 997: Mr. ISSA and Mr. DEAL of Georgia.  
H.R. 1021: Mr. ROE of Tennessee and Mr. THORNBERRY.  
H.R. 1038: Mr. COHEN.  
H.R. 1053: Mr. NYE.  
H.R. 1067: Mr. COHEN and Mr. GALLEGLY.  
H.R. 1188: Mr. KRATOVIL, Mr. HONDA, and Mr. HEINRICH.  
H.R. 1193: Mr. HASTINGS of Florida.  
H.R. 1213: Mr. SESTAK.  
H.R. 1215: Ms. RICHARDSON.  
H.R. 1228: Mr. DEAL of Georgia.  
H.R. 1245: Mr. BRALEY of Iowa.  
H.R. 1327: Ms. CHU, Mr. NYE, Ms. TSONGAS, and Mr. CLAY.  
H.R. 1392: Mr. COURTNEY, Mr. SULLIVAN, and Mr. SESTAK.  
H.R. 1428: Mr. KING of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. FLEMING, Ms. NORTON, Mr. BOUCHER, Ms. KAPTUR, and Mr. LATHAM.  
H.R. 1441: Mr. LUETKEMEYER.  
H.R. 1478: Mr. COURTNEY.  
H.R. 1570: Mr. BROWN of South Carolina and Mr. PUTNAM.  
H.R. 1615: Mr. MAFFEI.  
H.R. 1618: Mr. EHLERS.  
H.R. 1621: Mr. DEAL of Georgia.  
H.R. 1625: Mr. KAGEN, Mr. SESTAK, Mr. NADLER of New York, and Mr. LARSEN of Washington.  
H.R. 1639: Mr. CUELLAR.  
H.R. 1646: Mr. COURTNEY.  
H.R. 1685: Mr. COURTNEY.  
H.R. 1691: Mr. PASTOR of Arizona.  
H.R. 1708: Mr. LANGEVIN.  
H.R. 1751: Ms. DEGETTE.  
H.R. 1821: Mr. COURTNEY.  
H.R. 1826: Mr. LUJÁN, Mr. CLAY, Mr. HASTINGS of Florida, and Ms. JACKSON-LEE of Texas.  
H.R. 1831: Mr. DEFazio, Mr. LOBIONDO, Mr. WEXLER, Mr. CLAY, Mr. YOUNG of Alaska, Mr. SARBANES, Mr. DOYLE, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. CALVERT, Mr. CUMMINGS, Ms. LINDA T. SÁNCHEZ of California, Mr. RUPPERSBERGER, Mr. ROE of Tennessee, and Mr. RANGEL.  
H.R. 1868: Mr. KING of Iowa.  
H.R. 1884: Mr. JOHNSON of Illinois, Mr. CAPUANO, Mr. CALVERT, Mr. ELLISON, and Mr. ROHRBACHER.  
H.R. 1894: Mr. MANZULLO.  
H.R. 1908: Mr. LOBIONDO.  
H.R. 1927: Ms. ZOE LOFGREN of California.  
H.R. 1932: Ms. EDWARDS of Maryland.  
H.R. 1941: Mrs. MYRICK.  
H.R. 1946: Mr. SESTAK.  
H.R. 1956: Ms. MOORE of Wisconsin and Mr. WALZ.  
H.R. 1977: Ms. SUTTON and Ms. CASTOR of Florida.  
H.R. 2002: Mr. HINCHEY.  
H.R. 2058: Mr. CARTER and Mr. SESTAK.  
H.R. 2062: Ms. SHEA-PORTER.  
H.R. 2068: Mr. WITTMAN.  
H.R. 2095: Mr. MORAN of Virginia, Mr. ROTHMAN of New Jersey, and Mr. SERRANO.  
H.R. 2115: Mr. SESTAK.  
H.R. 2149: Mr. HOLDEN.  
H.R. 2190: Mr. HONDA, Mr. CONNOLLY of Virginia, Ms. MCCOLLUM, and Mr. COURTNEY.  
H.R. 2220: Mr. SESTAK, Mr. MINNICK, and Mr. SCOTT of Georgia.  
H.R. 2222: Mr. HIMES and Mr. DOGGETT.  
H.R. 2243: Mr. NYE.  
H.R. 2246: Mr. NYE.  
H.R. 2254: Mr. TIERNEY, Mr. HUNTER, Mr. TIBERI, Mr. TERRY, Mr. HODES, Mr. LANCE, Mr. SESTAK, Mr. PAYNE, Mr. McDERMOTT, Mr. STARK, Mr. ALEXANDER, and Mr. HARPER.  
H.R. 2262: Mr. RYAN of Ohio, Mr. JACKSON of Illinois, and Mrs. NAPOLITANO.  
H.R. 2292: Mr. SESTAK.  
H.R. 2308: Mr. MOORE of Kansas.  
H.R. 2329: Mr. SHERMAN and Mr. CARNAHAN.  
H.R. 2358: Mr. PITTS.  
H.R. 2377: Ms. ZOE LOFGREN of California.  
H.R. 2397: Mr. BILBRAY.  
H.R. 2408: Mr. RANGEL.  
H.R. 2421: Mrs. DAVIS of California and Mr. SULLIVAN.  
H.R. 2425: Mr. PATRICK J. MURPHY of Pennsylvania and Ms. ZOE LOFGREN of California.  
H.R. 2456: Mr. CONNOLLY of Virginia.  
H.R. 2499: Mr. CALVERT.  
H.R. 2524: Mr. OBERSTAR.  
H.R. 2542: Mr. NYE.  
H.R. 2543: Mrs. MCMORRIS RODGERS.  
H.R. 2567: Mr. OLVER and Ms. ZOE LOFGREN of California.  
H.R. 2578: Mr. SESTAK.  
H.R. 2607: Mr. TURNER.  
H.R. 2625: Mr. PASTOR of Arizona.  
H.R. 2626: Mr. McDERMOTT.  
H.R. 2685: Mr. INSLEE.  
H.R. 2715: Mr. WHITFIELD.  
H.R. 2766: Mr. WEXLER.  
H.R. 2810: Mr. SESTAK.  
H.R. 2817: Mr. FRANK of Massachusetts.  
H.R. 2842: Mr. MANZULLO.  
H.R. 2859: Mr. SESTAK.  
H.R. 2866: Ms. MCCOLLUM, Mr. ALTMIRE, and Mr. MANZULLO.  
H.R. 2891: Mr. SESTAK, Mr. CONNOLLY of Virginia, and Ms. TITUS.  
H.R. 2935: Mr. OLVER, Mr. CAO, Ms. HIRONO, Mr. BROWN of South Carolina, and Mr. WALDEN.  
H.R. 2941: Ms. TITUS, Mr. CONNOLLY of Virginia, and Mr. LANGEVIN.  
H.R. 2969: Mr. REYES.  
H.R. 3017: Mr. NEAL of Massachusetts.  
H.R. 3024: Mr. ARCURI, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. WILSON of Ohio, Mr. PLATTS, and Mr. PAULSEN.  
H.R. 3039: Ms. HIRONO.  
H.R. 3040: Ms. WASSERMAN SCHULTZ.  
H.R. 3043: Ms. ROYBAL-ALLARD, Mr. DAVIS of Illinois, and Mr. SESTAK.  
H.R. 3044: Mr. CARDOZA, Mr. UPTON, Mr. SESSIONS, Mr. DANIEL E. LUNGREN of California, Mr. TIAHRT, Mr. ALEXANDER, Mr. PITTS, Mr. SCALISE, Mr. BOOZMAN, Mr. TEAGUE, Mr. MATHESON, Ms. TITUS, Mr. KINGSTON, Mr. MITCHELL, and Mrs. BONO MACK.  
H.R. 3048: Mr. MICHAUD.  
H.R. 3077: Mr. FARR and Mr. MORAN of Virginia.  
H.R. 3092: Mr. SESTAK.  
H.R. 3149: Ms. SCHAKOWSKY and Mr. McDERMOTT.  
H.R. 3164: Mr. SESTAK.  
H.R. 3168: Mr. CASTLE.  
H.R. 3173: Mr. ROGERS of Michigan.  
H.R. 3212: Mr. McDERMOTT.  
H.R. 3220: Mr. BERRY.  
H.R. 3226: Mr. CONAWAY, Mr. LATOURETTE, Mr. GOODLATTE, Mr. FORTENBERRY, Mr. CANTOR, and Mr. SCALISE.  
H.R. 3274: Mr. MCKEON.  
H.R. 3286: Mr. SIRES.  
H.R. 3307: Ms. CORRINE BROWN of Florida.  
H.R. 3310: Ms. FOX.  
H.R. 3339: Mr. BISHOP of Utah.  
H.R. 3365: Ms. BORDALLO, Mr. COURTNEY, Mr. LUJÁN, Mr. ROONEY, Ms. CORRINE BROWN of Florida, and Mr. HALL of New York.  
H.R. 3380: Mr. RYAN of Ohio, Ms. FUDGE, Mr. PASCRELL, Ms. BALDWIN, Ms. SPEIER, Mr. CULBERSON, Mr. CARNAHAN, Mr. HEINRICH, and Mr. ORTIZ.  
H.R. 3381: Mr. BRALEY of Iowa, Mr. TOWNS, and Mr. REICHERT.  
H.R. 3383: Mr. WESTMORELAND and Mr. McCAUL.  
H.R. 3400: Mr. COLE, Mr. BISHOP of Utah, and Mr. SHADEGG.  
H.R. 3404: Mr. JACKSON of Illinois and Mr. CONYERS.  
H.R. 3406: Mr. BURTON of Indiana.  
H.R. 3407: Mr. WITTMAN.  
H.R. 3408: Ms. SHEA-PORTER and Mr. CROWLEY.  
H.R. 3418: Mr. BRIGHT.  
H.R. 3421: Mr. McDERMOTT and Mr. KUCINICH.  
H.R. 3465: Mr. SESTAK.  
H.R. 3467: Mr. ETHERIDGE, Mr. BOUCHER, and Mr. NYE.  
H.R. 3471: Ms. HIRONO.  
H.R. 3472: Mr. ADLER of New Jersey and Mr. POLIS.  
H.R. 3492: Mrs. MALONEY.  
H.R. 3502: Mr. SESTAK, Mr. SCHIFF, and Mr. NUNES.  
H.R. 3506: Mrs. BACHMANN, Mr. GARRETT of New Jersey, and Mr. PAUL.  
H.R. 3524: Mr. CUELLAR, Mr. MCCARTHY of California, and Mrs. LUMMIS.  
H.R. 3527: Mrs. MALONEY and Mr. SIRES.  
H.R. 3535: Ms. SCHAKOWSKY.  
H.R. 3536: Mr. SIRES.  
H.R. 3545: Mr. SCOTT of Virginia, Mr. LARSEN of Washington, Mr. MAFFEI, Mr. COURTNEY, and Mr. BLUMENAUER.  
H.R. 3548: Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. YARMUTH, Mr. CONYERS, and Mr. ROTHMAN of New Jersey.  
H.R. 3549: Mr. GARRETT of New Jersey and Mr. PASCRELL.  
H.R. 3554: Mr. BOSWELL, Mr. CARNAHAN, Mr. NYE, and Mr. ADLER of New Jersey.  
H.J. Res. 42: Mr. COBLE and Mr. ROSKAM.  
H.J. Res. 47: Mr. PRICE of Georgia, Mr. YOUNG of Alaska, and Mr. REYES.  
H. Con. Res. 128: Ms. CORRINE BROWN of Florida.  
H. Con. Res. 138: Mr. OLSON.  
H. Con. Res. 139: Mr. BOCCIERI, Mr. CALVERT, Mr. GINGREY of Georgia, Mr. HINCHEY, Mr. JONES, Mr. MCKEON, Mr. PITTS, and Mr. WITTMAN.  
H. Con. Res. 149: Mr. CAO.  
H. Con. Res. 170: Mr. MINNICK and Mr. BOSWELL.  
H. Con. Res. 178: Mr. WEXLER, Mr. McDERMOTT, Mr. ENGEL, Mr. MASSA, Mr. ROYCE, and Mr. ARCURI.  
H. Res. 81: Mr. SESTAK.  
H. Res. 167: Mr. McDERMOTT, Mr. PAYNE, Mr. CARNAHAN, Mrs. NAPOLITANO, Mr. PRICE of North Carolina, and Mr. NYE.  
H. Res. 215: Mr. SESTAK and Mr. HINOJOSA.  
H. Res. 260: Ms. DEGETTE, Mr. KENNEDY, and Mrs. BLACKBURN.  
H. Res. 266: Mr. CONNOLLY of Virginia.  
H. Res. 267: Mr. WITTMAN.  
H. Res. 443: Mr. SESTAK.  
H. Res. 494: Mr. CARTER, Mr. ROONEY, and Mr. MICHAUD.  
H. Res. 554: Mr. CONAWAY, Mr. FLAKE, Mr. GENE GREEN of Texas, Mr. COLE, Mr. SULLIVAN, Mr. SCHAUER, Mr. BURGESS, Mr. RYAN of Wisconsin, Mr. EHLERS, and Mr. AUSTRIA.  
H. Res. 558: Mr. SESTAK.  
H. Res. 577: Mr. SESTAK.  
H. Res. 604: Mr. BLUNT, Mr. MANZULLO, Mr. FRANKS of Arizona, Mr. INGLIS, Mr. BOOZMAN, Mr. MACK, Mr. CRENSHAW, Mr. GALLEGLY, Mr. HOEKSTRA, Mr. KIRK, Mr. SHIMKUS, Mr.

DANIEL E. LUNGREN of California, and Mr. WOLF.

H. Res. 615: Mr. LATTA.

H. Res. 619: Mr. PRICE of Georgia.

H. Res. 638: Mr. SESSIONS, Mr. SHUSTER, and Mr. MORAN of Virginia.

H. Res. 649: Mr. MCGOVERN, Mr. CONYERS, and Mr. KUCINICH.

H. Res. 660: Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, and Mr. MCINTYRE.

H. Res. 672: Mr. SMITH of New Jersey, Mr. CONNOLLY of Virginia, Mr. ROYCE, Mr. WOLF, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. ROHRABACHER, Ms. JACKSON-LEE of Texas, Mr. CULBERSON, Mr. DANIEL E. LUNGREN of California, Mr. ABERCROMBIE, Mr. STARK, and Mr. JOHNSON of Georgia.

H. Res. 676: Mr. FILNER.

H. Res. 679: Mr. SKELTON, Mr. DREIER, Mr. YOUNG of Florida, Mr. CONNOLLY of Virginia, Mr. LIPINSKI, Mr. PASTOR of Arizona, Mr. SESTAK, and Mr. MILLER of Florida.

H. Res. 686: Mr. SOUDER, Mr. ROHRABACHER, Mr. KISSELL, Mr. BROUN of Georgia, Mr. MAFFEI, Mr. MARSHALL, Mr. ALTMIRE, Ms. WASSERMAN SCHULTZ, Mrs. KIRKPATRICK of Arizona, Mr. SCOTT of Virginia, Mr. GENE GREEN of Texas, Mr. COBLE, Mr. STUPAK, Mr. SIREs, and Ms. GIFFORDS.

H. Res. 692: Mr. KLEIN of Florida, Mr. TEAGUE, Mr. SCHIFF, Mr. ISRAEL, Ms. BALDWIN, Ms. MATSUI, Mr. BRALEY of Iowa, Mr. SHUSTER, Mr. KENNEDY, Mr. PERLMUTTER, Ms. PINGREE of Maine, Mr. ENGEL, Mr. SARBANES, Mr. HODES, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. BISHOP of New York, Mr. ELLSWORTH, Mr. MURPHY of New York, Mr. KRATOVIL, Mr. SHULER, Mr. ALTMIRE, Mr. MCNERNEY, Mr. NYE, Mr. TONKO, Mr. SPACE, Mr. WILSON of Ohio, Mr. COHEN, Mr. SIREs, Ms. BERKLEY, Ms. CASTOR of Florida, Mr. MCMAHON, Mr. MASSA, Mr. KAGEN, Mr. HARE, Mr. BERMAN, Mr. MELANCON, Mr. DONNELLY of Indiana, Ms. SUTTON, Mr. McDERMOTT, Mr. ROTHMAN of New Jersey, Mr. CHANDLER, Mr. NADLER of New York, Mrs. NAPOLITANO, and Mrs. MALONEY.

H. Res. 700: Ms. BORDALLO.

H. Res. 704: Ms. JACKSON-LEE of Texas, Mr. CULBERSON, Mr. INGLIS, and Mr. BOOZMAN.

H. Res. 707: Mr. HARPER, Mr. SKELTON, Mr. DEAL of Georgia, and Mr. YARMUTH.

H. Res. 721: Mr. REHBERG, Mr. SOUDER, Mr. BURTON of Indiana, Mr. COBLE, Mrs. SCHMIDT, and Mr. LATOURETTE.

H. Res. 725: Mr. HUNTER and Mr. ISSA.

H. Res. 727: Mr. MOORE of Kansas and Mr. BROUN of Georgia.

H. Res. 733: Ms. ROS-LEHTINEN, Mr. WALDEN, Ms. FOXX, Mrs. MCCARTHY of New York, Mrs. SCHMIDT, Mr. CARTER, Mr. WILSON of South Carolina, Ms. CHU, Ms. LORETTA SANCHEZ of California, Mr. REICHERT, Mr. WHITFIELD, Mr. SIREs, and Mr. KINGSTON.

H. Res. 734: Mr. LAMBORN, Mr. BROUN of Georgia, Mr. SMITH of New Jersey, Mr. CANTOR, Mr. LATOURETTE, Ms. FOXX, Mr. TAYLOR, Mr. BARTON of Texas, Mr. CONAWAY, and Mr. BILBRAY.

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#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GORDON of Tennessee, or a designee, to H.R. 3246, the Advanced Vehicle Technology Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## EXTENSIONS OF REMARKS

HONORING SGT RICHARD F.  
CANNON

**HON. CHRISTOPHER JOHN LEE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. LEE of New York. Madam Speaker, it is with great pride that I rise today to honor a WWII Veteran, SGT Richard F. Cannon. Sergeant Cannon recently passed away at the age of 84. A true patriot, Sergeant Cannon played an instrumental role in ending WWII. Sergeant Cannon was a member of U.S. Army Air Forces and was part of the mission that dropped the atomic bomb on Nagasaki on Aug. 9, 1945.

Born and raised in Buffalo, Sergeant Cannon graduated from Bennett High School and earned a degree in accounting from Canisius College in 1950. During World War II, he served in the Army Air Forces as a radar operator, attaining the rank of Sergeant. As part of the 509th Composite Group, Sergeant Cannon normally flew aboard a B-29 named *Necessary Evil*. His crew was reassigned to the *Big Stink*, a B-29 Superfortress, to provide camera support to the *Bockscar*, a B-29 bomber, as it dropped the A-bomb on Nagasaki on Aug. 9, 1945.

After the war, Sergeant Cannon returned to Buffalo and started a food broker company, the R.F. Cannon Company, which he ran until his retirement in 2000. He was president of Buffalo Food Brokers Association and served as commissioner of Williamsville Junior Football for 8 years. He was also the president of the North Forest Civic Association.

Mr. Cannon is survived by his wife of nearly 61 years, the former Marion Dauphinee; two daughters, Kathleen Lane and Maureen Chiofalo; four sons, Richard Jr., Timothy, Kevin and Gregory; one sister, Annette Marmion; and 17 grandchildren.

Madam Speaker, in recognition this brave patriot, I ask this Honorable Body to join me in honoring the legacy of SGT Richard F. Cannon.

HONORING THE 75TH ANNIVERSARY  
OF THE NORTHEAST  
TIMES

**HON. ALLYSON Y. SCHWARTZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate The Northeast Times for 75 years of community journalism. From its modest beginnings, The Northeast Times has served as an important chronicle for the people of Philadelphia's Northeast neighborhoods, providing them with

a forum for information and dialogue on critical issues and fostering a sense of local history, community pride, and citizen empowerment.

In 1934, Temple University journalism student, Richard Thorpe Lawson, launched the *Mayfair Times*. With just a handful of pages in each issue, the paper covered local news and was supported by advertising from mom and pop stores in the area. Lawson eventually expanded his staff, purchased better printing equipment, and moved into a building on Frankford Avenue. The newspaper expanded to cover additional neighborhoods in the Northeast, including Frankford, Tacony, and Holmesburg.

After Richard Lawson's death in 1961, his wife Eleanor Smylie succeeded him in the business, expanding to almost 100 employees. She computerized operations, changed the publication's name to The Northeast Times, and updated the format to a smaller tabloid size. In time, Eleanor's children, Robert and Tim, became responsible for publishing and advertising sales. The Northeast Times continued to grow in the 1980's and 1990's, expanding throughout the Northeast and extending into some suburban neighborhoods in Bucks and Montgomery counties.

The Northeast Times continues to inform and give voice to the people, businesses, and community organizations of the Philadelphia's great Northeast on significant issues, as it has since 1934. Both the local coverage and opportunity for civic participation provided by The Northeast Times builds and maintains communities. I ask that my colleagues join me in celebrating this milestone 75th year and recognizing the critical role played by The Northeast Times in our city.

## EARMARK DECLARATION

**HON. DENNY REHBERG**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Bureau of Reclamation—Water and Related Resources

Requesting Entity: North Central Montana Regional Water Authority, 48 Second Avenue, Suite 202, Havre, MT 59501

Description: Ultimately, the project will deliver water to roughly 30,000 Montanans living in a large, roughly rectangular region of Montana that is about 150 miles east to west and 70 miles north to south. Part of the Project in-

cludes providing infrastructure to pipe water to the Rocky Boy's Reservation. The Authority conducted public hearings for each of its member entities. In total over forty-five public hearing were held. Based on this outreach, all the member entities reaffirmed their participation in the Authority. They include: Town of Big Sandy, Brady County Water & Sewer District, Town of Chester, City of Conrad, City of Cut Bank, Devon Water Inc., Town of Dutton, Galata County Water District, Hill County Water District (includes the communities of Kremlin, Gildford, Hingham, Rudyard, Inverness, Joplin), City of Havre, Town of Kevin, Loma County Water District, North Havre County Water District, Oilmont County Water District, Sage Creek County Water District, City of Shelby, South Chester County Water District, Town of Sunburst, Sweetgrass Community Water District, Tiber County Water District.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Bureau of Reclamation—Water and Related Resources

Requesting Entity: Assiniboine and Sioux Tribes and Dry Prairie Rural Water, P.O. Box 1027, Poplar, MT 59255

Description: FY 2010 funds will be used by the Assiniboine and Sioux Tribes to complete the regional water treatment plant, intake and extend the main transmission pipelines to Poplar and Wolf Point. When water reaches Poplar, it will serve the third largest community in the project and replace existing water supplies, threatened by Brine Plume contamination, with Missouri River water treated to national drinking water standards. Dry Prairie will build distribution system in Valley County pursuant to a recently completed agreement with Boeing to use its water system at St. Marie until the regional water treatment plant and main transmission line reaches Valley County. This will improve water supplies for about 200 rural users and the Town of Nashua.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Bureau of Reclamation—Water and Related Resources

Requesting Entity: Saint Mary Rehabilitation Working Group, 74 Fourth Street N, Glasgow, MT 59230

Description: This project initiates the rehabilitation and construction of the St. Mary Diversion & Conveyance Works in Glacier County MT, identified in Section 5103 of the 2007 Water Resources Development Act (P.L. 110-114). This funding would be used to rehabilitate the aging St. Mary Diversion and Conveyance Works before the system suffers a catastrophic failure.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Department of Energy—Fossil Energy R&D

Requesting Entity: Center for Zero Emissions Research and Technology, Montana

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

State University—Bozeman, 207 Montana Hall, Bozeman, MT 59717

Description: The U.S.'s heavy reliance on foreign energy sources is an obvious national security issue that could be ameliorated if our ample national coal reserves could be used with a less damaging effect on the environment. U.S. coal reserves are projected to be capable of providing more than 200 years of the nation's energy needs, but current technologies do not sufficiently reduce or eliminate greenhouse gases and their impact on the environments. The Center for Zero Emissions Research and Technology focuses on developing and validating zero emission technologies for clean energy production from fossil fuels. This would provide an economic benefit in coal and power producing states, reduce reliance on foreign energy sources, and contribute to a better environment.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Department of Energy—EERE

Requesting Entity: Flathead Electric Cooperative, 2510 U.S. Highway 2 East, Kalispell, MT 59901

Description: Funding would be used to extend the geothermal test well to power-generation depths to determine viability of the resource for a future renewable energy source. The Hot Springs area in Lake County, Montana is a proven source for geothermal. The hot water is used as a spa. Shallow wells indicate that the source goes deeper. Preliminary work in the 1980s drilled to 250 feet. The cognizant hydrologist believes that a hot water source which is hot enough for geothermal power production lies deeper in the earth at this spot. Flathead Electric would like to continue drilling this well to verify the potential source for development. Geothermal power is a valuable source of distributed, renewable power for this area.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Requesting Entity: Rural Montana Water Projects. Allocation of projects and activities within the Corps of Engineers Construction account.

Description: The entities to receive funding for this project are various towns, cities and counties across the state of Montana.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Department of Energy—EERE

Requesting Entity: The Montana Physical Sciences Foundation, 130 North Main, Butte, MT 59701

Description: Funding would be used for research that will provide an alternative means to make carbon-neutral fuel from abundant biomass waste products such as straw, wood mill waste, as well as non-food crops such as switch grass, for the production of renewable fuels.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Corps of Engineers—Investigations

Requesting Entity: Yellowstone River Conservation District Council, 1371 Rimtop Drive, Billings, MT 59105

Description: The purpose of the project is to better the management of the Yellowstone River, its waters and adjacent lands. The

project study products have already been used to: (1) develop best management practices to control riparian spread of Russian olive, including bringing in demonstrations of equipment and practices best suited for removing this negatively impacting invasive plant; (2) be a catalyst for fish passage projects on the Yellowstone main stem and the Tongue River. These projects have both increased habitat for warm water fish in the lower Yellowstone and improved/promised improvement of irrigation infrastructure by stabilizing diversion structures and/or helping purchase pumps and pump equipment; (3) develop a method to understand how far the Yellowstone river channel is likely to migrate through the next 50 years, allowing better planning for safe riverside development; and (4) improve conditions for the endangered pallid sturgeon while preserving and improving irrigation facilities.

Requesting Member: Hon. DENNY REHBERG  
Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Requesting Entity: Yellowstone River Intake Irrigation Diversion Fish Passage (Missouri River Fish Mitigation), The Nature Conservancy, 2721 2nd Ave N, Suite 310, Billings, MT 59101

Description: The Lower Yellowstone Project at Intake is a Bureau of Reclamation irrigation project located on the Yellowstone River. The Corps of Engineers received authority to utilize Missouri River Recovery Program funds to proceed with the Lower Yellowstone Project through WRDA 2007. The Yellowstone River is the largest tributary to the Missouri River and historically served as native habitat to pallid sturgeon. Providing fish passage at Intake Diversion Dam will open up a minimum of 165 river miles of additional pallid sturgeon habitat.

#### EARMARK DECLARATION

#### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 2009

Mr. STEARNS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I have received in the Defense Appropriations Act, the Labor, Health and Human Services and Education Appropriations Act and the Transportation and Housing and Urban Development Appropriations Act.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3326

Account: OP.A

Legal Name of Requesting Entity: Florida National Guard

Address of Requesting Entity: 82 Marine Street, St. Augustine, FL 32084

Description of Request: I have secured \$5,000,000 by the Florida National Guard at Camp Blanding to install a Regional Emergency Response Network that would provide cellular service during the crucial hours after a disaster occurs. This would allow first responders to communicate with already existing hand held equipment thus providing a much

quicker and focused coordinated recovery effort. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3326

Account: RDTE,A

Legal Name of Requesting Entity: Nanotherapeutics

Address of Requesting Entity: 13859 Progress Boulevard, Suite 300, Alachua, FL 32615

Description of Request: I have secured \$2,000,000 for Nanotherapeutics to evaluate NanoFUSE for its ability to expedite the healing of open bone fractures among injured U.S. soldiers. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3326

Account: RDTE,A

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: 229 Tigert Hall, Post Office Box 113157, Gainesville, FL 32611

Description of Request: I have secured \$2,750,000 for the University of Florida. Working in cooperation with the Army Natick Soldier Center, UF/IFAS CFDR will use the funds to manage a multidisciplinary program to identify and demonstrate wireless technologies such as radio frequency identification (RFID) in a simulated perishables supply chain. This project will address a critical area to the delivery of optimum quality combat rations and other perishable products: Wireless technologies will be coupled with various environmental and bio-sensors in order to accurately capture and transmit environmental storage and product quality data, and programs developed to automatically calculate in real time the remaining shelf life of combat rations and other perishable products. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3326

Account: RDTE,AF

Legal Name of Requesting Entity: Florida Institute for Human and Machine Cognition

Address of Requesting Entity: 15 Southeast Osceola Avenue, Ocala, FL 34471

Description of Request: I have secured \$1,000,000 for the Florida Institute for Human and Machine Cognition. Many military scenarios ranging from combat operations to search and rescue can benefit significantly from teams of humans, robots, and computers that collaborate and coordinate together to solve a problem. This project will provide an innovative solution to the collaboration and coordination problem by tying together computers and humans into a single, collaborating system by virtue of a single program that rapidly moves between all the computers in the system. By making the program move fast enough, the approach creates the illusion of each computer running the same program all the time. Having a single program greatly simplifies the complexity of developing a solution for coordination and collaboration while at the same time improving the ability to debug,

verify, and validate the solution. Furthermore, this approach will allow the system to be more robust, resilient, predictable, and efficient when compared to other approaches. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3288

Account: Federal Transit Administration, Bus and Bus Facilities

Legal Name of Requesting Entity: City of Gainesville, FL

Address of Requesting Entity: 200 East University Avenue, Gainesville, FL 32501

Description of Request: I have secured \$750,000 for the City of Gainesville. The funding will be used by the City of Gainesville for bus replacement. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3293

Account: HHS, HRSA

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: 229 Tigert Hall, Post Office Box 113157, Gainesville, FL 32611

Description of Request: I have secured \$350,000 for the University of Florida for facilities and equipment. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3293

Account: DOE, Higher Education

Legal Name of Requesting Entity: Santa Fe College

Address of Requesting Entity: 3000 NW 83rd Street, Gainesville, FL 32606

Description of Request: I have secured \$450,000 for Santa Fe College. The funding will be used to establish a Clinical Laboratory Sciences Program at Santa Fe College. Alachua County is home to the largest cluster of bioscience companies in the state of Florida. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3293

Account: HHS, HRSA

Legal Name of Requesting Entity: Santa Fe College

Address of Requesting Entity: 3000 NW 83rd Street, Gainesville, FL 32606

Description of Request: I have secured \$150,000 for Santa Fe College. The funding will be used to construct an additional 40,000 square feet of classroom space at the new Alachua Emerging Technologies Center. This Center will house the new Clinical Laboratory Sciences program and a Biotechnology program. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: H.R. 3293

Account: DOE, Elementary & Secondary Education

Legal Name of Requesting Entity: Alachua County, FL

Address of Requesting Entity: 12 South East 1st Street, Gainesville, FL 32601

Description of Request: I have secured \$250,000 for Alachua County, FL. The funding will be used for the expansion of a multi-agency initiative designed to provide programs and services to at-risk children through a comprehensive after school program. I certify that neither I nor my spouse has any financial interest in this project.

#### TRIBUTE TO DANIEL S. HOFFMAN

#### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Ms. DEGETTE. Madam Speaker, I rise to honor the extraordinary life and remarkable achievements of Daniel S. Hoffman. Dan Hoffman was an icon in the legal community, an educator, and a public servant who spent his life working for justice.

Dan Hoffman was a leader of Colorado's legal community. He served as president of both the Colorado Bar Association and the Colorado Trial Lawyers Association (the only person who has held both those posts) and state chair of the American College of Trial Lawyers. In recognition of his outstanding work, Dan was honored with the Colorado State Committee of the American College of Trial Lawyers Lifetime Achievement Award, the American Jewish Committee Judge Learned Hand Award, and the University of Denver Sturm College of Law Outstanding Alumni Award.

Dan was an inspiring teacher at the University of Denver Sturm College of Law, where he also served as Dean from 1978 to 1984. The Hoffman Cup, Sturm's most prestigious trial advocacy award, is named for Dan. Students remember Dan as a legal giant who was nonetheless accessible to everyone, including first-year law students, and made them feel that he cared. He mentored many law students and lawyers early in their careers, including my husband, Lino Lipinsky.

Dan was a stellar litigator and advocate. In the 1970s, Dan became part owner of the Denver Nuggets of the American Basketball Association and negotiated the merger of the ABA with the NBA. In one notable case, he represented Michael Jackson against a Denver woman who claimed she had written one of Jackson's hits. Dan's masterful direct examination of Jackson, which included having Jackson sing two songs a cappella, giving the jury a new view of Michael Jackson, is taught in law schools and at the National Institute of Trial Advocacy as a model of direct examination. Whether representing his corporate clients or the "little guy," he was, in the words of Colorado Supreme Court Justice Michael Bender, "the ultimate model of a wonderful lawyer."

Dan Hoffman was born May 4, 1931, in New York City. He graduated from high school at 15 and enrolled in college at the University of Colorado at 16. He received his law degree magna cum laude from the University of Denver. At age 32, he became the City of Denver's youngest-ever public safety manager and

led a successful campaign to clean up corruption in the Denver Police Department. Public service was always part of this life.

Dan's commitment to justice and fairness was lifelong. In 1965, he joined Martin Luther King on his civil-rights protest march in Alabama from Selma to Montgomery. He was state director for Sen. Robert Kennedy's 1968 presidential campaign. He joined the protests later that year at the Democratic National Convention in Chicago. As an activist and an advocate, he stood up for the injured and those without a voice.

The Colorado legal community has seen many notable lawyers pass through its diverse community, but none like Dan Hoffman. A champion of justice, a crusader for civil rights, a community leader and a teacher and mentor to many, Dan Hoffman has left an indelible mark on all those privileged to have known him. Please join me in paying tribute to the life of Daniel Hoffman.

#### TRIBUTE TO FIRST AFRICAN METHODIST EPISCOPAL ZION CHURCH

#### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding religious institution, the First African Methodist Episcopal Zion Church in Paterson, New Jersey, which is celebrating its 175th Anniversary of dedicated service to its members, and by extension, the greater community.

It is only fitting that the First African Methodist Episcopal Zion Church in Paterson be honored in this, the permanent record of the greatest democracy ever known, for the spiritual home it has provided to its members, and to the greater Paterson community that helps keep this deeply rooted Church family growing towards the future.

The documented history of the First African Methodist Episcopal Zion Church begins in 1834, making it the oldest Black Church in Passaic County. The first Pastor in Charge of what was then the Paterson A.M.E. Zion Church was Rev. William Serrington, and he reported 22 members. They built a church on Godwin Street and adopted the name of Zion Methodist Episcopal Church, affiliating with the Zion Methodist Episcopal Connection. By 1836, the membership had grown to 26. The next documents report in 1845, that Rev. George Gernet was Pastor in Charge. In 1846, the Trustees of the Church deeded property on Godwin Street, and contracted to have a church built. They leased a nearby home for the minister.

In 1847, the Pastor in Charge, Rev. Vanhass, serving as the first minister of the Godwin Street A.M.E. Zion Church, reported a membership of 13 people. Nine more ministers would succeed Rev. Vanhass over the next five decades. In 1889, during the pastorate of Rev. White, a great revival coupled with the failure of the Bethel A.M.E. Church in Paterson added 105 more people to the congregation. The next Pastor was Rev. Anderson, whose plans to build a new edifice led to

the demolition of the Godwin Street Church. He was soon transferred, and the task of raising funds for a new building fell to Rev. Blalock, which was completed in 1897. Five other pastors followed before Rev. Williams was appointed in May of 1911. He led the congregation in the purchase of the current site in 1915, but the building was destroyed by fire in 1921. Rev. Donawa led the construction of a parsonage, and then in 1924, Rev. Cole erected the church which the congregation still worships in today.

Keeping the name of the Godwin Street A.M.E. Zion the church now stood on the corner of Summer and Ellison Streets. It was led through this period by Rev. Robeson, then Rev. Cowan, and then Rev. Taylor who later became the Bishop. In 1945, the mortgage was paid off and the name of the church changed to First A.M.E. Zion.

During the pastorate of Rev. Roberts, a conflict resulted in a separation, and sonic congregants left him to establish the New A.M.E. Zion Church, also located in Paterson. A building fund started by Rev. Mapp left the Church with over \$11,000 in the Treasury, and then Rev. Richardson led a renovation of the sanctuary and auditorium and property was purchased for a parking lot. Two choirs, the Young Voices of Zion and the Zionaires Gospel Chorus, were organized. Rev. Flowers led the renovation and refurbishing of the Parsonage. Rev. Tate was credited with inspiring many to restore their membership and with enhancing the administration of the Church, and Rev. Collins built on that by establishing a centralized treasury for more efficient management.

In 1991, Rev. Dr. Maven was appointed as Pastor. In the fall of that year, a new parsonage was purchased and the old one was converted into church offices and meeting space. Soon, a 15 passenger van was purchased, and the sanctuary renovated with the installation of new carpet, padding of pews and a new sound system. Slate roofs were replaced and the parking lot resurfaced.

Dr. Maven has led the establishment of many ministries, like the food pantry and clothing bank, a substance abuse support program, Holiday Baskets for the needy and meals for seniors. In 1995, the Alfreida Van Rensalier Memorial Scholarship was established, and has awarded more than \$75,000 in scholarships to college-bound Paterson students. The First Church CDC, now known as Zion CDC, also began in 1995. It cosponsored the development of housing for persons with disabilities and acquired property for future growth. It was awarded a grant in 1996 to provide First-Time Homebuyer Counseling services and continues to provide this service along with foreclosure counseling. Dr. Maven also founded the Paterson Family Success Center in 2006. Housed in the Paterson YMCA, it offers programs, information and referral services to strengthen families. To enhance the spiritual growth and development of the membership, the First Church Christian Training Academy was founded in 1996. Wednesday Worship, a non-traditional contemporary worship service, was started in 2007. Children's Church was also organized.

Dr. Maven's ministry and involvement have not gone unnoticed by the community nor by

the A.M.E. Zion Church Denomination, and he is deeply involved in both. He is presently the longest serving tenured Pastor in the 175-year history of the First Church.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of a wonderful, thriving community like the First African Methodist Episcopal Zion Church in Paterson.

Madam Speaker, I ask that you join all of the members and clergy of the First African Methodist Episcopal Zion Church in Paterson, all those whose faith has been enriched throughout the years, and me in recognizing the outstanding contributions of the First African Methodist Episcopal Zion Church in Paterson to the church community and beyond.

#### IN MEMORY OF JUDGE WILLIAM KIMBERLIN

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. SKELTON. Madam Speaker, it is with sadness that I inform the House of the death of the Honorable Judge William Morian "Bill" Kimberlin, former Circuit Judge of the 17th Judicial Circuit of Missouri.

Judge Kimberlin was born in Garden City, Missouri, in 1915. After graduating from Garden City High School, he attended Central Methodist College in Fayette, Missouri where he received a music scholarship, majoring in Piano. An accomplished musician, he played a variety of instruments and was gifted with a rich baritone voice. After two years, Bill transferred to the University of Missouri School of Law. He was a loyal alumni and lifetime supporter of MU where his father, children, and grandchildren are also alumni. Judge Kimberlin was pleased to account that he was the first graduate to be awarded a diploma at the 100th anniversary commencement of the University of Missouri.

Upon graduation in 1939, he moved to Harrisonville, Missouri, where he practiced law with the firm Crouch & Crouch. His young legal career was interrupted by the onslaught of WWII where he served four years in the Army Air Corps. For his service in the Mediterranean and European Theatres, he was awarded the Bronze Star Medal for meritorious service and six campaign stars. Before going overseas, Judge Kimberlin met his future wife, Martha Bumby, on the dance floor of the Officers' Club while stationed in Orlando, Florida. The couple was married in 1946 and settled in Harrisonville.

A lifelong Democrat, Judge Kimberlin was elected Mayor of Harrisonville, served two terms as Prosecuting Attorney of Cass County, and served as the City Attorney of Harrisonville. He was elected five times to serve as Circuit Judge of the 17th Judicial Court of Missouri, and served for 29 years. In honor of his great service, a courtroom was named in his honor upon completion of the new Cass County Justice Center in 2004. He was also one of the twelve original committee

members appointed by the Missouri Supreme Court to draft the Missouri Civil Approved Jury Instructions for use in all courts of the state and was appointed a Special Judge to sit for a term on the Missouri Supreme Court.

Judge Kimberlin was revered for always treating everyone with dignity and respect, both inside and outside of the courtroom. He dedicated his life to public service, donating much of his time to community organizations and serving on numerous boards and committees. Included were the First Christian Church, Ararat Shrines, American Legion, Veterans of Foreign Wars, Sons of the American Revolution, Cass Lodge #147 A.F. & A.M., Board of Directors of the Missouri Municipal League, district Chairmen of the Thunderbird District of the Kansas City Area Council of Boy Scouts of America, Phi Delta Phi Legal Fraternity, was past President of the Harrisonville Kiwanis and lieutenant-governor of the Division II Kiwanis. At the same time, he was an avid hunter and golfer. Most importantly, Judge Kimberlin was a devoted family man who enjoyed spending time with his wife Martha, his children, Marsha Peters and William Bruce Kimberlin, and two granddaughters, Lauren Kimberlin Peters and Lindsey Morlan Peters.

Madam Speaker, Judge William Kimberlin was an honorable Judge and respected leader in the community. I am certain that the members of the House will join me in extending their heartfelt condolences to his family and friends. He will be greatly missed.

#### EARMARK DECLARATION

#### HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. DEAL of Georgia. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding earmarks one of my district institutions received as part of Bill 3326, the "Department of Defense Appropriations Act for 2010."

Requesting Member: Congressman NATHAN DEAL

Bill Number: H.R. 3326

Account: O&M, Army Account

Legal Name of Requesting Entity: North Georgia College and State University

Address of Requesting Entity: North Georgia College & State University, The Military College of Georgia 82 College Circle, Dahlonega, GA 30597.

Description of Request: The DoD Language Transformation Roadmap requires language education for officers. This pilot establishes a cost efficient model for meeting this requirement. The hub concept provides for pre-commissioning language education rather than while on active duty, saving annual pay and allowances in excess of \$40K per year per officer. Following the three year pilot, state funding based on credit hour production begins, resulting in a sustainable language hub program. Initial investment is repaid in savings within three years of pilot completion and subsequently represents an annual cost savings in excess of \$2M.

CONGRATULATING ST. MARY  
MERCY LIVONIA ON THEIR 50TH  
ANNIVERSARY

**HON. THADDEUS G. McCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. McCOTTER. Madam Speaker, I rise today to acknowledge and pay tribute to the doctors, nurses, and the entire staff of St. Mary Mercy Livonia, as they celebrate 50 years of providing compassionate care to the citizens of my district.

St. Mary Mercy Livonia was built in the tradition of the Felician Sisters, who were founded by the Blessed Mary Angela in Warsaw, Poland in 1855 as a ministry of healing and service. Her selfless dedication to her fellow citizens played an influential role in the creation of the hospital.

St. Mary Mercy Livonia opened its doors in 1959 with 170 beds, 99 physicians and 300 employees and the hospital has developed extensively since its origin. Today, the hospital includes an innovative Our Lady of Hope Cancer Center, as well as a Heart & Vascular Center and an Inpatient Rehabilitation Unit. The hospital is an essential part of our community and continues to provide caring and comprehensive health care.

Madam Speaker, I am pleased to say the hospital has received various honors over the years. In 2007, St. Mary Mercy Livonia received the HealthGrades 2007 Clinical Excellence Award for the third straight year. Last year, St. Mary Mercy Livonia was named a 100 Top Hospital for 2007 by Thomson Healthcare. Congratulations to the talented and erudite doctors, nurses and staff who work tirelessly to improve the lives of countless numbers of human beings every day.

St. Mary Mercy Livonia has had a long and distinguished history as a sanctuary for those who need quality care. I ask my colleagues to join me in congratulating St. Mary Mercy Livonia on its 50th anniversary and venerating the institution's dedicated commitment to the community and our country.

HONORING MEXICO ON HER  
INDEPENDENCE DAY

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. RANGEL. Madam Speaker, I rise today to celebrate the 199th anniversary of Mexican Independence Day, which celebrates the historic independence of Mexico from Spanish rule. This momentous day is significant because it represents a sign of justice and equality—rights valued and protected in our great country of the United States. It represents the day when Mexico was able to begin its quest for freedom for the people of that beautiful and spirited country. Our two countries will continue to make sure that the rights of the people come first.

Mexican Independence Day is celebrated on the date that Father Miguel Hidalgo y Castillo,

a priest in Dolores, Guanajuato, frustrated with Spanish rule, rang the church bell to gather the people of the town. Hidalgo ignited a fire in the listeners, thus starting Mexico's War of Independence, requesting that the people of Mexico join him in rising against Spanish rule. Just as the soldiers in the American Revolutionary War fought on behalf of our country, these courageous, patriotic men fought to gain the independence of their beloved Mexico. The war lasted 10 years, finally giving Mexico its independence in 1921. Now, this event known as Grito de Dolores or "Cry of Dolores" is joyfully celebrated every year on September 16 by Mexicans all over the world. The red, white, and green flag is proudly displayed on this day during festivities. The green represents independence, the white represents religion, and the red represents union. This occasion is celebrated with food, parties, and the Mexican president delivering the speech that rallied the people to fight for Mexican freedom.

El Centro Comunitario Mexicano, or as it is popularly known, CECOMEX, is one of the oldest active, not-for-profit organizations for Mexican Americans in New York City. It has worked independently as a community organization in East Harlem, catering to the needs of the Mexican American population established in the tri-state area, specifically the area of El Barrio. It is estimated that there are around 35,000 Mexican immigrants or Mexican descendants there. CECOMEX has been organizing Mexican Independence Day festivities since 1996, with attendance growing every year. I would like to commend Consul Ruben Beltran and Ambassador Arturo Sarukhan for their hard work on behalf of the country of Mexico.

Let's pay our respects to those courageous men who fought on behalf of Mexico to help position the country where it is today. I call upon my fellow Members Of Congress to join me in celebrating Mexican Independence Day in honor of all the Mexican immigrants and descendants, not only in my district, but throughout this great nation and world.

TRIBUTE TO FAMILY FARMS LIKE  
J & J FARM IN AMHERST, MASSACHUSETTS

**HON. JOHN W. OLVER**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. OLVER. Madam Speaker, I rise today to call attention to the continuing importance of family farming in America, well exemplified in my district by J & J Farm of Amherst, which marks its 100th anniversary this year, the same year of the 250th anniversary of the Town of Amherst. Family farming is a long and proud tradition in Massachusetts, and the positive community impact of these farms is as vital as ever. Family farms help maintain economically and socially vibrant rural communities. They serve to conserve and enhance our invaluable soil, water and wildlife habitat for future generations. Most important of all, they provide healthy, high-quality food for American families.

Because of the tremendous importance of family farms and rural communities to our nation and to western Massachusetts in particular, it is fitting that we should recognize the many years of hard work of farm proprietors, like the Waskiewicz family of J & J Farm.

Dimetro and Victoria Waskiewicz immigrated from southern Poland in 1895. Dimetro worked as a farm laborer in the North Amherst area for several years. By 1909 he had saved enough money to purchase a farm on Meadow Street in North Amherst from the Spear family. The original farm consisted of 40 acres with the Mill River running through the east side of the farm. Ten years later another 40 acres were added. Milk, tobacco and onions were the farm's main products.

Dimetro died at the early age of 43. His two eldest sons bought the farm from Victoria in 1930. Joseph and John Waskiewicz began the farm as it is now known, J & J Farm. Joe's son Joseph took over operations following John's retirement in 1970. Cucumbers, potatoes and milk became their main crops. Joseph Sr. retired in 1995 at the age of 86. The farm is now in its fourth generation: Joseph III and Michael now operate the farm with their father.

The past century has brought floods, hurricanes and droughts, but despite hardships and market changes the farm has continued to provide area residents with fresh produce and dairy products. J & J Farm is the last remaining dairy farm in Amherst. The farm operates a seasonal roadside stand that supplements the dairy products with sweet corn, another specialty.

We must sustain our rural communities so that future generations of family farmers, like the Waskiewicz family, will enjoy the dignity of a good day's work and the reward of seeing the tangible yield of their labors with the land and with livestock. It is my hope that future generations will maintain the tradition of family farming that the Waskiewicz family built at J & J Farm, and that America will sustain its family farms through the 21st century and beyond.

HONORING JONATHAN BYRD

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. PENCE. Madam Speaker, I rise today with deep sorrow to mark the passing of a true friend of the state of Indiana.

Jonathan Byrd will forever be regarded as a savvy businessman who grew a family-owned cafeteria into the world's largest banquet facility and owned a successful racecar team. But it was his generosity and deep faith that will cast Jonathan Byrd's most lasting legacy.

Jonathan Byrd often told people as a teenager that he would be a millionaire by the age of 25. Operating Kentucky Fried Chicken restaurants in central Indiana in the 1970's and 80's, Jonathan did in fact become a millionaire in his first quarter century on Earth.

However, those closest to Jonathan understood that those millions were not for himself, but instead a means in which to carry out the will of the Lord. He funded many Christian

schools, financed mission trips, and helped put more than 500 million copies of Scripture in the hands of people around the world.

Millions of people have dined at Jonathan Byrd's Cafeteria since it opened in 1988, but this enterprise wasn't the only business venture Jonathan Byrd found success in.

He Founded Byrd Enterprises of Arizona—their products include Intercontinental, Hilton and Marriott Hotels. Jonathan Byrd's Rare Books and Bibles quickly became the nation's largest dealer, importer, and restorer of ancient Bibles and theology books under his stewardship.

Like many Hoosiers, Jonathan had a passion for auto racing that led him to form his own race team. True to form, Jonathan applied his business sense to his race team and of the 16 cars that he entered in the Indianapolis 500, he is credited with 7 top-ten finishes.

He was also blessed with a wonderful family: wife Virginia of 35 years; two sons, Jonathan and David; and many grandchildren. My prayers will be with them in the days and weeks ahead. Though Jonathan Byrd is no longer with us, we can all take comfort knowing that the Byrd legacy will live on because of the example he leaves behind.

Jonathan Byrd personified the American Dream. Though he was a well known businessman, Jonathan was guided by strong principles, anchored by his faith and had a servant's heart.

Let that be the standard to which we all aspire.

#### IN HONOR OF RUTH HYMAN

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. PALLONE. Madam Speaker, I rise today to recognize Ruth Hyman on the occasion of her 90th birthday celebration. On September 13, we celebrate Ruth Hyman's birthday as well as her many years of service to her local community. Ms. Hyman is certainly deserving of the recognition that she has received over the years for her passionate work.

Ms. Hyman has been a longtime leader in the Jewish community. Her leadership as the president of the Long Branch Hadassah brought fresh ideas and a successful path towards empowering and motivating women in the Jewish community. Also, as a benefactor and board member of the Jewish Community Center of Greater Monmouth County, Ms. Hyman has provided a place where people of all ages have access to programs that improve their health and enrich their lives.

Ms. Hyman has been recognized for her superior support of Jewish causes both in my district and in Israel. Perhaps the greatest reflection of her commitment is the dedication of the Ruth Hyman Jewish Community Center by the Community Center of Greater Monmouth County. It is appropriate that the center be named after Ms. Hyman considering her years of hard work, generosity and devotion to her fellow members of the community.

As Ms. Hyman celebrates her 90th birthday I am sure she will reflect on her many unique

experiences. The world has changed in many ways over these past ninety years. However, our country would not be the great power it is today without the dedication and hard work that citizens like Ms. Hyman put forth over the last 90 years.

Surely these many years have departed on her wisdom and knowledge that few can share. I appreciate the contributions that my constituents make to their communities and Ms. Hyman's have certainly been numerous and valuable.

Madam Speaker, I sincerely hope that my colleagues will join me in honoring Ruth Hyman on the occasion of her birthday. Her leadership and dedication will long serve as a shining example of what can be accomplished by the determined human spirit.

#### CONGRATULATING JACOB COSTELLO FOR HIS CONGRESSIONAL AWARD SILVER MEDAL

#### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. BOOZMAN. Madam Speaker, I would like to ask my colleagues to join me in recognizing Jacob Costello from Wesley, Arkansas for achieving the Congressional Award Silver Medal.

The Congressional Award Silver Medal is achieved after participating in 200 hours of Public Service in the community as well as setting and achieving challenging goals in physical fitness and personal development and expedition/exploration.

Jacob's volunteer service was completed through involvement in the Washington County Historical Society, the Washington County Master Gardeners, and the Boy Scouts of America. He also worked with a local summer camp for children with parents in prison, helping prepare the facilities by painting, hauling gravel and removing fallen leaves. In addition to completing the requirements for the Silver Medal, he's already added 40 hours of volunteer work through his Boy Scout Eagle project which will go towards his Gold Medal aspirations.

To complete the physical fitness portion of the award, Jacob biked, swam, hiked, and backpacked for more than 100 hours. He actually completed more than half of the necessary hours to achieve the Congressional Gold Medal.

For the personal development requirement, Jacob joined the performance for Peter Pan at the Northwest Academy of Fine Arts. Playing his violin, he attended rehearsals and practiced on his own time, learning how to play in a group setting. He attended a Fiddle Workshop at the Ozark Folk Center and traveled to New York City to play with the North Arkansas Youth Orchestra at Carnegie Hall. Once there, he practiced under Conductor Myron Flippin to prepare for the orchestra.

Jacob had the unique opportunity to attend Philmont Boy Scout camp for his Expedition. To prepare for this, he worked toward his Physical Fitness goal of carrying 55 pounds in his backpack for a distance of 12 miles over

two days by planning mini-hikes with his pack and cross-training in the pool and on the track.

Among all of these achievements, Jacob is also involved in the White River Fellowship Church as a youth leader and a worship team member. I congratulate Jacob in his achievements and commend him for his aspirations to continue on his path to accomplish the Congressional Gold Medal.

#### HONORING THOSE WHO COACH US TO GREATNESS

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. SHULER. Madam Speaker, as football season kicks off, I am reminded of the exceptional coaches I've worked with over the years. I have been lucky to learn from great men like Mike Ditka, Johnny Majors, Phillip Fulmer, Norv Turner, and my high school football coach Boyce Deitz. During high school, Coach Deitz influenced me more than anyone outside of my immediate family. Of all the coaches I've had before or after, he has had the strongest and most-lasting impact on my life. Most adults still can remember the name or face of one childhood coach who taught them a better way to throw a ball, improve their time, or overcome an obstacle that seemed insurmountable.

Today, we live in a time when young people face serious challenges to their well-being. Childhood obesity has reached record proportions. School drop-out rates approach fifty percent in many urban school districts. Nearly one million minors report association with gang activity. Where these trends are at their worst, coaches often play a critical role in equipping young athletes with the tools to make better choices. Coaches dedicate countless hours of their time helping young people build strong work ethics, communicate effectively, and work as part of a team. The coaches, who have the vital role of parlaying those values to our youth, make up the backbone of youth sports programs.

To recognize the service of youth sports coaches for their tremendous contributions, I have been working with Rep. MIKE MCINTYRE and other Members of the U.S. House to enact the first ever National Coach Appreciation Week. This week can be a time to recruit hundreds of thousands of new coaches, and to honor every youth, JV, and Varsity coach who gives so much to our Nation's next generation of leaders.

My high school football coach taught me to be both mentally and physically tough. He constantly challenged me to improve myself, including encouraging me to run track to improve my speed on the football field. Coach Deitz warned me early on about excessive media attention and said 'you will never be as good as they make you out to be and you will never be as bad as they make you out to be.' His advice has guided me through the highlights and rough patches of my college and NFL career, and in my current role as a Member of Congress. When I was elected to Congress, I knew I had to surround myself with

the best staff I could, so Coach Deitz was one of my first hires.

We stand at a crossroads in which all of us must reflect on the qualities that have helped American society thrive and endure. Through National Coach Appreciation Week, our Nation will recognize those such as Coach Deitz who teach values such as teamwork, discipline, and leadership to our Nation's youth. These fundamental life skills are instrumental to ensuring success throughout an individual's educational, family and professional life. I thank the great coaches I've had, and I look forward to National Coach Appreciation Week, a time to honor the coaches who have taught us the life lessons that have made us who we are today, as individuals, as communities, and as a country.

Madam Speaker, for myself and for everyone whose life has been touched by a coach, I rise to thank these most influential and indispensable individuals. I encourage my fellow Members to vote in support of establishing the first ever National Coach Appreciation Week.

RECOGNIZING CHEF JOEL  
ROZELLE AND SMOKING JOE'S  
BAR-BE-QUE OF ST. LOUIS

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. CLAY. Madam Speaker, I am pleased to rise before you and recognize a new addition to St. Louis' Locust Business District, Smoking Joe's Bar-Be-Que. The Locust Business District, located in the heart of the city, is tasked with spawning a renewed sense of community morale and revitalization. As it sits in the historic Tudor Building on Washington Avenue, Smoking Joe's Bar-Be-Que fits in perfectly with this aim.

Owned and operated by Executive Chef Joel Rozelle, Smoking Joe's has helped bring new business and consumer interests to the Locust Business District. Smoking Joe's truly utilizes the culinary and performing arts to bring St. Louis culture and history alive. Each meal is a taste of St. Louis; from the succulent ribs and chicken dishes, to old-fashioned green beans and potato salad, the diners' already superb experience is enhanced by the soulful sounds of live jazz entertainers who hold steadfast to St. Louis' rich musical customs. This unique atmosphere has earned Smoking Joe's the UrbanSpoons' "Talk of the Town" distinction. Using self-developed dry rubs and staying true to St. Louis-style cooking, Chef Rozelle and his talented staff are to be applauded for their contribution to the neighborhood renewal and their respect of St. Louis culinary traditions.

### HONORING IRVING PARK BAPTIST CHURCH AND 120 YEARS OF COMMUNITY SERVICE

### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the distinguished history of the Irving Park Baptist Church community on the occasion of its 120th Anniversary. Over the past 120 years, Irving Park Baptist Church has provided spiritual guidance to generations of families throughout the Irving Park Community on the northwest side of the City of Chicago.

The Irving Park Baptist Church was originally established in 1889. The church's multi-ethnic and multigenerational character has brought together a community of people to unite in one faith. Irving Park Baptist Church is actively involved with other churches and non-profits in the community. As an active and caring institution, the church is also a founding member of Hands to Help Ministries, which helps to provide housing and services for persons in distress.

Irving Park Baptist Church is a community of people from different cultures and backgrounds who are united in their belief. The community's mission is to faithfully serve God by ministering to each other, to their neighbors, and to the world.

On September 13, 2009 parishioners and friends of the community came together to celebrate this momentous anniversary. The Anniversary Luncheon took place at La Villa Banquets.

Madam Speaker, on behalf of the constituents of the Fifth Congressional District of Illinois, I wish to recognize Irving Park Baptist Church and its 120 Years of Community Service. I wish all the best for its clergy, for its families, and for its success in the future.

### CONGRESSIONAL GOLD MEDAL— HELEN SNAPP

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. HASTINGS of Florida. Madam Speaker, it is my privilege to rise before you today in recognition of Helen Snapp and her distinguished service with the U.S. Women's Air Force Service Pilots (WASP) of WWII. In honor of Mrs. Snapp's sacrifice to our nation, this Congress bestows upon her our highest gesture of appreciation, the Congressional Gold Medal. I am especially proud to serve Helen Snapp in Florida's 23rd district.

Helen grew up in Washington, D.C., where she quickly realized a passion for flight. Helen is one of the spectators who sat on Pennsylvania Avenue, eagerly anticipating the parade in honor of aviation legend Charles Lindbergh. Like many young women, Helen admired female aviation pioneers, Amelia Earhart and Jacqueline Cochran. Helen would follow in their footsteps and go on to earn her license to fly. Jacqueline Cochran would eventually

offer a personal invite for Helen to join the ranks of distinguished women pilots. Helen would go on to join the WASP and honor the inroads her heroines had paved.

At the outset of the Second World War, women were perceived as intellectually and physically inferior to their male counterparts. This stigma was well established throughout Air Force culture. Consequently, women were strictly prohibited from flying combat missions. Instead, women were limited to serving in non-combat roles. With this background, WASP was created to allow women to fly as service pilots. Unlike their uniformed sisters, WASP was created as a civilian division. In fact, WASP was the only women's military branch in WWII not to receive congressional approval.

Women service pilots were mainly used as auxiliary pilots. By serving in this capacity, the women pilots released qualified men to fly in combat. WASPs were limited to the North American front. Their duties also included ferrying airplanes, towing targets, and training men to be pilots, navigators, gunners and bombardiers. In a two-year period, the women of the Air Force service pilot's organization flew over sixty million miles and delivered 12,652 airplanes domestically. Thirty-eight of these brave women, who received no military benefits, sacrificed their lives serving our country.

Helen and the women of WASP defied the accepted belief that females should be relegated to remedial tasks. These civilian soldiers boasted higher admittance standards and a graduation percentage that surpassed their male counterparts. As the war continued, WASP played a pivotal role in our efforts to defeat the axis powers. More importantly, these brave women proved to their skeptics that women were fully capable of operating aircraft during wartime. They matched, if not exceeded, male performance. In his closing address to the last WASP graduating class General Henry "Hap" Arnold, a one-time cynic, offered his praise, "You and nine hundred of your sisters have shown that you can fly wingtip to wingtip with your brothers. If there ever was a doubt in anyone's mind that women can become skillful pilots, the WASP have dispelled that doubt."

Helen's service facilitated the transition of women into the Air Force and, ultimately, redefined the female role in the military. Her efforts allowed the military to fully appreciate a woman's capability and iron will. Like her champions Earhart and Cochran, Helen refused to allow the perpetuation of female mediocrity. Her service defied expectations and generated opportunities for generations of young women to follow. Her perseverance symbolizes the female spirit and the grit that is embodied in the Congressional Gold Medal.

Madam Speaker, Helen Snapp continues her lifetime of exceptional accomplishment. Helen continues to advocate on behalf of local women pilots and possesses a fond admiration for female astronauts. Helen continues to see her old flying companions when she can. It is only fitting that Helen Snapp now share this distinguished honor with the same pioneer that inspired her ambition, Charles Lindbergh.

TRIBUTE TO JUDITH  
SCHUMACHER-TILTON

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. PASCRELL. Madam Speaker, I would like to call to your attention an outstanding community member, Judith Schumacher-Tilton. She will be honored on September 11, 2009 as the John I. Crecco Foundation's Woman of the Year for her many achievements not only in business but also in the greater community.

It is only fitting that she be honored in this, the permanent record of the greatest freely elected body on earth, for she has a long history of dedication and commitment to the New Jersey community and to the American dream.

Judith Schumacher-Tilton is a Dealer Principal of Tilton Automotive Group, Gearhart Chevrolet and Schumacher Chevrolet. She has been a part of the General Motors Women's Retail Network since its inception and was recently elected to represent the Northeast for the General Motors Women's Retail Network.

Judith attended the University of Vermont with her husband Stephen, majoring in education. While raising her children, she was actively involved in educational fundraising activities as well as many community organizations. Her path soon changed though. When faced with the responsibility of running the family business after the deaths of her father and brother, it was her greatest wish to create a wonderful legacy in their memory. She has accomplished that dream by keeping the business strong and growing over the last 10 years. In 2005, Judith was chosen Business Person of the Year by the local PBA and community. The following year, she was chosen to serve on the Chevrolet New York L.M.A. Board.

While accomplishing all of these professional goals, she has still made time to help her community in many other ways. She is a past board member of the Sussex County Red Cross. She currently serves as a board member for the Montclair State University Foundation, the Boys and Girls Club of Clifton, the Passionist Ministry, the Passaic County 200 Club Trustees, the Chilton Hospital Foundation and is an advisory board member for Lakeland Bank. Long before the issue of domestic violence was brought to the forefront, Judith had a deep concern for women who she felt suffered in silence. She was approached by the Little Falls Chief of Police to become a part of the Domestic Violence Response Team for the Passaic County Women's Shelter, and was accepted into an extensive training program where she became certified and soon spent any extra hours she had working to help with this important cause.

Recently, Judith has devoted her support and positive input to the automotive industry, especially General Motors, as our Nation passes through difficult economic times. She has offered her expertise in numerous television and radio interviews, and her comments have been quoted in both local and national newspapers.

Judith is a member of the Metropolitan Golf Association, playing golf for the Upper Montclair Country Club. She and her husband Stephen have three grown children, two sons, Stephen Jr., who is married to Lisa, and Kenneth, who is married to Laura. Their daughter Margaret is married to Michael Magaldi. Judith and Stephen, Sr. are also the proud grandparents of Steven Tilton, III, Jake, Julia, William and Sienna.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing the dedication and service of people like Judith Schumacher-Tilton.

Madam Speaker, I ask that you join our colleagues, everyone at the John I. Crecco Foundation, Judith's family and friends, and me in recognizing Judith Schumacher-Tilton's exceptional life and career.

HONORING ROBERT AND IRWIN  
GOODMAN

**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Ms. BALDWIN. Madam Speaker, I rise today to honor the lifelong philanthropy of Robert and Irwin Goodman of Madison, Wisconsin. Irwin's death in August was mourned by his brother, Bob, their extended family, and an entire community touched in ways big and small by the Goodman brothers' generosity.

Astute businessmen, Bob and Irwin saw their business not as an end in itself, but as a means to nurture the minds, bodies, and spirits of their neighbors. They lived frugally, spoke softly, and gave continually and in great measure, guided by the lessons and love of their parents, Harry and Belle.

Gifted athletes, Bob and Irwin were health conscious long before fitness became fashionable. Their philanthropy helps kids learn to swim, seniors to exercise, families to eat healthfully, and women to compete on a level and luminous playing field.

From the University of Wisconsin to Edgewood College, the Red Cross to Rotary, HospiceCare to Meriter Hospital, the first community swimming pool to a new community center, the imprint of Bob and Irwin's generosity is felt by in every corner of the greater Madison community. And while some bricks and mortar bear their name, vast numbers of beneficiaries will never know of their largesse. The Goodman brothers would rather bring light to the dark corners of society than stand in the spotlight themselves.

Steadfast members and supporters of Madison's Jewish Community, Bob and Irwin's lifelong devotion to helping others of all backgrounds is grounded in the Jewish tradition of "tikkun olam," (repairing the world) inherited, they say, from their beloved mother.

Bob and Irwin Goodman shared far more than a bloodline. They shared an abiding commitment to each other and to their adopted hometown. I join the greater Madison community in honoring their life's work and loving spirit.

INTRODUCTION OF THE SCREEN  
ACT

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce the Supporting Colorectal Examination and Education Now (SCREEN) Act. This legislation will remove barriers to one of the most effective preventive health screenings available, saving lives and reducing health care costs in the process. I urge all of my colleagues to support this important legislation.

BACKGROUND

The statistics surrounding colon cancer are startling. Colon cancer is the number two cancer killer in the United States. Nearly 50,000 people will die this year from this disease. According to the American Cancer Society (2009 Fact & Figures), of the nearly 50,000 people expected to die from colorectal cancer in 2009, early detection could save more than half. These statistics alone are a tragedy.

But the statistics become even more tragic when one considers that colorectal cancer is highly preventable with appropriate screening. And the disease is detectable, treatable, and curable if found early. According to the American Cancer Society (2009 Facts & Figures), the 5 year survival rate is 90 percent for those diagnosed at an early stage; however, only 40 percent of the cases are diagnosed at the stage.

The U.S. Preventive Services Task Force (USPSTF) recognizes the preventable nature of this disease and provides its only grade 'A' recommendation of cancer screenings for colorectal cancer screens.

Unfortunately, almost half of the Medicare population is not being screened, despite the availability of a Medicare colon cancer screening benefit. According to CMS, Medicare claims indicate that only 52 percent of beneficiaries have had a colorectal cancer test and there is "clearly an opportunity to improve colorectal cancer screening rates in the Medicare population." (CMS website "overview of colorectal cancer screening")

Numerous barriers account for this fact, including structural issues in the Medicare program, significant Medicare cuts to providers, and lack of knowledge and preparation among patients.

THE SCREEN ACT

The SCREEN Act is designed to address these barriers and increase the participation of patients in this preventive service. The bill accomplishes this in several main ways.

REDUCING PATIENT BARRIERS

First, the bill would reduce patient barriers to being screened. The legislation would waive Medicare co-insurance for diagnostic and screening colorectal cancer tests in order to increase utilization.

In addition, the bill would provide coverage for a pre-operative visit with a physician prior to a screening colonoscopy. This is the standard of care, but is not currently covered by Medicare.

Finally, under the legislation all Medicare beneficiaries will be notified about the Medicare colorectal cancer screening benefit and reminded of the benefits periodically.

These common sense steps will ensure that more patients are screened and more lives are saved.

#### PROVIDER QUALITY AND ACCESSIBILITY

We must also ensure that there are adequate numbers of high-quality physicians performing colonoscopies. The legislation reverses years of provider reimbursement cuts by creating a preventive services payment modifier for colorectal cancer screens that is adequate to incentivize physicians to perform colorectal cancer screens. It would base this incentive on a national colorectal cancer screening goal established by the Secretary of the Department of Health and Human Services.

The bill would also require the Secretary to establish a national minimum standard for basic knowledge, training, continuing education and documentation for physicians and facilities. A physician would not be permitted to receive the preventive services modifier if he or she did not meet this standard.

#### STATE INTERVENTIONS TO INCREASE SCREENING

The legislation would also support state-level interventions to increase colorectal cancer screening. The legislation authorizes grants to states for colorectal cancer programs that include: screening to high risk individuals; case management and referrals for treatment; follow up and care for individuals screened; health professional education, training, and skills; and public information and education programs.

#### INFORMATION ON WHAT WORKS

Finally, the legislation gathers information on best practices in incentivizing colorectal cancer screening. The bill requires reporting on screening rates and interventions in Medicare Advantage and commissions a study by the Secretary of HHS on levels of coinsurance for screening tests under private plans.

#### CONCLUSION

More than 50,000 Americans will die from colon cancer this year alone. Ninety percent of these cases might have been prevented. We cannot afford to wait another moment before doing something to eliminate these and other barriers that are standing in the way of preventing colon cancer.

Therefore, I urge all of my colleagues to cosponsor the Supporting Colorectal Examination and Education Now (SCREEN) Act and support its passage this year.

#### TRIBUTE TO MOHAWK VALLEY COMMUNITY COLLEGE

##### HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. ARCURI. Madam Speaker, I rise today to recognize Mohawk Valley Community College (MVCC) for its extraordinary record of athletic achievement.

Under the direction of head coach Gary Parker, the Women's Outdoor Track and Field

team finished the 2008–09 season with a 25–0 record against two-year college competition and earned first place at the National Junior College Athletic Association (NJCAA) Division III National Championship, marking the program's fourth national title.

The Women's Cross Country team, also under head coach Gary Parker, finished its season with an undefeated 25–0 record against two-year college competition, and rounded out the year by winning the NJCAA Division III National Championship, the program's ninth national title. Coupled with the Men's team's second place finish, MVCC's cross country program earned the coveted Pepsi Cup, an award given to the college with the best combined finish at the National Championships.

Looking more broadly at college's 20 competitive intercollegiate athletics programs, MVCC won last year's second place trophy at the National Alliance of Two-Year College Athletic Administrators Cup competitions for its overall performance in the non-scholarship division's national championships. In the last six years this competition has been held, MVCC has never taken anything less than fourth place.

The aforementioned achievements represent the continuation of decades of success for MVCC's athletic programs. With one of the largest and most diverse two-year college intercollegiate athletic programs in the country, MVCC is home to 17 national championships, 107 individual national champions and 330 NJCAA All-Americans. Madam Speaker, I am honored to represent such talented and dedicated athletes in my district. I ask that my colleagues join me in congratulating the MVCC Hawks and wishing them the best of luck in their future athletic and scholarly endeavors.

#### TRIBUTE TO MS. GRETCHEN WILSON

##### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mrs. BLACKBURN. Madam Speaker, I rise today to ask my colleagues to join me in honoring Grammy Award winner and country music recording artist, Ms. Gretchen Wilson, as she receives the 2009 National Coalition for Literacy Leadership Award at The Library of Congress. Gretchen is being recognized by the National Coalition for Literacy and the Center for the Book for her contributions to the advancement of adult education and literacy.

Until recently, the multi-platinum acclaimed singer/songwriter was one of millions of Americans who had not finished their high school education. Ms. Wilson left high school to pursue her music career; she has since had three #1 albums. Last year at the age of 34, Gretchen earned her G.E.D. Her friend and mentor, Charlie Daniels, was guest speaker at her graduation ceremony at the First Baptist Church in Lebanon, TN.

As a mother, it was important for Gretchen to lead by example and demonstrate to her eight-year-old daughter, Grace, just how important it is to have an education. Gretchen is

currently teaming up with the Dollar General Literacy Foundation to honor GED students and organizations dedicated to the advancement of literacy.

Ms. Wilson has won Female Vocalist of the Year from both the Country Music Association and the Academy of Country Music and a Grammy Award for Best Female Country Vocal Performance. She also had her first book and autobiography, "Redneck Woman: Stories from My Life," appear on the New York Times Best Seller List.

Madam Speaker, I congratulate Gretchen on her hard work, resilience, and many notable achievements and ask my colleagues to join me in recognizing her dedication and contributions to adult education and literacy awareness.

#### CONGRATULATING DELANO AND THE MATH AND SCIENCE ACADEMY IN WOODBURY, MINNESOTA

##### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mrs. BACHMANN. Madam Speaker, I rise today to congratulate two schools from my state of Minnesota. Both Delano High School and the Math and Science Academy in Woodbury have been recently recognized as "Blue Ribbon Schools" by the U.S. Department of Education. The Blue Ribbon Program honors public and private middle, junior and senior high schools that demonstrate academic superiority, especially with minority populations.

This is a great honor to the teachers, faculty and administration of these schools. And, in particular, Delano's Principal Matthew Schoen and Woodbury's Director Paul Simone, should be exceedingly proud of their efforts. Their dedication to foster a positive learning environment encourages families and students across the nation. Through the Blue Ribbon School program, other educators have a set of "Best Practices" in classroom tactics, school programming choices and administrative strategies like none other.

These schools are shining stars in America's education system. It is my honor to recognize two of these schools, Delano High School and the Math and Science Academy in Woodbury, before this Congress today. I encourage every school in America to look at these Blue Ribbon winners not only as a resource but also a reminder of what our schools can be.

#### ACCOMPLISHMENTS OF THE 111TH CONGRESS ON BEHALF OF VET- ERANS

##### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. SKELTON. Madam Speaker, let me take this opportunity to acknowledge the significant bipartisan accomplishments made by

the 111th Congress for our veterans and their families. Our Armed Forces sacrifice a tremendous amount for this country. In light of such commitment and dedication to our nation, the House has worked feverishly to provide the resources and support America's warriors need before, during, and after their service.

In this Congress, one of the House Armed Services Committee's finest achievements was unanimously passing H.R. 2647, the 2010 National Defense Authorization Act. Designed to restore our military's readiness and improve the quality of life of our service members and their families, the bill would provide a 3.4 percent pay raise for service members, strengthen efforts to expand mental health care for troops, and improve military housing. On June 25, 2009, H.R. 2647 passed the full House by an overwhelming margin.

Additionally, the House has worked to ensure the health of our veterans and their families. Among other initiatives, we have approved legislation to expand and improve VA health care services for the 1.8 million women who have bravely served our country, voted to increase veterans' disability payments to reflect cost-of-living increases, and approved a bill I introduced that would expand military retirement and VA disability benefits to disabled military retirees with less than 20 years of service. In June, the House approved the Veterans Health Care Budget Reform and Transparency Act, authorizing Congress to approve veterans' medical care funding one year in advance to better anticipate and meet the demand for veterans' health care services. And, in February, the House approved my resolution designating 2009 as the "Year of the Military Family" to recognize the sacrifices and contributions of over two million military families.

The dedication of our men and women in uniform makes our nation strong and keeps us free; we cannot forget the debt we owe to those who serve so nobly. While there certainly remains work to be done, I am proud of the achievements this Congress has made on behalf of our nation's warriors and their families.

#### EARMARK DECLARATION

### HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. DEAL of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks one of my municipalities received as part of Bill 3288, the "Department of Transportation, Housing and Urban Development and Related Agencies Appropriations Act for 2010."

Requesting Member: Congressman NATHAN DEAL

Bill Number: H.R. 3288

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: The State of Georgia, U.S. Army Corps of Engineers

Address of Requesting Entity: U.S. Army Corps of Engineers, Savannah District 100

West Oglethorpe Avenue P.O. Box 889 Savannah, GA 31402

Description of Request: CG funding of \$33,725,000 is necessary to begin construction of the SHEP. While the Record of Decision will not be signed until mid-2010, these funds can be used for final pre-construction monitoring and engineering design of the channel and mitigation components for the project.

Additionally, these funds will be needed immediately after project approval for negotiation of the Project Partnership Agreement. Construction contracts cannot be awarded prior to the completion of this agreement.

#### ACKNOWLEDGING EDGAR HAGOPIAN'S CONTRIBUTIONS TO HIS COMMUNITY

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Mr. Edgar Hagopian, a compassionate humanitarian and public advocate who has worked tirelessly on behalf of his fellow citizens.

Edgar grew up in metro Detroit. As a teen in the 1950s, he began working for his father, Haroutun Hagopian, who ran a cleaning business. Edgar worked hard under the leadership example set by his father. Buoyed by the devotion and support of his wife Sarah, the Hagopian Family of Companies grew and earned a reputation for excellence in business. Presently, Edgar serves as Chairman of the Hagopian Family of Companies, which encompasses Hagopian & Sons, Incorporated, Hagopian World of Rugs, Hagopian Cleaning Services, Incorporated, Hagopian Fire & Flood Services and The Ghiordes Knot. The Hagopian name has long been associated with carpet cleaning and fine Oriental Rugs and their cleaning slogan, "expect the best, expect the purple truck", can be heard over local airwaves daily.

As 2009 marks the distinct recognition of 70 years in business, it is with great gratitude and appreciation that I recognize Edgar Hagopian. His leadership stands as a fine illustration of Southeast Michigan ingenuity and innovation. He has assertively fostered economic growth, created jobs and inspired hope in a state ravaged by mass unemployment. Additionally, Edgar has been involved in numerous charitable organizations and his generosity is well known throughout the community.

Edgar and his wife Sarah have worked to promote Armenian culture and unite the metro Detroit Armenian community. They have worked to help build a stronger Armenia by bridging the cultural gap and bringing people of all ethnicities and traditions together. Mr. Hagopian has spearheaded both large and small projects, each with qualitative impacts felt across all spectrums of life. Moreover, he has long worked tirelessly to better inform people of the Armenian Genocide on both a local and national level. These efforts resulted in the passing of Michigan Public Act 558 (2002) "Armenian Genocide Remembrance

Days" signed into law by Governor John Engler.

Madam Speaker, Edgar Hagopian is a spirited political activist, caring benefactor, compassionate citizen and cultural icon whose generosity has shaped the lives of countless people in our community. We are all indebted to the countless sacrifices and contributions he has made to strengthen the social fabric of our society. He personifies a legacy of distinction. Madam Speaker, today, I ask my colleagues to join me in congratulating Mr. Hagopian and recognizing his years of loyal service to our community and country.

#### CONGRATULATIONS TO THE CITY OF KINGSPORT ON THE HIGHER EDUCATION INITIATIVE

### HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 9, 2009*

Mr. ROE of Tennessee. Madam Speaker, I rise today to honor and congratulate the Higher Education Initiative by the City of Kingsport. The Higher Education Initiative worked to revitalize the economy in Kingsport by improving the overall education level of its labor force.

Madam Speaker, I am not the only one praising Kingsport for their initiative. Kingsport has been awarded the 2009 Innovations in American Government Awards by The Ash Institute for Democratic Governance and Innovation at the John F. Kennedy School of Government at Harvard University for its higher education initiatives.

To win this prestigious award, Kingsport had to compete against 600 other federal, state and local governments.

The Kingsport Center for Higher Education consists of five institutions: Carson-Newman College, King College, Lincoln Memorial University, Northeast State Community College, and the University of Tennessee. This unique partnership allows the Center to offer courses and programs ranging from associate to doctoral degrees.

Just recently, I moved my district congressional office to this impressive facility. As a member of the Education and Labor Committee, I support this great initiative and I thank Kingsport for their dedication to their local economy and their commitment to education.

Since Kingsport has taken the initiative towards promoting higher education nearly a decade ago, there has been a 23 percent increase in high school graduates, a 27.5 percent increase in those with Associate Degrees and a 19.2 increase in those with Bachelor's Degrees.

Education adds value and improves quality of life. I commend the City of Kingsport for their hard work and dedication that has truly made the city a better place.

## TRIBUTE TO THOMAS PELAIA

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Thomas Pelaia, who will be recognized by the John I. Crecco Foundation with its Public Safety Award on September 11, 2009 for his many years of dedicated service to keeping our communities safe.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, because he is the embodiment of the patriotism and community service that make our nation great.

Thomas Pelaia joined the Bloomfield Fire Department on May 13, 1980. After serving as a line fireman, he was transferred to the Fire Prevention Bureau where he served as an Inspector, Senior Inspector, and now as the Fire Official who is the Chief Inspector of Fire Prevention. During his tenure there, he has worked to make Bloomfield one of the safest communities in the nation. In 1999, he partnered with the Bloomfield Board of Education in having fire sprinklers installed in major school construction projects. To date, three of the eight elementary schools and the high school are fully equipped with sprinkler systems; many of the other schools are partially equipped.

Tom has been the Deputy Essex County Fire Mutual Aid Coordinator since 1994. On January 19, 2000 he organized the mutual aid response to the devastating fire at Seton Hall University. Shortly after the fire, Tom worked closely with Bloomfield College to have sprinklers installed throughout all of the dormitories, even before legislation was passed to mandate them. Due to his efforts in protecting these schools, he was honored as Fire Protection Inspector of the Year in May 2001 by the New Jersey State Fire Prevention and Protection Association and the New Jersey State Department of Community Affairs. Also as Fire Coordinator, he organized Essex County's response to New York City after the tragic events of eight years ago when the September 11, 2001 attacks took place. He organized the response of 25 Essex County fire companies to protect the boroughs of Staten Island and Brooklyn on September 12 and 13, 2001.

Tom was an integral part of the accreditation team that worked to have the Bloomfield Fire Department receive International Accreditation. It is the first in New Jersey and the first career Fire Department in the northeast to receive this prestigious recognition which was awarded in March of this year. Tom has been an active member of many organizations throughout the years. He has served as Bloomfield FMBA Local 19 Treasurer, Vice President, President, and Executive Delegate for over 15 years. He also served the New Jersey State FMBA as a District Vice President and Legislative Committeeman.

Tom currently serves as a Fire Advisor to the Bloomfield Volunteer Emergency Squad. He is the Secretary of the Bloomfield Fire-

men's Relief Association and is the Essex County Legislative Committeeman for the New Jersey State Fireman's Association. As a 35 year member of the Bell and Siren Club, Inc., he is the Chairman of its Essex Committee and the Vice President of the International Convention which will be hosted in New Jersey in 2011. He is also an active member of the Essex County Fire Prevention Association and the Essex County Fire Chief's Association. Tom is also a member of Bloomfield UNICO. He resides in Livingston, New Jersey, with his wife Maria and his niece Danielle.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to being able to highlight the achievements of great Americans like Thomas Pelaia.

Madam Speaker, I ask that you join our colleagues, Thomas's family and friends, everyone at the John I. Crecco Foundation, and me in recognizing the outstanding contributions of Thomas Pelaia to his community.

CONGRATULATING DOLPHIN  
HEIGHTS NEIGHBORHOOD WATCH  
GROUP OF THE YEAR

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to congratulate the outstanding members and citizen leaders who make up the Dolphin Heights Neighborhood Crime Watch.

It is a great honor to recognize the Dolphin Heights Neighborhood Crime Watch and I wish this group continued success.

The Dolphin Heights Neighborhood Crime Watch took a firm stand in letting the criminals know that the activities that they were involved in were not going to continue in their community. Due to the efforts, participation and teamwork provided by the Dolphin Heights Neighborhood Crime Watch Group, the Dallas Police Department and the City Prosecutor, a 12 percent decrease in crime within the past year was noticed among the following criminal offenses: 5 percent decrease in Business Burglaries, 7 percent decrease in Burglary of Motor Vehicles, 6 percent decrease in Thefts and a 2 percent decrease in Auto Thefts. Officers of the Southeast Patrol Division made a total of forty-seven (47) Arrests and issued seven hundred and eighty-six (786) Citations involving Drugs, Prostitution, Urban Habitation, Alcohol Violations, Code Violations, Auto Thefts, Assaults, Traffic Violations and Outstanding Warrants.

They also have other successful community programs, including City of Hope, Eye on the Community, Treasure of Hope, National Night Out, Community Clean-up, Community Emergency Response Team, and the After School Program.

The Dolphin Heights Neighborhood Crime Watch is a hard working group that believes in teamwork and accomplishing their goals.

I am pleased to congratulate the Dolphin Heights Neighborhood Crime Watch on their outstanding efforts and share their good work

with my colleagues in the United States Congress and the American people. They're making Texas a better place to live, work and raise a family.

GRATITUDE FOR THE SERVICE OF  
LILLIAN V. GERMAN

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. CONYERS. Madam Speaker, I would like to take this opportunity to thank one of the most dedicated and indispensable members of the Judiciary Committee staff, Lillian German. For the past 6 years, Lillian has served as a counsel to the Committee, working principally as the Deputy Chief Oversight Counsel during the 110th and 111th Congresses.

A proud native of Houston, Texas, Lillian graduated from the University of North Texas where she was a leader in student government and a member of the Alpha Kappa Alpha sorority. She earned her law degree from Southern Methodist University, and, following her graduation, served as a briefing attorney for the Texas Attorney General and in private practice in Dallas.

Lillian came to Washington 15 years ago to work on the Hill, and has served in the offices of many of our dear friends and colleagues. Lillian first worked as press secretary and then Chief of Staff to Congresswoman Eddie Bernice Johnson. With Congresswoman Johnson, Congressman Jesse Jackson, Jr., and the National Association for the Advancement of Colored People Legal Defense Fund, Lillian helped organize a historic bus tour throughout the south to highlight the impact of the Supreme Court's decision in *Shaw v. Reno* (1993) on voting rights and minority districts. Lillian went on to serve as the Legislative Director for Congresswoman Barbara Rose Collins, with whom she worked to draft several amendments to the 1996 Telecommunications Act to increase minority ownership of commercial broadcasting companies. Lillian continued on as Press Secretary and Chief of Staff for Congressman Alcee Hastings. She organized justice site tours of southern Florida's minority communities and brownfield lands, and during the 2000 Presidential election, Lillian served as an area political director for the Gore recount committee. Following the September 11 terrorist attacks, Lillian helped usher through a \$125 million grant to assist the Nation's tourism industry, and she successfully managed the effort to secure the Health Care Financing Administration's approval of the Dean Ornish Program for reversing coronary heart disease. Lillian then served as the Chief of Staff to Congresswoman Sheila Jackson-Lee, where she worked with the Houston community in the wake of Enron's collapse. During the 2002 Florida Governor's race, Lillian worked as the Get-Out-the-Vote director for Miami-Dade County Democrats.

Lillian joined the Judiciary Committee in 2003 and has made numerous contributions to the committee's civil rights, criminal justice, and government oversight work. She helped

secure funding for the expansion of the U.S. Marshal Service's Safe Surrender Initiative to seven additional States, including the District of Columbia and my home State of Michigan. She visited the Texas-Mexico border several times to investigate government's response to the high-death tolls and helped with the committee's immigration field hearings in Texas, Michigan, California, and Iowa. She led the House's investigation into the wrongful firing of rail workers under the Transportation Security Administration's Transportation Worker Identification Card program, which ultimately resulted in the reinstatement of 36 workers. She successfully led the Committee's effort to release three inmates wrongfully incarcerated in solitary confinement for 36 years in the Angola Penitentiary in Louisiana, and she and I recently met with Governor Bobby Jindal to discuss the prisoners' final release. She organized committee hearings on FBI whistleblower protections; the Justice Department's role in the Jena Six cases; and voter intimidation during the 2006 elections, which featured then-Senator Barack Obama as a witness.

On behalf of the Judiciary Committee, its staff, and this distinguished body, I would like to thank Lillian for her service. Throughout her time on the Hill, she has been a stalwart voice for social justice and the under-represented. Lillian is a tour-de-force that will be sorely missed. Her spirit, loyalty, wit, generosity, and professionalism have made all of the offices in which she has worked places to belong and places to thrive. We are losing a dear advisor, mentor, and friend.

We wish her the best of luck and extend to her our deepest gratitude.

IN RECOGNITION OF THE FRED  
BABER FAMILY AS THE 2009  
OKALOOSA FARM FAMILY OF  
THE YEAR

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. MILLER of Florida. Madam Speaker, it is a great honor for me to rise today to extend congratulations to the Fred Baber family for being selected the 2009 Okaloosa County Farm Family of the Year.

Mr. Fred Baber, the family's patriarch, celebrated his 90th birthday this year, but he still loves to rise before dawn and head out to farm in Laurel Hill, Florida. He is the herd manager for Roger's Ranch and manages 60 head of cattle. In their early days as Ohio farmers, Fred and his brother were pioneers in the fields of artificial insemination (AI) and dairy herd improvement association milk testing (DHIA). Fred brought his advanced knowledge of these techniques to Florida. He also built one of the first Harvester silos in the local area, and was instrumental in bringing the Tampa Independent Dairy Farmers Milk Co-op to the Florida panhandle.

Fred's family is a huge part of his successful farming career. His son Andy helps him run the family farm, producing peanuts, soybeans, and hay. Andy, the oldest of eight Baber children, and his wife Barbara both work at

Ruckel Properties. Andy also serves on the Okaloosa County Farm Services Agency Board.

Madam Speaker, on behalf of the United States Congress, I would like to offer my congratulations to Baber family's tireless work and dedication to family, faith and trade. They are a role model for all of us. My wife Vicki and I wish their entire family best wishes for continued success.

TRIBUTE TO SAN DIEGO POWER  
SURGE 96

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. HUNTER. Madam Speaker, I rise today in recognition of San Diego Power Surge 96 for its championship victory in the Amateur Softball Association's 2009 Girls National Fastpitch Tournament. The girls of Power Surge 96 competed against some of the most talented and formidable teams in the country—and they did not disappoint their fans. Their national championship victory represents a great accomplishment for not only each team member, but also for the San Diego community.

Over the course of the tournament, Power Surge 96 won a total of nine games to complement the team's overall and quite impressive record of 92 wins, 7 losses and 1 tie. The team's final matchup turned into a heroic test of endurance and skill after falling behind to their opponent, the SoCal Jynx, early in the game. In the seventh inning, Power Surge 96 tied the score at three, forcing the game into extra innings where they eventually took the lead and never looked back.

On their way to the top, the girls of Power Surge 96 prevailed through a qualifying tournament that included several tough opponents. That tournament, the ASA Southern California State Championship, was the first qualifying victory for any Power Surge team since forming in 1992 and competing at the national level.

In 2009, Power Surge 96 competed in a total of nine tournaments. The team won six of those tournaments outright, sharing a seventh as co-champion. Altogether, 2009 was a great year for the girls of Power Surge 96, highlighted by their national championship victory. Surely, their victory will help motivate them to reach the same level of achievement next year, when they resume competitive play and prepare to defend their national championship.

The girls of Power Surge 96 deserve great credit and recognition for their success and remarkable accomplishment. Their national championship victory, as well as the time they have shared together and hours invested in practice and preparation, is an experience they will always remember. It is an experience that will stay with them well into their adult lives and, hopefully one day, be shared with their children to encourage and inspire them to reach new heights.

Madam Speaker, it is an honor to rise in recognition of Power Surge 96 and I ask that my colleagues join me in paying tribute to this

team of talented girls. Next year's national championship tournament will not be easy but if there is any group up to the challenge, it is the girls of Power Surge 96.

WIND ENERGY RESEARCH AND DEVELOPMENT ACT AND HEAVY DUTY HYBRID VEHICLE RESEARCH, DEVELOPMENT AND DEMONSTRATION ACT

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Ms. MCCOLLUM. Madam Speaker, I rise today to express my support for the Wind Energy Research and Development Act (H.R. 3165) and the Heavy Duty Hybrid Vehicle Research, Development and Demonstration Act (H.R. 445). I thank my colleagues on the Science and Technology Committee for their work on these important bills, which will help secure America's role as a global leader in innovation.

An aggressive transition to a clean renewable energy economy is necessary to modernize America's economy for the 21st century. In this historic moment, we have the responsibility and the opportunity to secure America's place as a global hub of technological innovation, an economic leader, and a steward of our planet. Passage of H.R. 3165 and H.R. 445 will focus American ingenuity to achieve these important goals.

Wind energy is a critical component of America's clean energy future. The growth potential for the industry is enormous: in 2008 alone the industry installed enough new wind energy production capacity to power over 2 million homes. My state of Minnesota is currently fourth in the nation for installed wind energy production capacity and is in the top ten states for wind energy production potential. However, like many new industries, the wind energy industry requires federal incentives to fuel its growth. The Wind Energy Research and Development Act authorizes an important new demonstration program at the Department of Energy to reduce the costs of construction, generation, and maintenance of wind energy systems. Developing these technologies will help reduce existing barriers to expansion of wind power around the country.

America's shift to a clean energy economy requires the development of advanced vehicle technologies to save consumers money and reduce harmful emissions. In addition to clean passenger vehicles, we must modernize our commercial transport fleet. The Heavy Duty Hybrid Vehicle Research, Development and Demonstration Act will create a competitive grant program to support research, development and demonstration of advanced heavy duty hybrid vehicle technologies. This program will help make America's commercial transport fleet the cleanest and most efficient in the world.

Transitioning to a clean energy economy and curtailing global climate change are two of the great challenges of our time—American innovation is the key to addressing them both. I urge my colleagues to support these two important pieces of legislation.

RECOGNIZING DAVID DAVIS FOR  
WINNING THE VOLUNTEER OF  
THE YEAR AWARD

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to congratulate David Davis for winning the Volunteer of the Year Award. According to his peers, since 2003, David Davis has volunteered for the City of Dallas and has logged approximately 1,947 hours. This year David has logged 394 hours and in the month of June alone has logged 62 hours.

David Davis had made a significant contribution by taking charge of several Volunteer Programs which include being a Crime Watch Captain for the Oaklawn Crime Watch, a VIP Captain for Oaklawn Neighborhood and participates in every Central Patrol VIP training class. David Davis also sits on the CWEB Board as a NE and NW alternate. David is CERT trained and heads up CERT Teams for Northeast and Northwest.

David Davis also volunteers for COPS, White Rock Lake VIP, VIP Traffic Safety Fairs, assists in traffic and crowd management for various parades throughout the city, CHIPS training assistance, CHIPS on the job training, VIP training and participated in the Citizens Police Academy.

In May 2009 Dallas Police Crisis Intervention Training Program (CIT) held the National Association on Mental Illness (NAMI) walk at Fair Park and David Davis assisted by organizing a group of volunteers for additional crowd management in order to facilitate this successful fundraiser.

On numerous occasions David Davis has contacted the local police personally to offer his assistance with crime watch events, parades and volunteer training and has always shown a great dedication and reliability in his support of these Dallas Police events.

David Davis has also proven himself to be an accomplished crime fighter and has made a tremendous impact during his Volunteering in Patrol. David Davis leads by example in this area by explaining to new volunteers that crime may be brought down by the volunteers who patrol certain areas.

David Davis has also taken on patrol of the Katy Trail and Reverchon Park areas. He has organized newly trained volunteers for these areas and keeps track of current crime trends and passes along information to police officers who also work these parks.

Congratulations David Davis. I salute you.

HONORING THE LIFE OF RICHARD  
HOLST

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. ISRAEL. Madam Speaker, today I rise to honor the life and accomplishments of Mr. Richard Holst, who died in the line of duty on September 9, 2009, while defending the community from a fire.

Mr. Holst served in the United States Navy during the Vietnam War in the Atlantic Fleet on the U.S.S. *Saratoga*. In addition to his military service, after retirement, he joined the Huntington Manor Fire Department as a firefighter, eventually becoming the head of New York State Association of Fire Chaplains.

Mr. Holst was a true leader, who carried the torch of service throughout his life. He will be remembered by his family, friends, and community for his generosity and sincere commitment to helping those in need.

IN RECOGNITION OF RONNIE E.  
BELL UPON HIS RETIREMENT

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Ronnie E. Bell, a community leader who is retiring after over thirty years of public service with Walton County, Florida. Mr. Bell spent his career serving Northwest Florida, and I am proud to honor his dedication and service.

Ronnie is life-long resident of Walton County. He graduated from Walton Senior High School in 1977 and from Okaloosa-Walton Junior College in 1980. He began his career with Walton County in 1977 as an Emergency Medical Services Secretary. From 1978 through 1986, Ronnie served as an EMT and Paramedic for Walton County EMS, and was the Walton EMS Supervisor between 1986 and 1987. In 1988, Ronnie became the Walton County Administrative Supervisor, and served in that capacity for eleven years. In 1999, he became Public Works Director, and was selected as Walton County Administrator in 2004.

In over thirty years of service to the public as a Walton County employee, Ronnie has shown a true dedication to helping his fellow citizens. He has always strove to make Walton a better place to live.

Madam Speaker, on behalf of the United States Congress, I am honored to recognize Ronnie Bell for his lifetime of service to Northwest Florida. Walton County will miss his leadership. My wife Vicki and I wish all the best for him and his family as they embark on this next journey in their lives.

HONORING THE LIFE AND SERVICE  
OF FORMER SENATOR JOSE  
"PING" ANDRES RAMIREZ  
DUEÑAS

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and service of former Guam Senator Jose "Ping" Andres Ramirez Dueñas, a lifetime resident of the village of Dededo, Guam. Senator Dueñas passed away on August 31, 2009 after a long illness. He was 78.

Born on October 17, 1930, in Hagåtña, Guam, Ping was the oldest of four sons of Juliana Ramirez Dueñas and Jesus Camacho Dueñas. Ping and I were classmates at George Washington High School, where we both graduated from in June of 1951. On April 19, 1954, in Grand Rapids, Michigan, he married his high school sweetheart, Rosario Cruz Perez, fondly known as "Ling". Ping enrolled in Marquette University and later received his bachelor's degree in accounting from St. Thomas Aquinas College in Grand Rapids, Michigan.

After graduation from college, Ping returned home and began his twenty-eight year career of public service with the Government of Guam. Ping started as an auditor with the Department of Administration before being promoted to chief accountant. In 1962, Ping and nineteen others joined together to form the Government of Guam Employees Federal Credit Union (GGEFCU). From an initial membership of twenty founding members, the GGEFCU has grown to over 40,000 members, three branches, and is an important resource for financial services to the Government of Guam employees.

Ping sought political office in 1970 and was elected to four consecutive terms as a Senator in the 11th, 12th, 13th, and 14th Guam Legislature from 1970 to 1978. He served on the Rules Committee; the Committees on Finance and Taxation; Federal and Foreign Affairs; and Natural Resources, Land and Community Development. He also served on the 1975 Legislative Task Force for the review of the federal-territorial political relationship with its findings to be reported to the White House. After serving as Chairman of the Democratic Party of Guam, Ping and I joined together as running mates in the 1990 gubernatorial election. While unsuccessful in our bid for Governor and Lieutenant Governor of Guam, Ping would go on to continue his service to our community as Vice President of Financial Affairs for the University of Guam. While there, he helped in the growth of the university and was instrumental in the establishment of the Marine Laboratory.

I join our community in mourning the loss of former Senator Jose Ramirez "Ping" Dueñas. Ping was a good friend of Guam, and he devoted his life to serving our people. We extend heartfelt condolences to his wife, Rosario "Ling" Perez Dueñas; his children, Joseph, Daniel, Anthony, Gerardlyn, Carina, Thomas, Marcella, and Julianne; his 25 grandchildren; his 16 great grandchildren; and his many family and friends.

God bless the family and friends of Senator Dueñas. He will be missed dearly.

HONORING ADAM DIAZ ON HIS  
100TH BIRTHDAY

**HON. ED PASTOR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. PASTOR of Arizona. Madam Speaker, I rise before you today to praise and reflect upon the career of an outstanding public servant and community leader, Adam Diaz. I

would also like to take a moment to congratulate Mr. Diaz on his upcoming 100th birthday.

For more than seventy years, Mr. Diaz has been a champion for the Mexican American community in Phoenix. A lifelong Arizonan, Mr. Diaz was born in Flagstaff on September 29, 1909, before moving to Phoenix, where he has lived for the past 94 years. He began his career working at the Luhrs Hotel as a messenger boy with Western Union. From this humble beginning, he eventually became the Superintendent of Properties for Luhrs Properties, a position he held until his retirement. During the 1970's, I had the occasion to see him and his brother at Luhrs and seek his counsel.

Mr. Diaz is noted for having been elected as Phoenix's first Mexican American City Councilman in 1948. He served four years on the council and one year as vice-mayor of the city of Phoenix. Later, Diaz served for five years on the Phoenix Elementary School District Number One Governing Board.

Mr. Diaz has served on the board of directors of several community-based organizations including The Friendly House and Chicanos Por La Causa. He has also been actively involved in many other organizations, commissions, and committees such as the League for United Latino American Citizens, the Arizona Centennial Commission, the Governor's Conference on Youth, the Boy Scouts, and the Vesta Club.

While Chairman of the Board of Chicanos Por La Causa, his efforts to fund senior housing for low-income Hispanics resulted in establishing Casa de Primavera, a low-income senior housing complex near 43rd Avenue and McDowell Road. Later, President Bill Clinton appointed him to the Task Force on Aging. In this role, Mr. Diaz visited the White House to discuss Social Security, Medicare and other important senior issues with Second Lady Tipper Gore.

Mr. Diaz continued his work for senior citizens at the American Legion Post 41, where he organized numerous fundraising events to help indigent elderly buy dentures and hearing aids, items not covered by Medicare. When Mr. Diaz was in his 70's, he still went daily to the YMCA gym and assisted seniors as a trainer in the swimming pool and weight room.

Adam has been a mentor and a friend to many community leaders. I have been fortunate to have him as a supporter, advisor and a friend. Madam Speaker, I am honored to recognize Adam Diaz for his extraordinary leadership and lifelong dedication to public service, and wish him a happy 100th birthday.

CONGRATULATING OFFICER  
BERVIN SMITH

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to congratulate Officer Bervin Smith of the NE Dallas Police Division for winning the prestigious Officer of the Year award.

According to his peers, by his own desires Officer Smith organized the current DPD-NE

Volunteer Committee. This committee which is now a viable organization with over 14 members is already meeting with Deputy Chief Lawrence at the NE Police Division on a monthly basis at the NE station to discuss and reactivate volunteers on a list that is over 1,000 names in the NE Division area. Deputy Chief Lawrence is very supportive of this group and is working with them to reduce crime in the NE area.

Officer Smith is a dedicated officer who wants to do his job the best that he can.

It is a privilege to recognize him for a job well done. I am certain that he will continue to touch the lives of many in his community. It is a great honor to commend Officer Smith in the United States Congress, and I wish him continued success.

TRIBUTE TO THE LIFE OF  
NORMAN BORLAUG

**HON. RUBÉN HINOJOSA**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. HINOJOSA. Madam Speaker, I rise today to recognize the life of Dr. Norman Borlaug, who passed away on September 12, 2009 at the age of 95. Dr. Borlaug combated world hunger on a global scale by revolutionizing the science of agriculture. He developed and introduced high-yield, disease resistant crops and innovative agricultural techniques, which he then spread throughout the globe. These innovations started the "Green Revolution," which allowed the world's food supply to keep up with the growth in population. Through his work, he saved hundreds of millions of lives from hunger and starvation. His life is testament to the extraordinary change one person can make. He was a Great American and our world shall forever benefit from his life's work.

Dr. Borlaug was born on a farm near Cresco, Iowa in 1914. He studied forestry and plant pathology at the University of Minnesota and completed his doctorate in 1942. Dr. Borlaug led a distinguished career that spanned more than 60 years. Much of his work was done in Mexico at Centro Internacional de Mejoramiento de Maiz y Trigo, or the International Maize and Wheat Center. In 1984 he began teaching as a Distinguished Professor of International Agriculture at Texas A&M—College Station. Throughout his life he continued to teach and inspire new generations of scientists and farmers. Agriculture in the 15th Congressional District of Texas and throughout the state has benefitted greatly from Dr. Borlaug's contributions.

Dr. Borlaug transformed the way the world feeds its population. The exponential growth in crop yields created stability and prosperity in nations that were struggling to feed its citizenry. Dr. Borlaug's ultimate legacy is one of world peace, which he achieved through ensuring that a basic human need was provided for throughout the world.

We offer our deepest condolences to Dr. Borlaug's friends and family: his daughter Jennie Borlaug Laube, his son, William Gibson

Borlaug, and his grandchildren and great-grandchildren.

HONORING THE LIFE, SERVICE,  
AND SACRIFICE OF NORTH  
SAINT PAUL, MINNESOTA POLICE  
OFFICER RICHARD CRITTENDEN

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Ms. MCCOLLUM. Madam Speaker, I rise to honor the life and public service of North Saint Paul Police Officer Richard Crittenden who will be laid to rest tomorrow.

On Monday morning, Officer Crittenden was sent to respond to a domestic dispute call. He was killed protecting a woman from a man who had repeatedly abused her.

North Saint Paul is a wonderful community of 11,000 people where I raised my children and served on the city council. To lose an officer in the line of duty is a tragedy for every resident.

On behalf of my constituents and all Minnesotans, I extend our prayers and deepest sympathies to Officer Crittenden's wife, Christine, his children, and grand-children. Their loss is tremendous.

To North Saint Paul officials and residents, especially the members of the police department, I extend my condolences at this time of great pain and loss.

Officer Crittenden gave the ultimate sacrifice—his life—in the line of duty. His service as a peace officer was always respected, but his courage and sacrifice makes him a hero who shall always be remembered and honored.

Madam Speaker, at this time I also want to recognize Maplewood Officer Julie Olson who was injured in the line of duty in the incident that claimed Officer Crittenden's life. I commend Officer Olson for her courageous service and wish her a full recovery.

SALUTING ED FOX FOR WINNING  
THE DORIS BERRY CRIME  
WATCH CHAIRPERSON OF THE  
YEAR 2009 AWARD

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 14, 2009*

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to congratulate Ed Fox for winning the Doris Berry Crime Watch Chairperson of the Year Award for 2009. According to his peers, Ed has served as the chairperson for the Prestonwood Estates Neighborhood Association West (PENA West) Crime Watch since its inception in October 1999. He has also served as chairperson for their Volunteers in Patrol (VIP) program for seven years. Ed is also currently serving a third term as the North Central Patrol Division's Crime Watch Executive Board (CWEB) representative and was recently elected president of CWEB.

In addition to the time required to fulfill his duties as CWEB president and PENA West

CW chairperson, Ed spends countless hours attending crime watch and VIP start up meetings to assist new groups in getting started. Based on his reputation in the North Central Division, many citizens request to have Ed speak at their crime watch meetings. Being a retired salesman, Ed uses his skills to sell the VIP concept to various homeowner groups. Not only does he help them organize a neighborhood meeting, but he also speaks at the meeting himself to promote the CW and VIP programs. In the past year alone, Ed has attended over 120 CW and VIP meetings and also spoken at the majority of them.

Ed is always trying to think of ways to expand the CW/VIP programs in North Dallas. Last year he contacted the North Dallas Chamber of Commerce to inquire about using their organization to spread the word about neighborhood crime prevention programs. Ed has proposed the idea to them to consider establishing a permanent crime prevention committee to provide advice and information for their members.

For his tireless work ethic, enthusiasm and dedication to the Crime Watch and VIP programs in the North Central Division, it is my honor to recognize Mr. Ed Fox for winning the 2009 Doris Berry Crime Watch Chairperson of the Year Award.

God bless you and I salute you.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 15, 2009 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### SEPTEMBER 16

Time to be announced

Small Business and Entrepreneurship

Business meeting to consider the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration.

Room to be announced

10 a.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine the use, impact, and accomplishments of Federal appropriations provided to improve the education of children in the District of Columbia.

SD-192

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

SD-342

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation (FBI).

SD-226

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Richard Serino, of Massachusetts, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

SD-342

2:30 p.m.

Foreign Relations

To hold hearings to examine exploring three strategies for Afghanistan.

SD-419

Commerce, Science, and Transportation

Science and Space Subcommittee

To hold hearings to examine options from the review of the United States Human Space Flight Plans Committee.

SR-253

##### SEPTEMBER 17

Time to be announced

Foreign Relations

Business meeting to consider the nomination of Michael H. Posner, of New York, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

SD-419

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veterans' disability compensations, focusing on benefits in the 21st century.

SR-418

10 a.m.

Foreign Relations

To hold hearings to examine countering the threat of failure in Afghanistan.

SD-419

Judiciary

Business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and the nominations of Paul Joseph Fishman, to be United States Attorney for the District of New Jersey, and Jenny A. Durkan, to be United States Attorney for the Western Dis-

trict of Washington, both of the Department of Justice.

SD-226

2 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine S. 1551, to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act.

SD-226

2:15 p.m.

Energy and Natural Resources

To hold hearings to examine energy and related economic effects of global climate change legislation.

SD-366

Indian Affairs

To hold an oversight hearing to examine federal tax treatment of health care benefits provided by tribal governments to their citizens.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to consider certain intelligence matters.

S-407, Capitol

##### SEPTEMBER 22

10 a.m.

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine comprehensive immigration reform, focusing on how the current immigration law impacts America's agricultural industry and food security.

SD-226

2:30 p.m.

Judiciary

Terrorism and Homeland Security Subcommittee

To hold hearings to examine strengthening security and oversight at biological research laboratories.

SD-226

##### SEPTEMBER 30

9:30 a.m.

Veterans' Affairs

To hold hearings to examine Veterans Affairs contracts for health services.

SR-418

#### POSTPONEMENTS

##### SEPTEMBER 16

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine southern border violence.

SD-342

##### SEPTEMBER 17

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine improving transparency and accessibility of federal contracting databases.

SD-342

**SENATE—Tuesday, September 15, 2009**

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND BURRIS, a Senator from the State of Illinois.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, You know all about us. You know when we sit down and rise up. You know when we sin and when we obey. Purge our lives of every wrong thing, that we may glorify You in all we say and do.

Lord, guide our lawmakers in their daily work. Enlighten their minds and strengthen their hearts. May they not neglect to see the beauty and wonder in our world as they find joy in the loveliness of nature, the satisfaction of friendship, and the conquest of difficulties. Teach them to listen for Your voice and to wait for Your guidance. Lift their lives from the battle zone of combative words to a caring community where leaders pray for and communicate esteem to each other.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable ROLAND BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 15, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, there will be a period for the transaction of morning business for an hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of H.R. 3288, the Transportation-HUD appropriations bill. On this legislation, the chairman of the subcommittee, Senator MURRAY, was available Thursday afternoon, Friday, and Monday. There has been little, if any, interest in moving amendments to the floor. I would hope we could finish the bill today. We are not going to have any votes late this afternoon, but I would hope that if people determine they are not going to offer amendments, they at least let us finish the bill. This will be only our fifth appropriations bill we will have done. We have many more to do. I have trouble comprehending people not letting us finish these bills and then complaining that we have to do a continuing resolution to fund the government.

That is where we are. I hope we can have cooperation. I hope we do not have to file cloture on this bill. It would seem to be so unnecessary. Remember, I repeat, she was here Thursday, Friday, and Monday. She will be here today in just a few minutes—"she" meaning PATTY MURRAY.

The Senate will recess from 12:30 p.m. to 2:15 p.m. today for the weekly caucus luncheons. There will be no rollcall votes after 3 p.m. today.

Mr. President, I had a meeting with Senator MCCONNELL. We try to get together personally every week. It is nice that we have a chance to visit privately. But also we talked about what the schedule is going to be. We have a lot to do. I went over that in some detail with the Republican leader. We have now scheduled a work period at home on Columbus Day week. We have many times in the past taken that recess because there is so much work to do at home. But we cannot do that unless we complete our work here. I have explained that to the Republican leader, and he knows that. We will see what progress we can make in the next few weeks as to whether we can do that.

I will not go into detail about all the work we have to do, but we are on a fiscal year basis. That fiscal year ends at the end of September. We are in September now. We have a lot of must-do legislation we have to move forward on as quickly as we can.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. REID. Excuse me, Mr. President, I withdraw that request. I did not see my friend from North Dakota. I withdraw that request and ask the Chair to announce that we are in a period of morning business.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for as much time as I may consume in our allotted 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**ENERGY LEGISLATION**

Mr. DORGAN. Mr. President, I wish to visit for just a few moments today the subject of energy policy.

Most of us spend all of our day having a better day because of energy and think very little about it. We get up in the morning, perhaps, and use an electric razor or an electric toothbrush. We go to the kitchen and have some coffee that was made by plugging the coffee maker in or turning on a stove. Then we get in a car, put a key in an ignition, start an engine, and off to work. We do all the while using all the energy available to us all day long, never thinking much about it.

We have a serious energy problem in this country in that a substantial amount of energy we use, particularly oil which comes from outside our country, including from some countries that do not like us very much. We are about 70 percent dependent on foreign countries for our oil, and, as I indicated, some of those countries are in some difficulty and turmoil. Yet we are unbelievably dependent on them to help supply our oil.

One of the propositions is, should we not produce more American energy?

Should we not have more conservation in this country? Should we not have a plan that makes us less vulnerable and less dependent and improves our national security and our energy security? Of course, the answer to these questions is yes.

This is a big-old planet of ours, and we stick straws in the planet and suck oil out. Today, Tuesday, we will take out from the drilling rigs where we produced about 85 million barrels of oil from underground. One-fourth of it needs to be used in this country. The United States needs one-fourth of all the oil that is produced in the world today. As I said, 70 percent of that oil comes from outside of our country, and about 70 percent of the oil we use in this country is used in our transportation system.

We have a very serious dependency on oil. It makes us less secure nationally, and it creates all kinds of other issues. So the question is, What do we do about that problem? That is what I want to talk about for a few minutes, and I also want to talk about it in the context of some news reports that said recently that I and several others somehow did not support climate change legislation. Let me make clear what my position is regarding acting on climate change legislation.

I have said on the floor of the Senate early this summer that I do not support cap and "trade." I do not have any interest in supporting legislation that will establish a trillion-dollar carbon trading securities market. This could benefit Wall Street, speculators and big investment banks who would be trading carbon on a Monday so we can determine how much energy prices are going to be on a Tuesday depending on how well that trading went on Monday. I have no interest in doing that type of activity. Not very long ago we saw what has happened to the price of gasoline and oil. For example, the price of oil went from about \$40 a barrel to \$147 a barrel in day trading in a little more than a year without any notion of supply or demand changes. How can you justify the runup on the price of oil from \$40 to \$147 a barrel over a number of months? I have already seen abuses of other markets. I have seen the markets with respect to derivatives and swaps and all of the exotic instruments that have been created in order to be traded on other markets. I have no interest in the carbon market "trade" portion of "cap and trade" and would not be intending to support that. There are other ways for us to have a lower carbon future.

I do believe there is something happening to our climate to which we should be very attentive to. I do believe a series of no-regret steps, at the very least, makes a lot of sense right now as we begin to address reducing greenhouse gas emissions.

Let me say that while I have said I do not intend to be supportive of the

cap-and-trade approach, especially with quotes around "trade," I think there are some things we can, will, and must do to address the issue of climate change and bring about a low carbon future. Having said that, my hope is that the legislation already passed through the Senate Energy Committee will be brought to the floor for a debate because it makes significant steps toward addressing energy and climate change policy. It will also reduce our dependence on foreign oil and increase our national and energy security. This is achieved for our country by producing more American energy and by incentivizing the kinds of things that can serve, save, and create other forms of energy as well.

Let me talk just for a bit about the bill passed by the Senate Energy Committee. Some people have said that we have to bring an energy bill to the floor and combine it with a climate change bill. I do not believe that should be done at this time. In my judgment, it would be much smarter to bring an energy bill to the floor which has already passed out of the committee with a bipartisan vote. It is called the American Clean Energy Leadership Act. We should bring that bill to the floor, debate it, pass it, and get it to the President for his signature. That would do something very significant for our country's energy future. After that, we should then turn to address climate change legislation and how we create a low carbon future.

Here is what is in that legislation that I hope we will bring to the floor of the Senate first.

Renewable electricity standard. There is an old saying: If you don't care where you are going, you are never going to be lost. That is certainly true for a country and a congress. If you do not establish standards and say: Here is what we aspire to achieve, then you will never know whether you have met it. We should strive for a renewable electricity standard of 20 percent. The current bill's standard has 15 percent. When we get an energy bill to the floor, my hope would be we would have a 20-percent combined renewable electricity standard that says that we aspire to achieve this level of renewable energy as part of our country's electricity mix by 2021.

This would be the first national standard in the history of this country. More than half the States have already taken action in this area, but we need a national standard that creates the goal of what we aspire to achieve. A strong, national renewable electricity standard is what I support. There is currently a national standard in this energy bill which we can bring to the floor. Having a standard drives additional production of renewable energy. It is one significant step towards addressing climate change. Wind energy,

solar energy, biomass are the types of renewable energy that this country needs to increase. Through an RES, we can incentivize that additional production.

Turning to energy efficiency, the lowest hanging fruit by far in energy is about taking steps to make our buildings more efficient. The MacKenzie study shows many ways to reduce emissions. By far the least costly, most effective, way to address energy and greenhouse gas emissions is through efficiency improvements in our buildings, homes, equipment, appliances, and factories. All of these areas are dealt with in this energy legislation, promoting much greater movement toward achieving the conservation that comes from expanded energy efficiency programs.

Another thing that is in this bill is building an interstate highway system of transmission capability. We can produce a lot of new renewable energy, but if we do not move it from where it is produced to where it is needed. We need to move it to the load centers otherwise it will not have done much good.

My home State, North Dakota, is No. 1 in wind production. The folks at the Department of Energy call North Dakota the Saudi Arabia of wind. We are almost born leaning toward the northwest against that prevailing wind. We have a lot of wind. The fact is we don't need wind power in our State. What we need to do is maximize the production of wind power and move it to the load centers. In order to do that, you need a national interstate highway of transmission capability. We are not able to build it now, but the energy legislation that passed the Senate Energy Committee will give us the opportunity to do that.

We have built 11,000 miles of natural gas pipeline in the last 9 years to send natural gas through pipes around this country. During the same period of time, we have built less than 660 miles of high-voltage interstate transmission lines. Why? Because with the current rules, it is very hard to build interstate transmission lines, you almost can't get it done.

So this legislation has a transmission piece I helped write that gives us the opportunity to say: We are going to maximize the development of renewable energy sources, such as wind energy from the heartland, and solar energy from the South and Southwest. This legislation would allow us to move it from these areas where the energy is produced and then move it to the load centers where it is needed, by way of an interstate highway system of transmission capability, which we do not now have. Building an interstate highway system of transmission lines would be a huge boost to this country's energy future and also a significant step toward reducing our greenhouse gas emissions. It would accomplish this

by allowing the development of clean energy sources, such as wind energy, solar energy, biomass, and others.

The bill would also reduce our dependence on foreign oil by transforming our transportation system. We are headed toward plug-in vehicles. Electrifying the short-haul transportation system is the best way to reduce the role foreign oil plays in our economy. By electrifying our cars at the same time as we reduce the amount of carbon produced by electric generation, which I will talk about in a minute, we not only cut our dependence on foreign oil but we also reduce our greenhouse gas emissions. Plug-in hybrid vehicles, I think, are a bridge to the electric future integrating the electric motor with a gasoline engine. All this is trying to aspire a new direction for our country.

I wish to say the most abundant resource we have is coal, and the energy legislation passed by the Senate Energy Committee also addresses the use of coal. Some people have said: Well, it might not be used in the future, I disagree completely. It is our most abundant resource. In this bill, we facilitate a large-scale demonstration and deployment of carbon-capturing storage technology which will allow us to continue to use coal while also capturing the carbon and using it for other products or sequestering it. But we can continue to use our most abundant resource, and we facilitate those necessary demonstration projects in this legislation.

This legislation will also be helpful to hydrogen and fuel cell technology in the future, which I am a strong supporter of. I believe hydrogen and fuel cell technology is another generation we need to work on with respect to the research. Finally, let me say I offered an amendment during the energy deliberations on this bill that opens the eastern Gulf of Mexico, including the Destin Dome in the Gulf of Mexico, for oil and gas development.

In other words, I believe we ought to do a lot of everything. We should be developing more, producing more including oil and natural gas. We should also find a way to produce coal in a manner that protects our environment, and we will. We should conserve more and save more. We should do all those things. But in the eastern Gulf of Mexico, there are about 3.8 billion barrels of oil and about 21 trillion cubic feet of natural gas. It makes no sense that we are so unbelievably and excessively dependent on foreign oil when we are not producing that which we have in our country. We should do all of that mindful of the environment; mindful of all the protections that are necessary. I understand that.

So I offered the amendment that opens the eastern gulf with a 45-mile buffer zone. I did not offer this amendment, but I will when we get it to the

floor. This amendment will allow our oil companies to compete for production capability in the Cuban waters. The country of Cuba is interested now in producing and leasing oil and gas. The Spanish are there, the Canadians are there, India is there, and China is interested, but our companies are prohibited because of an unbelievable 50-year moratorium, against the country of Cuba. A 50-year embargo, which is almost farcical in terms of its failure.

We are told it is okay for everybody else to go there. We are told there are a million barrels a day in those waters after the production. There is no one in the world that is better at the kind of ultra or unconventional deepwater drilling than America. We have done the research. We have done the work to understand that we drill better than anybody else in the world. Yet we are told our companies are not able to compete for leasing in those Cuban waters. This embargo makes no sense at all.

As I said previously, I happen to think we should do a lot of everything and do it well. Whether it is conservation or other related issues—producing more, conserving more—and increasing the use of renewable sources of energy, we will step, in a giant way, toward addressing climate change. It is exactly what we should do.

We are told: Well, you have to bring Waxman-Markey or you have to do this or that. What we have to do, it seems to me, is to be smart. The smart thing, in my judgment, would be to take the legislation the Senate Energy Committee has passed, which does all the things I have described. It would contribute, in a very positive way towards reducing our greenhouse gas emissions and increasing our national and energy security by making us less dependent on foreign oil and making us more dependent on American-produced energy.

I mean, why would we not want to have a much greater focus on American energy produced in this country? Why would we not want to have a much more significant focus on developing national aspirations for what we want to do with renewable energy? It is this old case of we kind of walk around and say: Well, whatever happens, happens. Well, the fact is we can't consign our future to that.

I have spoken about, I guess a dozen times on the floor, that my first car, as a very young boy, was one my father found in a grainery in an old abandoned farm in North Dakota. I bought it from the guy who put it in that grainery for \$25. It was a 1924 Model T Ford, completely rusty, with no wires or seat covers. All it was was a bunch of metal and a bunch of rust. As a young boy, I lovingly restored that old Model T. What I discovered, when I got it all done and running, was that you put gasoline in that Model T the same way you do in 2009 cars. Everything

else has changed except that. Cars are computerized today, but you still pull up to a gas tank, take the cap off, and put gas in that 1924 Model T, as you do with a brand spanking new Ford. That hasn't changed, but it must. It so describes how mired we are in our previous energy policies. We can't get out of the rut.

The Energy bill we passed in the Energy Committee gets us out of this rut, it makes us more secure, it strengthens our country, and it makes us less dependent on others for our energy sources. Particularly those who don't like us very much.

One final point. Several years ago, there was a blackout on the east coast. Just like that, all the electricity was gone. At that moment, almost everyone understood what energy meant to them, and we understood its connection to our daily lives. It is unbelievable. So the question of reliability of energy for our country. Where do we get it? How do we use it? What does it cost? What does it mean for our climate? These are all important, interesting, and in some cases difficult questions. We have addressed most of those questions in an energy bill Senator BINGAMAN and I and many others had a role in writing.

I hope very much, after the debate on health care legislation, as people start thinking and talking about energy and climate change, consideration will exist for bringing a good energy bill to the floor that is a significant step in the right direction toward climate change first. Then at some later point, bringing a climate change bill to the floor. Because I think they are related but separate. I think it would be much smarter to get the value and the success of an energy bill that has been passed by the committee and ready to be dealt with by the Senate at some point very soon.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### STEP BY STEP REFORM

Mr. ALEXANDER. Mr. President, I believe it is time for us in Congress to admit that we do not do "comprehensive" well, and that the era of the 1,000-page bill is over.

Look at immigration in 2007. Some of the best Senators here worked day and night trying to deal with that issue—Senator Kennedy, Senator KYL, Senator MCCAIN, Senator Martinez, and many others. They worked and they got 34 votes at first, not the 60 they hoped. Then finally they got 46 votes, 14 votes shy of the votes needed to pass a comprehensive immigration bill.

Or look at the economy-wide cap and trade as a way of dealing with climate change and clean energy. Senator MCCAIN and Senator LIEBERMAN worked on a bill 2 or 3 years ago. Last year the Warner-Lieberman version of the bill got 48 votes and it needed 60 votes.

Earlier this year we had 66 or 67 Senators, including two dozen Democrats, who voted to say don't put the economy-wide cap and trade through the so-called reconciliation process, the budget process which would take only 50 votes to pass.

Then, add to that, health care is in the ditch. The President has said there can't be any deficit added by the health care bill, so that kills deadlier than a doornail the House health care bill which has been worked on by several committees over there. It kills deadlier than a doornail the Senate health care bill because both add to the debt in the next 10 years and, according to the Congressional Budget Office and others who have reviewed it, add to the debt in the 10 years after that. So the President said he won't sign a bill with any deficit, the House bill is deadlier than a doornail, the Senate bill is deadlier than a doornail, and we still have unresolved problems even if you fix the debt problem.

We have the President saying he is going to take the savings out of Medicare to pay for the bill. Many of us believe that any Medicare savings ought to be spent on Medicare. We ought not take money from Grandma's Medicare and spend it on anybody other than Grandma, because the program is about to go broke in 2017. The Democratic as well as the Republican Governors are worried about what the Governor of Tennessee called "the mother of unfunded mandates," when these bills say we are going to expand Medicaid and we might pay for it a few years in Washington but after that we are going to shift it to the States with hundreds of millions of dollars of new State taxes. Employers are worrying about raising taxes in a recession. Older Americans, seniors, are worried about whether some government official is going to say you can't have your hip replaced because you are 70 years old. If debt hasn't killed the Senate and the House bills, all these other issues are still out there.

I propose we take a page from a famous little book which was widely passed out in Iowa and New Hampshire in 1995 and 1996. It is called Lamar Al-

exander's "Little Plaid Book." I used it when I ran for President of the United States. Obviously not enough people read it for me to be successful. It has lots of good instructions about rules, lessons, and reminders about running for office and making a difference, whether you are President of the United States or president of your senior class. Here is rule 259:

Keep in mind that enough small steps in the right direction will still get you where you want to go.

Mr. President:

Keep in mind that enough small steps in the right direction will still get you where you want to go.

I think we should take that advice. I think it is plainly obvious that we in Congress have been biting off more than we can chew—on immigration, on health care, and on other issues. We have been producing 1,000-page bills which, in truth, most Members of Congress have not even read and in which voters have no confidence, and out of which will come unintended consequences and results that are bad for our country. The worst consequence is that the ambition of ours is so large, to solve these problems, that it inevitably adds to the debt—the national debt, the Government's debt, our taxpayer debt—at a time when we are adding \$9 trillion to the debt in just 10 years and everyone is worried about how we are going to pay that back; and at a time, fairly or unfairly, when the American people are saying the new administration, it seems, has a new Washington takeover every other day: taking over banks, taking over insurance companies, taking over student loans—nobody asked them to take over student loans, they are just going to take them all over, all 15 million student loans are going to be run out of the U.S. Department of Education—taking over your farm ponds, maybe taking over health care, taking over car companies, maybe taking over climate change by having a czar in the Environmental Protection Administration wave a magic wand and impose it on the country.

The American people see 32 so-called czars who are unaccountable and it looks like a runaway Federal Government with no checks and balances.

Senator BYRD, the senior Democrat, has warned about the consequences of these unaccountable czars. Senator HUTCHISON, Senator COLLINS—senior Republicans—have warned about that as well.

Instead of thousand-page bills that do not succeed and in which the people of this country have no confidence, I suggest we change course, we follow rule 259 in the "Little Plaid Book," and we begin to work on major issues facing our country, step by step, to re-earn the trust of the American people, to begin to solve the big challenges of this country. We bite off what we can

swallow. We make sure we get it right and after we have taken the first steps then we can take another series of steps until we eventually resolve the problem. A few steps in the right direction is a good way to get where you want to go.

How would this work in practice? Let's take health care. Instead of a trillion-dollar thousand-page comprehensive health care government-run plan, as a first step we might allow small business pooling to reduce health care costs, increase accessibility for small business owners, unions, associations and their workers, members and families. This bill has been here for 4 years. It is ready to pass. There are actually competing bills. But the estimates are it would add a million workers that small businesses could afford to cover by insurance. That is a good step in the right direction.

We might reform medical malpractice laws so runaway junk lawsuits don't continue to drive up the cost of health care. In Tennessee, there are 60 counties where there are not any OB/GYN doctors. That means mothers in those 60 counties of Tennessee have to drive a long way, they have to drive to Memphis, maybe 60 miles, to get the prenatal health care to have their babies. The President mentioned the other night some steps about junk runaway lawsuits, so there is a second small step we could take that could make a big difference about cost.

Third, we could allow individual Americans the ability to purchase health care across State lines as they can with car insurance today. We can probably agree on that here and it would probably make a difference. I used to be a Governor so I have an aversion to not respecting State lines, but in this case we may need to do this because the cost of health insurance could come down if we did it and cost is what we are focused on.

No. 4, we could ensure that Americans who currently qualify for existing programs such as Medicaid and the Children's Health Insurance Program but are not enrolled get signed up. There are 11 million Americans, 20 percent of all the uninsured people in this country, who are eligible for current government programs called Medicaid or the Children's Health Insurance Program but have not signed up. Rather than wringing our hands about whether to pass some new thousand-page bill to try to run up the debt and deal with uninsured people, why don't we sign up the uninsured people who are already eligible for programs, and, No. 5, create health insurance exchanges so Americans can find affordable coverage. The President mentioned that the other night. It is in almost all the Republican bills. In other words, that is just a marketplace, a shopping center where you can go look for a variety of programs.

No. 6, we could enact meaningful insurance market reforms, meaning you are guaranteed you can get a policy and that if you have a preexisting condition, you can get affordable coverage. If we did this, this would probably raise the cost of insurance for some Americans. It would mean that every American would either have to be automatically enrolled or have to be enrolled. But a lot of Americans are getting tired of paying an extra \$1,000 on their health insurance just so you do not have to buy any until you are on the way to the emergency room. So maybe we can do that as well.

Those are just six steps. But six steps of that size in the right direction are a good way to get where we want to go. Then, if we can pass those, maybe we can pass six more.

Or take clean energy. What do we have facing us out of the House of Representatives? A massive contraption, spending hundreds of billions of dollars a year, causing us to lose millions of jobs under an economy-wide cap-and-trade climate bill.

That climate bill that is proposed by the House would raise the electric bill for every American and raise the price of your fuel at the gasoline tank. It is a high-cost energy and climate change bill. Well, instead of a high-cost energy and climate change bill, how about taking a few steps in the right direction toward a low-cost one?

One. What about building 100 new nuclear plants in 20 years? That would double the amount of nuclear power we produce. Nuclear power is 70 percent of our carbon-free electricity. Is not carbon-free electricity supposed to be our goal? Did we not invent nuclear power in the Atoms for Peace Program? Is not the rest of the world now way ahead of us? And have not our Navy submarines operated safely since the 1950s and effectively with nuclear power and does not Dr. Chu, the Energy Secretary for this administration, a Nobel Prize winner, say they operate safely in America and that we can safely store the waste for the next 40 or 60 years while we decided how to reprocess it so it does not produce plutonium? The answer to all that is yes. So why not build 100 nuclear plants in 20 years? We have done it before, we can do it again.

Two. We can make half the cars and trucks plug-in electric cars and trucks in 20 years. I think we can agree on that on both sides of the aisle. We can do that without building any new power plants because we have so much unused electricity at night; if we plug in at night at a cheap rate, we can fuel our cars and reduce our imported foreign oil, keep our fuel prices low, use less gas, clean the air, and deal with climate change all at once.

Three. Offshore exploration for natural gas and oil. We need plenty of natural gas if we want our manufacturing

companies to stay here with their jobs. We need plenty of natural gas. Every new big power plant built in the last 20 years has been a natural gas plant because it has less carbon than coal. We do not want to be importing natural gas in the same way we import oil. So let's do that.

Four. Then double clean energy research and development. Instead of subsidizing entrepreneurs, let's have a mini Manhattan Project for the most promising efforts to make solar costs competitive, to make possible the recapture of carbon from existing coal plants, to have better electric batteries, to have advanced biofuels from crops we do not eat.

So there are four steps in the right direction on clean energy which would actually lower our prices, instead of a 1,000-page bill, which would begin to collect hundreds of billions of dollars a year and put much of it in a slush fund that Congress would spend and raise your taxes, have all sorts of unforeseen consequences, send manufacturing jobs fleeing overseas; that would be what we should not do.

Immigration. I mentioned immigration before and how the best Members of this body were trying hard on immigration, and it fell of its own weight. I do not think we can pass a comprehensive immigration bill. But I think we can take several steps in the right direction, such as a secure work card, a tamper-proof worker ID card, to make sure workers are legal.

Senator SCHUMER has talked about that. I join him in talking about it. Most of the people who are illegally here are here to work. If they have to prove they are legally here, that will dry up the number of people illegally here and then we can deal with that.

Second, we could achieve full operational control of our borders. President Bush and the Congress made a lot of progress on that, not always recognized, but we need to finish it. And third, help legal American immigrants and new Americans learn English and learn civics and learn American history and assimilate into our society and learn what it means to be an American.

We can take the first steps on debt and fiscal responsibility, instead of more bailouts and doubling our debt, which is the route we are on. We can end government ownership of car companies, we can have a bipartisan commission to control spending. We call that the Gregg-Conrad bill because it means the commission would decide how to control spending, recommend it to us, and we would vote up or down, or a similar BRAC-like Commission to do the same thing. There are other steps we can take to reduce the debt. We might not be able to reduce it all in 1 day or all in one bill. But a few steps in the right direction to reduce the debt are a good way to get where we want to go.

The same on taxes. Instead of a complicated Tax Code that penalizes working families, we probably would fail if we came in with a comprehensive proposal to change the Tax Code. In fact, President Bush asked two respected former Members of the Senate, John Breaux and Connie Mack, and others to recommend a plan to us. They recommended a pretty good plan, and it got lost in the dark. Nobody ever heard another word of it, probably because it was a comprehensive plan.

Why do we not take a few steps in the right direction, such as an optional one-page flat tax, such as doubling the child tax credit to make it easier for parents to be better parents, such as ending the death tax on families with assets of less than \$5 million?

And then coming up soon: financial regulatory reform. We had a bipartisan breakfast this morning on this subject. Fifteen Senators attended, listened to Senator DODD, a Democrat, and to Senator SHELBY, a Republican, talk about financial regulatory reform. After the near collapse of the economy a year ago, we all know we need that. We would be best off doing it in a bipartisan way. But, again, rather than come up with a 1,000- or a 2,000-page bill on financial regulatory reform, maybe we can take a few steps in the right direction.

Bipartisanship helps, but it is not, as some might say, an opportunity to sing "Kumbaya." The Senate is a place for differences of opinion vigorously expressed. If we do not have those, we would not be here. The real value of bipartisanship is a better bill and a bill in which the people who elected us will have confidence.

Such bipartisanship is absolutely essential to any comprehensive bill and even to a few steps. We had it on the Energy bill of 2005, which got 74 votes. We had it on the America Competes Act, an early version of which got 70 cosponsors. The Gang of 14 had it when we were dealing with Supreme Court nominees. On the controversial TARP vote, we had bipartisan support with 74 votes.

How did we get it? We worked in the open with no secrets, everyone gets credit. I am afraid that even when we have that spirit, the problems we have to tackle are so large we need to begin to solve them in pieces. These are problems we must solve. But we are not a debating society. In the end, we need to get a result. I have concluded that the best way to get a result on health care, on immigration, on other major issues facing our country is to put aside the 1,000-page bills, and re-earn the trust of the American people by working step by step to begin to solve the challenges facing our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

## HONORING NORMAN BORLAUG

Mr. BOND. Mr. President, today is an opportunity to honor an unassuming and too often unsung hero, a humanitarian credited with feeding 1 billion people and saving the lives of hundreds of millions of people throughout the world.

There are few who have walked the Earth who have had the impact Norman Borlaug had; not only in his own country but in the areas of the Earth he referred to as the "forgotten world."

As an Iowa farm boy, Dr. Borlaug recognized there are no miracles in agricultural production, there is science. Norman Borlaug is the father of the green revolution. He warned that fear-mongering by environmental extremists against pesticides, fertilizers, and genetically improved foods would again put millions at risk of starvation while damaging the very biodiversity those extremists claimed to protect.

In fact, Dr. Borlaug's green movement does not provoke a war of man versus plant, it strengthens that relationship by using science to supplement the Earth's natural resources and provide a stable food source for a stronger and healthier world.

Biotechnology has breathtaking possibilities for improving human health, the environment, and enhancing agricultural production around the world. Already, hundreds of millions of people worldwide have been helped by biotechnology drugs and vaccines. There are many more drugs and vaccines currently being tested which will eventually help us wipe out other diseases as well.

For thousands of years, farmers have fought countless pests and diseases that have destroyed crops and limited production. Biotechnology is bringing hope to those in the developing world by providing crops that are more tolerant of drought and more resistant to insects and weeds and more nutritious.

Biotechnology is also increasing the nutritional value of foods produced by increasing the vitamin and mineral content of crops grown and reducing fat.

Bt, *Bacillus thuringiensis*, is a natural insecticide in the soil. It is being transplanted into corn, potatoes, cotton, and rice, allowing farmers to produce more food with far fewer chemicals.

In the United States, use of transgenic seeds has reduced pesticide application on our fields by tens of millions of pounds annually. Dr. Borlaug's work focused on the principle that wealthy nations have many problems, hungry nations have only one. He stated that: "Without food, many can live at most but a few weak; without it, all other components of social justice are meaningless."

Today, in the United States and in this Congress, we have the luxury of being concerned with so many other

issues because our bellies are full. In an excerpt from Dr. Borlaug's epilogue from his biography, "The Mild Mannered Maverick Who Fed a Billion People," he underscored that "Helping struggling subsistence farmers produce a food surplus is the way to rid the world of much poverty and misery."

Dr. Borlaug's work will be remembered as the catalyst in solving world hunger and we, as world citizens, are forever indebted to his humanitarianism and a reminder of what science can do and why it should be defended and promoted.

Today, let's all give thanks for the life and honor the memory of one of the foremost humanitarians of our age, Dr. Norman Borlaug. His passing earlier this week is a cause for the celebration of his life and a dedication to continuing his work as the best tribute we can provide to this truly great humanitarian.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BURRIS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HEALTH CARE REFORM

Mr. BURRIS. Madam President, we have heard a great deal about health care reform over the past few months. It is an issue that excites passion in many people, from the White House to Wall Street, from the Halls of Congress to the streets of Middle America. Last week the President called this Congress to action. He drew a line in the sand: We must improve the quality of health care in America and reduce cost, we must stop insurance companies from dropping the coverage of those who need it most, and we must make sure every single American can get quality, affordable care. We can all agree on these simple goals, but there is wide disagreement about how to get there.

I recognize this issue may be easier for me than it is for many of my colleagues. I will not be running for reelection next year, as many in this Chamber will. Because of this, I am free to focus my attention on policy rather than politics. I don't have to worry about political concerns. I don't have to think about what the special interests will say or what campaign donors will think about my latest vote or statement on the Senate floor. When I

evaluate an idea, I only have to ask one question: What does this mean for the American people?

I believe health care reform is too important to be consumed by political concerns. I ask my colleagues to take a moment and ask the same question. As we look at health care reform, what would a public option mean to the American people? The answer is clear. A public option would provide stability and security because it is easily portable. A public option will introduce accountability, choice, and competition to the national health insurance market. It will provide a safety net for those who cannot afford private insurance. It will not be a government takeover of health care. Let me repeat that: It will not be a government takeover of health care. No other proposal would be as effective; no other plan can accomplish our goals.

I ask my colleagues to separate politics from policy. Let's take a look at the facts. Critics have said a public plan will cost too much. To back up this claim, they cite studies performed by the same corporate insurance giants that posted record profits in a time of hardship for many Americans. These companies can increase profits by charging higher premiums and denying coverage to the sick. They have an interest in trying to prevent the kind of reform that will benefit American families. That is why their numbers make the public option look bad.

But the nonpartisan Congressional Budget Office conducted a study that tells a very different story. Rather than costing us money, the CBO estimates that a health care insurance option will save taxpayers \$150 billion over the next 10 years.

I believe we should not compromise on the public option because it will be the key provision that can provide choice and cut costs. I believe the American people deserve \$150 billion in savings. Apparently, some of my Republican colleagues disagree because they continue to oppose a public option. That is bad policy, and it is bad politics.

Critics have suggested we include a "trigger" mechanism in the health care bill. This would allow a public plan to compete with private companies only if other reforms failed to bring costs under control. This sounds like a reasonable proposal, but we have already seen the mechanism at work.

In the early 1990s, when President Clinton and a Democratic Congress tried to pass health care reform, insurance companies brought costs under control. Health care costs grew by only \$38 billion every year that Congress debated reform. Insurance corporations must have been afraid that reform would hurt their profits, so they self-regulated, keeping costs under control until the threat of reform had passed. Then when Republicans claimed the

majority and health care reform was dropped, costs began to skyrocket. Between 1996 and 2007, the cost of health care increased by about \$102 billion every single year.

These numbers are clear. Fourteen years ago, we saw exactly what a trigger provision would look like. It simply doesn't work. What we need is a public option, plain and simple. It is time to abandon half measures. It is time to abandon empty political gestures. The evidence is clear we must make a public option a central component of the health care reform legislation. It will compete with private insurers, resulting in better coverage for everyone. It will improve health care outcomes and allow Americans to keep their current doctor. It will provide stability and security, especially if someone loses their job and needs to buy their own coverage. It will save money and reduce the burden on American businesses and families. It will not lead to a government takeover of the health care industry, as some critics have claimed. These claims have no basis in fact, and we have heard them before.

Allow me to quote a Republican Senator on the floor of this Chamber who said if a health care reform bill is enacted, "it will be the beginning of the end of private hospitals and medical insurance for individuals over 65." That is a dire prediction. These words were spoken by Senator Carl T. Curtis of Nebraska. But he wasn't talking about the current health care bill. Senator Curtis spoke these words more than 40 years ago in opposition to the Medicare law that established one of the most successful programs in American history.

A public option would not destroy private insurance. It will merely help the American people hold them accountable. As President Obama reminded us in his recent address, there are many thriving private universities in this country, even though they compete directly with public universities.

Over the weekend, I was speaking with a friend of mine who is a lawyer. He runs his own small practice, and he is proud of it. The subject of health care reform came up, and he told me he was worried. Costs went up so much, so fast that he could no longer afford to provide health care for all of his employees. He had no choice but to cut benefits or drop coverage for some of the people who worked for him.

Sadly, my friend is not alone. Thousands of American small businesses are face to face with the same tough choices. But it doesn't have to be this way. I told my friend about the public option. I explained how it would compete with private companies and the insurance industry, driving prices down, which will allow him to shop around and find the right plan for an affordable price. He loved the idea. He told me the public option would save

money and allow him to commit to the people who worked for him.

I am convinced that a public option is the best and most effective way to address the health care crisis in America today, and we can make it happen. The majority of Senate Democrats has said they would consider voting for such a measure. Only one has come out against it. So let's seize the chance to enact reform. Let's give the American people the health care choices they deserve. After all, if the public option is good enough for Members of Congress, it should be good enough for the American people. Let's extend a high-quality congressional health care plan to everyone. Let's pass a public option that will reduce costs and increase accountability. That is good policy, and it just so happens it is also good politics.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. GILLIBRAND). Morning business is closed.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3288, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, again, we are on the floor of the Senate today considering the transportation-housing appropriations bill. This is a major appropriations bill with funding for States across the country. I have been talking with a number of Senators who have amendments they would like to offer. Again, this is now the fourth day we have been on the Senate floor. We started on Thursday, we were here Friday, and we were here yesterday. We are here again today. The majority leader would like us to finish this bill tomorrow. We have other appropriations bills that need to be done and conferences to be concluded in order to meet important deadlines for this fiscal year.

Again, I want all Members to know we need them to offer their amendments, if they intend to, so we can wrap up this bill by tomorrow. I expect a few Senators will be here shortly to offer amendments. If other Senators are going to offer amendments, if they could please let us know so we could

get them up in order and get votes scheduled so we could move to conclusion on this important bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2375

Mr. MCCAIN. Madam President, I call up amendment No. 2375 and ask that it be made pending.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2375.

Mr. MCCAIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that all amounts in the bill provided for congressional earmarks shall be made available for NextGen and NextGen programs)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, amounts provided in this Act for a congressionally directed spending item shall be made available to the Department of Transportation for NextGen and NextGen programs.

(b) In this section, the term "congressionally directed spending item" shall have the same meaning given such term in rule XLIV of the Standing Rules of the Senate.

Mr. MCCAIN. Madam President, this amendment would take \$1.7 billion in earmarks and porkbarrel projects in this bill, 589 congressionally directed spending projects known by most Americans as earmarks, and instead redirect that money toward air traffic control modernization. Modernizing our outdated air traffic control system will positively impact all Americans, not just a favored few. It would decrease airport delays, improve the flow of commerce, and advance our Nation's air quality by reducing aircraft carbon emissions, unlike earmarks that only affect a small segment of our Nation's population and generally those Americans who happen to live in a State represented by a Senator who is a member of the Appropriations Committee.

For example, the distinguished manager of the bill had secured more earmarks than any other Member—50 earmarks—including \$2 million for a bike trail in Spokane—a bike trail. Right now, with the American people hurting all over America, we are going to spend an additional \$2 million of their money for a bike trail, and \$750,000 for a Freight Transportation Policy Institute. Madam President, \$750,000 of my

taxpayers' dollars is going to be spent in the State of Washington for a Freight Transportation Policy Institute.

Other earmarks in this bill include \$500,000 for construction of a beach park promenade in Pascagoula, MS. According to Citizens Against Government Waste—an organization that has done incredible work on behalf of the taxpayers of America for many years—

The population of Pascagoula in 2008 was 23,609; if each resident of the town paid \$21.18 toward the beach park promenade, federal taxpayers, most of whom are unlikely ever to visit, would be off the hook.

That is the point. Most Americans will never benefit from these earmark projects, except for those who happen to ride bikes in Spokane, WA, or walk the beach of Pascagoula, MS.

Alternatively, all Americans are impacted daily by our Nation's air traffic control system. Every day Americans sit on a runway and miss meetings, children's soccer games, family dinners, and other important events due to air traffic control delays that could have been avoided if our Nation had a modernized air traffic control system.

Thousands of goods are delayed for delivery each day due to air traffic delays, which results in more than \$40 billion of costs each year that are passed on to consumers, according to the Joint Economic Committee. The Government Accountability Office estimates that one in every four flights is delayed. In 2007, the aviation industry recorded the second worst year for delays, with 27 percent of all flights that year being delayed. When you look at places such as the Eastern corridor, it is far worse. Although air traffic overall was down in 2008, due in part to economic factors that led airlines to reduce service, there was no significant reduction in traffic at the most congested airports, such as those in the New York and New Jersey area. Congestion and delays at key airports cascade across the entire system. Moreover, according to the FAA, even if traffic is reduced, congestion at these key airports will not be significantly reduced without implementing a modernized air traffic control system.

The airlines have called our air traffic control system "an outdated World War II radar" system. The FAA's Next Generation Air Transportation System, NextGen, will transform the current ground-based radar air traffic control system to one that uses precision satellites; digital, networked communications; and an integrated weather system. Moving from a ground-based to a satellite-based system will enable more flights to occupy the same airspace, meaning the ontime performance improvements would be a reality with triple the aircraft capacity, according to the airlines.

However, the administration and Congress have not provided adequate

funding toward air traffic control modernization and instead continue to fund billions of dollars of earmarks. The FAA estimates it will cost up to \$42 billion to implement a modern air traffic control system. Congress only appropriated \$188 million for air traffic control modernization in 2008 and \$638 million in 2009. The bill before the Senate today only dedicates \$358 million toward air traffic control modernization, but it dedicates \$1.7 billion toward earmarks. Get that: \$358 million toward air traffic control modernization, which will benefit all Americans; \$1.7 billion in earmarks.

Instead of providing Americans with something they want, which is ontime airline departures and arrivals, Congress spent close to \$1 trillion of taxpayers' hard-earned money on a stimulus bill that provided \$500,000 to build a skate park in Rhode Island, \$14 million for construction of an airport in an Alaskan town with only 167 residents that is 10 miles away from an airport, and millions to New York welfare recipients for the purchase of cell phones. Congress also spent close to \$3 billion of Americans' hard-earned tax dollars on a Cash for Clunkers Program.

At some point, at some point—and it is beginning out there, my friends. I tell my colleagues, it is beginning. It is beginning with the tea parties; it is beginning with marches on Washington; it is beginning with the demonstrations and rallies all over America. It is out there. They are sick and tired of the corruption that exists in our Nation's Capital.

I noticed the other day there was another individual who was caught up in the Abramoff scandal going on trial. That is now 22 people who have either pled guilty or been found guilty over the Abramoff scandal on which I am happy to say the Senator from North Dakota, Mr. DORGAN, and I worked. And guess what the scandal was all about. It was about earmarks. It was about porkbarrel projects. That is what that Abramoff scandal was about. That is why Duke Cunningham resides in Federal prison. That is why there are people under investigation, and there will be more indictments.

The American people are sick and tired of it. They are sick and tired of it. So we have to stop it and at least spend money on worthy projects that will impact all Americans.

Earlier this year, the President stated:

[E]armarks have been used as a vehicle for waste, and fraud, and abuse. Projects have been inserted at the 11th hour, without review, and sometimes without merit, in order to satisfy the political or personal agendas of a given legislator, rather than the public interest. There are times where earmarks may be good on their own, but in the context of a tight budget might not be our highest priority.

That is what the President of the United States says. Well, if the Presi-

dent of the United States is serious, he will veto this bill. He will veto the \$1.7 billion in earmarks and porkbarrel projects that are in it. And he is right; earmarks have been used as a vehicle for waste.

In 2001, the Senate passed the fiscal year 2002 Transportation appropriations bill conference report that included an earmark for the Odyssey Maritime Discovery Center. That Discovery Center happened to be in Seattle, WA. I have a picture of it in the Chamber. The Discovery Center opened in 1998 but has seen decreased attendance year after year despite continued Federal earmarks.

As the Seattle Post-Intelligencer wrote in 2003:

Container ships and fishing nets don't scream "sex appeal". . . .

The Discovery Center procured \$250,000 from an earmark sponsored by the Senator from Washington in the fiscal year 1998 Commerce-Justice-State appropriations bill, \$3 million in the fiscal year 2002 Transportation appropriations bill, and \$475,000 in the fiscal year 2006 Commerce-Justice-State appropriations bill.

As a result of that earmark, the museum put out a press release. Madam President, I ask unanimous consent that press release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Business Wire, Dec. 4, 2001]

ODYSSEY EXPRESSES APPRECIATION TO SENATOR MURRAY FOR SECURING \$3 MILLION FOR NEW TRANSPORTATION EDUCATIONAL INITIATIVES AND PROGRAMMING

Funding will address the development of new educational initiatives, programs and interactive exhibits.

Michael Bittner, Ph.D., Executive Director of the Odyssey Maritime Discovery Center, today expressed appreciation to U.S. Senator Patty Murray (D-Wash.), for securing \$3 million for new transportation educational initiatives, programs and exhibits for Odyssey.

"The Puget Sound region handles the second largest amount of shipping container traffic in North America, demonstrating that transportation is not only about laying asphalt. Senator Murray's unwavering commitment to educating the public about the need and value of sea transportation is integral to the Washington State economy maintaining its competitive edge in today's global marketplace. That is what Odyssey is about," said Bittner.

"Washington State is the most transportation and trade dependant state in the nation. Odyssey is in a unique position to educate our public and our children about the need to enhance our transportation infrastructure so this region can maintain and expand its status as the nation's leading gateway to the Pacific Rim," said Stanley H. Barer, Odyssey chairman and local transportation executive.

"Odyssey's exhibits and teaching materials on how inter-modal transportation works domestically and internationally go to the heart of these issues. Our annual job fair, which is attended by high school students throughout the State exposes our children to

important and well-paying jobs in our transportation sector. Senator Murray has exceedingly well-served transportation and particularly this region through this appropriation. I congratulate her and thank her," said Barer.

Bittner said the federal funding will address the development of new educational initiatives, programs and interactive exhibits that educate all ages, particularly P-12 school aged children in King and neighboring counties and throughout Washington State, about the role of maritime in all daily life as well as in the regional and global economies.

ABOUT ODYSSEY, THE MARITIME DISCOVERY CENTER (WWW.ODY.ORG)

Odyssey is the nation's first discovery center to celebrate the contemporary links to the Puget Sound and the North Pacific—including shipping, trade, transportation, commercial fishing, recreation, and marine protection. Odyssey's vision is to be recognized worldwide as the Portal to the Pacific Experience—a one-stop, must see passageway to our waterfront; a high tech, high touch source of discovery that educates and enriches understanding of the maritime experience. Trade, transportation, fisheries, recreation, and the marine environment are central to the economic and social well being of our Pacific Northwest and global communities. Through Odyssey's innovative educational initiatives, programs and exhibits, people of all ages can discover the influence of trade, transportation and related maritime activities on our daily lives and on the regional and global economies. Located on Seattle's majestic waterfront at the Bell Street Pier 66, Odyssey features 20,000 square feet of interactive exhibits and meeting space.

Mr. MCCAIN. The press release states:

Michael Bittner, Executive Director of the Odyssey Maritime Discovery Center, today expressed appreciation to U.S. Senator Patty Murray for securing \$3 million for new transportation educational initiatives, programs and exhibits for Odyssey. "Washington State is the most transportation and trade dependent state in the nation. Odyssey is in a unique position to educate our public and our children about the need to enhance our transportation infrastructure so this region can maintain and expand its status as the nation's leading gateway to the Pacific Rim. . . . Senator Murray has exceedingly well-served transportation and particularly this region through this appropriation. I congratulate her and thank her."

In 1997, while seeking an earmark of \$250,000 for the center, Senator MURRAY said:

The Center will establish an educational link between the everyday maritime, fishing, trade, and environmental activities that occur in the waters of Puget Sound and Alaska, and the lessons students learn in the classroom. Through high-tech and interactive exhibits, over 300,000 children and adults per year will discover that what happens in our waters, on our coast lines, at our ports affects our State's and Nation's economic livelihood.

Madam President, 300,000 people—children and adults—do not show up every year; 100,000 people do not show up every year; 50,000 people do not show up every year. Madam President, 30,000 people showed up in most years.

In January 2008, the Seattle Times reported:

The Port of Seattle wants to stop subsidizing the money-losing Odyssey Maritime Discovery Center Museum, which owes the Port \$1.5 million in back rent and has received millions more in taxpayer assistance.

The article also stated:

Odyssey, which bills itself as the nation's only contemporary interactive maritime museum, has never hit its attendance targets. At its inception, the facility on Seattle's Pier 66 hoped to attract 300,000 visitors a year to pay its rent and operating costs. Instead, it has attracted fewer than 30,000 visitors most years. According to Odyssey's most recent available tax form, the museum received revenues of \$262,000 in 2005 and had expenses of \$1.6 million.

In fact, according to a February 2002 article in the Seattle Times, "the Port authority agreed to help Odyssey by taking 30,000 free tickets a year in lieu of \$21,000 in monthly payments" for rent.

However, the article continued:

Fewer than 10,000 of the visitors used the free tickets from the port.

The Discovery Center was not even able to attract visitors when the tickets were free. When the Port Commission terminated the museum's lease, a port spokeswoman stated:

It is finally acknowledging this museum isn't ever going to succeed as currently structured.

So what did Americans' hard-earned dollars get for the \$3 million earmark for "educational initiatives, programs, and exhibits"? According to a 2003 article in the Seattle Post-Intelligencer:

Spinner's Riddle, an informational scavenger hunt . . . At each station [participants] had to answer exhibit-based questions such as, "In the Quiet Bay, what kind of worm is listed?" The answers helped solve the riddle: "What time do sharks like to go to the dentist?"

Also available due to taxpayer dollars:

A rack of orange survival suits kids can try on, a simulator that lets you "steer" an 850-foot-long virtual container ship. . . .

Et cetera, et cetera, et cetera.

So despite \$3 million of taxpayer money spent on these interactive exhibits, attendance continued to fall, and this past year the museum closed its doors except to host private parties such as in December when it hosted a fashion show. The invitation read:

This December, treat yourself to the Best of the Best . . . the Mother of all Fashion Events. . . .

It went on to say that the museum was "re-transformed with a massive stage and runway lighting and concert-quality sound you will feel the Glitz and Glamour of a Los Angeles Red Carpet Event."

However, that was not the only earmark in the fiscal year 2002 appropriations bill that failed to perform.

Let me point out, at the time—at the time—I took to the floor and objected strenuously to this \$3 million earmark. I objected strenuously to it on the grounds—I did not know it would fail—

I am not surprised it would fail, but I was not surprised. Why in the world, why in the world—should my constituents in Arizona give \$3 million to a museum that is going to fail?

It is supposed to be for much needed transportation projects. Drive around America and see whether we need to spend transportation money on a failed museum, or do we want to spend it on the things we need?

So that was not the only earmark in the fiscal year 2002 appropriations bill that failed to perform. Also tucked in—and I objected to it at the time—was "\$4.5 million for a boat that nobody wanted," according to the headline of an October 14, 2007, article in the Seattle Times. The article continued:

The Navy paid \$4.5 million to build the boat. But months before the hull ever touched the water, the Navy gave the boat to the University of Washington.

If we want to give money directly to the University of Washington, my friends, let's give it to the University of Washington. But this was supposed to be for the U.S. Navy. And why did the Navy do that? Because the Navy strongly stated they did not want the boat to start with. Yet the Senator from Washington, in her wisdom, decided that the Navy needed that boat. It did not need the boat.

But months before the hull ever touched the water, the Navy gave the boat to the University of Washington. The school never found a use for it either. Why would the Navy waste taxpayer dollars on a boat nobody wanted?

Earmarks were inserted into different bills to force the Navy and the Coast Guard to buy boats they didn't ask for—\$17.65 million in all, \$17.65 million in all for two boats that neither the Navy nor the Coast Guard wanted, and now one belongs to the University of Washington and the other belongs to a sheriff.

In fact, some of the boats were never even used, period. One boat was given to the University of Washington, which sold it to the Federal Government's National Oceanic and Atmospheric Association's National Marine Sanctuaries Program for a regional sanctuaries research program doing research all along the west coast. However, NOAA e-mailed my staff today and stated that this boat has been out of service since January, since there is no funding available to support a project on this boat.

According to a story that aired on PBS's "Frontline," one of the Coast Guard boats was sold to the Alameda County Sheriff's Department and, according to a sheriff's deputy, "We paid \$1 for this boat, and I don't think we actually paid a dollar, but it was turned over to us." This is a \$4.5 million boat that the Navy and Coast Guard did not want. These boats were constructed—\$4.5 million for each—and neither one was ever used by the Coast Guard or the U.S. Navy.

These are just two examples of wasted taxpayer money spent on earmarks that were not necessary and not beneficial. Instead, Congress and the administration should refocus their efforts and priorities toward improving all Americans' lives by modernizing our air traffic control system.

I ask my colleagues to support the amendment to take the \$1.7 billion in earmarked funding toward the implementation of air traffic control modernization that will improve the lives of all Americans.

There are a lot more stories out there of these earmarks and porkbarrel projects that were inserted, such as the museum and these boats the Navy and Coast Guard never wanted, and we wasted \$17.5 million.

The American people are rising. They did it over the weekend here in our Nation's Capital when tens of thousands of them said: No more mortgaging our children's futures and no more of this earmarking, porkbarrel spending, which has spread corruption.

I ask my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I thank my colleague from Arizona for bringing this amendment to the floor. I was hoping to have the chance to discuss some points with him. But first, let me share some clarifications with my colleagues.

If I remember correctly, cash for clunkers was an executive branch decision, using money they had at their discretion. When you talk about money at discretion, huge amounts of money are going to bureaucrats in the administration, and when you look at some of the spending, I think many of us have wondered why it is being spent in that way. Regrettably, I think Congress has given the previous administration and this administration far too much money without any congressional guidelines. If one should look at article I, sections 8 and 9 of the Constitution, you would see that we in the Congress have a responsibility to make sure taxpayer money is spent in ways that are most productive. It is our responsibility. When we make a mistake, we can be held responsible. But who has ever held a bureaucrat responsible for wasting billions and billions of dollars? If my colleague from Arizona doesn't like cash for clunkers, maybe he ought to go after the people in the administration who made that decision.

He mentions a couple of instances of abuse of the earmark process. As he pointed out, those were punished criminally with criminal sanctions against the people who committed criminal activities. That is the way it should be.

We need to be able to have open and free discussions on the floor about how

money is spent. That is why I welcome this opportunity to discuss the points raised by my colleague from Arizona.

He has rightfully pointed out the importance of NextGen, the new aviation traffic safety scheme and administration for the FAA. Well, we have been supporting that—the chair, Senator MURRAY, and I—for years. We put as much money into that program as can reasonably be spent this year. That is why it is such a shock to see that he would propose to throw a billion-plus dollars more into that program when it cannot be properly spent. It will then be subject to use as the administration, in its unfettered discretion, wants to use it.

We believe we must continue to monitor the NextGen progress, and when we have major programs like this, they require not only oversight by the administration but by the Congress. That is our job. We are proud to do it, and we will continue to do it. We will ask the tough questions that, apparently, too infrequently are asked by people in the executive branch. I assure you, we have been, we are, and we will continue to be supportive of all reasonable progress and all the work that can be done on NextGen.

Let's just take one small example of what the Senator's language would eliminate. The chair and I added money for flight safety officers—people who examine airlines to make sure that those who are flying are flying safely.

Everybody heard about it and everybody still remembers, if you think about it, last winter's tragic air crash in northern New York State. There were so many things wrong. It was unbelievable: the black marks on the pilot's record, the failure to have a properly trained and disciplined copilot. The list of mistakes was unbelievable.

I had the pleasure, as I stated earlier, of going to a civic club luncheon in my home State in Mexico, MO, and a regional official for the FAA was talking about those problems. My colleagues in the civic club were astounded, and they said: Aren't you supposed to be regulating that? Isn't the FAA supposed to be regulating that?

He said: Yes, we are, but the problem is that there are not enough FDSOs—safety officers—to inspect the airplanes.

So we added money for that because all of us who fly want to see NextGen work. We know we need it. But in the meantime, while they are doing everything they can to get NextGen working, we need to have flight safety officers now because almost everyone in this Chamber and a huge number of the people we serve back in our States depend upon the FAA to ensure flight safety.

Why do we want to have oversight of NextGen? Unfortunately, the FAA has a horrendous record of program man-

agement. In fact, the FAA's air traffic modernization effort has been on the GAO's high-risk list since 1995—high risk. Our Government Accountability Office says it is high risk. Fortunately, though, through strict budgetary controls and increased congressional oversight, this program graduated from the list in 2009.

This is not the time to give the FAA hundreds of millions, or billions, of dollars with no oversight or strings attached. NextGen is a complex effort to modernize the air traffic system. Like many big issues and challenges facing the government, simply providing bundles of funding—more than they can use—is not the answer. The FAA has literally wasted billions of taxpayer dollars on similar efforts in the past. I would like to hear my colleagues who object to congressional oversight explain what they are doing to ensure that those in the administration who handle these dollars do the job better.

Some billions of dollars have been wasted and some efforts, such as LORAN-C, did not even produce a usable product after millions and millions of taxpayer dollars were spent. Currently, 6 of the 18 major FAA modernization programs have experienced unacceptable cost growth and schedule delays. To reduce delays, increase safety, and reduce congestion, the FAA needs further oversight, not resources.

I ask my colleagues to join us in exercising, in those committees where there is jurisdiction, proper oversight of the FAA.

Madam President, I will have much more to say about the importance of congressional responsibility for the dollars we spend in this body. Far too much money now is being spent without congressional oversight. Later on, I will cite an example. When I asked a high-ranking administration official when we would have a chance to oversee a program spending billions and billions of dollars in the stimulus program, I was told: You gave us this money; it is none of your business; we are going to make those decisions. That is a recipe for disaster. We have to exercise our responsibility thoughtfully and take responsibility for what we do.

With that, I yield to the chairman.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank the Senator from Missouri for explaining very clearly why this amendment should be defeated by this body.

Senator MCCAIN has come out and offered an amendment that would take away funding from every earmark in the bill and put it into the Federal Aviation Administration's NextGen program. That is our effort to modernize the air traffic control system—a very important effort. I will speak to that in a minute.

Let me speak to the earmarks. This is not a new debate. I have stood on this floor many times, as well as other Senators, to defend the right of every Senator here to identify priorities for their home States and to advocate for them. This bill includes earmarks because the Members of the Senate have gone home and identified needs in their communities and brought them to our committee, which we have put into consideration.

It is important to note that there was abuse in the earmark system. We have now reduced earmark spending in this bill to 50 percent of what we had in 2006. In fact, the earmark spending in the bill is less than 1 percent of the total funding. But that funding is as a result of Senators who have gone home, worked with their constituents, identified projects, brought them to the committee, and we scrutinized them. Very few made it into the final bill because of the high caps we have. But they were brought to us by Senators with legitimate needs in their home States.

My concern over this amendment isn't just limited to the investments Senators have asked us to make in their States. I am greatly concerned, as the Senator from Missouri pointed out, about what this amendment would actually do to the FAA's NextGen program, and I am a strong supporter of that. There is a need to modernize our air traffic control system. For that very reason, this bill now before us provides \$865 million for programs that are essential to the NextGen effort. But in order for NextGen to succeed, the FAA has to do more than just put money into it. It needs, as my colleague from Missouri said, strong oversight. If we hand that agency a blank check now for well over a billion dollars, which this amendment asks for, that is not the right way for this body to do oversight or ensure the responsible use of the Federal dollars over which we have oversight.

The FAA has had a long history of budget overruns and schedule increases in its capital programs. Our subcommittee has held numerous hearings on the FAA's need to manage its capital programs more responsibly.

We have heard testimony from the Inspector General of the Department of Transportation on this very issue, and until only recently, the Government Accountability Office has identified this NextGen program as a high-risk management area.

I encourage our colleagues to oppose this amendment. It is not the responsible way to fund the FAA or the Department of Transportation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2371

Mr. COBURN. Madam President, I ask unanimous consent that the pend-

ing amendment be set aside and amendment No. 2371 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 2371.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To remove an unnecessary and burdensome mandate on the States, by allowing them to opt out of a provision that requires States to spend 10 percent of their surface transportation funds on enhancement projects such as road-kill reduction and highway beautification)

At the appropriate place, insert the following:

SEC. 1. None of the funds made available by this Act may be used to implement section 133(d)(2) of title 23, United States Code.

AMENDMENT NO. 2370

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2370 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 2370.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as roadkill reduction programs, transportation museums, scenic beautification projects, or bicycle paths, if the Highway Trust Fund does not contain amounts sufficient to cover unfunded highway authorizations)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) None of the funds made available by this Act may be used for any purpose described in subsection (b) until the date on which the Secretary of Transportation certifies, based on the estimates made under section 9503(d)(1) of the Internal Revenue Code of 1986 of unfunded highway authorizations in relation to net highway receipts (as those terms are defined in that section) for the period of fiscal years 2010 through 2013, that the Highway Trust Fund contains or will contain amounts sufficient to cover all such unfunded highway authorizations for those fiscal years.

(b) The purposes referred to in subsection (a) are—

(1) the reduction of vehicle-caused wildlife mortality or the maintenance of habitat connectivity;

(2) transportation museums;

(3) scenic beautification projects; and

(4) pedestrian or bicycle facility projects.

AMENDMENT NO. 2372

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2372 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 2372.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as transportation museums)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for a museum.

AMENDMENT NO. 2374

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 2374 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2374.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To determine the total cost to taxpayers of Government ownership of residential homes)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **REPORT ON COST OF GOVERNMENT-OWNED RESIDENTIAL HOMES.**

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the "Department"), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

(b) CONTENT.—The report required by this section shall include—

(1) the number of residential homes that the Department owned during the years 2004 and 2009;

(2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance

and acquisition of homes, of home ownership by the Department since 2004;

(3) a detailed explanation of the reasons for the ownership by the Department of the homes;

(4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and

(5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

#### AMENDMENT NO. 2377

Mr. COBURN. Madam President, I ask unanimous consent, as well, to call up amendment No. 2377.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2377.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Mr. COBURN. Madam President, I wish to spend a little bit of time talking about the problems before us in terms of transportation, and then I will go back to these amendments based on whatever the chairman wishes and however she wishes to handle the debate on these amendments.

What I think about is that right now our transportation trust fund is not growing at the rate at which our needs are growing. I do not think anybody—neither the chairman of the Appropriations Committee nor the committee that is responsible for the transportation authorization program—would disagree with that. I do not think anybody else would disagree that in a year when we are going to have a true, not an Enron accounting, but a true budget deficit of \$1.8 trillion by the time you count the money we are going to steal from Social Security and other trust funds, that we are going to have \$1.8 trillion we are going to borrow from our grandchildren, and at a time when we have, at a minimum, 130,000 bridges in disrepair in this country. And that is

the Department of Transportation's own numbers. Out of 600,000-plus, 130,000 either have to have lesser loads or fewer number of vehicles going across them or do not meet the designs needed for the loads they are carrying or are crumbling and are not expected to collapse but are falling apart, that at this time we ought not to be spending our money on anything except roads and bridges.

The debate Senator McCain put out here is just one way of getting at the problem. Inside the Transportation bill is a requirement that if a State gets money and they want to fix a bridge, 10 percent of the money to fix that bridge has to go to make things look nice around it. That is great if we are running a great surplus or we are not borrowing the money from our kids. But right now the fact that we mandated that obligated moneys to State highway and transportation departments, that they have to spend 10 percent of the money that is obligated on aesthetics makes no common sense. It does if we have an excess of funds. It is something to which we would all agree. But when we have the problems where we have 13,000 people a year dying because of the quality of the roads in this country—not quality of vehicles, not driver error, but the quality of roads—and we have this large number of bridges that are truly in the long run not safe, why would we be spending money on anything other than roads and bridges in a transportation project, as far as surface transportation?

I am not talking about trains and inner-city buses. I know we have to do that as well. But for the proportion that goes out, why would we not spend that money on the real needs that are out there?

Madam President, 13,000 lives is a lot of lives. Actually, it is one of those benchmarks on which you can measure Congress. We would rather have \$5 billion worth of earmarks that make us look good at home than make sure that \$5 billion goes toward saving somebody's life by repairing a road that needs to be fixed right now—right now—not next year, not 2 years from now, right now.

Why are we going to have these things that make us look good and may be a need but may not necessarily be a priority? How many of them are a priority over the fallen-down bridges in this country?

The families who lose members because of road quality in this country do not think those are priorities. They think fixing the roads and bridges are priorities. But you see, we have a disease in the Senate and in the Congress: We think we know better. We do not want to make the tough priorities that might not sell well in a particular area in our home State that would, in fact, solve some of the major problems with transportation in this country because

we will not look as good. And yet we can spend money on taxiways for airports that have six flights a day and have very few people through it and subsidize every passenger to the tune of \$130 when if they could drive an hour and find an airport, we would not have to spend any of that money on it.

Most of us drive an hour to get to the airport. But yet we do earmarks. We decide, the wisdom of us—it is pretty interesting. I heard the ranking member talk about oversight. There is not any significant oversight going on in this Congress. I almost laughed out loud. For every hearing we have, we ought to have 10 oversight hearings. We talk about we are going to say where the money goes, and then we don't follow where the money goes. We don't do our job of oversight.

The NextGen, I understand that is an important priority. I am not questioning that. But the point of Senator McCain's amendment is not NextGen, it is earmarks. It is the fact that at least here is something we know is going to buy safety in aviation, whereas the rest of the earmarks are not. We have an earmarked museum in the bill. Tell me, at a time when we have 9.7 percent unemployment, we have a trust fund for transportation that is belly up, that we are stealing the money from our kids every 6 months to keep it viable rather than from the taxes of consumption of gasoline and diesel, tell me that is a priority right now when we have run a \$1.8 trillion deficit.

The fact is we refuse—we refuse—to make the hard choices in Washington. We make choices for our political purposes. We make choices for the well endowed. We make choices for the well connected, for the well heeled, whether it is beach nourishment and the hundreds of millions of dollars that are made off that or it is a museum or a bike path or the restoration of a train station. Tell me where those are in terms of priorities of the 9.7 percent of Americans who do not have a job and are looking for one and the other 6 percent who are so discouraged they are not even looking anymore. Tell me why that is a priority. Senator McCain's point is dead on.

There is a commonsense test, which is, would the average guy with the same amount of money fix the bridges and fix the highways or would he do the superfluous stuff, the enhancement stuff, the feel-good stuff if it were about his kids and his family? The average guy would not. But you see, we are not the average guy. We do not have to play by the rules because we know that the court of public opinion only comes after us once every 6 years, and if we can, in fact, enhance our ability to raise our campaign funds, if we can, in fact, look good to the well connected, then we are going to be able to find a way to say a message something different than what we actually did.

That is pretty cynical, but when we have 13,000 people dying on roads every year because of the quality of the roads—and those are not my numbers, those are NHTSA's numbers—wouldn't you think every dollar we have ought to fix the roads and fix the bridges and wait on the aesthetics until later? Wouldn't you think the common man with common sense would say, Let's do the most important thing first, that buys us the most safety and the best transportation effect, rather than make the politicians and their well-heeled buddies look good?

I understand why people are upset with the Congress. It is because we make decisions that do not have much connection with reality. And then after we do it and we don't do the oversight that is required, we blame it on an administration.

I thought the debate about whether we could trust the FAA—we can trust the FAA if we do the following things: make sure they will be before us every 2 or 3 weeks talking about the progress of what they are doing; making sure we are having the oversight hearings; making sure we are doing our job to make sure the bureaucracy with which we give the responsibility to carry out policy is, in fact, being held accountable and, if not, withdraw the funds through a special rescission package to make sure that since you are not acting responsibly, we are going to withdraw your money. The last time there was a true rescission in the Congress was 1995.

We talk a big game about what a good job we do in oversight and good judgment. What happens is staff members make the decision of what gets included and what does not get earmarked. Sometimes it is based on economic priorities and sometimes it is based on the economic priority of who is running for reelection.

The other problem we have is things are not very transparent here, in spite of our President's desire that they be that way. I have a couple of amendments that are going to make sure the public reports that are required in this bill are made available to the American people, not just to the committee staff; to make sure that HUD reports to Congress on homes they own and the cost to the taxpayers, not just to a committee of Congress.

#### AMENDMENT NO. 2371

I now call up amendment No. 2371 and ask that it be the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, I wish to talk about what this amendment does. This amendment forbids the mandatory spending of that 10 percent of money on things that are not going to make a difference when it comes to highway safety and bridge repair. And it says that Gary Ridley, the director

of the department of transportation in Oklahoma, can take all of the money and make new bridges and new roads and repair bridges and does not have to worry about taking 10 percent of the money and spending it on aesthetics.

At another time, another place, maybe we would want to do that. But with our infrastructure crumbling, and with the trust fund not with enough money because of the economic shape in which we find ourselves, to continue to mandate that every transportation department in the country has to spend a full 10 percent of their money, not on what is important, but on something somebody may like, not on something that is about safety, but on what somebody may like and what may look good, to me does not connect with common sense.

I am probably a minority in that opinion in this building, but I am not in the minority in that opinion in this country. When times are good, we can afford to make such discretionary spending mandates on the States. When times are tough, when infrastructure is in poor shape, when the quality of our roads is taking people's lives every day, and when our bridges are falling down and chunks are falling off of them and injuring people severely, as happened in Tulsa 6 weeks ago on an interstate bridge, and falls through the windshield of a car and critically injures an individual who is driving down the interstate, it is time for us to use common sense on how we spend this money.

I would make one other point; that is, that this bill, compared to last year, in terms of real numbers—not in terms of the numbers that have been spun out there—is a 22-percent increase. If you go through all the appropriations bills we are bringing to the floor and what we have already passed, it is like there is no recession going on. There is absolutely no inflation. Yet we are growing government at 12 times the rate of inflation, and we are doing it on bill after bill after bill.

There is no apology anywhere from the Appropriations Committee that we are sorry we have to spend this increased amount of money, in spite of the fact we absolutely don't have it and that we can't winnow down and make our priorities sharper and better. No, what we do is we just bump the number.

In case you are interested, if you include contract authority, there is \$75.8 billion. Even if you don't include contract authority, you have a 12-percent increase. In the HUD portion of the bill, we have a 10-percent increase. So it is not just transportation. We are increasing housing and urban development 10 percent. So there is no inflation; tax revenues are down. There is no question we have greater needs, but there is no force to say: How do we more efficiently put out the money?

How do we hold those spending the money more accountable? How do we get greater value for the money we are spending? No. You know what we do? We take the credit card out of our pocket, and we put it in an ATM that says: Charge to our grandchildren and charge to our children. That is what we do. Then we come up here and we say: This is absolutely necessary.

The vast majority of families in this country today are making tough decisions—very tough decisions. They are either saying: I have a job or I am lucky to have a job or, boy, am I thankful. I don't want to end up without a job, so I think I will start prioritizing where I have to spend money. The people where one of the two workers in the family have lost a job are making those tough decisions every day: What is an absolute necessity and what isn't?

Actually, it is more than the average American. Almost every American is making those kinds of decisions today. But isn't it curious the Congress isn't? Isn't it curious we don't prioritize? Isn't it curious that it has been years—whether under Republican control or Democratic control—since we have had an appropriations bill that comes out and spends less money? Are all these agencies efficient? Could it be done in a better way to get better value with less money? Could we force savings in these branches of government?

Those questions aren't even being asked. There are no priority questions being asked. What we do is we say: Here is our 302(b) number; how are we going to spend the money, rather than seeing what is the need, how efficient is the bureaucracy utilizing that money under the policy proscriptions we give them, and what are we going to do about it? So we come out spending hundreds and hundreds and hundreds and hundreds of billions of dollars with millions of earmarks.

I heard mention about the earmarks. What the American people need to know about earmarks is this: It is not the earmark that is bad, it is the extortion that comes with the earmark. Because everybody here knows that if you have an earmark in an appropriations bill and you don't vote for the appropriations bill, the next time you want an earmark, guess what happens. They happen to remind you that: Oh, you had an earmark in the last one, but you didn't vote for the bill. So since you are not supporting our bill, we are probably not going to be as likely to include your earmark. What does that do? The problem with earmarks is it takes the focus off what we are doing collectively in the best interest of the country and makes the focus about the individual and the State.

There is nothing in this document—which is the U.S. Constitution—that gives us the right to think about our States. When you are sworn in here,

they do not say: Mr. COBURN, Oklahoma, you will uphold the Constitution as long as it protects Oklahoma. It says: You will uphold the Constitution. Our Founders knew that any State couldn't be healthy unless we as a nation were healthy. Yet earmarks undermine that every time and force us back to parochialism—not Federalism but parochialism. So we take the money from individuals in the various States, and then, through our wisdom of all knowledge in Washington, we send it back so we look good, rather than leaving the money there in the first place and letting you decide how best to spend your own money. So we don't lessen spending. We always increase it.

We claim oversight—which we never do to the level that is required with a government as big as this—and then we complain that somebody wants to eliminate earmarks, and not because the individual earmark may not be a good thing—I can't think of many earmarks that probably aren't good things—but because the earmarks aren't necessarily a priority for the Nation as a whole. That is the difference in being and enhancing statesmanship versus politics. It is OK for Oklahoma to lose for a period of time if our country gets better. I have explained that to my State.

I have refused to do earmarks for my State. The reason is we are in a big pot of trouble right now as a nation—a large pot of trouble. If you watch the dollar index in the markets, what you see happening in the last 2 weeks is the value of your savings going down because the value of the dollar is declining rapidly. Everybody knows that the money we are borrowing today will only be able to be paid back through highly inflated dollars. So what you have worked for your entire life, what you have dreamed for your kids, we are undermining here a little bit in this very bill. It is just a little bit, but a whole bunch of little bits becomes a lot.

So here we go. We don't make the priorities, we don't make the hard choices, and we increase the spending a ridiculous amount for the time we find ourselves in, knowing a good portion of the spending is going to be borrowed from our kids. We watch the dollar flounder, knowing that the amount you have put aside for your children in the future isn't going to be worth anything. It is a pretty sick, neurotic system we are operating under because it doesn't have enough sunshine on it, and that was the purpose for Senator MCCAIN's amendment. That is the purpose for this amendment, to have some transparency. Let's have some common sense.

Let's not force State transportation departments that need critical dollars for bridge repair and road repair to spend it on a bicycle path nobody is

going to ride or a sound barrier that truly doesn't cut the sound. Let's spend it on roads and bridges. Let's not force them to make choices that are stupid. Let's trust people to do what is right.

There is another observation I would make, and then I will close. I was born in 1948, and I have seen a shift in our country in that 60-plus years. Our nature and our history used to be that we trusted American citizens. I am talking of the Federal Government. We assumed you would do the right thing. Unfortunately, today, so much of the assumption of the Federal Government—especially as it relates to the States—is on the basis that we know you are going to do the wrong thing, and we are here to catch you; that we know better, and we are going to tell you how to do it, when to do it, and where to do it.

That has come about as we have had Supreme Court rulings taking away the constraints our Founders said were necessary. It is called the enumerated powers of the Constitution. It is article I, section 8, if you want to look it up. If you read what Madison and Jefferson had to say about that, we have been totally violating the intent of what they said, what they meant, and what they knew we would say about what they meant for the last 30 years in this country. So we find ourselves in a position where we dominate with the power of dollars and taxation to the detriment of our freedom, to the detriment of common sense, and to the detriment of good will.

I am not sure how the chairman and ranking member will respond to this amendment, but for this time and this situation we find ourselves in, we ought to eliminate this mandatory 10 percent and let Oklahoma and Kansas and Texas and Kentucky and New York build bridges and highways, not build aesthetics with the money which we took from them and are now sending it back but sending it with all these restrictions on it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I wish to thank Senator COBURN for doing what we have been asking him and other Senators to do and that is to come to the floor and get their amendments offered.

I will be talking with the Senator from Oklahoma, over the next short while, to figure out the order in moving to his amendments for votes, as he has requested. We do have another amendment that had been offered by Senator MCCAIN, amendment No. 2375, which we would like to get a vote on before the caucus luncheons.

AMENDMENT NO. 2375

So I ask unanimous consent that amendment No. 2375 be made the pending business.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mrs. MURRAY. Madam President, we are currently working out with both sides to move to a vote fairly quickly, so I would advise Senators' offices to be ready for a vote shortly, and we will wait for that to occur here as soon as we can make that happen.

Mr. BOND. Madam President, I join with my colleague in thanking the Senator from Oklahoma for offering these amendments. We are looking at these amendments. I think they are good amendments, and I hope they can be accepted. We have some of our staff looking at the details of some of the amendments to see what impact they have. We have to determine whether there would be any untoward consequences from one of the amendments, which I think probably comes within the jurisdiction of the Environment and Public Works Committee, so I would invite them to come down and look at it.

But I thank the Senator from Oklahoma for offering his amendments and for bringing them up for discussion, and I join with my colleague from Washington, the chair of the subcommittee, in urging that we move forward with a vote. We have lots of work to do. We were on this on Thursday and Friday and Monday. Now it is Tuesday, and we have a short day, and then there is Wednesday and there is Thursday. This bill needs to be passed, so moving the amendments forward, getting votes on them, having the discussions is very important.

I thank the Chair, and I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent at 12:24 today the Senate proceed to vote in relation to the McCain amendment No. 2375, with 2 minutes prior to the vote divided and controlled in the usual form, and that no amendments be in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, how much time do I have?

The PRESIDING OFFICER. One minute.

Mr. MCCAIN. Madam President, the amendment would take \$1.7 billion in this bill for the 589 congressionally directed spending projects, known by

most Americans as earmarks, and redirect that money toward air traffic control modernization. Every day, Americans sit on a runway, miss meetings, children's soccer games, family dinners, and other important events due to air traffic delays that could have been avoided if our Nation had modernized the air traffic control system. The Government Accountability Office estimates that one in every four flights is delayed.

A major issue, though, here as important as modernization of the air traffic control system is this bill has 589 earmarked projects on it worth \$1.7 billion when we are facing the highest deficits in the history of this country. Americans all over this country are rising and saying stop, stop this porkbarrel earmarking which breeds corruption in the Nation's Capitol.

I urge my colleagues to vote for the amendment.

**THE PRESIDING OFFICER.** The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, the bill before us contains 50 percent fewer earmarks than in 2006. Importantly, these are priorities of Senators who have brought them to us. They are less than 1 percent of the bill. Even more important, what the amendment before us does, and I am a strong supporter of NextGen, is it puts money to the FAA that they cannot spend.

This is a program that does need strong oversight. We have been told that in our committee time and time again by the IG and others before us. We want to move forward on the NextGen and we want to do it in a responsible way. This amendment will give them money that they will not be able to spend.

I urge our colleagues to vote against this amendment.

I yield all of our time, move to table the amendment and ask for the yeas and nays.

**THE PRESIDING OFFICER.** Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio Mr. (BROWN), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

**THE PRESIDING OFFICER.** Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 276 Leg.]

#### YEAS—68

Akaka	Gregg	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Inhofe	Reed
Bennet	Inouye	Reid
Bennett	Johnson	Roberts
Bingaman	Kaufman	Rockefeller
Bond	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brownback	Kohl	Sessions
Burris	Landrieu	Shaheen
Cardin	Lautenberg	Shelby
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	McConnell	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Franken	Murkowski	Wyden
Gillibrand	Murray	

#### NAYS—26

Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Bunning	Enzi	McCain
Burr	Feingold	McCaskill
Chambliss	Graham	Risch
Coburn	Grassley	Snowe
Corker	Hatch	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	

#### NOT VOTING—5

Brown	Cantwell	Specter
Byrd	Hutchison	

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote and to lay that motion upon the table.

The motion to lay upon the table was agreed to.

#### RECESS

**THE PRESIDING OFFICER.** Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:50 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

Mr. WICKER. Mr. President, I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### AMENDMENTS NOS. 2370, 2371, AND 2372

Mrs. BOXER. Mr. President, I have decided to come to the Chamber in my capacity as chairman of the Environment and Public Works Committee to address a number of Coburn amendments that he has either laid down or intends to lay down, and I hope we can work to defeat these amendments, as I

understand them, and I want to say why.

We have a very important relationship with our States when it comes to transportation and highway programs, and we work with them on many aspects of transportation. We have something called the Transportation Enhancement Program. It is a TE program. It was created in 1991 in the ISTEA bill, and one of the purposes was to encourage investments in many areas that have been overlooked. I want to give you an example of those.

Since 1992, because of this TE Program, over \$11.5 billion has been made available to the States for some very important purposes that deal with safety, that deal with making sure our highways are kept in a condition we want to see them kept. I will give more examples of the funding. But over that period of time, that \$11.5 billion has created 399,000 jobs. Let me repeat that. This special program Senator COBURN wants to strip—and he wants to strip parts of it—is responsible for 399,000 jobs since 1992. I am here to say—because I know my friend, Senator MURRAY, agrees with me—of all the times not to visit more job losses on our people, it certainly is now. Jobs are key, and the Coburn amendment is a jobs killer.

Let me tell you about the various areas that fall under this program he is taking the ax to.

Environmental mitigation. This includes projects that address water pollution due to highway runoff. We just read a front-page story in the New York Times where we see terrible water pollution affecting our children. They had a picture of a child who has been drinking water that really has not been tested in the right way according to the law. This child's teeth all have to be capped because his teeth rotted. So we want to make sure we do not let that runoff get into waterways.

Also, we hear about wildlife mortality. Anyone who has seen the result of a crash between a car and, let's say, a deer on a road knows this is a horrific situation for all parties, and it is a matter of life or death for drivers and their passengers. That is what some of this money is used for and that is what our friend, Senator COBURN, wants to take the ax to, as far as I understand it.

Then there are facilities for pedestrians and bicyclists and safety and educational activities for pedestrians. Residents of my State are strong supporters of spending transportation funds on bicycle paths and pedestrian facilities. We all know walking and biking are forms of transportation which should not be cut but, rather, encouraged.

Other categories of TE, the transportation enhancements, that it is my understanding Senator COBURN wants to cut: Acquisition of scenic easements

and scenic history sites, including historic battlefield sites. Does he think that little of the history of the country that he wants to take an ax to this, scenic or historic highway programs, including the provision of tourist and welcome center facilities? Again, tourism is one of the things we need to build up. There are many millions of jobs related to tourism, landscaping, and other scenic beautification. We all know and take pride in our communities. Highway beautification, to me, is a key part of our quality of life—historic preservation, rehabilitation, and operation of historic transportation buildings.

We have seen some of those. We have seen them in places as far flung as New York to places in St. Louis, MO, to San Francisco, CA—preservation of abandoned railway cars, including conservation and use of the cars for pedestrian or bike trails; inventory control and removal of outdoor advertising and archaeological planning and research. Senator COBURN would have us believe that transportation enhancements are a low-priority project. These are investments that put hundreds of thousands of Americans to work. These are investments that improve safety, prevent pollution, save fuel, and improve the quality of life for millions of Americans.

I wonder if Senator MURRAY and I can engage for a minute here through the Chair.

What is the timing of when these amendments will be voted on? Can the chairman tell me?

Mrs. MURRAY. Mr. President, in response to the Senator from California, the Senator from Oklahoma has offered a number of amendments. We are hoping to debate them this afternoon and vote on them tomorrow morning.

Mrs. BOXER. May I ask, through the Chair, if the chairman of the subcommittee would allow me to be heard for a minute before we have a vote on any of these amendments that deal with transportation enhancement programs.

Mrs. MURRAY. Mr. President, we will make sure, as we put together the order for tomorrow, the Senator can be heard before the votes occur.

Mrs. BOXER. I thank the Senator.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2366, AS MODIFIED

Mr. WICKER. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2366, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 2366, as modified.

Mr. WICKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) FUNDING LIMITATION.—Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, amounts made available in this Act for the National Railroad Passenger Corporation (Amtrak) shall immediately cease to be available if after March 31, 2010, Amtrak prohibits the secure transportation of firearms on passenger trains.

(b) DEFINITION.—In this section, the term “secure transportation of firearms” means—

(1) if an Amtrak station accepts checked baggage for a specific Amtrak route, Amtrak passengers holding a ticket for such route are allowed to place an unloaded firearm or starter pistol in a checked bag on such route if—

(A) before checking the bag or boarding the train, the passenger declares to Amtrak, either orally or in writing, that the firearm is in his or her bag and is unloaded;

(B) the firearm is carried in a hard-sided container;

(C) such container is locked; and

(D) only the passenger has the key or combination for such container; and

(2) Amtrak passengers are allowed to place small arms ammunition for personal use in a checked bag on an Amtrak route if the ammunition is securely packed—

(A) in fiber, wood, or metal boxes; or

(B) in other packaging specifically designed to carry small amounts of ammunition.

Mr. WICKER. Mr. President, I rise today in support of amendment No. 2366, as modified, which I have offered on behalf of millions of law-abiding gun owners across the country.

Earlier this year, I offered an amendment to the budget that would have limited certain budget opportunities to Amtrak, unless this federally subsidized agency enacted policies to accommodate passengers' second amendment rights. The amendment I offered passed by a bipartisan vote of 63 to 35, but it was not included in the final version of the legislation when it returned from conference.

Therefore, I am here on the floor to try again. In our country today, airline passengers may transport firearms and ammunition in secure checked baggage when declared during the check-in process. But, on the other hand, Amtrak passengers are not permitted to do likewise. This means that sportsmen who wish to use an Amtrak train for hunting trips cannot do so because

they are not allowed to bring a firearm in checked luggage—something that is done every day at airports across our country.

I want to emphasize that this amendment only deals with secured and checked luggage, as checked baggage on Amtrak trains. Law-abiding gun owners should not be penalized for seeking alternative means of travel. At one time, Amtrak accepted firearms in secure checked baggage, but this policy was changed in 2001.

The commonsense amendment before us today is straightforward. It simply says that if Amtrak continues to deny the right of gun owners to securely transport firearms in checked luggage, the rail line will no longer receive a Federal subsidy of \$1.55 billion. At the request of the leadership of the committee, I have modified my amendment to make it effective only after March 31, 2010, in order to give the agency adequate time in which to comply with this amendment.

I want my colleagues to know that the amendment before us today mirrors current TSA requirements to check a firearm for air travel. I must say these requirements are detailed and strict. For example, should my amendment pass, the following requirements must be met:

No. 1, a passenger who wishes to transport a firearm must be travelling on a route that accepts checked luggage.

No. 2, the passenger must declare the firearm before boarding the train.

No. 3, the firearm must be unloaded and stored in a hard-side container that is locked, as is required on the airlines.

No. 4, only the passenger can have the key or combination for the container.

This was done successfully by Amtrak prior to 2001, without incident. Regional rail lines, such as Alaska Railroad Corporation, allow firearms, as I am trying to do in this amendment, and that is done currently in Alaska Railroad Corporation, again, without incident.

It is sometimes much more convenient for sportsmen to travel by rail, particularly in rural and remote parts of the country. The Alaska Railroad Corporation knows there is no need to show prejudice to lawful American sportsmen. That is why their travellers may transport firearms in checked luggage, and that is why we are asking nothing more than that and nothing less than that of the government-controlled Amtrak system.

I might also add that spending is certainly out of control in Washington, and it is hard for me to imagine Congress considering providing over \$1.5 billion to Amtrak, while the rail line intentionally limits its revenue and chooses not to receive passenger miles from this specific and law-abiding segment of travelers.

Americans should not have their second amendment rights restricted for any reason, particularly if they choose to travel on America's federally subsidized rail line.

A vote in support of this amendment is a vote in support of the second amendment and for the right of gun owners across America. I urge adoption of the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

AMENDMENT NO. 2376

Mr. VITTER. Mr. President, I ask unanimous consent to set aside any pending amendment and call up amendment No. 2376.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2376.

Mr. VITTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To affirm the continuing existence of the community service requirements under section 12(c) of the United States Housing Act of 1937)

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act shall be used to restrict implementation or enforcement of the community service requirements under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)).

Mr. VITTER. Mr. President, my amendment, No. 2376, is very simple and straightforward. To understand it, we need to go back a little bit, to 1998. In 1998, Congress passed the Quality Housing and Work Responsibility Act, a law requiring all able-bodied people living in public housing to perform 8 hours per month of community service, with the idea that individuals who are getting this benefit from all of the other taxpayers should give back, should contribute to the community as some partial repayment for the very significant benefit they are getting. I think that concept had—and I certainly hope it still has—widespread consensus, bipartisan support. It has been the law since 1998.

Unfortunately, some folks in Congress—I believe a minority, but some folks in Congress—want to throw this basic, straightforward community

service requirement out the window. In fact, in 2001, these proponents actually got language included in the VA/HUD appropriations bill which temporarily, for that one fiscal year, did do away with this community service requirement. It was just that 1 year. That is the only year since 1998 where the requirement was thrown out the window, but it did happen in that year.

Unfortunately, those same folks, like-minded folks, have made the attempt again, and in this year's VA/ HUD appropriations bill on the House side, before a lot of advocates for the community service requirement were able to take notice, a similar amendment doing away with the community service requirement was passed through the House by voice. Again, this slipped through. The advocates of the community service requirement did not notice; otherwise, they would have demanded a rollcall vote. But it did slip through by voice.

It is very important that we correct that and preserve the community service requirement in the Senate version of the bill so we can also preserve it in the final version of this appropriations bill. This is a very basic, straightforward idea with which I believe the huge majority of the American people agree. It is simply saying: If you are getting a benefit from the taxpayer, you are getting free or highly subsidized public housing, and you are able-bodied, then you should help repay for that benefit by simply devoting 8 hours per month—not per week, 8 hours per month—to community service.

I want to emphasize a few things. No. 1, this applies to fully able-bodied recipients of the benefit only. Exempted residents, for instance, include those who are 62 years old or older, those who are disabled and can certify they cannot comply with the requirement, caretakers of a person with a disability, those engaged in work activities or are exempt from work activities under TANF, family members in compliance with TANF, or the State welfare program's work requirements. That is separate, and they would be exempt and are exempt from this.

Still, according to the Congressional Research Service, after you take all those exempt individuals out, HUD estimates there are approximately 100,000 to 150,000 households that include folks who would have to meet this requirement.

I believe, when you consider the requirement, 8 hours of community service per month, when you consider the exemptions for folks over 62, for folks who have any disability, for folks who are not able-bodied in any way, this public service requirement is truly minimal and thoroughly reasonable. I believe that is why it passed into law in 1998 with broad public and bipartisan support. I believe that is why we should retain it in law today and make

sure the House attempt to throw that requirement out the window is not successful.

Public housing authorities are given broad discretion in implementing and enforcing this requirement. There is no absolute penalty for not meeting this requirement. Folks are not immediately thrown out of their public housing. All of this has been done in an as modest, frankly, and absolutely reasonable way as possible. I urge my colleagues, Democrats and Republicans, to retain this important part of present law, to retain this commonsense approach that a wide majority, a broad majority of the American people support. I certainly hope this amendment could be accepted or, if not, retained by a good vote on the floor of the Senate that is overwhelming and bipartisan.

With that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the request for a quorum call?

Mr. VITTER. I will.

Mrs. MURRAY. The Senator from Louisiana offers an amendment that makes sure the community service requirement for people living in public housing remains in effect. This includes part of the existing law and is currently being enforced by public housing authorities. What the amendment of the Senator does is simply restate current law. I will be happy to accept it. If the Senator is willing, we can take it on a voice vote at the present time. I am willing to move forward with it.

Mr. VITTER. I will be happy to consider that offer and get back to the distinguished Senator. My only concern is we have as much ammunition as possible to retain this provision in conference, which a very good rollcall vote could perhaps give us. That is my only concern, since the House version of the bill has taken this language out. I will be happy to consider that offer and personally follow up with the distinguished Senator.

Mrs. MURRAY. Again, we are happy to accept the amendment right now. If the Senator wants to have a vote, if we can work out a time to do that, I am happy to do that as well.

Mr. VITTER. I yield my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I come to the floor today to give actually a little bit of a history lesson, to look back and also look forward. I ask my colleagues to join me in looking back some 300-and-almost-75 years. Roughly

at that time the first Swedes and Finns sailed to America on a couple of boats, one of which was called the Kalmar Nyckel.

The first Swedes and Finns came to shore—actually, they came up the Delaware Bay, up into the Delaware River, and they took a left turn at an uncharted river and decided to name it after the child Queen of Sweden, naming the river the “Christina River.” They landed their boats at a place which we now call The Rocks and decided to name that area the “Colony of New Sweden.” The first Swedes, the first Finns in America came ashore in what is now really Wilmington, DE. For the first year, they never called it Wilmington, they called it the Colony of New Sweden.

They came by ships, and for about the next 300 years, a lot of ships were built along the banks of the Christina River, especially during the period from 1945 to 1946 during the heart of World War II. Among the ships that were built there were destroyer escorts, troop landing ships, and a variety of other ships that helped to win the war, helped to win World War II.

When World War II was at its most robust, fullest form, we had 10,000 people who worked on the banks of the Christina River building those ships. A few years after the war ended, what had been a vibrant shipbuilding area along the Christina River dried up, the activity went away. The war was won, and what had been a vibrant shipbuilding area became, over time, a decaying industrial wasteland with relatively little new activity.

In the 1960s, I-95 was built up the northeast corridor of our country, the mid-Atlantic part of our country, and it literally cut Wilmington, DE, in half. Off to the right, to the east of I-95, was the Christina River, and add to that the northeast corridor, the Amtrak main lines between Washington and Boston. The main line of Amtrak also sat between I-95 and the Christina River and served to make it difficult for people even to access the river, almost hard for them to even know it was there.

I became Governor in 1993, and toward the end of that year, I was visited by a former Governor, Russ Peterson, and by a former president of the University of Delaware.

They said: We have been thinking of an idea. We have actually been working under the direction of a joint resolution signed by former Governor Mike Castle to think about what the potential could be for development along the Christina River and the Brandywine Creek not far away. We haven't finished our job. We have had a good start on it, but we need more time. We are about to run out of time under the joint resolution. We wonder if we can have a little more time to think it through.

I said: Hey, look, I am up to my eyeballs in alligators. I have been Governor for less than a year. You guys take as much time as you need.

They went away, and I wasn't sure I would ever see them again or talk to them again. As it turns out, in about 6 months they came back, and they said: Do you remember our coming in and talking to you?

I said: Yes, I remember that.

They said: We have gone back and done more work on a vision, if you will, of what the Christina River, this industrial wasteland along either side of the river, of what it could be, and we would like to share that with you today.

I said: Have at it.

By that time, I had been Governor about a year and a half, things were settling down, and I was ready to listen. They had these big architect renderings of a riverfront that certainly looked nothing like the Christina River, didn't look at all like an industrial wasteland. There was a river that was pristine, with parks, walking paths, boats out on the river, museums, restaurants, places for people to live, places for people to work, theaters, museums. And I never will forget—I looked at them. I was blown away by the vision.

I said to former Governor Peterson: Who is going to make all of this happen?

He looked me right in the eye and he said: You are.

I said: Why me?

He said: Well, because you are the Governor.

I said: Well, I love this vision, and let's see if we can't help to realize it.

I think that conversation was in 1994. Anybody who today takes the train up the northeast corridor and stops at the Wilmington train station would say we have made a lot of progress. The place is cleaned up. We actually have walking paths along the river. We have parks. We have beautiful places where people live and condominiums and apartments as well as other homes. We have restaurants and we have museums. We have hope—that is what I am here to talk about today—for a children's science museum along the riverfront. But it is a vision that has been realized. A lot of people come there to eat at restaurants along the riverfront. And the river itself is being cleaned up, the water quality is being cleaned up, and the environmental hazards, and so forth, the waste that was left there has been for the most part cleaned up.

Probably in another month or so, less than a month or so, we are going to open a 250-acre wildlife refuge named after former Governor Peterson, built in partnership with the DuPont Company and the Nature Education Center. People will come and just enjoy, literally on the outskirts of the city, a large, urban wildlife refuge with walking paths and see what might have

been some 100 years ago or 50 years ago in that place.

About 10 years ago, when I was nearing the end of my time as Governor, my second term, a group of citizens in our State came to see me, and they said they were excited about the riverfront and what was happening there.

They said: You know, Delaware does not have a children's museum.

I think every other State does. We do not. In fact, it turns out there are about 250 children's museums across the country.

They said: We are interested in having a children's museum to go with all of the other attractions on the riverfront.

We talked about it for some time, and I said: I like the idea. I like the concept. But to tell you the truth, I would be a lot more interested in it if it were a children's science museum.

At the time, I was trying to figure out, how do we get kids motivated, excited about science, how do we get them excited about careers in science? It is all well and good, the State is big in tourism, big in financial services, we have had a great history with the chemical industry, shipbuilding at one time. But in our Nation and in my State, we need more scientists, we need more engineers, we need more people who have facility in mathematics and who are going to go out and become inventors, create things, things of value that will help us, among other things, create jobs in the 21st century. Whether it is in clean energy or conservation or wind, solar, new ways to create nuclear power, we need people with those credentials too.

It starts very young. We have adopted, in my State, rigorous academic standards for math and science, English and social studies, with a real focus on the math and science. We say: This is what we expect you to know and learn and be able to do. And we are going to measure students' progress on that. Most every State has done that. As I said earlier, most every other State has decided it is going to have its own children's museum.

I told the folks who presented their idea to me about a decade ago: If you want me to be involved, if you want me to be as excited as you are, I want to change the focus not just to be a children's museum in Delaware, I want it to be a children's museum that focuses on science. I want young kids in the target audience of 6 to 12 to come here and leave here excited about wanting to be astronauts or wanting to be environmentalists or wanting to create new ways to harness the energy of the Sun or the wind or to find ways to deal with spent fuel rods from nuclear powerplants. That is where my interest is.

Over time, the focus of this concept, this idea of the children's museum, has turned to focus on science, and to date I am told we have raised over \$11 million for the project. We actually have

picked out the building. I think they have a lease or a sort of a contract on a large structure right at the bend of the Christina River there in Wilmington, which is where Kahunaville used to be. Kahunaville sort of conveys the idea of a good time, and for many years, people went there and had a really good time. It was a great nightclub with some big acts over the years. Bob Dylan performed there and Hall and Oats, all kinds of people over the years. It is no longer a nightclub; it is an empty building, and it is a large empty building that actually lends itself to being, we think, a terrific site for a science museum for the kids of Delaware.

So far to date we have raised, as I said, over \$11 million. To date, the Federal Government has provided about \$250,000. So out of over \$11 million, less than 3 percent has come from the Federal Government.

I have asked for an appropriation, a directed appropriation, of about another \$198,000, and I appreciate very much the support of the Appropriations Committee to include that amount. If it is included in what we have already appropriated, it would be about \$450,000 out of a budget of roughly \$11.5 million—roughly 4 percent of the total project. A lot of the money is going to come from the private sector, a fair amount from local sources, State and local sources, as well.

I will give you a flavor of the kinds of exhibits we are going to have there. I will mention the names of some of the sponsors. The DuPont Company has been great, and it is a wonderful environmental company. It has agreed to help sponsor over the next couple of years an exhibit that focuses on environmental issues, I think largely focusing on estuaries. We have a big estuary in the Delaware Bay and not far away in the Chesapeake Bay. This will really excite our kids about the water and preserving the quality of our water and improving the quality of our water. AstraZeneca is going to help us create an exhibit on the human body, something interactive that the kids can really get into and enjoy and learn from. One of our larger banks, JPMorgan Chase, is going to help us with a project to focus on financial literacy. If there is anything that would help us all, young and old, that is, I think the events of the last year or two have pointed this out. We will have exhibits that focus on clean energy, whether it is wind, solar. We will have ways to use wind and solar, to show and demonstrate how we rely on those. We will have an exhibit that will focus on conservation, smart grid, to show how we can be better consumers, smarter consumers. We will have some focus on, among other things, nuclear energy and show how we actually create electricity from nuclear power. Those are some of the dynamics.

Our vision is, that when the kids leave the children's science museum on the banks of the Christina River, they will be juiced, they will be excited, and they will want to come back. But just as importantly, when they go back to class the next day or the next week, they will be thinking about their math assignments and even their science assignments a little bit differently and trying to provide a connection: How is what I am learning in my classroom relevant to what is going on in our world? How is it relevant to what I might be doing as a life work later on when I am finished with school and go out into the world?

We need more scientists, we need more engineers. I know we need both of those. We need people who have a lot of expertise in math. We need people who are going to invent things to help us make this a better world. And for what I think is a fairly modest investment on behalf of the Federal Government—about 4 percent of a much bigger project—I think this is a very good investment, and not just for kids in Delaware but for the kids who are going to graduate from the schools and go on and do things in their life to help all of us in Delaware and across the country and maybe even around the world.

Those are some of the reasons I have asked for this appropriation. I am grateful to the Congress for supporting this a year ago. When we asked for about \$250,000, it was included. With this money, if we are successful in gaining this appropriation, we will be able to go forward and hopefully actually open the Delaware children's science museum in the spring of next year, which would be a very good thing, not just for us in Delaware, not just for those who visit Delaware, but I think, on a broader scale, for a lot of folks in our country.

I see I have been joined by the former Governor of Virginia, in whose State I visited a number of those children's museums, those science museums. I remember taking our boys, when they were between the ages of 6 and 12, to a couple of them around the country. Just remember, we have one who is a mechanical engineer, at a 4-year college up in Boston, and his little brother—now a very big brother—he is really good in math and a bunch of other things as well, and I think maybe a little bit of that came from those visits all those years ago.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my colleague and good friend from Delaware for his compassionate interest, not only in what sounds like a very worthy project in Delaware, but his constant commitment to making sure we are always looking over that next horizon, whether it is in education or energy issues he has been involved with as a Member of Congress and as a

Governor, and now as the senior Senator from Delaware. The project he describes sounds like a good one, and I hope it gets favorable consideration from the Senate. I welcome the chance to support him.

I wanted to take a moment to talk about a project that is already in this very important 2010 Transportation-HUD appropriations bill. I commend the subcommittee chair, the Senator from Washington, and the ranking member for their good work on this bill. There is a certain amount of celebration in this bill for us in the greater Washington region because this Transportation appropriations bill is actually the culmination, in many ways, of an effort that has been ongoing for close to 50 years. Even when your dad served in the other body, one of the things I know he probably experienced was flying into our region, particularly flying into Dulles, and he might have found it difficult to get from Dulles into greater Washington.

One of the most remarkable things that has always stunned me as a Virginian, and as a long-time resident of the national capital area is that we have never had rail or metro linkage from our international gateway airport out at Dulles into our Nation's capital. With this legislation, with actions taken earlier this year, we finally have in place a financing arrangement and the beginnings of construction for the long overdue Dulles Metrorail project.

The Dulles metrorail project is part of a 50-year plan that started with the construction of Dulles Airport. Throughout that time, there was always a reserve. Anybody who made that drive—and I know the Presiding Officer has made that drive many times—has seen the corridor in the middle of the road. That corridor has been reserved for ultimately building out rail, from the existing Washington metro system, all the way to Dulles.

This is a project that my predecessor, John Warner, worked on for years. It was one of his proud accomplishments, finalizing Federal support for this project. I commend his efforts in the past. It is a project I have been involved with for over 20 years, first when I was on the Commonwealth Transportation Board, when we had to preserve that corridor for a metrorail project. I recall, back in the late 1980s and early 1990s, efforts to try to take away that right-of-way so it could be used for additional highway construction. There was always a need to say: No, we have to reserve that. At some point, we will finally get metrorail to Dulles. This has now become a reality.

It was a project I worked on as Governor. There were a number of times we tried to put together a very complex financing arrangement in order to make sure all the partners, State and local and Federal, would step to the plate and do what was right but also do

what was terribly important to the national capital region: making sure our international gateway airport is linked to the capital. I am proud to report that earlier this year in March, Secretary LaHood and former Senator Warner and myself, Governor Kaine, Congressman FRANK WOLF, who has been a long-time supporter, got together and signed the final funding arrangement that committed the Federal Government, the Commonwealth of Virginia, and local communities on this critically important project.

It is needed for a variety of reasons. It is needed not only to link international and domestic passengers who come into Dulles to visit our Nation's capital, but this corridor has rapidly become the economic hub of all northern Virginia. Dulles Airport currently serves about 24 million passengers each year. Population in the Dulles corridor is expected to increase by 50 percent and employment to increase by 47 percent by 2030. As someone who I know travels that corridor on a regular basis, you have seen how it has been built up, and there will continue to be the expansion of a great deal of economic activity for all northern Virginia and for the entire Washington area, particularly in the high-tech sector.

This past March, the full funding agreement was signed, and \$900 million over the period of the whole project was committed from Federal funds. But let me make clear it is not only the Federal Government that is stepping up on this critically important project. The Commonwealth of Virginia has committed to be a major partner in funding. The localities have stepped forward in terms of funding. There have been very creative activities in terms of creating a special taxing district of our local property owners in the region who will benefit from this metrorail extension. They have skin in the game as well. The State is contributing some of the toll revenues from our toll road in the corridor. This is a project, even during these difficult economic times, where the State, the localities, and the Federal Government have stepped up in a major way.

It will be enormously beneficial to our whole region. It will be enormously beneficial to the Commonwealth and to our Nation's capital in terms of the millions of visitors who come in from all over the country and the world. They will have the opportunity not only to take one of those increasingly expensive cabs, but also simply to jump on the train and come into Washington.

There is also another very important reason for continuing this project. The Dulles Corridor Metrorail Project is an important multimodal project with critical homeland security implications. Expanding metrorail into the Dulles corridor is terribly important in terms of evacuation opportunities,

should the capital ever be under assault. It is obviously terribly important in economic development activities, in terms of tourism activities. This project is crucial to the well-being of the whole national capital region.

As a matter of fact, earlier today I was out in Tysons Corner, one of our major development areas on the way out to Dulles rail. Although we were caught in some pretty dreadful traffic, it was a little bit of a mixed blessing. Part of the traffic was because construction has actually started on some of the rail stops in the Tysons area that will ultimately relieve not only traffic congestion but will, obviously, decrease greenhouse gases. So this project has added benefits as well, an issue I know is very important to the Presiding Officer in terms of dealing with climate change.

I know there are others in this body who perhaps have raised questions about some of the projects that are included in this 2010 Transportation-HUD appropriations bill. This is one of those projects I can't imagine anyone being critical of. This has been 50 years in the making. Enormous time, effort, and resources have gone into it. The fact that the final funding agreement has now been signed and we actually have broken ground is a time to celebrate. The \$85 million included in this year's appropriations funding for the downpayment and first installment of what is going to be a critical Federal funding stream is a very worthy sum that is going to provide benefits for this region and for our capital for many years to come.

I, again, commend the chair of the Appropriations subcommittee, my colleague and friend, the Senator from Washington, for her great work on not only this particular Dulles metrorail project, which I believe, as a frequent flier in and out of Dulles, I hope she will be the immediate beneficiary of as well, but to all members of her subcommittee. I thank them for their good work on this bill, this important project, and the many other projects in this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, the Senate Appropriations Committee has reported all 12 appropriations bills for fiscal year 2010, and the Senate has considered and passed 4 of those bills. I expect passage of the Transportation, Housing and Urban Development bill we are now considering will be the fifth. I am pleased the full Senate has

had the opportunity to consider and debate the policies and priorities embodied in these bills. All Senators have had the opportunity to question the managers and to offer amendments, if they wanted to do so.

By next week, I expect the House and the Senate will be convening conference committees to complete action on the bills that have already passed the Senate. It is a fact, however, there are only 2 weeks remaining in this fiscal year. We will probably need to pass a short-term continuing resolution to keep the remainder of the government running beyond September 30. While we anticipate we will be able to pass such a resolution, I think it is important we complete action on the remaining appropriations bills as soon as possible.

We have sent a letter, dated March 24, to the majority leader of the Senate—suggested by the distinguished Senator from Tennessee, Mr. CORKER, back last March—and in that letter we requested the leadership “allocate an appropriate amount of time for the Senate to consider, vote, and initiate the conference process on each of the 12 appropriations bills independently through a deliberative and transparent process. . . .”

That letter stated a goal of passing 8 of the 12 bills before the August recess. While the Senate did not meet that goal of passing eight bills prior to the recess, I think we did make good progress. I have to congratulate the distinguished chairman from Washington for helping lead the way and helping us achieve that progress. To a degree, we have been hampered by the lateness of the President's budget request and the necessity of waiting for the House to pass the appropriations bills first.

But the House has now passed all of its bills, and we have a window of floor time available to consider the remaining bills in the Senate. I believe strongly all Members should have the opportunity to consider the bills and participate in this process and offer amendments, if they choose to do so. But with the end of the fiscal year approaching and floor time becoming a precious commodity, we should not have to spend large blocks of time in quorum calls waiting for Senators to offer amendments.

At some point, the bills will have to be taken up and passed one way or another. In the past, this has meant packaging bills together into omnibus bills, and we know how well that is received. Not at all. And all but a few Members lose the opportunity to participate and contribute through the amendment process and debate and influence the outcome of conference reports.

I have concerns about the budget proposed by the President, most of which is embodied in the congressional budget resolution that provides the framework for the appropriations process. I

voted for several amendments to the budget resolution that would have reduced spending from the levels proposed by the President. I also voted against the resolution itself. I think the level of debt we have accumulated is alarming.

The fact remains, however, that Congress has approved the President's budget. While an Omnibus appropriations bill would highlight the problems with the President's spending policies, I do not think that course of action would be helpful to the process. By considering the bills individually, though, all Senators will be given an opportunity to have meaningful input and participation in the process, and that is as it should be.

So I look forward to continuing to work with the distinguished chairman, Mr. INOUE, our subcommittee chairs, and our two leaders, and all Senators to complete the appropriations process in an orderly and timely fashion that will reflect credit on the Senate.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Mississippi for his remarks. As ranking member and former chairman of this committee, he knows full well we work very hard to accomplish and complete these bills and to get them done in a timely fashion. We are working our hearts out to get that done.

To that point, the bill before us, the transportation and housing bill, has now been on the floor of the Senate Thursday afternoon and evening, Friday, Monday, all of today, and we will finish it tomorrow. So for any Senators who are sitting out there with issues, you need to come to the floor and get them resolved. We hope to start a series of votes tomorrow morning to get through a number of the amendments that are out there and finish this so we can move to the Interior appropriations bill tomorrow.

So, again, for the notification of all Senators, to the point the Senator from Mississippi raised, come to the floor, resolve your disagreements, or help us schedule a vote. We are going to finish this bill tomorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EMERGENCY SENIOR CITIZENS RELIEF ACT

Mr. SANDERS. Mr. President, I want to touch upon an issue I think has not gotten as much consideration in the Senate as it might; that is, for the first time since 1975, and in the midst of a major recession, senior citizens in our country who are on Social Security will not—unless we act—be receiving a cost-of-living adjustment this year.

Let me repeat that. For the first time since 1975, and while we are in the midst of a major economic recession which is causing havoc with the lives of all of our people, including senior citizens, this year—unless Congress acts—senior citizens will not be getting a cost-of-living adjustment.

Among other things, this would mean monthly Social Security payments would drop for millions of retirees because Medicare prescription drug premiums—the Medicare Part D Program—which are deducted from Social Security payments, are scheduled to increase.

So what we are looking at is that not only will tens of millions of America's seniors not receive any increase in Social Security but many, in fact, will see a reduction because their Social Security checks will go to pay for an increase in Medicare Part D payments. I would suggest in the midst of the worst recession since the Great Depression, we cannot allow that to happen.

Many senior citizens in this country have recently, within the last year or two, seen a significant decline in their savings because of the losses they incurred with the drop in the stock market. Many have seen their pensions disappear. Many have seen the value of their home dramatically diminish. All of this is taking place at a time while poverty among senior citizens is going up. And the number of seniors who are declaring bankruptcy is also increasing.

Most importantly, I think it is imperative that sooner than later we take a hard look to determine how COLAs for Social Security beneficiaries are, in fact, determined. Some years ago, when I was a Member of the House, I introduced legislation to establish a separate index for seniors because the simple reality is, it is wrong to include seniors in the overall index because their needs—how they spend their money—are often very different than how the rest of the population spends their money.

If you are a young person or a middle-aged person and you want to go out and buy a laptop computer today, for example, the odds are you are going to get a pretty good price on that computer, and the price of that computer will be substantially lower than it was a couple years ago. So for you, inflation for your expenditures on technology may well have gone down.

On the other hand, if you are a senior citizen, especially one who does not have a whole lot of money, how are you spending your money? Well, a very significant cost for seniors, obviously, is health care. For those needs Medicare does not cover, the truth is, health care costs, as we all know, are exploding. They are going up.

So if you are a senior, the odds are you are spending a lot more for health care out of your own pocket this year

than you did last year. If you are a senior and you get caught in the doughnut hole of Medicare Part D, you are spending a lot of money because prescription drug costs, in many instances, are also going up.

So I think when we take a look at the COLA, we should understand the needs of somebody who is 75 or 80 years of age and how he or she spends their money, from an inflation perspective, is very different from somebody who is 18 years of age or maybe 40 years of age. But be that as it may, there can be no debate that millions of senior citizens today, in the midst of this recession, are hurting very badly. I think we would be doing a great disservice to them by turning our back on their needs and not making sure we are providing some financial support to them.

Therefore, I am asking my colleagues to join me in becoming an original cosponsor of the Emergency Senior Citizens Relief Act, legislation I will be formally introducing on Thursday. Under this legislation, all Social Security recipients, railroad retirees, SSI beneficiaries, and adults receiving veterans benefits will receive a one-time additional check of \$250 in 2010. Since seniors living on fixed incomes are most likely to spend this money—whether it is on health care, whether it is trying to keep warm this winter—this legislation would provide a boost to our economy as it emerges from the economic crisis.

I very much appreciate that my colleague from Vermont, Senator LEAHY, is an original cosponsor, and I hope within the next couple of days we can have more.

For more than three decades, seniors have relied on a cost-of-living adjustment in their Social Security benefits to keep up with their increased expenses. Unfortunately, the current formulation for determining Social Security COLAs, in my view, does not accurately take into account the purchasing needs of today's seniors who often do not buy items such as laptop computers and cellular phones but spend, as I mentioned a moment ago, a disproportionate percentage of their income on health care needs and prescription drugs.

The truth is, what we are proposing now is something very similar to what the Obama administration provided for in the stimulus package. This legislation we are offering is fully paid for by simply applying the Social Security payroll tax to household incomes above \$250,000 and below \$359,000 in 2010.

Under current law, only the first \$106,000 of earned income is subject to the Social Security payroll tax, thus a worker earning \$106,000 pays the same payroll tax as a CEO making \$300 million. This legislation begins to correct this inequity in 2010, while making sure seniors receive a fair increase in benefits next year. I should point out,

in terms of this offset, no one in America earning \$250,000 or less would see their payroll taxes go up at all.

So I think this is an important issue. I think seniors all over this country are worried about their financial situation. They want the Congress to pay attention to their needs. I think the one-time financial support of a check of \$250, while not a whole lot of money, would at least help many people not see a reduction in their Social Security checks and would be of real help.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 416, 417, 423, 424, 425, and 426; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF JUSTICE

Steven M. Dettelbach, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

Carter M. Stewart, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

Peter F. Neronha, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Dennis K. Burke, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Neil H. MacBride, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

##### AMENDMENT NO. 2366

Mr. DURBIN. Mr. President, I rise to speak in opposition to the Wicker amendment, No. 2366, pending before the Senate on the THUD bill, as it is known around here—the Transportation, Housing and Urban Development bill. This is a bill which obviously includes Amtrak. Senator WICKER, of Mississippi, has offered an amendment which relates directly to the funding for Amtrak and whether it will be cut off.

The Senator from Mississippi says in his amendment he would cut off all Federal transportation funding for Amtrak in the next fiscal year unless Amtrak allows its passengers to transport guns in their checked baggage. This amendment would essentially impose upon Amtrak the standards for checking guns and ammunition that currently applies to airplanes. However, planes and trains have very different systems for handling checked baggage and different security concerns.

Let's talk about the effect of the Wicker amendment. Amtrak has said it is not ready to allow guns and ammunition to be transported in checked baggage. Amtrak doesn't have the security infrastructure, the processes or the trained personnel in place to ensure that checked firearms would not be lost, damaged, stolen or misused. Senator WICKER is imposing a new burden on the Amtrak train system in America—clearly an unfunded mandate—so some passengers—I don't know how many—can check firearms in their baggage. If this amendment becomes law, Amtrak would have to let guns checked in baggage onboard, regardless of the fact that they aren't prepared for this, or they forfeit Federal transportation funding that the railroad desperately needs to provide services to millions of Americans.

I understand the Senator from Mississippi is going to modify his amendment to provide for a March 2010 effective date, which, in effect, gives about 5 or 6 months for Amtrak to hire additional security personnel, to buy the equipment or create the equipment for this checked baggage and to establish procedures at all the Amtrak stations across America so some people can check a firearm on an Amtrak train. I don't know if 6 months is feasible for

Amtrak to make such a significant policy change.

Why is the Senator from Mississippi determined that we have to, in 6 months, make sure that any American who legally owns a gun can take it with them on an Amtrak train in checked baggage? Shouldn't we take the time to take a look at this and consider the basic questions of safety and cost before we vote for this?

Amtrak's current policy prohibits any type of firearm, explosive or weapon from being checked or carried on in baggage. This policy was put in place in the year 2004. Do you want to know why Amtrak put this policy in place in 2004? It was after the Madrid, Spain, train attack that killed 191 people and wounded 1,800 more. Amtrak's reasons for this policy were clear—safety and security. It was put in place in the aftermath of terrorist attacks that claimed lives.

Let me quote from a statement issued by Amtrak on its current policy.

Amtrak accepted firearms in baggage in checked baggage at one time. Weapons had to be separately secured in baggage or containers. However, after the terrorist attacks of September 11, 2001, Amtrak began to place restrictions on the carriage of weapons on Amtrak trains. In 2004, the review and evaluation of numerous security measures occurred again after the attack on passenger trains in Madrid, Spain, on March 11, 2004. The purpose of this policy revision was to better ensure the safety and security of Amtrak passengers and employees. Amtrak decided to implement a total weapons prohibition, including firearms. The only exception was for sworn law enforcement personnel. Today, that policy is still in effect.

That exception is reasonable—for sworn law enforcement personnel. But the Senator from Mississippi wants to go beyond that. He wants to allow anyone who legally owns a gun in America—and I might tell you that the standards in many States are not that high for the ownership of firearms—to impose upon Amtrak an obligation to check baggage with an unloaded firearm in a container, as specified, and that Amtrak has to set up the process for that passenger, regardless of the cost to Amtrak, which incidentally neither the Senator from Mississippi nor anyone else on the Senate floor knows. We have no idea what this is going to cost.

This amendment simply disregards the risk assessment that Amtrak conducted for the security of our rail network. It calls for eliminating all funding for Amtrak unless they adopt the policy on checking firearms in baggage the Senator from Mississippi is insisting on.

The stakes for Amtrak are enormously high. In the current fiscal year, Congress has appropriated \$1.49 billion for Amtrak's operations and capital improvements. This amendment would say Congress couldn't give \$1 to Amtrak unless it changes the policy, as the Senator from Mississippi insists.

Well, I can tell you what Amtrak means to my State of Illinois. With the increasing cost of gasoline, more and more people are relying on Amtrak. Thank goodness they are. Using Amtrak trains means fewer cars on the highway and less pollution. Families are saving money. It is a godsend for those who use them in college towns—sending their kids to school and letting the kids return using the trains.

In Senator WICKER's home State of Mississippi, Amtrak had a ridership of 100,000 people last year. That number isn't as large as the 4.4 million in my home State, but it is a fair number of people in Mississippi who found it convenient to ride on Amtrak trains. Last year, Amtrak employed 72 people in Mississippi and paid out over \$4.5 million in wages. The Senator from Mississippi says: If you don't accept my amendment to allow firearms in checked baggage, close it down.

Nationwide last year, 28.7 million passengers rode on Amtrak—an average of more than 78,000 passengers per day. Amtrak employs nearly 18,000 people nationwide with good jobs, but the Senator from Mississippi would rather see Amtrak's funding, riders, and employees cast aside unless he is satisfied that Amtrak's checked baggage policy allows people to take firearms onto trains.

Besides concerns about terrorism, there are legitimate safety concerns with permitting weapons in checked bags on trains. Amtrak doesn't have the personnel, systems or security infrastructure needed to manage firearms aboard passenger trains. Amtrak cannot effectively safeguard against theft, loss, damage or misuse of transporting guns. Does the Senator from Mississippi expect Amtrak to assign someone to the baggage car to guard the suitcases that may contain the firearms? If he does, how is he going to pay for that?

Passenger trains do not have nearly the baggage handling safeguards that airplanes do. Checked baggage on trains is carried in a separate train car. I wish to tell you, most of the rolling stock of Amtrak is decades old and certainly these baggage cars are as well. They were never designed with this level of security in mind. These train baggage cars are much easier to access during transit and in stations than the checked baggage compartments of airlines. That is fairly obvious.

In addition, Amtrak trains stop much more frequently than airplanes, which creates more opportunities for access and theft and misuse of firearms in checked baggage. In fact, checked luggage is often unloaded and presented to passengers on the platform rather than a remote, secure baggage pickup area. In order to screen and capably manage checked firearms, Amtrak would need to significantly revise its baggage handling operations and the training of its personnel.

What about special situations, such as when there is a homeland security alert due to specific threats against our rail network? There is not one word in the amendment of the Senator from Mississippi about how to deal with these homeland security threats when it comes to firearms and checked baggage. Should Amtrak be required to allow weapons on trains when there is a terrorism alert?

I wish to know if the Senator from Mississippi ever considered that. I know it didn't come up in a hearing on this amendment because there has never been a hearing on this amendment.

A serious effort at revising Amtrak's weapons policy would include an assessment of these safety and security issues. A serious legislative effort at revising Amtrak's weapons policy would also look at the cost this amendment imposes on Amtrak. There is a lot of criticism on the floor about spending and deficits. Here we have an unfunded mandate on Amtrak because at least one Senator—perhaps others join him—believes it is a good idea that people could show up at the Amtrak station and check their firearms. Are the people willing to pay more, every passenger pay more for tickets, so that person can have a guard on the checked baggage in the baggage car with the firearms in place? We regularly hear concerns about Federal spending, particularly from the other side of the aisle. But the Wicker amendment imposes significant security costs that would have to be absorbed by Amtrak. They may have to cut back in services or raise ticket prices to absorb the cost of this effort, because at virtually every Amtrak station in America they have to be prepared, with the Wicker amendment, to take on firearms as checked baggage.

There have been no hearings on this amendment. The Senate has not given Amtrak or law enforcement or Homeland Security, or the baggage handling unions, or anyone affected by this amendment, the opportunity to even consider it and testify.

Given time, given the opportunity to work with these stakeholders, we may be able to work out some kind of understanding that accommodates the concerns of the Senator from Mississippi, but the amendment we have before us is not a responsible approach to this challenge. To think that we would allow one person at one station to impose a burden and expense on Amtrak to be borne by every other passenger, to me, in this age of terrorism, is difficult to explain and impossible to accept.

I urge my colleagues to think twice about this amendment. I know the political force behind gun amendments, but this goes too far. If it is a good idea, why doesn't it go through the ordinary process here? At least have a

hearing and answer the basic questions I have raised and others have raised during the course of consideration of this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak as in morning business. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WTO AIRBUS INTERIM RULING

Mr. BROWNBACK. Mr. President, this issue is actually one that is related to the bill but it is not on point, so that is why I asked for that permission.

Earlier this month, the World Trade Organization issued an interim ruling that the European Union's "launch aid" to Airbus is illegal. I say this is relating to the bill because a major transportation issue for us in the United States is the building of major aircraft, of aircraft to be able to transport individuals. What we have seen taking place over the last 15 years is Airbus subsidizing their way into the commercial aviation market and taking market share from Boeing and driving McDonnell-Douglas and other competitors out of the field altogether.

Earlier this month, about 2 weeks ago, the World Trade Organization issued a major finding that the European Union was doing illegal launch aid as a subsidy and it was harming U.S. participants in this marketplace. This ruling is a big one for the Office of the U.S. Trade Representative, which has been pursuing this case for years. U.S. trade policy regarding the aerospace industry has been remarkably consistent for years and across several administrations.

The United States has always contended that the launch aid which the EU provides to Airbus to develop new aircraft constitutes an illegal trade practice. Airbus's dishonest behavior has had a devastating effect on the commercial aviation industry in the United States. Launch aid gives Airbus access to billions in government funds which it could never afford to borrow on commercial terms. This free money directly harms the United States and our competitors in these fields. As the USTR pointed out in a 2006 submission to the World Trade Organization, launch aid helped force Lockheed and McDonnell-Douglas from the large commercial aircraft market. It forced them out of the field because of government subsidy by Europe.

Launch aid has also contributed to a loss of 19 percent of Boeing's market share. Imagine two of your main competitors are forced out of the field, Lockheed and McDonnell-Douglas, and you lose 19 percent of market share, because of a European subsidization in

this field. This has harmed the United States substantially, in a big way, and this is a huge ruling for us.

This WTO interim ruling is a big win for the United States and U.S. companies that have had to deal with dishonest behavior by Airbus over the years—or at least it should be a big win. For years the Department of Defense has said it cannot consider foreign subsidies when it holds a competition for defense procurements. In particular, DOD has said it would not consider launch aid last year when it evaluated the cost of the Airbus proposal to build a new aerial refueling tanker for the Air Force.

So here we have a case, supported by administrations, Republican and Democrat, over several years against Airbus that comes out in our favor from the WTO, and the next big bid this may come into effect in is in the military bidding of this tanker, the \$40 billion U.S. Department of Defense tanker bid. The Department of Defense is saying we cannot consider the issue of launch aid.

I think that is wrong. I think it is wrongheaded. I think it is harmful and I think it is at cross purposes for our government, where one end of the government, the U.S. Trade Representative office, sues Airbus for subsidization and the other end, the Department of Defense, says we don't care, and if you give us a cheaper aircraft that way, that is fine. That is at cross purposes, and I think clearly what we should listen to is what the WTO has said, that this launch aid is illegal and it should not be allowed to use it to subsidize a military bid in this country by a foreign competitor.

Last year the Air Force chose Airbus to build the tanker because the cost seemed very low. But now we know that the Airbus pricetag covered up development costs that were illegally subsidized by the EU, and we have that from a World Trade Organization interim ruling.

The Department of Defense, I believe, has an obligation to listen to the Office of the U.S. Trade Representative when designing a new tanker competition. Defense procurement should be coordinated with our trade policy. If the WTO agrees with arguments made by the U.S. Trade Representative, why should the Department of Defense, our Department of Defense, be allowed to object? We cannot afford to have the Pentagon undermining our Trade Representative and our trade policy negotiating position at the World Trade Organization. We have seen how launch aid to Airbus distorts the commercial aircraft market, driving two major U.S. competitors out of the field and cutting back Boeing's share of the marketplace by nearly 20 percent. The WTO ruling should keep us from relearning that lesson in the military marketplace as well. Defense contracts should never

stack the deck against American companies, particularly when the WTO foreign companies are engaged in illegal trade practices.

Everyone agrees that the Air Force needs new tankers. In this current fleet of tankers, many of the planes are already over 50 years old, and when they are finally replaced some of them will be 80 years old and will still be out there flying. They need to be replaced. Tankers are a vital platform for the Air Force and for all of our Armed Forces. They enable the rest of our forces to deploy across the world. Taxpayers have a right to expect a new tanker competition will have a level playing field, particularly for U.S. entrants.

We should not ask taxpayers to ignore the illegal trade practices of companies vying to build a new tanker and we should not ask taxpayers to outsource this crucial capability to a foreign company offering unrealistic, bought-down-by-the-Government-subsidy bargain basement prices, subsidization from the French Government, from the German Government, to get a U.S. military contract that puts our workers out of jobs.

I call on the Secretary of Defense to ensure the new tanker competition accounts for the recent ruling from the World Trade Organization. DOD should factor the value of launch aid subsidies into the cost estimates for any tanker proposal Airbus might submit. This is the only fair way to account for the way Airbus manipulates the aircraft market and has done so successfully in the commercial aviation field to the great detriment of the United States.

I call on the President to ensure Federal procurements are coordinated with U.S. trade policy. This kind of coordination should be a no-brainer. Our trade policy should not be undermined from within and our procurement policies should reflect our trade priorities.

This is a key issue. It is a key issue up in front of the military. It is a key economic development issue for this country. It is a key contract, a \$40 billion military contract. It should be won fairly and squarely by a U.S. company, not by a subsidized European group.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY CHALLENGE

Mr. ALEXANDER. Mr. President, today I want to challenge two popular misconceptions in the Waxman-Markey climate change and energy bill that is now before the Senate after passing the House of Representatives.

The first is the idea that deliberately raising energy prices will somehow be good for job growth and the economy.

The second is that, whatever the problems created by Waxman-Markey, they can mostly be resolved by building more windmills.

Waxman-Markey started out as a bill to reduce carbon emissions in order to deal with climate change. It has ended up as a \$100-billion-a-year energy tax nailed to a renewable energy mandate that will saddle consumers with expensive energy for years to come. Instead of a broad-based, national clean energy policy, Waxman-Markey has given us a narrow, expensive national windmill policy.

I believe cheap energy means good jobs.

My perspective, of course, comes from Tennessee, where Alcoa has shut down its smelter where my Dad worked. They are waiting for a cheaper electricity contract from the Tennessee Valley Authority. Goodman, a company in Fayetteville that makes a large percentage of all the air conditioners in the United States, tells me that if their electricity prices go up too much then those jobs will go overseas. Eastman Chemical employs 7,000 Tennesseans and uses coal as a feedstock. The company says if Waxman-Markey goes through they too might be headed overseas. The Valero refinery in Memphis employs 600 people refining fuels, including jet fuel for Federal Express at its Memphis hub. Waxman-Markey would cost Valero \$400 million or more per year. Today its profits are \$40 million per year at that refinery.

We have two big supercomputers at the Oak Ridge National Laboratory in part because of our abundance of low-cost electricity. Just one of these machines consumes 7 megawatts. Nationwide, computers use 5 percent of our electricity and it is still growing.

Our Governor has attracted two manufacturing plants to make polysilicon for solar cells—these are the “green jobs” everyone loves to talk about. Each of those plants uses 120 megawatts. If they are going to make affordable solar cells, they can't pay high electricity costs.

A third of Tennessee's manufacturing jobs are in auto manufacturing. Auto parts suppliers watch their costs, including electricity costs, and if they go up too much they will be making auto parts in Mexico and Japan instead of Tennessee and Michigan.

Last December 10 percent of Nashvillians, even with TVA's relatively low residential electric rates, said they couldn't afford to pay their electric bills.

So let's step back for a moment and ask; What kind of America are we trying to create with this climate-change and energy bill? I suggest we want an America in which we have enough clean, cheap, and reliable energy to create good jobs and run a prosperous industrial and high-tech society. In order to support the American economy that creates about 25 percent of

the world's wealth, we need to produce about 25 percent of the world's energy.

We want an America in which we are not creating excessive carbon emissions and running the risk of encouraging global warming.

We want an America with cleaner air—where smog in Los Angeles and in the Great Smoky Mountains is a thing of the past—and where our children are less likely to suffer asthma attacks brought on by breathing pollutants.

We want an America in which we are not creating “energy sprawl” by occupying vast tracts of farmlands, deserts, and mountaintops with energy installations that ruin scenic landscapes. The great American outdoors is a revered part of the American character. We have spent a century preserving it. We do not want to destroy the environment in the name of saving the environment.

We want an America in which we create hundreds of thousands of “green jobs” but not at the expense of destroying millions of red, white, and blue jobs. It doesn't make any sense to employ people in the renewable energy sector if we are throwing them out of work in manufacturing and the high tech sector.

That is what will happen if these new technologies raise the price of electricity and send manufacturing and other energy-intensive industries overseas searching for clean energy.

We want new, clean, energy-efficient cars, but we want them built in Michigan and Ohio and Tennessee, not Japan and Mexico. We want an America where we are the unquestioned champion in cutting-edge scientific research and lead the world in creating the new technologies of the future. We want an America capable of producing enough of our own energy so we cannot be held hostage by some other energy-producing country. None of those goals are met by Waxman-Markey.

This bill produces a huge new tax on the economy. In addition, it requires 15 percent of our electricity to come from a narrowly defined group of renewable sources defined as wind, solar, geothermal, and biomass. While promising and intriguing, we cannot expect renewable energy to do anything more in the foreseeable future than to supplement our current base load electricity production. It cannot replace it. What the Waxman-Markey bill proves, once again, is that one of government's biggest mistakes is taking a good idea, renewable energy, and expanding it until it does not work anymore.

Republican Senators have a better idea: Produce more American energy and use less.

First, we should build 100 new nuclear reactors over the next 20 years, just as we did from 1970 to 1990. That would double our level of nuclear generation to 40 percent of our electricity. Add 10 percent for Sun and wind and

other renewables, another 10 percent for hydroelectric, maybe 5 percent more for natural gas. By 2030, we begin to have a low-cost, low-carbon, clean energy policy that also puts us within sight of meeting the goals of the Kyoto Protocol on global warming.

Step two is to electrify half of our cars and trucks. I think we can do it within 20 years. This should reduce our dependence on foreign oil by one-third, clean the air, and keep fuel prices low. According to estimates by the Brookings Institution scholars, we could do this with the unused nighttime electricity we have today without building one new powerplant.

Step three is to explore offshore for natural gas, which is low carbon, and oil. We should use less but more of our own.

The final step is to double funding for energy research and development and launch mini-Manhattan Projects like the one we had in World War II to meet seven energy challenges: improving batteries for plug-in vehicles, making solar power cost competitive, making carbon capture a reality, safely recycling used nuclear fuel, perfecting advanced biofuels, designing green buildings, and providing energy from nuclear fusion.

Basically, our policy should be to conserve and use our nuclear gas and oil resources until we figure out how to make renewable and alternative energies more reliable and cost competitive.

Instead of following this simple, four-fold, low-cost clean energy strategy, the Obama administration wants to spend tens of billions of dollars covering an area the size of West Virginia with 50-story wind turbines while it squirms uncomfortably at every mention of nuclear power.

According to the San Francisco Chronicle last week:

The Department of Energy is starting a new partnership with the nation's six largest wind turbine manufacturers in an effort to provide 20 percent of the nation's energy from wind by 2030.

In his inaugural address, the President spoke eloquently of powering the country with the wind, the Sun, and the Earth.

In June, the Wall Street Journal asked Boone Pickens, Amory Lovins, Al Gore, and President Obama how to reduce dependence on foreign oil and contribute less to climate change. These 4 came up with 24 suggestions, from placing veterans in green jobs to generating 20 to 30 percent of electricity by wind, but made not one mention of nuclear power.

Over the next 10 years, the wind industry will receive direct Federal taxpayer subsidies of about \$28 billion, according to the congressional Joint Committee on Taxation. Most of this cost is due to the renewable production tax credit that is worth about 3 cents

per kilowatt hour to wind developers and costs taxpayers \$26 billion. Fully 75 percent of the renewable tax credit goes to wind. Solar, geothermal, biomass, and hydropower combined make up the remaining 25 percent. There will be \$1 billion for construction subsidies through clean renewable energy bonds. There will be an investment tax credit for residential and small industrial wind turbines. There will be accelerated depreciation of small wind turbines. Plus, there will be \$11 billion provided by the stimulus for building the “smart grid” and new transmission lines. The North American Electric Reliability Corporation tells us the entire U.S. grid needs upgrading, but the transmission projects announced so far will all go to bringing wind and solar electricity from remote places to population centers.

All this does not even mention the Waxman-Markey renewable energy mandate, which will have the practical effect of forcing utilities in many States to buy government-subsidized wind energy they do not necessarily need from far-away States with better wind resources.

Let me give you an example. Between 2000 and 2004, the TVA constructed a 30-megawatt wind farm on Buffalo Mountain in Tennessee at a cost of \$60 million. It is the only wind farm in the Southeast. You will read in the papers that having a 30-megawatt wind farm means generating 30 megawatts of electricity. That is only what they call its “nameplate capacity.” That is not real output. In practice, Buffalo Mountain has only generated electricity 19 percent of the time since the wind does not blow very much in the Southeast. That means TVA is paying \$60 million over 20 years to generate 6 megawatts of electricity. Multiply this out, and you will see it means spending \$10 billion to generate 1,000 megawatts, which makes Tennessee's wind mills more expensive than the costliest nuclear reactor.

TVA considers the Buffalo Mountain wind farm to be a failed experiment. In fact, looking for wind power in the Southeast is a little like looking for hydropower in the desert. Nevertheless, Waxman-Markey will now force TVA and every other utility in the country to get at least 12 percent of their electricity from a narrowly defined group of renewable sources. Hydroelectric dams, for example, probably the best source of renewable energy, do not count because—well, I am not sure exactly why. But environmental groups have been opposing them since the 1950s. Nuclear does not count as renewable, either, even though we have plenty of uranium and reprocessing the fuel could stretch it out for hundreds of years. Instead, the TVA is now requesting bids for 1,250 megawatts of renewable power that it does not really need and may not be able to use.

Wind now produces 1.3 percent of America's total electricity and 4.5 percent of our carbon-free clean electricity. Yet, according to the Energy Information Administration, wind turbines are being subsidized at 30 times the rate of all other renewables and 19 times the rate of nuclear power, which, by the way, provides 70 percent of our carbon-free, clean electricity.

So instead of a clean, broad-based energy policy or even a clean, renewable energy policy, what we have in practice is a national windmill policy. But wait a minute. They tell us all this is not really about producing clean, cheap energy; it is about creating green jobs. There are two problems with this argument. First, there must be at least as many welders, mechanics, construction workers, and engineers who would be employed in building 100 new nuclear plants during the next 20 years as in all the so-called renewable energies together. Second, while there may be hundreds of thousands of green jobs, there are tens of millions of red, white, and blue jobs in America that will be quickly lost because of rising energy prices.

Let's look at California. The Golden State has been imposing renewable energy mandates for years. It has not built a base load coal or nuclear plant in 20 years. Meanwhile, it has built renewables, renewables, and renewables, with plenty of expensive natural gas to back them up. All of this contributed mightily to the California electricity shortage of the year 2000. Now the State has the highest electricity prices in the continental United States west of Washington, DC. Manufacturers are leaving in droves. Even Google and Yahoo are building their server farms elsewhere. With all of this job loss, the State had an 11.9-percent unemployment rate in July and, until recently, a \$28 billion budget gap. Its bond rating is now the lowest of the 50 States.

I cannot believe the high cost of electricity in California has not contributed to all of this. Has this tempered the State's enthusiasm for expensive renewable energy? Apparently not. California lawmakers are developing legislation to increase the current 20 percent renewable standard to 33 percent by 2020. State energy agencies have concluded it could cost \$114 billion or more to meet the 33 percent mandate, more than double what the original 20 percent requirement cost. That comes to \$3,000 per Californian.

Yet, according to the Wall Street Journal's news page on July 3 of this year:

The state auditor warned this week that the electricity sector poses a "high risk" to the state economy. A staff report from the state energy commission also warns that California can find itself uncomfortably tight on power by 2011 if problems continue to pile up.

Utilities complain that the ambitious renewable-energy mandates, combined with

tougher environmental regulations on conventional plants, are compromising their ability to deliver adequate power. "Conflicting state policies are a problem," said Stewart Hemphill, senior vice president of procurement at Southern California Edison.

Renewable energy is intriguing and it is useful. But today it is 4 percent of our electricity. It has many challenges. What many people forget is that wind and solar energy is only available, on average, about one-third of the time. And electricity today cannot be stored in commercial quantities with current technologies; you either use it or you lose it.

When you see 1,000 megawatts of wind and solar power reported in the newspaper, remember it is only about 300 megawatts because these sources only produce electricity about one-third of the time, compared to American nuclear plants producing electricity 90 percent of the time.

Denmark, with the world's biggest percentage of wind power, claims to get 20 percent of its electricity from wind. Yet it still produces 47 percent of its power with coal and imports more than 25 percent of its electricity from Sweden and Germany. Moreover, it is not clear that its carbon emissions have decreased at all over the last 10 years. Worse yet, because of wind variability, Denmark must export almost half of its wind power to Germany and then import nuclear and hydropower back from Germany, Sweden, and Norway.

Then there is what conservation groups are calling energy sprawl and which we are only beginning to come to grips with. One nuclear plant generates 1,000 megawatts and occupies 1 square mile. One big solar thermal plant with giant mirrors generating the same 1,000 megawatts in the western desert will occupy 30 square miles. That is more than 5 miles on a side. To generate the same 1,000 megawatts with wind, you would need 270 square miles of 50-story wind turbines. That is an area more than four times the size of Washington, DC, or that is an unbroken line of turbines along our ridgetops from Johnson City, TN, to Harrisburg, PA. If wind farms move offshore, you would need to line the entire 127-mile New Jersey coast with windmills 2 miles deep just to replace one nuclear reactor that sits on a square mile.

We have not even talked about when these wind farms outlive their useful life cycle of 20 years or so. Who is responsible for their removal? We have already seen this problem in Hawaii and Altamonte Pass in California. The developers should be required to put up bonds to ensure these turbines are taken down in case the developers walk away.

For those of us in the Southeast where the wind blows less than 20 percent of the time, they say use biomass, which means burning wood products in sort of a controlled bonfire. That is a good idea as far as it goes. It might

conserve resources and reduce forest fires, but we would need a forest 1½ times the size of the 550,000-acre Great Smoky Mountain National Park to feed a 1,000-megawatt biomass plant on a sustained basis. It would take hundreds of trucks each day to deliver the wood to the biomass plant. It is hard for me to see how this reduces carbon emissions.

Already we are beginning to see the problems. Boone Pickens, who said wind turbines are too ugly to put on his own ranch, recently postponed what was to be America's largest wind farm because of the difficulty of building transmission lines from west Texas to population centers. The Sacramento Municipal Utility District pulled out of another huge project to bring wind energy from Sierra Nevada for the same reasons. The transmission lines were meeting too much opposition, particularly from environmentalists.

We hope renewable energy can be reliable and low cost enough to supplement, but when we are talking about using wind energy as a substitute for base load energy, we haven't thought about what it is going to look like in practice.

In conclusion, let's take a look at the true source of base load electricity, nuclear power. Nuclear power already produces 20 percent of our electricity and 70 percent of our carbon-free electricity. It is so profitable, there is enough to pay back construction loans and still have low rates. For example, TVA's Brown's Ferry will be repaid in 3 years not 10 as had been expected. Nuclear power receives very little in the way of Federal subsidies. All 100 plants built between 1970 and 1990 were built with private funds. The Price-Anderson insurance program for nuclear plants has never paid a penny of taxpayer money in insurance claims.

There are other myths surrounding nuclear power besides subsidies. We need to dispel those. Nuclear opponents claim we don't know what to do with the fuel. That is not true. Scientists, including the administration's Nobel Prize winning Secretary of Energy, Dr. Chu, tells us we can store used fuel safely onsite for 40 to 60 years while we work out the best way to recycle the used fuel.

We can't wait any longer to start building our future with clean, reliable, and affordable energy. The time has come for action. We can revive America's industrial and high-tech economy with the technology we already have at hand. The only requirement is that we open our minds to the possibilities and potential of nuclear power. As we do, our policy of cheap and clean energy based on nuclear power, electric cars, offshore exploration, and doubling the energy research and development will help family budgets and create jobs. It will also prove to be the fastest way to

increase American energy independence, to clean the air, and to reduce global warming.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Ms. KLOBUCHAR. Mr. President, I will be speaking about health care, but I did want to note, I was listening to my colleague and friend from Tennessee. I have invited him before, but in Minnesota we think our wind turbines are so beautiful, we have opened a bed and breakfast near Pipestone. Come, stay overnight, and wake up in the morning and look at a wind turbine. I guess it is all in the eye of the beholder. We are excited about the power that wind has brought to our State.

I wish to address the very important issue of health care. I first want to commend my colleague who is here with me today, Senator CANTWELL, for her commitment to passing a proconsumer health care bill that is focused on reducing cost so that it makes health care more affordable to all people.

I rise to speak about an issue that is an economic imperative—true reform in the way we pay for health care. If we don't act, costs will continue to skyrocket. The country spent \$2.4 trillion on health care last year alone; that is, \$1 out of every \$6 spent in the economy was spent on health care. By 2018, national health care spending is expected to reach \$4.4 trillion, over 20 percent of our entire economy. These costs are breaking the backs of our families and businesses. Premiums have doubled in just the last 10 years.

We can see from this chart, in 1999, single coverage and family coverage. For single coverage in 1999, the premium was \$2,196, the premium an individual would pay. Now it is up to \$4,704. A family in 1999 paid \$5,791. Now they are paying \$12,680, a doubling of the premiums for families. All of the statistics, all the studies show if we don't do anything, if we just put our heads in the sand, we will see a doubling of those premiums again.

A recent study by the Council of Economic Advisers found that small businesses pay up to 18 percent more than large businesses to provide health care insurance for their employees, often forcing these businesses to lay off employees or cut back on coverage.

I met with farmers today. I have met with cattle ranchers. I met with people who are farming and trying their best—self-employed. I have met with a small business up in northern Minnesota in Two Harbors called Branite Gear, a backpack company. They make

fine backpacks for our troops. Do you know how much the owner of that company now pays for health care for his family of four: \$24,000. He said he now employs 15 people. If he would have known this back 15 years ago, when he started that company, he wouldn't have started it then. He is proud of that company, but his small business cannot afford to pay this kind of money.

These costs are also breaking the backs of American taxpayers. At the current rate of spending, Medicare, such a crucial program for our seniors, a safety net, something they must have, is scheduled to be in the red by the year 2017. So those people who are 55 years old and want to have Medicare should care about cost reform. If you are 65 years old and you plan to live a great life until you are 95 or 100, you should care about a strong Medicare that isn't going in the red.

A recent Congressional Budget Office estimate shows that the majority of the projected \$344 billion increase in Federal revenues in 2010 are scheduled to go automatically to cover the rising cost of health care. To put it simply, my bottom line for health care reform is that we must get our money's worth from our health care dollars. Right now that is not happening.

With 92 percent of our population covered, Minnesota is fortunate to have one of the highest coverage rates of health insurance in the country. Part of that is we have very good health care. We have a lot of nonprofit health care insurance agencies. We also have Minnesota Care which extends coverage to so many of our people who can't afford it. As any Minnesota family or business knows, the price of health insurance coverage has been going up faster than almost anything else, much faster than wages. People are worried about the stability of their coverage. That is where I have found unity between Democrats, Republicans, and independents. People want stability. They don't want to be thrown off because their kid gets sick. They want coverage, and they want their kid to have coverage. If they change jobs, they want to keep their coverage, and they also want more affordable health care.

I have been pressing Senate colleagues and the administration to make sure we have reform that results in more affordable and more accessible health care coverage. The problem is, we are paying too much. We are not getting a good return all the time on what we pay. The solution must be to get the best value for our health care dollars; otherwise, costs will continue to wreak havoc on the budgets of government, businesses, and individual families.

The root of the problem is that most health care is purchased on a fee-for-service basis so more tests and more

surgeries mean more money. Oftentimes those surgeries and tests are completely unwarranted. We want quality, and we want outcome to be the measure of good health care. Quantity, not quality, is what pays right now.

According to researchers at Dartmouth Medical School, nearly \$700 billion per year is wasted on unnecessary or ineffective health care. That is 30 percent of total health care spending.

My favorite story is about an HMO in the southwestern part of the United States that said: Let's look at a better way to treat diabetes. Instead of having people trying to get in to see their doctors, we will have them seen by nurses and nurse practitioners, and we will have it overseen by two endocrinologists. They actually saw health care professionals more often and quality went up. Costs went down. And guess what. They got reimbursed less for that system because of the way our current system rewards quantity over quality.

This chart says \$50 billion. The reason it says \$50 billion is that an independent study from Dartmouth looked at how Mayo Clinic, one of our premier health care institutions, treats chronically ill patients in their last 4 years of life. Quality is incredibly high. What they looked at was the Mayo protocol; if we use that in hospitals all over the country, how much would we save? You would think it would cost more because it is higher quality. You would actually save \$50 billion in taxpayer money every 5 years just for this set group of patients, if the Mayo protocol was followed, because they have integrated care. They work as a team, and they are careful and do what the patient wants. They put the patient in the driver's seat.

In Minnesota we have several examples of this coordinated, outcome-oriented system, not just the Mayo Clinic but also St. Mary's in Duluth and Health Partners that has done some groundbreaking work with diabetes. As this chart shows, on spending per patient, just using the Mayo protocol for chronically ill patients, \$50 billion would be saved every 5 years.

To begin reining in costs we need to have all health care providers aiming for high-quality, cost-effective results. We must take significant steps to ensure that Medicare remains available for future generations. I want to be able to get Medicare and so do those people who are 65. To do that, we have to make the system efficient and cost-effective with the highest quality. Let's reduce those hospital readmissions, have less infections in the hospitals. Let's put those kinds of Mayo quality standards in place like we see at the Cleveland Clinic and other places across the country.

These policy changes are important steps to make sure Medicare is paying for the outcome of treatment, not the number of treatments.

We have seen basic outlines from the Finance Committee bill, but we haven't seen it yet. I support the committee's efforts to develop a national program on payment bundling. In too many places, patients must struggle against a fragmented delivery system where providers duplicate services and sometimes work at cross-purposes. To better reward and encourage this collaboration, we need to have better coordination of care and less incentive to bill Medicare purely by volume. Increasing the bundling of services in Medicare's payment system has the potential to deliver savings and start encouraging quality integrated care.

When it comes to improving care, changing who pays the doctor isn't as much the issue right now, when we are looking at improved care, as it is changing that payment system.

The lesson of high-quality, efficient States such as Minnesota is that someone has to be responsible for the care of the patient from start to finish. Bundling will help encourage hospitals, doctors, and post-acute care providers to achieve savings for the Medicare Program through increased collaboration and improved coordination.

One of the interesting things I don't think people always know about is, they say: If we save money, will that mean worse care? The answer actually is no. It is the opposite.

Does higher spending equal better care? In fact, when we look across the country, higher spending does not equal better care. In fact, it is the opposite. Here we have a chart that shows the highest quality care in the country with the lowest utilization, where they are most cost efficient.

Maybe you know your doctor well. You go to the specialist they refer you to so you are not running around with your x-ray to 15 different specialists not knowing who is better. Look at this: highest utilization has the lowest quality care.

Research has shown moving toward a better integrated and coordinated delivery system would save Medicare alone up to \$100 billion per year. Because Medicare is the single largest purchaser of health care, linking payment to quality outcomes is essential to improve health care outcomes for everyone.

We must also stop paying for care that doesn't result in quality results. Reducing preventable hospital readmissions—and I am hopeful this will be in the Senate bill—is vital to curbing the wasteful health care spending plaguing our national budget. In one year, hospital readmissions cost Medicare \$17.4 billion. A 2007 report by MedPAC found that Medicare paid an average of \$7,200 per readmission that was likely preventable. Who wants to go back in the hospital? I don't think anyone wants to go back in the hospital. So not only are we getting lower

quality care because certain quality parameters are not met, we are also spending more money for it.

I am encouraged that the Finance Committee's outline includes a provision that calls for reduced payments to hospitals for preventable readmissions. We know there are some readmissions that are going to happen. It happens all the time—preventable readmissions. Paying for quality results also means reducing hospital-acquired infections. We should not have to pay for an infection that comes as a result of a hospital stay itself. No one wants to get an extra infection in a hospital, and there are vast differences among hospitals in those infection rates. So let's put those quality protocols in place.

Third, we need to better reward integrated care systems. At places such as the Mayo Clinic, a patient's overall care is managed by a primary care physician in coordination with specialists, nurses, and other care providers as needed. It is one-stop shopping.

It reminds me of a football team. We do not have 10 wide receivers running around, running into each other, just like we would not have 10 specialists in health care. We have one quarterback who is a primary care physician, and then we have a team that works together. That is what we want to encourage in the health care system to save money.

To better reward and encourage this collaboration, we need to encourage the creation of accountable care organizations. These are groups of providers that work together, as they do in Minnesota, to deliver quality, coordinated care to patients. We want to put incentives in that reward this kind of care.

The President stood before his health care summit and asked: Why should Minnesota be punished when it rewards, when it creates this kind of good, high-efficient care? The sad thing is, right now it is because when we just base pay on volume and we do not pay any attention to what the results are or what the infection rates are or what the readmission rates are, we are not getting that kind of quality care people deserve.

The last thing I want to focus on is something Senator CANTWELL, who will be speaking after me, and I have been so focused on right now; that is, putting some kind of quality index in place. The proposal here is to move us toward a system that links quality to cost. Right now, we do not have that in place. I believe we need to do more in the finance bill than we even have in the House bill to get this value index in place. This is a bill I have introduced.

Senator CANTWELL is one of the lead sponsors, as well as Senator GREGG of New Hampshire.

The indexing will help regulate over-utilization because those who produce more volume will need to also improve

care or the increased volume will negatively impact fees.

This legislation will authorize the Health and Human Services Secretary to create a value index as part of the formula used to determine Medicare's fee schedule.

By adding a value index, our bill uses cost measures that are structured to allow areas with justifiably higher costs—and we know there are different costs around the country—to compete on an equal playing field with lower cost areas. Rewarding value in this way would give physicians a financial incentive to maximize the quality of their services instead of the quantity.

Linking rewards to outcomes creates the incentive for physicians and hospitals to work together to improve quality and efficiency. This proposal would also work in tandem with other proposals—like those being advocated by others and those I have mentioned today, the coordinated, integrated care, the bundling, and other ways—to improve the Medicare payment system.

We know there are also other ways, and I will end with just mentioning these—that we can improve efficiency in health care spending: One, as a former prosecutor, I care a lot about this, to reduce Medicare fraud. Law enforcement authorities estimate that health care fraud costs taxpayers and costs those seniors on Medicare more than \$60 billion every year. This is as much as 20 percent of total Medicare spending. There are ways, and we have some bills that have already been introduced, to greatly reduce this.

Secondly, something the President raised in his speech before Congress is this idea of looking at malpractice reform. I can tell you, in Minnesota, in 2006, we had the lowest malpractice premiums in the Nation. Areas like ours, with more efficient care, tend to have lower malpractice premiums, and that is what our doctors want.

One of the things we have is a certificate of merit system that has been implemented in a number of States and goes hand in hand with efficient care, requiring a medical expert to sign off on any complaint, and it has worked.

We need to reform our health care system. I am so proud to be in the Chamber with my colleague, Senator CANTWELL, a member of the Finance Committee, who has been, day to day, night by night, advocating for this kind of reform. We want our seniors to stay on Medicare and have the kind of safety net they deserve. We want people who are 55 years old to be able to get Medicare when they are the age to get Medicare. The way we do this is by actually increasing quality and decreasing costs.

We do this in the State of Minnesota. We know we can do it in other places of the country. I plead with my colleagues on the Finance Committee that we have to look at the long-term costs

if we are going to bring reform. We have outlined some ways to do this today. We look forward to working with people from all over the country. But this has to be a major element of reform.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Washington.

Ms. CANTWELL. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Thank you, Madam President.

Madam President, I rise to talk about the health care reform bill and the most urgent need to make sure we have provider reform as part of the insurance reform package.

I thank the Senator from Minnesota for her leadership on this issue. She has hit the ground running when it comes to the issue of health care reform, advocating for changes in policy and introducing legislation at the beginning of this year called the value index legislation. I am proud to be a sponsor of that legislation and proud we have worked together so diligently to try to communicate why this is so important for America.

Clearly, Minnesota has had good results and is leading our country in the kinds of health care practices we need to adopt. Senator KLOBUCHAR has been able to put that into legislation and to champion that legislation and to work on the floor organizing colleagues from like States to communicate this issue.

I am happy to be joining her in the letter we are sending to our Senate leadership and to the President of the United States talking about why it is so important to get these reforms adopted.

So I thank her for being out here this evening to communicate this important public policy area, and, again, for having Minnesota be front and center in this debate.

What we are trying to address is an urgent problem; that is, the Medicare system, basically—if we do nothing—is going to go broke. It is doubling in its cost to the Federal Government.

We are talking about reform. We are talking about adding more people. So if we look at Medicare spending and where we are today and the amount we are going to see in the future, we know we are quickly growing that number—from 2009 to 2015—to be over \$1.2 trillion. So the cost of this—of Medicare doubling over 10 years—is something we know as a country we cannot sustain.

Without health care reform—without even the discussion of adding the uninsured—we know we cannot sustain the doubling of Medicare in the next 10 years. So we need to change the system.

We know what the cause of this crisis is, too. There are many elements to

health care and health care costs, but we know from the many hearings and testimony we have had from experts that the fee-for-service system is driving up the cost of health care. Fee for service rewards providers for the quantity of services they provide without regard to whether those services benefit the patient.

I ask my colleagues if they have ever experienced this situation I am about to describe because I know many Americans will tell you this is exactly what they have experienced. Have you ever asked yourself why your physician, while you are in the middle of a health care appointment, seems so hurried? Have you ever asked yourself why the doctor seems so hurried to go to the next appointment?

Well, the reason is because that is the way we pay doctors. We pay doctors by the number of patients they see and the number of procedures they order. So the system we have today actually creates an incentive for doctors to spend as little time with each patient as possible.

If we think about that, if we think about where our health care system is today, how is that good for delivering outcomes? How is that good for making sure the patient gets the best care?

I want to make sure I am clear. This is not the fault of the doctors. They are just following the rules of the game as it is being played today. Indeed, many physician organizations are advocating the changes in organizational structure that the Senator from Minnesota and I are advocating. They understand it is a daunting task to reform health care. But in this case, they know the problem is simple enough to grasp. All we have to do is follow the money, and what we see in both private insurance and Medicare is that we are routinely paying for duplicative or inefficient care. Then the cost of Medicare and the cost eventually to taxpayers skyrocket.

So if we look at the fee-for-service model, it is pretty clear. It is a feedback loop. In business, in technology we call this a positive feedback loop because it just feeds each other because we have more use, we order more tests, we have more duplication of services, and we have more spending, and the cycle just keeps going and it keeps perpetrating itself. The end result is, we just keep adding costs to our system.

Nowhere is there an outcome that is judged here, nor is there a value to the patient. It is a fee for service that just generates more spending. We cannot emphasize that enough because the current system promotes an overutilization of what are scarce health care dollars and resources.

As one national study shows, there is an estimated \$700 billion a year in wasted health care dollars. That is health care spending that may not even be—certainly it is wasted dollars.

Some people have said it can even do harm in the way the money is spent.

So we are out here today advocating for a different model. We are out here saying it is good to talk about insurance reform, but if Medicare is one in every five health care dollars and Medicare is driving health care spending, it is also driving expensive health insurance. So if we have expensive fee-for-service Medicare that is helping to waste precious Medicare dollars, you bet it is also driving expensive health insurance.

The good news is, we already know there is a viable alternative. The reason we know that is because we know there are States such as Washington and Minnesota and many others across the country that have put some of these new practices into place. We know they are working in the real world. In some parts of the country, we have reforms that have reversed these trends and they have cut costs and they have put the emphasis where it belongs.

The bottom line is, they put the patient first. Imagine that: putting the patient first—not the number of procedures ordered, not the number of people seen, but putting the patient first by making sure we are focusing on their outcomes.

These States and parts of the country have done this by organizing a delivery of care system so the doctors can take the time with their patients, and they can take the lead in coordinating their care. Patients in these delivery systems get better access to their physicians, they experience shorter waiting times, they benefit from coordinated care that is provided by their primary care physician and other health care individuals, and the health care outcomes are better.

In fact, if we look at some of these States, and we look at some of the individual criteria, who in America would not like shorter waiting times to get to see the health care provider they need to see or better access to doctors or to have one doctor coordinate with their other health care providers their specific needs and treatments and to guarantee better outcomes?

On this chart is data from the Robert Wood Johnson Foundation from 2008 of what we get when we put a coordinated care delivery system in place and we integrate the care of the individual in the delivery system. So this kind of delivery system is good for individuals, but it is also good for the taxpayer because not only does the patient benefit, we cut down on the bureaucracy and that \$700 billion of wasteful spending I talked about a few minutes ago.

So I believe every part of the country ought to take heed of this phenomenal result and the fact that, as my colleague from Minnesota said, we could save the taxpayers over \$100 billion a year if we made this change to coordinated care across the country.

When Medicare is structured in a way that it encourages better quality and more efficient care, we will also see the price in private insurance go down as well because the cost of correlation of Medicare driving private insurance is there.

So my colleagues who come from States that have more expensive Medicare might think that is somewhat of a benefit, but I guarantee it is also driving more expensive private insurance and your citizens are not getting the best care. This Robert Wood Johnson Foundation study proves that. If we were looking at other States, all these checkmarks on the cost and utilization would be high.

So we know the health care debate puts us at a crossroads. It puts us at a crossroads about what we are going to do about our current health care system. We can either fix these problems or we can exacerbate it and make it worse. We all want to help the uninsured in America, but to add more people to this health care system, to cover more people under health care without changing the way we pay for Medicare is going to explode the Federal deficit. So we want to make sure we don't exacerbate this problem.

As the Senator from Minnesota said, her home State has implemented these things. So has Washington State. We know that where health care costs are managed efficiently, we are producing great results. But we know the gap between these reimbursement rates in other areas of the country is still leaving us with inefficient delivery systems, and we know that for our States, we are delivering efficient care. If you continue to have inefficient systems in other parts of the country that pay more but are less efficient and don't deliver patients better care, you are going to continue to have health care practitioners migrate to those areas. That is why fixing the health care system but not addressing this issue is not a real solution for us because we cannot continue to see people from Washington and Minnesota and other places migrate to high-cost, high-paid doctor States, with no guaranteeing of better outcomes but certainly more pay for physicians.

We know the fee-for-service model is bleeding our country, and we know we need to make changes to that. We need to have a quality care system. So that is why I joined Senator KLOBUCHAR at the beginning of the year in introducing legislation for a value index and that is why we have been fighting in the Finance Committee to add these kinds of reforms to the system. I am very proud the Finance Committee is looking at insurance reform, to ban practices such as excluding individuals just because they have a preexisting condition, but provider reform in how Medicare is delivered is as crucial to delivering a good health care system in

America. We are advocating that we have a health care system that puts the patient first, that puts them in the focus of how physicians get paid.

We do this specifically by striking a blow against fee for service and replacing it with a model that allows physicians to spend more time with their patients, to better coordinate their care, to provide them with preventive care for the future, and to make sure they are getting the quality of care they deserve. As one of my constituents came into my office to talk about this said: I don't want to be medicated, I want to be cured. What she meant is don't just write me a prescription and tell me to go away; I want you to focus on my specific health care needs. That is what so many people think about our health care system. At a time when we do have advances in new technologies and preventive care and wellness, that can get our consumers focusing on their own health care needs.

So our proposal changes the current payment incentive structure by using a new value index to measure the quality and efficiency of service. And only by replacing the fee-for-service system with this new value index will we start to control health care costs. According to testimony before the Senate Finance Committee, this is where we are going to get our biggest savings in health care cost reduction. The fee-for-service system, as one of the witnesses said, is the most broken part of Medicare. Under the value index system that we are proposing, the Federal Government would do much better and taxpayers would do much better in making sure we do not see that doubling of Medicare rates.

That is why my colleagues and I are sending a letter—and I see my colleague from Washington on the floor, Senator MURRAY, who several years ago introduced the MediFair legislation; legislation that said we have to have fairness in the way Medicare dollars are spent around the country. We can't continue to incent areas of good practice while we are warning areas of inefficient care, and she has been a champion behind this issue for many years. So I appreciate her being on the floor because I know she cares passionately about this issue as well. I guess that is the point.

Those of us who are from these regions are tired of providing efficient, coordinated care and not—I think the Presiding Officer is from one of those States. You can't believe the frustration we have of going to community after community, knowing we provide better outcomes, knowing we provide better care, knowing people have made it work on the lowest margins possible. Yet people are leaving our States because they can go make a better buck somewhere else off the inefficient health care system we are delivering. It would be one thing if they could

make that quicker buck by going to some State and they were saying: You know what. We are more expensive, but we deliver more care. That is not what the Robert Wood Johnson Foundation says. It says they don't deliver better care. If you can imagine, if you have that fee-for-service model, where you are spending more and ordering more and out of time and so you order all that, how are you getting the best outcomes? You are throwing a lot of money at it, but you are not focusing on what is the real quality of care to deliver to that patient.

I know my colleagues on the Finance Committee are trying to focus on health care reforms for the overall system. There are various proposals that I am sure we will see tomorrow as this draft legislation comes out talking about value-based reforms for hospitals and pilot programs for certain regions and accountable care organizations which can help, in the long run, drive down costs by having global health care budgets. But I would say to my colleagues we cannot just have tweaks to this system. We can't just have pilot programs. We can't just gently turn the wheel of the Titanic and think it is going to avoid the catastrophe we are going to see if we don't reform Medicare.

So we will be working hard in the next couple weeks. As I said, we are sending a letter to the President and to the leadership here that it is time to fix this system; that we have the opportunity to have a 21st century health care delivery system, with all the great information and all the great technology that is out there, but this system can't keep rewarding insurance companies by 435 percent annual profits just because our whole system is set up to order more. Because this isn't about paying for volume. The point is not to pay for volume; it is to pay for value. We want to make sure we are paying for that value and not just the fee-for-service volume system that currently doesn't put patients first in America.

So we will be working hard to get these implemented so we can support this health care legislation.

I thank the President and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2366, AS MODIFIED

Mr. LAUTENBERG. Madam President, I seek recognition because in front of us we have a proposal I think could be very damaging to our country. An amendment has been proposed that I consider unnecessary and potentially dangerous which is being offered by the Senator from Mississippi, Mr. WICKER.

What we are finding is that there is a challenge to whether Amtrak can continue to operate after the 1st of October. It has been modified, but initially it would propose a ban put on Amtrak's

operations unless guns can be carried in baggage on Amtrak trains. While that is an issue that could be discussed—think about it: Amtrak carries 28 million people in a year, and Amtrak produces far less toxic emissions and is much more energy efficient. We have been delinquent for so many years in investing in good railroading. In this advanced country, in this, the richest country in the world, no matter what our economic condition is, it is incomprehensible for that kind of a choice to be put forward: Either you carry guns in our trains—in your baggage on our trains or else we shut down the railroad.

It is preposterous when you think of the services that are offered, not just directly on the Amtrak trains but on the Amtrak tracks where, in many States, it is also used by commuting services. It would cripple the functioning of our country. It is outrageous that, at this point in time, when we have worked so hard to generate funding for Amtrak to improve the service, to bring it up to the 21st century, and it is suggested that maybe we ought to shut it down because we have a disagreement about whether guns can be carried in baggage on railroad cars.

This amendment now has moved the time period to discontinuing the service in March. Well, I don't know what the value of that is, very frankly. If that kind of a threat hangs over us, do we continue to invest billions of dollars? Do we try to get private investors to buy Amtrak bonds? I don't think so, not when we face a threat such as that.

Last fall, this Chamber voted overwhelmingly, 74 to 24, to reauthorize Amtrak and modernize our Nation's passenger rail system and, oddly enough, the Senator from Mississippi voted for this legislation. Amtrak has made much progress because of that new law, but the amendment on the floor would undo all that.

The Wicker amendment, as I said earlier, would completely shut down our Nation's passenger rail service. That is hardly a thing to do when our infrastructure is so severely degraded because of a far greater use than we ever expected. I wish to be clear. This amendment would hardly give Amtrak any time before it might be required to start allowing firearms to be carried on its trains. At this moment, Amtrak will tell you they don't have the means to carry these guns securely and safely.

Senator WICKER noted in 2004 Amtrak made a decision to stop transporting guns in the name of security. Why did it happen in 2004? I remind those who can hear that it was September 11, 2001, and the terrorist attacks in Madrid which reminded us that railroad travel organizations are an attractive target for terrorist attacks.

Amtrak determined it lacked the ability to securely transport checked firearms. It is a decision that was not casually made.

I wish to be able to work with the Senator from Mississippi and Amtrak to see if we can develop a reasonable plan so that passengers can safely and reasonably transport guns in checked bags on Amtrak train. I don't agree with it, but I am happy to discuss it, in deference to Senator WICKER. When you think of what Amtrak means in our country, I remind you that on September 11, when the World Trade Center came crashing down, taking with it almost 3,000 lives, the only way you could get there on that day, and a couple days thereafter, was by train, by Amtrak. Aviation was shut down across the country and in much of the world. Highways were jammed beyond effective use. But Amtrak was there to help. And to say that our security doesn't raise the issue of whether we can transport guns on Amtrak—that doesn't make sense to me.

If Senator WICKER's amendment is adopted, all Amtrak trains across the country, and those that use Amtrak's tracks, could come to a complete halt in a matter of months.

It is outrageous to propose something this crippling over an issue that can be resolved. Yet, the Wicker amendment threatens to leave us with no passenger rail service in America. We cannot afford to sabotage our passenger train service to meet this crazy timetable—and I say crazy. When you think about it, for years, we fought to get Amtrak standing as it should be, the principal rail service in a country like ours. Amtrak was created in 1970, taken out of private hands and put into government hands as a quasi-government corporation. We are spending \$1.5 billion a year to bring Amtrak up to current standards. The Recovery Act included \$8 billion for high-speed rail, plus the President's budget called for a billion dollars annually for 5 years. By comparison, foreign governments—in 2005, France's national railway agency got \$8.3 billion in government spending. I said it was \$1½ billion in America, and France spent \$8.3 billion. Why? Because it is efficient. It reduces toxic emissions and the dependency on foreign oil. Germany spent about \$9 billion annually on passenger rail service. Spain has a plan to spend \$150 billion on rail from 2005 to 2020, or an average of \$10 billion a year. And we are trying to play catchup now.

Since 1971, a total of \$33 billion has been spent on Amtrak. That is almost 40 years, averaging less than a billion dollars a year, as we see what other countries have done. Ridership on Amtrak, in 1988, was 21 million. In 2008, it was 28 million. People are turning to Amtrak because they know it is a very respectable way to travel, if it is available to you.

So when we look at that and see that the growth of ridership is so substantial, that tells us we ought to figure out ways to do things differently. When

we look at the whole picture, frankly, it brings a lot of concern when you think of the demand for Amtrak services. Amtrak, in the last year, had 28 million riders. For instance, New York City, the financial center of the world and the country, is dependent on the functioning of that financial system. We saw what happened when it almost broke down in these last months. In an average day in New York City, more people travel through New York's Penn Station than John F. Kennedy Airport, LaGuardia, and Liberty Airport put together on the same day. Penn Station—more people travel through there than all three of those airports in a day. And unless guns are permitted to be put aboard a train, we should shut down Amtrak? We should punish the American people because we cannot have guns travel on Amtrak trains? This cannot be justified by any stretch of the imagination.

Also, we fail to look at something else. When we put people on Amtrak, we free up room in the skyways and on the highways. I cannot tell you how often I often fly between here and New Jersey, my home State, and I have had a pilot say welcome aboard such-and-such airline, and we will be departing soon for a 45-minute flight to Newark Liberty Airport. We get on the plane, the doors close, and they move us away from the gate, and the pilot gets on and says: We just learned that in the New York area we have a 2-hour delay, so we sat there looking at one another crossly. Everybody was angry and upset. If I had taken Amtrak—I came down yesterday in just over 2½ hours. What a difference. Very often, airplane trips less than 250 miles are the slowest means of travel because of the delays from airport to airport, and because of weather, et cetera. There are hardly any highways that I travel in the country, as my colleagues do—no matter what city you go to, if it is during particular hours, you cannot get there from here.

I have been in the Senate now for 25 years. When I first came to Washington, the ride from where I live was about a 12-minute ride. Now, in the evening, I can wait a half an hour while red lights change to green and traffic doesn't move. Go by rail. We see what happens in a reasonable facsimile, when you look at the Metro, a very successful operation here in Washington, DC. People want the convenience, the reliability, and they don't worry about the weather. It makes us feel better about our time spent. We get home with the family, and we get to work on time, and we get to the doctor, and other places you have to go on a regular basis.

I hope my colleagues in the Senate will look at this and say it could be an important issue for some people—certainly, for some particular interest. Typically, it is the NRA pushing this

interest, but discounting that, people have a right to vote. But I plead with my colleagues, please, don't punish the American people, or the American economy, and don't take the chance for that disruption, and don't diminish our ability for rapid movement if we have to in a moment of threat.

I hope the vote will say if you want to have this discussion, let's have it, but don't put a sword hanging over the head of Amtrak.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, what is the status of the floor?

The PRESIDING OFFICER. The Senate is considering H.R. 3288.

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m. tomorrow, September 16, the Senate resume consideration of H.R. 3288 and Senator COBURN be recognized for up to 30 minutes and that Senator MURRAY be recognized for up to 10 minutes; that upon the use or yielding back of that time as has been specified, the Senate proceed to vote in relation to the amendments in the order listed below, with no second-degree amendment in order to any of the listed amendments prior to a vote in relation thereto; that prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in any sequence the succeeding votes be limited to 10 minutes each: Coburn amendment No. 2374; Coburn amendment No. 2377; Coburn amendment No. 2371; Coburn amendment No. 2370; Coburn amendment No. 2372; Wicker amendment No. 2366, as modified; and Vitter amendment No. 2376.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am going to send to the desk—I think it is already there—cloture motions on the substitute amendment and on the bill. I am certainly hopeful that cloture will not be necessary. Senator MURRAY is a wonderful manager. She does great work. She is working to come up with an agreement that will provide for consideration of other amendments to the bill, but we have not been able to get consent. I hope we can.

We have just entered into an agreement which will provide for votes in relation to seven pending amendments. There are at least two pending amendments that will not require rollcall votes. Maybe some of the others won't. Members should expect up to five rollcall votes tomorrow morning starting around 11:30.

#### CLOTURE MOTION

Mr. President, I have at the desk a cloture motion on the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 3288, the Transportation, HUD and Related Agencies Appropriations Act for Fiscal Year 2010.

Harry Reid, Byron L. Dorgan, Mary L. Landrieu, Jon Tester, Patty Murray, Jack Reed, Daniel K. Inouye, Richard J. Durbin, Mark Udall, Bernard Sanders, Patrick J. Leahy, Ben Nelson, Frank R. Lautenberg, Michael F. Bennet, Tom Udall, Blanche L. Lincoln, Herb Kohl.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have at the desk a cloture motion on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3288, the Transportation, HUD, and Related Agencies Appropriations Act for Fiscal Year 2010.

Patty Murray, Daniel K. Inouye, Al Franken, Jon Tester, Benjamin L. Cardin, John D. Rockefeller, IV, Charles E. Schumer, Mark Begich, Mary L. Landrieu, Mark Udall, Byron L. Dorgan, Frank R. Lautenberg, Robert Menendez, Patrick J. Leahy, Dianne Feinstein, Barbara A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum as required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. REID. Mr. President, I rise today to call attention to the upcoming anniversary of the signing of the Constitution of the United States of America. September 17, 1787, will mark the 222nd year that has passed since that final meeting in Independence Hall, when 39 delegates supported the adoption of the Constitution.

Beginning on May 25, 1787, 55 delegates gathered almost daily in the State House in Philadelphia to revise the Articles of Confederation. By the middle of June, it became apparent to the delegates that merely amending of the Articles of Confederation would not suffice. These inspired men worked together to form a new government that would embody the principals of liberty, democracy, and equality. What resulted was an entirely new document designed to bind the individual States more firmly into one nation by ceding greater power to the central government while still respecting the sovereignty of the States and the rights of the people. After being signed in September of 1787, Congress sent printed copies of the Constitution to the State legislatures for ratification. By June 21, 1788, nine States had approved the Constitution, finally forming "a more perfect Union."

The Constitution of the United States of America stands today as our Nation's most sacred and inspired document. It is the oldest Constitution in the world and an enduring legacy of a generation of patriots eager to provide liberty and protection to the citizens of this new country. The Constitution is the basis for our laws, our rights, and our responsibilities as Americans. It is a gift for which we all should be grateful. As President Coolidge once remarked, "To live under the American Constitution is the greatest political privilege that was ever accorded to the human race."

As our country continues to age, year by year, the importance of the Constitution will never fade. It is a living document, and is as relevant now as it was to its framers in the 18th century. I call upon my colleagues in the Senate to join me in celebrating the signing of the Constitution, and in turn, the assurance of our freedoms as citizens of the United States of America.

#### CELEBRATION OF CARBON DAY

Mr. DURBIN. Mr. President, this year, the State of Illinois has designated September 15, 2009, as Carbon Day. As an official State holiday, communities across the State are encouraged to focus on reducing our State's carbon footprint and preserving our environment. Schools, organizations, businesses, and communities throughout Illinois will participate in organized events ranging from tree plantings to those promoting recycling and composting.

Carbon Day allows Illinois residents to find their own ways to help reduce greenhouse gas emissions and participate in the fight against global warming. Most of us don't think too much about how our daily activities contribute to greenhouse gases. This new State holiday asks people to think about that and offers ideas each of us can use to make a difference.

We do need to act. Global warming likely will lead to more severe heat waves and more fierce storms. That affects all of us. These are weather patterns that compromise air and water quality, reduce agricultural productivity, and threaten public health.

The simple step of planting a tree this fall can make a difference in someone's carbon footprint. One tree alone can absorb as much carbon dioxide as a single car can produce over 26,000 miles of driving. The more trees we plant, the greater the impact. One acre of trees may remove up to 2.6 tons of carbon dioxide from the atmosphere in 1 year alone. Trees planted in the fall generally require less water than those planted in the spring, making this a good time to get started.

Every person can contribute to reducing greenhouse gas emissions and work to provide future generations with a healthy environment. This September 15, I urge the people of Illinois to participate in Carbon Day events throughout the State, learn about the simple steps they can take to reduce their carbon footprint, and have a lasting impact on their environment.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Ms. SNOWE. Mr. President, I join with my colleagues today to express my profound and heartfelt sadness on the passing of Senator Edward M. Kennedy, a universally acknowledged "lion of this institution"—an unsurpassed colleague, a legislator's legislator, and political icon of incalculable, landmark significance to the U.S. Senate and the Nation and a good friend to me and to so many others in this body through the years.

Like all of my colleagues here today, I want to first and foremost offer my most sincere condolences to Ted's extraordinary wife Vicki, who has been such a tower of strength, courage, and faith; as well as to Ted's three children Kara, Ted, Jr., and PATRICK KENNEDY and two stepchildren Curran and Caroline Raclin; Ted's sister, Jean Kennedy Smith, and to his entire family who have done so much to shape the course of our Nation. My heart goes out to Senator Kennedy's numerous grandchildren, nieces, and nephews whose participation in his funeral mass could not have been more moving. I also extend my deepest sympathies to the people of Massachusetts, who have lost a legendary champion and fierce advocate for nearly half a century.

And how powerful and poignant was the remarkable outpouring of respect and affection for Senator Kennedy by the American people—from the streets of Boston, outside the John F. Kennedy Presidential Library and Museum, and near the Basilica of Our Lady of Perpetual Help, to congressional staff assembled on the Senate steps and

mourners and well-wishers on the Capitol grounds or along the route to his final resting place at Arlington National Cemetery.

On an occasion of such a large and historic loss, summoning the appropriate words to capture the immense depth and breadth of this moment as well as the magnitude of its meaning represents the most daunting of challenges. Like every Senator fortunate enough to serve in this esteemed chamber during the span of the last 46 years, I have never known a Senate without Ted Kennedy, and it is difficult to comprehend that this hallowed Chamber will never again resound with Senator Kennedy's booming voice that would literally shake these walls.

As I look around this Chamber, I know I am far from alone in saying I will miss Ted's oratorical command of rhetoric and argumentation as well as his passion-filled gestures that punctuated his statements, and of course I will never forget those occasions when Ted would really get wound up as only Ted could, and his glasses would come off, and he would swing them around and around, faster and faster as his polemic reached a crescendo. And so, there is a highly personal and inescapable void among all of us that is at once acutely palpable, indescribable, and unforgettable.

I can still remember entering the Senate in 1995 having served in the U.S. House of Representatives and looking to my fellow New Englander, Senator Kennedy, as a model legislator, the best of his generation even then, for what can be achieved in the Senate with passion and devotion and an almost peerless ability to simply "get things done."

I always profoundly admired Ted for his commitment to this country and the steadfast, immutable determination he exhibited each and every day as he sought to better our Nation to the benefit not just of his constituents in Massachusetts but to all Americans. And he did so with uncommon civility and candor, facility and efficacy, partisanship and bipartisanship, as well as the most seriousness of purpose and irrepressible good humor. In short, Ted Kennedy combined legislative craftsmanship and legendary statesmanship that were the marvel of his time and that represented a pinnacle of leadership.

And part and parcel of his historic and overarching legacy is not just the results produced by his hard-fought labors, which have reached every corner of our country, but how he legislated and conducted the demanding task of advancing the public policy process. Where there was a divide, he saw an opportunity to repair the breach. Where there were opposing forces, he resolved to find a point of alliance.

As my colleagues here can attest, Senator Kennedy was ever-cognizant

that your adversary today could, and frankly often would be, your ally tomorrow—the staunch opponent you encounter on one occasion may well support you on another down the road. Because for Ted, common ground was not simply a plot of earth he tilled, cultivated, or nourished, it was soil he intuitively knew was meant to be shared and that would be improved through collaboration. And he understood keenly that the most powerful light was not the spotlight, but reflected light that shone first on someone else.

And if Ted Kennedy put into practice the idea that politics in the often-cited words of German Chancellor Bismarck was indeed "the art of the possible," he was also equally adept at implementing the notion that leadership was the catalyst for accomplishing the impossible. Not, however, by going it alone but rather by enlisting the active support of others.

The fact is, like so many of my colleagues in this Chamber, I was privileged to work with Senator Kennedy on several memorable measures, and one recent endeavor in particular exemplifies his collaborative spirit—the Genetic Information Nondiscrimination Act. That experience for me represented a microcosm of Ted's unrivaled political and public policy acumen.

To begin with, Senator Kennedy, as chairman of the Senate Committee on Health, Education, Labor, and Pensions or HELP, ordinarily would have been the lead sponsor on legislation being reported out of his committee. But, as all of us in this Chamber know, there was nothing "ordinary" about Ted Kennedy, and he graciously deferred the lead sponsorship to me and instead joined as lead Democratic sponsor of our measure, a gesture of incredible generosity and good will that I will never forget. And so, after already twice garnering Senate passage, we began a third attempt to achieve Senate enactment of vital reforms to protect Americans from both health insurance and workplace discrimination based on their genetic makeup. Beginning in November of 2006, we embarked on what was to be a second 18-month-long effort to systematically address every issue which opponents raised. Senator Kennedy's remarkable capacity to build consensus with both his colleagues and stakeholders, spoke to his consummate skills as a legislator and negotiator.

And Ted never tired in this undertaking, and his knowledge and skills and those of his superb and dedicated staff helped ensure our success when, on May 21 of last year, we at last witnessed the enactment into law of this landmark civil rights protection. Our victory was tempered, however, by the fact that due to his illness, even then, Ted could not join us at the White House that day for the signing. And yet

it speaks enormous volumes that Senator Kennedy chose to devote his remaining energies in the past 15 months prior to his passing to ensuring that health reform advance ever forward.

As anyone who has come into contact with Ted Kennedy can tell you, he possessed and exuded a contagious joy and exuberance that permeated all he did. I well recall a few years ago being in Boston for a Base Closure and Realignment—BRAC—Commission hearing, and we were waiting for an elevator. As many in this Chamber will recall, this was a very anxious and uncertain period for a number of us. But I will always remember seeing the elevator doors open and who should appear but Ted Kennedy, alongside a large group of his constituents, fighting the closure of a facility in Massachusetts. And without missing a beat, he roared with his sonorous voice: “You go fight them Olympia with everything you’ve got!” The whole crowd with him cheered.

That moment reflected so much of what Ted exemplified, encompassed, and meant to so many, and he approached his causes with a ferocity of spirit and feeling that was unmatched. It is true, as all of us in this institution know all too well, if Ted Kennedy were opposite you in a debate, and sometimes I was, it could be rough going and you had better be prepared! But if he were with you, let’s just say your chances for victory increased exponentially!

And Ted never lost that gusto—not in legislating and not in life. Who could forget witnessing Ted throwing out the first pitch for New England’s beloved Boston Red Sox at this year’s home opener at Fenway Park? Or his zeal for his beloved Massachusetts or, for that matter, the Maine coast which he loved so much where he sailed every summer. Indeed, one year he and Vicki visited an inn near our family place at Hancock Point. And I will always remember the excitement and anticipation he exhibited as he showed me his map of the journey he and Vicki were preparing to undertake, sailing along the beautiful Maine coastline.

As my colleagues know above all, this greatest of deliberative bodies has lost a giant and a legislative standard-bearer who was tirelessly devoted to its history, its stewardship, and its purpose, and his ardor and love for this most august institution and the Nation it serves will never be extinguished. Senator Kennedy now ranks among a rarefied, pantheon of legendary Senators such as Daniel Webster and Henry Clay. He was, to evoke the title of the Pulitzer-Prize winning book by his brother, John, truly a “profile in courage.”

The great American poet, Carl Sandburg, once wrote: “I see America not in the setting sun of night . . . I see America in the crimson light of a rising sun. I see great days ahead, great

days possible to men and women of will and vision.” Those days are indeed possible for this Senate, this Congress, and our country precisely because of the indefatigable will and limitless vision of public servants such as Senator Ted Kennedy. We honor his memory and his legacy best by striving every day to make this process work for the U.S. Senate and for the American people.

And what Maine’s own Henry Wadsworth Longfellow penned about another Senator from Massachusetts, Charles Sumner, we say today about Senator Kennedy:

So when a great man dies,  
For years beyond our ken,  
The light he leaves behind him lies  
Upon the paths of men.

So it will forever be with Senator Edward M. Kennedy. We will not see his like again. He will be sorely missed.

#### 15TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, this week we celebrate the 15th anniversary of the Violence Against Women Act, VAWA, one of our most powerful tools to combat domestic violence and other crimes perpetrated against women and families.

The enactment of the Violence Against Women Act in 1994 marked an important national commitment to survivors of domestic violence and sexual assault. This landmark legislation filled a void in Federal law that left many victims without the help they needed. In commemorating this milestone, I would like to recognize the leadership of Vice President JOE BIDEN. His dedication to eliminating violence against women and families was vital to our success in passing the original legislation and subsequent reauthorizations. I am proud to have worked with him on this important matter for nearly two decades.

As a prosecutor in Vermont earlier in my career, I witnessed the devastating impact of domestic violence and sexual assault. I saw how it affects people from all walks of life, regardless of gender, race, culture, age, class or sexuality. Our Nation has made remarkable progress since that time in recognizing that domestic violence and sexual assault are crimes, and we have responded with better laws, social support, and coordinated community resources.

Since the Violence Against Women Act became law, domestic violence reporting rates by women have increased by as much as 50 percent, and reporting rates by men have risen by 37 percent. At the same time, the number of individuals killed by an intimate partner has decreased by 24 percent for women and 48 percent for men. These are huge improvements, and we should be proud of the work we have accomplished together. There is, of course, more work

to be done. Millions of women, men, children, and families continue to be traumatized by abuse, leading to increased rates of crime, violence and suffering.

Earlier this year, I chaired a Judiciary Committee hearing on the ongoing importance of VAWA. We heard from individuals around the country who shared with us the impact the law has had on their lives and the continuing need to strengthen it. We have been hearing for some time about important steps we can take to enhance VAWA, which is why at the beginning of this year I introduced the Improving Assistance to Domestic and Sexual Violence Victims Act of 2009, a bill to make several needed corrections and improvements to VAWA. Among other important changes, this bill would bolster privacy protections for victims of domestic violence and offer greater help in rural and tribal areas. These improvements would ensure that the law is as effective and strong as it was intended to be and that it meets the needs of those it seeks to protect. We were able to report this bill from the Judiciary Committee in May but with an amendment that has complicated further progress.

On this 15th anniversary, it is important that we pause to celebrate what we have accomplished. There is no doubt we have made great strides in reducing domestic violence and sexual assault, but we know more work remains to be done. I look forward to working together with other Senators, the Obama-Biden administration, and experts in the field to ensure that VAWA remains a vital resource for prosecutors, law enforcement agencies, victim service providers, and, most importantly, the women and families who are threatened with violence and abuse.

#### GLENN'S FERRY CENTENNIAL CELEBRATION

Mr. RISCH. Mr. President, I rise today to congratulate and acknowledge the 100th anniversary of the founding of the city of Glens Ferry, ID. On September 26, 2009, the citizens of Glens Ferry will gather in the high school gymnasium to commemorate the 100th year of its founding. This is a very historic and special day for this community.

Glens Ferry boasts a colorful Western heritage as one of the most famous river crossings on the Oregon Trail. Pioneers would ford the Snake River at the Three Island Crossing until 1869 when Gustavus “Gus” Glenn constructed a ferry roughly 2 miles upstream. Gus’s ferry would cut-off nearly 20 miles from the Southern Oregon Trail route, as it carried two wagons at a time across the river.

In 1870, Gus’s brother Oliver S. Glenn—known as O.S.—joined him in

operating the ferry and together they ran it successfully until 1876. In 1871, the town site was platted just downstream from the ferry site and a community started to grow from the desert.

In 1883, this area was inundated by a force of tracklayers whose duty it was to lay the tracks of the Oregon Short Line railroad. The tracklayers camp required 23 saloons and a dance hall. With the establishment of a post office and the appointment of O.S. Glenn as postmaster, the site required a formal name. And what more suitable a name than "Glenns Ferry" in recognition of the enormous contributions made by the Glenn family.

The coming of the railroad caused the eventual discontinuation of the ferry service in approximately 1889. Although Glenn's Ferry was abandoned, the name was not, but was instead given to the city, which was incorporated in October of 1909.

Since that time, Glenns Ferry has developed into a prosperous community along interstate 84 and has retained its historical western roots while incorporating new business and development. In 1971, the Three Island State Park was developed with campgrounds, cabins and a history center. Each August for the past 25 years, the park joined with the city of Glenns Ferry to reenact the crossing just like the pioneers in the 1800s prior to the ferry's development. Last month marked the last reenactment of the dangerous river crossing, but the annual festival will continue in celebration of the city's heritage.

The economic backbone of Glenns Ferry is agriculture. Elmore County grows a wide variety of crops and animals—cattle, alfalfa hay, potatoes, grapes, sugarbeets, wheat, barley, and dairy. Glenns Ferry has become known for its award-winning wines at Carmela Vineyards and Cold Springs Winery. Glenns Ferry is also the home of Korey Hall, fullback for the Green Bay Packers and former Boise State University football star.

Glenns Ferry has much to celebrate and look forward to in its next century as it provides important goods and services at home and abroad. Congratulations to the city of Glenns Ferry for 100 years of service and success.

#### ADDITIONAL STATEMENTS

##### COMMENDING TOM WALSH

• Mr. BARRASSO. Mr. President, a great man is being honored by the Salvation Army in Casper, WY. Tom Walsh is a patriot, a teacher, a leader, and a friend. It is fitting that the Salvation Army has bestowed upon him this year's Others Award. It is the highest award the local Salvation Army unit bestows for outstanding

contributions and impacts in the community.

Born and raised in Thermopolis, WY, Tom attended the University of Wyoming and ultimately received a doctorate from the University of Colorado. How fortunate we are that Tom and his wife Rita chose Casper as the place to live, work, and raise their family.

When one looks around the Casper community, Tom's influence is obvious. He served as mayor and on the Casper City Council. The Casper Chamber of Commerce also benefited from his guidance. Our world-famous drum and bugle corps, the Casper Troopers, have been the recipients of his time, talent, and generosity. The list goes on and on.

Tom had a distinguished career in the Wyoming Legislature. He was effective in passing legislation to improve our community and our State, particularly in the areas of education, county libraries, tort reform, community colleges, and substance abuse. Some of the efforts he is most proud of include the Business Ready Communities Program and the Veterans Property Tax Exemption Program. Tom resigned his service as a State representative due to his battle with leukemia—a battle he is fighting with distinction and tenacity.

Though Tom's great achievements are numerous, I know he is particularly proud of his role as an Army Reserve ambassador. In this position, Tom provided extraordinary support to our soldiers and their families while stationed on the frontlines in the global war on terrorism. Tom went far above the duties of an Army Reserve ambassador. He used his position as a State legislator to successfully sponsor a bill to make it easier for Wyoming families to cope while their breadwinner is off to war. The bill created a \$5 million trust fund, used to help qualifying families with special financial needs. The bill that passed into Wyoming law during the 57th Wyoming Legislature demonstrates the public's concern for and commitment to our Reserve members and their families as they adjust to the new reality of modern war. For his efforts, he received the Patrick Henry Award from the National Guard Association.

Mr. President, join me in sending our congratulations and thanks to Tom Walsh. Receiving the Others Award from the Casper Salvation Army is a fitting tribute to this fine American.●

##### COMMENDING REAR ADMIRAL CHRISTINE M. BRUZEK-KOHLER

• Mr. INOUE. Mr. President, I would like to recognize a great American and a dedicated naval officer who has diligently served for the past 35 years and most recently served as the Director, Navy Nurse Corps. Admiral Bruzek-Kohler, a native of Camden, New Jer-

sey, entered the Navy in 1974 after earning her Bachelor of Science in Nursing from Villanova University. Admiral Bruzek-Kohler served in many nursing roles, obtained her master's and doctoral degrees, and was selected to serve in many distinguished senior health executive assignments including executive officer, commanding officer, and now regional commander and commander. However, the most rewarding role of her career was serving as the 21st Director Navy Nurse Corps, where she led more than 4100 Active-Duty and Reserve nurses to advance the role and relevance of nursing in the military and throughout our Nation. With visionary leadership, she championed initiatives that successfully increased nurse recruitment and retention through accession and specialty pay bonuses, loan repayment programs, and educational opportunities to both military and Federal civilian nurses. Seeing firsthand the physical and psychological wounds of war borne by our young servicemembers and their families, Admiral Bruzek-Kohler spearheaded nursing operational readiness improvements to include clinical sustainment policies and the expansion of mental health nurse specialists and mental health nurse practitioners within the Nurse Corps.

Admiral Bruzek-Kohler served with passion and conviction and profoundly impacted Federal nursing issues within the Navy and our nation. Her performance reflects exceptionally on herself, the U.S. Navy, the Department of Defense, and the United States of America. I extend my deepest appreciation to Admiral Bruzek-Kohler on behalf of a grateful nation for her years of dedicated service to the Navy Nurse Corps.●

##### COMMENDING FORT VALLEY STATE UNIVERSITY

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD of the Senate Fort Valley State University in Fort Valley, GA, and the schools leadership team, headed by its great president and alumnus, Dr. Larry E. Rivers.

This fall, more than 1,500 new freshmen have started classes at Fort Valley State University, making their mark on their very first day as the largest incoming freshman class in the schools history. This large freshmen class allowed the school to exceed the enrollment goal set by Dr. Rivers. In fact, total enrollment has doubled since Dr. Rivers arrival at Fort Valley State University in 2006.

The 2010 edition of Americas Best Colleges by U.S. News Media Group listed Fort Valley State University as No. 21 among historically Black colleges and universities. FVSU is listed among first-tier schools such as Spelman College, Howard University, and Morehouse College.

Due to these great achievements by FVSU, the school is expanding at a rapid pace. A new \$9 million stadium opened on August 29, 2009, to start the Wildcat football season. In addition, plans for 2010 include a \$16.7 million science building and a \$6 million student amenities building. Other plans for the future include a Family Development Center and the expansion of the Stallworth Agricultural Research Building to add additional laboratory space. The Georgia Board of Regents also recently approved new FVSU College of Education programs, including agriculture education 6–12, special education general curriculum/early childhood education P–5, middle grades education 4–8, and school counselor. The board of regents also approved online bachelors degree programs in political science, psychology and English—Technical English and professional writing—and offsite programs in criminal justice, business administration, and an online criminal justice franchise.

It is also evident through the school's community outreach efforts that the young people who attend Fort Valley State University are putting the skills they learn in the classroom to even greater use in the surrounding community and are learning to make a positive difference in the lives of others.

I am pleased to acknowledge the great work that is done each day at Fort Valley State University, and I appreciate the vision of Dr. Rivers and his team to ensure students receive the highest quality education possible.●

#### RECOGNIZING HOWARD HIGH SCHOOL OF TECHNOLOGY

● Mr. KAUFMAN. Mr. President, I wish to honor Howard High School of Technology in Wilmington, which is celebrating its 140th anniversary this month. This institution was the only high school for African Americans in my home State of Delaware until the 1920s and played an important role in the historic Supreme Court case *Brown v. Board of Education*.

Howard High School was founded in 1869 as a four-room elementary school, which eventually began to graduate high school students in 1893. Today, the school boasts 860 students in grades 9 through 12. Graduates earn both a high school diploma and a certificate of competency in one of 13 programs. Howard was a Blue Ribbon school in 1997 and 1999 as a result of its students' academic success. It has also been a National Service Learning Leader School since 2000, receiving grants to engage students in service activities linked to academic achievement and civic responsibility.

In April 2005, Howard High School was designated as a national landmark because of its significance in the 1954 *Brown v. Board of Education* case,

which struck down the "separate but equal" doctrine and ended the segregation of public schools. Howard graduate Louis Redding worked with a team of lawyers, led by Thurgood Marshall, to win the landmark ruling. Delaware's specific case, *Belton v. Gebhart*, challenged the inferior conditions of two schools designated for African-American children. In the suburb of Claymont, African-American children were prohibited from attending the area's local high school. Instead, they had to ride a school bus for nearly an hour to attend Howard High.

I congratulate Howard High School of Technology on its anniversary and wish its students, teachers, and administrators much success as it continues to serve as one of Wilmington's pre-eminent schools, open to all and fostering achievement in a number of academic fields.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 11:46 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 59. Concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

#### MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 59. Concurrent resolution supporting the goals and ideals of senior caregiving and affordability; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2916. A communication from the Acting Assistant Administrator for Fisheries, Na-

tional Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; State Waters Exemption" (RIN0648-AX54) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2917. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska" (RIN0648-XQ72) as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2918. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XQ76) as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2919. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 1, No. 2, and No. 3" (RIN0648-XQ50) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2920. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XR04) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2921. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Gulf of Alaska" (RIN0648-XQ26) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2922. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels" (RIN0648-XQ36) as received during adjournment of the

Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2923. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure" (RIN0648-XQ35) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2924. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543" (RIN0648-XQ93) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2925. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Total Allowable Catch (TAC) Harvested for Loligo Squid Trimester II" (RIN0648-XQ73) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes and for All Part 125 Airplanes" (RIN2120-AG87) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Activation of Ice Protection" (RIN2120-AI90) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Standards; Fire Protection" (RIN2120-AJ04) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska" ((RIN2120-AA66) (8-10/8-11/0926/AAL-24)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2930. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of VOR Federal Airway—329; Alabama-Florida" ((RIN2120-AA66) (8-10/8-11/0229/ASO-13)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2931. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Plentywood, Montana" ((RIN2120-AA66) (8-10/8-11/0025/ANM-4)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2932. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Ironwood, Michigan" ((RIN2120-AA66) (7-30/7-30/0052/AGL-1)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2933. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Monee, Illinois" ((RIN2120-AA66) (7-30/7-30/1314/AGL-21)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2934. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Iowa Falls, Iowa" ((RIN2120-AA66) (7-31/1272/ACE-4)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2935. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. TPE331-10 and TPE331-11 Series Turboprop Engines" ((RIN2120-AA64) (8-17/8-18/0555/NE-18)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2936. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ten Sleep, Wyoming)" (MB Docket No. 08-242) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2937. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Santa Fe, New Mexico" ((DA 09-1757) (MB Docket No. 09-110)) as received during adjournment of the Senate in the Office of the President of the Senate

on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2938. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Colorado Springs, Colorado" ((DA 09-1758) (MB Docket No. 09-111)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2939. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Fond du Lac, Wisconsin" ((DA 09-1794) (MB Docket No. 09-115)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2940. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dulac, Louisiana)" ((RM-11513) (MB Docket No. 09-18)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2941. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment Section 73.202(b), Table of Allotments, FM Broadcast Stations (Waverly, Alabama)" ((MB Docket No. 09-54) (RM-11520)) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2942. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department of the Navy converting to contract the administrative management and correspondence functions currently being performed by six (6) military personnel of the Fleet Air Reconnaissance Squadron Seven (VQ-7), located at Tinker Air Force Base, Oklahoma; to the Committee on Armed Services.

EC-2943. A communication from the Acting Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report entitled "Department of Defense Report to Congress on Commercial Software Reuse Preference, Section 803 of Public Law 110-417"; to the Committee on Armed Services.

EC-2944. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Defining 'Small Number of Animals' for Minor Use Designation" ((Docket No. FDA-2008-N-0176) (RIN0910-AG03)) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2945. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee; Tobacco Products Scientific Advisory Committee; Establishment" (Docket No. FDA-2009-N-0381) received in the Office of the President of the Senate in September 8, 2009;

to the Committee on Agriculture, Nutrition, and Forestry.

EC-2946. A communication from the Chief of the Planning and Regulatory Affairs Branch, Supplemental Foods Programs Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certifications and General Administrative Provisions" (RIN0584-AD73) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2947. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon and Imported Irish Potatoes; Relaxation of Size Requirements" ((Docket No. AMS-FV-08-0062) (FV08-945-1 FR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2948. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2008-09 Crop Natural (Sun-Dried) Seedless Raisins" ((Docket No. AMS-FV-08-0114) (FV09-989-1 FIR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2949. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwi Fruit Grown in California; Change in Reporting Requirements" ((Docket No. AMS-FV-08-0017) (FV08-920-2 FR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2950. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Vegetables, Import Regulations; Partial Exemption to the Minimum Grade Requirements for Fresh Tomatoes" ((Docket No. AMS-FV-08-0097) (FV09-980-1 FR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2951. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" ((Docket No. AMS-FV-09-0048) (FV09-993-1 IFR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2952. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Order Amending Marketing Order No. 905" ((Docket No. AMS-FV-07-0132) (FV08-905-1)) received in the Of-

fice of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2953. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to Certain End-User Controls under the Export Administration Regulations; Clarification Regarding License Requirements for Transfers (in-country) to Persons Listed on the Entity List" (RIN0694-AE54) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2954. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Cuba: Revisions to Gift Parcel and Baggage Restrictions, Creation of License Exception for Donated Consumer Communications Devices and Expansion of Licensing Policy Regarding Telecommunications" (RIN0694-AE60) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2955. A communication from the Special Inspector General for the Troubled Asset Relief Program, transmitting, the Quarterly Report to Congress of the Special Inspector General for the Troubled Asset Relief Programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-2956. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Assistance Regulations" (RIN1991-AB77) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Energy and Natural Resources.

EC-2957. A communication from the Senior Counsel for Regulatory Affairs, Office of Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payments in Lieu of Low Income Housing Tax Credits" (RIN1505-AC17) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Finance.

EC-2958. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Corrections to Rev. Proc. 2009-39 Regarding Taxpayers Before the Joint Committee on Taxation" (Notice 2009-67) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2959. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revocation of Elections by Multiemployer Defined Benefit Pension Plans to Freeze Funded Status under Section 204 of WRERA" (Notice 2009-43) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Finance.

EC-2960. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Public-Private Investment Partnerships" (Rev. Proc. 2009-42) received in the Office of the President of the

Senate on September 10, 2009; to the Committee on Finance.

EC-2961. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2009 Marginal Production Rates under Section 613A" (Notice 2009-74) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Finance.

EC-2962. A communication from the Secretary General of the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly, transmitting, a report relative to the Vilnius Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Eighteenth Annual Session; to the Committee on Foreign Relations.

EC-2963. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Charging for Investigational Drugs under an Investigational New Drug Application" ((Docket No. FDA-2006-N-0237) (RIN0910-AF13)) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2964. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Expanded Access to Investigational Drugs for Treatment Use" ((Docket No. FDA-2006-N-0238) (RIN0910-AF14)) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2965. A communication from the Director, National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, an addendum to the report entitled "Fiscal Year 2008 Performance Summary Report"; to the Committee on the Judiciary.

EC-2966. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "American Recovery and Reinvestment Act: 504 Loan Program Debt Refinancing" (RIN3245-AF91) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Small Business and Entrepreneurship.

EC-2967. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies—Leverage Eligibility and Portfolio Diversification Requirements" (RIN3245-AF92) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Small Business and Entrepreneurship.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1669. A bill to provide all Medicare beneficiaries with the right to guaranteed issue

of a Medicare supplemental policy; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. SESSIONS, Mr. KOHL, Mr. HATCH, and Mr. KYL):

S. 1670. A bill to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. SCHUMER):

S. 1671. A bill to enhance the reporting requirements on the status of the Arab League trade boycott of Israel and other trade boycotts of Israel; to the Committee on Finance.

By Mr. REED (for himself, Ms. SNOWE, and Mrs. SHAHEEN):

S. 1672. A bill to reauthorize the National Oilheat Research Alliance Act of 2000; to the Committee on Energy and Natural Resources.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1673. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions of real property for conservation purposes by Native Corporations; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. DODD, Mr. SHELBY, and Mr. INHOFE):

S. 1674. A bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. DURBIN, Mr. HARKIN, Mr. KERRY, Mr. DODD, Mr. WYDEN, Mr. MENENDEZ, Ms. STABENOW, Ms. KLOBUCHAR, Mr. CASEY, Mr. FRANKEN, Mr. BROWN, Mr. REED, Mr. SANDERS, Mrs. MURRAY, Mr. MERKLEY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LEAHY, Mr. BEGICH, Mr. LIEBERMAN, Mrs. BOXER, Mrs. McCASKILL, Mr. AKAKA, Mrs. SHAHEEN, Mr. KAUFMAN, Mr. WEBB, and Mr. TESTER):

S. Res. 266. A resolution recognizing the contributions of John Sweeney to the United States labor movement; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. BENNET, Mrs. HUTCHISON, Mr. BAYH, Mr. FRANKEN, Mr. MENENDEZ, Ms. KLOBUCHAR, and Mrs. BOXER):

S. Res. 267. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. BROWN, Mr. CARDIN, Mr. WHITEHOUSE, Mr. KERRY, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. NELSON of Florida, Mrs. BOXER, Mr. KAUFMAN, Mr. CORNYN, and Mrs. FEINSTEIN):

S. Res. 268. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation; considered and agreed to.

By Mr. MENENDEZ (for himself and Mr. SCHUMER):

S. Con. Res. 39. A concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic; to the Committee on Banking, Housing, and Urban Affairs.

#### ADDITIONAL COSPONSORS

S. 305

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 305, a bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 451

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 511

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school

counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 599

At the request of Mr. CARPER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 604

At the request of Mr. SANDERS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 850

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 886

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 886, a bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes.

S. 938

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 938, a bill to require the President to call a White House Conference on Children and Youth in 2010.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 990, a bill to amend the Richard B.

Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1065

At the request of Mr. CASEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1257

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1257, a bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1327

At the request of Mr. JOHNSON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1327, a bill to reauthorize the public and Indian housing drug elimination program of the Department of Housing and Urban Development, and for other purposes.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1504

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1504, a bill to provide that Federal courts shall not dismiss complaints under rule 12(b)(6) or (e) of the Federal Rules of Civil Procedure, except under the standards set forth by

the Supreme Court of the United States in *Conley v. Gibson*, 355 U.S. 41 (1957).

S. 1511

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1511, a bill to amend titles XVIII and XIX of the Social Security Act to improve awareness and access to colorectal cancer screening tests under the Medicare and Medicaid programs, and for other purposes.

S. 1547

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. 1635

At the request of Mr. DORGAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1635, a bill to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes.

S. 1663

At the request of Mr. BROWN, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 1663, a bill to make available funds from the Emergency Economic Stabilization Act of 2008 for funding a voluntary employees' beneficiary association with respect to former employees of Delphi Corporation.

S. RES. 263

At the request of Mr. GRASSLEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 263, a resolution designating October 2009 as "National Medicine Abuse Awareness Month".

AMENDMENT NO. 2361

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 2361 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2365

At the request of Ms. LANDRIEU, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 2365 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 1669. A bill to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy; to the Committee on Finance.

Mr. KERRY. Mr. President, a key component of the health reform debate is ensuring that all people—regardless of their health status—have access to comprehensive and affordable coverage options. Unfortunately, under current law Medicare beneficiaries are subject to discriminatory medical practices that deny coverage options based on their age, condition, or disability.

Medigap plans provide vital assistance to Medicare beneficiaries in paying Medicare cost-sharing. Without supplemental coverage, the absence of an out-of-pocket limit in Medicare leaves beneficiaries vulnerable to catastrophic medical expenses.

Unfortunately, Medicare beneficiaries with disabilities or who have end-stage renal disease, ESRD, do not have the same guaranteed issue rights as Medicare beneficiaries age 65 and older. In the absence of equal opportunity and access to Medigap policies

at the Federal level, 29 States have chosen to grant the same rights to disabled and ESRD beneficiaries that seniors currently enjoy.

ESRD beneficiaries are also the only group of Medicare beneficiaries currently denied the same Medicare choices as other Medicare beneficiaries. They are statutorily prohibited from enrolling in Medicare Advantage plans.

Today I am introducing the Equal Access to Medicare Options Act, a bill that improves coverage options to Medicare beneficiaries. First, the legislation would extend guaranteed issue of Medigap policies to all Medicare beneficiaries rather than limiting guaranteed issue to those beneficiaries who are over 65 years of age. This change will significantly improve coverage options and affordability for beneficiaries with disabilities or end-stage renal disease.

Second, the legislation recognizes that Medicare beneficiaries need flexibility to adjust their coverage as changes to their plans are made. More specifically, the legislation would give guaranteed issue rights to Medicare Advantage enrollees if they decide to switch to traditional Medicare during an enrollment period. Today, if a Medicare Advantage enrollee learns of premium increases or benefit reduction in their plan, they have the option of returning to traditional Medicare but they have no assurance they can buy Medigap coverage if they do so.

Third, the legislation would provide guaranteed issue to dual eligibles who lose their Medicaid coverage and find themselves in traditional Medicare without the cost protections of Medicaid and without supplemental coverage options.

Finally, this legislation would for the first time give beneficiaries with end-stage renal disease the option of enrolling in Medicare Advantage plans.

I would like to thank a number of organizations who have been integral to the development of the Equal Access to Medicare Options Act and who have endorsed it today, including the AARP, California Health Advocates, Center for Medicare Advocacy, Consortium for Citizens with Disabilities, Consumers Union, Dialysis Patient Citizens, Fresenius Medical Care, Medicare Rights Center, and the National Kidney Foundation.

These reforms would ensure that all Medicare beneficiaries regardless of their disability or age have equal opportunity and access to affordable Medicare options to reduce out-of-pocket costs. I look forward to working with my colleagues in the Senate to achieve these goals in the context of health care reform.

By Mr. LEAHY (for himself, Mr. SESSIONS, Mr. KOHL, Mr. HATCH, and Mr. KYL):

S. 1670. A bill to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, during the past decade we have witnessed tremendous development in the way video content is made available to consumers. Today, as a result of digital technology, we can watch movies, television programs, and other video not only on our television sets, but also on our computers, phones, and other mobile devices. In order to maximize the potential of digital content, Congress must ensure that our copyright and communications laws are modernized and updated to accommodate the digital revolution. Today, I join with Senators SESSIONS, KOHL, HATCH, and KYL in introducing the Satellite Television Modernization Act of 2009. Our legislation will reauthorize, modernize, and simplify important portions of the statutory license used by satellite providers that will otherwise expire at the end of this year.

The transition to digital television requires Congress to modernize the statutory copyright licenses that allow cable and satellite providers to retransmit the content of local broadcast stations. In February, many stations across the country, including those in Vermont, made the digital transition and can now offer multiple programming channels over a single, crystal-clear digital signal. In June, the remaining broadcast stations across the country completed the digital transition. The current statutory licenses, however, are based on the now outdated analog standard. In our reauthorization, we seek to ensure that the licenses work properly in the digital world.

In June 2008, the U.S. Copyright Office issued a report on the statutory licenses, and offered recommendations on how to improve the current system. The Copyright Office's principal recommendation was to move toward abolishing the compulsory licenses, in particular the distant signal licenses. Short of that, the Copyright Office offered suggestions on how to harmonize and streamline the licenses.

The legislation we introduce today draws on the recommendations of the Copyright Office and takes important steps toward limiting future reliance on the section 119 distant signal license used by satellite providers. This legislation will move locally oriented elements out of the distant signal license—such as the special exception that allows Vermonters in the State's southern-most counties to receive Vermont broadcast stations by satellite—and place them into the section 122 license, which facilitates the retransmission of local content with the consent of the broadcaster. The bill will also fix an anomaly in the distant

signal license, which will make it easier for satellite providers to serve local markets that are missing a network affiliate.

Making these changes will improve the ability of satellite providers to deliver a full complement of network stations to consumers, as well as make it easier for them to offer local stations. In Vermont, these changes will have the additional benefit of fostering competition between DISH Network and DirecTV, by allowing DISH to offer Vermont broadcast stations in southern Vermont, a service DirecTV provides today. The legislation also adds a new provision to the local license that will allow satellite providers such as DISH to import a missing network station from an adjacent market when the local market is not served by all four principle networks, after the provider first obtains the station's consent. This new provision will make it more likely and reasonable for DISH to launch local service in these markets, which is good for local broadcasters, good for satellite providers, and good for consumers.

These changes will not only improve the satellite licenses, but will begin the process of phasing out the distant signal license as satellite providers offer local service in more markets. As the distant signal license fades, Congress should follow the Copyright Office's suggestion and move ultimately toward a market-based system, in which statutory licenses are unnecessary.

One further step we can take toward a marketplace model this year is to allow broadcast stations to opt-out of the statutory licenses. All non-broadcast channels carried by cable and satellite providers, such as ESPN and the USA Network, are able to aggregate a complex series of content rights, and negotiate for carriage in the free market. Local broadcasters should be permitted to do the same if they, too, are able to aggregate the necessary rights to license directly to cable and satellite providers. This is a proposal I expect the Judiciary Committee to examine as the bill moves through the markup process. I encourage all industry participants to work with the Committee so that we can address any concerns about this market-based approach.

Short of repealing the compulsory licenses, the Copyright Office recommended harmonizing the cable and satellite licenses in order to create regulatory parity between the two industries. The section 111 license used by cable, for instance, is based on FCC rules that have long since been repealed, and the license itself has not been significantly updated since it was established more than 30 years ago. The arcane nature of the cable license can at times produce unintended results, such as cable companies paying

copyright holders for content that consumers do not actually receive. This is referred to as the phantom signal problem. In contrast, satellite companies pay a flat, per subscriber rate based on consumers actually receiving a broadcast station. Comprehensive reforms to section 111 that aim to modernize the statute and create regulatory parity between cable and satellite providers would address these disparities. We take a more modest approach in the bill we introduce today. The legislation contains an amendment that will resolve the phantom signal issue. I appreciate that members of the content community and the cable system came together to find a solution on which they can all agree.

The Satellite Television Modernization Act is one component of the reauthorization. Portions of the expiring law are within the jurisdiction of the Senate Committee on Commerce, and I look forward to working with the leadership of that Committee, and our counterparts in the House of Representatives, to enact legislation that once again improves the law by fostering competition, protecting broadcasters, and improving service to consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1670

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Television Modernization Act of 2009".

#### SEC. 2. LIMITATIONS ON EXCLUSIVE RIGHTS: SECONDARY TRANSMISSIONS OF SUPERSTATIONS AND NETWORK STATIONS FOR PRIVATE HOME VIEWING.

Section 119 of title 17, United States Code, is amended—

- (1) in subsection (a)—
- (A) in paragraph (2)—
- (i) in subparagraph (A)—
- (I) by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)"; and
- (II) by striking "(5), (6), (7), and (8)" and inserting "(4), (5), (6), and (7)";
- (ii) in subparagraph (B)—
- (I) in clause (i), by striking the second sentence; and
- (II) in clause (ii)—
- (aa) in subclause (I)—
- (AA) by striking "the Individual Location" and all that follows through "No. 98-201," and inserting "the predictive digital model established by the Federal Communications Commission,"; and
- (BB) by striking "under section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3))"; and
- (bb) in subclause (II), by striking "section 339(c)(4) of the Communications Act of 1934 (47 U.S.C. 339(c)(4))" and inserting "rules established by the Federal Communications Commission";
- (iii) by striking subparagraph (C);
- (iv) by redesignating subparagraph (D) as subparagraph (C); and

(v) in subparagraph (C) (as so redesignated)—

(I) in clause (i), by striking "network station—" and all that follows through the period at the end and inserting "network station a list, aggregated by designated market area (as that term is defined in section 122(j)), identifying (by name and address, including street or rural route number, city, State, and zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.";

(II) in clause (ii), by striking "the network—" and all that follows through the period at the end and inserting "the network a list, aggregated by designated market area (as that term is defined in section 122(j)), identifying (by name and address, including street or rural route number, city, State, and zip code) any persons who have been added or dropped as subscribers under clause (i)(I) since the last submission under clause (i)."; and

(III) in clause (iv), at the end of the second sentence, by striking the ending quotation mark and semicolon;

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively;

(D) by amending paragraph (3) (as so redesignated) to read as follows:

"(3) STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—

"(A) FUTURE APPLICABILITY.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of a primary transmission of a network station to a person who—

"(i) is not a subscriber lawfully receiving such secondary transmission as of December 31, 2009; and

"(ii) at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same television network pursuant to the statutory license under section 122, and such secondary transmission of such primary transmission can reach such person.

"(B) OTHER PROVISIONS NOT AFFECTED.—This paragraph shall not affect the applicability of the statutory license to secondary transmissions to unserved households included under paragraph (11).

"(C) WAIVER.—A subscriber who is denied the secondary transmission of a network station under this paragraph may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station in the local market affiliated with the same network where the subscriber is located. The network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station shall be deemed to agree to the waiver request. Unless specifically stated by the network station, a waiver that was granted before the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004 under section 339(c)(2) of the Communications Act of 1934 (47 U.S.C. 339(c)(2)) shall not constitute a waiver for purposes of this subparagraph.

"(D) AVAILABLE DEFINED.—For purposes of this paragraph, a satellite carrier makes

available a secondary transmission of the primary transmission of a local station to a subscriber or person if the satellite carrier offers that secondary transmission to other subscribers who reside in the same zip code as that subscriber or person.";

(E) in paragraph (4) (as so redesignated), by striking "section 509";

(F) in paragraph (6) (as so redesignated)—

(i) in subparagraph (A)(ii), by striking "\$5" and inserting "\$250"; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking "\$250,000" and inserting "\$2,500,000"; and

(II) in clause (ii), by striking "\$250,000" and inserting "\$2,500,000"; and

(G) by striking paragraph (15); and

(H) by redesignating paragraph (16) as paragraph (14);

(2) in subsection (b)—

(A) by striking the subsection heading and inserting "(b) DEPOSITS AND DISTRIBUTION OF ROYALTY FEES.—"; and

(B) in paragraph (1), by striking the matter following subparagraph (B);

(3) by amending subsection (c) to read as follows:

"(c) ADJUSTMENT OF ROYALTY FEES.—

"(1) APPLICABILITY AND DETERMINATION OF ROYALTY FEES.—

"(A) INITIAL FEE.—The appropriate fee for purposes of determining the royalty fee under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and superstations shall be the appropriate fee set forth in subchapter E of chapter III of title 37, Code of Federal Regulations, as in effect on July 1, 2009, as modified under this paragraph.

"(B) FEE SET BY VOLUNTARY NEGOTIATION.—On or before January 4, 2010, Copyright Royalty Judges shall cause to be published in the Federal Register of the initiation of voluntary negotiation proceedings for the purpose of determining the royalty fee to be paid by satellite carriers for the secondary transmission of the primary transmission of network stations and superstations under subsection (b)(1)(B).

"(C) NEGOTIATIONS.—Satellite carriers, distributors, and copyright owners entitled to royalty fees under this section shall negotiate in good faith in an effort to reach a voluntary agreement or agreements for the payment of royalty fees. Any such satellite carriers, distributors, and copyright owners may at any time negotiate and agree to the royalty fee, and may designate common agents to negotiate, agree to, or pay such fees. If the parties fail to identify common agents, Copyright Royalty Judges shall do so, after requesting recommendations from the parties to the negotiation proceeding. The parties to each negotiation proceeding shall bear the cost thereof.

"(D)(i) AGREEMENTS BINDING ON PARTIES; FILING OF AGREEMENTS; PUBLIC NOTICE.—Voluntary agreements negotiated at any time in accordance with this paragraph shall be binding upon all satellite carriers, distributors, and copyright owners that are parties thereto. Copies of such agreements shall be filed with the Copyright Office within 30 days after execution in accordance with regulations that the Register of Copyrights shall prescribe.

"(ii)(I) Within 10 days after publication in the Federal Register of a notice of the initiation of voluntary negotiation proceedings, parties who have reached a voluntary agreement may request that the royalty fees in that agreement be applied to all satellite carriers, distributors, and copyright owners without convening a proceeding pursuant to subparagraph (F).

“(II) Upon receiving a request under subclause (I), the Copyright Royalty Judges shall immediately provide public notice of the royalty fees from the voluntary agreement and afford parties an opportunity to state that they object to those fees.

“(III) The Copyright Royalty Judges shall adopt the royalty fees from the voluntary agreement for all satellite carriers, distributors, and copyright owners without convening a proceeding unless a party with an intent to participate in the proceeding and a significant interest in the outcome of that proceeding objects under subclause (II).

“(E) PERIOD AGREEMENT IS IN EFFECT.—The obligation to pay the royalty fees established under a voluntary agreement which has been filed with the Copyright Office in accordance with this paragraph shall become effective on the date specified in the agreement, and shall remain in effect until December 31, 2014, or in accordance with the terms of the agreement, whichever is later.

“(F) PROCEEDING TO ESTABLISH ROYALTY FEES.—

“(i) NOTICE OF INITIATION OF PROCEEDINGS; VOLUNTARY AGREEMENTS.—On or before May 3, 2010, the Copyright Royalty Judges shall cause notice to be published in the Federal Register of the initiation of proceedings for the purpose of determining the royalty fee to be paid for the secondary transmission of primary transmission of network stations and superstations under subsection (b)(1)(B) by satellite carriers and distributors—

“(I) in the absence of a voluntary agreement filed in accordance with subparagraph (D) that establishes royalty fees to be paid by all satellite carriers and distributors; or

“(II) if an objection to the fees from a voluntary agreement submitted for adoption by the Copyright Royalty Judges to apply to all satellite carriers, distributors, and copyright owners is received under subparagraph (D) from a party with an intent to participate in the proceeding and a significant interest in the outcome of that proceeding.

Such proceeding shall be conducted as provided under chapter 8 of this title.

“(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this paragraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust those fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Office pursuant to subparagraph (D). In determining the fair market value, the Copyright Royalty Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—

“(I) the competitive environment in which such programming is distributed, the cost of similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

“(II) the economic impact of such fees on copyright owners and satellite carriers; and

“(III) the impact on the continued availability of secondary transmissions to the public.

“(iii) PERIOD DURING WHICH DECISION OF COPYRIGHT ROYALTY JUDGES EFFECTIVE.—The obligation to pay the royalty fee established under a determination which is made by the Copyright Royalty Judges under this paragraph shall be effective as of January 1, 2010.

“(iv) PERSONS SUBJECT TO ROYALTY FEE.—The royalty fee referred to clause (iii) shall be binding on all satellite carriers, distributors, and copyright owners, who are not party to a voluntary agreement filed with the Copyright Office under subparagraph (D).

“(2) ROYALTY FEE ANNUAL ADJUSTMENT.—The royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmission of network stations and superstations shall be adjusted annually by the Copyright Royalty Judges to reflect any changes occurring during the preceding 12 months in the cost of living as determined by the most recent Consumer Price Index (for all consumers and items) published by the Secretary of Labor prior to December 1. Notification of the adjusted rates shall be published in the Federal Register prior to December 1 of that year.”;

(4) in subsection (d)—

(A) in paragraph (10)—

(i) by amending subparagraph (A) to read as follows:

“(A)(i) is located in a local market in which there is no primary network station affiliated with such network licensed to a community within such local market; or

“(ii) cannot receive, through the use of a conventional, stationary, outdoor rooftop receiving antenna, an over-the-air signal of a primary network station affiliated with that network that does not exceed the signal intensity standard in section 73.622(e)(1) of title 47 of the Code of Federal Regulations as in effect on January 1, 2010;”;

(ii) in subparagraph (B), by striking “(a)(14)” and inserting “(a)(13)”;

(iii) in subparagraph (D), by striking “(a)(12)” and inserting “(a)(10)”;

(B) in paragraph (11), by striking “, except that” and all that follows through “located”;

(C) by striking paragraph (12); and

(D) by redesignating paragraph (13) as paragraph (12); and

(5) by striking subsection (f).

### SEC. 3. LIMITATIONS ON EXCLUSIVE RIGHTS: SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

Section 122 of title 17, United States Code, is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

“(a) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS BY SATELLITE CARRIERS.—

“(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

“(A) the secondary transmission is made by a satellite carrier to the public;

“(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(i) each subscriber receiving the secondary transmission; or

“(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(2) SIGNIFICANTLY VIEWED AND LOW POWER STATIONS.—A secondary transmission of a

performance or a display of a work embodied in a primary transmission of a television broadcast station or low power television station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

“(A) SECONDARY TRANSMISSIONS OF SIGNIFICANTLY VIEWED SIGNALS.—The statutory license shall apply to the secondary transmission of the primary transmission of a network station or a superstation to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission, to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

“(B) CARRIAGE OF LOW POWER TELEVISION STATIONS.—

“(i) IN GENERAL.—The statutory license shall apply to the secondary transmission of the primary transmission of a network station or a superstation that is licensed as a low power television station, to a subscriber who resides within the same local market.

“(ii) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

“(3) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or a display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

“(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

“(B) STATES WITH ALL NETWORK STATIONS AND SUPERSTATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and superstations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47 of the Code of Federal Regulations).

“(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

“(i) on January 1, 2004, were in local markets principally comprised of counties in another State; and

“(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

“(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

“(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

“(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

“(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of 3 or more noncommercial educational broadcast stations licensed by a single State, political, educational, or special purpose subdivision of a State, or a public agency, the statutory license provided for in this paragraph shall apply to the secondary transmission of that system to any subscriber in any county or county equivalent within that State that is located in a designated market that is not otherwise eligible to receive secondary transmissions of a noncommercial television broadcast station located within that State pursuant to paragraph (1). If a satellite carrier makes secondary transmissions to an adjacent underserved county, local noncommercial educational broadcast stations shall not be repositioned in the channel lineup as a consequence of these retransmissions.

“(4) SHORT MARKETS.—A secondary transmission of a performance of a display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of a primary transmission of a network station from a market adjacent to such local market and no station affiliated with such network is licensed to a community within the local market.

“(5) APPLICABILITY OF ROYALTY RATES.—The royalty rates under section 119(b)(1)(B) shall apply to the secondary transmissions to which the statutory license under paragraphs (3) and (4) apply.

“(b) REPORTING REQUIREMENTS.—

“(1) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station—

“(A) a list, aggregated by designated market area (as that term is defined in subsection (j)), identifying (by name in alphabetical order and street address, including county and zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

“(B) a list, to be prepared and submitted separately from the list required under subparagraph (A), aggregated by designated market area (by name and address, including street or rural route number, city, State, and zip code), which shall indicate those subscribers being served pursuant to paragraphs (2), (3), or (4) of subsection (a).

“(2) SUBSEQUENT LISTS.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the network—

“(A) a list, aggregated by designated market area (as that term is defined in subsection (j)), identifying (by name in alphabetical order and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

“(B) a list, to be prepared and submitted separately from the list required under subparagraph (A), aggregated by designated market area (by name and street address, including street or rural route number, city, State, and zip code), identifying those subscribers whose service pursuant to paragraphs (2), (3), or (4) of subsection (a) has been added or dropped.

“(3) USE OF SUBSCRIBER INFORMATION.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

“(4) REQUIREMENTS OF NETWORKS.—The submission requirements of this subsection shall apply to a satellite carrier only if the network to which the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register of Copyrights shall maintain for public inspection a file of all such documents.

“(c) NO ROYALTY FEE REQUIRED FOR CERTAIN SECONDARY TRANSMISSIONS.—A satellite carrier whose secondary transmissions are subject to statutory licensing under paragraphs (1) and (2) of subsection (a) shall have no royalty obligation for such secondary transmissions.”;

(2) in subsection (f)—

(A) in paragraph (1)(B), by striking “\$5” and inserting “\$250”; and

(B) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(ii) in subparagraph (B)(ii), by striking “\$250,000” and inserting “\$2,500,000”;

(3) in subsection (j)—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

“(3) LOW POWER TELEVISION STATION.—The term ‘low power television station’ means a low power television as defined under section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term ‘low power television station’ includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.”.

#### SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

Section 338(a) of the Communications Act of 1934 (47 U.S.C. 338(a)) is amended—

(1) by amending the first paragraph (3) to read as follows:

“(3) CARRIAGE OF LOW POWER, SIGNIFICANTLY VIEWED, AND SPECIAL EXCEPTION STATIONS OPTIONAL.—No station whose signal is provided under paragraph (2) or (3) of section 122(a) of title 17, United States Code, shall be entitled to insist on carriage under this section, regardless of whether the satellite carrier provides secondary transmissions of the primary transmissions of other stations in the same local market pursuant to such section 122, nor shall any such carriage be considered in connection with the requirements of subsection (c) of this section.”; and

(2) by redesignating the second paragraph (3) (relating to effective date) and paragraph (4) as paragraphs (4) and (5), respectively.

#### SEC. 5. EXTENSION OF AUTHORITY.

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103-369) is amended by striking “December 31, 2009” and inserting “December 31, 2014”.

#### SEC. 6. MODIFICATIONS TO THE CABLE STATUTORY LICENSE.

(a) UPDATE AND CLARIFICATION OF ROYALTY CALCULATION METHODOLOGY.—Section 111(d)(1) of title 17, United States Code, is amended by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) except in the case of a cable system whose royalty fee is specified in subparagraph (C) or (D), a total royalty fee for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during said period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

“(i) 1.064 per centum for the privilege of further transmitting any nonnetwork programming of a primary transmitter in whole or in part beyond the local service area of such primary transmitter, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv).

“(ii) 1.064 per centum of such gross receipts for the first distant signal equivalent.

“(iii) 0.701 of 1 per centum of such gross receipts for each of the second, third, and fourth distant signal equivalents.

“(iv) 0.330 of 1 per centum of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter;

“(C) in computing the amounts payable under clauses (ii) through (iv), any fraction of a distant signal equivalent shall be computed at its fractional value or in the case of any cable system located partly within and partly without the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located without the local service area of such primary transmitter;

“(D) in computing the amounts payable under clauses (ii) through (iv), if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system, the gross receipts and the distant signal equivalent values for each secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides each such secondary transmission, provided, however, that the total royalty fee for the period paid by such system shall in no event be less than the royalty fee calculated in accordance with clause (i) multiplied by the gross receipts from all subscribers to the system;

and provided further, that a cable system that on a statement submitted prior to the date of enactment of the Satellite Television Modernization Act of 2009, computed its royalty fee consistent with the methodology in this subparagraph or that amends a statement filed prior to the date of enactment of such Act to compute the royalty fee due using this methodology shall not be subject to an action for infringement, or eligible for any royalty refund, arising out of its use of such methodology on such statement;

“(E) if the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters total \$263,800 or less, gross receipts of the cable system for the purpose of this subparagraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than \$10,400. The royalty fee payable under this subparagraph shall be 0.5 of 1 per centum, regardless of the number of distant signal equivalents, if any; and

“(F) if the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable under this subparagraph shall be—

“(i) 0.5 of 1 per centum of any gross receipts up to \$263,800; and

“(ii) 1 per centum of any gross receipts in excess of \$263,800 but less than \$527,600 regardless of the number of distant signal equivalents, if any.”.

(b) NO QUINQUENNIAL ADJUSTMENTS UNTIL 2015.—Section 804(b) of title 17, United States Code, is amended by striking “2005” each place that term appears and inserting “2015”.

(c) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary broadcast transmitters (as such terms are defined in subsection (f) of section 111 of title 17, United States Code) that are in addition to the payments calculated and deposited in accordance with subsection (d) of such section 111 shall be deemed to have been deposited for the particular accounting period during which they are received and shall be distributed as specified in subsection (d) of such section 111.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (a), shall take effect beginning with the statement of account covering the first accounting period in 2010.

Mr. HATCH. Mr. President, I rise today to introduce with my colleague from Vermont, Senator LEAHY, the Satellite Television Modernization Act. I also note the efforts of Senators SESSIONS, KOHL, and KYL in crafting this bipartisan bill.

It is hard to believe that 5 years have transpired since we passed the Satellite Home Viewer Extension Act, SHVERA, of 2004. Much has occurred since that time, including the transition from analog to digital signals, which occurred in June. That is why the proposed legislation will not only reau-

thorize the statutory license used by satellite television providers, but will bring all of the statutory licenses into the digital age so that consumers can receive a good quality digital signal. Additionally, S. 1670 expands access to low power stations by broadening the license for low power stations to cover the entire local market; permits satellite providers to carry a noncommercial educational broadcast station if a station is part of a state-wide network; improves the ability of both DirecTV and DISH Network to provide local signals to local markets; and addresses the “phantom signal” issue, where currently cable providers may be required to pay royalty fees under section 111 based on subscribers who do not receive the content for which the royalty is being paid.

I hasten to point out, however, that much more needs to be done to move away from government regulation and toward a marketplace where satellite providers and cable providers can compete based on market forces. This is not a new issue for this body. In fact, during the 2004 reauthorization of SHVERA, Congress required that the U.S. Copyright Office prepare a report to make recommendations on the operations of, and revisions to, sections 111, 119, and 122 of the Copyright Act. The Copyright Office provided this report to Congress on June 30, 2008.

While I will not provide a line by line summary of the Report, I will underscore some key findings that the Copyright Office, under the leadership of Register of Copyrights Marybeth Peters, suggests that Congress consider when legislating in this area of the law. Specifically, the Copyright Office found that “below-market rates may have been justifiable when cable and satellite were nascent industries and needed a mechanism to allow them to serve their subscriber base with valuable distant signals.” The Report continues by stating that “the current multichannel video distribution marketplace is robust and has, for a long time, overshadowed the broadcast industry.” Moreover, the Copyright Office further argues that “it is now time to phase out section 111 and section 119 so that copyright owners can negotiate market rates for the carriage of programming.”

I agree with the Copyright Office that something needs to be done to “phase out” these compulsory licenses. There is no longer any reason that the cable and satellite industries need a government-sponsored subsidy—paid for by program providers—for the right to retransmit broadcast signals. I believe we can devise a way that would phase out these compulsory licenses without disrupting the market. In fact, it is already being done today, as cable and satellite services license programming for more than 550 non-broadcast networks directly in the marketplace

without a need for a compulsory license.

Some have suggested a market trigger mechanism that would create an opportunity for, but not require, copyright owners to license their copyrighted programming on broadcast television in the same manner as they do currently for cable channels like TBS, ESPN, Nickelodeon, Disney Channel, FX, and Bravo. Copyright owners would have a choice between continuing to operate under the compulsory license, or if they prefer, licensing cable and satellite retransmission of their works directly through the free market as is done every day for the hundreds of non-broadcast cable channels.

I hope that industry stakeholders will participate in creating a practical and reasonable approach to rectifying this important issue. At a minimum, it is time to let program creators and distributors have the option to determine the terms and conditions for their intellectual property rights. I am pleased that Senate Judiciary Committee Chairman PAT LEAHY is committed to exploring viable options for a marketplace model, and I look forward to working with him and our colleagues on this and other issues before final passage of this bill.

By Mr. REED (for himself, Ms. SNOWE, and Mrs. SHAHEEN):

S. 1672. A bill to reauthorize the National Oilheat Research Alliance Act of 2000; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I introduce, along with Senator SNOWE and Senator SHAHEEN, the National Oilheat Research Alliance Reauthorization Act of 2009. Since its establishment in 2001, the National Oilheat Research Alliance, NORA, has been a helpful entity for consumers of home heating fuel.

As part of the Energy Act of 2000, Congress authorized the heating oil industry to conduct a referendum to create NORA and to permit a small fraction of the wholesale price of heating oil—2/10 of a cent per gallon—to be paid by oilheat wholesale distributors to fund industry-led research and development, energy conservation, safety, training, and consumer education initiatives.

Since that time, R&D funded in part by NORA has been responsible for gains in efficiency as well as improvement in equipment that run on biofuels. In my home state, the next generation of oilheat technicians is being taught using classes developed by NORA.

NORA's current authorization expires in February 2010. The bipartisan bill we are introducing today extends the authorization for another year to allow NORA to continue operating. This extension will give Congress time to complete a longer-term reauthorization that will make important reforms

to NORA. It is essential that this extension be signed into law before the end of this year. Otherwise, NORA will be forced to start shutdown procedures in advance of the authorization lapsing.

Currently, the oilheat industry in 23 states and the District of Columbia—representing more than 8.5 million homes and businesses—participates in NORA. It is important that Congress act quickly on this bill to ensure that the benefits NORA creates for these families and businesses continue uninterrupted.

Mr. President, I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1672

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Oilheat Research Alliance Reauthorization Act of 2009”.

#### SEC. 2. REAUTHORIZATION.

Section 713 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106-469) is amended by striking “the date that is 9 years after the date on which the Alliance is established” and inserting “February 6, 2011”.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1673. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions of real property for conservation purposes by Native Corporations; to the Committee on Finance.

Mr. BEGICH. Mr. President, I am pleased today to join my colleague, Senator MURKOWSKI, in introducing legislation that would give Alaska Native Corporation, ANC, parity for an important tax incentive encouraging the permanent protection of land through the charitable donation of a conservation easement. I would also like to commend our colleague Congressman DON YOUNG, who today introduces a companion bill in the House of Representatives.

America's wildlife, waters, and land are an invaluable part of our Nation's heritage. It is imperative to preserve these natural treasures for future generations. Congress long ago concluded that it was good public policy to encourage the charitable contribution of conservation easements to organizations dedicated to maintaining natural habitats or open spaces help protect the nation's heritage. A conservation easement creates a legally enforceable land preservation agreement between a willing landowner and another organization. The purpose of a conservation easement is to protect permanently land from certain forms of development or use. The property that is the

subject to the easement remains the private property of the landowner. The organization holding the easement must monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs.

In 2006, Congress enhanced the charitable tax deduction for conservation easements in order to encourage such gifts. With the 2006 legislation, Congress temporarily increased the maximum deduction limit for individuals donating qualified conservation easements from 30 percent to 50 percent of the taxpayer's adjusted gross income. Congress also created an exception for qualified farmers or ranchers, which are non-publicly traded corporations or individuals whose gross income from the trade or business of farming is greater than 50 percent of the taxpayer's gross income. In the case of a qualified farmer or rancher, the limitation increased from 30 percent to 100 percent. The 2008 Farm Bill extended the temporary rules for two additional years to charitable contributions made before December 31, 2009.

Unfortunately, the way the law was crafted has disadvantaged a number of important landowners in my home state. Alaska Native Corporations, ANCs, own nearly 90 percent of the private land in Alaska, including some of the most scenic and resource rich. However, although they are very similar to the small communal family farms that are eligible, subsistence-based Alaskan Native communities are ineligible for these important new tax incentives. For thousands of years, Alaska has been home to Native communities, whose rich heritages, languages, and traditions have thrived in the region's unique landscape. Members of Alaska Native communities continue to have a deeply symbiotic relationship with the land even today. Much like their ancestors, many Native Alaskan communities engage in traditional subsistence activities, with nearly 70 percent of their food coming from the land or adjacent waters. For many communities, subsistence is an economic necessity considering both the lack of economic development and the cost and difficulty involved in purchasing food. For example, in Kotzebue, a community in Northwestern Alaska, milk costs nearly \$10 per gallon. In Buckland, a village home to approximately 400 people, a pound of hamburger, when it is actually available, costs \$14.00.

In Alaska, the Native Corporations have an important role to be stewards of the land. Their shareholders see themselves as the caretakers of the land and water as their ancestors have for thousands of years. Nonetheless, in Alaska today this means they have to balance the need for resource development and the need to cultivate the land for subsistence activities. The tra-

ditional lifestyles of Native Alaskans are under increasing stress from outside influences. Population growth and the pressure to pursue cash-generating activities have increased the desire for substantial development, significantly adding to the ecological stress on already fragile ecosystems. Without permanent protection, their lands could be developed in a manner that would destroy its ability to support the traditional ways and subsistence lifestyles crucial to Alaskan Native communities. Making use of tax incentives available to other Americans will make it easier for Native communities to make the right decisions for their shareholders.

Today, Alaska Native communities are not eligible for the 50 percent deduction available to individuals because they are federally chartered as C corporations under the Alaska Native Claims Settlement Act of 1971, ANCSA. This leaves Alaska Natives without the ability to convert to an eligible entity as other landowners can. In addition, most Alaska Native Corporations do not have sufficient gross income from the trade or business of what is considered traditional farming to be eligible for the 100 percent deduction available to qualified farmers or ranchers. This is in spite of the fact that as a group the Alaska Native shareholders of Alaska Native Corporations receive far more in subsistence benefits than they receive in income from the Alaska Native Corporation. As a result, Alaska Native Corporations do not have the same ability to offset the cost to permanently protect their properties, which contain important wildlife, fish, and other habitats, through donations of qualified conservation easements.

The bill I am introducing with Senator MURKOWSKI will allow Alaska Native Corporations to protect these important wildlife habitats, many used for subsistence, by providing an enhanced deduction for qualified conservation easements. The legislation modifies Section 170(b)(2) of the Internal Revenue Code by creating a new subsection that provides Alaska Native Corporations with a deduction for donations of certain qualified conservation easements. In order to be eligible, a qualified charitable conservation contribution must: (1) otherwise qualify under Section 170(h)(1); (2) be made by a Native Corporation; and (3) be land that was conveyed by ANCSA. Under Section 170(b)(2)(iii)(I), “Native Corporation” is defined by ANCSA, section 3(m). Under Section 170(b)(2)(i), the maximum deduction limit would be set at 100 percent of the taxpayer's adjusted gross income. If the taxpayer has deductions in excess of the applicable percentage-of-income limitation, Section 170(b)(2)(ii) would allow the taxpayer to carry-forward the deduction for up to 15 years.

Congress must act to assist Alaska Native communities in permanently

protecting their culturally, historically, and ecologically significant land, preserving the communities and their rich traditions in the process. I urge my colleagues to support this important legislation.

By Mr. WYDEN (for himself, Mr. DODD, Mr. SHELBY, and Mr. INHOFE):

S. 1674. A bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions; to the Committee on Finance.

Mr. WYDEN. Mr. President, I come here today to introduce the bipartisan Improving Access to Clinical Trials Act. I would like to begin by thanking my friend Congressman EDWARD MARKEY for introducing this legislation in the House. I also want to thank Senator DODD, Senator SHELBY and Senator INHOFE for cosponsoring this legislation. I would also like to thank the Cystic Fibrosis Foundation for bringing this issue to my attention.

The legislation I am introducing today is important because it would give people who are eligible for Social Security Income and Medicaid the same access to clinical trials as those who are more financially fortunate. Currently, those with rare diseases, such as Cystic Fibrosis and Tuberous Sclerosis rely on clinical trials as their only hope. Little is known about these diseases and a clinical trial may often be the only way individuals can seek treatment for these rare diseases and contribute to helping find a cure.

Currently, SSI and Medicaid eligible individuals who want to participate in a clinical trial have to worry about whether or not they will see a loss or a reduction in their benefits for their participation in a clinical trial if the trial offers any sort of research compensation to participants as part of its approved Internal Review Board study design. This legislation would make it so benefits that these individuals receive from clinical trials are not counted against those who are seeking SSI or Medicaid benefits or those who are already eligible for these benefits.

A good example of why this legislation is needed is Sean from Maryland. Sean is a Medicaid beneficiary who voluntarily enrolled in a clinical trial. He was paid for his participation in the study and subsequently lost his health benefits. Shortly after the study he contracted pneumonia and was treated for the illness. After hospitalization he found out that the money he received would disqualify him for Medicaid. Because he lost his health benefits he now owes \$80,000 for the two weeks of treatment he received for pneumonia.

While I believe this bill fixes a fundamental problem that has precluded hope for too many people who have a

rare disease and receive SSI or Medicaid, I have heard some legitimate concerns that research compensation may create the wrong kind of incentives for low-income people. These are important concerns and when it comes to this issue I believe there do need to be important safeguards in place. That is why this bill includes a GAO study to make sure that the program is working and that it is fair to those on SSI and Medicaid who are participating in clinical trials for rare diseases. The bill sunsets in 5 years so that Congress can reexamine the issue after getting the GAO report on the program.

I urge my colleagues to support this legislation so that adults on SSI and Medicaid can have the same access to clinical trials as those more financially fortunate. I look forward to working with Chairman BAUCUS and Ranking Member GRASSLEY on passing this bill this year.

Mr. INHOFE. Mr. President, I am pleased to introduce legislation today with my colleague, Senator RON WYDEN, to introduce the Improving Access to Clinical Trials Act, I-ACT, a bill to allow patients with rare diseases to participate in clinical drug studies without losing their eligibility for public assistance like Supplemental Security Income, SSI, and Medicaid. This bill provides potentially lifesaving treatments through clinical trials for those suffering with rare diseases, like cystic fibrosis, CF, a life-threatening genetic disease that affects about 30,000 people nationwide. This hits especially close to home for me because I have a staff member, Sage Streck, with CF, and she has participated in some of these trials that further drug research as they seek better treatments for rare diseases. About half of these patients are on Medicare or Medicaid and are eligible for SSI benefits.

Cystic fibrosis used to be primarily a childhood disease because people simply didn't live long enough to reach adulthood. But now, thanks to the many treatments discovered through clinical trials, the average life expectancy is 37 years old. Additionally, these advances in science allow CF patients to live more normal lives and not spend all their lives in hospitals or using respiratory machines. The more CF patients can participate in clinical trials, the faster scientists can discover new treatments and eventually a cure.

Sage has personally seen in her lifetime five drugs that started in clinical trials and are now available to CF patients. Each medication has increased her quality of life and decreased the amount of time she has spent in the hospital or on IV antibiotics. There are more than 30 promising drugs in the research pipeline right now that the CF Foundation is calling miracle drugs so it is imperative that patients have access to clinical trials so these drugs can get on the market.

Under current law, the small compensation provided to trial participants, which averages around \$500, is included as additional income that could cause a person to lose their public assistance benefits, like Supplemental Security Income, SSI, and Medicaid. These benefits are crucial for patients living with rare diseases. For instance, nearly 50 percent of the CF population uses SSI or Medicaid. As a result, patients choose not to enroll in clinical trials that could dramatically improve their lives out of the fear that they may lose the benefits on which they rely.

This bill allows patients with a rare disease to disregard up to \$2,000 of compensation received for participation in a clinical trial in their SSI and Medicaid income calculations. Though it will have a negligible impact on the Federal budget, it will make a dramatic difference in the lives of those who will gain access to potentially lifesaving treatments by enrolling in clinical trials as well as all those in the future whose lives will be improved by the medical advances that arise from this research.

Please join me in supporting this legislation that will provide patients with rare disease access to potentially lifesaving clinical trials without losing their public assistance health benefits.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 266—RECOGNIZING THE CONTRIBUTIONS OF JOHN SWEENEY TO THE UNITED STATES LABOR MOVEMENT

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. DURBIN, Mr. HARKIN, Mr. KERRY, Mr. DODD, Mr. WYDEN, Mr. MENENDEZ, Ms. STABENOW, Ms. KLOBUCHAR, Mr. CASEY, Mr. FRANKEN, Mr. BROWN, Mr. REED, Mr. SANDERS, Mrs. MURRAY, Mr. MERKLEY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LEAHY, Mr. BEGICH, Mr. LIEBERMAN, Mrs. BOXER, Mrs. MCCASKILL, Mr. AKAKA, Mrs. SHAHEEN, Mr. KAUFMAN, Mr. WEBB, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 266

Whereas John Sweeney was born in the Bronx, New York, to hard-working Irish immigrant parents, who instilled in him a sense of faith, a commitment to justice, and a love for the United States and its infinite potential to provide opportunity to all people;

Whereas John Sweeney was raised by his father, a bus driver, and his mother, a domestic worker, who both worked hard to allow him to attend St. Joseph's School, Cardinal Hayes High School, and Iona College, where he worked as a porter and a grave digger to help pay for his tuition;

Whereas because of his upbringing and his experiences growing up, John Sweeney gave up a high-paying career to dedicate his life to helping the labor movement and improving the lives of millions of working families across the United States;

Whereas John Sweeney's career in the labor movement has taken him from working on behalf of the factory workers of the International Ladies' Garment Workers' Union (ILGWU) and the doormen and cleaning women of the Service Employees International Union (SEIU) to being elected, in October 1995, to serve as the president of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO);

Whereas John Sweeney transformed labor organization and engaged the people of the United States on economic justice issues through methods such as the innovative "Justice for Janitors" campaign, while also nearly doubling the membership of the SEIU during his time as its president, making it the first union to reach 1,000,000 members;

Whereas John Sweeney led efforts at SEIU that resulted in landmark equal wage rulings for female building employees and launched an organization drive that gave nearly 20,000 home care employees a voice in improving their own income and working conditions;

Whereas John Sweeney has served as a transformational figure for millions of working individuals in the United States, and as president of the AFL-CIO, he has worked to revitalize and modernize the role of labor unions, train a new generation of organizers, promote diversity in union leadership, and make unions a driving force for social justice;

Whereas under John Sweeney's leadership, the National Labor College has become a first-rate institute of higher learning, providing an unparalleled opportunity for advancement to countless workers in the United States;

Whereas John Sweeney has fought on multiple fronts for legislation that advances justice, opportunity, and fairness for workers and their families, including legislation for a fair minimum wage, increased family leave, and improved worker health and safety rules;

Whereas because of his mother's experiences as a domestic worker, John Sweeney has personally dedicated himself to working on a Domestic Workers Bill of Rights for the State of New York;

Whereas John Sweeney has championed the effort to provide high-quality health care that is affordable and available to everyone in the United States; and

Whereas John Sweeney, as an author, father, grandfather, organizer, and inveterate advocate for the voiceless, continues to inspire a new generation of labor leaders: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the contributions that John Sweeney has made to the labor movement and to the lives of working men and women across the United States;

(2) congratulates John Sweeney on his decades of extraordinary and dedicated service; and

(3) honors John Sweeney for his commitment to economic and social justice and his tireless advocacy on behalf of the working families of this Nation.

#### SENATE RESOLUTION 267—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. BENNET, Mrs. HUTCHISON, Mr. BAYH, Mr. FRANKEN, Mr. MENENDEZ, Ms. KLOBUCHAR, and Mrs. BOXER) submitted the following

resolution; which was considered and agreed to:

#### S. RES. 267

Whereas ovarian cancer is the deadliest of all gynecologic cancers, and the reported mortality rate from ovarian cancer is increasing;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the "War on Cancer" was declared, nearly 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas, if ovarian cancer is diagnosed and treated at an early stage, before the cancer spreads outside of the ovary, the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are the best way to save the lives of women;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance holds a number of events to increase public awareness of ovarian cancer; and

Whereas the President has designated September 2009 as "National Ovarian Cancer Awareness Month": Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

#### SENATE RESOLUTION 268—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THEIR IMMENSE CONTRIBUTIONS TO THE NATION

Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. BROWN, Mr. CARDIN, Mr. WHITEHOUSE, Mr. KERRY, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. NELSON of Florida, Mrs. BOXER, Mr. KAUFMAN, Mr. CORNYN, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 268

Whereas from September 15, 2009, through October 15, 2009, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 47,800,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 3 United States public school students is Hispanic, and the total number of Hispanic students enrolled in our Nation's public schools is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is projected to reach \$1,000,000,000,000 by 2010 and there are more than 1,600,000 Hispanic-owned firms in the United States, supporting more than 1,500,000 employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and bravely fought in every war in United States history;

Whereas more than 29,000 Hispanics have served with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas as of September 11, 2009, approximately 11 percent of the more than 4,329 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the Armed Forces;

Whereas 43 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat in the Senate, 28 seats in the House of Representatives, 2 seats in the Cabinet, and 1 seat on the Supreme Court; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2009, through October 15, 2009;

(2) esteems the integral role of Latinos and their manifold heritage in the American economy, culture, and identity; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

SENATE CONCURRENT RESOLUTION 39—EXPRESSING THE SENSE OF THE CONGRESS THAT STABLE AND AFFORDABLE HOUSING IS AN ESSENTIAL COMPONENT OF AN EFFECTIVE STRATEGY FOR THE PREVENTION, TREATMENT, AND CARE OF HUMAN IMMUNODEFICIENCY VIRUS, AND THAT THE UNITED STATES SHOULD MAKE A COMMITMENT TO PROVIDING ADEQUATE FUNDING FOR THE DEVELOPMENT OF HOUSING AS A RESPONSE TO THE ACQUIRED IMMUNODEFICIENCY SYNDROME PANDEMIC

Mr. MENENDEZ (for himself and Mr. SCHUMER) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 39

Whereas adequate and secure housing for people with human immunodeficiency virus or acquired immunodeficiency syndrome (referred to in this resolution as “HIV/AIDS”) is a challenge with global dimensions, and adequate housing is one of the greatest unmet needs of people in the United States with HIV/AIDS;

Whereas growing empirical evidence shows that the socioeconomic status and structural factors such as access to adequate housing are key determinants of health;

Whereas the link between poverty, disparities in the risk of human immunodeficiency virus (referred to in this resolution as “HIV”) infection, and health outcomes is well established, and new research demonstrates the direct relationship between inadequate housing and greater risk of HIV infection, poor health outcomes, and early death;

Whereas rates of HIV infection are 3 to 16 times higher among people who are homeless or have an unstable housing situation, 70 percent of all people living with HIV/AIDS report an experience of homelessness or housing instability during their lifetime, and the HIV/AIDS death rate is 7 to 9 times higher for homeless adults than for the general population;

Whereas poor living conditions, including overcrowding and homelessness, undermine safety, privacy, and efforts to promote self-respect, human dignity, and responsible sexual behavior;

Whereas people who are homeless or have an unstable housing situation are 2 to 6 times more likely to use hard drugs, share needles, or exchange sex for money and housing than similar persons with stable housing, because the lack of stable housing directly impacts the ability of people living in poverty to reduce HIV risk behaviors;

Whereas, in spite of the evidence indicating that adequate housing has a direct positive effect on HIV prevention, treatment, and health outcomes, the housing resources devoted to the national response to HIV/AIDS have been inadequate, and housing has been largely ignored in policy discussions at the international level; and

Whereas, in 1990, Congress recognized the housing needs of people with HIV/AIDS when it enacted the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), commonly referred to as the “Housing Opportunities for Persons with AIDS Program” or “HOPWA Program”, as part of the Cranston-Gonzalez

National Affordable Housing Act (Public Law 101-625), and the HOPWA program currently serves approximately 70,000 households: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—*

(1) stable and affordable housing is an essential component of an effective strategy for HIV prevention, treatment, and care; and

(2) the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2370. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

SA 2371. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2372. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2373. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2374. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2375. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2376. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2377. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2378. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2379. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2380. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2381. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2382. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2383. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2384. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2385. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2386. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2387. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 886, to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 2388. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2389. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2390. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2391. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2392. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2393. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2394. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2395. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2396. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2397. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2398. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2399. Mr. REID (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2400. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2401. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2402. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2403. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2404. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2405. Mrs. MURRAY (for herself, Mr. BOND, and Mr. DODD) submitted an amendment intended to be proposed by her to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2406. Mrs. MURRAY (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 2370.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) None of the funds made available by this Act may be used for any purpose described in subsection (b) until the date on which the Secretary of Transportation certifies, based on the estimates made under section 9503(d)(1) of the Internal Revenue Code of 1986 of unfunded highway authorizations in relation to net highway receipts (as those terms are defined in that section) for the period of fiscal years 2010 through 2013, that the Highway Trust Fund contains or will contain amounts sufficient to cover all such unfunded highway authorizations for those fiscal years.

(b) The purposes referred to in subsection (a) are—

- (1) the reduction of vehicle-caused wildlife mortality or the maintenance of habitat connectivity;
- (2) transportation museums;
- (3) scenic beautification projects; and
- (4) pedestrian or bicycle facility projects.

**SA 2371.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 1 \_\_\_\_\_. None of the funds made available by this Act may be used to implement section 133(d)(2) of title 23, United States Code.

**SA 2372.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him

to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for a museum.

**SA 2373.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for the reduction of vehicle-caused wildlife mortality or the maintenance of habitat connectivity.

**SA 2374.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. REPORT ON COST OF GOVERNMENT-OWNED RESIDENTIAL HOMES.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the “Department”), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

(b) CONTENT.—The report required by this section shall include—

- (1) the number of residential homes that the Department owned during the years 2004 and 2009;
- (2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance and acquisition of homes, of home ownership by the Department since 2004;
- (3) a detailed explanation of the reasons for the ownership by the Department of the homes;
- (4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and
- (5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

**SA 2375.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, amounts provided in this Act for a congressionally directed spending item shall be made available to the Department of Transportation for NextGen and NextGen programs.

(b) In this section, the term “congressionally directed spending item” shall have the same meaning given such term in rule XLIV of the Standing Rules of the Senate.

**SA 2376.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this act shall be used to restrict implementation or enforcement of the community service requirements under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)).

**SA 2377.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

- (1) the public posting of the report compromises national security; or
- (2) the report contains proprietary information.

**SA 2378.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, line 18, strike “\$2,942,352,000” and insert “\$4,142,352,000”.

On page 210, strike line 15 and all that follows through page 213, line 2.

**SA 2379.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes;

which was ordered to lie on the table; as follows:

On page 173, line 18, strike “\$2,942,352,000” and insert “\$5,845,576,210”.

On page 210, strike line 15 and all that follows through page 213, line 2.

On page 332, after line 25, add the following:

SEC. 415. Notwithstanding any other provision in this Act, all amounts designated as congressionally directed spending items in Senate Report 111-69 are rescinded.

**SA 2380.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ENHANCED VOUCHER ASSISTANCE FOR CERTAIN ASSISTED HOUSING RESIDENTS.**

(a) ENHANCED VOUCHER ASSISTANCE.—Notwithstanding any other provision of law, contract, or covenant, and subject only to the availability of amounts provided in advance in appropriation Acts—

(1) upon the expiration, pursuant to paragraph (2), of the use restrictions applicable to the covered properties pursuant to the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 17151 note), each family who is an eligible low-income or moderate income family, as such terms are used for purposes of section 223(f)(2)(A) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)(2)(A)), and, as of such expiration, is residing in dwelling unit in the covered properties not covered by project-based rental assistance, shall be offered enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), and each such family who chooses to remain in the covered properties shall have 3 years from the date of the issuance of such enhanced voucher to commence use of the voucher;

(2) such use restrictions applicable to the covered properties shall be deemed to expire on March 1, 2010, but only if the owner of the covered properties enters into agreements with the Secretary to maintain the project-based rental assistance for the properties for a period beginning upon such expiration of not fewer than 20 years; and

(3) the contract rents for dwelling units in the covered properties covered by project-based rental assistance shall be determined during the period ending upon the expiration of such use restrictions pursuant to paragraph (2) based upon the rents for comparable unassisted and unrestricted units in the area in which the covered properties are located; except that before May 1, 2012, the rental assistance payments for such project-based units in the covered property known as Georgetowne Houses II shall be restricted to the rent levels provided under the Emergency Low Income Housing Preservation Act of 1987.

(b) COVERED PROPERTIES.—For purposes of this section, the term “covered properties” means the housing developments known as Georgetowne Houses I and II (formerly identified by FHA project nos. 023-55058 and 023-55179), located in Boston, Massachusetts.

(c) FUNDING.—Amounts for the enhanced vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized under section 8(t) of the United States Housing Act of 1937.

(d) APPLICABILITY.—This section shall take effect upon the date of enactment of this Act, and nothing in this section may be construed to require any administrative guidance.

**SA 2381.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_ . The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 2406 (119 Stat. 1350) by striking “in Fort Worth” in the project description and inserting “, or construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River, in Fort Worth”.

**SA 2382.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 22 and 23, insert the following:

SEC. 172. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the Federal Transit Administration, shall submit a report and implementation plan to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives.

(b) The report and plan required under subsection (a) shall include recommendations, including legislative proposals and actions that will be taken by the Department of Transportation, for—

(1) reducing the amounts appropriated pursuant to section 5316 of title 49, United States Code, for the Job Access and Reverse Commute Program (referred to in this section as the “Program”) that lapse before being utilized;

(2) reducing, revising, or eliminating reporting and certification requirements under the Program that act as a deterrent to potential applicants without significantly increasing the integrity of the program; and

(3) addressing the concerns and challenges cited by States and local authorities in the Government Accountability Office report entitled “Progress and Challenges in Implementing and Evaluating the Job Access and Reverse Commute Program” (GAO-09-496),

issued May 21, 2009), including recommendations related to—

(A) reducing the effort required to obtain and maintain funding for the Program;

(B) whether specific reporting and certification requirements improve program integrity relative to the burden on grantees;

(C) whether duplicative efforts in administering the Program with other Federal Transit Administration programs could be streamlined;

(D) whether additional technical assistance or reduced administrative burdens would improve the participation of small nonprofit organizations and other local authorities that lack experience with Federal grants; and

(E) whether reduced matching fund requirements for certain types of applicants or after an initial grant solicitation fails to attract sufficient interest would reduce the amount of funds that lapse.

**SA 2383.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . Notwithstanding any other provision of this Act, amounts made available in this Act for foreclosure prevention efforts shall be allocated by the Secretary of Housing and Urban Development solely on the basis of need.

**SA 2384.** Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 18 and 19, insert the following:

SEC. 197. Section 199 of the Department of Transportation Appropriations Act, 2009 (division I of Public Law 111-8) is amended by striking “fiscal year 2009” and inserting “fiscal years 2009 and 2010”.

**SA 2385.** Mrs. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 18 and 19, insert the following:

SEC. 197. (a) Subchapter III of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

**“§31152. Transportation of horses**

“(a) IN GENERAL.—A person may not transport, or cause to be transported, a horse from a place in a State through or to a place in another State in a commercial motor vehicle that—

“(1) has 2 or more levels stacked on top of one another; or

“(2) contains more than 30 horses.

“(b) ENFORCEMENT.—

“(1) IN GENERAL.—If the Administrator of the Federal Motor Carrier Safety Administration determines that a person has violated subsection (a) after providing that person with notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, the Administrator shall impose a civil penalty of not less than \$1,000 and not more than \$5,000 for each horse that the person transported, or caused to be transported, in violation of subsection (a).

“(2) RELATIONSHIP TO OTHER LAWS.—A civil penalty imposed under this subsection shall be in addition to any other penalty or remedy available under any other law.

“(c) DEFINITIONS.—In this section:

“(1) COMMERCIAL MOTOR VEHICLE.—The term ‘commercial motor vehicle’ has the meaning given that term in section 31101.

“(2) STATE.—The term ‘State’ means any of the several States, the District of Columbia, or any other territory or possession of the United States.”.

(b) The table of sections for such chapter is amended by inserting after the item relating to section 31151 the following:

“31152. Transportation of horses.”.

**SA 2386.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Section 3044(a) of SAFETEA-LU (Public Law 109-59) is amended by striking the description for item 386 and inserting “Suffolk County, NY Extended preliminary engineering, design, and construction of intermodal facility in Wyandanch”.

**SA 2387.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 886, to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

On page 5, line 24, strike “Any” and insert “Notwithstanding any other provision of law, including section 1341 of title 31, United States Code (commonly known as the ‘Anti-Deficiency Act’) and section 11 of title 41, United States Code (commonly known as the ‘Adequacy of Appropriations Act’), any”.

On page 8, line 25, after “section” insert “(excluding any fees collected under subsection (c)(4))”.

On page 16, line 19, strike “(a) IN GENERAL.—”.

On page 16, line 22, strike “market risk” and insert “risk to the Government”.

On page 16, strike line 23 and all that follow through page 17, line 3.

**SA 2388.** Ms. LANDRIEU submitted an amendment intended to be proposed

by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 11 and 12, insert the following:

**SEC. 234. REPORT ON HUD PROGRAMS IN HURRICANE DISASTER AREAS.**

(a) DEFINITIONS.—In this section—

(1) the terms “Department” and “Secretary” mean the Department of Housing and Urban Development and the Secretary thereof, respectively;

(2) the term “covered program” means a program—

(A) relating to recovery from Hurricane Katrina of 2005 or Hurricane Rita of 2005; or

(B) carried out using funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115); and

(3) the term “hurricane disaster area” means an area for which the President has declared a major disaster, as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), as a result of Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008.

(b) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(1) evaluates the block-by-block impact of any project approved for a hurricane disaster area under a program of the Department, including any project under a covered program;

(2) identifies any impediments to the use of programs of the Department (including covered programs) to carry out projects in hurricane disaster areas, including—

(A) any program requirements or regulations;

(B) a lack of administrative or program staff capacity; and

(C) a lack of clear process for requesting and receiving reimbursements of project funds; and

(3) makes recommendations, if any, on how—

(A) to improve coordination between Federal, State, and local agencies; and

(B) for each block of a hurricane disaster area, to expedite the implementation of any project carried out in such block using Federal funds.

**SA 2389.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. HURRICANE ASSISTANCE TO FAMILIES.**

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may use—

(1) not more than \$80,000,000 of funds reserved by the Department of Homeland Security under an Inter-Agency Agreement with the Department of Housing and Urban Development for victims of Hurricanes Ike and Gustav of 2008 to provide assistance under section 8(o) of the United States Housing Act of 1937, and related fee provisions, to eligible families receiving assistance under the DHAP-Ike program, except that such assistance shall not be made available to other families upon turnover; and

(2) not more than an additional \$10,000,000 of funds reserved by the Department of Homeland Security under the Inter-Agency Agreement described in paragraph (1) to provide assistance under section 8(o) of the United States Housing Act of 1937, and related fee provisions, to families residing in Federal Emergency Management Agency transitional housing units because of Hurricanes Ike and Gustav of 2008.

**SA 2390.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, line 1, strike “\$100,000,000” and insert “\$115,000,000”.

On page 277, line 18, strike the period and insert “: *Provided further*, That of the amounts made available under this heading, not less than \$15,000,000 shall be awarded to nonprofit legal aid organizations to provide foreclosure prevention assistance.”

On page 286, line 21, strike “\$200,000,000” and insert “\$185,000,000”.

**SA 2391.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 11 and 12, insert the following:

**SECTION 234. HOME RETENTION AND ECONOMIC STABILIZATION.**

(a) FORECLOSURE DEFERMENT.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 128 the following new section:

**“§ 128A. Foreclosure deferment and reset notification for mortgages**

“(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) DEFERMENT PAYMENT AMOUNT.—The term ‘deferment payment amount’ means the amount of the monthly payment that is due on an eligible deferred-foreclosure mortgage during the deferment period.

“(2) DEFERMENT PERIOD.—The term ‘deferment period’ means the period that—

“(A) begins when the eligible consumer sends notice of the exercise of the deferral right under subsection (b)(1) with respect to an eligible deferred-foreclosure mortgage to the creditor or servicer; and

“(B) ends on the earliest of the following applicable dates:

“(i) The date that is 270 days after the beginning of the period.

“(ii) The end of the 30-day period beginning on any due date for any deferment payment (on such mortgage, in accordance with this section) which remains unpaid as of the end of such 30-day period.

“(iii) The date on which the creditor or servicer enters into a qualified loan modification with the consumer.

“(iv) The date on which the deferment is terminated by judicial order.

“(3) DEFERMENT PERIOD TRIGGER.—The term ‘deferment period trigger’ means the date on which the consumer becomes eligible for a deferment under subsection (b)(1) with respect to an eligible deferred-foreclosure mortgage and occurs on the earlier of—

“(A) the date of any adjustment or reset of the interest rate on such mortgage;

“(B) the date by which the consumer is 60 days delinquent on mortgage payments; or

“(C) the date of the first increase in the minimum monthly payment due under such mortgage after the origination of such mortgage.

“(4) ELIGIBLE DEFERRED-FORECLOSURE MORTGAGE.—The term ‘eligible deferred-foreclosure mortgage’ means a consumer credit transaction that is secured by the principal dwelling of an eligible consumer that—

“(A) was entered into before the date of enactment of this section; and

“(B) has reached the deferment period trigger.

“(5) ELIGIBLE CONSUMER.—The term ‘eligible consumer’ means a consumer who—

“(A) is a mortgagor or borrower on an eligible deferred-foreclosure mortgage;

“(B) has resided at the property secured by such mortgage since the mortgage transaction was entered into and intends to reside at such property at least until the end of the deferment period;

“(C) has a current monthly income that, when multiplied by 12, is less than 200 percent of the area median annual income for the relevant family size in the State in which the residence is located; and

“(D) during the deferment period, responds to reasonable inquiries from a creditor or servicer with respect to an eligible deferred-foreclosure mortgage.

“(6) QUALIFIED LOAN MODIFICATION.—

“(A) IN GENERAL.—The term ‘qualified loan modification’ means a permanent, sustainable loan modification.

“(B) FDIC REGULATIONS.—Not later than 60 days after the date of enactment of the Department of Housing and Urban Development Appropriations Act, 2010, the Chairperson of the Federal Deposit Insurance Corporation shall promulgate rules establishing under what circumstances a loan modification will qualify as permanent and sustainable.

“(b) RIGHT TO DEFERMENT OF INSTITUTION OF ACTION ON FORECLOSURE.—

“(1) RIGHT ESTABLISHED.—Any eligible deferred-foreclosure consumer shall have the right to defer any initiation of a foreclosure, whether judicial or nonjudicial, or any action in connection with a foreclosure already instituted, including any foreclosure sale, with respect to any eligible deferred-foreclosure mortgage by any creditor, servicer, or holder of such mortgage, or any other person acting on behalf of any such creditor, servicer, or holder, until the end of the deferment period.

“(2) ENFORCEMENT OF RIGHT.—An eligible deferred-foreclosure consumer may defend against a foreclosure or bring an action in any court of competent or general jurisdiction to compel compliance with the right of the consumer under paragraph (1) to defer any initiation of a foreclosure or any action

in connection with a foreclosure already instituted, including any foreclosure sale, with respect to any eligible deferred-foreclosure mortgage.

“(c) NOTICE TO CONSUMER BEFORE ANY FORECLOSURE ACTION.—

“(1) NOTICE OF RIGHT REQUIRED.—Before initiating any foreclosure with respect to any eligible deferred-foreclosure mortgage, the creditor or servicer shall notify, by personal service, any eligible deferred-foreclosure consumer with respect to such mortgage of such consumer’s right under subsection (b) to defer the initiation of foreclosure.

“(2) CONTENTS OF NOTICE.—The Board shall prescribe, by regulations under sections 105 and 122, the content and format, including the size of the font, of the notices under paragraph (1) in a manner that maximizes the likelihood that the consumer will obtain and understand all the information necessary to exercise the right to defer any action to institute foreclosure, including—

“(A) the manner and format for obtaining such deferral, including a sample notice form, an identification form, and a certification form for the consumer to use in complying with subsection (d)(1);

“(B) contact information for the creditor or servicer, as the case may be and any third party involved in foreclosure proceedings, including State or local officials; and

“(C) contact information for obtaining any counseling concerning the exercise of such deferral from a counselor approved by the appropriate State housing finance agency or the Secretary of Housing and Urban Development.

“(3) TIMING.—No foreclosure action or proceeding with respect to any eligible deferred-foreclosure mortgage shall be valid unless the creditor or servicer has provided the notice required under this subsection to the consumer at least 30 days before instituting any such action or proceeding and at least once during each subsequent 30-day period until the foreclosure becomes final.

“(d) INSTITUTION OF DEFERMENT.—

“(1) PROCEDURE REQUIRED.—Any eligible deferred-foreclosure consumer who chooses to exercise a deferment right under subsection (b) shall provide—

“(A) notice of the exercise of such to the servicer or other person described in the notice to the consumer under subsection (e) by any reasonable means including by mail, service whether directly or to any agent, including at the address of any registered agent;

“(B) a clear identification of the eligible deferred-foreclosure consumer and the address of the property securing the mortgage; and

“(C) a certification that at least 1 consumer borrower with respect to such mortgage resides at the property secured by such mortgage and intends to reside at such property at least until the end of the deferment period.

“(2) SUFFICIENCY OF NOTICE.—

“(A) IN GENERAL.—Notice and delivery of an affidavit under paragraph (1) may be made by any reasonable means including by mail, service whether directly or to any agent, including at the address of any registered agent with the secretary of state for the State in which the property is located, or any attorney representing the consumer, or by such means as the terms of the mortgage or regulations prescribed by the Board may provide.

“(B) OTHER PARTIES.—If any court, any sheriff or other official designated under State law, or any other person authorized

under State law and the contracts of the parties to maintain any foreclosure proceeding or conduct any foreclosure sale receives, directly or indirectly, a copy of any notice provided under this subsection by an eligible deferred-foreclosure consumer with respect to any eligible deferred-foreclosure mortgage, no foreclosure action may be taken by the court, sheriff, official, or other person with respect to such mortgage during the applicable deferred-foreclosure period.

“(3) ACKNOWLEDGMENT.—

“(A) IN GENERAL.—Any creditor, servicer, or holder of an eligible deferred-foreclosure mortgage, or any other person acting on behalf of any such creditor, servicer, or holder, who receives a notice from a consumer under paragraph (2) shall acknowledge to the consumer the receipt of the notice of the exercise of the deferment right under subsection (b) before the end of the 10-business day period beginning on the date of such receipt.

“(B) CONTENTS OF NOTICE.—The acknowledgment provided to any eligible deferred-foreclosure consumer under subparagraph (A) shall include the date on which the next payment is due on the eligible deferred-foreclosure mortgage, the deferment payment amount, the date on which each subsequent payment is due, and the address or the delivery method for each such payment that is acceptable to the recipient.

“(4) MONTHLY PAYMENT NOTICES.—Each periodic statement of account submitted by the creditor or servicer with respect to any eligible deferred-foreclosure mortgage during the period while any deferment right under subsection (b) is in effect shall include—

“(A) the due date and the amount of the next payment due on such mortgage;

“(B) the address or the delivery method for such payment;

“(C) the date on which the deferral of the foreclosure will terminate; and

“(D) a notice that failure to make such payment in a timely manner will jeopardize the continuation of the deferral of the foreclosure.

“(e) DEFERMENT PAYMENT.—

“(1) IN GENERAL.—During the deferment period with respect to any eligible deferred-foreclosure mortgage for which any deferment right has been exercised under subsection (b), monthly payments shall continue to be made by the consumer with respect to such mortgage.

“(2) AMOUNT OF PAYMENT.—The deferment payment amount for purposes of monthly payments under paragraph (1) with respect to any eligible deferred-foreclosure mortgage shall be, as applicable, the lesser of—

“(A) the minimum monthly payment of principal and interest on the date on which the loan was originated;

“(B) a monthly payment based on the outstanding loan principal plus a rate of interest calculated at a fixed annual percentage rate, in an amount equal to the most recent conventional mortgage rate plus a 100 basis point premium for risk, amortized over a period of 30 years minus the period of time since the origination of the loan; or

“(C) the amount of the first minimum monthly payment due under the mortgage after the origination of such mortgage.

“(3) AMORTIZATION OF DIFFERENCE.—The difference between the amount of any monthly payment due under the terms of any eligible deferred-foreclosure mortgage and the deferment payment amount shall be amortized over the life of the mortgage beginning after the deferred-foreclosure period in accordance with regulations which the Board shall prescribe.

“(4) CHARGES PROHIBITED.—No creditor or servicer may impose any late fee or other fee or charge during the deferment period with respect to any eligible deferred-foreclosure mortgage for which any deferment right has been exercised under subsection (b) or in connection with the exercise of such deferment right.

“(f) NOTICE OF RESET AND ALTERNATIVES.—During the 1-month period that ends 120 days before the date on which the interest rate in effect during the introductory period of an eligible deferred-foreclosure mortgage adjusts or resets to a variable interest rate, or the minimum monthly payment of principal and interest required first increases from the amount of the first such minimum monthly payment due under the mortgage after the origination of such mortgage, the creditor or servicer of such loan shall provide a written notice, separate and distinct from all other correspondence to the consumer, that includes the following:

“(1) Any index or formula used—

“(A) in determining the annual percentage rate applicable as of the effective date of a reset or adjustment; and

“(B) in making any increases in the minimum monthly payments due, and a source of information about the index or formula.

“(2) A good faith estimate, based on accepted industry standards and disclosed in a clear and conspicuous manner, of the creditor or servicer of the amount of the monthly payment that will apply after the date of the adjustment or reset, or increase, as applicable, and the assumptions on which this estimate is based.

“(3) A list of alternatives consumers may pursue before the date of adjustment or reset, or increase, as applicable, and descriptions of the actions consumers must take to pursue such alternatives, including—

“(A) refinancing;

“(B) renegotiation of loan terms;

“(C) payment forbearance;

“(D) pre-foreclosure sales;

“(E) any payment assistance available from the State in which the property is located; and

“(F) any refinancing, loan modification, or other assistance program available through the Federal Government that may apply to the loan.

“(4) The names, addresses, telephone numbers, and Internet addresses of counseling agencies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989).

“(5) The address, telephone number, and Internet address for the State housing finance authority (as so defined) for the State in which the consumer resides.

“(g) MOST RECENT CONVENTIONAL MORTGAGE RATE.—For purposes of subsection (f)(1)(A)(ii), the term ‘most recent conventional mortgage rate’ means the contract interest rate on commitments for fixed-rate first mortgages most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release (or any successor publication), in the week preceding a date of determination for purposes of applying this subsection.

“(h) DUTY OF CONSUMER TO MAINTAIN PROPERTY.—Any eligible deferred-foreclosure consumer for whom a deferment of foreclosure is in effect under this section with

respect to any eligible deferred-foreclosure mortgage may not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to substantially deteriorate, or commit waste on the property.

“(i) DECLARATION OF RIGHTS.—In addition to the right of any party to a mortgage to seek a declaratory judgment under section 2201 of title 28, United States Code, any such party may apply prior to the end of the deferment period to any State court of competent or general jurisdiction for an order establishing the rights, duties, and conditions imposed on or applicable to any party to the mortgage, including the terms and conditions of a deferment.

“(j) COORDINATION WITH STATE LAW.—

“(1) IN GENERAL.—No provision of this section shall be construed as annulling, altering, or affecting the laws of any State relating to deferment of foreclosures, except to the extent that those laws are inconsistent with the provisions of this section, and then only to the extent of the inconsistency.

“(2) RULE OF CONSTRUCTION.—A State law is not inconsistent with this section if the protection that such law affords any consumer is greater than the protection afforded by this section.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 128 the following new item:

“128A. Foreclosure deferment and reset notification for certain mortgages.”.

**SA 2392.** Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of law, the Secretary of Transportation may not reallocate any funds made available through any Act of Congress from the intermodal transportation facility at the Bronx Zoo, New York to any other purpose. Funds appropriated for such facility that are due to expire on September 30, 2009, shall continue to be available for such purpose until 1 year after the date of the enactment of this Act.

**SA 2393.** Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

SEC. 5 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

**SA 2394.** Mr. JOHANNES submitted an amendment intended to be proposed by

him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

#### PROHIBITION ON USE OF FUNDS

SEC. 4 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

**SA 2395.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_\_. None of the funds made available by this Act may be used for the construction, maintenance, or development of the California-Nevada Super Speed Train Commission for the MAGLEV project to create a travel corridor between Las Vegas, Nevada, and Anaheim, California.

**SA 2396.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, line 9, strike “Provided, That” and all that follows through “this Act.” on line 12, and insert the following: “Provided, That the Secretary of Housing and Urban Development shall award such amounts without regard to any congressionally directed spending item (as defined in rule XLIV of the Standing Rules of the Senate) or any congressional earmark (as defined in rule XXI of the Rules of the House of Representatives) in a committee report or joint explanatory statement relating to this Act: Provided further, That such amounts shall be awarded as grants, on a competitive basis: Provided further, That the Secretary of Housing and Urban Development shall consider the following factors when awarding Neighborhood Initiative funds under this paragraph: 1) economic development strategies that utilize local community-based partnerships between businesses, non-profits and the public sector; 2) neighborhood revitalization efforts that integrate sustainable community and building design processes; 3) input by residents and other stakeholders; 4) creation of homeownership opportunities; 5) links between housing programs and welfare reform initiatives in the neighborhood; and 6) links between workforce development strategies and economic development strategies.”

**SA 2397.** Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him

to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ Section 3046(a)(22) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended—

(1) in the paragraph heading, by striking “FUEL CELL-POWERED BUS” and inserting “HYDROGEN-POWERED TRANSIT”; and

(2) by striking “Fuel Cell-Powered Bus” and inserting “Hydrogen-Powered Transit”.

**SA 2398.** Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, line 7, strike “items 523, 267, and 131” and insert “items 131, 267, 523, and 657”.

**SA 2399.** Mr. REID (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 332, after line 25, add the following:

SEC. 415. (a) Congress makes the following findings:

(1) Tourism, including conventions and meetings, is an important part of the United States economy that generates billions of dollars in tax revenues for many localities.

(2) Analysts estimate that approximately 90 percent of employers in the travel industry are small businesses and more than 12 percent of United States employees are employed by the travel industry.

(3) Many local economies around the country have developed into destinations for vacationers and conventioners alike, and those local economies depend on the travel industry to support local employment, create new jobs, and generate tax revenues for critical public services.

(4) These same destinations are home to large and small businesses that have unique skills, amenities, and resources for planning and facilitating meetings and conventions for all purposes and, consequently, may deliver value and convenience for individuals and organizations in need of a location for an official event.

(5) Locating an official event in such a city frequently may save taxpayer dollars, as compared to other locations.

(6) Agencies and departments of the United States have a responsibility to find ways to maximize taxpayer dollars in conducting official business, including planning and conducting official meetings attended by Federal employees.

(7) In deciding where to locate an official government meeting by applying this principle of maximizing taxpayer dollars, government officials often will conclude that many locations known as resort destinations also will provide the best value and convenience for official meetings and business.

(8) Resort and vacation destination cities tend to be affected disproportionately during economic downturns and, therefore, are especially vulnerable to discrimination by meeting and convention planners, which could exacerbate unemployment and related demands on United States taxpayers.

(b) None of the funds appropriated or otherwise made available under this Act may be used by an agency or department of the United States to establish or implement an internal policy regarding travel, event, meeting, or conference locations that discourages or prohibits the selection of such a location because the location is perceived to be a resort or vacation destination.

**SA 2400.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 205, strike line 12 and all that follows through page 210, line 14, and insert the following:

OPERATING GRANTS TO THE NATIONAL  
RAILROAD PASSENGER CORPORATION  
(INCLUDING RESCISSION)

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$550,000,000, to remain available until expended: *Provided*, That the Secretary shall not make the grants for the third and fourth quarter of the fiscal year available to the Corporation until an Inspector General who is a member of the Council of the Inspectors General on Integrity and Efficiency determines that the Corporation and the Corporation's Inspector General have agreed upon a set of policies and procedures for interacting with each other that are consistent with the letter and the spirit of the Inspector General Act of 1978, as amended: *Provided further*, That 1 year after such determination is made, the Council of the Inspectors General on Integrity and Efficiency shall appoint another member to evaluate the current operational independence of the Amtrak Inspector General: *Provided further*, That the Corporation shall reimburse each Inspector General for all costs incurred in conducting the determination and the evaluation required by the preceding two provisos: *Provided further*, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That not later than 60 days after enactment of this Act, the Cor-

poration shall transmit to the Secretary, the Inspector General of the Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-year financial plan for fiscal year 2010 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: *Provided further*, That the plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the business plan shall include a description of the capital investments to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That concurrent with the President's budget request for fiscal year 2011, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

Of the amounts made available under this heading in Public Law 111-8, all unobligated balances as of the later of September 30, 2009 or the date of the enactment of this Act are rescinded.

CAPITAL AND DEBT SERVICE GRANTS TO THE  
NATIONAL RAILROAD PASSENGER CORPORATION  
(INCLUDING RESCISSION)

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432),

\$940,000,000, to remain available until expended, of which not to exceed \$264,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That of the funding provided under this heading, not less than \$144,000,000 shall be for bringing the stations on the Corporation's rail system into compliance with the Americans with Disabilities Act: *Provided further*, That grants shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: *Provided further*, That, the business plan shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities.

Of the amounts made available under this heading in Public Law 111-8, all unobligated balances as of the later of September 30, 2009 or the date of the enactment of this Act are rescinded.

**SA 2401.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_\_. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 2406 (119 Stat. 1350) by striking the project description and inserting "Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River in Fort Worth".

**SA 2402.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Such amounts as are required from amounts provided in this Act to the Office of the Secretary of Transportation for the Transportation Planning, Research and Development program shall be used for the development, coordination, and analysis of data collection procedures and national performance measures.

**SA 2403.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 11 and 12, insert the following:

SEC. 2 \_\_\_\_\_. None of the funds made available by this Act may be used to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development.

**SA 2404.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 221, strike lines 8 through 12 and insert the following:

SEC. 166. In determining the local share of the cost of the project authorized to be carried out under section 3043(c)(70) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1644) for purposes of the rating process for New Starts projects, the Secretary shall consider any portion of the corridor advanced entirely with non-Federal funds.

**SA 2405.** Mrs. MURRAY (for herself, Mr. BOND, and Mr. DODD) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The first numbered paragraph under the heading "Tenant-Based Rental Assistance" in the Department of Housing and Urban Development Appropriations Act, 2009 (Public Law 111-8) is amended by adding the following before the period at the end:

"*Provided further*, That up to \$200,000,000 from the \$4,000,000,000 which are available on October 1, 2009 shall be available to adjust allocations for public housing agencies to prevent termination of assistance to families".

**SA 2406.** Mrs. MURRAY (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to

the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 222, strike line 11 and all that follows through page 223, line 2, and insert the following:

SEC. 169. Section 5309(g)(4)(A) of title 49, United States Code, is amended—

(1) by striking "The total estimated" and inserting the following:

"(i) IN GENERAL.—The total estimated"; and

(2) by adding at the end the following:

"(ii) SPECIAL RULE FOR FISCAL YEAR 2010.—For fiscal year 2010—

"(I) the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding full funding grant agreements entered into on or before September 30, 2009, and all outstanding letters of intent and early systems work agreements under this subsection for major new fixed guideway capital projects may be not more than the greater of the amount authorized under sections 5338(a)(3) and 5338(c) for such projects or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(A) and (m)(2)(A)(ii) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those of such projects that are not covered by a letter or agreement; and

"(II) the Secretary may enter into full funding grant agreements under this subsection for major new fixed guideway capital projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.".

## NOTICE OF HEARING

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 17, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to examine the Federal tax treatment of health care benefits provided by tribal governments to their citizens.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. MURRAY. Mr. President, I ask unanimous consent that the committee on armed services be authorized to meet during the session of the Senate on September 15, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate to conduct a hearing on September 15, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 15, 2009 at 10 a.m., in room 215 of the Dirksen Senate Office Building to conduct a hearing entitled "Unemployment Insurance Benefits: Where Do We Go From Here?"

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 15, 2009 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, on September 15, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Human Rights at Home: Mental Illness in U.S. Prisons and Jails."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 15, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on September 15, 2009, at 2:30 p.m. to conduct a hearing entitled "Security Clearance Reform: Moving Forward on Modernization."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL OVARIAN CANCER AWARENESS MONTH

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 267 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 267) supporting the goals and ideals of National Ovarian Cancer Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 267) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 267

Whereas ovarian cancer is the deadliest of all gynecologic cancers, and the reported mortality rate from ovarian cancer is increasing;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the "War on Cancer" was declared, nearly 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas, if ovarian cancer is diagnosed and treated at an early stage, before the cancer spreads outside of the ovary, the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are the best way to save the lives of women;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance holds a number of events to increase public awareness of ovarian cancer; and

Whereas the President has designated September 2009 as "National Ovarian Cancer Awareness Month": Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

#### HISPANIC HERITAGE MONTH

Mrs. SHAHEEN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 268 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 268) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 268

Whereas from September 15, 2009, through October 15, 2009, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 47,800,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 3 United States public school students is Hispanic, and the total number of Hispanic students enrolled in our Nation's public schools is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is projected to reach \$1,000,000,000,000 by 2010 and there are more than 1,600,000 Hispanic-owned firms in the United States, supporting more than 1,500,000 employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and bravely fought in every war in United States history;

Whereas more than 29,000 Hispanics have served with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas as of September 11, 2009, approximately 11 percent of the more than 4,329 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the Armed Forces;

Whereas 43 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an

enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat in the Senate, 28 seats in the House of Representatives, 2 seats in the Cabinet, and 1 seat on the Supreme Court; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2009, through October 15, 2009;

(2) esteems the integral role of Latinos and their manifold heritage in the American economy, culture, and identity; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 16, 2009

Mrs. SHAHEEN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, September 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the Republicans

controlling the first 30 minutes, the majority controlling the next 30 minutes, and the remaining time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of H.R. 3288, the Transportation-HUD appropriations bill, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mrs. SHAHEEN. Senators should be prepared for a series of up to five roll-call votes to be begin at approximately 11:40 a.m. tomorrow. Additional votes are expected to occur throughout the day in an effort to complete action on the Transportation appropriations bill.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. SHAHEEN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Wednesday, September 16, 2009, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF TRANSPORTATION

CYNTHIA L. QUARTERMAN, OF GEORGIA, TO BE ADMINISTRATOR OF THE PIPELINE AND HAZARDOUS MATE-

RIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE CARL T. JOHNSON.

##### DEPARTMENT OF STATE

FREDERICK D. BARTON, OF MAINE, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

CARMEN LOMELLIN, OF VIRGINIA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE HECTOR E. MORALES, RESIGNED.

CYNTHIA STROUM, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHAI RACHEL FELDBLUM, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2013, VICE LESLIE SILVERMAN, TERM EXPIRED.

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

IRVIN M. MAYFIELD, JR., OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014, VICE JERRY PINKNEY, TERM EXPIRED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, September 15, 2009:

##### DEPARTMENT OF JUSTICE

STEVEN M. DETTELBAUGH, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.

CARTER M. STEWART, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.

PETER F. NERONHA, OF RHODE ISLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS.

DANIEL G. BOGDEN, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

DENNIS K. BURKE, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS.

NEIL H. MACBRIDE, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

## HOUSE OF REPRESENTATIVES—Tuesday, September 15, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. SPEIER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 15, 2009.

I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### REBUILDING AND RENEWING AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, these times demand that Congress and the administration do more than one thing at a time, health care, energy, dealing with the economic downturn and near financial meltdown inherited by the new administration. One challenge needs more attention, rebuilding and renewing America.

Our fraying infrastructure has been a growing problem for years. The American Society of Civil Engineers has rated our overall infrastructure with a grade of "D" and has done so repeatedly. It is one of those rare, important issues that actually unites people rather than dividing them.

Water and transportation investments are overwhelmingly supported by the public across the board from coast to coast. And a majority of Republicans, Democrats and independents would increase their taxes to get this job done.

Rebuilding and renewing America will make a huge difference in both the

economy and the everyday quality of life of Americans. The economic recovery package that we passed early in the year was an important step to stop the economic free fall. I would hate to think what my State of Oregon would be facing without the \$6 billion for education, health care, unemployment and infrastructure. It was very important for the State of Oregon and for States across the country, important but not enough.

The perfect next step is to reauthorize and fund the next transportation bill, which expires in 15 days. Our Transportation and Infrastructure Committee has been hard at work. They have developed a great outline for the new legislation.

But the highway trust fund that would fund that new vision faces a significant shortfall. Our recent stopgap efforts to plug the hole just adds to the long-term deficit without the certainty that communities and contractors require to start needed big projects.

In the short term, the House should come together, work with the Senate and pass a short-term extension of 4 to 6 months that will allow us to get the reauthorization and the funding in order.

In the meantime, every Member ought to take advantage of this opportunity to involve people back home in this critical discussion. People from the private sector, from their local Chamber, contractors, unions, the local community leadership, all being part of this movement to rebuild and renew America.

This is the fastest way to get the economy on track, to improve the environment, put people to work and make our communities more liveable, our families safer, healthier and more economically secure.

### GET HEALTHCARE DONE RIGHT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER) for 5 minutes.

Mrs. MILLER of Michigan. Madam Speaker, the American health care system is clearly in need of reform. Yet at the same time our system of health care continues to be the envy of the world in producing life-saving innovations in the pharmaceutical industry, in medical procedures and in treatment.

Congress certainly must act to help bring down costs and expand access to health insurance, while preserving the quality of care patients receive in this

great, great Nation. I have heard many of my Democratic colleagues, and certainly the President, speak about the need to increase competition in the health insurance marketplace to help reduce costs, and I could not agree more.

But where I part company with my Democratic colleagues is in their prescription for the problem. The way they want to increase competition is to create a new government insurance company, better known as the public option, to provide this competition. They have demonized insurance companies in an effort to build support for this misguided plan, even though recent public opinion surveys have shown that over 80 percent of Americans are satisfied with their current plan. My concerns with the public option, which are shared, I think, by huge amounts of Americans, is that it would have an unfair advantage that could crowd out private health care, and it would put huge new costs on the American taxpayers.

For months the President has said if you like what you have, you can keep it. Then just last week, the President changed that and he said, instead, there is nothing in this bill that would force you or your employer to change what you have.

Well, it may be true that nothing will force you or your employer into the public option, but the bill before the House has perverse incentives to encourage your employer to do just that. The bill mandates individuals to purchase insurance, and it requires large employers to provide care for their employees. Businesses that do not provide health care insurance will be taxed at 8 percent of their payroll as a penalty, and most employers will tell you that health care costs typically run about 14 to 16 percent of their payroll.

So businesses that are struggling to make ends meet will now face a choice, either continue to pay 15 percent of their payroll to provide coverage for their employees, or just dump them out onto the public plan and take the 8 percent penalty. Well, that is a pretty easy business decision to make. Unfortunately, it has very broad implications for their employers, and I believe this Nation will go to a government-run health care plan very, very quickly as a result of that.

Madam Speaker, there is a better way to reduce the cost of insurance at virtually no cost to the government, and that is to simply allow individuals

and businesses to purchase health care insurance across State lines. Lifting this restriction would bring hundreds, if not thousands, of new competitors into the private marketplace to compete for business. This would absolutely reduce costs, and it's a simple change which we can enact immediately.

The President actually made an analogy to private auto insurance, and I would respectfully remind the President that auto insurance can be purchased across State lines, and there is no public option in auto insurance. The market regulates itself to keep costs down.

Additionally, millions of Americans today have their health care covered by a health savings account. If H.R. 3200 is enacted, health savings accounts will be gone and those who utilize them will be forced to change their coverage. So, again, this is actually less choice and less competition in the health care industry.

I was very glad last week when the President said he would look at pilot programs with regard to medical liability reform. For too long, trial attorneys have looked at doctors as ATM machines and have filed countless frivolous lawsuits.

This has driven up costs by forcing insurance companies to settle because these suits cost too much to fight, regardless of their merit, and the costs are passed along to doctors in the form of higher premiums and ultimately higher health insurance costs to consumers. It has also made it very difficult for specialty doctors like OB/GYNs to practice, and it limits access, particularly in rural areas.

Many States have enacted caps on noneconomic damages. And in every place where this has happened, doctors have moved in, lawyers have moved out, and costs have gone down.

So I was very disappointed when the President said over the weekend that he doesn't believe caps work. Respectfully, Mr. President, actually, caps on noneconomic damage is medical liability reform.

Madam Speaker, the American people are rightfully concerned about how any reform will impact out-of-control Federal spending and our exploding Federal deficit. It just stretches credibility when people are told that we can create a public option, expand access and availability of care, and we can do so without dramatically increasing taxes or adding to the Federal debt.

Well, you can't get something for nothing, particularly when the government is involved. And many seniors find it difficult to believe that we can pay for some of this by reducing spending on Medicare by \$600 billion and more and not impact their level of care.

The proponents say these cuts are just waste, fraud and abuse. Well, if

there is that much waste, fraud and abuse, we should be attacking that.

Madam Speaker, we can do better. And, for the sake of the American people, we must do better.

#### CHILDREN AND EMPLOYMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise to introduce the Children's Act for Responsible Employment, better known as the CARE Act.

This month, millions of children across the country are returning to school. After meeting their teachers and reconnecting with friends, they will launch headlong into their studies. Absent from our Nation's classroom, however, will be thousands of children who, instead of going to school, will be working in the fields and orchards of our country. These are not children of local farmers, but hired hands who travel from crop to crop to help their families make ends meet.

These children who help put food on their table start school late and continue to work long hours, leaving them little time or energy to do their homework. If previous years are any guide, some of these students will miss 1 out of every 6 days of school.

The results are predictable. Studies show that 50 percent of youth who regularly perform farm work drop out of school. The consequences of this high drop-out rate are tragic.

In addition to these children being deprived of educational opportunities, which could help them escape a lifetime of being stooped over in the hot sun picking fruits and vegetables, it deprives our country of the talents and potential contributions of these young children.

Adding to their heartbreaking circumstances is the fact that many of our labor laws do not protect them equally. Not only do they earn sub-minimum wages, but under current law the children of agriculture are allowed to use hazardous farm equipment and work in an environment that continually exposes them to poisonous pesticides, which can lead to serious injury or even death.

These dangerous and exploitive conditions, which are illegal for children in every other industry, simply do not reflect the precious value we Americans place on children. I am introducing the CARE Act to reflect our value.

The CARE Act raises labor standards for farm worker children to the same level as those for children in all other occupations. Specifically, the bill raises the minimum age for working in agriculture to 14 and restricts children under 16 from working when it interferes with their education or endangers their health and well-being.

The CARE Act also prohibits children under the age of 18 from agricultural work that the Department of Labor has specified as particularly hazardous. This is consistent with current law governing all industries outside of agriculture.

The CARE Act also requires employers to document the injuries, illness and deaths of these young people. This documentation will enable the Department of Labor to monitor and protect children working in agriculture from exploitation and dangerous work conditions. And, finally, to help ensure compliance with the bill's protective measures, the CARE Act sets a minimum fine of \$500 for child labor violations and a maximum fine of \$15,000.

Madam Speaker, it is our moral obligation to do all we can to protect the rights, the safety and the educational future of our most precious resource, our children. The CARE Act is a positive step toward meeting that obligation.

I urge my colleagues to cosponsor and help pass the Children's Act for Responsible Employment, known as the CARE Act.

□ 1045

#### EXAMINING THE PRESIDENT'S CLAIMS ON HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, in a recent article, conservative commentator Thomas Sowell, an African American, examined some of President Obama's claims about the health care legislation moving through the Congress. I wanted to quote some excerpts from his column that I found insightful.

Sowell writes that in his joint address to Congress, President Obama is wrong about the spending levels of his health care reform. Sowell says:

"To tell us, with a straight face, that he can insure millions more people without adding to the already skyrocketing deficit, is world class chutzpa and an insult to anyone's intelligence. To do so after an analysis by the Congressional Budget Office has already showed this to be impossible reveals the depths of moral bankruptcy behind the glittering words."

Sowell continues along this accounting line by addressing the issue of paying for the health infrastructure implied in the President's health reform plan. He writes:

"Even those who believe that Obama can conjure up the money by eliminating 'waste, fraud and abuse' should ask themselves where he is going to conjure up the additional doctors, nurses, and hospitals needed to take care of millions more patients."

"If he can't pull off that miracle, then government-run medical care in the United States can be expected to produce what government-run medical care in Canada, Britain and other countries has produced—delays of weeks or months to get many treatments, not to mention arbitrary rationing decisions by bureaucrats."

Sowell later draws a parallel to the difference in the words and deeds of President Obama in other areas of policy. He writes:

"Obama can deny it in words but what matters are deeds—and no one's words have been more repeatedly the direct opposite of his deeds—whether talking about how his election campaign would be financed, how he would not rush legislation through Congress, or how his administration was not going after CIA agents for their past efforts to extract information from captured terrorists."

"President Obama has also declared emphatically that he will not interfere in the internal affairs of other nations—while telling the Israelis where they can and cannot build settlements and telling the Hondurans whom they should and should not choose to be their President."

Then Sowell writes that:

"President Obama tells us that he will impose various mandates on insurance companies but will not interfere with our free choice between being insured by these companies or by the government. But if he can drive up the cost of private insurance with mandates and subsidize government insurance with the taxpayers' money, how long do you think it will be before we have the 'single payer' system that he has advocated in the past?"

"Mandates by politicians are what have driven up the cost of insurance already. Politicians love to play Santa Claus and leave it to others to raise prices to cover the inevitable costs."

Sowell concludes by noting that no manner of lofty rhetoric about certain policies not coming to pass will convince many Americans that those same policies will not in fact occur because of the intrusive nature of government-run health care. As Sowell says:

"Barack Obama's insistence that various dangerous policies are not in the legislation he proposes sounds good, but means nothing. Unbridled power is a blank check, no matter what its rationale may be. No law gave the President of the United States the power to fire the head of General Motors, but TARP money did."

Furthermore, in the bill, an analysis of the bill by objective agencies tell us that the Democrats' health care bill would increase the Federal deficit by \$239 billion over 10 years. The bill includes \$1.2 trillion in new Federal spending over the next 10 years.

The Democrats' bill spends so much that it needs 8 years of higher taxes to

finance just 6 years of spending. The Democrats embedded an automatic tax increase in their bill by doubling the 1 percent and 1.5 percent small business tax in 2013, continuing their revenue grab from small businesses. 4.7 million jobs could be lost as a result of "pay or play" taxes on small businesses.

The prescription of a health care bill from the Democrats and the President is wrong, and we need to do everything we can to stop it.

#### CHOOSING HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today because in the Sturm und Drang of the health care debate, the voices and stories of real Americans have been drowned out, drowned out by misinformation, fear mongering and just outright demagoguery.

If we listen to those stories, we would hear of families struggling to pay dramatically increasing health care costs. We would hear of individuals denied coverage due to a previous existing medical condition. And we would hear of employees left without a choice of health care insurance providers. It is time we heard their voices.

In my district, the wealthiest in the Nation as measured by median household income, families are struggling with the rapid increase in health care costs. Recently I met with a family of four from Fairfax County whose health insurance premiums rose from 2001 at \$4,000 per year to 2009 at \$18,000 per year. Let me repeat that. In the space of 7 years, their costs went from \$4,000 a year for health insurance premiums to \$18,000. That is a 450 percent increase, Madam Speaker. In the same time period, coincidentally, the profits of the 10 largest insurers in this country rose 428 percent.

In fact, over the past decade, the average health insurance premium has almost doubled, increasing nearly three times as much as wages. And they are still rising. Health insurance premiums are anticipated to increase 10.5 percent this year. This means a projected increase next year of almost \$2,000 for the family I met.

So while the insurance companies reap the benefits of a failing system, millions of families across the Nation, just like this family in Fairfax with whom I met, are waking up every day worrying how much longer will they be able to afford to protect their families with health care insurance.

And what, Madam Speaker, of the millions of Americans with previous existing conditions? Gall stones. Rheumatoid arthritis. Diabetes. Asthma. High blood pressure. Even severe acne has been described as a previously existing by some health insurance com-

panies. In fact, 45 percent of all of us who have health insurance have a previous existing medical condition, and, if we are lucky to live long enough, virtually all of us will end up with a previous existing medical condition and at risk of not being covered by our health insurance providers.

If you have a previous existing condition, insurance companies will often either deny coverage for that specific ailment, or worse, drop you altogether. Millions of Americans face this every year. Millions find they are not insured. Who is listening to their voices?

Madam Speaker I know of a young paraplegic, the victim of a virus that attacked his spinal column and therefore frequently has medical complications. He went to five insurance companies looking for coverage. He knew he was a greater health care risk and he was prepared to pay a higher premium for that risk. What he wasn't prepared for was that all five insurers denied him coverage at all. No health care coverage whatsoever. Due to a previous existing condition, he had no chance for insurance. And he is not alone.

That is why we must ensure that insurance companies end the practice of cherry-picking only healthy individuals and denying coverage for previous existing conditions.

Those Americans that are currently covered by health insurance often lack true choice in providers. Health insurance operates through risk pools. The larger the pool of people paying insurance premiums, the greater the insurance company can balance the risk of having to pay out for the sake of the injured. Unfortunately, between 2007 and 2008, the number of uninsured among the 18-34 age bracket, traditionally the healthiest group in our society, increased by 630,000, or 3.5 percent. In other words, younger people were less covered by health insurance in that time period. Those of us remaining in the health pool paid more as a result for our insurance premiums.

When taking on new customers, insurance companies often have been far more willing to provide affordable coverage to larger groups. But even a company with 1,000 employees represents only a small number of overall customers, which is why most workers who have employer-provided insurance have the option of just one or two insurance providers. That is not competition.

For those working for a small business, the options are even fewer. Now, only 43 percent of all small businesses in America offer health insurance to their employees because they can't afford it. As health care premiums continue to rise, more and more companies drop coverage and more and more Americans find themselves without health care coverage.

So what happens to those Americans, Madam Speaker, whose jobs no longer

provide insurance? What happens to those Americans who are self-employed or working part-time? Their voices have been drowned out in this debate, and I think it is time we heard from them.

#### ON THE ONE-YEAR ANNIVERSARY OF THE LEHMAN BROTHERS BANKRUPTCY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, one year ago yesterday, a major investment bank, Lehman Brothers, declared bankruptcy, a move which sent the Dow Jones tumbling 500 points and simply led to a chain of events in which the Federal Government nationalized AIG with a \$189 billion bailout. The American auto industry asked Congress to authorize help, hundreds of billions of dollars, to bail out them. Banks did the same thing. Private institutions across this country asked for support.

Today, just 1 year later, our Federal Government is in control of practically every sector of our economy, having spent almost \$800 billion or 5 percent of our GDP on a stimulus package that was pork-laden and is still working to create jobs and boost this economy. And, most alarmingly, nothing has been done to cure the culture of bailouts that our government, with the help of the Federal Reserve, has continued to perpetuate. Bailout after bailout is not a strategy for economic recovery.

My colleagues, we are at a critical point in our Nation's economic history. Financial regulatory reform proposals are being discussed here in Congress and across this country. We all agree that reform is certainly needed, but, unfortunately, the plan put forth by the Obama administration is not the kind of reform that will put an end to this culture of bailouts, nor will it bring transparency to the opaque and ever, ever expanding Federal Reserve. In fact, it does just the opposite.

In June of this year, Treasury Secretary Geithner unveiled the administration's plan for financial regulatory reform, and the cornerstone of the proposal is centered on ceding vast new powers to the Federal Reserve as a means of preventing future financial crises. But this overreliance on the Federal Reserve is unwise.

History shows us that in times the Fed saved us from one crisis, it inadvertently instigated another one. In 1913 when the Fed was founded, it was intentionally set up to serve as an institution that could help cushion the blow when banking crises occurred. However, the problem with an institution that is designed to insulate banks from the consequences of their own poor investment decisions is that it

also inadvertently encourages these same banks to keep taking unwise risks, thereby laying the groundwork for a vicious cycle of bailout after bailout.

In fact, every time there is a potential financial crisis, the Federal Open Market Committee quickly cuts short-term interest rates. These cuts have become larger over time, as evidenced by our current zero percent interest rates. And, more importantly, these cuts essentially function as a bailout to those banks that have run into financial problems. Banks know they can count on the Fed to lower interest rates during times of financial distress, and markets know the Fed is always prepared to provide loose credit to financiers facing big losses.

Now, what lessons have the banks learned from the financial crisis? The truth is that if they get into trouble, the Fed will be there to lend unlimited amounts of money at extremely low interest rates. So where is the motivation then for curbing risky investment behavior by these banks? The only one on the proverbial financial hook under a current Federal bailout system is you, the taxpayer.

Yesterday, President Obama gave a speech on financial reform at Federal Hall on Wall Street. Ironically, Federal Hall is where the founders of our great Nation once bitterly argued over how much the government should control the national economy.

In his speech, the President warned Wall Street that they shouldn't ignore the lessons from the past financial and current financial crisis. They shouldn't become complacent and expect future bailouts. Yet the financial regulatory reform, the plan the President's administration is putting forth, calls for expanding the powers of the Federal Reserve, and the Fed is essentially a bailout machine for the financial sector. Clearly there is a discrepancy between the President's rhetoric and the reality of the policies.

In 55 B.C., the great Roman statesman Cicero wisely said, "The budget should be balanced, the treasury should be refilled, public debt should be reduced, the arrogance of officialdom should be tempered and controlled, and assistance to foreign lands should be curtailed, lest Rome become bankrupt."

My colleagues, looking back on the one-year anniversary of the Lehman Brothers bankruptcy, we would do well to heed Cicero's advice and seek out financial reform policies that will steer us away from the practice of bailouts and the policies that will bankrupt future generations. My colleagues, America is too great a country to not learn from its past mistakes.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until noon today.

Accordingly (at 10 o'clock and 59 minutes a.m.), the House stood in recess until noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, may this fall session of the 111th Congress be shaped in timely fashion by divine providence so that You are glorified in Your creatures.

Make the Members of the House of Representatives ready to receive Your holy inspiration and open to colleagues who have a mutual and accountable vision for this country.

This is the season for the seeding of a strong annual growth not to be seen until the cloak of winter is lifted. The bright colors of this fermentation will soon splash against our mountains and touch roadsides with the natural resemblance of dying.

Yet, Lord, we pray that autumn's full splendor may so captivate national attention that daily photos of what is happening will trace only Your steady cycle at work, and we hardly notice personal gain and partisan advantage fall to the ground like falling leaves.

We place all our trust in You, Lord of the harvest and the ages.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BUTTERFIELD) come forward and lead the House in the Pledge of Allegiance.

Mr. BUTTERFIELD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### SECURE OUR NATION'S TECHNOLOGY INFRASTRUCTURE

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, one of the greatest threats to

our national security is the vulnerability of our Nation's technology infrastructure.

In this age where everything is becoming wired, computers oversee our bank accounts, military system, electric grid, communication systems, dams and power plants, air traffic control systems, and countless other vital parts of our society. These systems are attacked every single day. The fact is one of these systems is likely being attacked right now.

The President has said that securing our Nation's networks is a priority for his administration. However, I am concerned that, while Congress was away in August, two of our government's top cybersecurity officials resigned, and we still have no cybersecurity coordinator within the White House.

We must regain focus, fill these vacant high-level positions and implement a plan to secure our networks before an attack does irreparable harm to our Nation.

#### TWO REFORM AMENDMENTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, during the August recess, I held four of the largest townhalls in the history of South Carolina: 1,700 in Columbia; 1,500 in Lexington; 1,500 in Beaufort; and 1,200 in Hilton Head. These were passionate events, full of honest patriots, and nearly 95 percent want us to work together for health insurance reform but not for a government takeover. During these events, I explained two health care bill amendments which were adopted.

The first was to exempt and protect TRICARE from the proposed mandates already included in the bill. TRICARE serves 9.4 million active duty members, National Guard and Reserve members, veterans, their families, and survivors. The second amendment urges Members of Congress who vote in favor of a government-run option to enroll in the program themselves. If it's good enough for the American people, it's good enough for Congress.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### THE VIETNAMESE GOVERNMENT MUST STOP DENYING THE RIGHTS OF THEIR PEOPLE

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on September 3, the Vietnamese police arrested blogger Nguyen Ngoc Nhu Quynh.

This arrest followed an earlier arrest of two other Vietnamese bloggers. For-

tunately, Quynh was released on Sunday. However, there was one condition for her release, and that was that she had to stop blogging. In order to be released from jail, she had to give up her freedom of expression, and I believe this is unlawful and is absolutely unacceptable.

The Vietnamese Government continues to deny their people's fundamental rights, and this must be stopped. Vietnamese citizens have the right to advocate their views whether it's on the Internet or in public protest.

For that reason, I have introduced House Resolution 672, calling on the Government of the Socialist Republic of Vietnam to release these imprisoned bloggers and to respect Internet freedom. I urge my colleagues to cosponsor House Resolution 672.

#### GAZA STUDENTS AND THE HOLOCAUST

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in Gaza and the West Bank, the U.N. Relief Works Agency operates hundreds of schools, many of them controlled by Hamas-approved teachers' unions. When the U.N. considered adding the Holocaust to the history curriculum, Hamas wrote a vicious letter, denying the events and refusing to let their children hear about one of the most well-documented, horrific events of the 20th century.

Sadly, in typical fashion, U.N. officials have backed off their pledge, effectively ceding control of curriculum to Hamas.

It is hard to imagine that there can be a lasting peace agreement in the Middle East when the party that controls the Gaza Strip steadfastly denies even well-known facts. Hamas teaches the children of Gaza outrageous lies about Israel; and, unfortunately, the U.N. does little to combat this disinformation and hate speech.

It is far past time for the U.N. to take a stand against the hatred of Hamas extremists by ensuring that history is no longer distorted. Peace will only come when the children of Gaza are no longer taught that Israel has no right to exist.

#### IT IS TIME TO CHANGE OUR HEALTH CARE SYSTEM

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, I rise today to speak out in favor of my constituents, like Jim from Green Bay, who says that every citizen should have health care: I have no insurance. I'm 60 years old.

It is time to fix that problem in a bipartisan way.

I am speaking out today for Sally from Kaukauna, who says: Our prescriptions cost \$1,000 a month. This is a very big issue for our family.

Well, Sally, hope is on the way. We have to pass legislation that allows the people to negotiate for lower prescription drug costs, to guarantee that if you're a citizen you should be in the risk pool, and insurance companies, well, they ought to be processing paper, not practicing medicine.

It is time to change our health care system and to move towards a market-based system that really works for everybody and that guarantees for every citizen that, if they have an opportunity, they should have it at the lowest price. Every business entity should show us their prices and then accept as payment in full the lowest price that is accepted from anybody else.

#### HONORING THE ACHIEVEMENTS OF AMERICAN TENNIS PLAYER MELANIE OUDIN

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to honor the tremendous achievements of 17-year-old American tennis player Melanie Oudin.

Melanie was born on September 23, 1991, in Marietta, Georgia, where I reside; and she captured the heart of America with her inspiring performance at the 2009 United States Open.

Melanie entered the United States Open as the youngest player in the top 100, numbered 67—the number three American behind Serena and Venus Williams. This was Melanie's second U.S. Open, and she played incredibly well. Melanie ousted the number four seed, the number 13 seed and the number 29 seed before losing in the quarterfinals to the number nine player. This series of wins comes on the back of her performance at Wimbledon this summer where she made the fourth round.

Melanie's sneakers, pink and yellow with the word "believe" stamped on the heel, sum up her attitude about life and sports, and she has shown all of us what can be achieved if you only work hard enough.

I know that I and the other residents of Marietta, Georgia, are proud to call her one of our own; and we look forward to watching her continued rise in the sport of tennis and in life.

#### APPLAUDING CONGRESS FOR ITS PASSAGE OF THE AMERICAN RECOVERY AND REINVESTMENT ACT

(Ms. MARKEY of Colorado asked and was given permission to address the House for 1 minute.)

Ms. MARKEY of Colorado. Mr. Speaker, I rise today to applaud the

critical actions taken by this Congress to create jobs, to cut taxes, and to invest in America's long-term economic growth by passing the American Recovery and Reinvestment Act.

With the goal of creating and saving jobs, rushing relief to America's businesses and families and pulling our country back from the brink of catastrophe, the Recovery Act was signed into law by President Obama in my home State of Colorado.

As a member of the Transportation and Infrastructure Committee, I was especially pleased to see that the Colorado Department of Transportation was prepared with shovel-ready projects that would have an immediate and positive impact on the lives of Colorado's businesses and families.

Since the passage of the Recovery Act, 576 jobs have been created or sustained through transportation projects alone in Colorado. These jobs have created a payroll of over \$700,000. Not only have these projects helped reduce unemployment, but they're improving the safety and efficiency of Colorado's highways. With interchange improvements and with the addition of shoulder and bike lanes, the Recovery Act is making Colorado a more multimodal and sustainable place to live.

#### PAYING TRIBUTE TO MARINE GUNNERY SERGEANT AARON KENEFICK

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, today I rise to pay tribute to Marine Gunnery Sergeant Aaron Kenefick, a Williamsville, New York, native who made the ultimate sacrifice earlier this month in Kunar province, Afghanistan.

Sergeant Kenefick followed in his grandfather's footsteps when he signed up for the Marines. Nothing made his grandfather prouder. He was twice named Marine of the Year, and was the Distinguished Honor Graduate at Fort Benning, assigned to Central Command. Just 2 days before he lost his life, Sergeant Kenefick earned a Purple Heart after being hit by shrapnel in a rocket attack.

I want to recognize the courage of Sergeant Kenefick's family: his father, Donnie; his mother, Susan; and his sisters, Jade and Jacquelyn, to whom he was extremely close. They will surely fill the coming days with stories about Aaron, including the Thanksgiving a few years ago when he was pushing to have dinner as quickly as possible because he wanted to get to the VA hospital.

He said, That's where the true heroes are.

Now Aaron stands firmly among our Nation's truest heroes. The example he has set and the sacrifices he has made will always be with us.

#### CONGRESS, LISTEN TO THE VOICES OF PASSIONATE AMERICANS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, across the country, tens of thousands of passionate, boisterous Americans have come to townhall meetings to make their voices heard to Members of Congress.

I welcome that expression of concern. Those concerns have touched a wide range of issues, but there is a common theme running through all of them, and that is that people feel they are not being listened to. While I understand the frustration, I think, maybe, the source of their frustration is not understood. It is that, no matter how loud we scream, there is still a torrent of money that is pouring into the political system on the other side that drowns out those voices.

So, as we debate health care and energy and the reform of our financial system, I hope those same passionate Americans will talk to Congress about the need to reform our campaign finance system, about the need to create public financing so that their voices, as passionate and as intelligent as they may be, are not drowned out by the huge amounts of money that we now see in the political system.

I think this is the cause for the future as the Supreme Court debates a decision which could make this even more compelling need more salient. We need to deal with this important topic.

□ 1215

#### THE AMERICAN RESISTANCE MOVEMENT—PAGE 2

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the American resistance movement has begun. It was seen in D.C. this weekend when over a million people came to show their displeasure with government. Their grievances: too much government spending, borrowing and taxing, too much bloated government, too much waste and irresponsibility in government.

This is not the 1960s violent antiwar protests led by radical draft-dodging college elites. These are families, working people, business owners, veterans, seniors and the backbone of the American spirit. These people have a stake in America and a concern about the future of a Nation they treasure and love.

Government beware, these people have engaged in that political fight and are not about to give their country away to those who want to run roughshod over their lives and force more government intrusion upon them.

These people don't like the atmosphere that disagreement with government is frowned upon.

This American resistance is not going away. People will not be dismissed and intimidated by those whose only answer to their valid concerns is to say they are "un-American." These Americans want government to listen, and we ignore them at our own peril.

And that's just the way it is.

#### HEALTH CARE REFORM

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, the vast majority of American workers have private health insurance. If you are among those with health insurance, do you really know what you have or what you will have in 5 years? Unfortunately, many people do not understand the limits of their insurance until they get sick.

Without health care reform, insurance companies will continue to deny coverage or increase rates because of preexisting conditions. They will continue to drop people when they get sick or water down coverage when it's needed the most, and they will continue to set caps on the coverage in a given year or over a lifetime.

If you watch your current policy very closely, read the fine print, the American people will see that they are paying more and more for less and less. For Americans with health insurance, these reforms provide stability, affordability, security and peace of mind. Americans should not have to wait for reform.

Congress must get it done this year.

#### LISTEN TO WHAT REAL AMERICANS HAVE TO SAY ABOUT HEALTH REFORM

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, after 16 listening sessions over August, I heard from thousands of Montanans about health care reform.

Today, I am here to report that away from the influence of powerful special interests and the spin of political operatives, this debate is very different. That's why it's so important to get out of Washington in order to hear Americans, our bosses, what they think.

We haven't yet seen a final bill in either the House or the Senate. Once we get a final bill, but before we vote on it, Congress should adjourn this body for 30 days, not for more vacation. Far from it, we need those days to return home to listen to what real Americans have to say about the new bill. Then we can vote.

Our children and grandchildren won't remember how fast we reformed health

care. They will remember how well we fixed it.

#### HEALTH INSURANCE COVERAGE

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, health insurance is not something we can take for granted. Every day, 14,000 Americans lose their coverage. A recent Treasury Department report noted that approximately half of all Americans under the age of 65 will lose their coverage at some point in the next 10 years.

Thousands are denied coverage because of preexisting conditions, like asthma, pregnancy, arthritis or diabetes. Millions more have no health insurance at all.

In Hawaii, public and private health insurance covers an estimated 92 percent of our population. That means that most of us have health insurance and, because of our Prepaid Health Care Act, our coverage is among the best in the country.

At the same time, Hawaii's economy has been hard hit, and our unemployment rate reached a 31-year high this past May, nearly doubling what it was just last year. Other States are similarly situated. H.R. 3200 will provide affordable health care coverage for those who lose it or never had it.

I urge my colleagues' support for health care reform now.

#### TAX INCREASE ON MIDDLE-INCOME WORKING AMERICANS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as we debate the issue of health care, the administration late last Friday night did something that was 180 degrees from what was promised in last year's campaign. I am referring to a tax increase on middle-income working Americans.

Yes, last Friday night, the administration announced that there will be a 35 percent tariff on inexpensive tires coming in from China. The interesting thing is this was done in response to a petition from the steelworkers union without a single U.S. tire manufacturer signing on in support of this. In fact, they have even gone on so far as to say that if this 35 percent tax is imposed, they will not go into the business of actually manufacturing inexpensive tires.

So what does that mean, Mr. Speaker? It means that we will see not only a 35 percent tax increase on working Americans, but we will not see a single job created here in the United States of America.

We need to realize we also create the potential for great retaliation in a wide

range of other areas. This decision is bad for the American worker and bad for the U.S. economy.

#### HEALTH CARE PREMIUM INCREASES

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, over the last few weeks, I have heard stories from businesses, nonprofits, individuals, and even health care providers in my district who have received health care premium increases up to 39 percent. These increases are unfair, unsustainable and crippling our economy.

These drastic increases are likely to continue as long as private insurers are allowed to regulate themselves. That's why we must vote soon on a comprehensive plan to improve health care, a plan that will reduce costs for the middle class, end insurance company abuses, and increase stable, quality care and access for all Americans.

We need to get reform done but get it right. We must keep listening and engaging with our constituents to ensure that reform will benefit all Americans. With health care premiums growing three times faster than wages, we can't afford to wait.

#### AMERICAN JOBS HURT BY PROPOSED HEALTH CARE LEGISLATION

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, the American health care system is in need of reform, but the current proposals are not the solution the American public is looking for. The House health care plan will create a surtax on small business, the lifeblood of our economy, to help pay for the \$1.5 trillion reform.

My constituent, Donald Dickey, is a small business owner and is already being forced to cut his workforce by more than 70 percent because of the current economy. Under the proposed health care reform bill, Donald says he will be forced to close his business because of the combination of the new surtax and requirements for employers to provide health coverage for all workers.

We need to work on commonsense solutions that encourage job growth, expand access to affordable health care, and give Americans the ability to choose a plan that fits their needs. I am willing to work with my colleagues to achieve those goals in a final bill.

#### STATE OF OUR ECONOMY

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, on a day after the President addressed this country on the need for regulatory reform in the financial sector, I stand before you to discuss the state of the economy. Unfortunately, my colleagues on the other side of the aisle fail to comprehend the inextricable connection between the economy and the need for comprehensive health care reform.

We must remember that the extraordinary rise in health care costs and insurance premiums has affected several segments of our economy. Surging health care costs slow the rate of job growth by making it more expensive for companies to add new workers.

As health care costs rise, corporate operating margins are cut, which reduces the capacity of firms to grow by investing in research, plant and equipment. Furthermore, high and escalating out-of-pocket costs are forcing families to delay mortgage payments on their homes.

Since enactment of the Recovery and Reinvestment Act, we have prevented the layoff of tens of thousands of teachers, police officers, and other essential public servants, and we have put people to work renovating schools and hospitals without one vote from the other side.

#### TORT REFORM WILL REDUCE HEALTH CARE COSTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, last week President Obama called for the administration to establish demonstration projects to measure the effectiveness of tort reform. But we don't need to demonstrate that tort reform works; we have already proved that in States where it has been enacted.

In my home State of Texas, for example, health care premiums fell by 30 percent. That means Texans pay less to have better health care and more options. According to a study by the Harvard School of Public Health, 40 percent of medical malpractice suits filed in the U.S. are without merit, 40 percent.

A Department of Health and Human Services study found that unlimited excessive damages add \$70 billion to \$126 billion annually to health care costs. These costs are then passed along to the patient in the price of health care.

Tort reform will reduce health care costs by tens of billions of dollars. We don't need to test tort reform; we need to enact it.

#### PEOPLE LIKE HEALTH CARE REFORM

(Mr. INSLEE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, at my townhall meetings, I was amazed at how much consensus there was about health care reform. People liked health care reform.

What they didn't like were things that are not actually in the bill. Because of the massive disinformation campaign on this bill, people didn't like things that weren't there.

There were more hallucinations about this from opponents of this bill than there were when Timothy Leary was doing business in Haight-Ashbury in the late 1960s. Take this hallucination that this bill is going to insure illegal immigrants. You look at page 132, it says, "For purposes of this division, the term 'affordable credit individual' means, subject to subsection (b), an individual who is lawfully present in a State in the United States."

Look at page 143, "Nothing in this subtitle shall allow Federal payments for affordability credits on behalf of individuals who are not lawfully present in the United States."

Now, the President was challenged during his joint address to the U.S. Congress. I will tell you what, if there was a deception, it wasn't by the President of the United States.

And it is time for us to call out those people who spread hallucinations, phantoms, boogeymen. People want health care and this reform. We are going to pass it.

#### SKYROCKETING NATIONAL DEFICIT

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, the President has claimed that his policies are going to reduce the skyrocketing national deficit, but I would like to spend just a moment to debunk this myth.

Rather than reducing the deficit, the President's budget calls for a \$9 trillion deficit over the next 10 years, 6 trillion higher than the CBO predicted just in January when he took office. Even according to the White House, the national debt will more than double in 10 years. The President's own numbers showed that the national debt will be 107 percent of GDP by 2019.

In the month of August, there were 14.92 million unemployed individuals looking for work, the highest number in history. Since February, when the Democrats passed their stimulus, 2.46 million people have lost their jobs.

And while the President promised that billions of dollars would go into shovel-ready construction projects that would help rebuild infrastructure and employ hundreds of thousands, transportation spending from the stimulus has only trickled out at a snail's pace.

Given this administration's track record, why wouldn't the American people be skeptical about \$1.6 trillion for health care reform?

#### REFORMING HEALTH INSURANCE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, reforming health insurance must be our focus for now. The vast majority of Americans already have health insurance.

The question is, what does our health care reform bill mean to them? Just three things. It means an insurance company can no longer decide to deny any coverage or jack up your rates because of preexisting conditions. It means it will be against the law for insurance companies to drop your coverage when you get sick or water it down when you need it most. It also means insurance companies will no longer be able to place some arbitrary cap on the amount of coverage that you receive each year.

Mr. Speaker, it is time for the insurance companies to come to the table, spend the millions on corrective measures instead of spending millions to pass out these mistruths and falsehoods, and try to work this problem out. The American people deserve everyone working together to get decent health care reform for the people of this Nation, and they don't deserve all the misinformation that's going around out there.

□ 1230

#### HONORING THE LIFE OF PATROLMAN JERRY ALAN JONES

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to honor the life of Jerry Alan Jones, a police officer in my hometown of Charleston, West Virginia, who died tragically in the line of duty while chasing a suspect early Sunday morning. At just 27, Patrolman Jones truly exemplified what it meant to serve both his local community and as a citizen of our Nation. Before becoming a patrolman with the Charleston Police Department, he was a sergeant with the United States Marine Corps and helped to secure the Kandahar Airport when the U.S. military first went to Afghanistan after September 11. Back at home, he was active in his local church, where he met his wife, Samantha. The couple recently celebrated their first anniversary together. Today the city of Charleston mourns the loss of one of its finest. Patrolman Jones led a life to which we should all aspire. We mourn with his wife,

Samantha, with his family, and we offer our prayers of comfort and remembrance.

I urge my colleagues to join me today in recognition of Patrolman Jerry Alan Jones, our friend, protector and hero, for his fearless courage in serving the citizens of Charleston and the entire State of West Virginia.

#### REMEMBERING MAESTRO ERICH KUNZEL

(Mr. DRIEHAUS asked and was given permission to address the House for 1 minute.)

Mr. DRIEHAUS. Mr. Speaker, on September 1, we lost an artist who helped shape a generation of music in this country. For more than 40 years, Erich Kunzel shared his remarkable talent and passion with music lovers across greater Cincinnati and around the world. His tireless leadership and enthusiasm helped build the Cincinnati Pops into a musical organization without peer. Their many recordings over the years brought classical and contemporary masterpieces into the homes of countless Americans. Whether directing from his podium at Riverbend Music Center or leading the National Symphony Orchestra, as he did here in Washington every year on Memorial Day and the Fourth of July, Maestro Kunzel was a source of pride for Cincinnati and a mainstay of our Nation's musical community. He will be dearly missed by all of us whose lives were enriched by his boundless creativity.

#### AMERICA'S HEALTH CARE BILL

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, all of us had the opportunity to spend 5 weeks at home, listening to our constituents. And in Vermont, when I arrived home, such as with many of you, people were very fearful about a health care bill, a health care bill that was going to establish death panels, a health care bill where the government was going to select your doctor, a health care bill that would have as its primary beneficiaries illegal immigrants.

Of course, that is not a health care bill that anyone in this body is considering. But as we proceeded and pushed back on the misinformation, it became increasingly clear that the health care bill President Obama has outlined, which has been passed by three committees in this House to regulate insurance companies so that they offer real insurance, to extend coverage to 37 million Americans—something good for them but also for those of us with insurance, to reduce our cost shift premium of \$1,100, and a public option to provide competition and choice—that

is a health care bill that Americans support, and we must pass.

#### WE MUST ENSURE THAT THE UNITED STATES IS AT THE FOREFRONT OF THE ENERGY REVOLUTION

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to continue to remind my colleagues about the energy crisis we are experiencing in our country. While oil is currently trading at some \$69.21 per barrel today, it was at \$147 in July of 2008, when we all remember gas prices at over \$4 a gallon. We must address our energy problems as we continue to address our economic problems. By doing so, we can ensure that while our economy recovers, we will be competitive and secure in the energy sector as well.

As such, I was pleased that my bill, H.R. 3165, the Wind Energy Research and Development Act of 2009, passed this body last week. I would like to thank my colleagues from both sides of the aisle for their support on my first piece of legislation that passed this full body. We must continue to promote energy efficiency, to drill and mine efficiently as we previously drilled for oil and mined coal. We must also enact policies that promote clean energy jobs and the deployment of renewables.

Finally, as my bill did last week, we must continue to invest in research and development to ensure that the United States is at the forefront of the energy revolution.

#### TOO MANY CRISES IN WASHINGTON

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, it is so good to be back on the House floor, doing the people's work. But once again, I hear the word "crisis" used constantly—energy is a crisis, the health care crisis. When will this body deal with the problems in many cases created by government in a way that the American people can have the confidence that, in fact, we view problems as something which gets solved, and it gets solved by having the private sector able to do what it does best and the public sector doing only the minimum necessary?

When I hear my colleagues talk about how we have to make insurance companies do this or that, I recognize that we still don't get it. The crises are created in Washington, and we must change to help solve problems with the American people and not make everything a crisis to justify our pet projects.

#### WE NEED HEALTH CARE

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, I spent the month of August and the first part of September traveling across my district in upstate New York, listening to my constituents in townhall meetings, tele-townhalls and one-on-one discussions in my office. I've listened to doctors, nurses, hospital administrators in order to build consensus on what my constituents want to see as part of a health care reform bill. I learned a lot during that time, and I heard stories that would make hearts break regarding denied coverage or loss of coverage because of preexisting conditions and catastrophic illness.

I have promised my constituents that I will keep listening until we have to go to vote on this bill. However, it is crucial to America's financial health that we pass comprehensive health care reform to rid the current system of rampant waste, fraud and abuse, like the inflated costs of prescription drugs. Our economy cannot sustain the high cost of our current system, and it is clear to me that the health care reform in this country is not just the moral imperative for those who don't have health care insurance, but it's also an economic imperative for those that do have health care insurance, to ensure that those individuals can continue the coverage that they have.

#### OVER 20 PERCENT OF AMERICANS BETWEEN THE AGES OF 18 AND 64 ARE UNINSURED

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the Joint Economic Committee heard last week some very sobering findings from the latest Census data on health coverage. The number of Americans between the ages of 18 and 64 who are without health insurance increased significantly last year to over 20 percent. More than one of every five nonelderly adults lacked health insurance in 2008. Those millions are one accident, one major illness away from financial ruin. The majority of those uninsured adults without health coverage worked full time or part time.

At the same time, the share of employment-based health insurance declined significantly to 58.5 percent in 2008. The current expensive, inefficient and indifferent system is failing us. Americans deserve better, and we deserve it now.

#### CELEBRATING THE 15TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN ACT

(Ms. MOORE of Wisconsin asked and was given permission to address the

House for 1 minute and to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today in recognition of the 15th anniversary of the Violence Against Women Act. I am so proud of the light that Congress shined on domestic violence 15 years ago this week, of the work that the dedicated staff and advocates have done for the past decade and a half, and of the bravery shown by victims and their families. For 15 years now, the Office on Violence Against Women has served as a safe haven for families everywhere. Through it, we have provided services and counseling during victims' darkest hours, emergency and transitional shelter in times of need, and legal assistance to help prosecute perpetrators.

Domestic violence is a scourge in this country, one that recognizes no income brackets, no race, no age. Earlier this week, I joined my constituents in Wisconsin for the fourth annual Brides Walk. We donned wedding dresses and marched through the streets of Milwaukee, calling attention to the violent murder of Gladys Ricart. Gladys was in the process of handing her bouquet to her maid of honor 8 years ago in New York when a former lover burst into the church and killed her in her wedding dress.

Domestic violence is not a private matter. Domestic violence against a partner or a child, whether physical or mental, is not okay. On this anniversary, I urge my colleagues to recommit themselves once again to ending this injustice in our country.

#### REAL COMPREHENSIVE HEALTH CARE REFORM IS A NECESSITY

(Ms. KILROY asked and was given permission to address the House for 1 minute.)

Ms. KILROY. Mr. Speaker, like I've heard from many of my colleagues this afternoon, I also have been listening to constituents in my district throughout the recess and this past weekend about the issue of health care. After church services last Sunday, this is what I heard from one woman who worked for General Motors for 26 years, taking an early retirement a few years ago, thinking she was secure in her retirement: Now she's found that she has lost her investments and her 401(k) because of the GM bankruptcy, and also lost her health care.

She is a breast cancer survivor. Now she is not of the means to buy insurance. No insurance company will insure her because of this preexisting condition. Mr. Speaker, there are too many people in my district and across the country who cannot buy insurance because they are barred because of preexisting conditions. This is one of the many reasons why we need to take action on real comprehensive health care reform.

# THE HEALTH CARE LEGISLATION WILL RESULT IN BETTER CARE WITH NO ADDITIONAL COST TO AMERICANS

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, the urgency of health care reform comes from the fact that overall, Americans are living sicker, dying younger, and paying more. Not just the poor, not just those without insurance, not just the unemployed. Overall, Americans are living sicker, dying younger, and paying more than they should or more than residents of other countries do. Just minutes ago I came from a meeting with the heads of the American Medical Association, the American Nursing Association, and the American Hospital Association. Doctors, hospital administrators, nurses—not politicians. The clear consensus is that the health care legislation, as it is taking shape here in Congress, can be expected to result in better patient care while holding costs in check. Let me repeat, the legislation, as it is taking shape in Congress, can result in better care at no more cost for all Americans.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## UNITED STATES POSTAL SERVICE FINANCIAL RELIEF ACT OF 2009

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 22) to amend chapter 89 of title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 22

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Postal Service Financial Relief Act of 2009".

### SEC. 2. GOVERNMENT CONTRIBUTIONS FOR POSTAL ANNUITANTS' HEALTH BENEFITS.

(a) IN GENERAL.—Clause (iii) of section 8909a(d)(3)(A) of title 5, United States Code, is amended to read as follows:

"(iii) \$1,400,000,000, not later than September 30, 2009;"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 803(a)(1)(B) of the Postal Accountability and Enhancement Act (Public Law 109-435; 120 Stat. 3251).

### SEC. 3. TECHNICAL CORRECTION.

The heading for section 8909a of title 5, United States Code, is amended by striking "BENEFIT" and inserting "BENEFITS".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, H.R. 22, the United States Postal Service Financial Relief Act of 2009, as amended, would permit the United States Postal Service to lower its 2009 payment into the retirement health benefit fund, \$5.4 billion, reduce it to \$1.4 billion. This bill does not provide any taxpayer funds to the Postal Service. In essence, H.R. 22 is intended to provide the Postal Service with some relief from its current financial crisis by lowering the amount of its 2009 payment due. The measure has been properly vetted and amended by the House Oversight Committee, in line with calls for a more fiscally responsible government. The bill, as amended, does not score.

The bill enjoys the support of 339 Members of the House from both parties. I would like to thank Representatives McHUGH of New York and DAVIS of Illinois for introducing this bill and for their hard work and patience in navigating the bill through the House. Further, I would like to thank the House Democratic leadership and the Budget Committee for working with us to help advance the bill to the floor.

□ 1245

Also I would like to thank and recognize Chairman LYNCH of Massachusetts for his leadership on the subcommittee and being a tireless advocate for the postal service and all of its employees. Unfortunately, Chairman LYNCH could not be with us today, but his statement will be in the RECORD.

Additionally, I would like to thank the gentleman from California, Congressman ISSA, for his support and strong work on this bill. Also Congressman CHAFFETZ for his work as well. I would like to recognize them because this is truly bipartisan support for this important legislation, which I think is so important.

The United States Postal Service is regularly acknowledged to be among the most trusted of the Federal agencies in part due to the positive relationship that its approximately 625,000 employees develop with local communities. The postal service is often the only Federal presence in many of the urban and rural areas throughout the United States, and it is often the face of the Federal Government.

Yet despite the best efforts of its employees, the postal service faces financial challenges unlike at any other time. Mail volumes have declined at a record pace, falling by 7 million pieces during the third quarter of fiscal year 2009, 14.3, compared to the same period last year. In fact, volume continued to fall for all types of mail: first class, standard, periodical, and also package services. The postal service ended the third quarter ending in 2009 with a loss of \$2.4 billion, its year-to-date net loss through the third quarter at \$4.7 billion.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the introduction of this bill on January 6, the first legislative day, was appropriate. This is a problem for an organization, the United States Post Office, which is, in fact, 15 times larger than General Motors. The United States Post Office is not only a constitutional obligation but, in fact, an organization which has existed for the service of the United States of America since our founding.

But since the 1970s, the United States Post Office has had a problem. The problem is our own success. Alternate efficiencies have reduced the need for the United States Post Office to deliver mail. Invoices, payments, and certainly many other emails instead of paper mails are being delivered electronically today. The United States Post Office is also suffering from a recession that we all are suffering under.

Therefore, the committee has worked on a bipartisan basis to recognize that we must reform the post office again. Having just passed the Postal Accountability and Enhancement Act in 2006, we are faced with another crisis; but rather than having that crisis lead to haphazard reductions, the chairman and I have worked together with Members on both sides of the aisle, as the chairman said, 339 cosponsors, to create a soft landing for the post office.

It will not be that soft, Mr. Speaker. It will, in fact, require that they accelerate the reduction in their force. It will require that they look at all costs and services. It will require without a doubt the closing of post offices around our Nation.

Mr. Speaker, as you know, these are difficult decisions. They are both financial and they're political. They impact the communities who have for so

long allowed people to go to their corner post office to maintain a postal mailbox, to do other services. These services will be further away in the future.

So for that reason, although I would have preferred a major reform, I would have preferred that we were able to do some of these hard steps, I'm supporting an alternate course, one in which we use these last 2 weeks and only these last 2 weeks of the fiscal year to move this bill with a cost, as the chairman said, of zero because there is so little time left in the year. However, we are committed on this side of the aisle and I know the chairman shares this, to work with the postal service to find ways to reduce their costs, their overhead, and many of the legacy items that today make it difficult.

Mr. Speaker, I want to repeat something the chairman said because it's noteworthy for my conservative friends. The post office's money that we are talking about today is the money they have put aside. This is the only agency that works in this way. So although this could have scored, it does not score, and although people will often say that we are being fiscal conservatives if we vote against this, the truth is the postal service operates within its own funds. The funds that will be used in H.R. 22 are their funds. Ultimately the American people will look to the post office to make the corrections. This committee on a bipartisan basis will oversee the post office to see that they come in line for the future so they continue to operate on their own revenue and not on any revenue provided by Congress.

So, Mr. Speaker, I hope my friends are listening. I hope this will go far behind the 339 cosponsors, and I hope that everyone on both sides of the aisle will put down their mark today to make sure that we commit ourselves working with the post office to do the necessary reforms so we will not be back here again in the same way next year.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I would like to first yield 3 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the chairman for yielding. I want to also thank the chairman and the ranking member as well as the House leadership for shepherding this bill to the floor.

This substitute amendment to H.R. 22 is sorely needed to partially relieve the U.S. Postal Service of an oversize payment of \$5.4 billion to a Retiree Health Benefits Fund. The postal service under this legislation will pay \$1.4 billion.

The postal service is suffering the same effects of this recession as the rest of the Nation. Without legislative relief, the postal service will default on a \$5.4 billion payment due on September 30.

This bill is not a bailout, as no taxpayer funds will be provided to the postal service. The Postal Accountability and Enhancement Act required the postal service to prefund the cost of health care benefits for future retirees. No other government agency or private company is required to prefund retiree benefits on such an aggressive or ambitious schedule.

The postal service operates on revenues from sales of its products and services. The postal service has already embarked on cost-cutting estimated to be \$6 billion in fiscal year 2009, by cutting work hours, freezing hiring, and closing administrative offices.

The postal service has paid \$10 billion into the trust fund over the past 2 years, although it's suffered combined losses of \$7.9 billion during that 2-year period.

This bill is in line with the actions of many large businesses, including their competitors, which have temporarily reduced or suspended payments for retiree benefits or pensions during the recession.

Again, I thank the chairman for yielding.

Mr. ISSA. Mr. Speaker, at this time it is my honor to yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ), a member of the committee.

Mr. CHAFFETZ. I want to thank Chairman TOWNS and I want to thank Ranking Member ISSA for the bipartisan support and effort to move this bill forward. It's an important piece of legislation.

H.R. 22 is needed to avoid a taxpayer-funded bailout to the United States Postal Service. The United States Postal Service is the only Federal entity required to prefund its pension and retiree health plans. H.R. 22 would enable the United States Postal Service to use its existing revenues that have been funded over the years through its own operations to pay for retiree health benefits as opposed to using this year's operating revenues.

While the United States Postal Service needs to continue to reduce costs, one of the impressive things that has happened is that they have reduced their workforce by 22 percent since 1999, a 22 percent reduction in their workforce since 1999, compared to a 13 percent increase in the Federal workforce in other parts of the government.

The main driver of the United States Postal Service debt has been the 2006 Postal Accountability and Enhancement Act's requirement to prefund 80 percent of its future retiree health benefit costs, a 75-year liability, in just 10 years. No other business or government entity in the United States does that. Had it not been for this prefunding, the United States Postal Service would actually have shown a profit, and that's why I think you see broad bipartisan support with 339 cosponsors on this bill in support of H.R. 22.

I encourage my colleagues on both sides of the aisle to support this so that we can avoid a taxpayer bailout that would be needed.

Finally, let me just mention the good men and women who work so hard, so diligently, that care so much. My hat's off to them for the good work that they do for this country and the United States Postal Service.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington, D.C. (Ms. NORTON).

Ms. NORTON. I rise with great thanks to our chairman and our ranking member, who worked so well together on this really essential bill.

Mr. Speaker, we have rescued a lot of private sector agencies, a whole slew of them. But here comes the postal service not asking for a bailout. Understand that we don't even subsidize the postal service, even though it is the only Federal agency mentioned in the Constitution. So it's a Federal agency we must have, mandated by the Constitution.

Yet alone among government agencies, if you want to consider an agency that funds itself out of its own revenue a government agency just because it's in the Constitution, alone the Postal Service is required to prefund its retiree health benefits. Not us, mind you. No Federal agency has got to do that. And how does the Postal Service prefund? From postal funds.

I don't think you need to read the papers every day to know what has happened to postal funds. These folks have had to put up \$10 billion in prefunding in the past couple of years out of postal funds; yet this is a failing business. It's not a failing business because of its policies or practices. The Postal Service has been overtaken by the fax; overtaken by emails.

They're not like Wall Street, which went into a deliberate mode of greed. I don't care what kind of genius you are, you're going to have a hard time if you're the postal service, which must exist under our Constitution, to figure out how you're going to stay in business.

Yet in the past year alone, look at the kind of hits this institution has taken, not mandated by us: your mail carrier, almost 11,500; rural carriers, 753 gone; mail handlers, 2,938 gone. In the last 10 years, the postal service has lost 175,000 employees. Show me a business that is left standing, having taken those kinds of hits not because it's overspending but for reasons, some of which are beyond its control.

Now the chairman, the ranking member, the whole committee is on their case for even further cuts, but the American people are on our case to make sure that their mail keeps being delivered and that their trusted postal worker is always there.

□ 1300

We shouldn't ask more from the post office in prefunding retiree benefits at

a time when I believe you could find nobody in the United States who is prefunding.

Mr. ISSA. Mr. Speaker, I yield myself 1 minute.

I would like to comment on the Delegate's statement because it is quite true. Just in the last approximately 18 months, we have added almost 200,000 net Federal workers on the Federal side. The post office is continuing to reduce its workforce, anticipating reducing its workforce by about 30,000, or more than 5 percent per year. We have to do better.

I look forward to working with the majority on finding ways that we can integrate more postal workers into other Federal opportunities so we can retain these good Federal servants, but at the same time right-size the post office.

Having said that, it is very clear, as Ms. NORTON said, that only the post office is really cutting itself in the Federal Government, and that is an unusual situation. They are right-sizing themselves, and I hope all of our Members will be sensitive that we have to right-size them at a rate that allows our high quality service to continue.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), a member of the committee.

Mrs. MALONEY. Thank you, Chairman TOWNS, for yielding and for your leadership on this important issue and in so many other areas, and I thank the ranking member.

This bill actually saves taxpayers money. This is not a bailout as we have seen before this Congress many times. No taxpayer funds will be provided to the postal service. The service operates on revenues from sales of its products and services, and it receives appropriations only in reimbursement for free services for the blind and other services.

The post office remains the only government agency or private company that is required to prefund retiree benefits on such an aggressive schedule. The fund now currently contains over \$32 billion.

This amendment to H.R. 22 will lower the payment for 2009 to a level that is close to that recommended by the IG, and it will prevent the post office from defaulting on a \$5.4 billion payment due on September 30. Even with the lower payment for 2009, after including the payments for 2007 and 2008, the postal service will be on track to prefund the trust fund through 2016 by over \$9 billion, more than the IG's recommendation.

This bill is long overdue. It is good government, and I strongly support it. Mr. ISSA. I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, at this time, I would like to yield 2 minutes to the gentleman from Chicago, Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I want to thank the chairman for yielding me this time. I also want to commend him and the ranking member and the members of the subcommittee for the great work that they have done on this bill.

I am very pleased to be a cosponsor, an original cosponsor of H.R. 22. I am basically pleased to have been so because for a number of years we have known that the postal service was operating in a different environment. We have seen the tremendous increase in e-commerce. We have seen the utilization of other means and methods of communicating, and we have always known we were going to have to do something.

The something we have done does not cost the taxpayers any additional money. As Delegate NORTON said, it is not a bailout. It is a sane, rational approach to dealing with the problem, and I want to commend the postal service for their efforts to operate in an environment of diminishing returns.

So, again, I commend the chairman and the ranking member. I strongly support this legislation.

Mr. ISSA. Mr. Speaker, I would like to inquire from the chairman how many more speakers he has.

Mr. TOWNS. I have one more speaker and the right to close.

Mr. ISSA. I reserve the balance of my time to close before the chairman closes.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairman for yielding me this time and thank him and the ranking member for what I believe is an astute and important statement on behalf of the United States Postal Service and all of its thousands upon thousands of hardworking postal workers.

H.R. 22 is an effective approach to an organization which has served this Nation for decades, and one which we have respected and has served in many different capacities; the idea of reducing the payment that the postal service has to contribute to the health benefits trust fund from \$5.4 billion to \$1.4 billion, added to their already established resources, allowing them, without taxpayer dollars, to work on some of the new trends that we are facing all over America, new technology and the utilization of e-mail.

No one can doubt the service of the postal service workers and the importance of neighborhood post offices. Frankly, Mr. Speaker, I am hoping there will be a modified review of post offices and a respect of neighborhoods and rural communities and urban centers where postal services are very important.

Many people use money orders. I know some of us would probably won-

der about the utilization of those kinds of financial documents, but they are important to certain economic levels of our communities. Many people go to the post office to pick up their mail. They have a post office box. Many companies, for other reasons of commerce, use the postal service as opposed to an e-mail. Sometimes a paper written document is necessary.

I would like to thank the committee for looking intelligently at this issue, and I wanted to rise today to support H.R. 22, as amended, and to particularly salute the postal workers of America who have worked with me side by side in Houston who have been part of the postal food giveaway. They do a lot. I am very glad to have been an original cosponsor of this bill.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

All that need be said has more or less been said. This is necessary. It scores no cost. It is a reality of our recession and the ongoing reduction in the number of pieces of mail being carried by the post office. I might note in closing, the United Parcel Service, FedEx, DHL and others have experienced even greater reductions in their package carrying. That is part of this recession. This recession will end. But when this recession ends, the use of email and advertising over the Internet rather than your mailbox will continue.

So I look forward to working with the chairman. He and I have forged a very good relationship on these bipartisan issues. We need to create the right size postal system. We need to convert and retain postal workers as Federal employees where there are opportunities. That is what we really need the time to do.

As the chairman and I close, I want to urge all of my colleagues to understand, I am putting down a marker here today that I will not be bringing back the exact same bill next year simply to forestall it. We will monitor the usage at the post office and work with them, work with the Postmaster, and we will work with each other to make sure that we begin in a very, very quick order the kinds of reforms that may cost money but ultimately will right-size the post office.

That is a commitment the American people expect us to make and one we will make. But at the same time, I recognize that the postal service is right-sized to perform an incredibly important constitutional duty, one that none of us would want to see go away. Certainly at a time when a number of States have gone to postal voting, they now represent a key element of democracy even beyond what they have historically done.

I thank the chairman for this bipartisan work, and I thank Mr. McHUGH who could not be here today for his relentless support and work. I urge strong support that we vote this out of the House on a unanimous basis.

I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Let me just say, I am really proud that we have come to this moment to move this bill forward. I want to thank the ranking member, Congressman ISSA for his work, and thank Congressman LYNCH and Congressman CHAFFETZ and all of the people who have worked so hard on this, and especially the staff on both sides of the aisle for their work, and to say to you, yes, we still have some more work to do. There is no question about it, because the problem has not been solved, but at least we are able to get to this point. We agree to continue to work to try to bring about a solution. Let's face it, we owe it to the postal workers to be able to try to assist them in finding a solution to this problem.

There is a recession. There is no question about it. We need to make some adjustments. What we are doing here is not costing the government any money. This is just being creative, recognizing the fact that something needs to be done, and we are doing that. So here again, on that note, I want to thank all of the committee for working with me on it. We will be back again trying to see how we can come about with a total solution to this problem.

Mr. MCHUGH. Mr. Speaker, I rise today as the proud sponsor of H.R. 22, a bipartisan bill with 339 cosponsors that would provide immediate but temporary financial relief to the Postal Service. As a Member who has closely followed postal legislative issues for more than 14 years, I urge my colleagues to vote in favor of this legislation. I thank the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) for their work to bring this legislation to the floor today.

As every Member of Congress and most Americans are aware, the Postal Service faces a crisis of huge and historic proportions, despite extensive efforts to reduce costs. This situation is due to the precipitous decline in mail volume brought about by the deepening recession, changes in technology and society, and the economic condition of the agency's largest customer, the financial services industry.

Additionally, the Postal Service is laboring under a crippling cost burden imposed by a statutory requirement that the Postal Service prefund the health benefits of future retirees, while still continuing to pay annual premiums for its current retirees. The payment for current retirees totals about \$2 billion and is growing each year. At the same time, the annual statutorily-mandated prefunding ranges from \$5.4 billion to \$5.8 billion over the 10-year period from 2007 through 2016.

In 2008, the Postal Service's total retiree health benefits costs came to \$7.4 billion, with \$1.8 billion of that amount paid for current retirees and \$5.6 billion deposited into the Postal Service Retiree Health Benefits Fund to prefund future premium payments. Without the mandated payments, the Postal Service would have achieved a positive net income in 2008 rather than its actual \$2.8 billion loss. It is im-

portant to note that no other entity—public or private—is required to prepay this health benefit obligation at these extremely high levels.

As amended, H.R. 22 would begin to address this serious situation. It would do so by simply accelerating, for just the remainder of fiscal year 2009, a provision in the law to allow the Postal Service to pay the health premiums for current retirees from the Postal Service Retiree Health Benefits fund; this fund already holds in excess of \$32 billion and will continue to grow. H.R. 22 does not require an appropriation or use of any taxpayer monies, but rather involves merely an intragovernmental transfer of funds. It would not increase the health benefit premiums paid by current or future Postal Service retirees, nor would it affect their benefits. Put simply, it is not a bailout.

The Postal Service is in a dire financial situation, and while H.R. 22 is not the full answer to all of the Service's woes, it is an important solution to alleviate the pressure before the agency risks running out of money at the end of this month. According to the committee, the amended version considered on the floor of the House today does not score based on the Congressional Budget Office's (CBO) evaluation. This is not a budget gimmick because the fact of the matter is that the Postal Service cannot adjust its spending for this fiscal year so late. Any cost cutting the Postal Service would have made for the fiscal year ending September 30 has already taken place and cannot be reversed.

Again, the main driver of the Postal Service's debt has been the 2006 Postal Accountability and Enhancement Act's (P.L. 109-435) requirement to prefund 80 percent of its future retiree health benefit costs, a 75-year liability, in just 10 years. No other business or government entity does that. As I noted, if it had not been for this prefunding, the Postal Service would have had a profit in 2008, in spite of the economic turndown. That is why 339 Members of the House have put their name as sponsors on H.R. 22.

Mr. Speaker, there is a consensus that Congress should enact H.R. 22, which is strongly supported by the Postal Service, all of its unions and management associations. It is also supported by the entire \$900 billion mailing industry, which employs 9 million Americans. Accordingly, I ask my colleagues to support this legislation and work with me to enact it into law.

Mr. LYNCH. Mr. Speaker, as Chairman of the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform, I am writing to offer my strong support of H.R. 22, the United States Postal Service Financial Relief Act of 2009, as amended, which would provide short-term relief in the form of a 1-year restructuring of the Postal Service's retiree health benefits payment. The Postal Service, after having overpaid this obligation for the past couple of years, deserves to have this payment restructured, immediately. I need to also mention that the bill before us does not constitute a bailout of the Postal Service, in any form or fashion. Instead, it is intended to provide the Postal Service with some relief from an ill-structured payment schedule that would have required

the Postal Service to pay nearly \$5.5 billion into the retiree health benefits fund this year, notwithstanding USPS current financial crisis. The bill before us simply lowers that payment to \$1.4 billion, thereby ensuring that the Postal Service will not default on its financial requirements as defined by the 2006 Postal Accountability and Enhancement Act. Additionally, the bill before us falls in line with calls for a more fiscally responsible government, since the amended version of H.R. 22 does not score.

In 2006, Congress placed an unprecedented burden on the Postal Service by requiring the prepayment of 80 percent of future retiree health benefits—a 75-year liability—in just 10 years. No other Federal agency carries this burden. Our subcommittee has held oversight hearings of the Postal Service in the 111th Congress, and during that time the financial condition of the Postal Service has rapidly gone from bad to worse. The Postal Service is faced with rising costs and unprecedented declines in mail volume. The losses were driven by the nationwide economic recession, diversion of mail to electronic alternatives, and also by the aggressive payment schedule for retiree health benefits required by the 2006 postal reform act. The Postal Service's fiscal year 2008 payment total for current and future retiree health benefits was roughly \$7 billion. It is likely that without these payments last year, the Postal Service would not have reported a net loss of over \$2 billion in fiscal year 2008. The future does not appear to be getting better. Although the Postal Service has targeted \$6.5 billion in savings through closures of administrative offices, an agency-wide hiring freeze, reduction of work hours, and readjustment of delivery routes, among other efforts, the Postal Service nonetheless expects losses for this year to exceed \$7 billion.

Again, H.R. 22, as amended, provides the Postal Service some much needed short-term relief and improves the organization's cash position. As currently structured, the Postal Service is almost entirely self-sustaining. In fact, less than 1 percent of the Postal Service's budget is appropriated by Congress. While the measure being considered today should not be substituted for a longer-term solution to the Postal Service's financial problems, it is, nevertheless a critical component to a mix of strategies to assist the Postal Service in these dismal economic times. In the coming months, our subcommittee will continue to provide oversight of the Postal Service, including an in-depth examination of the Postal Service's business model to help determine what longer-term changes may be necessary to help the Postal Service return to financial viability.

In closing, I would like to thank Representatives JOHN MCHUGH of New York and DANNY DAVIS of Illinois for introducing this bill and for their hard work in advancing this bill through the House. Additionally, I would like to thank Chairman EDOLPHUS TOWNS, the House leadership, and the House Budget Committee for their tireless efforts to bring the bill to the floor. Lastly, I want to recognize Representatives DARRELL ISSA and JASON CHAFFETZ for their ongoing assistance on this important piece of legislation. I again express my strong support, Mr. Speaker, of approving H.R. 22 as amended, and I encourage my colleagues to do the same.

Mr. KUCINICH. Mr. Speaker, I thank Congressman MCHUGH for his leadership on this bill and I am proud to be a cosponsor of this important legislation. H.R. 22 provides necessary financial relief for the United States Postal Service (USPS) by temporarily allowing it to prefund its future health care obligations out of the Postal Service Retiree Health Benefits Fund instead of its operating funds.

As an ardent supporter of the Post Office, I am deeply concerned about USPS' financial condition and appreciate the difficult decisions the Postal Service must make in order to ensure its survival. I am committed to ensuring the viability of the USPS and to the unique, irreplaceable services it provides to Americans.

It is that commitment that fuels my concerns that the Postal Service is making decisions to close post office branches across the country without full community participation and input. I am concerned that people in my community and communities across the country will face a significant reduction in services that the Postal Service provides. I am concerned that closures of USPS retail branches will mean an increase in the privatization of the same services that Northeast Ohio relies on.

In recent weeks, I have received a number of calls from people voicing concerns regarding the possible closure of their neighborhood postal retail facility. In particular, constituents from vulnerable communities who may not have access to transportation or the internet have raised concerns that they may not be able to easily access another USPS retail facility should the one in their neighborhood close. The Postal Service must ensure that they are given a seat at the table and ensure that universal access to the crucial services provided by the USPS remains.

I will continue to fight for the U.S. Postal Service and the people they serve. I strongly urge passage of this bill.

Mr. BURTON of Indiana. Mr. Speaker, I am a co-sponsor of H.R. 22, the "United States Postal Service Financial Relief Act," and I urge my colleagues to support the bill. H.R. 22 which will allow the Postal Service to pay, for a temporary period of time, the health premiums for current postal retirees from the \$32 billion held in reserve in Postal Service Retiree Health Benefits Fund, rather than from general operating revenue.

The Postal Service is in the midst of a revenue crisis of huge and historic proportions, despite its extensive efforts to reduce costs. This situation is due in part to the high fuel prices of last summer, but most due to the precipitous decline in mail volume brought about by the deepening recession. In comparison to mail volume and revenue totals in May 2008, the Postal Service reports that volume in May 2009 declined by 19.9 percent, while revenues for the same period were 14.5 percent below last year's figures. The Postal Service is currently on track to lose over \$6.5 billion for Fiscal Year 2009 and the future looks similarly bleak.

It is only an inflexible law that requires the Postal Service—alone amongst Federal agencies—to shell out billions of dollars to prefund retiree benefits, regardless of economic or financial conditions. The first step on the road to stability and recovery is to change that inflexible law, at least temporarily, by passing of H.R. 22.

I doubt that H.R. 22 will solve all the Postal Service's problems—postal management and postal employees will still have to do their part to find additional savings. But I am certain that without this bill the continued viability of the Postal Service is in serious jeopardy.

I wish to emphasize that this bill does not eliminate the Postal Service's obligation to prefund retiree health benefits; the Postal Service will continue the annual prefunding payment of roughly \$5.4. to \$5.8 billion; H.R. 22 simply gives the Postal Service the temporary flexibility to make those payments from the surplus funds now held by the Postal Service Retiree Health Benefits Fund. In addition, since the Postal Service's contribution to the fund is projected to always be greater than the premiums flowing out, this action will in no way jeopardize the ability of the Trust Fund to grow to meet future needs.

I am aware that initial estimates from the Congressional Budget Office suggest that this bill will have a budgetary impact because CBO expects the Postal Service will reduce its aggressive costcutting efforts if it receives relief from its retiree health obligations. I disagree with this conclusion. The Postal Service has aggressively cut costs in recent years. In fact, because of the hard work of postal employees across the country the Postal Service is on pace to reduce costs by a record \$5.9 billion in Fiscal Year 2009. There is no evidence to suggest this trend will not continue. As for the immediate funding for this relief, it will come from an existing pool of money, not appropriated funds—making this an intergovernmental transfer—with zero cost to the Federal Government.

H.R. 22 has the support of over 315 Members of Congress. It is critical to the future survival of the United States Postal Service, and I strongly urge my colleagues to support the bill.

Mr. TOWNS. On that note, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 22, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ALLOWING UNITED STATES POSTAL SERVICE TO ACCEPT DONATIONS FOR PLAQUES

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3137) to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 3137

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DONATIONS FOR COMMEMORATIVE PLAQUES.

(a) IN GENERAL.—Section 401(7) of title 39, United States Code, is amended by striking "business;" and inserting "business, including monetary donations made (in such manner as the Postal Service may prescribe) for the funding of plaques in connection with the commemorative designation of postal facilities;"

(b) DESIGNATIONS.—The donor of a monetary donation described in the amendment made by subsection (a) may specify the postal facility with respect to which such donation is to be used.

(c) REQUIREMENT.—The United States Postal Service shall provide for a suitable plaque, in the case of any postal facility which has been designated by law to commemorate a particular individual, no later than 120 days after the date as of which—

(1) a law has been enacted providing for the designation of the postal facility involved; and

(2) sufficient amounts have been received, in the manner described in subsection (b), to provide for such plaque.

Any donations received by the Postal Service under subsection (b) in excess of the total amount needed in order to provide for a suitable plaque may, with the consent of the donors involved, be used for the funding of a plaque in the case of any other postal facility as to which a law (as described in paragraph (1)) has been enacted.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered—

(1) to affect the authority of the United States Postal Service with respect to any requirements concerning the design, placement, and limitation on costs relating to commemorative plaques (as described in the preceding provisions of this section), so long as such requirements are applied in a uniform manner; or

(2) to limit, supersede, or render inapplicable any other authority or duty which (but for this Act) the United States Postal Service would otherwise have had with respect to the commemorative designation of a facility or the funding, commissioning, or installation of a plaque in connection with such a designation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

As chairman of the Committee on Oversight and Government Reform, I am pleased to present H.R. 3137 for consideration. This legislation will clarify

the authority of the United States Postal Service over the receipt of monetary donations for post office commemorative plaques. I want to commend my ranking member, Congressman ISSA, who really, really brought this idea forth. I think that it goes into what we are doing. We are trying to reserve, we are trying to save money, and I think this legislation is a very creative way of being able to do that.

Congress routinely passes legislation to designate post offices throughout the country and honor deserving individuals, and I think that is a great idea.

Under current practice, the United States Postal Service subsequently purchases dedicatory plaques, at its own expense, out of the agency's operating budget. I think this is something that we will be able to eliminate and save money. I think that is one way to do that.

H.R. 3137 simply seeks to reduce and to eliminate the financial burden imposed on the United States Postal Service with regard to the purchase of commemorative plaques by clarifying current law in this area. Specifically, the legislation would amend the United States Code to make clear that the postal service may accept monetary donations offered for the funding of postal facility commemorative plaques.

□ 1315

In addition, H.R. 3137 provides that monetary donors may specify the postal facility at which their donations will be used. Moreover, when the amount of a donation exceeds the cost of a specified facility's commemorative plaque, H.R. 3137 would also allow, with a donor's consent, for the use of the excess donations towards the purchase of a plaque needed for another postal facility.

I think that is a great idea. I think it's a very creative way to be able to sort of save money and, at the same time, not to have to cut back on doing what we know is right based on the fact that they do not have the funding.

On that note, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I thank the chairman for bringing this bill to the floor today. The genesis of this bill was in fact a recognition that the Postal Service funds all of its operations out of its own revenue. In no other area would the Federal Government essentially mandate a burden on a government agency over which it provides no funding, and yet here we do.

More importantly, most post offices are either named after fallen heroes in our own district, former Members of the House or Senate, or, in some cases, other notable people, and even, once in a while, a postmaster.

The fact is we make those decisions. We name those post offices. Those plaques cost money to procure and to maintain, and a recognition that in fact communities' involvement should be there, there should be a real upswelling of support.

Myself, I named a post office after the first Indo American Member of Congress, Dalip Singh Saund. I was proud to do it. And on the day that we put the plaque up, I had Members from all over California, and actually a few outside of the Indo American community, proud that the first Indo American—and the only one, except for Bobby Jindal—was being honored at a post office.

The fact is, that community would have been more than happy to not only pay for the plaque, but to help design it and to be more involved in it. That kind of support is something that we're missing because we didn't take this opportunity.

The legislation is relatively small. It perhaps would only save a few hundred thousand dollars a year to the post office, but I think it makes the kind of statement that the post offices and the names on them are important community activities and that in the future the procurement and perhaps the ongoing support will come from the community, with the enabling language here.

It also is a small but meaningful step toward the kind of reform of the post office that they want to do and that we want to help them do, and, that is, if they're going to have to live on their own revenue, Congress should not be adding to their cost of doing business.

With that, I reserve the balance of my time.

Mr. TOWNS. I yield myself such time as I may consume.

Mr. Speaker, as we all know, the financial condition of the United States Postal Service is dismal, at best, and the agency is faced with a continually declining mail volume. Accordingly, we should all welcome cost-saving efforts such as those provided in H.R. 3137, that is not a detriment to hardworking postal employees, but rather will only serve to alleviate the financial burden of the Postal Service.

We all name post offices from time to time. I know I named one after Congresswoman Shirley Chisholm, the first black woman to serve in the United States Congress. I thought it was a great thing. But, let's face it, it cost the Postal Service money in order to be able to get the plaque, to get it designed, and to be able to put together an event because, after all, that was an important event for the first black woman who served in the United States Congress.

So these are things that cost money that the Postal Service has to put up the money for. And I want to congratulate Mr. ISSA for introducing this legislation because I really think that you

might look at it as not a giant step or big or tremendous saving, but I see it today that every little bit helps. And this, I feel, is really helping.

I reserve the balance of my time.

Mr. ISSA. I have no further speakers at this time, I would urge all Members to vote for the bill, and yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I have no other speakers, but I would like to just close by encouraging and urging all of the Members of this House to support this legislation. I think this is legislation that truly makes a lot of sense, and it sort of does the things that we need to do to sort of tighten our belts and work together to be able to bring about solutions to solve problems.

I think this legislation is legislation that points us in the right direction, and maybe as result of this we can find other ways to be able to bring about savings for the Postal Service.

I yield back the balance of my time and encourage my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 3137.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### IRAQ AND AFGHANISTAN VETERANS MEMORIAL POST OFFICE

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3386) to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3386

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. IRAQ AND AFGHANISTAN VETERANS MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, shall be known and designated as the "Iraq and Afghanistan Veterans Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Iraq and Afghanistan Veterans Memorial Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 3386 for consideration. This legislation will designate the United States postal facility located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office."

At this time I would like to reserve the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, I urge passage of this bill designating the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office."

Mr. Speaker, this is a particularly appropriate naming. Often we name post offices in honor of one individual whose service may have been in the Postal Service, here in Congress, or perhaps an individual who gave their last full measure to the country.

In this case, we're recognizing a conflict—a conflict that has been difficult and has cost the lives of a great many American men and women—and this broad recognition that we should pay honor to them is particularly noteworthy when you realize that more than 11,000 Iowa National Guard members have been called to Active Duty in the past 8 years and that in fact more than 70 have died in combat.

So I join with Mr. BOSWELL in support for this bill. It's well thought out. It's unusual for a Member to forgo perhaps the gratification of naming something after a former colleague or after somebody by name in their district and to look beyond that—to look to the brave men and women who have served nobly in this crisis and recognize them in a broader way and one that I think will be enduring in Iowa for generations to come.

With that, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. BOSWELL) who has worked very hard to make certain that we are here today.

Mr. BOSWELL. I would first like to thank the chairman and ranking member for moving this bill along. I might

add, Mr. ISSA, that we did have an individual request for this, and we thought about it long and hard. Then we thought about the multitude, the many that have served, and felt like it was appropriate to do this.

So I do rise today and honor those who have nobly served the Nation in Iraq and Afghanistan, and ask colleagues to support H.R. 3386, which, as has been said, will designate a post office in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office."

Having spent some 20 years myself in the Army, and a couple tours in Vietnam, I understand the sacrifices, and so do you, Mr. ISSA, and so do many others, made by our servicemembers.

Our Armed Forces have many assets—whether it's our aircraft carriers, fighter planes, missiles. However, oftentimes one of the greatest military assets is overlooked, and that's our military personnel.

Our servicemen and -women stand ready to defend the freedoms we hold dear. Our all-volunteer force is made up of brave individuals who know all too well the sacrifices that we have asked them to make. Yet time and again, with this knowledge, they continue to put our freedoms above what they give up. These brave young men and women who have fought in these wars, many having lost their lives, deserve recognition for their service and their sacrifice.

Renaming the post office in downtown Des Moines, Iowa, will create a memorial for all Iraq and Afghanistan veterans, and each day Iowans will be reminded of our neighbors who courageously fought on our behalf. By renaming this post office, we honor those who have served, but also those who have given the ultimate sacrifice—their lives. To date, more than 50 Iowans have made that sacrifice.

Those who have or are serving in our Armed Forces are committed to serving our Nation with courage and honor. We must make that same commitment to them.

I urge my colleagues to join me in supporting H.R. 3386. We must never forget.

Mr. ISSA. Mr. Speaker, at this time I yield back the balance of my time and urge full support for this resolution.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

The legislation before us pays tribute to the brave men and women from the city of Des Moines. Let me say that over 400 have been wounded, 50 have been killed, and I think that this is something that, once it's there, people will always see it and know in terms of what happened.

Let me say that I urge my colleagues to support this legislation because I think it's legislation that's broad and that it recognizes the conflict and, of

course, the people that have been involved in it in the local area as well.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 3386.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SUPPORTING AMERICAN LEGION DAY

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 679) supporting the goals and ideals of American Legion Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 679

Whereas, on September 16, 1919, Congress issued the American Legion a Federal charter;

Whereas the American Legion, a veterans service organization, remains active at the national, State, and local levels;

Whereas American Legion members, known as Legionnaires, donate millions of volunteer hours in Department of Veterans Affairs medical facilities and State veterans homes;

Whereas the American Legion sponsors and supports a number of activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires who are displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars for programs focused on America's children and youth, such as the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance program provides grants to veterans who have children and who are experiencing financial hardships;

Whereas the American Legion remains a steadfast supporter of a strong national defense;

Whereas the American Legion supports maintaining a viable but principled foreign affairs agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion played a principal role in the drafting of the Serviceman's Readjustment Act of 1944, also known as the G.I. Bill of Rights;

Whereas the American Legion supports employment programs and opportunities for veterans;

Whereas Legionnaires believe a veteran's service to the United States goes on long

after the veteran is discharged from the Armed Forces; and

Whereas many Americans recognize September 16 of each year as American Legion Day: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of American Legion Day; and

(2) calls upon the people of the United States to observe American Legion Day with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1330

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 679, supporting the goals and ideals of American Legion Day, celebrated each year on September 16. This resolution expresses this Chamber's commitment to this important veterans' service group.

The American Legion has nearly 3 million members across the country and worldwide, and of course I think that is so significant.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I rise to urge passage of this resolution supporting the goals and ideals of American Legion Day.

"For God and country." These four words eulogize and introduce the preamble of the American Legion's constitution, which has been recited by its members at every meeting in its 90-year history.

The history of the American Legion began when it was established as a mutual aid veterans' organization in September 1919. The organization is a congressionally chartered organization and was established so that returning soldiers of World War I would not suffer the same hardships that those from other wars had endured.

Mr. Speaker, they have grown far beyond that original charter, and today they represent a consolidated organization that looks after veterans from all wars and issues that are so important. Through thick and thin, through popular and unpopular wars, they stay out of the politics of the day and focus on the veterans of yesterday.

So, Mr. Speaker, I, too, rise with the chairman to support this, because the American Legion, in its work in sup-

porting not only veterans, but also youth organizations such as the Boy Scouts, Boys State, Boys Nation, and others, puts together the veterans of yesterday with the youth and future of tomorrow. That is an important issue and one that I think all of us can appreciate.

We have all seen it. Not one Member of Congress can say that they haven't been touched and they haven't seen the work done by the American Legion in their district.

I urge strong support for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois, Congresswoman HALVORSON.

Mrs. HALVORSON. Mr. Speaker, I was privileged to introduce House Resolution 679, supporting the goals and ideals of the American Legion Day on September 16.

This resolution helps to honor the service and the sacrifice of the nearly 3 million members, men and women, in nearly 15,000 American Legion posts worldwide.

On September 16, 1919, the American Legion was granted their Federal charter by Congress, and 90 years later they have kept their commitment to serve not only as a resource and a voice on behalf of veterans across America, but also as an organization dedicated to the betterment of America through community service.

Since their founding charter, the American Legion has not wavered from the guiding principles and vision that can be found in their four pillars of service.

The first pillar is a steadfast commitment to ensure that America has the best fighting force in the world. Towards this end, the Legion has been a tireless advocate on behalf of the American soldier to make sure that they have the resources and the tools they need in order to do their job.

The second pillar is making sure that we proudly care for our veterans. And whether it is providing one-on-one assistance to veterans through what can be the confusing and frustrating experience of filing for a disability claim or walking the halls of Congress to educate Members like myself on the legislative issues that are important to our veterans, they do an excellent job. The original GI Bill, for example, helped set the standard for the benefits that we provide to veterans and was spearheaded by the Legion.

The American Legion has been there for our veterans for over 90 years, standing up to serve those who have served.

Caring for our youth is the third pillar in the American Legion vision. The Special Olympics, the Children's Miracle Network, the American Legion Child Welfare Foundation, the Amer-

ican Legion Family Support Network, those are just a short list of the programs that the Legion supports. This is a testament to their belief that taking care of children in America, not just veterans' children, is something that makes our country stronger.

The final pillar comes from the understanding of the word "patriot." Having fought for and defended our freedom, Legionnaires know firsthand that being a patriot means you must take action to preserve America. They know that being a patriot means not just defending our freedoms, but also defending our heritage, culture, and our flag. This pillar has been the foundation for the Legion's support of programs that instill American values in our youth. From Boy Scouts to Boys State, they've been there setting the course for millions of American children as they learn what it means to be an American and why it's so important to preserve our country.

The commitment to the four pillars of service has been the cornerstone of the American Legion ideals and their successes. It serves as a model that all Americans can use to better themselves and to better America. And it has, without question, helped make the country even greater. Millions of Americans have been encouraged, supported, and inspired by Legion programs, and this resolution is just a small way to say thank you.

I would also like to take a moment to recognize and thank the American Legion Auxiliary. Also formed in 1919, the Auxiliary has shown the same devotion to our veterans and our community, and they too deserve to be recognized.

Finally, I would like to congratulate Commander Clarence Hill for his recent election as National Commander. I appreciate his 24 years of service to our Nation in the U.S. Navy and wish him the best of luck during his tenure as Commander.

H. Res. 679 helps to recognize this extraordinary organization whose members have not only fought to protect our country, but chose to continue to serve long after their military service has ended.

Mr. ISSA. Mr. Speaker, I yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to support the goals and ideals of American Legion Day.

Tomorrow, September 16, marks the 90th anniversary of the American Legion's charter. The American Legion was founded to serve the needs of America's veterans and to promote and protect the rights of those veterans. Ninety years later, the American Legion remains committed to its mission to instill "a sense of individual obligation to the community, State and Nation."

The Legion's nearly 3 million members have given generously of their time in each and every one of our communities. Be it volunteering in veterans hospitals, awarding millions of dollars in college scholarships, or sponsoring activities like Boys and Girls State, Legionnaires continue to devote themselves to the ideal of "mutual helpfulness."

I am so proud to have the highest number of veterans of any Member of Congress. And as I travel throughout Florida's Fifth Congressional District, I get to see firsthand how the American Legion and the American Legion Auxiliary and their members affect the lives of veterans and their local communities.

Today, I am especially pleased that for the first time a Florida veteran has been elected National Commander of the American Legion. I am proud to congratulate Commander Clarence Hill on his achievement and wish him the very best as he leads the American Legion into what I'm positive will be another wonderful 90 years.

I would also like to thank Representative HALVORSON for introducing this resolution. And I encourage my colleagues to join me in supporting the American Legion and recognizing September 16 of each year as American Legion Day.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank Representative HALVORSON for introducing this bill, as well as the gentleman from California (Mr. ISSA), the ranking member of the Committee on Oversight and Government Reform, for helping us bring this measure to the floor. And I also want to thank the staff and all the people that have worked to make this a reality.

Mr. BUYER. Mr. Speaker, it is my pleasure to support H. Res. 679, a resolution supporting the goals and ideals of American Legion Day.

The American Legion is our nation's largest and oldest veterans' organization, and has been a steadfast supporter of our Armed Forces and veterans since Congress issued the venerable organization a federal charter on September 16, 1919.

The American Legion has always proven itself to be a tremendous national asset that stands by our troops and veterans. The stalwart patriotism, leadership, and faith in our great country of its 2.7 million members are most commendable.

Having grown up in a Legion family, I know firsthand the commendable programs and services The American Legion provides to veterans and communities. My mother is a former Auxiliary President for the Department of Indiana, so I am especially appreciative of the dedication and devotion of the members of The American Legion and its Auxiliary. They have raised millions of dollars for the American Legion Legacy Scholarship Fund to help

fund the education of children who have lost a parent in our nation's service.

Another program, Heroes to Hometowns, works as part of the government's seamless transition effort to coordinate with the communities to ensure returning heroes and their families have the resources needed for a successful transition. The American Legion family also has over 6,000 volunteers that provide countless hours of services each year to their fellow veterans.

Mr. Speaker, I offer my full and heartfelt support for this resolution to support the goals and ideals of American Legion Day and to call upon the people of the United States to observe American Legion Day with appropriate programs and activities.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to express my strongest support for H. Res. 679, a bill that recognizes American Legion Day and commends the exemplary service of the veterans of the United States Armed Services. The American Legion was granted a charter by this body on September 16, 1919, and since that time the Legion has remained active on the local, state, and national level as a volunteer service organization for our nation's veterans.

Today, it is an honor to express my deep sense of gratitude to the thousands of veterans who are members of the American Legion. The American Legion provides many volunteer opportunities for our nation's troops when they retire from the Armed Services. Some of these include donating millions of man hours to the medical facilities of the Veterans Administration, sponsoring Boy Scouts of America troops all around the country, and awarding millions of dollars for college scholarships. These incredible volunteers give back to the very communities that they have already sacrificed so much for throughout their careers.

Community involvement is only one aspect of the American Legion. These Legionnaires also provide an extraordinary amount of support for troops returning from war in Iraq and Afghanistan. Legion Posts all around the nation have been involved with providing financial assistance to veterans displaced by natural disasters or families of veterans that are struggling to pay for basic needs such as housing. The American Legion has a Family Support Network that provides much needed assistance to families of members of the Armed Services, and the organization focuses on reintegrating troops returning from deployment into the workforce in the United States.

It is appropriate that we take a moment to recognize and say thank you to the active duty members of our Armed Forces for their dedication, sacrifice, and honor. Each and every day, they keep this great nation safe and protect the freedoms that we enjoy. We are proud of all of our service men and women and are eternally grateful for their efforts in the Global War on Terror. Furthermore, let us not forget those who have paid the ultimate sacrifice, and let us say a gracious thank you to them for their willingness to make the ultimate sacrifice for liberty.

The families of those who serve our country on the front lines also deserve the admiration and appreciation of each and every citizen. These family members often watch their loved

ones travel to far away lands in support of a cause and an ideal so much greater than any one individual. Indeed, our democratic form of government is a testament to the courage and valor of our Armed Forces. The support given to our service men and women by their loved ones is irreplaceable, as it is the foundation for the bravery inherent in those who labor steadfastly in the defense of liberty.

Mr. Speaker, I believe that the brave men and women who sacrifice—and have sacrificed in the past—for our present freedoms deserve our fullest support. Our nation's service men and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. Recognizing American Legion Day in 2009 is just one small reminder of the invaluable contributions made by our troops at home and abroad, and it is my hope that we will continue to do all we can and more for the veterans of our Armed Forces. The American Legion is an exceptional organization for veterans and communities all around the nation, and we now reaffirm our commitment to these heroes by recognizing this day.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 679, Supporting the goals and Ideals of American Legion Day.

The American Legion was chartered by Congress in 1919 as a patriotic, war-time veteran's organization, devoted to mutual helpfulness.

The American Legion has been a guardian of our national ensign, and the first "Flag Code" was drafted during a conference called by The American Legion in Washington, D.C. The code eventually was adopted by Congress in 1942. And today, the Legion is at the forefront of efforts to gain a constitutional amendment to protect the American flag from physical desecration.

The American Legion's voice has been instrumental in establishing the Veterans Administration, then later advocated for it to become a cabinet level department, creating a GI bill, and fighting for compensation for Vietnam vets exposed to Agent Orange and for veterans diagnosed with Gulf War Syndrome.

The American Legion became the largest single contributor to the "Vietnam Wall" in Washington, DC—its members collectively donated \$1 Million dollars.

And today, the American Legion is a strong advocate for today's servicemen and women returning from the battlefields of Iraq and Afghanistan—assisting combat wounded veterans receive compensation for their injuries and helping to create a 21st Century GI Bill.

The reason that we are free today is because brave men and women have answered our Nation's call in our time of need. They have sweated, bled and sacrificed for our freedom.

And as it is written on the Korean War Memorial in Washington, D.C., freedom isn't free—the cost is readily apparent in the rows of crosses in Arlington, where many generations of American warriors have been laid to rest.

We owe our veterans a debt that can never be fully repaid, but I personally want to thank

them for your service and sacrifice. I will continue to work to ensure that our veterans get the care, help, and benefits they so richly deserve.

Let us remember our obligations to our Nation's veterans, as Abraham Lincoln said in his Second Inaugural Address, "to care for him who shall have borne the battle, and for his widow and his orphan."

The American Legion has been there for our Nation's veterans for over 90 years, and I'm proud to support this resolution, and I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 679.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING THE KANSAS CITY ANIMAL HEALTH CORRIDOR

Mr. HOLDEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 317) recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 317

Whereas 34 percent of the \$16,800,000,000 annual global animal health industry is based in the Kansas City region;

Whereas more than 120 companies involved in the animal health industry are located in Kansas and Missouri, including 4 of the 10 largest global animal health companies and 1 of the 5 largest animal nutrition companies;

Whereas several leading veterinary colleges and animal research centers are located in Kansas and Missouri, including the College of Veterinary Medicine and the \$54,000,000 Biosecurity Research Institute of Kansas State University and the College of Veterinary Medicine, the College of Agriculture, Food and Natural Resources' Division of Animal Sciences, the \$60,000,000 Life Sciences Center, the National Swine Resource and Research Center, and the Research Animal Diagnostic Laboratory of the University of Missouri;

Whereas Kansas City, Missouri, is centrally located in the United States and is close to many of the food animal end customers;

Whereas the Department of Homeland Security selected Manhattan, Kansas, as the future location for the National Bio and Agro-defense Facility (NBAF);

Whereas the \$750,000,000 NBAF project will provide area economic development opportunities by employing 300 people, with an annual payroll of up to \$30,000,000 and over 1,500 construction jobs;

Whereas NBAF enhances Kansas' leadership role in the Nation as the animal health

research and biosciences center for the United States;

Whereas more than 45 percent of the fed cattle in the United States, 40 percent of the hogs produced, and 20 percent of the beef cows and calves are located within 350 miles of Kansas City;

Whereas there are nationally recognized publishers in the animal health industry located in Kansas and Missouri;

Whereas Kansas and Missouri have historic roots in the livestock industry, including the cattle drives in the 1860s from Texas to the westward railroad in Sedalia, Missouri;

Whereas Kansas and Missouri are home to many prominent national and international associations within the animal health industry; and

Whereas retaining and growing existing animal health companies, attracting new animal health companies, increasing animal health research capacity, and developing commercialization infrastructure will create quality jobs and wealth for Kansas and Missouri: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the region from Manhattan, Kansas, to Columbia, Missouri, including the metropolitan Kansas City area and St. Joseph, Missouri, as the "Kansas City Animal Health Corridor";

(2) recognizes the Kansas City Animal Health Corridor as the national center of the animal health industry based on the unmatched concentration of animal health and nutrition businesses and educational and research assets; and

(3) expresses its commitment to establishing a favorable business environment and supporting animal health research to foster the continued growth of the animal health industry for the benefit of the economy, universities, businesses, and young people hoping to pursue an animal health career in the Kansas City Animal Health Corridor.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

##### GENERAL LEAVE

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 317. This resolution recognizes the contribution that the Kansas City Animal Health Corridor makes to our Nation's livestock industry. Regional efforts like this encourage businesses to innovate and use best practices developed by the bioscience industry.

Livestock is an important value-added industry that brings in millions of dollars of revenue nationwide. Ensuring that producers have access to cutting-edge products and information to improve animal health is essential

to the continuing success of the livestock industry. Our entire Nation benefits from having the most competitive livestock industry worldwide.

I encourage my colleagues to join me in supporting H. Res. 317 to recognize the Corridor's outstanding contribution to animal health.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. HOLDEN) for his comments, and for the leadership of our Committee on Agriculture, Mr. PETERSON and Mr. LUCAS, for their support of this resolution, H. Res. 317.

We consider this resolution today, which recognizes the region between Manhattan, Kansas, and Columbia, Missouri, a great opportunity for two States that are often rivals, to come together in recognition of the Kansas City Animal Health Corridor.

This area of Kansas and Missouri has long been considered our country's headquarters for animal and bioscience. The largest concentration of animal health and nutrition interests in the Nation is located in this corridor, including more than 120 companies that account for nearly \$17 billion in global sales. This amounts to over one-third of the total sales in the animal health industry.

Part of what makes this region unique is its location in one of the largest livestock-producing regions in the country. My own congressional district is the largest livestock-producing district in the Nation. The Kansas City Animal Health Corridor is a benefit to livestock producers in our region and to the country, and to the employment and investments these producers contribute to the local economy.

Biosciences are a tremendous opportunity for our State and its citizens. As the national economy has struggled, the animal health industry continues to expand and experience growth. The businesses, universities, and other interests located in the Kansas City Animal Health Corridor provide an opportunity for our best and brightest young people to stay and work in Kansas and Missouri, the Midwest.

Earlier this year, the Department of Homeland Security named this world-renowned area for animal health research as the home of the National Bio and Agro-Defense Facility, NBAF. This Federal laboratory is urgently needed to develop the vaccines and countermeasures against the threat of foreign animal disease, protecting our food supply and our economy. The Kansas City Animal Health Corridor will provide the workforce expertise and the collaboration opportunities to make NBAF a great success.

I appreciate the House of Representatives recognizing the important role of

this region to furthering animal health and nutrition across the Nation and the globe. By supporting this resolution, we are helping to foster support for crucial research and business development in the animal health and science area.

I urge my colleagues and Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1345

Mr. HOLDEN. Mr. Speaker, I recognize for 5 minutes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding me time.

Mr. Speaker, H. Res. 317 designates the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor. Manhattan, Kansas, is slated to become the new home of the foot-and-mouth research in the United States as part of the National Bio and Agro-Defense Facility, NBAF as it's called. This is where my problem is with this resolution.

Foot-and-mouth disease is a highly contagious animal disease, infecting nearly 100 percent of the animals exposed to the virus. There have been two outbreaks of foot-and-mouth disease in the United Kingdom this decade. The first resulted in the slaughter of more than 6 million animals, and it cost that country more than \$16 billion. The second outbreak is suspected to have come from an accidental release from a government lab. It is estimated that a foot-and-mouth disease outbreak in the United States could cost as much as \$40 billion, and it would devastate the U.S. livestock market.

For more than 50 years, research on foot-and-mouth disease in the United States has been done off Plum Island, which is off the coast of New York's Long Island. The natural water barrier protects our animal population from an accidental or intentional release of the disease from the island research facility.

House Resolution 317 states: "More than 45 percent of the fed cattle—40 percent of the hogs and 20 percent of beef cows and calves produced in the United States—are located within 350 miles of Kansas City."

I am baffled as to why we would want to move the foot-and-mouth disease research into the heart of Kansas given these staggering statistics. An accidental or an intentional release of foot-and-mouth disease in this enormous beef and pork population would bring our livestock industry to its knees.

As chairman of the Energy and Commerce Committee's Oversight and Investigation Subcommittee, I held a hearing in the last Congress on the Bush administration's ill-conceived plan to move foot-and-mouth research off of Plum Island and onto the mainland of the United States.

In response to my subcommittee's hearing, Congress required the Department of Homeland Security to conduct a study to determine if foot-and-mouth disease can be done safely on the mainland. DHS's study was then to be evaluated by the Government Accountability Office, GAO. DHS rushed through a study; and in July, GAO released their analysis of the DHS study. The GAO report found numerous flaws in the study, including that DHS did not use foot-and-mouth disease virus-specific modeling to study the impact of a release into a community. Instead, they used a modeling system for radiation.

DHS's study was based on unrepresentative accident scenarios, outdated dispersion modeling techniques and inadequate meteorological data. The economic analysis did not incorporate market response to the foot-and-mouth disease outbreak, which would have been related to the number of livestock in the site's vicinity. DHS did not effectively characterize the differences in risk between mainland and island sites. DHS did not effectively integrate the components of its risk assessment.

As you can see, the Government Accountability Office has significant concerns about this flawed DHS study. The GAO concluded that DHS did not meet the standards set forth by Congress to prove that foot-and-mouth disease research can be done safely on the mainland. As a result, we've called for an independent third-party study to be conducted. This study would correct the problems outlined in the GAO study.

Mr. Speaker, I have no problem with the gentleman from Kansas and with my friend from Pennsylvania in recognizing the area set forth in House Resolution 317 as the animal health corridor, but I really do have problems with moving foot-and-mouth disease research into the center of livestock production in the United States without any proof that it can be done safely. If the Department of Homeland Security is going to pursue this dangerous tempting of fate, I think the American people should have an accurate assessment of what economic devastation could befall us should there be a release of foot-and-mouth disease from this new facility in Manhattan, Kansas.

Again, I understand where the gentleman is going, and I understand what he is trying to do to promote his State and to promote his area, but let's not rush to judgment here, especially when there are so many unanswered questions about whether this research can be done safely.

If they want to recognize H. Res. 317 as the animal health corridor, I have no problem; but I'd ask that they strike the NBAF language, and then I would be able to support the legislation. As it stands right now, the way

the legislation is written, I reluctantly would oppose it.

Mr. MORAN of Kansas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. Mr. Speaker, I rise today in support of House Resolution 317, recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor.

From the days of cattle drives more than 150 years ago to the DHS selection of Manhattan, Kansas, as the location for the new National Bio and Agro-Defense Facility, Kansas and Missouri have long been leaders in the animal health and livestock industries.

More than 120 animal health companies are located in Kansas and Missouri. The work these companies do enables ranchers to raise the safest and highest quality animals in the world. Not only are the majority of health companies located here, but there are leading veterinary colleges and state-of-the-art research centers, like the Biosecurity Research Institute at K-State, in the region.

At a time when businesses are struggling to make a profit and at a time when our Nation is facing record unemployment, the animal health industry continues to grow. Fourteen animal health companies or organizations have expanded in this region since 2006. The new NBAF will provide hundreds of billions of dollars in economic development opportunities for Kansas. It will create hundreds of full-time jobs and 1,500 construction jobs. That is the kind of economic stimulus our State needs. This resolution recognizes this region as a leader in animal health, and it supports the continued growth for the animal health industry.

Again, I thank my colleagues for their support of this legislation, and I urge all of my colleagues to support it.

Mr. HOLDEN. Mr. Speaker, I now yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House.

Mr. DINGELL. I thank my dear friend from Pennsylvania for making available to me this time.

I would tell my colleagues this is a dangerous bill, and I would urge them to be careful about what you say about it because, if ever the location of this facility in Kansas causes an outbreak of animal disease or human disease, your remarks today will make great quotes by your opponents against you in the following election.

Mr. Speaker, I rise in opposition to this legislation recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor. It's a nice idea, but none of the work that has to be done under the National Environmental Policy Act or under other proper laws relating to the location of facilities of this kind has been fully and adequately

and properly done. So what we're doing is just getting ready to locate what, essentially, could be a fine time bomb in the area to which we refer in the legislation—certainly, a foolish action.

The location of the current facility was picked because of its location off the shore of New York. It's on an island and it's isolated. Indeed, although in 1978 livestock on the island were infected after an accidental release of animal virus, the virus did not and could not reach the mainland. That is a warning to all here present.

In 2006, the Department of Homeland Security, I must assume in its usual slovenly fashion, proposed to move the animal disease facility to the mainland. Within hearings in the oversight committee, chaired by Mr. STUPAK, in the Energy and Commerce Committee, we learned from the committee that not only did DHS not adequately study the dangers of transferring foot-and-mouth disease onto the mainland but also that an outbreak of foot-and-mouth disease would wreak havoc on the livestock industry, potentially costing \$40 billion in economic damage.

An outbreak of this disease in Britain caused \$16 billion in damage, spurring an economic panic that almost shut down the government. Given the hundreds of billions of dollars at which our livestock industry is valued, an outbreak of FMD in the United States would be vastly more destructive.

DHS has since selected Manhattan, Kansas, as the new location for the facility for the National Bio and Agro-Defense Facility. The legislation, H. Res. 317, states that more than 45 percent of the fed cattle in the United States—40 percent of the hogs produced and 20 percent of the beef cows and calves—are located in the Kansas City region.

If you want a good warning as to why this legislation should not be adopted, that is it right there, because right in the middle of the greatest production of these kinds of animals, we are placing a facility that is going to handle—guess what—all manner of animal diseases, especially foot-and-mouth disease.

There is careful, thoughtful work that needs to be done to ensure that the industry is safe and that our people are safe and that they can understand that their government has done the proper work that it has to do to ensure the safety of the facility and the proper design of the facility.

Serious questions remain as to why the government needs to build the new NBAF in the first place; but, significantly, the fact that DHS continues to shirk its responsibilities to understand the risk of transferring the FMD to the mainland means that Congress must be very wary of sanctioning this new proposal regardless of the opportunities of the economic character that it might bring.

I would just warn my colleagues—and I say this with affection for my good friend who is the author of the legislation—that this is an unwise step to take at this particular time. I would urge my colleagues to ask themselves, if they don't ask anything else: Where are we going to bury all of the animals that are going to get FMD that are going to have to be exterminated because we have made an unwise choice in this matter?

I urge my colleagues to join me in opposing the resolution.

Mr. MORAN of Kansas. Mr. Speaker, I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I now recognize the gentleman from Kansas (Mr. MOORE) for 4 minutes.

Mr. MOORE of Kansas. Mr. Speaker, Kansas City has come a long way from the stockyards and animal shipping that put it on the map. Now it's also the hub of America's animal health industry.

The Kansas City stockyards opened in the late 1800s, and quickly became one of the busiest animal ports in the country. The Kansas City Livestock Exchange was built in 1910 and became the largest building in the world dedicated solely to livestock. The tradition continues today as 45 percent of the country's feedlot-raised cattle and 40 percent of its hogs are found within a 350-mile radius of Kansas City.

Over the years, the stockyards have attracted businesses specialized in animal food and medicine. Today, more than 125 companies involved in the animal health industry are located in the Kansas City metro region, including four of the 10 largest global animal health companies and one of the top five largest animal nutrition companies.

Both Kansas State University and the University of Missouri are leading institutions in animal research. The University of Missouri is home to the prestigious National Swine Resource and Research Center and the Research Animal Diagnostic Laboratory. Kansas State is home to the Biosecurity Research Institute, the only facility of its kind in the world, which researches biosecurity hazards to our food supply and the containment of animal illness.

Just this year, the Department of Homeland Security has also selected Kansas State as the future home of the National Bio and Agro-Defense Facility, a \$750 million government investment, adding another component to Kansas' animal health resume. Most impressively, 34 percent of the \$16.8 billion generated each year by the global animal health industry is based in the Kansas City region.

For these reasons, I would ask that people join me in acknowledging the Kansas City metro region—from Manhattan, Kansas, to Columbia, Missouri—as the Kansas City Animal Health Corridor. Kansas City is still a

cow town, and we are proud to be the high-tech cow town of the 21st century. I urge my colleagues to support House Resolution 317.

□ 1400

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I point out to Members and my colleagues that the resolution before us simply is a resolution on suspension recognizing an area, a part in Kansas, part in Missouri, related to animal science.

The whereas clauses do mention that a facility has been approved for a site in Manhattan, Kansas, by the Department of Homeland Security, but this legislation before us today does nothing to say that's necessarily a good idea or bad idea.

From my perspective, it is clearly a good idea. As I said earlier, I represent a congressional district in which livestock feeding, livestock raising and livestock producing is the way of life. Perhaps our most important component of our agricultural economy is feeding cattle or raising the feed to feed cattle. Even a rumor of animal disease or food safety causes the price to plummet for what we raise in Kansas.

It is important for us as an industry, and important for us as a State, but important for us as a Nation to develop a facility, a top-notch, latest technology, most scientifically advanced research facility, to make certain that nothing happens to damage the safety of our food supply.

What is happening on Plum Island is insufficient. It is not being rebuilt, it is not being expanded, and technology is not being improved. What we are talking about ultimately, although not in this resolution, what we are talking about is a decision by the Department of Homeland Security, both the Department from the Bush administration and the Department from the Obama administration, reaching a unanimous decision that a new facility to be built in the United States, competitively advanced, narrowed down to five States, a site ultimately chosen, unanimously chosen, and the message has been that the facility must be built, advances must be made, and science must advance the cause of animal safety. And the failure to do this, failure to move forward means that the risk we run is much greater than the risk if we fail to take this action.

So today while we are here, in a sense, in a bit more ceremonial setting in which we are recognizing a set of businesses, industries and producers in a certain region of this country and naming it an animal health corridor, not here necessarily to debate the merits of NBAF, in my opinion, the location that has been chosen is the right one. Where else in the country would

you expect us to care more than in the middle of cattle country to make certain that we do it right? And what university would I respect more with their ability to resolve these issues in favor of a safe food supply and protecting the cattle producers of this country than Kansas State University, the companion to the site being selected in Manhattan, Kansas.

So while we are here today on perhaps a different mission, I am happy to have the discussion about the merits of what the Department of Homeland Security decided in the last administration and what the Secretary of Homeland Security in this administration says is a firm commitment that this administration is standing strongly behind.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I reserve balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. CUMMINGS). The gentleman from Kansas has 12 minutes remaining.

Mr. MORAN of Kansas. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from Kansas for yielding and thank him for his leadership on this issue.

Mr. Speaker, I am a little puzzled why this discussion has come up this afternoon. This has been a long selection process to get NBAF to where it is located today.

Many facilities were researched. They looked at it. They decided the best place in all of America, based on past history, based on facility, based on geography, based on the plan and place was to select Manhattan, Kansas.

Now, we have the same similar lab research going on around America today and also in Canada. In fact, there are facilities at Fort Detrick, Maryland, very close here to Washington, D.C. It's considered safe even though the research there is somewhat as dangerous, if not more dangerous, to humans than what we are discussing today.

We also have CDC laboratories in Atlanta, Georgia, and in other high-population areas, places in Texas have similar research going on. But in Winnipeg, Canada, they have the very same research going on 70 miles from the United States border and in the cattle country of Canada, and yet there are no concerns.

Now, the NBAF facility is going to be the same, whether you locate it in Kansas or Georgia or Texas or whether somebody else here would like to have it in their home district. We are going to have plans in place to make sure that this is a well-protected facility, a level 4 security, BSL 4, as it is referred to. It is going to be safe, it's going to be effective, and it's going to provide

the continuation of a low-cost, stable food supply that is marketable worldwide because of the safety research.

So for us to put a red herring out there that this is not a safe facility or that there are some concerns, you know, this has been studied by DHS. They do have a preliminary plan in place, God forbid something should ever happen, but they are satisfied that this level 4 facility is going to meet the requirements.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MORAN of Kansas. I yield the gentleman an additional minute.

Mr. TIAHRT. One point I would like to make is that in Kansas State we have been doing similar research for quite some time in the past decade, completely safe in a level 4 facility. We can start the beginning of this research today. The only thing that's really holding this up is this lack of funding, and there is something critical going on in the funding scheme. The Federal Government has promised to come up with 36 million. It's going to be matched by the State of Kansas.

But if we delay the construction, we delay the protections that would be put in place. And it's very shortsighted for us to question, after the fact, all the research, all the decisions, the fairness in the process and the decision that was made.

It was a good decision. It's the right location. We are going to move forward with this to protect our food supply and protect the people of America and make marketable agricultural products worldwide.

Mr. MORAN of Kansas. I yield back the balance of my time.

Mr. HOLDEN. Mr. Speaker, I join my colleague from Kansas in urging adoption of the resolution.

Mr. CLEAVER. Mr. Speaker, I rise today in support of H. Res. 317, a bill to recognize the Kansas City Animal Health Corridor.

In 1871, the first stockyard was opened in Kansas City and soon grew into one of the nation's premier livestock facilities. Kansas City's tradition of being a national leader in the agriculture sector continues today with the Kansas City Animal Health Corridor, an area stretching from Manhattan, Kansas through Missouri's Fifth District to Columbia, Missouri.

This region is home to more than 120 companies, including many of the nation's leading and largest animal health businesses. Sales of animal health products from companies located in the Kansas City Animal Health Corridor account for nearly a third of the global \$16.8 billion dollar animal health and nutrition industry.

Activities in the Animal Health Corridor are not limited to the commercial aspects of animal health. Four of our nation's top veterinarian schools are located within 350 miles of the Animal Health Corridor. In addition to these premier veterinarian programs, other schools in the Corridor offer programs focused on animal health training and specialized degrees such as a Masters in Business Adminis-

tration in Animal Health. Animal health research is greatly advanced in the Corridor by the Kansas City Area Life Sciences Institute which offers grants of up to \$50,000 for researchers to study diseases that have the ability to infect both humans and animals.

The businesses, schools, and organizations in and around the Kansas City Animal Health Corridor are the national, if not global, leaders in the animal health research and production sectors and I am proud to have these institutions in my district and to support the Kansas City Animal Health Corridor. Mr. Speaker, please join me in recognizing the area of Manhattan, Kansas to Columbia, Missouri as the Kansas City Animal Health Corridor.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to House Resolution 317, which would recognize the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor.

While I have no issues with the larger goals of the resolution—to recognize the work that is going on in Kansas and Missouri on animal health—I do take issue with the recognition of the Manhattan, Kansas site “as the future location for the National Bio and Agro-defense Facility (NBAF).”

I support moving the critical research activities of Plum Island onto the U.S. mainland. However, I, like many other Members, have grave concerns about the selection process that was utilized by the prior Administration to secure a site for the NBAF. I do not believe that the selection criteria were applied in a consistent manner. Accordingly, I have discomfort with the inclusion of the reference to the Manhattan, Kansas site in this resolution.

Moreover, while I have no doubt that there is salutary work on animal health being conducted in Kansas and Missouri, I have some discomfort with the statement that the Kansas-Missouri corridor has “unmatched” capacity to support the animal health industry. There are certainly other areas around the Nation that have a great deal of capacity.

For these reasons, I must vote “no” on the resolution.

Mr. HOLDEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. HOLDEN) that the House suspend the rules and agree to the resolution, H. Res. 317.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

# RECOGNIZING FOREST SERVICE EXPERIMENTAL FORESTS

Mr. HOLDEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 95) recognizing the importance of the Department of Agriculture Forest Service Experimental Forests and Ranges.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

## H. CON. RES. 95

Whereas the general provisions of the Act of June 4, 1897 (commonly known as the Organic Administration Act of 1897; 16 U.S.C. 551) and section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) authorize the Secretary of Agriculture to designate experimental forests and ranges;

Whereas, in 2008, the Department of Agriculture celebrated the 100th anniversary of the establishment of the first experimental forest at Fort Valley, Arizona, which eventually led to the creation of 77 additional experimental forests and ranges within the National Forest System;

Whereas the network of experimental forests and ranges provides places for long-term science and management studies in major vegetation types of the 195 million acres of public land administered by the Forest Service;

Whereas research at these experimental forests and ranges has provided critical information to the public, such as recognition of acid rain based on long-term precipitation chemistry data at Hubbard Brook, New Hampshire, characterization of old-growth Douglas-fir forests and ecology of the northern spotted owl, which set the stage for conservation planning in the Pacific Northwest, improved understanding of the science of forest hydrology, which was derived from long-term studies in experimental forests, especially Coweeta, and the forest and rangeland management systems built from foundation studies at many experimental properties; and

Whereas experimental forests and ranges provide opportunities to study the resources of the United States, including knowledge of forest and stream ecosystems, long-term records of climate, forest dynamics, hydrology, and other ecosystem components, information about long-term field experiments and opportunities to participate in them, access to a cadre of knowledgeable scientists, and access to thousands of publications about natural resource management and ecosystem science; Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the important contributions that the 77 experimental forests and ranges within the National Forest System have made in understanding and conserving the environment and ensuring that natural resources in the United States remain a source of pride and enjoyment.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

## GENERAL LEAVE

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 95 recognizes the 100th anniversary of the first experimental forest established by the United States Department of Agriculture in Fort Valley, Arizona, and recognizes the importance of these living laboratories.

Today there are 77 experimental forests and ranges within the National Forest System. Experimental forests and ranges are valuable and dynamic resources that serve as long-term research sites.

As part of the U.S. Forest Services' research and development efforts, these experimental forests and ranges provide valuable data about various climates, forest types, vegetation, soils, ecosystems, glaciers and watersheds and other essential components of our Nation's vast natural terrain.

I want to congratulate the United States Forest Service for their outstanding work to establish and maintain this nationwide network of experimental forests and ranges over the past 100 years and encourage my colleagues to support this resolution.

I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, I rise today in support of the resolution offered by the gentleman from Mississippi. This resolution recognizes the 100th anniversary of the first experimental forest, which was created in 1908, at Fort Valley, Arizona. Today, there are 78 of these forests in 30 States contributing valuable research and knowledge to help us better manage one of our most precious natural resources, our 750 million acres of forests across America.

Experimental forests allow the Forest Service to engage in important research on the threats that our forests face such as invasive species and diseases. These forests allow for Federal research to be conducted on plant and wildlife communities in controlled settings. We know about how best to ensure the health of our forests, rangelands and watersheds, and share their knowledge with States, localities and private landowners.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. CHILDERS).

Mr. CHILDERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise today to recognize the 100th anniversary of the establishment of the first

experimental forest at Fort Valley, Arizona, by the Department of Agriculture Forest Service. Experimental forests and ranges provide places for long-term science and management studies in many of the major vegetation types across the country.

Fort Valley, the first experimental forest research station, established in 1908, as was mentioned earlier, was used to study how the ponderosa pine regenerates as the entire forest was being decimated through extensive logging, yet was not regrowing. Recommendations derived from research at Fort Valley were the basis of many U.S. Forest Service management practices that now allow us to responsibly log our forests so that they continue to produce.

The 80 experimental forests and ranges in existence today play an integral role in our Nation's ability to maintain healthy forests and establish responsible forestry practices. Thirty-five States have one or more experimental forests, including three in my home State of Mississippi.

Experimental forests and ranges provide samples of many ecological and environmental conditions across the United States. They support many forms of multisite research, monitoring and data sharing that address questions at regional and national scales.

As a tree farmer, I understand the vital role that experimental forests and ranges play in keeping myself and other tree farmers at the forefront of forestry research. As we continue to face challenges such as new diseases and invasive species in the forestry industry, experimental forests and ranges will be the key to finding solutions to these challenges and ensuring America's tree farmers continue to be competitive and profitable.

So I ask my colleagues, Members on both sides of the aisle today, to join me in recognizing the 100th anniversary of the establishment of experimental forests and support the passage of this resolution.

Mr. LUCAS. Mr. Speaker, I yield back the balance of my time.

Mr. HOLDEN. Mr. Speaker, I join the ranking member of the full committee, Mr. LUCAS from Oklahoma, in urging adoption of this resolution and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. HOLDEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 95.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1415

# TERMINATING CERTAIN EASEMENTS IN CASEYVILLE, ILLINOIS

Mr. HOLDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 511) to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 511

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. TERMINATION OF NRCS EASEMENTS AND ASSOCIATED CONTRACTUAL ARRANGEMENTS, VILLAGE OF CASEYVILLE, ILLINOIS.

(a) TERMINATION AUTHORIZED.—The Secretary of Agriculture may terminate any easement held by the Secretary on land owned by the Village of Caseyville, Illinois, and terminate associated contractual arrangements with the Village.

(b) CONSIDERATION.—As consideration for the termination of an easement and associated contractual arrangements under subsection (a), the Village of Caseyville, Illinois, shall enter into such compensatory arrangements with the Secretary as determined to be appropriate by the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

### GENERAL LEAVE

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 511 would provide a limited authorization regarding the administration of a flood plain easement in the village of Caseyville, Illinois. The village of Caseyville and the United States Department of Agriculture executed a warranty easement deed in 1999 under the Emergency Watershed Protection Program. However, differences in approach on how to best protect and restore the flood plain led Caseyville to seek termination of the easement, including paying back the entire easement purchase price of \$60,000 to the United States Department of Agriculture.

Mr. Speaker, H.R. 511 would allow the National Resource Conservation Service the flexibility to release the terms of the easement so that the village can use the land for flood preven-

tion. This bill passed the House Agriculture Committee by voice vote earlier this year, and I encourage my colleagues to support it today.

I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 511. This bill will allow the Secretary of Agriculture to terminate certain flood easements in the village of Caseyville, Illinois, in return for compensation. Termination of easements is essential for flood protection projects in Caseyville. This bill has passed the House Agriculture Committee with no opposition. I ask my colleagues to support this legislation.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 511, a bill I introduced to correct a problem in Caseyville, Illinois, which is part of the congressional district I represent. I appreciate the efforts of Chairman PETERSON and Ranking Member LUCAS to bring this bill to the floor today.

H.R. 511 simply gives the USDA the authority to terminate an easement it entered into with the Village of Caseyville on September 20, 1999, due to a disagreement over how the land could be used. The Village received \$60,000 and the easement covered 44 acres.

The Village believed that the Warranty Easement Deed under the "Emergency Watershed Protection Program" allowed the 44 acres to continue to be used for flood control. However, the National Resource Conservation Service began referring to the easement as a "Wetlands Reserve Program" property—that program is not concerned with flooding, but rather protecting and restoring wetlands.

The differences in approach led the Village to seek a termination of the easement, including paying back all of the \$60,000 to the Department of Agriculture. After a great deal of discussion, the Department of Agriculture stated that it did not have the authority to terminate the easement, and suggested this legislative approach.

I again, thank the Committee for its attention to this matter and urge my colleagues to support the bill.

Mr. LUCAS. I have no further speakers and will yield back the remainder of my time.

Mr. HOLDEN. Mr. Speaker, I join the gentleman from Oklahoma in encouraging our colleagues to pass this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. HOLDEN) that the House suspend the rules and pass the bill, H.R. 511.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## MIAMI-DADE COUNTY LAND CONVEYANCE

Mr. HOLDEN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3175) to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 3175

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. DEFINITIONS.

As used in this Act:

(1) COUNTY.—The term "County" means Miami-Dade County in the State of Florida.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) PROPERTY.—The term "Property" means approximately 2.0 acres, more or less, of the federally owned land comprising the Subtropical Horticulture Research Station in Miami-Dade County, Florida, as described in section 2(b).

## SEC. 2. LAND CONVEYANCE.

(a) IN GENERAL.—Upon receipt of the consideration and cost reimbursement provided herein, the Secretary shall convey and quitclaim to the County, all right, title, and interest of the United States in the Property, subject to easements and rights-of-way of record and such other terms and conditions as the Secretary may prescribe.

(b) PROPERTY DELINEATION.—Of the federally owned land comprising the Subtropical Horticulture Research Station, the Secretary and the authorized representative of the County shall mutually delineate 2.0 acres, more or less, fronting on SW 67th Avenue for conveyance as the Property.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance of the Property, the County shall pay to the Secretary an amount in cash equal to the market value of the property.

(2) DETERMINATION OF VALUE.—To determine the market value of the property, the Secretary shall have the Property appraised in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions. The approved appraisal shall at all times be the property of the United States.

(d) SURVEY.—The County shall, at its cost, survey the exterior boundaries of the Subtropical Horticulture Research Station and the Property to Federal survey standards to the satisfaction of the Secretary, and shall provide to the Secretary certified originals with signature and raised seal.

(e) RELEASE.—The County, by a recordable instrument satisfactory to the Secretary, shall release the United States Department of Agriculture from that instrument dated September 8, 2006, titled "Unity of Title".

(f) TIME OF CONVEYANCE.—The Secretary shall convey the Property to the County not later than 120 days after the date on which the County deposits the consideration with the Department of Agriculture.

(g) CORRECTIONS.—With the agreement of the County, the Secretary may make minor corrections or modifications to the legal description of the Property.

## SEC. 3. COSTS.

(a) TRANSACTION COSTS.—At closing for the conveyance of the Property under this Act, the County shall pay or reimburse the Secretary, as appropriate, for the reasonable transaction and administrative personnel costs associated with the conveyance authorized by this Act, including the transaction costs of appraisal, title, hazardous substances examination, and closing costs.

(b) ADMINISTRATIVE COSTS.—In addition to transaction costs under subsection (a), the

County shall pay administrative costs in the liquidated amount of \$50,000.

(c) ATTORNEYS' FEES.—The County and the Secretary shall each bear their own attorneys' costs.

#### SEC. 4. RECEIPTS.

The Secretary shall deposit the consideration and receipts for costs into the Treasury of the United States to be credited to the appropriation for the Agricultural Research Service, and such sum shall be available to the Secretary until expended, without further appropriation, for the operation, upkeep, and maintenance of the Subtropical Horticulture Research Station.

#### SEC. 5. MISCELLANEOUS PROVISIONS.

(a) SECURITY FENCING.—On or before closing for the conveyance of the Property under this Act, the County shall, at its cost, contract for the construction of a security fence located on the boundary between the Property and the adjacent land administered by the Secretary. The fence shall be of materials and standards approved in advance by the Secretary. The Secretary may approve temporary security structures for use during construction phases.

(b) OTHER TERMS.—The Secretary and the County may otherwise effect the purpose of this Act on such additional terms as are mutually acceptable and which are not inconsistent with the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 3175 was introduced by Congressman LINCOLN DIAZ-BALART of Florida to facilitate the sale of 2 acres of land at the USDA Agricultural Research Service's Subtropical Horticulture Research Station in Miami-Dade County, Florida. The land would be sold at market value to the county for the purpose of building a fire station in the village of Palmetto Bay, a community of 25,000 people. This area currently faces below-average firefighting response times when compared to other municipalities in the region.

This ARS station was established in 1898 as a plant introduction garden on 6 acres, and it has grown to about 200 acres today. The ARS station has worked with the county and the village to identify land that could be used for the fire station, and I encourage my colleagues to join me in supporting this bill.

I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself as much time as I may consume.

Today I rise in support of H.R. 3175. This bill will allow the Ag Research Service (ARS) to sell 2 acres of land in southeast Florida to the local government of Miami-Dade County, Florida, for the purpose of constructing a new fire station. Current response times for firefighters in the village of Palmetto Bay and South Coral Gables have fallen below the district-wide average, and there is a safety concern for local residents and neighborhoods. ARS has no current use for the land and supports the sale of the fire station, as does local government and local residents. Miami-Dade County will pay market price for the land along with all associated costs.

The Congressional Budget Office has scored H.R. 3175 at no cost to the Federal Government. This bill passed the Agriculture Committee with no opposition, and I ask my colleagues to support this legislation.

I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I have no further requests for time, so I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I would like to yield 4 minutes to Congressman LINCOLN DIAZ-BALART of Florida.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend, Ranking Member LUCAS, for the time as well as Mr. HOLDEN, and they've summarized the legislation well. I introduced this bill, H.R. 3175, to direct the Secretary of Agriculture to sell approximately 2 acres to Miami-Dade County so that a fire station can be built. It is an issue of great importance to the community. The southern portion of the district that I'm honored to represent, covering the village of Palmetto Bay and the city of Pinecrest, continues to grow rapidly. Due to the population growth, public services have been stretched, and fire response times, as Mr. LUCAS pointed out, have fallen below the district average.

This morning I met with distinguished leaders from the village of Palmetto Bay. They reiterated to me the urgent need for this fire station in our south Miami-Dade County community. So this problem really deals with the issue that new construction for public services in Miami-Dade is confronting a lack of available land. The USDA station currently occupies, as Mr. HOLDEN pointed out, approximately 200 acres in southeast Florida with plenty of land to spare.

So, Mr. Speaker, the citizens of my community were not asking for a hand-out, as Mr. LUCAS was pointing out. The county is going to pay fair market value for the land, along with all associated fees, and they have committed to completely funding the construction of the fire station. The CBO has scored the bill at no cost to the taxpayer. So again, I would like to thank Chairman PETERSON and Ranking Member LUCAS for their prompt action on the bill. I

also wish to thank my dear colleagues from south Florida who have cosponsored the bill, Congresswoman ROS-LEHTINEN, who will shortly address the House, Congresswoman WASSERMAN SCHULTZ, Congressman MARIO DIAZ-BALART, and KENDRICK MEEK. I urge passage of the legislation.

Mr. HOLDEN. I will continue to reserve, Mr. Speaker.

Mr. LUCAS. Mr. Speaker, I yield 3 minutes to the Congresswoman from Florida, Ms. ROS-LEHTINEN.

Ms. ROS-LEHTINEN. I thank my colleague from Oklahoma for the time, and I thank my friend and colleague from Florida, LINCOLN DIAZ-BALART, for introducing this important bill and for getting it to the floor today in such a prompt manner. Our congressional districts share a border, and this piece of land to be conveyed to Miami-Dade County actually sits just about on that very border.

But regardless of congressional districts, the conveyance of this property will be of great benefit to all of the residents in south Florida, particularly for the families living in Pinecrest, Palmetto Bay and Cutler Bay. This land will soon bring them increased safety and important peace of mind. Miami-Dade County expects to build the only fire station that would be equipped to swiftly address emergency situations in these communities. I'm a local resident of this area myself, so I can say that we have all too long needed this fire station.

I commend Congressman DIAZ-BALART as well as the House for swiftly moving this bill to make the lands available for its creation. I must point out that the fire station would be nothing without the brave men and women who will serve there. Our firefighters put their lives on the line for us each and every day, and I know that all of south Florida thanks them for their supreme dedication.

Along with my colleague Congressman LINCOLN DIAZ-BALART, I also had the opportunity of meeting with the leaders of the Palmetto Bay community, and they strongly support this bill that will go a long way to ensuring the safety and well-being of all of our residents. I thank Mr. LUCAS for the time, and I thank Mr. DIAZ-BALART for his leadership.

Mr. HOLDEN. I continue to reserve, Mr. Speaker.

Mr. LUCAS. Mr. Speaker, we have no further speakers. I yield back the balance of my time.

Mr. HOLDEN. Mr. Speaker, I urge passage of the bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. HOLDEN) that the House suspend the rules and pass the bill, H.R. 3175.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

### LOUISIANA FOREST LAND CONVEYANCE

Mr. HOLDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 940) to provide for the conveyance of National Forest System land in the State of Louisiana.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 940

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS AND DEFINITIONS.

(a) FINDING.—Congress finds it in the public interest to authorize the sale of certain federally owned land in the Kisatchie National Forest in Louisiana for market value consideration.

(b) DEFINITIONS.—As used in this Act:

(1) The term “Collins Camp Properties” means Collins Camp Properties, Incorporated, a corporation existing under the laws of the State of Louisiana.

(2) The term “Secretary” means the Secretary of Agriculture.

#### SEC. 2. AUTHORIZATION TO SELL LAND.

(a) AUTHORIZATION.—Subject to valid existing rights and subsection (b), the Secretary is authorized to sell by quitclaim deed the following lands in the State of Louisiana at public or private sale, including by competitive sale by auction, bid or otherwise:

(1) All federally owned lands within section 9, Township 10 North, Range 5 West, in Winn Parish, Louisiana.

(2) A parcel of land consisting of 2.16 acres situated in the SW¼ of section 4, Township 10 North, Range 5 West, Winn Parish, Louisiana, as more specifically depicted on a certificate of survey dated March 7, 2007, by Glen L. Cannon, P.L.S. 4436.

(b) FIRST RIGHT OF PURCHASE.—Subject to valid existing rights and the provisions of section 4, for a period of one year after the date of enactment of this Act, upon tender of consideration from the Collins Camp Properties, the Secretary shall sell and quitclaim to said corporation all right, title and interest of the United States in—

(1) up to 47.92 acres within section 9, Township 10 North, Range 5 West, in Winn Parish, Louisiana, as generally depicted on a certificate of survey dated February 28, 2007, by Glen L. Cannon, P.L.S. 4436, said land comprising the Collins Campsites; and

(2) the 2.16 acres described in subsection (a)(2).

(c) TERMS AND CONDITIONS.—The Secretary may configure the lands to maximize marketability or achieve management objectives, and may prescribe such terms and conditions on the land sales authorized by this Act as the Secretary deems in the public interest.

(d) CONSIDERATION.—Land sales authorized by this Act shall be for cash consideration equal to the market value of the land.

(e) MARKET VALUE.—The market value of the land sold under this Act shall be as determined by an appraisal approved by the Secretary and done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions; or, if sold by means other than that provided in subsection (b), market

value may be determined by competitive sale.

(f) HAZARDOUS SUBSTANCES.—(1) In any disposal of lands authorized by this Act, the Secretary shall meet disclosure requirements for hazardous substances, but shall otherwise not be required to remediate or abate those substances.

(2) Nothing in this section shall otherwise affect the application of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”, 42 U.S.C. 9601, and following) to conveyances of lands out of Federal ownership.

#### SEC. 3. PROCEEDS FROM THE SALE OF LAND.

(a) DEPOSIT OF RECEIPTS.—The consideration received by the Secretary for the sale of land under this Act shall be deposited into the account in the Treasury of the United States established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(b) USE OF FUNDS.—Monies deposited pursuant to subsection (a) shall be available to the Secretary until expended, without further appropriation, for the acquisition of lands and interests in land in the Kisatchie National Forest in Louisiana.

#### SEC. 4. MISCELLANEOUS PROVISIONS.

(a) COSTS.—The Secretary shall require the Collins Camp Properties to pay at closing the reasonable costs of appraisal and any administrative and environmental analyses required by law or regulation.

(b) PERMITS.—An offer by Collins Camp Properties shall be accompanied by written statements from holders of Forest Service special use authorizations agreeing to relinquish their authorizations upon a sale to Collins Camp Properties. For any holder not providing such written authorization, the Secretary shall require the Collins Camp Properties to administer such authorization according to its terms until the date of expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 940 was introduced by Congressman RODNEY ALEXANDER of Louisiana. This bill would authorize the Forest Service to sell certain residential parcels of land in the Kisatchie National Forest, located in Winn Parish, Louisiana. The total land sold would be just over 50 acres, and a local nonprofit group already living in residence on the site would have the right of first refusal to purchase the land at fair market value. H.R. 940 has the bipartisan support of all seven members of the Louisiana congressional delegation

as well as the support of the U.S. Forest Service, and I urge its passage.

I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 940, a bill which gives the Secretary of Agriculture the authority to sell 50 acres of national forest land along the Lower Saline Lake in the State of Louisiana. The bill, drafted with the assistance and support of the Forest Service, gives the first option to purchase this tract to a group of residents who already own cabins on the land.

The sale of 50 acres relieves the Forest Service from the burden of performing maintenance and cleanup of the land and gives the task to private citizens who are ready and willing to assume this responsibility. CBO has scored this bill, and it will not have a cost for the taxpayers. The purchaser of the land will be responsible for all costs and fees associated with the transaction, further ensuring that the taxpayers will not be forced to pay for this legislation. This bill passed out of the House Agriculture Committee unanimously, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I have no further requests for time, so I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. ALEXANDER) for whatever time he may consume.

Mr. ALEXANDER. Thank you for yielding to me. Mr. Speaker, I want to thank the ranking member, the chairman and the members of the committee for passing this important piece of legislation. The entire Louisiana delegation are cosponsors of this. The National Forest Service is in support of it. In fact, they provided the language that is in this bill. As it's been said, CBO has scored it as zero. From the sale of this land, the proceeds will go back to the National Forest Service for money that they have spent over the years, providing maintenance for this 50 acres of land that will be sold to this not-for-profit group.

Mr. HOLDEN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, the minority has no further speakers; therefore, I yield back the balance of my time.

Mr. HOLDEN. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. HOLDEN) that the House suspend the rules and pass the bill, H.R. 940.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1430

# RECOGNIZING THE IMPORTANCE AND SUSTAINABILITY OF THE UNITED STATES HARDWOODS IN- DUSTRY

Mr. HOLDEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 81) recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program directed at constructing environmentally preferable commercial, public, or private buildings.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 81

Whereas hardwood trees grown in the United States are an abundant, sustainable, and legal resource, as documented by annually by the Forest Inventory and Analysis Program of the United States Forest Service;

Whereas, despite development pressure and cropland needs, Department of Agriculture data shows that the inventory of United States hardwood has more than doubled over the past 50 years;

Whereas the Department of Agriculture reports that annual United States hardwood growth exceeds hardwood removals by a significant margin of 1.9 to 1, and net annual growth has exceeded removals continuously since 1952;

Whereas the World Bank ranks the United States in the top 10 percent of all countries for government effectiveness, regulatory quality, and rule of law with respect to hardwood resources;

Whereas United States hardwoods have been awarded the highest conservation crop rating available under the Department of Agriculture Environmental Benefits Index;

Whereas United States hardwoods are net absorbers of carbon and are widely recognized to be critical to reducing the United States carbon footprint;

Whereas United States hardwoods are a valuable raw material which, when utilized properly, provide an incentive for landowners to maintain their land in a forested condition rather than clearing the land for development or other alternative land use;

Whereas United States hardwoods are a renewable resource and bio-based material;

Whereas United States hardwoods are recyclable, and hardwoods used in construction can often be restored and reused in later construction;

Whereas United States hardwoods are grown primarily in those States located along or east of the Mississippi River and in the Pacific Northwest, but, with a presence in every State, the hardwood industry is one of the major sources of economic activity and sustenance in many rural communities;

Whereas United States hardwoods are grown by thousands of small family landowners who may harvest trees only once or twice in a generation; and

Whereas United States hardwoods and the products derived from United States hardwoods are prized throughout the world as a superior and long-lasting building material: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes that United States hardwoods are an abundant, sustainable, and legal resource under the United States rule of law; and

(2) urges that United States hardwoods and products derived from United States hardwoods should be given full consideration in any program directed at constructing environmentally preferable commercial, public, or private buildings.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

## GENERAL LEAVE

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 81 recognizes the importance of the U.S. hardwoods industry and recognizes the value of sustainable, abundant hardwoods as an important building material.

In the United States hardwood trees are grown primarily by small-family forest landowners who use long-term sustainable practices to grow and manage their trees.

I encourage my colleagues to support this resolution recognizing the important role of hardwood producers in the United States of America.

Mr. Speaker, I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution offered by the gentleman from Indiana. The hardwood industry is an important industry for many rural communities across the country, employing more than 500,000 people in all 50 States. The products of this industry are a part of our daily lives. Indeed, we can see the products of their labor in this very Chamber.

Mr. Speaker, this resolution calls for any future green building programs to give full consideration to the inclusion of hardwood material. This is a commonsense idea to allow the clean, renewable resources to be included in any program that promotes environmentally friendly construction of public and private buildings.

The hardwood industry is of vital economic importance to hundreds of thousands of families across rural America, and I believe it's important to show these families that we appreciate the work they do and the responsible manner in which they cultivate their natural resources.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, I rise today in support of House Resolution 81, which recognizes the importance and sustainability of the United States hardwoods industry. I introduced this resolution along with Congressman GEOFF DAVIS of Kentucky and a group of our colleagues from across the country. This bipartisan support demonstrates the national importance of our domestic hardwood lumber industry, and I am pleased this Congress is recognizing the contributions the hardwood industry makes to both our economy and our environment.

Hardwood forest owners are stewards of a valuable national resource, and their efforts to conserve hardwood forests have been a remarkable success. Over the last 50 years, hardwood lumber stocks have more than doubled and hardwoods continue to grow almost twice as fast as they are harvested. The U.S. Forest Service analysis supports the evidence of this strong conservation record: The Forest Service's forest inventory and analysis program has documented hardwood trees to be an "abundant, sustainable, and legal resource."

Our hardwood forests are managed by thousands of small landowners and families who take care of this resource. Constituents of mine in southwest Indiana play a role in maintaining our hardwood stocks, and the same is true both throughout Indiana and across this country. Americans should be proud of this strong environmental record, and as Members of Congress, we ought to keep this fact in mind as we look for opportunities to support best practices in stewardship and environmental management.

For example, environmentally preferable construction programs are increasingly important to the building and trade industry; and should Congress direct support for these programs, we should remember domestic hardwoods and their potential to contribute to an environmentally friendly future. I was proud the House passed an amendment I offered to H.R. 2187 earlier this year to preserve sustainable hardwood lumber as a green construction resource for local school districts.

I thank my colleagues for their support of this resolution and of the domestic hardwood lumber industry.

Mr. LUCAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in support of H. Res. 81, a resolution that recognizes the importance and sustainability of the United

States hardwood industry and urges that the United States hardwoods and the products derived from U.S. hardwoods be given full consideration in any program that's directed at constructing environmentally preferable commercial, public, or private buildings.

As the title of the resolution indicates, we feel it's important that Congress recognizes the importance and sustainability of U.S. hardwoods and the industry as a whole. This is especially imperative as Congress considers changes to existing or new programs and standards that include green building requirements or guidelines. Green buildings are designed to cut down on energy costs and encourage the use of sustainable or renewable resources to protect our environment. What better renewable resource than American-grown hardwood? Hardwoods meet both of these criteria and must be included in any congressional initiative that encourages or requires the construction of environmentally friendly buildings.

In addition to playing a key role in green building, the hardwood industry is one that has created thousands of jobs in nearly every State and in hundreds of congressional districts. In Kentucky we have over 1,200 hardwood businesses alone, as well as over 100 in Kentucky's Fourth District. Two that I would point out would be GreenTree Forest Products in Fleming County, Kentucky, which employs hundreds of local people in the Buffalo Trace counties of central Kentucky and also harvests plants, sustains and renews its fiber hardwood products in that area; and Northland Corporation, a finishing operation that produces very high-quality hardwoods from the State and the region that are exported to the entire world as part of the global economy.

At a time when unemployment has increased to a staggering 11 percent in Kentucky and 9.6 percent nationwide, it's crucial that we support the many small hardwood industry businesses that keep our communities going, create local jobs, and keep people employed.

I would like to thank the gentleman from Indiana (Mr. ELLSWORTH) for working with me on this bipartisan resolution. I would also like to thank our 51 cosponsors for helping us to get this resolution to the floor, including my fellow Kentuckians, Congressmen ROGERS, WHITFIELD, CHANDLER, and GUTHRIE.

H. Res. 81 is an important statement acknowledging the environmental attributes of hardwoods, as well as the importance of this industry for jobs in our communities. I urge support for the resolution.

Mr. HOLDEN. Mr. Speaker, I now yield 3 minutes to the gentleman from Mississippi (Mr. CHILDERS).

Mr. CHILDERS. I thank the gentleman for yielding.

Mr. Speaker, today I am also proud to be a cosponsor of House Resolution 81 and see this important measure brought to the floor for a vote.

I represent Mississippi's First Congressional District, a district strong in forestry and timberland. This industry is dominated by small-based, family-owned businesses which will benefit from the passage of this resolution. These small landowner businesses often have fewer than 50 acres, much of which may at one time have been crop or cattle farm. Many landowners have rededicated these lands solely to the production of timber. These timber stands are valuable long-term investments which expand to job opportunities in a myriad of related businesses: sawmills, logging, trucking, insurance, and many others.

Hardwood lumber growers and manufacturers in Mississippi's First District are valuable members of the communities in which they live and, like many others in Mississippi, have children and grandchildren who hope to stay in these businesses and continue to enjoy all that life offers closer to home. Hardwood timber stands are a critical part of savings and investment for many of my First District families. Without strong markets for lumber, those investments would plummet.

House Resolution 81 will help ensure stronger markets without government intrusion. Instead, we are offering a strong statement from the House that this private enterprise industry is one which should continue to reap the rewards of decades of good business decisions and stewardship of the land.

The benefits of Mississippi hardwoods are much the same as the benefits enjoyed in nearly every State of the union, from the sheer beauty these forests offer to the hundreds of good jobs tied to them. I urge my colleagues to join me in voting "yes" on this important measure.

Mr. LUCAS. Mr. Speaker, I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of recognizing the importance of sustaining the United States hardwoods industry.

As an Eagle Scout growing up in the shadow of the Blue Ridge Mountains, I developed a deep respect for our country's great natural resources. Today we will recognize that our hardwood industry also plays a crucial role in sustaining not just the local economies of our Nation but many of the counties in central and Southside, Virginia. Across the Commonwealth of Virginia, over 180,000 jobs are provided in the forest products industry, a number that must be maintained during these tough economic times.

The impact of hardwood as an industry in Southside, Virginia, includes

businesses like Columbia Forest Products, which produces a formaldehyde-free hardwood plywood, and also Swedwood, the first Ikea manufacturing plant in the United States. I am committed to continuing my work to put Southside, Virginia, at the forefront of advanced wood products manufacturing. This includes the Danville Community College's Center for Advanced Manufacturing in Wood Products Technology and ensuring that forestry is given its due consideration in carbon offsets and efforts for this country's energy independence. Products from our forestry industry provide innovative ways to continue on the path to energy independence while maintaining American jobs.

I thank Mr. ELLSWORTH and other colleagues and other allies for their support of the hardwood industry.

Mr. LUCAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CHILDERS. Mr. Speaker, today I am proud to be a co-sponsor of House Resolution 81 and see this important measure brought to the floor for a vote. I represent Mississippi's First Congressional District—a district strong in forestry and farmland. This industry is dominated by small-based family owned businesses, like my longtime friend Jimmy Pharr's in Marietta, MS, which will benefit from the passage of this resolution. These small landowner/businesses often have fewer than fifty acres much of which may at one time have been crop or cattle farms. Many landowners have rededicated these lands solely to the production of timber. These timber stands are valuable, long-term investments which expand to job opportunities in a myriad of related businesses—sawmills, logging, trucking, insurance, and many others.

Hardwood lumber growers and manufacturers in Mississippi's First District are valuable members of the communities in which they live, and (like many others in Mississippi) have children and grandchildren who hope to stay in these businesses and continue to enjoy all that life offers closer to home. Hardwood timber stands are a critical part of savings and investment for many of my first district families. Without strong markets for lumber, those investments plummet. H. Res. 81 will help assure stronger markets without government intrusion. Instead we are offering a strong statement from the House that this private enterprise industry is one which should continue to reap the rewards of decades good business decisions and stewardship of the land.

The benefits of Mississippi hardwoods are much the same as the benefits enjoyed in nearly every state of the union—from the sheer beauty these forests offer to the hundreds of good jobs tied to them. I urge my colleagues to join me in voting yes on this important measure.

Mr. HOLDEN. Mr. Speaker, I urge adoption of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. HOLDEN) that the House suspend the

rules and agree to the resolution, H. Res. 81.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

# PISGAH NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 2009

Mr. HOLDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1002) to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1002

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Pisgah National Forest Boundary Adjustment Act of 2009”.

## SEC. 2. BOUNDARY ADJUSTMENT, PISGAH NATIONAL FOREST, NORTH CAROLINA.

(a) BOUNDARY ADJUSTMENT.—The boundaries of Pisgah National Forest in McDowell County, North Carolina, are hereby modified to include a parcel of land consisting of approximately 301 acres, of which approximately 213 acres are owned by the United States and administered by the Forest Service, as generally depicted on the map entitled “Proposed Proclamation Boundary Change, Grandfather Ranger District, Pisgah National Forest” and more particularly delineated and described according to the final boundary adjustment map and boundary description prepared by the Forest Service.

(b) AVAILABILITY AND CORRECTION.—The maps referred to in subsection (a) shall be on file and available for public inspection in the Office of the Regional Forester, Atlanta, Georgia. The Secretary of Agriculture may make minor corrections to the maps.

(c) LAND ACQUISITION.—Subject to the appropriation of funds to carry out this subsection and the consent of the owner of the private land included within the boundaries of Pisgah National Forest by subsection (a), the Secretary of Agriculture may acquire the private land.

(d) MANAGEMENT OF ACQUIRED LAND.—Any federally owned lands that have been or hereafter may be acquired for National Forest System purposes within the boundaries of Pisgah National Forest, as modified by subsection (a), shall be managed as lands acquired under the Act of March 1, 1911 (commonly known as the Weeks Act), and in accordance with the other laws and regulations pertaining to the National Forest System. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundaries of Pisgah National Forest pursuant to sections 10 and 11 of such Act (16 U.S.C. 519, 521).

(e) RELATION TO LAND AND WATER CONSERVATION FUND ACT.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of Pisgah National Forest, as modified by subsection (a), shall be considered to be boundaries of Pisgah National Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania (Mr. HOLDEN) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

## GENERAL LEAVE

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1002 was introduced by Congressman HEATH SHULER of North Carolina. This bill would authorize the Forest Service to purchase privately held land and modify the boundaries of the Pisgah National Forest in McDowell County, North Carolina. This will improve access to Catawba Falls, a prime recreational and tourist site in the region. The Forest Service has already purchased adjacent land for preservation, and this purchase would allow for parking and trailhead expansion in the falls area. A fiscal year 2010 appropriations request was made for the funds needed to purchase this land, and the money was included in the Interior appropriations bill that passed the House on July 7.

H.R. 1002 has the bipartisan support of the entire North Carolina congressional delegation, as well as the support of the U.S. Forest Service, and I support its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I might consume.

I rise in support of H.R. 1002. This bill expands the boundary of the National Forest in North Carolina. The expanded boundary will make it possible for the Forest Service to purchase a privately owned parcel of land for the purpose of creating a parking area and trail access. As my colleague has noted, the Forest Service supports this bill and funding is included in the fiscal year 2010 Interior appropriations bill to purchase the land. The bill passed out of committee unanimously. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I yield such time as he may consume to the author of the legislation from North Carolina, Mr. SHULER.

Mr. SHULER. Mr. Speaker, I thank my colleague from Pennsylvania for yielding.

Mr. Speaker, I rise today in strong support of H.R. 1002, the Pisgah National Forest Boundary Adjustment Act of 2009. I would like to thank the chairman and the ranking member for their hard work and their support.

This bill would simply extend the current boundary of the Forest Service to include 213 acres of land that is already owned and maintained by the U.S. Forest Service, as well as 88 acres currently owned by a regional non-profit land trust.

□ 1445

This bill has bipartisan support from the entire North Carolina delegation, for which I am very grateful.

This bill will help the Federal Government meet several objectives. First, it will clarify the boundary that identifies parcels of land that are already owned by the Forest Service. Secondly, it will help to guarantee the conservation of pristine acreage that promotes water quality as well as tourism in the region of western North Carolina. Third, it will help thousands of visitors each year access Catawba Falls, a uniquely beautiful cascade that is already on Forest Service property.

H.R. 1002 explicitly protects the rights of private property owners. This bill will preserve the natural treasures and make sure that the public has adequate access to publicly owned land. In addition to being cosponsored by the entire North Carolina delegation, this bill has received unanimous and bipartisan support in the House Committee on Agriculture.

I am grateful to all of my colleagues for their support, as well as to the staff of the Committee on Agriculture for all of their hard work.

Mr. LUCAS. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank my colleague for yielding me this time, and I offer my support to my colleague from North Carolina for the bill he has put forward.

I rise today to speak on issues of forestry, and specifically to House Resolution 81 which recognizes the importance and sustainability of the U.S. hardwoods industry.

My rural district in Pennsylvania is comprised of sprawling forest lands and the Allegheny National Forest. For generations, the economic engine of this region has been oil and gas production and the harvesting of some of the finest hardwoods in the country.

American hardwoods are valued here and around the world for their natural beauty, long life, sustainability, and many applications from furniture to flooring to musical instruments.

There are more than 100 privately owned businesses in my district. Most are family owned, whose well-being and the well-being of their employees are dependent upon the American hardwoods. More than a billion dollars in hardwoods and hardwood products are exported from the United States each year. Even with this growing market

demand, the supply of hardwood resources has continued to grow as forests, both public and private, are managed for growth and harvest.

In addition to the enormous economic benefits which the timber industry has on our rural economy, timber harvesting in Pennsylvania is an essential part of forest health and management efforts. For example, when decaying timber or wood waste is removed from the forest floor, it creates a much fuller and more vibrant forest in the long run. Forest management helps to create a stronger carbon sink than an unmanaged forest.

In addition, the U.S. Forest Service spends \$2 billion per year, half their budget, fighting wildfires. I believe that better and increased management will help to reduce the regularity and severity of these all-too-frequent disasters. In short, the timber industry is an important component in forest management and health.

As a cosponsor of the legislation, House Resolution 81, I ask my colleagues to join me in voting "yes" on that piece of legislation and honor an industry which benefits our economy and our forest health.

Mr. HOLDEN. Mr. Speaker, I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, having no additional speakers, I yield back the balance of my time.

Mr. HOLDEN. Mr. Speaker, I urge adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. HOLDEN) that the House suspend the rules and pass the bill, H.R. 1002.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## 21ST CENTURY FHA HOUSING ACT OF 2009

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3146) to make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3146

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century FHA Housing Act of 2009".

### SEC. 2. MORTGAGE INSURANCE FOR CONDOMINIUMS.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by adding at the end the following new subsection:

"(y) INAPPLICABILITY OF ENVIRONMENTAL REVIEW PROVISIONS.—In insuring, under this section, any mortgage described in section 201(a)(C), the Secretary shall not be subject to the conditions of, or review under, the National Environmental Policy Act of 1969 or any other provision of law that furthers the purposes of such Act."

### SEC. 3. ENERGY EFFICIENT MORTGAGES.

Section 106(a)(2)(C) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) in clause (i), by inserting "(i)" after "(A)" each place such term appears; and

(2) in clause (ii), by striking "203(b)(2)(B)" and inserting "203(b)(2)(A)(ii)".

### SEC. 4. MODERNIZATION OF WORKFORCE AND RESOURCES.

Section 202 of the National Housing Act (12 U.S.C. 1708) is amended by adding at the end the following new subsections:

"(g) PERSONNEL.—

"(1) IN GENERAL.—Notwithstanding section 502(a) of the Housing Act of 1948 (12 U.S.C. 1701c(a)), the Secretary may appoint and fix the compensation of such officers and employees of the Department as the Secretary considers necessary to carry out the functions of the Secretary under this Act and any other functions of the Federal Housing Administration. Such officers and employees may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

"(2) COMPARABILITY OF COMPENSATION WITH FEDERAL FINANCIAL REGULATORY AGENCIES.—In fixing and directing compensation under paragraph (1), the Secretary shall consult with, and maintain comparability with compensation of officers and employees of the Federal Housing Finance Agency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

"(3) PERSONNEL OF OTHER FEDERAL AGENCIES.—In carrying out the functions referred to in paragraph (1), the Secretary may use information, services, staff, and facilities of any executive agency, independent agency, or department on a reimbursable basis, with the consent of such agency or department.

"(4) OUTSIDE EXPERTS AND CONSULTANTS.—The Secretary may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to assist the work of the Department in carrying out the functions referred to in paragraph (1).

"(h) INFORMATION TECHNOLOGY.—

"(1) IN GENERAL.—In carrying out any program under this Act or any other program of the Federal Housing Administration, the Secretary may utilize any amounts as may be made available for such programs to ensure that an appropriate level of investment in information technology is maintained in order for the Secretary to upgrade the technology systems of the Department used in carrying out the functions referred to in subsection (g)(1).

"(2) USE OF PREMIUM-GENERATED INCOME.—To the extent that income derived in any fiscal year from premium fees charged under section 203(c) is in excess of the level of income estimated for that such year for such premium fees and assumed in the baseline projection prepared by the Director of the Office of Management and Budget for inclusion in the President's annual budget request and subject to approval in advance in an appropriation Act, not more than \$72,000,000 of such excess amounts may be used from such amounts for the purpose of carrying out this subsection.

"(i) TRAINING AND EDUCATION PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall carry out a comprehensive training and education program to improve the service provided by personnel of the Department carrying out functions referred to in subsection (g)(1) to users of the mortgage insurance programs under this Act and any other FHA mortgage insurance programs.

"(2) TOPICS.—The training and education program under this subsection shall—

"(A) have as its primary goal improving the quality and consistency of responses provided by such personnel of the Department headquarters and other offices and centers of the Department regarding regulations, handbooks, mortgagee letters, and other guidance; and

"(B) be designed to—

"(i) ensure that lenders participating in the FHA programs may rely on information provided by one office or center of the Department when doing business with a different office or center; and

"(ii) prevent such lenders from soliciting answers to the same question from different offices or centers of the Department in an attempt to obtain an answer that is satisfactory to the lender, by ensuring consistent responses from different offices and centers."

### SEC. 5. RISK MANAGEMENT IMPROVEMENTS.

(a) REVIEW OF DELINQUENCIES AND LENDER MONITORING.—Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(j) RISK MANAGEMENT IMPROVEMENT.—

"(1) REVIEW OF DELINQUENCIES AMONG RECENT ORIGINATIONS.—

"(A) IN GENERAL.—The Secretary shall conduct an ongoing review of mortgages on single family housing originated during the preceding 12 months and insured pursuant to this Act under which the mortgagor has become 60 or more days delinquent with respect to payment under the mortgage during the first 90 days of the term of the mortgage to determine which mortgages should not have been originated or insured and the characteristics of such mortgages, and which lenders have relatively high incidences of such delinquent mortgages;

"(B) REPORTING TO CONGRESS.—Not later than 90 days after the date of enactment of the 21st Century FHA Housing Act of 2009, the Secretary shall make available to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate any information and conclusions pursuant to the review required under subparagraph (A).

"(C) SUFFICIENT RESOURCES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2010 through 2014 the amount necessary to provide 90 additional full-time equivalent positions for the Department, or for entering into such contracts as are necessary, to conduct reviews in accordance with the requirements of this section.

"(2) LENDER MONITORING.—In conducting monitoring and analysis of the performance of lenders for mortgages on single family housing insured under this Act, the Secretary shall utilize a one-year period for such monitoring and analysis, to promote earlier identification of problem lenders and allow earlier intervention and sanctions."

(b) ANALYSIS OF MORTGAGE PERFORMANCE.—Section 203(g)(2) of the Helping Families Save Their Homes Act of 2009 (12 U.S.C. 1708 note) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2)(B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) analyze the portion of mortgages randomly reviewed pursuant to subparagraph (B) on the basis of performance.”.

#### SEC. 6. SENSE OF CONGRESS REGARDING ADEQUATE CAPITAL FLOW FOR MORTGAGE LOANS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) warehouse lending, which provides short-term lines of credit to non-depository lenders for mortgage loans that are eventually sold into the secondary market to Fannie Mae, Freddie Mac and Ginnie Mae, is a critical link in the housing finance chain;

(2) according to data obtained pursuant to the Home Mortgage Disclosure Act of 1975, nondepository lenders that utilize warehouse lines of credit account for as much as 40 percent of all residential mortgage loans in the United States, and nearly 55 percent of FHA loans, which are increasingly popular;

(3) it is estimated that since 2006 warehouse lending capacity available to the mortgage lending industry has declined by nearly 90 percent to the current level of approximately \$20 billion to \$25 billion;

(4) based upon projected 2009 lending volume, there could be a shortfall of hundreds of billions of dollars in home mortgage availability caused by a lack of warehouse lending capacity; and

(5) unless Federal regulators promptly address the issue, borrowers seeking to take advantage of today's low interest rates will face rising costs and reduced credit access, which could undermine the housing market recovery.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of the Treasury, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency should use their existing authorities under the Emergency Economic Stabilization Act of 2008, the Housing and Economic Recovery Act of 2008, and other statutory and regulatory authorities to provide financial support and assistance to facilitate increased warehouse credit capacity by qualified warehouse lenders;

(2) such financial support and assistance should—

(A) be used only to expand the amount of credit or lending capacity made available to qualified mortgage lenders by qualified warehouse lenders for the purpose of funding residential mortgage loans;

(B) be provided in such form and manner as such Secretaries or the Director, as applicable, consider appropriate, which might include direct loans, guarantees, credit enhancement, and other incentives; and

(C) comply with other requirements established by such Secretaries or the Director, as applicable.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) QUALIFIED MORTGAGE LENDER.—The term “qualified mortgage lender” means an entity that—

(A) is engaged in the business of making mortgage loans for one- to four-family residences that are—

(i) insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(ii) guaranteed, insured, or made under chapter 37 of title 38, United States Code;

(iii) made, guaranteed, or insured under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.); or

(iv) eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; and (B) is not a depository institution.

(2) QUALIFIED WAREHOUSE LENDER.—The term “qualified warehouse lender” means an entity that extends credit to qualified mortgage lenders for the purpose of originating mortgage loans described in paragraph (1)(A), or that otherwise facilitates the origination of such loans by a qualified mortgage lender.

#### SEC. 7. FORECLOSURE AVOIDANCE INITIATIVES.

Section 230 of the National Housing Act (12 U.S.C. 1715u) is amended by inserting after subsection (d) the following new subsection:

“(e) FORECLOSURE AVOIDANCE DEMONSTRATION PROGRAMS.—The Secretary may carry out such demonstration programs as the Secretary from time to time determines are appropriate to demonstrate the effectiveness of alternative methods of avoiding foreclosure on mortgages insured under this title, including methods involving short sales and deeds in lieu of foreclosure, and such methods may involve partial or full payment of insurance benefits to the mortgagee.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to start by thanking the Republican lead on this bill, the gentleman from New York (Mr. LEE) for his hard work on this important issue. This is the sort of example of bipartisanship that I think the American people expect from us, and I am happy that in this case Mr. LEE and I could work together to try to bring some good relief to the American people.

I introduced H.R. 3146, the 21 Century FHA Housing Act earlier this year with bipartisan support to provide the Federal Housing Administration with the necessary tools to serve taxpayers during these challenging economic times.

FHA is currently one of the primary sources for safe, affordable mortgage financing for American families. During recent years, as private lenders have fled the market, the demand for FHA markets have grown exponentially. Its market share has ballooned from less than 3 percent of the market in 2006 to 23 percent of all mortgages today. We need to ensure that the FHA

is able to meet this need efficiently and honestly.

Like most Americans, I am tired of hearing about more waste, fraud, and abuse in Washington or around the country. That is why the 21 Century FHA Housing Act is so very important. The bill will take steps to fix these problems and protect American taxpayers. It gives the FHA the authority to attract personnel with the skills and experience necessary to manage the increase in business. In addition, the FHA must be given sufficient resources to maintain the ability to enforce high underwriting and oversight standards and operate safely and effectively.

Enforcing high underwriting standards will yield safer products and protect the American taxpayer. We need to ensure that government programs are efficient and working on behalf of hardworking middle class families. With this increase in market share, comes an increase in risk. That is why this bill directs the Housing and Urban Development secretary to conduct an ongoing review of at-risk mortgages and provide a report to Congress on ways to improve at-risk management. This report will also make it easier to identify rogue predatory lenders and eliminate waste, fraud, and abuse in the FHA system.

Mr. Speaker, the FHA is helping to provide credit to eligible homeowners within a marketplace where many credit lines are frozen. But it is imperative that these loans are good for families, our economy, and taxpayers. Failure to pass this bill may open the door for more of the mortgage fraud and abuse that helped cause the recent economic recession from which America is still suffering.

I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3146, the 21 Century FHA Housing Act of 2009. I want to thank my colleague from New Jersey (Mr. ADLER) for helping to drive this legislation. It will get the job done, and it is about time we start doing what the American people want. I think this is a wonderful piece of bipartisan legislation that will take important steps towards restoring the stability of our housing market and helping our overall economic recovery.

While western New Yorkers never had a housing boom to bust, I still often hear from my constituents who have been responsible homeowners and who are increasingly frustrated by the level of fraud and abuse in our mortgage system. Western New Yorkers understand you cannot take risks without accepting the consequences. We have all seen the aftereffects of irresponsible lenders, and Congress has rightfully looked at outdated mortgage structures to ensure responsible homeowners have access to safe and affordable mortgages without burdening

them with the mistakes of others. That's why we have crafted legislation to address this pressing need in the current mortgage market.

In order to ensure a stable housing market and help first-time home buyers, we need to modernize the Federal Housing Administration, which is now one of the primary sources of mortgage financing. It is imperative that the FHA has the resources it needs to effectively oversee mortgages and ensure that no bad actors are allowed to function in this marketplace.

During recent years, as private lenders have fled the market, the demand for FHA mortgages grew exponentially. FHA mortgages tripled in 2008, and in 2009 the amounts are expected to exceed \$290 billion.

In order to effectively meet the new influx of work, several legislative changes are needed to modernize the system. H.R. 3146 will address concerns about proper review and oversight of FHA lenders and loans by improving target reviews of loan performances.

In addition, this legislation ensures that FHA has the staff, the technology, and risk management processes in place to protect American taxpayers from unacceptable losses.

Finally, the measure provides the HUD Secretary with the authority to implement new and innovative ideas to minimize foreclosures going forward. We cannot keep this dream of homeownership alive and within reach of working families unless we have an FHA that works better.

Again, I want to express my appreciation to my friend and colleague from New Jersey for his cooperation in crafting this measure. It is important for the American people to see that both parties are working together on this vital issue. I urge immediate passage of H.R. 3146.

I reserve the balance of my time.

Mr. ADLER of New Jersey. Does the gentleman yield back?

Mr. LEE of New York. I have no more speakers, but I yield myself the balance of my time to close.

When I looked at this piece of legislation going back several months ago, it was very important that we found a solution for this. I talked to constituents in my district, and they are so hard-pressed dealing with other forms of lending and getting FHA stable, it was incredibly important, as was the idea of making sure that we use taxpayer dollars wisely.

We were fortunate enough from the hearings to understand some of the challenges that FHA has had in terms of technology, and the fact that we really haven't funded this program to its fullest extent by not having enough staff in support of FHA, thereby the potential for fraud or waste or abuse has risen, and that's why, again, taking a piece of legislation like this and moving it forward is incredibly important.

As I look forward to trying to move this along, I know people in our district will be pleased, not only in my district but throughout the country, that we are pushing this type of bipartisan legislation.

Mr. ADLER has taken a very firsthand approach in trying to ensure that this happens.

At this time, I yield back the balance of my time.

Mr. ADLER of New Jersey. Mr. Speaker, I want to echo the comments of my friend, Mr. LEE from New York. We really did work in a bipartisan way to address a problem to save taxpayers from the waste, fraud, and abuse that I think frustrates so many Americans.

Many of America's economic problems are due to problems experienced within the housing market. The 21 Century FHA Housing Act of 2009 will make significant enhancements to FHA and will enable the administration to better manage the portfolio of loans and eliminate some of that waste, fraud, and abuse that frustrates us so very, very much.

As FHA steps into the void created by the predatory lenders, these improvements will be increasingly important. I urge all of my colleagues to support this important bill.

SEPTEMBER 14, 2009.

Hon. JOHN ADLER,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN ADLER: The undersigned organizations, representing the real estate industry, urge your support of H.R. 3146, the "21st Century FHA Housing Act of 2009." This bill will modernize the Federal Housing Administration (FHA), allowing it to continue to offer safe, affordable mortgages to American families, at no cost to taxpayers.

Despite FHA's growing role in the market, FHA's technology and infrastructure are far behind the times. To better serve American consumers and protect taxpayer interest, immediate changes need to be made. Computer systems must be upgraded, and sufficient staff be hired to handle all the responsibilities of an agency that is meeting the needs of so many American homebuyers.

Additionally, we support efforts to strengthen warehouse lending in ways that would allow the marketplace to continue to meet the demand for single-family and multifamily mortgage products. Consumers benefit the most when there is competition in the market and full access to credit.

H.R. 3146 will allow FHA to continue its modernization, utilize all of its mortgage programs, and assure that homeowners have affordable safe options for homeownership. We urge you to quickly pass this important legislation to update FHA's programs to address the pressing needs of the current mortgage market.

Sincerely,

Mortgage Bankers Association, National Association of Homebuilders, National Association of REALTORS®.

I yield back the balance of my time.  
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the

rules and pass the bill, H.R. 3146, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1500

#### FHA MULTIFAMILY LOAN LIMIT ADJUSTMENT ACT OF 2009

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3527) to increase the maximum mortgage amount limitations under the FHA mortgage insurance programs for multifamily housing projects with elevators and for extremely high-cost areas, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3527

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "FHA Multifamily Loan Limit Adjustment Act of 2009".

#### SEC. 2. FHA MORTGAGE AMOUNT LIMITS FOR ELEVATOR-TYPE STRUCTURES.

(a) AMENDMENTS.—The National Housing Act is amended in each of the provisions specified in subsection (b)—

(1) by inserting "with sound standards of construction and design" after "elevator-type structures" the first place such term appears; and

(2) by striking "to not to exceed" and all that follows through "sound standards of construction and design" each place such terms appear and inserting "by not more than 50 percent of the amounts specified for each unit size".

(b) PROVISIONS AMENDED.—The provisions of the National Housing Act specified in this subsection are as follows:

(1) Subparagraph (A) of section 207(c)(3) (12 U.S.C. 1713(c)(3)(A)).

(2) Subparagraph (A) of section 213(b)(2) (12 U.S.C. 1715e(b)(2)(A)).

(3) Subclause (I) of section 220(d)(3)(B)(iii) (12 U.S.C. 1715k(d)(3)(B)(iii)(I)).

(4) In section 221(d) (12 U.S.C. 1715l(d))—

(A) subclause (I) of paragraph (3)(ii); and

(B) subclause (I) of paragraph (4)(ii).

(5) Subparagraph (A) of section 231(c)(2) (12 U.S.C. 1715v(c)(2)(A)).

(6) Subparagraph (A) of section 234(e)(3) (12 U.S.C. 1715y(e)(3)(A)).

#### SEC. 3. FHA MORTGAGE AMOUNT LIMITS FOR EXTREMELY HIGH-COST AREAS.

Section 214 of the National Housing Act (12 U.S.C. 1715d) is amended—

(1) in the first sentence—

(A) by inserting ", or with respect to projects consisting of more than four dwelling units located in an extremely high-cost area as determined by the Secretary" after "or the Virgin Islands" the first place such term appears;

(B) by inserting ", or to construct projects consisting of more than four dwelling units on property located in an extremely high-cost area as determined by the Secretary" after "or the Virgin Islands" the second place such term appears; and

(C) by inserting ", or with respect to projects consisting of more than four dwelling units located in an extremely high-cost

area as determined by the Secretary" after "or the Virgin Islands" the third place such term appears;

(2) in the second sentence—

(A) by inserting " , or with respect to a project consisting of more than four dwelling units located in an extremely high-cost area as determined by the Secretary," after "or the Virgin Islands" the first place such term appears; and

(B) by inserting " , or in the case of a project consisting of more than four dwelling units in an extremely high-cost area as determined by the Secretary, in such extremely high-cost area," after "or the Virgin Islands" the second place such term appears; and

(3) in the section heading, by striking "AND THE VIRGIN ISLANDS" and inserting "THE VIRGIN ISLANDS, AND EXTREMELY HIGH-COST AREAS".

#### SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to mortgages insured under title II of the National Housing Act after September 30, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I urge the House to pass H.R. 3527, the FHA Multifamily Loan Limit Adjustment Act of 2009. By increasing the FHA loan limits to elevator properties in extremely high-cost areas, H.R. 3527 will allow the FHA to facilitate the construction and rehabilitation of apartments, particularly in urban areas, where financing is not readily available in the current economic environment.

I reserve the balance of my time.

SEPTEMBER 14, 2009.

Hon. NANCY PELOSI,

Hon. JOHN BOEHNER,

*House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER AND MINORITY LEADER BOEHNER: The undersigned groups are writing to urge the House to pass H.R. 3527, the FHA Multifamily Loan Limit Adjustment Act of 2009. By increasing the FHA loan limits for elevator properties and in extremely high-cost areas, H.R. 3527 will allow FHA to facilitate the construction and rehabilitation of apartments, particularly in urban areas where financing is not readily available in the current economic environment.

The FHA multifamily loan limits are severely restricting the ability to use FHA insurance programs to finance rental housing in many urban areas. HUD data shows that, in fiscal years 2007 and 2008, only three non-subsidized high-rise construction/rehabilitation projects—nationwide—have been endorsed for insurance with FHA. We believe

this is largely due to the maximum loan limits imposed by statute on the FHA insurance programs, which is being addressed in H.R. 3527.

A recent survey of major lenders shows that there are more than 11,000 units in elevator structures with a mortgage amount of more than \$3 billion that are on hold and, when H.R. 3527 is passed, should be able to move forward using the FHA programs. These properties are in many urban areas across the country, from Seattle and Los Angeles, to Houston, Columbus and Chicago, to Boston and New York.

Decent affordable rental housing allows working families to live in stable environments and within their means and also allows seniors to live in communities with appropriate amenities to permit aging in place. Well-maintained and attractive rental housing in turn contributes to neighborhood stability.

We urge the House to pass H.R. 3527 to provide FHA with the tools it needs to facilitate the construction and rehabilitation of apartments.

Sincerely,

American Association of Homes and Services for the Aging; Enterprise Community Partners; Institute of Real Estate Management; Mortgage Bankers Association; National Apartment Association; National Affordable Housing Management Association; National Association of Home Builders; National Association of Local Housing Finance Agencies; National Association of Realtors; National Housing Conference; National Leased Housing Association; National Low Income Housing Coalition; Nation Multi-Housing Council; New York Housing Conference; Stewards of Affordable Housing for the Future.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of the FHA Multifamily Loan Limit Adjustment Act. I see that Mr. WEINER is just walking in the door right now, so we're going to be able to have a very nice conversation. Welcome, Mr. WEINER. I'm very glad to have you. I'm honored to support your bill. This addresses the need for new construction or substantial rehabilitation to multifamily units in extremely high-cost areas of the country.

The FHA multifamily mortgage insurance program works with private sector partners to expand the supply of rental housing. FHA's multifamily mortgage insurance programs enable qualified buyers to obtain long-term, fixed-rate, nonrecourse financing for multifamily properties that are affordable to low- and moderate-income families. These families include police, firefighters, teachers, entry and mid-level service workers, among others.

In our most expensive cities it is very difficult for these workers, particularly those starting out in the workforce, to find affordable rental housing where they work. While the FHA multifamily mortgage insurance program could help, because of its loan limits there were only three FHA-insured multifamily loans for high-rise construction or rehabilitation approvals in the Nation in fiscal year 2007 and 2008.

According to the Mortgage Bankers Association, MBA, while the base loan

limits and high-cost factors have been raised over the past 8 years to address issues in most parts of the country, there's still problems concentrated in major cities where high-rise construction is involved. In fact, the data shows that while elevator buildings cost 45 percent more than non-elevator structures, the current loan limits for these structures are less than 10 percent higher than non-elevator structures.

Developers are simply unable to provide affordable housing units in high-cost areas because the current statutory limits for FHA mortgage insurance are too low for these types of structures.

The slowdown in affordable rental housing production that is being enhanced by the credit crisis has resulted in a significant gap between the demand for and the supply of affordable rental housing.

There is no private sector alternative to this program. The market served by FHA multifamily insurance does not overlap with competing private sector insurance.

This bill would increase the multifamily loan limit for elevator buildings by up to 50 percent and give the Secretary of HUD the authority to increase the limit in extremely high-cost areas to 305 percent of the base rate; similar to insurance of mortgages on property in States like Alaska, Guam, Hawaii, and the Virgin Islands. And I think Mr. WEINER and I agree—if it's good enough for Alaska, Guam, Hawaii, and the Virgin Islands, it's good enough for the rest of the United States.

This program has a positive budgetary impact. Now this does not cost the Federal Government any money. Making money for the taxpayers is what we're looking at.

Looking at the President's fiscal year 2010 budget, the multifamily insurance programs that relate to these loans limits is projected to make a profit—I repeat, a profit—on new loans insured in the fiscal year budget of \$93 million. In fact, over the years, FHA multifamily loans have consistently made a profit for the taxpayers.

Under the bill, 52 projects with over 11,000 units valued at \$3 billion that are on hold will be able to move forward by using the FHA program. In Los Angeles alone, five multifamily projects for 1,700 units that are stalled due to the loan limits would be able to move forward. The National Home Builders Association has predicted that with the passage of this bill, 12,000 new construction jobs will be created.

Over the past 74 years, the FHA multifamily mortgage insurance program has operated successfully, working with private sector parties to expand the supply of housing. This public-private partnership has leveraged billions of dollars in private sector investment to provide rental housing for millions

of families and the elderly throughout the country.

The bill is endorsed by the Mortgage Bankers Association, the National Association of Home Builders, the National Association of Realtors, the Institute of Real Estate Management, and 10 others.

I want to commend Chairman FRANK and Ranking Member BACHUS for sending this bill to the floor.

I reserve the balance of my time.

Mr. ADLER of New Jersey. Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the gentleman from New Jersey and my good friend from California, who has done an excellent job in explaining the bill. Let me just make a couple of general points that my colleagues can understand.

You know, unlike a lot of the housing market, FHA loans have actually performed remarkably well. Some people may look to the floor today and say, Why would you want to do anything to expand lending when we have already seen some of the problems that we've had? Well, frankly, FHA only has a serious delinquency rate of about .3 percent, compared to nearly 8 percent in the rest of the marketplace.

But to understand how FHA has worked so well, what they essentially do is take people who are essentially developing rental housing. They say, You're having trouble getting credit elsewhere, like it was when they were created after the Great Depression. We'll go ahead and provide you credit to provide rental housing that you can rent to middle-class residents all around the country.

Unfortunately, what was never truly acknowledged by the program until now is that some parts of the country have rental housing that doesn't go side-to-side, but goes north and south, up and down. Congressman MILLER has instances like that. I know I do in New York City.

By definition, elevator buildings, combined with the fact that they are in big cities, make them more expensive. And so what we're saying here is, let's make sure the program keeps up with the real demand that we have for housing.

Now it is imperative that we do this because, despite the best efforts of this Congress and the President, the banks are simply not doing what we wanted them to do, which is extend more credit so people who have good enough credit can go ahead and find apartments that they can rent, homes that they can buy.

FHA is going to, under this piece of legislation—and I thank my colleague from New Jersey for quarterbacking it—is going to have the opportunity now to change their standards to reflect the way different things are regionally.

I should say to all of my colleagues, if you're doing things to perfect farm programs, just because they don't benefit me in New York City doesn't mean I don't support them. This is a way to make housing programs reflect what truly is going on in the marketplace.

Let me make one other point about this. It is true what my colleague says about Guam and Alaska and Hawaii. They're high-cost areas for different reasons. They're high-cost areas because getting building supplies to Guam, getting building supplies to Alaska and Hawaii, those are expensive.

One of the things that makes housing expensive in areas like New York City is that you have got to install elevators in any building that's north of six stories. And if you wind up getting into that place, you wind up adding a great deal to the amount per square foot that is required to do the building.

Nothing, I should say to my colleagues, does anything here to put taxpayers in any more jeopardy. The FHA program is entirely self-funded. It's the premiums that are collected from people who benefit from the program. All we're doing now is stopping what is a bottleneck in the program that has said we've got a lot of moribund programs—which is a word my assistant, Mr. Beckelman, who has developed this legislation, coined—these moribund programs that are ready to go but simply can't get the financing.

So this House will be doing what desperately needs to be done. I thank the chairman of the Financial Services Committee for quarterbacking it and for getting it—tailbacking it; you quarterbacked, he tailbacked it—and for Mr. MILLER of California, who has helped see the importance of this, and want to thank him for the great work he has done.

Mr. GARY G. MILLER of California. I thank Mr. WEINER for bringing this bill forward. It's very reminiscent of what happened to California with FHA and with conforming loan limits to high-cost areas. And I represent a high-cost area.

My FHA loans from 2000 to 2005 dropped by 99 percent. Today, we've raised conforming loan limits in high-cost areas for FHA for conforming, and over 90 percent of the loans made in my area today of California, and most of California, are conforming in FHA loans.

This, again, addresses a loophole that has existed for years. If it's good enough for Alaska, Guam, Hawaii, and the Virgin Islands, which I think it is, it's good enough for the other high-cost areas of this country.

I yield back the balance of my time.

Mr. ADLER of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 3527, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SECURITIES LAW TECHNICAL CORRECTIONS ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2947) to amend the Federal securities laws to make technical corrections and to make conforming amendments related to the repeal of the Public Utility Holding Company Act of 1935.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2947

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities Law Technical Corrections Act of 2009".

### SEC. 2. TECHNICAL CORRECTIONS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 3(a)(4) (15 U.S.C. 77c(a)(4)), by striking "individual;" and inserting "individual,";

(2) in section 18(b)(1)(C) (15 U.S.C. 77r(b)(1)(C)), by striking "is a security" and inserting "a security";

(3) in section 18(c)(2)(B)(i) (15 U.S.C. 77r(c)(2)(B)(i)), by striking "State, or" and inserting "State or";

(4) in section 19(d)(6)(A) (15 U.S.C. 77s(d)(6)(A)), by striking "in paragraph (1) of (3)" and inserting "in paragraph (1) or (3)"; and

(5) in section 27A(c)(1)(B)(ii) (15 U.S.C. 77z-2(c)(1)(B)(ii)), by striking "business entity;" and inserting "business entity,".

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 2(1)(a) (15 U.S.C. 78b(1)(a)), by striking "affected" and inserting "effected";

(2) in section 3(a)(55)(A) (15 U.S.C. 78c(a)(55)(A)), by striking "section 3(a)(12) of the Securities Exchange Act of 1934" and inserting "section 3(a)(12) of this Act";

(3) in section 3(g) (15 U.S.C. 78c(g)), by striking "company, account person, or entity" and inserting "company, account, person, or entity";

(4) in section 10A(i)(1)(B)(i) (15 U.S.C. 78j-1(i)(1)(B)(i)), by striking "nonaudit" and inserting "non-audit";

(5) in section 13(b)(1) (15 U.S.C. 78m(b)(1)), by striking "earning statement" and inserting "earnings statement";

(6) in section 15(b)(1) (15 U.S.C. 78o(b)(1))—

(A) by striking the sentence beginning "The order granting" and ending "from such membership." in subparagraph (B); and

(B) by inserting such sentence in the matter following such subparagraph after "are satisfied.";

(7) in section 15 (15 U.S.C. 78o), by redesignating subsection (i), as added by section

303(f) of the Commodity Futures Modernization Act of 2000 (114 Stat. 2763A-455), as subsection (j);

(8) in section 15C(a)(2) (15 U.S.C. 78o-5(a)(2))—

(A) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(B) by striking the sentence beginning “The order granting” and ending “from such membership.” in such subparagraph (B), as redesignated; and

(C) by inserting such sentence in the matter following such redesignated subparagraph after “are satisfied.”;

(9) in section 16(a)(2)(C) (15 U.S.C. 78p(a)(2)(C)), by striking “section 206(b)” and inserting “section 206B”;

(10) in section 17(b)(1)(B) (15 U.S.C. 78q(b)(1)(B)), by striking “15A(k) gives” and inserting “15A(k), give”;

(11) in section 21C(c)(2) (15 U.S.C. 78u-3(c)(2)), by striking “paragraph (1) subsection” and inserting “Paragraph (1)”.

(c) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 304(b) (15 U.S.C. 77ddd(b)), by striking “section 2 of such Act” and inserting “section 2(a) of such Act”;

(2) in section 313(a)(4) (15 U.S.C. 77mmm(a)(4)) by striking “subsection 311” and inserting “section 311(b)”;

(3) in section 317(a)(1) (15 U.S.C. 77qqq(a)(1)), by striking “(1),” and inserting “(1)”.

(d) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 2(a)(19) (15 U.S.C. 80a-2(a)(19)) by striking “clause (vi)” both places it appears in the last two sentences and inserting “clause (vii)”;

(2) in section 9(b)(4)(B) (15 U.S.C. 80a-9(b)(4)(B)), by inserting “or” after the semicolon at the end;

(3) in section 12(d)(1)(J) (15 U.S.C. 80a-12(d)(1)(J)), by striking “any provision of this subsection” and inserting “any provision of this paragraph”;

(4) in section 13(a)(3) (15 U.S.C. 80a-13(a)(3)), by inserting “or” after the semicolon at the end;

(5) in section 17(f)(4) (15 U.S.C. 80a-17(f)(4)), by striking “No such member” and inserting “No member of a national securities exchange”;

(6) in section 17(f)(6) (15 U.S.C. 80a-17(f)(6)), by striking “company may serve” and inserting “company, may serve”;

(7) in section 61(a)(3)(B)(iii) (15 U.S.C. 80a-60(a)(3)(B)(iii))—

(A) by striking “paragraph (1) of section 205” and inserting “section 205(a)(1)”;

(B) by striking “clause (A) or (B) of that section” and inserting “section 205(b)(1) or (2)”.

(e) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended—

(1) in each of the following sections, by striking “principal business office” or “principal place of business” (whichever and wherever it appears) and inserting “principal office and place of business”: sections 203(c)(1)(A), 203(k)(4)(B), 213(a), 222(b), and 222(c) (15 U.S.C. 80b-3(c)(1)(A), 80b-3(k)(4)(B), 80b-13(a), 80b-18a(b), and 80b-18a(c)); and

(2) in section 206(3) (15 U.S.C. 80b-6(3)), by inserting “or” after the semicolon at the end.

### SEC. 3. CONFORMING AMENDMENTS FOR THE REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

(a) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 3(a)(47) (15 U.S.C. 78c(a)(47)), by striking “the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.)”; and

(2) in section 12(k) (15 U.S.C. 78l(k)), by amending paragraph (7) to read as follows:

“(7) DEFINITION.—For purposes of this subsection, the term ‘emergency’ means—

“(A) a major market disturbance characterized by or constituting—

“(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

“(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

“(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

“(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

“(ii) the transmission or processing of securities transactions.”

(3) in section 21(h)(2) (15 U.S.C. 78u(h)(2)), by striking “section 18(c) of the Public Utility Holding Company Act of 1935.”.

(b) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 303 (15 U.S.C. 77ccc), by amending paragraph (17) to read as follows:

“(17) The terms ‘Securities Act of 1933’ and ‘Securities Exchange Act of 1934’ shall be deemed to refer, respectively, to such Acts, as amended, whether amended prior to or after the enactment of this title.”;

(2) in section 308 (15 U.S.C. 77hhh), by striking “Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935” each place it appears and inserting “Securities Act of 1933 or the Securities Exchange Act of 1934”;

(3) in section 310 (15 U.S.C. 77jjj), by striking subsection (c) (including the preceding heading);

(4) in section 311 (15 U.S.C. 77kkk) by striking subsection (c);

(5) in section 323(b) (15 U.S.C. 77www(b)), by striking “Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935” and inserting “Securities Act of 1933 or the Securities Exchange Act of 1934”; and

(6) in section 326 (15 U.S.C. 77zzz), by striking “Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935,” and inserting “Securities Act of 1933 or the Securities Exchange Act of 1934”.

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 2(a)(44) (15 U.S.C. 80a-2(a)(44)), by striking “Public Utility Holding Company Act of 1935.”;

(2) in section 3(c) (15 U.S.C. 80a-3(c)), by amending paragraph (8) to read as follows:

“(8) [Repealed]”;

(3) in section 38(b) (15 U.S.C. 80a-37(b)), by striking “the Public Utility Holding Company Act of 1935.”; and

(4) in section 50 (15 U.S.C. 80a-49), by striking “the Public Utility Holding Company Act of 1935.”.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(21) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(21)) is amended by striking “Public Utility Holding Company Act of 1935.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

#### GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker I yield myself such time as I may consume.

I rise today in support of H.R. 2947, the Securities Law Technical Corrections Act of 2009, drafted by my colleague from Kansas, Congresswoman LYNN JENKINS. I commend her work on this bill, Mr. Speaker.

During the 110th Congress, a nearly identical bill, H.R. 3505, sponsored by Congressman PETER ROSKAM of Illinois, passed the House by a vote of 396-0. The Senate never acted on the measure.

This bill would effectively exclude companies that were subject to regulation under the Public Utility Holding Company Act of 1935, which was repealed in 2005, from the definition of investment company and from the definition of securities laws.

Again, I commend Congresswoman JENKINS for sponsoring this legislation, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of this bill. I commend Mr. MOORE for bringing it forward. This has passed Congress twice in the last Congress. It's been noncontroversial. It amends the Federal securities laws to make technical corrections and make conforming amendments related to the repeal of the Public Utility Holding Company Act of 1935.

It's a reasonable approach. I don't know of any controversy or any opposition to this.

I reserve the balance of my time.

□ 1515

Mr. MOORE of Kansas. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for their leadership on this bill, and I rise in support of it.

Also, I just missed the FHA Multifamily Loan Limit Adjustment Act of 2009. This would create jobs, address the issue of affordable rental housing, and fix the lingering problems with

better financing and liquidity. It would turn the hopes of homeownership into a reality and raise the limits on FHA loans that will help build more housing.

I rise today in support of a bill that will: Help create jobs in the hard-hit construction trades; address the longstanding issue of affordable rental housing in major urban and rural centers; and help fix lingering problems with better financing and liquidity.

H.R. 3527, the FHA Multifamily Loan Limit Adjustment Act of 2009 does all that and more, so I am proud to be a cosponsor along with my colleagues, Representatives WEINER, MILLER and FRANK.

The FHA's current limits on multifamily loans were certainly well intentioned, but they significantly restrict the ability of developers to use FHA insurance programs to finance badly needed affordable rental housing in high-cost areas such as New York City and State. In 2007 and 2008, HUD data shows that only 3 non-subsidized high rise construction or rehabilitation projects received FHA insurance approval in the whole country!

That's in part because the current FHA multifamily loan maximum of \$68,070 per two-bedroom unit is simply not high enough in high-cost areas. This puts a damper on new construction and badly needed rehabilitation in urban and suburban areas—where construction costs are higher.

But by simply increasing the loan limit as this bill does to \$93,029, FHA can facilitate construction and rehabilitation of apartments where financing is not available. I am told that there are currently 11,000 units in elevator structures across the country on hold with a combined mortgage amount of more than \$3 billion. In New York City, there are a total of 14 projects worth \$628 million stalled in NYC. This would build 2088 rental units in Brooklyn, Manhattan, and Queens.

When this bill becomes law these construction projects can move forward, create jobs and build new and more affordable homes.

In order to thrive our major cities depend on a supply of decent rental housing in buildings that are well maintained. Let's give the FHA the tools they need to move forward and enable these projects, these jobs, these American dreams.

I urge my colleagues to support this important legislation.

Mr. GARY G. MILLER of California. I want to thank Mrs. MALONEY for coming forward late, but she is my dear friend, and we have worked for years on issues together, and this is one of them. She has always been diligent about recognizing the errors that might exist in this country and how we could be more productive and be fair to everybody on these issues. I applaud you for your efforts and for being my colleague.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I ask unanimous consent that the gentlewoman from Kansas (Ms. JENKINS) may be able to control

my time and may be able to yield time, as required.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. JENKINS. Mr. Speaker, I claim time in opposition to the bill, although I am not opposed.

The SPEAKER pro tempore. The gentlewoman from Kansas is recognized.

Ms. JENKINS. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 2947, the Securities Law Technical Corrections Act. This legislation, which passed the House under suspension last year, makes technical corrections to various securities laws, and I thank Mr. KANJORSKI for his support on the measure.

This body passed identical legislation last year 404-0. In the aftermath of the stock market crash of 1929, Congress enacted the Federal securities laws of the 1930s and the 1940s. Over the decades since that time, Congress has amended these laws to adapt to a rapidly changing securities industry.

Congressional intent for these laws is to protect investors and maintain orderly and efficient markets. As Members of Congress, we have a responsibility to review laws from time to time to ensure that they are up-to-date so as to reduce unnecessary confusion to market participants. H.R. 2947 makes necessary technical corrections to the Federal securities laws that the Securities and Exchange Commission supports, including punctuation errors, spelling inaccuracies, and references to statutes which Congress previously repealed.

Again, I thank my colleague, Mr. KANJORSKI, along with Ranking Member BACHUS and Chairman FRANK, for their support of this bill and I urge all of my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I urge my colleagues to support H.R. 2947.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2947.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CONGRATULATING THE MINORITY BUSINESS DEVELOPMENT AGENCY ON ITS 40TH ANNIVERSARY

Mr. CARSON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 215)

congratulating the Minority Business Development Agency on its 40th anniversary and commending its achievements in fostering the establishment and growth of minority businesses in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 215

Whereas the success of minority businesses is a critical component of a robust economy in the United States;

Whereas minority businesses employ 4,700,000 people, benefit minority communities, and contribute to local, State, and national economies;

Whereas minority businesses are twice as likely to generate revenues through exports compared to nonminority businesses due to their language capabilities, cultural competencies, ancestral ties, and business agility;

Whereas in 1969, there were only 322,000 minority businesses with \$11,000,000,000 in gross receipts and the number of minority businesses continues to grow, currently estimated at more than 4,000,000 with \$661,000,000,000 in gross receipts;

Whereas minority groups represent 26.1 percent of the population, but own only 11.6 percent of the Nation's businesses and receive only 6.2 percent of total sales;

Whereas the Minority Business Development Agency was established by Executive Order 11458 on March 5, 1969;

Whereas the Minority Business Development Agency has operated for the last 40 years as the only Federal agency created specifically to serve minority entrepreneurs;

Whereas the Minority Business Development Agency operates a network of business development centers throughout the United States to assist with the start-up, expansion, and development of minority businesses;

Whereas the Minority Business Development Agency supports the Gulf Coast Recovery through its five centers located in Louisiana, Alabama, and Mississippi;

Whereas in fiscal year 2008, the Minority Business Development Agency assisted more than 25,000 minority businesses producing over \$1,000,000,000 in contracts and over \$1,100,000,000 in financial packages, which contributed in excess of 5,300 new jobs created for its clients;

Whereas since 1969, the Minority Business Development Agency has served more than 625,000 minority businesses and assisted in securing more than \$25,000,000,000 in loans and bonding; and

Whereas the Minority Business Development Agency's long-term strategic direction is achieving entrepreneurial parity so that minority business enterprises are in proportion to the minority population: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the Minority Business Development Agency on its 40th anniversary;

(2) commends the Minority Business Development Agency for its achievements in fostering the establishment and growth of minority businesses; and

(3) encourages the Minority Business Development Agency to continue its efforts to assist minority businesses as such enterprises continue to strengthen communities, create jobs, and contribute to the health of the economy in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 215, which congratulates the Minority Business Development Agency for its 40 years of commendable service to America's minority-owned businesses.

The Minority Business Development Agency has had a large presence in Indiana and continues to promote growth and achievement in this economic crisis.

Since its establishment, the Agency's mission has been to foster the creation of minority-owned businesses in the U.S. In fact, this organization has operated as the only Federal agency created specifically to serve minority-owned businesses through its network of over 40 centers nationwide.

Since its inception in 1969, over 3.6 million minority-owned businesses have been opened, creating over 4.7 million jobs. This amazing growth has accounted for \$661 billion in revenue. Over the last 40 years, these businesses have flourished as a result of consulting services provided by the Agency to over 625,000 firms.

During this economic crisis, the Minority Business Development Agency's services are more critical than ever. As minority-owned businesses continue to struggle, this organization provides a lifeline to an essential component of our Nation's economy.

In 2008, despite the ongoing recession, the Agency assisted more than 25,000 minority-owned businesses. As a result, thousands of Americans are now gainfully employed. Today, the Agency continues to work diligently to assist minority-owned businesses by identifying opportunities available through the Recovery Act.

Mr. Speaker, I congratulate the Minority Business Development Agency for its four decades of admirable successes in fostering our Nation's minority-owned businesses. I urge my colleagues to vote in support of House Resolution 215.

Mr. Speaker, I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 215 to commemorate the 40th anniversary of the Minority Business Development Agency.

It was nearly half a century ago that President Nixon recognized the need to stand by minority businessmen and businesswomen advancing the ability of minority businesses to compete financially on a national level. With approximately 40 business centers around the country, the MBDA set up a national network providing minorities access and support to the resources necessary to compete in a global business environment.

Access to capital is the primary focus of the MBDA. Since its creation, this Agency has worked alongside more than 25,000 minority business owners to generate \$1.85 billion in contracts and financial awards for minority businesses.

Mr. Speaker, MBDA also provides minority entrepreneurs with one-on-one assistance in writing their business plans, writing their marketing plans, management and technical assistance, and the financial planning that's necessary to assure adequate funding for business ventures.

Since its inception, the MBDA has expanded the scope of its initiatives internationally by participating in the very first U.S. trade mission to Bahrain as well as additional International Trade Administration missions to South America, Asia, Africa and the Caribbean.

As we observe this anniversary, we do need to applaud its continued commitment to the growth of minority businesses by providing access to capital.

Mr. Speaker, I reserve the balance of my time.

Mr. CARSON of Indiana. Mr. Speaker, I yield to Mr. HONDA, the sponsor of this resolution, as much time as he may consume.

Mr. HONDA. I want to thank Mr. CARSON for this opportunity.

Mr. Speaker, I rise in support of H.R. 215, congratulating the Minority Business Development Agency on its 40th anniversary and its achievements in fostering minority businesses in the United States.

Since its inception in 1969 by President Richard Nixon's Executive Order 11458, the MBDA has operated as the only Federal agency created to serve minority-owned businesses through its nationwide network of more than 40 business development centers and hundreds of strategic partners.

Over that time, MBDA has served over 625,000 minority-owned businesses and assisted in securing more than \$25 billion in loans and bonding, greatly contributing to the growth of our minority-owned businesses and the welfare of our communities in general.

I would like to share a couple of success stories of minority-owned busi-

nesses and companies from my 15th Congressional District of California in San Jose. First, Mr. and Mrs. Pradeep Aswani, immigrants from India, founded Securematics in Santa Clara, California. In 2002, this IT network solution distributor started with \$4 million in revenue. In just 6 years, they grew their company sales to nearly \$115 million by exploiting opportunities found while participating in MBDA's forums, facilitated by the Northern California Minority Business Development Center.

Another success story, Central Computers, was established in 1986 from very humble beginnings in Santa Clara, California, by Saul and Sherry Yeung, two Chinese Americans who immigrated from Hong Kong. Through their perseverance and resourcefulness, including taking advantage of the services provided by the Northern California Minority Business Enterprise Center, the Yeung family successfully transformed their home apartment operation into the largest independent computer retailer and servicer in the Bay Area, grossing nearly \$30 million annually. Last September, MBDA recognized Central Computers as the National Minority Retail Firm of the Year for 2008.

The Northern California Minority Business Enterprise Center contributed to both of these successes. Funded by the MBDA and operated by Asian Inc., a nonprofit technical assistance and research organization that aims to strengthen minority communities, this center has assisted many of my district's minority-owned businesses. In fact, the Center participated in my Small Business Resource Fair held last May.

Now, these two stories are also prime examples of how successful minority-owned companies can give back to their local communities. Mr. Aswani finds time to mentor many local small business enterprises by providing free business strategy counseling. Saul and Sherry Yeung are significant contributors to local charities, community organizations, and educational institutions, including a \$1 million donation to the University of California Berkeley's new Tien Center for East Asian Studies.

As Chair of the Congressional Asian Pacific American Caucus, I appreciate the support in introducing this resolution from my fellow Chairs of the congressional minority caucuses—Hispanic Caucus, Black Caucus, and Native American Caucus. We recognize the importance of minority-owned businesses not only as critical economic contributors to our communities but also their significant influence on the well-being of the U.S. economy.

Minority groups represent 26.1 percent of the population but only own 11.6 percent of the Nation's businesses and receive only 6.2 percent of total

sales. This disparity between minority-owned businesses compared to those nonminority-owned represents a significant loss of economic opportunity for the Nation. If economic parity was achieved, minority-owned businesses would create 16 million jobs, generate \$2.5 trillion in gross receipts and an unrealized tax base of more than \$100 billion per year.

Despite the MBDA's admirable services to foster the growth of minority-owned businesses, many more resources are needed to achieve economic parity now and in the future. By 2050, the U.S. Census Bureau predicts that minorities will comprise more than half of the U.S. population. It is easy to foresee the increased reliance our Nation's economy will have on minority communities and businesses.

As difficult as this mission is, I believe the MBDA and its new national director, David Hinson, are up to the challenge. David Hinson brings to the Agency over 20 years of business expertise and academic excellence. Among Director Hinson's new priorities are the creation of a new generation of \$100 million revenue-producing minority-owned businesses and fostering the growth of minority-owned businesses in clean energy, in green technology, health care, and information technology.

Mr. Speaker, I congratulate the Minority Business Development Agency for its 40 years of dedicated work, fostering the growth and development of our Nation's minority-owned businesses, and I look forward to continuing to work with the MBDA to ensure the success of its noble endeavors.

I would like to thank the Chairs of the congressional minority caucuses for introducing this resolution with me. I appreciate the support of the co-sponsors, and I urge my colleagues to join us in supporting H.R. 215.

Before I yield back the balance of my time, Mr. Speaker, I would like to express again the local impact that this program has had in my community, not only because I know the two companies and the folks who had done it, but there are many, many more success stories that go untold. And there are yet more potential success stories out there with the continuation of this project.

□ 1530

Mr. PAULSEN. Mr. Speaker, we have no additional speakers. I would urge passage of the resolution, and I yield back the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I extend my strong support to H. Res. 215, which congratulates the Minority Business Development Agency for its accomplishments on its 40th anniversary.

For forty years, the Minority Business Development Agency has fostered the establishment and growth of minority-owned businesses in America. Since the agency's found-

ing in 1969, it has assisted 625,000 minority businesses and helped them secure more than \$25 billion in loans and bonding. In 2008, it served 25,000 businesses and contributed to the creation of over 5,000 new jobs. The Minority Business Development Agency is the only federal agency dedicated to minority business enterprise and works to achieve entrepreneurial parity so that minority businesses are represented proportionally to the minority population in this country.

While the number of minority businesses in the United States has grown today to 4 million from only 322,000 in 1969, the growth of minority firms has not kept pace with the growth of the minority population. Minority groups represent 26 percent of the country's population, but own only 12 percent of the nation's businesses and receive only 6 percent of total sales.

Nevertheless, minority enterprises account for \$668 billion in total annual sales receipts and employ 5 million people. By 2042, minorities in America will become a numerical majority. Based on this population shift, it is clear that the success of the American economy is directly linked to the success of minority businesses, which are in a unique position to support the vibrancy of local communities. Supporting minority businesses is not only beneficial to minority enterprise, but to communities and people who depend on those businesses as well.

As the Minority Business Development Agency enters its fifth decade, I urge the agency to continue its efforts to help minorities achieve entrepreneurial parity, contribute to the health of the national economy and communities across America. I am proud to celebrate the achievements of the Minority Business Development Agency on its 40th anniversary and I urge my colleagues to support H. Res. 215.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today in support of H. Res. 215, a resolution congratulating the Minority Business Development Agency on its 40th anniversary and commending its achievements in fostering the establishment and growth of minority businesses in the United States. I know in my own district MBDA is an integral part of the economic development of Orlando. In fiscal year 2008, the MBDA's Florida Minority Business Opportunity Center (MBOC) in Orlando helped minority businesses get \$13.6 million in contracts and \$29 million in financial transactions.

This year in 2009, one of their local success stories includes APC Workforce Solutions, a contract labor, acquisition and management company. With the assistance of the MBDA's Florida Minority Business Opportunity Center, APC recently received a three-year renewable \$45 million per year contract from Sunoco, Inc. to provide staffing services. The contract is that resulted in the creation of 30 new jobs.

MBDA and its network of centers across the country are helping businesses like APC every day. That's why last year MBDA helped minority businesses get over \$1 billion worth of contracts, \$1 billion worth of financial transactions that helped create more than 5,300 jobs across the country. In this tough economy, agencies like MBDA are helping minority-owned firms succeed and Congress needs to

do a better job of recognizing the important job MBDA has been doing over the past 40 years. I am ashamed to say that MBDA was overlooked in the American Recovery and Reinvestment Act (ARRA) and there was no specific language in ARRA for minority businesses.

In 2050, the minority community will represent 54 percent of the total U.S. population. It is imperative to the continued strength of the U.S. economy to provide for the growth and expansion of minority businesses. The nation is failing to reap the benefits of economic parity through the creation of 16 million jobs, generating \$2.5 trillion in gross receipts and an unrealized tax base of more than \$100 billion per year. Congress must do more to help the minority business community.

I like to say when America has a cold, the African-American community has pneumonia. Right now, Congress is ignoring the long-term health of our economy by ignoring the needs of minority businesses.

Minority-owned firms are in the position to generate long-term employment and economic sustainability in their communities. Minority firms provide nearly 5 million people with steady jobs and create wealth in minority communities. They create jobs, impact local and state economies and pursue global marketplaces.

MBDA's long term strategic direction is achieving economic parity for minority firms. Economic parity is a benchmark measured by the proportion of U.S. business owned by minorities being roughly equal to the percent of their population. MBDA is focused on creating a new generation of \$100 million dollar minority businesses creating the foundation that helps to close the gap in annual revenues between minority-owned firms and non-minority owned firms. At economic parity, the diverse business community will be larger than the economies of Russia, Italy or Spain. At economic parity, we reduce the unemployment rate from the current level of about 9.4 percent to 7.5 percent. At economic parity, the tax-base that is generated could fund 100 percent of Head Start, 100 percent of State Children's Health Insurance Program or a full 10 percent of the cost estimate to reform healthcare.

In closing, I'd like to again congratulate the Minority Business Development Agency on their 40th Anniversary and reiterate the importance of minority businesses to the economy.

Mr. CARSON of Indiana. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and agree to the resolution, H. Res. 215.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### SIG TARP SMALL BUSINESS AWARENESS ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3179), to amend the Emergency Economic Stabilization Act of

2008 to require the Special Inspector General for the Troubled Asset Relief Program to include the effect of the Troubled Asset Relief Program on small businesses in the oversight, audits, and reports provided by the Special Inspector General, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3179

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as “SIG TARP Small Business Awareness Act of 2009”.

#### SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Small businesses are going to be the driving force behind revitalizing our economy.

(2) Small financial institutions are a primary financial resource for small businesses.

(3) In a hearing of the Committee on Financial Services of the House of Representatives, witnesses testified that smaller financial institutions are having difficulty receiving funds from the Troubled Asset Relief Program.

(4) In a hearing of the Committee on Financial Services of the House of Representatives, witnesses also testified that small businesses are having trouble receiving credit and financial products from banks and other financial institutions.

#### SEC. 3. DUTIES OF THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM RELATING TO SMALL FINANCIAL INSTITUTIONS AND BUSINESSES.

(a) IN GENERAL.—Section 121(c) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(c)) is amended by adding at the end the following new paragraph:

“(5) EFFECTS OF PROGRAM ON SMALL FINANCIAL INSTITUTIONS AND SMALL BUSINESSES.—

“(A) SMALL FINANCIAL INSTITUTIONS.—In conducting audits and providing oversight of the Troubled Asset Relief Program in accordance with this section, the Special Inspector General shall examine how smaller financial institutions are being affected by—

“(i) expenditures under the Program (including the adequacy of financial assistance provided to or on behalf of such smaller financial institutions); and

“(ii) the considerations and determinations of—

“(I) the Secretary under this title; and

“(II) the regulators of such smaller financial institutions, with respect to capital adequacy and troubled assets.

“(B) SMALL BUSINESSES.—In conducting audits and providing oversight of the Troubled Asset Relief Program, the Special Inspector General shall examine the effects the provision of financial assistance under this title has had on small businesses, including both positive and negative effects and the extent of such effects on small businesses generally and by type and region.

“(C) REPORTS.—Any report prepared by the Special Inspector General under this section shall include the results of the activities of the Special Inspector General under paragraphs (1) and (2).”.

(b) REPORT ON INCLUSION AND UTILIZATION OF WOMEN AND MINORITIES.—Section 121(i) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(i)) is amended by adding at the end the following new paragraph:

“(6) REPORT ON INCLUSION AND UTILIZATION OF WOMEN AND MINORITIES.—

“(A) IN GENERAL.—The Special Inspector General shall include in each quarterly report to the Congress under paragraph (1) information on the activities of the Secretary and any financial institutions receiving financial assistance under this title to include and utilize minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act), in any solicitation or contract, including any contract to asset managers, servicers, property managers, and other service providers or expert consultants.

“(B) INFORMATION TO BE INCLUDED.—The quarterly report shall include information on the levels of inclusion and utilization of women, minorities, and women- and minority-owned businesses, including the type of such contracts or solicitations, the dollar amount of such contracts or solicitations, the total number of such contracts or solicitations, and any other information on the activities of the Secretary and any financial institutions receiving financial assistance under this title to increase the participation of women, minorities, and women- and minority-owned businesses including recommendations related to increasing such participation.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

#### GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3179, the SIG TARP Small Business Awareness Act of 2009, drafted by my colleague from Minnesota, Congressman ERIK PAULSEN. I commend his work on this important legislation.

This bill was originally offered as an amendment by Congressman PAULSEN to S. 383, the Special Inspector General for the Troubled Asset Relief Program Act, that was approved by the House on April 25, 2009, by a vote of 423-0, and was later signed into law.

During the markup, I commended Congressman PAULSEN for offering his amendment, and I supported the substance of the amendment; but to get S. 383 quickly to the President's desk to equip the SIG TARP with the resources and with the authority he desperately needed, we did not add the amendment to the bill. I am glad Congressman PAULSEN has offered this proposal again as a standalone bill so that the

SIG TARP can closely monitor how TARP has affected small businesses and can report back to Congress.

I urge my colleagues to support H.R. 3179.

I reserve the balance of my time.

Mr. PAULSEN. I yield myself as much time as I may consume.

Mr. Speaker, I first want to thank Mr. MOORE, the leader of the subcommittee, for his leadership on this issue as well and on the subcommittee in general.

The legislation before us requires that the Special Inspector General report to Congress on how smaller financial institutions are faring under the TARP program and whether they are gaining access to needed funding. It would also require the Special Inspector General to examine the impact of TARP funding on small businesses.

During the August recess, I met with community bankers throughout my district. They outlined their desire to increase their lending to local small businesses that have been frozen out by the credit crunch. Similarly, I met with dozens of small business owners who expressed concerns over access to credit and to capital, key components of their ability to create jobs.

This problem was echoed in a recent article in the Minneapolis Star Tribune. The article outlined the problems that smaller financial institutions are having in trying to obtain TARP funds. They were primarily local banks that wanted to obtain TARP funds, but they had not received them or had not been given permission to receive them.

Mr. Speaker, in hearings held by the Financial Services Committee, we heard concerns that the large institutions may not be increasing their lending and that it was going to be the smaller institutions that would ultimately help revitalize our economy. The problem is the small businesses are not receiving the funds they need to help maintain and to grow their businesses. The reason is simply that those funds are not available.

When I asked about the assistance the community bankers, in particular, are getting from TARP, the representatives from the community banks responded by saying, All community banks have lost the trust of the Federal Government's ability to negotiate with them.

Now, Mr. Speaker, that concerns me especially if we are looking to get out of the financial and economic mess that we are facing. Community banks make the bulk of their loans to small businesses, and it's the small businesses that have created two of every three net new jobs in the United States since the early 1970s. We need to expand lending so we can create jobs and can grow our economy. The government's “too big to fail” approach, which has been the guiding principle for a long time in Washington, also implies “too small to save.”

This premise is shortsighted; it's inaccurate and it's unfair to smaller institutions and to small businesses. By requiring the Special Inspector General to also examine now and to report the impact on smaller financial institutions as well as on small businesses, this will result in recommendations to both the U.S. Treasury and to Congress on how to improve the TARP program so we can focus on job growth. Above all else, job growth needs to be our number one priority for each of us in Congress.

I ask for support, and I urge passage of H.R. 3179.

I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I wanted to also raise a point that Congressman WATT had raised in the committee markup in which Congressman PAULSEN's proposal was debated.

Congressman WATT offered an amendment that was accepted by voice vote to make sure that, in addition to small businesses, the SIG TARP should review how TARP has affected minority- and women-owned businesses. This is a good idea, and we should make sure TARP is being administered fairly and equally across the board.

I appreciate Congressman PAULSEN for working on a bipartisan basis to address this concern and for revising his bill to include it.

I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, just to follow up again, I want to thank Mr. MOORE for his leadership on the subcommittee.

I want everyone to know that, with the country's current financial state, now more than ever we do need to help our Nation's job creators and small businesses.

With that, I would urge passage of H.R. 3179.

I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I urge my colleagues to support H.R. 3179, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 3179, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore (Mr. TIERNEY). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1617

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TIERNEY) at 4 o'clock and 17 minutes p.m.).

#### RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. HOYER. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 744

Whereas on September 9, 2009, during the joint session of Congress convened pursuant to House Concurrent Resolution 179, the President of the United States, speaking at the invitation of the House and Senate, had his remarks interrupted by the Representative from South Carolina, Mr. Wilson; and

Whereas the conduct of the Representative from South Carolina was a breach of decorum and degraded the proceedings of the joint session, to the discredit of the House: Now, therefore, be it

*Resolved*, That the House of Representatives disapproves of the behavior of the Representative from South Carolina, Mr. Wilson, during the joint session of Congress held on September 9, 2009.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

Pursuant to clause 2 of rule IX, the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. BOEHNER) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker and ladies and gentlemen of the House, none of us, none of us is happy to be here considering this resolution. I know I am not.

At the same time, my colleagues, what is at issue here is of importance to this House and to our country, and that issue is whether we are able to proceed with a degree of civility and decorum that our rules and our democracy contemplate and require.

The House Code of Official Conduct requires that each Member, every one of us, each and every one of us "conduct himself," and I'm quoting from the rule, "at all times in a manner which shall reflect creditably on the House of Representatives."

There seems to be little or no disagreement that Mr. WILSON did not so conduct himself on the evening of September 9. Senator JOHN MCCAIN was quoted as saying that Mr. WILSON's behavior was "totally disrespectful." He went on to say, "There is no place for it in that setting, or any other, and he should apologize for it immediately."

Mr. WILSON did, in fact, apologize to the President through Mr. Emanuel, the President's Chief of Staff.

However, it was the House itself whose rules were offended. And as Mr.

INGLIS, Mr. WILSON's colleague, a Republican colleague from South Carolina, observed, and again I quote, "He should apologize to the House," to the House, "for the rule violation." Mr. INGLIS went on to add, "That would end the matter."

I had made a similar representation to the Republican leader, and I believe that would have ended the matter. I know that is what the Republican leaders of the House thought would be appropriate and what the Republican leader talked to Mr. WILSON about doing. He said so to the press.

Indeed, last Thursday, based upon what a Republican leader told me, not Mr. BOEHNER, that morning, it was what I expected Mr. WILSON to do. As a result, I held open the time between the next-to-the-last vote and the very last vote to give Mr. WILSON an opportunity to express an apology to the House. As all of us know, many Members have done that in the past, reflecting upon conduct they thought was not appropriate; and as a result, they came to this floor. That has happened on both sides of the aisle where Members have done things that they thought brought discredit to the House and they came to this floor, to that rostrum and to this, to say, I apologize. Mr. INGLIS is correct: that would have ended the matter.

However, for whatever reason, Mr. WILSON has decided not to take any further action. In light of that, this resolution simply states the House's disapproval of Mr. WILSON's words and actions.

As Republican Whip CANTOR is quoted as saying, "Obviously the President of the United States is always welcome on Capitol Hill and he deserves respect and decorum." Surely all of us believe that's correct. Surely all of us, hopefully all of us, believe that when we invite a President of either party to come to this House and address a joint session of Congress that he ought to expect and we ought to expect that we will accord to him the decorum and courtesy of which Mr. CANTOR spoke.

The Republican leader of the Senate, MITCH MCCONNELL, added, "I think we ought to treat the President with respect, and anything other than that is not appropriate." That's what this resolution is about. It's a resolution of disapproval.

This resolution is not about the substance of an issue, but about the conduct we expect of one another in the course of doing our business. Senator JOHN CORNYN, the chairman of the Republican Senatorial Campaign Committee, stated this: "There's a time and a place for everything, and that was not the time or the place for that kind of comment."

In the absence of Mr. WILSON's expressing his regret for acting in a manner that almost all agree, every Republican that I have talked to as well as

every Democrat that I have talked to, was inappropriate and contrary to the spirit of the rules of the House and the common courtesy that we should extend to all, and particularly to the President of the United States of America, our President, we have brought forward this resolution. I expected to extend that same courtesy with every President with whom I have served, be they Republican or Democrat.

We consider this resolution as a result of Mr. WILSON's failure to follow the advice of his leadership and a number of his Republican and Democratic colleagues who have told me that they have talked to him.

I want to say personally that I know Mr. WILSON. We've had a good relationship. I expect to continue to have a good relationship. I found him a man of measured conduct. I was surprised. I think he was probably surprised as well. A simple apology to this House would have ended the matter.

But this House ought not to stand silent in the face of conduct that almost universally, and by Mr. WILSON himself, was felt to be inappropriate. It is an expression of the people's House that neither Presidents nor any of us ought to expect to be subjected to such conduct in the course of our business in this, the people's House.

The resolution says simply what hopefully all of us feel, that we disapprove of the conduct cited and let others know that such conduct is neither welcome nor approved by the House of Representatives.

At this time, Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. CLYBURN), and I ask unanimous consent that he control the balance of that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Thank you, Mr. Leader. I appreciate your service for America, and I further respect the majority leader, Mr. HOYER.

Mr. Speaker, I am humbled and grateful for the support and prayers of my wife, Roxanne, my four sons, my staff, the people of South Carolina, my colleagues, and the American people.

Mr. Speaker, I think it is clear to the American people that there are far more important issues facing this Nation than what we are addressing right now.

The President said, "The time for games is over." I agree with the President. He graciously accepted my apology, and the issue is over.

However, this action today will have done nothing for the taxpayers to rein

in the growing cost and size of the Federal Government. It will not help more Americans secure jobs, promote better education, ensure retirement, or reform health insurance.

It is the Democrat leadership, in their rush to pass a very bad government health care plan, that is bad medicine for America. It has muzzled the voices we represent and provoked partisanship.

When we are done here today, we will not have taken any steps closer to helping more American families afford health insurance or helping small businesses create new jobs.

The challenges our Nation faces are far bigger than any one Member of this House. It is time that we move forward and get to work for the American people.

Mr. CLYBURN. Mr. Speaker, this resolution addresses an issue of great importance to current and future Members of this august body: the proper conduct of its Members.

Despite statements made by various leaders of the other party, this is not about partisan politics or inappropriate comments. To the contrary, this is about the rules of this House and reprehensible conduct.

□ 1630

I stand here as a former schoolteacher and the proud father of a current public schoolteacher who teaches in the congressional district represented by Congressman WILSON. My grandchildren attend schools in that district.

But, Mr. Speaker, this Hall is the most prominent classroom in this great country, and all of us are teachers. We are bound by duty and the offices we hold to conduct ourselves as such. Classroom teachers and schoolchildren across the country and around the world looking in on our proceedings should see proper decorum and hear civil discourse. Our teachers are expected to teach our children to learn proper behavior. All of us are expected to give appropriate support and deference to the institutions that help us develop and maintain a civil and orderly society.

Our three separate branches of government have defined roles to play in this process, and those of us who hold positions within these branches are expected and are duty bound to treat each other with proper dignity and respect. Whether we like it or not, teachers and students see us as role models.

But none of us is perfect. We all make mistakes, and we sometimes fall short of expectations. But when we do, proper contrition is expected. When one of us, while seated in a formal session, severely violates the rules of this body by shamelessly hurling accusations of mendacity towards a President of these United States, our Commander in Chief, and refuses to formally ex-

press remorse, we, at a minimum, are duty bound to express our disapproval. Our teachers, our students, and constituents deserve no less.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I recognize myself for as much time as I may consume.

I think this is a sad day for the House of Representatives. I think that this is nothing more than a partisan stunt aimed at trying to divert people's attention from the real issue that the American people want to talk about, and that is health care.

The gentleman from South Carolina made it clear the other night when he told the President's Chief of Staff that his behavior was inappropriate, and that is why he was calling to apologize to the President. The President graciously accepted his apology.

And last Friday, none other than the Speaker of the House, herself, said it is time for us to talk about health care and not Mr. WILSON. Now, the Speaker and I don't see eye to eye on every issue, but on this issue I think I am in full agreement with her.

JOE WILSON is a decent human being. He did the right thing. He called the President and apologized, and the President was gracious enough to accept it. And I just believe that a man who has spent 25 years of his life in public service in the State senate and here in Congress, who has four sons, all of whom were in the military, three of whom served in Iraq, we all know JOE WILSON. He is a decent man, and to put him through this on the floor of the House I think is unacceptable and it is a partisan stunt.

There has been behavior that has gone on around here far more serious than this, and it didn't bring a resolution to the floor to condemn someone's behavior.

Yes, people have made mistakes. Some have come down to the floor and apologized, others have not. But none of it, none of it required a resolution. And to think that the precedent that is being set here today, the precedent, think about it, never has this happened before, that we are going to bring a resolution of disapproving of his behavior. My goodness, we could be doing this every day of the week.

The American people sent us here to work together to solve the problems of our country. They didn't send us here to talk about our behavior. They didn't send us here to do that. What they want us to do is to deal with the issue of health care.

The President said we ought to work in a bipartisan fashion to get health care reform accomplished. I agree with the President. I'm here. I'm willing. I'm able. Set the time and the place, and we will be there with our solutions to the health care problems in the country.

But to divert the Nation's attention from the issues they care about, health care, trying to make sure that we get jobs back into our economy, trying to do something about record deficits and record debt, no, no, no, we are not doing any of that. We are here on some witch hunt, some partisan stunt that the American people are not going to respect.

With that, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the rules of the House.

Mr. CLYBURN. Mr. Speaker, I want to first of all say to my friend, the leader, that before coming to this Congress I spent 18 years running a State agency in South Carolina. In those 18 years, I worked for four Governors—two Democrats and two Republicans. Many of you remember that one of those Republicans for whom I worked for 8 years was Carroll Campbell, a former Member of this body. We were good friends. We often consulted with each other in the evenings, but we always respected each other even though we were poles apart politically.

This is not a partisan stunt. I do not participate in partisan stunts, and I think every Member here knows that. This is about the proper decorum that should take place on the floor of the United States House of Representatives.

And I would like to say to the leader, and I think he knows, that he has not represented the facts correctly. On October 23, 2007, a Member of this body, Representative STARK, came to this floor and apologized for behavior, as I read, "I want to apologize to first of all my colleagues, many of whom have been offended," and then he went on to say to the President, to his family, to the troops. That took place on this floor in 2007 on October 23.

Then I would remind the leader on July 23, which incidentally happens to be Carroll Campbell's birthday, on July 23, Chairman Thomas came to this floor and he offered an apology: "Because of my poor judgment, the stewardship of my party as majority party in the House has been unfairly criticized," and he went on to apologize.

And so all we have ever asked is that this body, this House, receive from Mr. WILSON a similar statement of contrition. It is all about the decorum of this House.

And I will reiterate, I have never stood on the floor of this House in my 17 years and participated in any kind of partisan stunt, and I think the other side knows that.

I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield as much time as he may consume to the Republican whip, Mr. CANTOR.

Mr. CANTOR. Mr. Speaker, I thank the leader.

Mr. Speaker, I am having some difficulty understanding how it is that we are on the floor today debating this resolution. I would like to first speak to the claims made by my colleague on the other side of the aisle, the majority whip, in pointing out what are alleged to be precedents for this resolution.

As he knows, those instances that he referred to, whether it be the gentleman from California (Mr. STARK) or the gentleman from California (Mr. Thomas) when they came to the well of this body to speak to our colleagues, it was as a result of conduct displayed, number one, in the case of Mr. STARK, during debate on the floor of this House, and number two, on the part of Mr. Thomas, conduct that took place among members in a committee on which I sit, the Ways and Means, two very distinct situations from the one we have here at hand.

Again, I don't understand how it is a priority that we are here on this particular resolution. The resolution, as has been pointed out, creates no job. The resolution does nothing to do anything to increase access to quality health care. The resolution does nothing to address the issues of national security. Plain and simple, this resolution does not reflect the priority of the American people.

Now, President Obama came to this Chamber last week and he admonished us, Mr. Speaker. He admonished us to stop with the partisan bickering. In fact, he echoed the sentiments that he expressed during his inaugural address when he said, "We may still be a young Nation, but it is time to set aside childish things."

Now, as the leader said, as the gentleman from South Carolina himself said, he admits that what he did was inappropriate. He was on national television indicating he shouldn't have done it. He wouldn't do it again. He also said to the Nation, he called the President. As the leader indicated, the President graciously accepted the apology. I am told the Vice President has also accepted the apology. What more does the gentleman want? That's why I am at a loss as to what this is if it is not a partisan stunt.

So I believe we ought to accept what the President and the Speaker and others have said: Let's get on with the business of the people. Let's try and get over the divide and stick to the course of trying to work on things we agree on, or things that we have a potential to do away with the disagreements, not the partisanship.

Now, this is the bill. This is the famed H.R. 3200, Mr. Speaker, and there are several issues in here the American people have spoken out on.

The first is the claim that we ought to be able to keep what we have if we are talking about health insurance. On page 16 of the bill, there is a section entitled, "Protecting the Choice to Keep Current Coverage." That's what we all are trying to do for the 85 or some percent of this country who has health insurance.

You know what, our side says despite that title, there are provisions in there which begin to require individuals and their insurers to do certain things which make it somewhat difficult if not impossible to allow for folks to keep what they have.

The next issue that is of import certainly to the American people and to this body is the question of access to Federal benefits by those who are here illegally.

Now, the President stood on this floor in this body, Mr. Speaker, and said that he did not believe that there was any access for those here illegally to Federal benefits. In fact, on page 143, there is a section which speaks to the issue that there should be no Federal benefit for those here illegally.

The problem that we have on this side is there is no requirement of verification of legal status. And in fact the White House, in fact Senator BAUCUS and others have since come out and said, You know what, you're right. These are the kinds of things we could be doing right now to try and accomplish what it is that the American people have sent us here to do, and they expect us to do that in a deliberate manner that produces a positive result, which means we all have got to do that living within our means and to ensure that we do not break the bank in passing this health care reform measure.

□ 1645

So I implore this House, Mr. Speaker, let's try and get back to the business of the people.

Mr. CLYBURN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BOEHNER. I am pleased to yield 4 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. I thank the gentleman for yielding, and I rise in opposition to this resolution. I think the facts are clear. Congressman JOE WILSON admitted himself that his actions were wrong and that he shouldn't have done it and that he won't do it again. Mr. WILSON apologized to the President, and that was the right thing to do.

Mr. Speaker, how much longer does this go on? What are we really accomplishing here today? The President accepted Mr. WILSON's apology. Both the President and Mr. WILSON agreed it was time to move on. Just late last week, the Speaker of this House said, "It's time for us to talk about health care and not Mr. WILSON." I couldn't agree more.

Americans expect their elected officials to put aside partisan differences and work to solve the problems that are facing American families. Just last week, we were told, Let's put aside the partisan bickering.

Instead of pursuing this petty partisanship, now is the time to work together on behalf of the American people. Hardworking families back home are worried about the economy. They're worried about losing their jobs. Hardworking American families all across this country want us to stop a government takeover of health care. Let's stop wasting time. Let's focus on tackling the challenges that face our country.

Mr. CLYBURN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I know JOE WILSON. I've worked with him in the halls of this Congress in committees and I have traveled with him to Iraq. A retired Army colonel, all four of his sons followed JOE into military service.

In the 7 years that I have known him, I have never known JOE WILSON to say an unkind word about anyone. JOE is a good and honest man. He is the kind of person who, if he disagrees with you, does it without being disagreeable.

Just as it was wrong for my Democrat colleagues to boo former President Bush in this Chamber, it was wrong for JOE WILSON to speak out of turn. The difference is that JOE WILSON apologized and the President very graciously accepted his apology.

Every Member in this Chamber has uttered words they wish they could have said differently. I know JOE made his comment out of frustration because there seems to be a large gap between health care rhetoric and reality.

What the President said did not match up with the bill that came before the House. This is the same bill that was discussed last month in many town hall meetings across our country. His comment provided Americans with an opportunity to discuss the differences between the bill they've seen and the ideas that the President mentioned in Wednesday's speech.

On the issue of illegal immigrants in health care reform, in three committees here in this very House Republicans offered up amendments to clarify to ensure that illegal aliens would not be included in the health care reform bill. In all three committees, those amendments were resoundingly defeated by my Democrat colleagues.

All Americans heard the President say, If you like your plan, you can keep it. But those words directly conflict with the CBO's findings that cuts to Medicare Advantage plans in H.R. 3200

would result in millions of seniors losing their current plan. That's not keeping the plan that they like.

Further still, we heard the President say that his plan would not add one dime to our deficits. Again, that's contrary to CBO's findings that say that H.R. 3200 would increase deficits by \$239 billion over 10 years.

Mr. Speaker, there's a lot of frustration in our districts and throughout America about H.R. 3200. We need to stop wasting time and get down to the business of drafting a bipartisan health care bill that addresses the needs of all Americans.

Think of how many Americans lost their jobs and lost their health care coverage during this 1 hour of debate that we're having today. We need to get down to the serious business that our constituents sent us here for. That's the very least that we can do. That's our job.

Mr. CLYBURN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, last week, the President came to this House for a joint session of Congress to discuss how we as a Nation will reform health care. The debate over health care has made clear that the American people are actually paying attention to what is happening here.

During the President's speech, our colleague, JOE WILSON, made a mistake—a mistake that I believe was driven by both the substance and the emotion involved in this debate.

Immediately after he made that mistake, Congressman WILSON did the appropriate thing. He immediately apologized to the President. President Obama very graciously accepted his apology.

Mr. Speaker, recently, President Obama made a mistake when referring to actions of the Cambridge police while acknowledging that he did not have all the facts. In the national uproar that ensued, he called it a teachable moment. I thought that was a very human response to an incident that was blown totally out of proportion, in my opinion, and some actually inferred that it had racial overtones.

I think what we have here today, Mr. Speaker, is a teachable moment, and it has nothing to do with race.

JOE WILSON is a patriotic American who has defended our freedom in uniform as well as here in the United States Congress. He is the father of four sons who also served this Nation in uniform to defend our liberty, our freedom, our democracy. And we have all heard JOE WILSON speak on this floor, and he ends every floor statement with the same following words:

God bless our troops, and we will never forget September the 11th.

JOE WILSON simply made a mistake and was forgiven by the person who was harmed by that mistake. Case closed. So why are we here? What can we be taught by forcing a vote on this resolution?

Well, I believe what is going on here, Mr. Speaker, today, is a reflection of the unease among the American people as they have watched this Congress enact a \$700 billion Wall Street bailout, a \$787 billion economic stimulus bill, a \$1.8 trillion deficit, this year alone, placed on the backs of their children and their grandchildren.

They have been watching as Congress works on health care legislation that would fundamentally alter one of the most personal factors in their lives, and that is how to care for themselves and their families.

During the August recess we saw the frustrations of the American people when they came out in large numbers to exercise their rights guaranteed under the First Amendment—the right to free speech, the right to peaceably assemble, and the right to redress their grievances before government. And how were they treated when they did this? Some leaders of this House called them un-American, or an angry mob. All of this for simply making their voices heard.

I understand that democracy is sometimes difficult and it can instill passion. That passion, that love for our Nation and the belief in the idea that every American deserves to be heard is what makes America great. And we who are honored to serve here have a duty to listen.

The acrimony that has developed here is what needs to be stopped. We need to stop and we need to listen to one another. We need to focus on the needs of the people and do the work that they sent us here to do. Most importantly, get our economy moving.

I come from Michigan, where countless of my fellow citizens have lost their jobs and many have also lost their health care. The resolution that we are considering today will not create one job. It will not help one person get health care for their family. It will do nothing to allay the concerns of seniors who are worried about their Medicare. It will do nothing to get our economy moving again. It will simply inflame a debate that should have been over when President Obama accepted JOE WILSON's apology.

We can do better. The American people can do better. And, hopefully, in this teachable moment, we will learn.

Mr. CLYBURN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 4 minutes to the Republican Conference chairman, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I rise today in opposition to the resolution of disapproval of Mr. WILSON. A friend of mine back in Indiana likes to say that Washington, D.C., is 100 square miles surrounded by reality. That never felt truer than it does today.

Think about it. Our economy is struggling, families are hurting, and Congress is poised to demand an apology from a man who has already apologized. Extraordinary.

First, let me stipulate that JOE WILSON is a good man and a man of integrity. He is a devoted husband to his beloved Roxanne, a proud father of four American servicemen.

I have traveled with JOE into some pretty tight spots, like many of my Democrat colleagues have. I have seen his devotion to our soldiers. I have never failed to be inspired by his love for the men and women of this country in uniform, his love of his country, and his constituents.

The Old Book tells us a harsh word stirs up anger. We might have seen a little bit of that last week. In the midst of a highly partisan speech by the President of the United States, JOE made a mistake. Immediately after the speech was over, JOE recognized his mistake and he offered his sincere apology to the President and the President's staff. And he was right to apologize. But it's important to note that, despite his admitted error, the broader national interest was actually served.

The American people didn't send us here just to get along. They sent us here to get it right. Ironically, because of JOE WILSON's outburst, we have been engaged in nearly a week-long debate about what's really in H.R. 3200. In fact, now the American people know there's nothing in the Democrat's bill in the House that requires an individual to verify their identity or citizenship, leaving open the very possibility of undocumented workers receiving health care benefits. This was concurred in by the Congressional Research Service that noted in the absence "of a provision in the bill specifying the verification procedure, undocumented immigrants could receive taxpayer-subsidized health benefits."

If you need any further proof, the White House clarified their position last Friday, stating their support for verification expressly of an individual's citizenship.

Despite the controversy and the sound and the fury, Congress has a shot to get it a little more right than they would have otherwise.

Let me speak, as I close, about the broader issue of bringing this resolution to the floor of the Congress today. I was home in Indiana yesterday. Hoosiers were shocked with the news that one of our most storied companies, Eli Lilly and Company, was announcing 5,500 layoffs.

I was in Evansville, Indiana, in August, on the very day that Whirlpool

announced they were closing a factory and sending more than a thousand jobs out of that city and out of this country forever.

More than 2 million jobs have been lost since the so-called stimulus bill was passed. Fifteen million Americans were out of work. Yet here we are, taking time in the people's House to demand an apology from a man who has already apologized.

The American people want better. The American people want less politics and more jobs. They want Congress to set aside petty partisan politics and come together to take action to get this economy moving again.

I urge my colleagues to vote "no."

□ 1700

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOEHNER. I yield the gentleman 1 additional minute.

Mr. PENCE. Last Wednesday was not a good day in the House, but today is worse. Today we see politics overwhelming this institution. The American people are tired.

So let me say again, without the din of the gavel, I urge my colleagues to vote "no" on this resolution, put attention back on the work that the American people sent us here to perform, and that is to serve the interests of their families and the interests of this Nation with everything we've got. I'm with JOE; vote "no."

Mr. CLYBURN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, over the month of August, when Members were home in their districts, the American people were speaking loudly, and both Democrats and Republicans heard the message, I think, loud and clear. But as we stand here today, I would think the American people are probably looking at us wondering, do they really understand?

The American people are saying enough is enough; enough of the politics here in Washington, enough of the spending, enough of the big government takeover. And yet, here we are on the floor of the House today debating a resolution that should not be here, putting a man's name in the record books of disapproving of his behavior.

The gentleman from South Carolina admitted that he had made a mistake; he called the President and apologized. And yet, here we are on the floor of the House of Representatives debating a resolution describing his behavior. I think it's wrong. And I think we will rue the day that we set this precedent and brought this resolution to the floor.

I would just ask all my colleagues to remember what it is that we're doing here and the precedent that's being set.

It's wrong. So I would ask all my colleagues to do the right thing, to stand up and to vote "no" on this resolution. Let's all respect our colleague who admitted his mistake and apologized. Let's all respect him. And the way that we do that is to vote "no" on this resolution.

Mr. CLYBURN. Mr. Speaker, I would like to close this discussion today using the balance of the time.

Mr. Speaker, the Republican leader earlier referenced the great preacher whose reference can be found in the third chapter of the Book of Ecclesiastes. He said there's a time and a place for everything. I agree with that. I believe very seriously that there is going to be a time for us to discuss health care, a time for us to discuss energy policies, education, and the economy. But Mr. Speaker, the rules of this House provide the vehicle by which we carry out those discussions. If the rules are not honored, if the rules of this House are not there to maintain order, we can never get to these discussions and do so in a way that would make the people of our great country proud.

The gentlelady from Michigan indicated that this is a teachable moment. Yes, it is. This is a time for us to teach—not just by precept, but by example—that which we say to our children, that which we say to our constituents, that there are certain things that you do and certain things that you don't do. And when you do those things that you don't do, the proper thing to do is to show proper contrition, not the way that you may think is proper, but the accepted form of contrition. And the accepted form of contrition when the rules of this body are violated is to come to this floor and to request the apology of these Members. And until that is done, Mr. Speaker, proper contrition has not been made.

My father used to teach me all the time, Son, he would say, The first sign of a good education is good manners. I took that to heart. And I would hope that this body today would demonstrate to all of those schoolchildren who are looking in on these proceedings that we are here to demonstrate what is proper decorum for you to follow in your classrooms. We must here today support our teachers and help them educate our children.

Silence gives consent. We cannot be silent in this matter, because we do not consent to the conduct of Mr. WILSON.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of the Resolution.

Congressman WILSON's outburst was a clear violation of the House rules.

How will we serve as a model of democracy—around the globe, and to our children here at home—if we cannot be the change we seek?

That said—we must focus on the most important issue at hand.

That issue is not the insulting, disrespectful and inappropriate remarks of a single Congressman.

It is the lack of hope for 18,000 people in this nation who die each year for one reason: They lack health insurance.

It is the future faced by my neighbor who chooses between paying for his chemotherapy or paying for his groceries.

The debate over Congressman WILSON's disgraceful remarks does not help one child in Baltimore get treatment for diabetes.

It does not help one senior citizen in Columbia, Maryland, pay for the prescription drugs that Medicare Part D left behind.

This episode has not stopped working, insured Americans from lying awake at night, frightened beyond belief because in the blink of an eye, both their job and insurance could disappear.

Our children are too precious.

Our families are too important.

Our nation is at too critical a crossroads for us to fall prey and be distracted from our goal.

So, I rise in support of this Resolution, not because what Representative WILSON did was reprehensible—though it was—but because all 435 Members have to live by the rules of the House.

I ask that my colleagues join me in support of this resolution and uphold the dignity of this great institution by voting yes.

More importantly, I ask that as soon as we finish this matter, and we join together again, that we finally pass meaningful healthcare reform.

Because nothing could be worse than one more American suffering or dying because they cannot afford the care they need to live.

Mr. GOODLATTE. Mr. Speaker, Representative JOE WILSON's outburst at the joint session of Congress last week was inappropriate. However, Representative WILSON has already apologized for his actions. He was right to apologize, and President Obama graciously accepted his apology. Now it's time to move on to the substance of the health care reform bill.

Even President Obama has called for an end to the partisan bickering over the health care bill. However, with the introduction and consideration of this resolution, it is clear that the Democrat leadership has rejected this call.

A majority of Americans oppose the Government-run healthcare plan that the House Democrat leadership is pushing. However, instead of debating the substance of the bill and addressing the concerns of the American people, it is clear that the majority would rather reopen old wounds with this resolution and divert attention back to an incident that is over.

What is it that the Democrats are trying to divert attention away from? Is it the fact that the non-partisan Congressional Budget Office has declared that their current health care reform proposal, H.R. 3200, "Does not contain any restrictions on noncitizens—whether legally or illegally present, or in the United States temporarily or permanently—participating in the [taxpayer-subsidized health insurance] exchange?" Is it the fact that Republican amendments to make clear that no benefits would be given to illegal aliens were defeated by the Democrats on party-line votes?

Regardless, Speaker PELOSI and the Democrat majority's insistence on demanding an apology from a man who has already apologized is a waste of time at best and a pur-

poseful diversion at worst. The American people deserve better.

We do not have time for these partisan tactics when we should be addressing the grave concerns of the American people about the merits of the current health care reform proposal.

Ms. LEE of California. Mr. Speaker, I rise today in support of this Resolution of Disapproval. As members of the House of Representatives, it is our responsibility to set an example of civility in our deliberations. We have a diversity of views and we do not always agree. But it is incumbent upon us to respect people and their office, even when we disagree with their views.

Representative WILSON's outburst demonstrated a lack of civility and decorum. It set a poor example for those who have entrusted us with this office. It is worth pointing out that this type of behavior has been increasing in recent months throughout the country. We've seen it on display all summer in town halls and in the disrespectful tone reflected by some radio and television commentators. As members of Congress, we must set an example. We must set the standard for respectful dialogue and disagreement.

Today's resolution is an opportunity for us to come together and reject incivility. Let's turn the page.

Ms. MCCOLLUM. Mr. Speaker, last week, in this chamber, the House hosted the Members of the U.S. Senate and the President of the United States.

The President used that opportunity to address Congress and the American people about this country's health care crisis.

During the speech a member of this body shouted a personal insult—rude and disrespectful words—at the President of the United States that violated the rules of decorum of this House and disgraced this institution.

To insult the President of the United States—an invited guest in this House—in such a manner brings shame on this body and all its members.

Disrespect, incivility, and personal attacks have no place in the People's House if we are to get the people's business done.

As a matter of honor, respect, and common decency the representative of the people of South Carolina's 2nd District should stand in the well of the House and apologize to his colleagues for his words and his conduct.

Since the representative from South Carolina has refused to apologize I urge all Members, Democrats and Republicans, to vote in favor of H. Res. 744 and support restoring respect and dignity to the U.S. House of Representatives.

Mr. MAFFEI. Mr. Speaker, It does not promote civility to have a party line vote and spend an afternoon debating whether Mr. WILSON's apology for what he said during the President's address last week is 'good enough.' Clearly, Mr. WILSON thoroughly embarrassed himself. And while I disagree with Mr. WILSON and I strongly support the President, I think we should be moving on and not piling on. As Voltaire wrote, 'I disapprove of what you say, but I will defend to the death your right to say it.' We all agree Mr. WILSON's behavior was inappropriate, now it is time to get back to work.

Mr. CLYBURN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 744 will be followed by 5-minute votes on motions to suspend the rules with regard to House Resolution 317, if ordered, H.R. 22, and H.R. 3137.

The vote was taken by electronic device, and there were—yeas 240, nays 179, answered "present" 5, not voting 10, as follows:

[Roll No. 699]

YEAS—240

Abercrombie	Doggett	Kratovil
Adler (NJ)	Donnelly (IN)	Langevin
Altmire	Doyle	Larsen (WA)
Andrews	Driehaus	Larson (CT)
Baca	Edwards (MD)	Lee (CA)
Baird	Edwards (TX)	Levin
Baldwin	Ellison	Lewis (GA)
Barrow	Ellsworth	Lipinski
Bean	Emerson	Loebsock
Becerra	Eshoo	Lofgren, Zoe
Berkley	Etheridge	Lowe
Berman	Farr	Lujan
Berry	Fattah	Maloney
Bishop (GA)	Filner	Markey (CO)
Bishop (NY)	Flake	Markey (MA)
Blumenauer	Fudge	Marshall
Bocciari	Gonzalez	Matheson
Boren	Gordon (TN)	Matsui
Boswell	Grayson	McCarthy (NY)
Boucher	Green, Al	McCollum
Boyd	Green, Gene	McGovern
Brady (PA)	Griffith	McIntyre
Braley (IA)	Grijalva	McMahon
Bright	Gutierrez	McNerney
Brown, Corrine	Hall (NY)	Meek (FL)
Butterfield	Halvorson	Meeks (NY)
Cao	Hare	Melancon
Capps	Harman	Michaud
Capuano	Hastings (FL)	Miller (NC)
Cardoza	Heinrich	Miller, George
Carnahan	Hereth Sandlin	Minnick
Carney	Higgins	Mitchell
Carson (IN)	Hill	Mollohan
Castor (FL)	Himes	Moore (KS)
Chandler	Hinojosa	Moran (VA)
Childers	Hirono	Murphy (CT)
Chu	Holden	Murphy (NY)
Clarke	Holt	Murphy, Patrick
Clay	Honda	Murtha
Cleaver	Hoyer	Nadler (NY)
Clyburn	Inglis	Napolitano
Cohen	Inslee	Neal (MA)
Connolly (VA)	Israel	Nye
Conyers	Jackson (IL)	Oberstar
Cooper	Jackson-Lee	Obey
Costa	(TX)	Oliver
Costello	Johnson (GA)	Ortiz
Courtney	Johnson, E. B.	Pallone
Crowley	Jones	Pascarella
Cuellar	Kagen	Pastor (AZ)
Cummings	Kanjorski	Payne
Dahlkemper	Kaptur	Pelosi
Davis (AL)	Kennedy	Perlmutter
Davis (CA)	Kildee	Perriello
Davis (IL)	Kilpatrick (MI)	Peters
Davis (TN)	Kilroy	Peterson
DeFazio	Kind	Petri
DeGette	Kirkpatrick (AZ)	Pingree (ME)
DeLauro	Kissell	Polis (CO)
Dicks	Klein (FL)	Pomeroy
Dingell	Kosmas	Price (NC)

Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Rohrabacher  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer

Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Thompson (CA)  
Thompson (MS)

Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Visclosky  
Walz  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

## NAYS—179

Aderholt  
Akin  
Alexander  
Arcuri  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Billbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Delahunt  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Fallin  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)

Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hinchey  
Hodes  
Hunter  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Kucinich  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Maffei  
Manzullo  
Marchant  
Massa  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McDermott  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moore (WI)

Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Taylor  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
McClintock  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## ANSWERED “PRESENT”—5

Engel  
Foster

Frank (MA)  
Shea-Porter

Skelton

## NOT VOTING—10

Ackerman  
Barrett (SC)  
Conaway  
Hoekstra

Lynch  
McHugh  
Sestak  
Tanner

Velázquez  
Waters

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1732

Mr. BRADY of Texas and Ms. MOORE of Wisconsin changed their vote from “yea” to “nay.”

Mr. NEAL of Massachusetts and Ms. KOSMAS changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING THE KANSAS CITY ANIMAL HEALTH CORRIDOR

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 317.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. HOLDEN) that the House suspend the rules and agree to the resolution, H. Res. 317.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONNOLLY of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 312, nays 108, answered “present” 1, not voting 12, as follows:

[Roll No. 700]

## YEAS—312

Abercrombie  
Adler (NJ)  
Akin  
Alexander  
Andrews  
Arcuri  
Austria  
Bachmann  
Baird  
Baldwin  
Bartlett  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)

Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Butterfield  
Calvert  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)

Conyers  
Cooper  
Costa  
Costello  
Crenshaw  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah

Filner  
Fleming  
Forbes  
Foster  
Fox  
Frank (MA)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Goodlatte  
Gordon (TN)  
Graves  
Grayson  
Green, Al  
Griffith  
Guthrie  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hirono  
Hodes  
Holden  
Hoit  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)

Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Mack  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McClintock  
McCollum  
McDermott  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (NY)  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Neal (MA)  
Nye  
Oberstar  
Olver  
Pallone  
Pascrell  
Paulsen  
Payne  
Pence  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Rangel  
Rehberg  
Reichert  
Richardson  
Roe (TN)

## NAYS—108

Aderholt  
Altmire  
Baca  
Bachus  
Barrow  
Barton (TX)  
Billbray  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Brady (TX)  
Broun (GA)  
Burgess  
Buyer  
Camp  
Carter  
Chaffetz  
Coble

Coffman (CO)  
Courtney  
Crowley  
Cuellar  
Culberson  
Cummings  
Deal (GA)  
DeLauro  
Dingell  
Doggett  
Doyle  
Edwards (TX)  
Ehlers  
Flake  
Fortenberry  
Franks (AZ)  
Fudge  
Gingrey (GA)  
Gohmert

Rogers (KY)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (VA)  
Serrano  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (WA)  
Snyder  
Souder  
Speier  
Spratt  
Stark  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (PA)  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Van Hollen  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Watson  
Watt  
Welch  
Wexler  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)

Gonzalez  
Granger  
Green, Gene  
Hall (TX)  
Halvorson  
Harper  
Hensarling  
Hinojosa  
Honda  
Issa  
Johnson, E. B.  
Johnson, Sam  
King (IA)  
King (NY)  
Kingston  
Lamborn  
Latham  
Lee (NY)  
Lewis (GA)

Linder  
Lummis  
Lungren, Daniel  
E.  
Marchant  
Marshall  
McCaul  
McCotter  
McGovern  
McMahon  
Miller (MI)  
Murphy (CT)  
Murphy, Patrick  
Napolitano  
Neugebauer  
Nunes  
Olson  
Ortiz

Pastor (AZ)  
Paul  
Perriello  
Petri  
Poe (TX)  
Price (GA)  
Radanovich  
Rahall  
Reyes  
Rodriguez  
Rogers (AL)  
Rogers (MI)  
Rooney  
Ryan (WI)  
Schauer  
Scott (GA)  
Sensenbrenner  
Sessions

Shadegg  
Sires  
Smith (TX)  
Space  
Stearns  
Stupak  
Taylor  
Teague  
Thompson (MS)  
Thornberry  
Upton  
Waxman  
Weiner  
Westmoreland  
Whitfield  
Young (FL)

## ANSWERED "PRESENT"—1

Obey

## NOT VOTING—12

Ackerman  
Barrett (SC)  
Conaway  
Grijalva

Hoekstra  
Lynch  
McHugh  
Meeks (NY)

Sestak  
Tanner  
Velázquez  
Waters

□ 1744

Messrs. DOGGETT, McMAHON, HARP-  
PER, HENSARLING, KING of Iowa and  
LAMBORN changed their vote from  
"yea" to "nay."

Mr. CHILDERS changed his vote  
from "nay" to "yea."

Mr. PRICE of Georgia changed his  
vote from "present" to "nay."

So (two-thirds being in the affirma-  
tive) the rules were suspended and the  
resolution was agreed to.

The result of the vote was announced  
as above recorded.

A motion to reconsider was laid on  
the table.

UNITED STATES POSTAL SERVICE  
FINANCIAL RELIEF ACT OF 2009

The SPEAKER pro tempore. The un-  
finished business is the vote on the mo-  
tion to suspend the rules and pass the  
bill, H.R. 22, as amended, on which the  
yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The  
question is on the motion offered by  
the gentleman from New York (Mr.  
TOWNS) that the House suspend the  
rules and pass the bill, H.R. 22, as  
amended.

This is a 5-minute vote.

The vote was taken by electronic de-  
vice, and there were—yeas 388, nays 32,  
not voting 13, as follows:

[Roll No. 701]

## YEAS—388

Abercrombie  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley

Berman  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccheri  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell

Boucher  
Boustany  
Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp

Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Gutierrez  
Hall (NY)

Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon

McMorris  
Rodgers  
McNerney  
Meek (FL)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster

Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sutton  
Taylor  
Teague

Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz

Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Wilson (OH)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—32

Akin  
Bartlett  
Barton (TX)  
Boehner  
Brady (TX)  
Broun (GA)  
Culberson  
Duncan  
Flake  
Franks (AZ)  
Heller

Hensarling  
Johnson, Sam  
Kingston  
Lamborn  
Mack  
Marchant  
McClintock  
Neugebauer  
Paul  
Pence  
Poe (TX)

Price (GA)  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Shadegg  
Sullivan  
Wamp  
Whitfield  
Wilson (SC)

## NOT VOTING—13

Ackerman  
Barrett (SC)  
Conaway  
Grijalva  
Hoekstra

Larson (CT)  
Lynch  
McHugh  
Meeks (NY)  
Minnick

Sestak  
Tanner  
Waters

□ 1751

So (two-thirds being in the affirma-  
tive) the rules were suspended and the  
bill, as amended, was passed.

The result of the vote was announced  
as above recorded.

The title was amended so as to read:  
"A bill to amend title 5, United States  
Code, to reduce the amount that the  
United States Postal Service is re-  
quired to pay into the Postal Service  
Retiree Health Benefits Fund by the  
end of fiscal year 2009."

A motion to reconsider was laid on  
the table.

ALLOWING UNITED STATES POST-  
AL SERVICE TO ACCEPT DONA-  
TIONS FOR PLAQUES

The SPEAKER pro tempore. The un-  
finished business is the vote on the mo-  
tion to suspend the rules and pass the  
bill, H.R. 3137, on which the yeas and  
nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The  
question is on the motion offered by  
the gentleman from New York (Mr.  
TOWNS) that the House suspend the  
rules and pass the bill, H.R. 3137.

This will be a 5-minute vote.

The vote was taken by electronic de-  
vice, and there were—yeas 414, nays 0,  
not voting 13, as follows:

[Roll No. 702]

## YEAS—414

Abercrombie  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews

Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin

Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berry

Biggert	Emerson	Larson (CT)	Polis (CO)	Schauer	Thompson (CA)
Bilbray	Engel	Latham	Pomeroy	Schiff	Thompson (MS)
Bilirakis	Eshoo	LaTourette	Posey	Schmidt	Thompson (PA)
Bishop (GA)	Etheridge	Latta	Price (GA)	Schock	Thornberry
Bishop (NY)	Fallin	Lee (CA)	Price (NC)	Schrader	Tiahrt
Bishop (UT)	Farr	Lee (NY)	Putnam	Schwartz	Tiberi
Blackburn	Fattah	Levin	Quigley	Scott (GA)	Tierney
Blunt	Filner	Lewis (CA)	Radanovich	Scott (VA)	Titus
Bocchieri	Flake	Lewis (GA)	Rahall	Sensenbrenner	Tonko
Boehner	Fleming	Linder	Rangel	Serrano	Towns
Bonner	Forbes	Lipinski	Rehberg	Sessions	Tsongas
Bono Mack	Fortenberry	LoBiondo	Reichert	Shadegg	Turner
Boozman	Foster	Loebsack	Reyes	Shea-Porter	Upton
Boren	Fox	Lofgren, Zoe	Richardson	Sherman	Van Hollen
Boswell	Frank (MA)	Lowey	Rodriguez	Shinkus	Velázquez
Boucher	Franks (AZ)	Lucas	Roe (TN)	Shuler	Visclosky
Boyd	Frelinghuysen	Luetkemeyer	Rogers (AL)	Simpson	Walden
Brady (PA)	Fudge	Lujan	Rogers (KY)	Sires	Walz
Brady (TX)	Gallely	Lummis	Rogers (MI)	Skelton	Wasserman
Braley (IA)	Garrett (NJ)	Lungren, Daniel E.	Rohrabacher	Slaughter	Schultz
Bright	Gerlach	Mack	Ros-Lehtinen	Smith (NE)	Watson
Broun (GA)	Giffords	Maffei	Roskam	Smith (NJ)	Watt
Brown (SC)	Gingrey (GA)	Maloney	Ross	Smith (TX)	Waxman
Brown, Corrine	Gohmert	Manzullo	Rothman (NJ)	Smith (WA)	Weiner
Brown-Waite, Ginny	Gonzalez	Marchant	Roybal-Allard	Snyder	Welch
Buchanan	Goodlatte	Markay (CO)	Royce	Souder	Westmoreland
Burgess	Gordon (TN)	Markey (MA)	Ruppersberger	Space	Wexler
Burton (IN)	Granger	Marshall	Rush	Speier	Whitfield
Butterfield	Graves	Massa	Ryan (OH)	Spratt	Wilson (OH)
Buyer	Grayson	Matheson	Ryan (WI)	Stark	Wilson (SC)
Calvert	Green, Al	Matsui	Salazar	Stearns	Wittman
Camp	Green, Gene	McCarthy (CA)	Sánchez, Linda T.	Stupak	Wolf
Campbell	Griffith	McCarthy (NY)	Sanchez, Loretta	Sullivan	Woolsey
Cantor	Guthrie	McCaul	Sarbanes	Sutton	Wu
Cao	Gutierrez	McClintock	Scalise	Taylor	Yarmuth
Capito	Hall (NY)	McCollum	Schakowsky	Teague	Young (AK)
Capps	Hall (TX)	McCotter		Terry	Young (FL)
Capuano	Halvorson	McDermott			
Cardoza	Hare	McGovern	Ackerman	Grijalva	Sestak
Carnahan	Harman	McHenry	Barrett (SC)	Hoekstra	Shuster
Carney	Harper	McIntyre	Berman	Klein (FL)	Tanner
Carson (IN)	Hastings (FL)	McKeon	Blumenauer	Lynch	Wamp
Carter	Hastings (WA)	McMahon	Boustany	McHugh	Waters
Cassidy	Heinrich	McMorris	Clarke	Meeks (NY)	
Castle	Heller	Rodgers	Conaway	Rooney	
Chaffetz	Hensarling	McNerney			
Chandler	Herger	Meek (FL)			
Childers	Herseth Sandlin	Melancon			
Chu	Higgins	Mica			
Clay	Hill	Michaud			
Cleaver	Himes	Miller (FL)			
Clyburn	Hinchey	Miller (MI)			
Coble	Hinojosa	Miller (NC)			
Coffman (CO)	Hirono	Miller, Gary			
Cohen	Hodes	Miller, George			
Cole	Holden	Minnick			
Connolly (VA)	Holt	Mitchell			
Conyers	Honda	Mollohan			
Cooper	Hoyer	Moore (KS)			
Costa	Hunter	Moore (WI)			
Costello	Inglis	Moran (KS)			
Courtney	Inslee	Moran (VA)			
Crenshaw	Israel	Murphy (CT)			
Crowley	Issa	Murphy (NY)			
Cuellar	Jackson (IL)	Murphy, Patrick			
Culberson	Jackson-Lee	Murphy, Tim			
Cummings	(TX)	Murtha			
Dahlkemper	Jenkins	Myrick			
Davis (AL)	Johnson (GA)	Nadler (NY)			
Davis (CA)	Johnson (IL)	Napolitano			
Davis (IL)	Johnson, E. B.	Neal (MA)			
Davis (KY)	Johnson, Sam	Neugebauer			
Davis (TN)	Jones	Nunes			
Deal (GA)	Jordan (OH)	Nye			
DeFazio	Kagen	Oberstar			
DeGette	Kanjorski	Obey			
Delahunt	Kaptur	Olson			
DeLauro	Kennedy	Oliver			
Dent	Kildee	Ortiz			
Diaz-Balart, L.	Kilpatrick (MI)	Pallone			
Diaz-Balart, M.	Kilroy	Pascarell			
Dicks	Kind	Pastor (AZ)			
Dingell	King (IA)	Paul			
Doggett	King (NY)	Paulsen			
Donnelly (IN)	Kingston	Payne			
Doyle	Kirk	Pence			
Dreier	Kirkpatrick (AZ)	Perlmutter			
Driehaus	Kissell	Perriello			
Duncan	Kline (MN)	Peters			
Edwards (MD)	Kosmas	Peterson			
Edwards (TX)	Kratovil	Petri			
Ehlers	Kucinich	Pingree (ME)			
Ellison	Lamborn	Pitts			
Ellsworth	Lance	Platts			
	Langevin	Poe (TX)			
	Larsen (WA)				

purposes, which was referred to the House Calendar and ordered to be printed.

□ 1800

#### GENERAL LEAVE

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 744.

The SPEAKER pro tempore (Mr. MASSA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 648.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2480

Mr. LANCE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2480.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### THE WAR IN AFGHANISTAN

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, today the Chairman of the Joint Chiefs of Staff, Mike Mullen, told Congress that he needed more troops to succeed in Afghanistan. He's probably right, just like Army Chief of Staff Eric Shinseki was right when he said we needed more troops in Iraq.

But just as we failed to ask the tough strategic questions about Iraq, it is my sincere belief that we are now failing to ask the tough strategic questions about Afghanistan.

Colin Powell said, "When we go to war, we should have a purpose our people understand and support."

Do we have that today in Afghanistan? Every time we send a young American over for a tour of duty, we are deciding to go to war over and over again. The question is, Does the American public understand and support that decision? Do we as a body understand and support the long-term strategy behind the war in Afghanistan? Or has the people's House gone on autopilot, deciding to debate only numbers and not the bigger questions of why,

□ 1759

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3246, ADVANCED VEHICLE TECHNOLOGY ACT OF 2009

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-255) on the resolution (H. Res. 745) providing for consideration of the bill (H.R. 3246) to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3221, STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-256) on the resolution (H. Res. 746) providing for consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other

how, and when this Nation should go to war?

#### HONORING THE 15TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN ACT

Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am here to support House Resolution 738, honoring the 15th anniversary of the enactment of the Violence Against Women Act.

Violence against women is one of the world's most widespread human rights violations. It is a pandemic that can be stopped, but it requires dedicated political will and resources. As long as women across the globe continue to struggle to break through the shame and silence that surrounds the violence, we must continue to put it on every national and global agenda.

Violence against women fractures communities, devastates lives, and robs the gifts and potential of millions of women and girls. It is an issue that demands our utmost attention and our undivided priority.

Together we must continue our efforts to end this scourge on society and turn violence against women into an extinct crime rather than a global pandemic. Only then will women be able to live free of violence, which is a fundamental human right.

#### HISPANIC HERITAGE MONTH

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker and distinguished colleagues, the rich heritage of our Hispanic citizens has enriched the fabric of our culture since before there was a United States of America. From the old Spanish forts of Florida to today's vibrant communities of East Los Angeles in my own district, Latino culture has been, and continues to be, an important part of our national identity.

Our diversity is the key to our strength, and America would not be the great Nation it is without the passion, ingenuity, and perseverance of the millions of immigrants who have come to our shores looking for a better life.

The values of our Hispanic communities, those of hard work, strength of character, commitment to family and country, are also American values. And today the entrepreneurial spirit of our 47.5 million Hispanic Americans is an integral part of our economic recovery.

So I ask my fellow colleagues to join me today as we recognize the beginning of Hispanic Heritage Month and to stand proudly with me in acknowledging that the Hispanic Dream and the American Dream are one and the same.

#### HONORING MAYOR BILL WELCH

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to honor a man who was an example of what was the best of what is journalism and politics. Mayor Bill Welch of State College, Pennsylvania, passed away September 4 at age 67. In 2002 Welch was named Penn State's Renaissance Man of the Year, and I believe that title may be one of the best descriptions of the man.

After his 1964 graduation from Penn State, he became a reporter for the Centre Daily Times. He went on to become news editor, managing editor, and editor. A reporter from the newspaper quoted Welch as saying: "Commit to something greater than yourself. Do not shy away from differences. Seek them out." His work at the paper reflected that thought.

He went on to run for borough councilman and was elected mayor in 1994. He wore a signature panama hat and carried humor, intelligence, selflessness, and goodwill to everything he tried. Welch ran unopposed for the Democratic nomination for mayor in this year's primary and won the Republican nomination through write-ins. That probably sums up his command of politics.

At a time when parties are polarized, Welch was a man of the people. And he will be missed.

#### AUDITING THE FEDERAL RESERVE IS LONG OVERDUE

(Mr. GRAYSON asked and was given permission to address the House for 1 minute.)

Mr. GRAYSON. Mr. Speaker, it was announced earlier today that there will be a hearing on H.R. 1207, the bill to audit the Federal Reserve Bank. This will be the first independent audit in the Federal Reserve's 96-year history, and it's long overdue.

Months ago I asked the Vice Chairman of the Federal Reserve, Who received the \$1 trillion in funds that the Federal Reserve has handed out to domestic institutions?

He said, I'm not going to tell you.

Then more recently to the Chairman of the Federal Reserve, I asked him, Who received the half trillion, and we're talking about \$500 billion, that the Federal Reserve handed over to foreign central banks? Whom did they disseminate that money to?

And he said, I don't know.

Half a trillion dollars and he doesn't know.

It's long overdue. We need to audit the Federal Reserve, and I am happy to say that we're going to have a hearing on that very soon.

#### LET'S GET BACK TO THE BUSINESS OF CONGRESS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, over the past several years we repeatedly hear politicians during debate using increasingly harsh words. Verbal attacks are rewarded with sound bites on the evening news and a bump in polling numbers, public profile, and fund-raising. Then like Pavlov's dog, we salivate at the next opportunity for a verbal attack. But to what end?

If there is anywhere that decorum in debate has a place, it is in the Chamber of the House of Representatives, with respectful discourse. When we focus only on the anger, we lose legitimacy as thoughtful legislators. We are tasked with maintaining a standard of cooperation and civility rather than insult and hostility. Both sides, both parties, all of us, must focus on changing for the better and set the example for our country, for the public, and for our people.

During this session of Congress alone, over a dozen resolutions have been brought up to attack, embarrass, and deride Members of Congress. In the meantime our Nation is faced with unemployment in record numbers, an ailing stock market, a health care crisis, growing debt, and two wars. That is the work of Congress. That is what the American people want us to address. Anything less is unacceptable. Period.

Let's all stop the name-calling and shouting. We've got work to do.

#### RECOGNIZING CHILDREN'S HOSPITAL OF MINNESOTA

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, as part of Children's Cancer Awareness Month, I rise to call attention to the innovative work of Children's Hospitals and Clinics of Minnesota.

Each year in the United States, there are approximately 12,400 children who will develop cancer before their 20th birthday. Children's Hospital is helping to combat cancer by embracing a simple motto: "better journey, better outcomes." They believe that the more you can help a child by simply being a kid during treatment, the more likely the cancer will be defeated.

Children's Integrative Medicine Program treats children dealing with all types of illnesses and injuries, bringing together the best therapies to help kids and their families. Most importantly, Children's gets results. Their treatment results are consistently among the best in the Nation.

Finding out a child has cancer is a terrifying moment for any family. I am proud to recognize that an institution

that is working so hard to bring new approaches and a unique philosophy to families facing this terrible disease is successful in helping children get back to living their lives cancer-free.

#### TIME TO GET DOWN TO THE BUSINESS OF CONGRESS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I just heard my friend from Pennsylvania (Mr. TIM MURPHY) talk about the business that really does involve the House, involve the Nation, and really the world, and it's time to get down to business, stop the name-calling, and proceed with the difficult chores we have at hand.

I couldn't agree with him more, and I thank him for his 1-minute.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### COUNTRIES REFUSE TO TAKE BACK LAWFULLY DEPORTED FOREIGN NATIONALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, America needs to do a better job of protecting our borders. It is the job of the Federal Government to do so. And the Federal Government must do a better job of keeping criminals out in the first place.

The Federal Government needs to make sure we deport foreign nationals after they have served their time and after they've been convicted in American prisons.

But there is a problem and let me explain. Right now foreign nationals who commit serious crimes in our country and are convicted and go to our prisons, while they are in prison, they are lawfully deported by our immigration judges. That's a good thing. And after they have served their time, of course, it's time for them to go back to where they came from.

But right now there are several countries that won't take back lawfully convicted foreign nationals. Those countries are Vietnam, Jamaica, China, India, Ethiopia, Laos, and Iran. These countries won't take back their convicted criminals. These individuals are really people without a country. So what happens to them? Because they have served their time in our Federal and State prisons for felonies, they are actually released back into our com-

munities. They are people without a country.

Right now there are over 160,000 of these criminal aliens roaming our Nation and our streets. These people have been lawfully deported after they've served their prison time, but their home nation refuses to take them back.

So I am introducing legislation that will plug up this loophole. My bill will make it a lot more likely they will go back where they came from. This bill says that any country who won't take back lawfully convicted foreign nationals who have been deported will lose foreign aid. But China, for example, doesn't receive foreign aid; so what will happen to China is they will not receive legal visas for their citizens to come into the United States.

□ 1815

No more student visas for China if they won't take back their convicted criminals that have been deported. None whatsoever.

The current law says the State Department may deny visas under these circumstances, but the State Department seems to refuse to send individuals back to their lawfully deported countries because, I guess, China, for example, is a trading partner and they don't want to hurt the feelings of China.

My bill won't allow the State Department to ignore that portion of the law. Therefore, it will be mandatory. If they refuse to take back convicted foreign nationals, that nation will lose the right to come here legally. We need to make sure that these individuals don't come here in the first place, especially the criminal element. All sorts of dangerous things are coming across our wide-open borders. The possibilities are endless for what could be just walking across our southern border.

We know about the human and sex trafficking, the drugs, the guns, the dirty money and the like. But what about chemical and biological or nuclear materials? Do we know? Well, we really don't know. We live in a dangerous world, and the criminal cartels that run loose on the southern border to me are just as dangerous to this Nation as the Taliban, and they are just as ruthless. Right now, they are in our own backyard.

In Texas, we are doing what we can on our own. Last week, the Governor of the State sent the Texas Rangers down to the southern border. They are being deployed in high traffic, high crime areas. The Governor has asked the National Guard to support the Texas Rangers. The Highway Patrol, the Department of Public Safety, aviation resources, and the Texas sheriffs are all part of this team to prevent the criminal element from coming into the United States. But our local law enforcement is overwhelmed, so the Fed-

eral Government needs to get its priorities straight.

Recently, at one of my town halls in August, talking about health care, an individual showed up and people in that town hall recognized who he was. His name was Ignacio Ramos. He and his wife, Monica, came just to appear at that town hall. When individuals in that town hall saw who he was, they stood, Mr. Speaker, for over 5 minutes and applauded the work of Ignacio Ramos and his partner and the work that they had done on the southern border of Texas. He and his partner, Jose Comean, were U.S. Border Patrol officers jailed for shooting a Mexican drug dealer. Their sentences were commuted, and properly so, by the prior administration. But it shows, Mr. Speaker, that our Federal Government doesn't have its priorities in order. They have them backwards.

One of the few things that our Constitution actually requires the Federal Government to do is to protect the national security of this Nation. Border security is a national security issue, and foreign criminals that have committed crimes in this Nation and been lawfully deported should be sent back home. We should do the obvious things first when it comes to national security. If a foreign national commits a felony in the United States and is deported but the home nation refuses to take back its outlaw, that country should lose foreign aid and the legal right to have its citizens come into the United States under our visa program.

And that's just the way it is.

#### THOROUGH INVESTIGATION OF ACORN WARRANTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I am only going to speak for about a minute because I am going to be a little bit redundant.

The last couple of nights we have been talking about the ACORN organization. The ACORN organization over the past couple of decades got, you know, 30, 40, 50 million dollars for their services, quote/unquote. Now in the last authorization and appropriation bills, they have gotten \$8.5 billion, and this is an organization in just the last couple of weeks we found has been corrupt. They have been extolling the virtues of setting up a prostitution ring with young women coming into the country or being brought into the country illegally. And it is caught on television. It is caught on tapes.

It is really tragic that an organization like that should have any amount of legitimacy, let alone get taxpayers' dollars.

Tonight, I come here for a minute to say we need a thorough investigation

of ACORN and why they have been authorized to get up to \$8.5 billion in taxpayers' money for the services that they perform. There is something funny going on here, and a lot of my colleagues on the other side of the aisle have been reluctant to move towards an investigation. And the White House hasn't said much about this. I think probably because the President was the beneficiary of a lot of support from the ACORN organization when he was running for President.

Nevertheless, this should be investigated very thoroughly. We should not have a corrupt organization, known to be corrupt, proven to be corrupt. You see it every night on television. We should make sure that they don't get one dime of taxpayer dollars, and since they have been getting this money and we have authorized \$8.5 billion more for them to be able to utilize, there needs to be an investigation.

Now, the leader, the Republican leader of the House, has authored a letter which has been signed by many Members of the minority. I would urge Members on the majority side of the aisle to join with us in signing that letter requesting an investigation. This is something that should be done. It should not be postponed. We should get to the bottom of why ACORN got this money and why they have been doing what they have been doing.

#### PRAYER IN THE UNITED STATES OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, on Thursday of this week in the United States District Court of Northern Virginia, in Florida, Pensacola Division, a principal who served his school district for 30 years and an athletic director who served them for 40 years in a little school district in Santa Rosa County will be carried to a hearing in Federal court.

So why did over 60 Members of Congress today sign the letter standing with that principal and that athletic director and against this Federal judge? Why is it different than so many other cases? Why is it special? Because, Mr. Speaker, it is one of the first times we have literally had the potential for the criminalization of prayer in the United States of America.

What was the big crime that this principal and athletic director did? What was the great offense? This school principal, with 30 years of service, asked the athletic director of the school, who had 40 years of service, to offer a blessing before a meal that was being held for private donors to the school's athletic program.

The Federal judge for this court has set a date for this Thursday, sug-

gesting that they could be punished with a \$5,000 fine, 6 months in prison, and the revocation of their retirement benefits. Why? Because one of them prayed. Why? Because one of them asked for the prayer. In fact, under the order issued by this judge in this court, this principal would not have been able to ask the President of the United States to speak at the school if the President concluded his speech, as he often does, with the phrase "God bless America."

If this action is allowed to stand, make no mistake, there will come a day when the Speaker of this House will be hauled into Federal court and threatened with jail because she dares to stand at that podium where you stand tonight and ask our chaplain to start our day with the prayer.

If this case stands, there will come a day when that chaplain is carried to court and threatened with jail because he offers that prayer he is asked to offer.

How far we've come from the day when 56 of the greatest Americans ever birthed pledged their lives, their fortunes, and their sacred honor to defend a set of rights that ultimately gave us the right to stand on this floor tonight, a set of rights that have guided this Nation through darkness and through the light. But most of all, a set of rights given to us by the very Creator, the mention of whom by this principal or this athletic director could now lead them to a jail term.

Mr. Speaker, tonight we need to ask how far we have come. And if we do, the answer is clear: Too far. It is time for Americans to simply say enough is enough.

#### PRAYER IMPORTANT PART OF OUR SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, prayer has been an important part of our country since the founding of our great Nation, and attempts to take prayer away from the American people are attempts to take away the essential freedoms that have been guaranteed to every American since the beginning of our United States Constitution.

I thank Mr. FORBES for bringing this to the attention of this body, and I share his shock, I share his dismay that criminal charges were brought on behalf of Mrs. Winkler, Mr. Lay and Mr. Freeman for the simple act of engaging in prayer.

As the court explained in Santa Fe, not all religious speech that occurs in public schools or at school-sponsored events is speech attributable to government. There were no students present at either event.

Additionally, the court held the proposition that schools do not endorse ev-

erything they fail to sponsor is not complicated. The Supreme Court held that "there is a crucial difference between government speech endorsing religion, which the establishment clause forbids, and private speech endorsing religion, which the free speech and free exercise clauses protect."

In no way were these individuals trying to associate the school with prayer. They were offering the prayer, one at a privately funded event, the other at an event with private donors. The court held that "private religious speech, far from being a First Amendment orphan, is as fully protected under the free speech clause as secular private expression."

Teachers and administrators, when they act in their official capacity, may not encourage or discourage or participate in prayer with students. However, teachers may take part in religious activities before or after school or during lunch since the context makes clear they are not acting in an official capacity. Although schools may not direct or endorse religious activities, students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

Mr. Speaker, the problem is that this displays a trend and a tendency that we are seeing where groups like the ACLU strike at one school district after another, one public display of religious expression after another, until they have reached their ultimate goal, which is to purge the marketplace of ideas of any semblance of religious expression. At that point, Mr. Speaker, we will have turned the First Amendment on its head, and the Founders in turn will be rolling in their graves.

#### PACE HIGH SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, there is trouble brewing in the small community of Pace, Florida, a community of less than 8,000 people just south of my hometown, and full of hard-working Americans where I believe a Federal judge has gone well outside the bounds of the Constitution to declare that prayer offered among adults is illegal. That's right. The judicial branch is once again trying to act like the legislative branch, and in doing so is hindering the First Amendment rights of Americans.

Mr. Speaker, I am not a lawyer and this is not a courtroom, but as a Member of Congress, I swore to support and defend the Constitution of the United States. And so help me God, that is what I intend to do.

The facts of the case in *Does v. School Board of Santa Rosa County* are

clear. The Federal district court, without a hearing, issued an injunction preventing any school employee from promoting or facilitating prayer at any school-sponsored event. That action alone tramples upon the First Amendment rights of a specific group of people, denying them the equal protection that is provided under the very Constitution that we believe in.

The same Federal district court has now gone on to prohibit all employees from engaging in prayer or religious activities. The same court now thinks that Pace High School Principal Frank Lay and Athletic Director Robert Freeman violated this injunction at a private event with zero student participation. That the court would somehow consider this action to be criminal behavior is simply unconscionable.

However, Frank Lay and Robert Freeman now face criminal contempt charges for praying before a meal that was to be shared. All of this despite the fact that the Supreme Court itself has found that the free speech clause protects private religious speech. The Supreme Court has further gone to find that not all religious speech that occurs in public schools or at a school-sponsored event is attributable to the government.

As lawmakers, we cannot sit idly by and let this happen. As Members of Congress, we must act to uphold the Constitution. And as Americans, we must fight to ensure that our rights to freedom of religion and freedom of speech are not taken away.

America is a Nation of principles. We can sit here all night and argue about whether we are a Nation of Judeo-Christian principles or of secular principles. But the fact is that our Constitution protects all Americans and a court has no place deciding that some Americans do not warrant those protections. The Founding Fathers would be appalled, and I certainly am as well.

□ 1830

#### FREEDOM OF PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to address an issue that Americans from the time of our Founders found fundamental in the forming of our country. That issue is the freedom of prayer as it relates to that right as defined under our Constitution in Amendment 1, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Tomorrow, in the State of Florida, two men, including the Pace High School principal and athletic director, face criminal contempt charges for prayer offered at a fieldhouse luncheon

for private contributors in which no students were present.

The right to practice religion is among the most fundamental of the freedoms guaranteed by the Bill of Rights. While this right is guaranteed through our Constitution under the legislative authority and responsibility of the legislative branch, it was the judicial branch and judges, I would argue, without constitutional authority, legislating from the bench, that imposed an unconstitutional infringement on the rights of teachers, administrators, and students to free exercise of their religion.

This outrageous action was driven by a lawsuit filed by the ACLU against the Santa Rosa County School District, claiming that some teachers and administrators were endorsing religion in their schools. The school district entered into an agreement without any legal argument that prohibited prayer at all school-sponsored events and even prohibited all employees from engaging in prayer. Prohibited individuals from praying.

Principal Franklin Lay and Athletic Director Robert Freeman offered a prayer. The prayer was offered innocently, without intent to violate the order, and they didn't do it to take a stand against the order. They did not realize the order applied to them in such a way—a prayer before a meal at an event with private contributors in which no students were present.

The U.S. District Court initiated criminal contempt proceedings and the two men face potentially fines, jail time, and loss of their retirement benefits for exercising a right guaranteed under the Constitution.

Mr. Speaker, this is wrong. I stand with Principal Lay and Athletic Director Freeman to their right granted under our Constitution in Amendment 1 to freely exercise their religion and specifically to pray.

Mr. Speaker, I pray that we return to a time when our constitutional right to pray is honored, recognized, and, at the very least, not criminalized.

#### DANGEROUS WORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, this body today has voted by a majority to disapprove of JOE WILSON's comment. It is important to always take things in context. And, in reviewing the context, we have to notice that we had a President of the United States for whom we pray as Christians. We're supposed to do that—and we do. And we respect the office. And he was not happy with the way things were going with regard to his health care proposal.

The American people seemed to have made pretty clear through August this

was not something they wanted. So the President basically demanded to come into this House. Well, he can't come unless he's invited—an invited guest. So an invitation was issued because he wanted to come speak. And he did.

Now there are rules about proper decorum in here, whether you're an invited guest or whether you are a Member of Congress. But, as Members, this is where our voters voted to send us. So we're supposed to be here.

The President came in. And the truth is, I really had mixed emotions because I knew that on Monday the President had taken a shot and actually used the L word. He had said that—actually, his words were, "You've heard the lies. I've got a question for all those folks. What are you going to do? What's your answer? What's your solution? And, you know, what? They don't have one."

Well, it was not appropriate to say that we were lying about the proposal when we have taken the only proposal that we have, H.R. 3200, and read from it, and then we're told we're lying about the content and we have no solutions.

Well, I would never say the President was lying when he said no solutions because that would infer that he knew that what he said was not true. Whoever put that line in his teleprompter should know that it's not true, but I won't attach that to the President.

But you look at the speech. We heard the speech. He said, "Instead of honest debate, we've seen scare tactics." We're dishonest because we take the thousand-page bill and read from it, and that's dishonest? That's scare tactics?

We're told by the President in our House that we're trying to score short-term political points, even if it robs the country. Now we're robbing the country, trying to score short-term points.

He goes on. That's not enough to come into somebody else's house as an invited guest, and he talks about all the misinformation. So we're spreading misinformation, he says.

He goes on, the very next paragraph, he's talking about our bogus claims spread by those who want to kill. Now we're robbers and killers. And then he laps at the prominent politicians for being cynical and irresponsible. And, yes, immediately before JOE WILSON spoke, he used the L word, said, It's a lie, plain and simple.

Those are dangerous words to be saying things like that and to come in and be poisoning this well. He had poisoned the American people, talking about lies on Monday. He comes in here and talked about a lie here. He goes on to say we're making wild claims. These were his words. And then talks about our demagoguery and our distortion, talks about our tall tales.

Then, a surprise. He says, When facts and reason are thrown overboard, we can no longer even engage in a civil

conversation. He talks about acrimony. And that's the context of JOE WILSON's comments.

That's no way to act, Mr. Speaker, when you're invited into somebody else's house and you come in and use all these words to slander them. That wasn't being very nice.

#### SANTA ROSA COUNTY SCHOOL DISTRICT SCHOOL PRAYER CASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. I want to add to the comments of my colleagues to briefly discuss a court case that may have ramifications for the constitutional rights of religious expression of all Americans.

On August 27, 2008, the ACLU filed a complaint against the Santa Rosa County School Board in Florida, seeking to enjoin the parties from endorsing and engaging in religious activities, including prayer.

The school district consented to an agreement prohibiting prayer at school-sponsored events. The school district then entered into a broader agreement prohibiting all employees from engaging in prayer or religious activities.

Michelle Winkler, a clerical assistant in the Santa Rosa County School District, attended a privately funded event to honor non-instructional employees in the school district. She asked her husband, who's not an employee of the district, to read a prayer that she had written, and was charged with civil contempt of court.

Pace High School Principal Frank Lay and Athletic Director Robert Freeman were charged with criminal contempt for a prayer offered at a luncheon to honor private contributors to the school's athletic program. There were no students present at either of these two events.

In 2003, the Secretary of the Department of Education issued "Guidance on Constitutionally Protected Prayer in Public and Elementary and Secondary Schools." These guidelines state that public school officials must be neutral in their treatment of religion, showing neither favoritism nor hostility.

The Supreme Court held that "there is a crucial difference between government speech endorsing religion, which the establishment clause forbids, and private speech endorsing religion, which the free speech and free exercise clauses protect."

The court also held that "private religious speech, far from being a First Amendment orphan, is as fully protected under the free speech clause as secular private expression."

In its Santa Fe ruling, the court explained that not all religious speech that occurs in public schools or at

school-sponsored events is speech attributable to the government. Additionally, the court held that "the proposition that schools do not endorse everything they fail to censor is not complicated."

Although schools may not direct or endorse religious activities, students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

Yes, teachers and administrators, while acting in their official capacity, may not encourage, discourage, or participate in prayer with students. However, teachers may take part in religious activities before or after school or during lunch, as the context makes clear they are not acting in an official capacity.

The circumstances involved in this case have unmasked the agenda of the ACLU. Students were not present in either event, yet contempt charges were brought against all parties. Mrs. Winkler was targeted for a prayer that her husband read, even though he was not an employee of the school district.

Mr. Lay and Mr. Freeman face penalties of 6 months in jail and loss of their retirement benefits for an innocent prayer said before a meal at which no students were present.

America was founded on the principle of religious liberty, and the constitutional protection of this right does not stop when they enter the doors of our public schools.

The ACLU is targeting small counties, towns, and school districts, not in an effort to protect against establishment clause violations, but to stifle religious expression.

As John F. Kennedy said during his inaugural address, "The trumpet summons us again to bear the burden of a long twilight struggle." He spoke of foreign enemies who posed a threat to our Nation's freedoms, but this case shows that this threat has become a reality here at home.

#### THE MAJORITY MAKERS: WHAT WE DID ON OUR SUMMER VACATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. YARMUTH. Mr. Speaker, it's a great honor to be here tonight to join with at least one of my colleagues from the class of 2006, the Majority Makers, to discuss the theme: What we did on our summer vacations.

As everyone knows, it has been a very fascinating few months, as we in Congress and people throughout the country have talked about how we can solve one of the great problems that this country has been trying to deal with for generations, and that is a

health care system that serves every one of its citizens.

I, like all of my colleagues in the House, have spent the greater part of August talking with my constituents. We have had town hall meetings, we have had telephone town hall meetings, we've met with groups, we've met with providers, we've met with individual citizens to talk about the problems facing Americans—the challenge of finding quality, affordable health care for every citizen.

I think what was most revealing to me as I spent all of this time talking about health care with my constituents is how receptive they were and are to comprehensive health care reform once they understand, first of all, the need for reform; secondly, the direct benefit to them and their families of the reform that we're proposing in the House; and, third, the relevance of health care to our economic future.

□ 1845

President Obama, in this Chamber last Wednesday night, discussed those very themes, and he did it in a very compelling way. I think anyone who watched that speech would have to have left it feeling, one, we can wait no longer to make major reforms in our health care system, that the trajectory that we're on now is an unsustainable one, that we are facing extraordinarily high costs for insurance, we are facing extraordinarily high deficits in Medicare, and that we have to act now in order to mitigate the disaster that we face if we don't act.

Secondly, the absolute challenge—and I think the national shame—that we have that 18,000 Americans die every year because they don't have health insurance or access to care, the absolute shame in this country that almost 1 million people are forced to file bankruptcy every year because they either have no health insurance and are facing enormous medical bills or they have inadequate health insurance, that even though they had it, it was not sufficient to pay for the cost of their care.

I mean, this is not what should happen in the wealthiest country in the world, a country that has met every challenge it has faced in its 220-year history. I think the President clearly defined that challenge for us last Wednesday night.

And then there is the question of how this all relates to our economic challenges, the fact that employers who are now insuring, at least partially, 160 million of our citizens are going to be facing such high costs—they face them now, and even higher costs in the future—that their ability to compete in the global economy is severely impeded because of these high insurance costs. We have enormous challenges in this area. And again, once I met with citizens and was able to discuss with them their situations and their challenges

and how what we're proposing to do in the House would address them, they change their opinions almost instantaneously.

And I just have to relate one story which was extremely meaningful to me. I was at what's called a "district dialogue" one of our metro council members in Louisville put on. And there were 35 or 40 citizens there to address issues with him. I was invited as a guest. And when I walked in the room, I would say that the body language that I saw was, to put it lightly, very cold. And they were very skeptical because they knew I was going to talk about health care.

Well, I spent 1 hour and 15 minutes there explaining the need for reform, the cost of doing nothing, the benefits to citizens with and without insurance, and answering all their questions about our legislation in the House and many of the myths that had developed around it. And I will never forget one couple sitting down to my left. At the beginning of the meeting, the husband asked me a very challenging question—wasn't quite hostile, but it was very challenging, and you could tell that he was extremely skeptical about what we were trying to do here. And I answered the question very respectfully and factually.

About 10 minutes later his wife said, Congressman, let me tell you about our situation. We're 55. Eight months ago, my husband lost his job and we lost our insurance. We finally got insurance; it cost us \$750 a month. So they're paying \$8,000 a year, after-tax income, unemployed, \$8,000 a year. She said our deductibles, our copays are very high. And 2 weeks ago, my husband had to go to the emergency room, I had to take him. Our bill was several hundred dollars and our insurance policy wouldn't pay for it.

And I said, Ma'am, you are exactly why we're doing this reform measure. You are one of the case studies about what's important about what we're doing, because there are so many people in your category, middle-aged individuals who lost their jobs who really can't afford the insurance that's available to them, if it's available at all, in the individual private market. And while you're paying \$8,000 now, under our proposal you would probably pay something like \$2,000 a year. You could never be denied coverage because of a preexisting condition. If, heaven forbid, you got a serious illness, the insurance company couldn't take your benefits away.

And I went through the list of all these ways in which our plan would help this couple. And she looked at me and said, Wow, that sounds pretty good. And that's what I found throughout our community when I talked about health care.

And it was very gratifying as we went through all of these meetings and

we encountered hostility, we encountered passion, we encountered a lot of people who are frustrated at a lot of the things that are going on in the world. But when it boiled right down to it, when you talked about what this plan that we're considering in the House would mean to them, their objections seemed to melt away. And I think they began to believe, for the first time probably, that we were truly working to help them and not to in any way harm them or take away what they have.

So I thought my summer vacation was terrific in that regard because I know I was reassured that we are on the right path, that the American people are receptive to the type of reform we're trying to provide. And I'm energized and look forward to the next few months when we actually refine our legislation and bring a package to the floor and hopefully deliver one to the President that will accomplish what we've been trying to accomplish—again, for generations—and that is to provide security and stability in the health insurance lives of every American.

With that, I take great pleasure in introducing my colleague from the class of 2006 from Colorado, the great State of Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank my friend, Mr. YARMUTH.

And I want to follow up on that. The last few months, in Colorado as well as every place else in the Nation and other places in the world, we've been talking about how do we finance health care? How do we finance it in Colorado, in Kentucky, wherever it might be? But that subject really leads to so many other conversations because the health care system touches every life in America, 300 million plus people.

And I can tell you from the Perlmutter family, from my family, the passion really has been evident because there are some things in the system that are broken and we have to fix them. There are some things in the system that are working, but they can be better. And we need to do this in a way that's affordable to all Americans.

Let's start with what's broken, because that's something that affects my family and I know thousands and thousands and thousands of families across the country, and that is the discrimination that is suffered by people with prior illnesses. One of my kids has epilepsy. And if she doesn't have a job where there is group health insurance she is going to be denied coverage or be placed in a situation where the cost of her health care is going to be way beyond her means. Thank goodness she has a job where there is group health insurance, but if she were ever to leave that job or lose that job, she would be in trouble.

And she's like so many other people around the country who face this dis-

crimination—and from my point of view, that discrimination is just wrong, and it's probably unconstitutional under the 14th Amendment to the Constitution, which guarantees all of us equal protection of the laws of this great country.

So there's a place where we really have a problem in the health care system where people who have prior illnesses, prior conditions, can't get coverage or they can only get coverage at prices that are out of sight.

Now, I don't fault the insurance companies on that; they're insurance companies, and they want to insure individuals and people who aren't sick. I don't blame them, that's how insurance works. If you insure somebody who is sick and you know it's going to cost you, then that doesn't help the shareholders and that doesn't help the company as a whole. But that is what's wrong with this, and that's why we've got to change it.

I compliment the President and the Members of this House who have had the guts to step up and deal with this issue because it is a major issue and a major change to policy that we have here in the United States, which is to cover people with prior illnesses. That's number one. And I can tell you, in my district in Colorado, almost everybody thinks that that needs to be changed. So we're dealing with something that is fundamentally wrong within the system, and it's something that almost every family can understand and relate to because they either have somebody within the family or they have a close neighbor or friend who has some kind of illness, number one.

Number two, we've got to fix something that every small business and individuals are seeing, and that is the increase in premiums year after year, and deductibles increasing so that the cost of your health insurance just keeps going up without any end in sight. And so we're trying, as part of this legislation, to put some restraints on this so that we slow these increases down so that businesses and individuals can afford insurance.

This is part of the menu, the choices that we want to bring as part of the legislation so that there is competition and choice and availability to small businesses and to individuals so that they can acquire insurance so that, God forbid, something bad happens medically or within the health of their family or their employees, that there's coverage.

So we're trying to deal with two very fundamental problems with our health care system today: One, denying people or discriminating against people with prior illnesses; and two, trying to put some lid or restraint on the ever-increasing premiums that we see to small businesses and to individuals so that they have a place they can turn to get

insurance that isn't going to break them in half.

Now, we can improve things that are working. And one of those places where we really do have some great success stories and we can build on those is in the research that the country and our medical universities are conducting throughout the Nation. We are on the cusp of some tremendous breakthroughs when it comes to heart disease and cancer, two of the things that are so expensive to both individuals and businesses and the Nation. So if we can continue to really develop this research and continue to provide resources for research, there is hope and promise on some very difficult diseases that ultimately we can overcome.

And so it's with these kinds of things in mind—righting a wrong that comes about with discriminating against people with prior illnesses, helping small businesses and individuals find affordable insurance where there is competition and choice, and three, advancing the research that is ongoing in the Nation today where we really are going to have some tremendous breakthroughs that will be good for people's quality of life, but also for their personal pocketbooks and for the national pocketbook. There is real opportunity here.

We have to change this health care system. We can't continue to say, "No, we can't." We have to say, "Yes, we can." And that's what I want to see as we move forward with this health care debate.

With that, I would yield back to my friend from Kentucky.

Mr. YARMUTH. I thank the gentleman. And I want to pick up on his conversation about small businesses because this is one of the very interesting reactions I got when I was home during the month of August. And of course I have some experience in that regard as well. I ran a small business for a number of years. We struggled very, very hard to provide health coverage for all of our employees. We had somewhere between 20 and 23 employees the entire life of my involvement in that business, and they were generally young, very healthy men and women. Unfortunately, we had a middle-aged woman who had cancer, and because we had that one unfortunate situation among our employees, everyone suffered financially because of her misfortune.

□ 1900

Every year, we faced premium increases of 20, 25, 30 percent. We'd have to shop around as best we could. We'd have to increase co-pays and deductibles, things we had to do to be able to afford to provide coverage for everyone. Yet it wasn't just the business that was struggling; it was all of the individuals, again, all of whom had to pay dearly because of the misfortune of one person.

Under our health care reform, that would never happen. Everybody—every small business, every individual, regardless of their health histories or their health situations—would be guaranteed the lowest rates that anybody else could find. This is the way that America should function. The misfortune of one person should not adversely affect other people. In this particular case, the misfortune, through no fault of this woman's, should not put her in the situation of being discriminated against. So the gentleman is absolutely right.

We had a session back in Louisville during the break, and we invited about 20 to 25 small business people because we wanted to take the opportunity to talk with them and to get their questions because, again, a lot of the discussion surrounding this bill has been, oh, there's going to be a huge employer mandate and we're going to impose this huge tax on small businesses. A lot of people, when they hear those types of headlines, understandably get very concerned.

So we met. We spent 2 hours with this group of small business people, and what we found was exactly the situation that I described with my prior experience with small businesses. Every one of them was facing annual increases of double digits, sometimes approaching 30 percent.

Just today, for instance, I had a small business in the office. They're paying now \$7,200 per person for every one of their employees. They have about 35 employees. The quote for their policy that's up for renewal is a 30 percent increase. So they're spending now about \$2.5 million a year. The increase alone would add \$750,000 to their expense to keep the same level of coverage for their employees. I don't know many businesses that can experience a 30 percent increase in any aspect of their cost structure and survive for very long, and that's what all of these small business people were facing.

One of the things that we talked about was—they said, Well, you have an incentive in this bill that we're covered, which most small businesses aren't because we exempt 95 percent of the small businesses from the employer mandates. But if I'm over there, why wouldn't I just drop my coverage and put my employees into the public market, the exchange, where they would again have these choices, but they would give up their coverage with me?

I said, Well, you know what? You might very well have that financial incentive to do that. On strictly a dollars-and-cents basis, it might make sense for you to do it, but you know what? Your employees may be better off because, under our plan, they'll have far more choices than they will under your plan. They don't have a choice under your plan. It's whatever you can negotiate for your group, and

they're stuck with that. It may not be the provider network they want. It may not have the terms that they want. They're stuck with it.

Under our plan, if you decided to drop your coverage, they could shop in the exchange. They could pick the provider network, the plan that fits them best; and because of the subsidies that we provide, they're probably going to be out of pocket less money overall than they are with you. So it's not necessarily a bad thing that you would drop your coverage.

They said, Oh, well, that's interesting.

I said, Furthermore, under our plan, if you get someone who has a high cost of insurance—somebody who has a cancer or a condition that puts someone at a disadvantage—he's not necessarily locked in. I mean, he's not job-locked at all. If you were to drop your coverage under today's terms, he'd probably have to go to work for a big company to make up for it.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. YARMUTH. I'll yield.

Mr. PERLMUTTER. One of the stories that I came across when I was home a couple of weeks ago—and this occurred at my neighborhood filling station where I'm pumping gas because I've got to go to a couple of events on a Saturday morning. One neighbor came up, and he was on the other side of the pump right across from me.

He says, This health care thing, ED, you know, I really want you to go slow and make sure that this thing is financially sound.

As he was saying that, the neighbor who was pumping gas at the island just behind me came over and said, ED, you guys aren't doing enough, and you're not going fast enough.

So the two of them, as I started pumping gas, started having this conversation. It was a great conversation. Both of them have very, very legitimate points; and we need, as we go through this, to make sure this is financially sound and that we try to predict as much as we can on an ongoing basis. We do know that there are problems with the system. We do know that we pay, as a nation, a lot more than almost any other industrialized country around; and, competitively, that puts us at a disadvantage. So we know we have to do something.

The gentleman who said we're not going fast enough was, you know, a young father—I think probably 35 years old. He works for a roofing company. He'd like to start his own roofing company, but he can't because his wife has Crohn's disease; and because she has Crohn's disease, if he were to go out and set off on his own, be a real entrepreneur and really try to make a go of it, which is what we all want to do in this country—and it's the opportunity that this country provides so

many people—he can't because of his wife's medical condition, and the probability is that he won't be able to get anything to cover her if he sets out on his own.

So these two gentlemen, both of whom are neighbors of mine, had this great conversation—both of them with legitimate points—but there is an urgency here, and there is a restriction on people really going out and doing things the American way by setting out on their own to see what they can do for themselves, for their families and, ultimately, for their communities and this Nation.

So I clearly had an event, or a conversation, where the system today prevents entrepreneurship of young men and women who really want to, you know, try some new opportunities for themselves and for their families.

So, with that, I would yield back to my friend.

Mr. YARMUTH. I had another case just like that.

I was at an actual event that was saluting many of the benefits of the summer jobs program that we provided as part of the Recovery Act. It was called YouthBuild where they build homes. They get teenagers who are at risk; they're from the at-risk population. They give them jobs; they give them training, and they have them spend a summer productively.

I walked out to this construction site, and here was a young man, probably about the same age as yours, probably mid-30s. He said, May I talk to you a minute about my situation?

I said, Absolutely.

He said, My wife and I pay for the two of us, plus our one child, a \$900-a-month premium. So that's almost \$11,000 a year.

I asked, And your employer pays part as well?

He said, Oh, yeah. The \$900 a month is my part. My employer pays more.

So I don't know what the whole policy cost, but it was a lot of money.

He said, I've got a preexisting condition. I've got a very bad allergy situation. I've had it all my life, and I can't get insurance in the private sector. I would love to go out and start my own construction company, but I'm locked into this job because of health care, because I would be stuck without it if I had to leave it.

Interestingly enough, he was not supportive of what we're doing.

At the outset, he said, I really wish you wouldn't do this. You know, I don't like the Federal Government's getting involved in coverage—all of the standard arguments that we hear sometimes.

Again, he was someone whose problems with health care would have been solved, whose ambition to form his own company would have been restored, and yet he was still kind of blinded by a lot of rhetoric that's out there. I think I

comforted him some in the conversation, but these stories are found throughout the country. We know that there are so many thousands and thousands of people who are in this situation, and this is the type of situation which has, I think, motivated all of us to work so hard to create reform that will be meaningful for the American people.

Just quickly back to the small business issue: so we spent 2 hours in this meeting with the 20 or 25-or-so small business people answering all their questions. At the end of the meeting, about half of them said, Go get it. Go get it. Go for it. We're with you. There were still two or three holdouts who just didn't think that the Federal Government should get involved in any way. When they're eligible for Medicare, we'll have to ask them if they still feel that way. These small business owners, for the most part, understood finally that this was something that would free them from a problem that they have been trying to work out.

So when you work it through, whether it's with senior citizens, with small businesses or with young families who have a situation where one of them might have a preexisting condition, this is exactly what we are trying to do—to create the opportunity for every American, regardless of their conditions or their situations, to have access to affordable health care.

You did make reference to kind of the global situation. My colleague, Mr. PERLMUTTER, talked about the fact that we are the only industrialized Nation in the world that does not provide a certain level of benefits, that is, guaranteed health care benefits for its population, and that we spend twice as much per person as any other country and a much larger percentage of our gross domestic product than any other country does. Right now, we spend about 17 or 18 percent of our GDP on health care. I think the next highest level in the world is about 11 percent.

While we do have some of the best health care anywhere available, it's just not available to enough people; and because of that and because of the fact that many people have virtually no health care and have no insurance and get very little care, we have poorer outcomes in this country even though we spend so much more. The World Health Organization ranks us 37th in the world. In their entire picture of health care outcomes, which includes infant mortality, life expectancy and survivability with certain diseases, we're 37th in the world overall.

That's something that should be a challenge and a motivation for all of us to do better because, again, America has always been the problem-solving Nation. Whenever we put our minds to it and our collective will, we have been able to solve any problem that has confronted us.

People say, Well, we don't want to be Canada. We don't want to be Great Britain. We don't want to be Japan, or whatever it is.

I say that we don't have to be any of those countries. We're not those countries. We can do better than those countries; and we can create a health care system that is uniquely American, one that, again, provides security and stability to every American citizen, because that's what we're all about.

Before I yield back to my friend, it's interesting—as we talk about the world situation—and we have to confront issues like the myth that illegal immigrants are going to be covered under our bill. Now, we know there are people who are out there who will say anything to undermine this effort; but to me, the discussion about the illegal immigrants is intriguing because on the one hand it's very clear in section 246 that no undocumented aliens will receive Federal payments under this plan; but the opponents say, Well, but they'll still have access to care in the emergency rooms.

Yes, because President Reagan pushed for a law that requires hospitals and emergency rooms to treat anybody who goes there without regard to insurance or citizenship.

What's intriguing to me is that people don't necessarily take the next step, which is to ask, for instance: Do you really want people, doctors and nurses in the emergency rooms, to be worried first about checking somebody's citizenship when somebody is lying on a gurney or when your child or a child, any child or any adult, is mortally injured or has a very serious disease or is having a coronary? Do you want the doctor or nurse to say, Oh, wait a minute. I've got to go check your citizenship before I can treat you?

People don't think about the fact that it's not just that they would check Hispanic citizens or Hispanic people who would go to the emergency rooms or Asian people or whoever it is. They would have to check everybody. They would have to check everybody who would come in, and they would have to check senior citizens who would come in with grave illnesses. So we don't necessarily think through that.

The opponents would also say, Well, they can still buy insurance if they pay for it.

The answer of course is yes. Why is that a problem? Wouldn't you want people to have insurance rather than to go to the emergency rooms where all of us would subsidize their care? If they're illegal immigrants and can afford insurance, wouldn't you rather they have it so their kids, if they're in school next year, are not spreading a contagious disease? Wouldn't you rather they get the health care they need?

□ 1915

I mean, some of the arguments really just don't hold water once you think

through them and understand that health care is a very specific category in society and humanity. And I am always amused when we say, well, illegal immigrants can still get care. Yes, I think we want them to still get care, but there is nothing in the legislation that we are proposing or that's being proposed on the Senate side, nothing in that law which would add a benefit, a Federal benefit, to illegal immigrants, and that is clearly spelled out.

So it takes a lot to work through these arguments, as my good friend knows, but it's worth working through them, because once you do, again, people feel much more comfortable and supportive with what we are doing.

Mr. PERLMUTTER. My friend, Mr. YARMUTH, mentioned Medicare, and one thing where there has been another myth is that there were going to be cuts in Medicare or things like that. In fact, it's just the opposite.

There are additional benefits, and one of the benefits that is very important, I know, to my district, and certainly when I was out talking to people, was getting rid of the doughnut hole in prescription drug costs. So that if you get to a certain level, all of a sudden, instead of the Medicare benefit paying for it, now you have got to pay for it out of your pocket.

And many people run into this, and it is financially just difficult and, in some cases, devastating to them because of this doughnut hole. And this bill, part of it is to eliminate this doughnut hole so that the benefits cover prescription medicines.

I think the bottom line for me here is that the status quo is not an option, that there has to be real change to the way this system operates, for individuals who are discriminated against because of their physical health and conditions to small businesses who see the costs going through the roof, and to the Nation that sees its costs going through the roof.

We can't stand idly by. We can't allow failure to reign. We must act. And it's a difficult subject. It's a very complicated system, and it touches 300 million people across this country, so everybody has a perspective on it.

But looking at it in the whole and trying to deal with it as a whole, we must make changes. And that's what I hope will occur over the next few months here in this House of Representatives and in the Senate and ultimately signed by the President so that we can get on with this and start making the changes that are so desperately needed before the system continues to get worse, premiums continue to go higher, people who shouldn't be discriminated against are.

We need change, and I am ready for it now.

Mr. YARMUTH. It's important to re-emphasize the point that Mr. PERLMUTTER just made was that this is an

incredibly complicated endeavor. And that's one of the problems we have in terms of a communications effort, that there are so many things that need to be explained. And as I have described it before, this is the biggest Rubik's Cube that anyone has ever tried to solve because there are so many moving parts.

And one of the things that I have heard from a number of people in my district is they say, well, why don't you do it piece by piece? Why don't you do it incrementally? And the answer is, of course, that because of the system we have in this country, you can't really approach this problem piecemeal, because you could say, for instance, we are going to address the problems in Medicare. You could do that, or you could say we are going to address the private insurance system. The problem is that they use the same provider networks. The same doctors service the private system and the public system, Medicare, Medicaid. The same hospitals service them, the same home health care companies, the same skilled nursing facilities service both.

So there is so much cost shifting going on, so that because Medicare pays less to providers, they charge private insurance companies more, which drives rates up. And they are always trying to balance their overall business to provider networks with the compensation they get, a reimbursement from both sides. So unless you deal with it holistically, you are going to basically push the finger in one side of the balloon and push it out the other end. We know that game.

And so incrementalism, while it might be desirable, it might be easier to achieve a comfort level in the country because people might be able to digest what we are proposing to do a little bit better, the fact is that reform that doesn't touch all of these areas is not going to be effective, and we will just distort the system even more and probably have more and more people fall through the cracks.

So nobody said this was going to be easy. I think it was Teddy Roosevelt 100 years ago who talked about providing universal health care, and we are still struggling with a way to bring health care to all our citizens. But we can do it. It's important work. I don't think there is anything we will ever do in this body at least domestically that will be as important as this effort.

And as I look around the world and see what other countries have done, see both the positive aspects of many other systems, some of the negatives, again, I don't think there is anywhere else in the world where I would say we can take that system and plop it down in the United States and it would be the perfect system for us.

There are elements of everybody's system around the world that could be useful in, again, creating that uniquely American solution.

There is a new book out called "The Healing of America" by a Washington Post journalist named T.R. Reid, and he traveled around the world examining the health care systems, and he said there are three universal laws about health care reform or health care around the world. One is that no matter how good the system is for so many people, for as many people as possible, some people always complain about it. Secondly, doctors and hospitals will always complain that they are not being paid enough. And the final point was, the last reform always failed.

So we are in an imperfect arena, and we know that whatever we do here in this Congress, hopefully this year, will be far from perfect. We know that we will be working on this for as long as we are all alive, because there will be thousands of unintended consequences and unpredictable consequences of what we do.

But as my friend said, we have to start somewhere, and this is the time because we are looking at a very, very bleak picture moving forward, with tens of trillions of dollars of added debt in Medicare, with insurance premiums that are projected to increase by \$1,800 a year for the next 10 years for a family policy, which would take it in the range of \$30,000 by the end of the next decade.

And we know that the American economy, certainly not American businesses, and definitely not American families can afford that type of cost. So this is the biggest challenge, but also the biggest opportunity we have ever faced in this country.

And I am so glad, not just to be in Congress being able to work on this incredible endeavor, but also that the American people are so engaged in the process, because when the American people pay attention, the American people will respond, and they are responding with their input, with their reactions, and I think, ultimately, they will respond with their wholehearted support with the reform effort that we are engaged in.

So I would just offer the floor to my colleague, if he has any closing remarks, and then we will surrender our time.

Mr. PERLMUTTER. I thank my friend, I thank him for hosting this hour. I think for me the status quo is not an option. We have to act because there are things in this system, the health care system and the way we finance it. We need insurance reform, because there are things that are broken. We need to fix what's broken. We need to improve what's working, and we need to have a system that is affordable and accessible to all Americans. And now is the time to act. We can't fade into the woodwork and hope this all makes itself better. Sometimes you have to tackle tough subjects, and people aren't going to be always right in line with you.

Now is the time for us to tackle a very tough subject, to bring the change that's needed for generations to come, to save money and provide care for individuals, for businesses and this Nation.

Mr. YARMUTH. I thank the gentleman and thank him for his participation tonight. As I said a moment ago, we are involved in an incredible historic endeavor here, and I am very appreciative of the fact that we in the class of 2006, the Majority Makers, most of whom campaigned on a platform that included affordable quality health care for all, are able to participate here with the cooperation of the American people.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. FORBES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 22.

Mrs. BACHMANN, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. WOLF, for 5 minutes, September 16.

Mr. NEUGEBAUER, for 5 minutes, today and September 16.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, September 16 and 17.

Mr. DEAL of Georgia, for 5 minutes, September 16.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. FORBES, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Members (at their request) to revise and extend their remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

#### ADJOURNMENT

Mr. PERLMUTTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 16, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

3352. A letter from the Secretary, Department of Defense, transmitting authorization of an officer to wear the authorized insignia of the grade of major general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

3353. A letter from the Assistant Secretary, Department of Defense, transmitting a report to Congress specifying each Reserve component the additional items of equipment that would be procured and additional military construction projects for FY 2010, pursuant to 10 U.S.C. 10543(c); to the Committee on Armed Services.

3354. A letter from the Assistant Secretary, Department of Defense, transmitting a quarterly report of withdrawals or diversions of equipment from Reserve component units; to the Committee on Armed Services.

3355. A letter from the Acting Deputy Under Secretary, Department of Defense, transmitting a report on the action taken by the department to identify and evaluate at all the stages of the acquisition of commercial computer software, pursuant to Public Law 110-417, section 803; to the Committee on Armed Services.

3356. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Department's "Major" final rule — Capital Adequacy Guidelines; Small Bank Holding Company Policy Statement: Treatment of Subordinated Securities Issued to the United States Treasury under the Emergency Economic Stabilization Act of 2008 [Regulation Y; Docket No. R-1356] received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3357. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's "Major" final rule — Energy Conservation Program: Energy Conservation Standards for Refrigerated Bottled or Canned Beverage Vending Machines [Docket No.: EERE-2006-STD-0125] (RIN: 1904-AB58) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3358. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2008 annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA); to the Committee on Energy and Commerce.

3359. A letter from the Secretary, Department of Health and Human Services, transmitting Food and Drug Administration's Report to Congress "Changing the Future of Drug Safety: FDA Initiatives to Strengthen and Transform the Drug Safety System"; to the Committee on Energy and Commerce.

3360. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the National Emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

3361. A letter from the Acting Under Secretary, Department of Commerce, transmitting a report to Congress on the intent to impose additional foreign policy export controls on transfers (in-country) to certain persons specified on the Entity List; to the Committee on Foreign Affairs.

3362. A letter from the Secretary, Department of Commerce, transmitting a periodic report on the National Emergency caused by

the lapse of the Export Administration Act of 1979 for February 26, 2008 — February 25, 2009; to the Committee on Foreign Affairs.

3363. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-44, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3364. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-50, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3365. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-51, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3366. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-47, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3367. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-09 informing of an intent to sign a Project Agreement with Australia; to the Committee on Foreign Affairs.

3368. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment from the Government of Canada (Transmittal No. RSAT-08-1657); to the Committee on Foreign Affairs.

3369. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

3370. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's Year 2009 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1998; to the Committee on Oversight and Government Reform.

3371. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3372. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's fiscal year 2008 annual report prepared in accordance with Section 203(a) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

3373. A letter from the Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3374. A letter from the Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the

Committee on Oversight and Government Reform.

3375. A letter from the Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3376. A letter from the Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3377. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting a report entitled, "Fiscal Year 2008 Accounting of Drug Control Funds"; to the Committee on Oversight and Government Reform.

3378. A letter from the Deputy Associate Director for Management and Administration, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3379. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act", related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

3380. A letter from the Attorney General, Department of Justice, transmitting Constitutionality of Certificates of the Non-Existence of Records; to the Committee on the Judiciary.

3381. A letter from the Secretary, Department of Agriculture, transmitting the Department's Status Report on the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project for Fiscal Year 2008; jointly to the Committees on Natural Resources and Agriculture.

3382. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information for the state of Texas; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

3383. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1851-DR for the State of Tennessee, pursuant to Public Law 110-239, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on rules. House Resolution 745. Resolution providing for consideration of the bill (H.R. 3246) to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy (Rept. 111-255). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 746. Resolution providing for con-

sideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes (Rept. 111-256). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG:

H.R. 3563. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes; to the Committee on Natural Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. HINOJOSA, and Mr. CONNOLLY of Virginia):

H.R. 3564. A bill to amend the Fair Labor Standards Act of 1938 to strengthen the provisions relating to child labor; to the Committee on Education and Labor.

By Mr. THOMPSON of Pennsylvania:

H.R. 3565. A bill to suspend temporarily the duty on dry adhesive copolyamide pellets; to the Committee on Ways and Means.

By Mr. THOMPSON of Pennsylvania:

H.R. 3566. A bill to extend the temporary suspension of duty on Orgasol; to the Committee on Ways and Means.

By Mr. NADLER of New York (for himself, Ms. BALDWIN, Mr. POLIS of Colorado, Mr. CONYERS, Mr. ENGEL, Ms. KILROY, Ms. SPEIER, Ms. BERKLEY, Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. QUIGLEY, Mr. ISRAEL, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. ABERCROMBIE, Ms. DEGETTE, Mr. STARK, Mr. WEXLER, Mr. WELCH, Ms. LINDA T. SANCHEZ of California, Ms. WOOLSEY, Mr. CAPUANO, Mr. WEINER, Mr. SERRANO, Mr. OLVER, Mr. BLUMENAUER, Mr. MARKEY of Massachusetts, Ms. NORTON, Mr. HODES, Mr. ACKERMAN, Ms. VELÁZQUEZ, Mr. ANDREWS, Mr. FATTAH, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. HINCHEY, Mr. HONDA, Mr. McDERMOTT, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mrs. LOWEY, Ms. CLARKE, Mr. ELLISON, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Ms. EDWARDS of Maryland, Mr. KUCINICH, Mr. PALLONE, Mr. HOLT, Mr. LARSON of Connecticut, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Mr. BECERRA, Mr. MORAN of Virginia, Mr. FILNER, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. MURPHY of Connecticut, Mr. PASTOR of Arizona, Mrs. CAPPS, Mr. HEINRICH, Mr. DELAHUNT, Mr. McGOVERN, Mr. SHERMAN, Mr. SESTAK, Mr. BERMAN, Ms. SHEAPORTER, Mr. JACKSON of Illinois, Mr. ROTHMAN of New Jersey, Mr. KENNEDY, Mrs. DAVIS of California, Ms. PINGREE of Maine, Ms. HIRONO, Mr. TONKO, Ms. TSONGAS, Mr. JOHNSON of Georgia, Ms. MATSUI, Ms. HARMAN, Mrs. NAPOLITANO, Mr. TIERNEY, Mr. HIMES, Mr. COURTNEY, Mr. DOYLE, Ms. ZOE LOFGREN of California, Mr. FARR, Mr. MEEKS of New York, Mr. RANGEL, Mr. MAFFEI, Ms. DeLAURO, Ms. CASTOR of Florida, Ms. McCOLLUM, and Mr. WU):

H.R. 3567. A bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 3568. A bill to amend the Internal Revenue Code of 1986 to encourage charitable

contributions of real property for conservation purposes by Native Corporations; to the Committee on Ways and Means.

By Mr. SCALISE:

H.R. 3569. A bill to provide a sunset date for all presidentially appointed czars, to require Senate confirmation of those positions, and to provide that appropriated funds may not be used to pay for any salaries and expenses associated with those positions; to the Committee on Oversight and Government Reform.

By Mr. CONYERS (for himself, Mr. BOUCHER, Ms. WASSERMAN SCHULTZ, and Mr. JOHNSON of Georgia):

H.R. 3570. A bill to amend title 17, United States Code, to reauthorize the satellite statutory license, to conform the satellite and cable statutory licenses to all-digital transmissions, and for other purposes; to the Committee on the Judiciary.

By Mr. BOEHNER (for himself, Mr. CANTOR, Mr. PENCE, Mr. ISSA, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROWN of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mrs. CAPITO, Mr. CARTER, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DENT, Mr. DREIER, Mr. DUNCAN, Mr. EHLERS, Ms. FALLIN, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES, Mr. HARPER, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. INGLIS, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. JORDAN of Ohio, Mr. KING of New York, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LANCE, Mr. LATOURETTE, Mr. LATTA, Mr. LEE of New York, Mr. LEWIS of California, Mr. LINDER, Mr. LOBIONDO, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCARTHY of California, Mr. MCCOTTER, Mrs. McMORRIS RODGERS, Mr. McHENRY, Mr. McKEON, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OLSON, Mr. PAUL, Mr. PETRI, Mr. PLATTS, Mr. POSEY, Mr. PUTNAM, Mr. RADANOVICH, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Mr. ROSKAM, Mr. ROYCE, Mr. SCALISE, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Texas, Mr. SOUDER, Mr. SULLIVAN, Mr. TERRY, Mr. TIBERI, Mr. TIAHRT, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. UPTON, Mr. WALDEN, Mr. WAMP, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Florida, and Mrs. BIGGERT):

H.R. 3571. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote certain indicted organizations; to the Committee on Oversight and Government Reform.

By Mr. ALEXANDER:

H.R. 3572. A bill to provide a cost-of-living increase for Social Security benefits for 2010 of 2.9 percent; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 3573. A bill to amend the Internal Revenue Code of 1986 to prevent a change in residency as a result of extended official duty in the uniformed services, Foreign Service, or intelligence community from triggering the repayment provisions of the first time home-buyer credit, and for other purposes; to the Committee on Ways and Means.

By Mr. HIGGINS:

H.R. 3574. A bill to amend the Federal Election Campaign Act of 1971 to provide for limitations on expenditures in elections for the House of Representatives; to the Committee on House Administration.

By Mr. PERRIELLO:

H.R. 3575. A bill to amend title 38, United States Code, to provide for an increase in the maximum amount of veterans' mortgage life insurance available under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RANGEL:

H.R. 3576. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

By Mr. RODRIGUEZ (for himself, Mr. FILNER, Mr. HALL of New York, and Mr. TEAGUE):

H.R. 3577. A bill to amend title 38, United States Code, to provide authority for certain members of the Armed Forces who have served 20 years on active duty to transfer entitlement to Post-9/11 Educational Assistance to their dependents; to the Committee on Veterans' Affairs.

By Mr. VAN HOLLEN (for himself, Mr. PLATTS, and Mr. WALZ):

H.R. 3578. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Education and Labor.

By Mrs. BLACKBURN (for herself, Mrs. LUMMIS, Ms. FOXX, Mr. WOLF, Mr. SMITH of New Jersey, Mr. COBLE, Mr. STEARNS, Ms. FALLIN, Mr. SCHOCK, Mrs. SCHMIDT, Mr. GUTHRIE, Mr. INGALLIS, Mr. POE of Texas, Mr. REHBERG, Mr. TIAHRT, Mr. WAMP, Mrs. CAPITO, Mr. PENCE, Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mrs. BIGGERT, Mr. RYAN of Wisconsin, Mr. CAMPBELL, Mr. GINGREY of Georgia, Mrs. MYRICK, Mr. ROE of Tennessee, Mr. SCALISE, Mr. DANIEL E. LUNGREN of California, Mr. BARTON of Texas, Mr. WHITFIELD, Mr. PAUL, Mr. ADERHOLT, Ms. JENKINS, Mr. OLSON, Mr. CASSIDY, Mr. BOUSTANY, Mr. BURTON of Indiana, Mr. ROONEY, Mr. SOUDER, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. FLEMING, Mr. KLINE of Minnesota, Mrs. MILLER of Michigan, Mr. WESTMORELAND, Mr. CHAFFETZ, Mr. DUNCAN, Mr. COLE, Mr. MCHENRY, Mr. BARTLETT, Mr. COFFMAN of Colorado, Mr. LATTA, Mr. GOHMERT, Mr. BILBRAY, Mr. TERRY, Mr. JORDAN of Ohio, Mr. HELLER, Mr. MCCARTHY of California, Mr. PLATTS, Mr. BROWN of South Carolina, Mr. GARY G. MILLER of California, Ms. GRANGER, Mr. HENSARLING, Mr. LOBIONDO, Mr. NUNES, Mrs. EMERSON, Mr. BRADY of Texas, Mr. AUSTRIA, Mrs. BACHMANN, Mr. CULBERSON, Mr. ROGERS of Michigan, Mr. UPTON, Mr. SULLIVAN, Mr. WALDEN, Mr. MCCAUL, Mr. SHADEGG, Mr.

CARTER, Mr. THORNBERRY, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. LINDER, Mr. PITTS, Mr. LAMBORN, Mr. SHIMKUS, Mr. AKIN, Mr. BROUN of Georgia, Mr. KINGSTON, Mr. MCCLINTOCK, Mr. ROGERS of Alabama, Mr. McKEON, Mr. YOUNG of Florida, Mr. BONNER, Mr. TURNER, and Mr. DAVIS of Kentucky):

H. Con. Res. 185. Concurrent resolution expressing the sense of Congress that the President should issue, and Congress should hold hearings on, a report and a certification regarding the responsibilities, authorities, and powers of his "czars"; to the Committee on Oversight and Government Reform.

By Mr. HOYER:

H. Res. 744. A resolution raising a question of the privileges of the House; considered and agreed to.

By Mr. HALL of New York (for himself, Mr. HINCHEY, Mr. MARSHALL, and Mr. TIAHRT):

H. Res. 747. A resolution congratulating the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009; to the Committee on Armed Services.

## MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

174. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 120 memorializing the Congress of the United States to make eradication of the fever tick in South Texas a priority and continue to provide appropriate funding and resources for this effort; to the Committee on Agriculture.

175. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Joint Resolution No. 352 urging the United States Congress to enact H.R. 1633 of the 111th U.S. Congress, the "Honor the Written Intent of our Soldier Heroes Act"; to the Committee on Armed Services.

176. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 22 urging the Congress of the United States to reopen consideration of this case to posthumously award the Medal of Honor to World War I hero Marceliao Serna; to the Committee on Armed Services.

177. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 73 urging the United States Congress to maintain the Federal Family Education Loan Program and continue to refine and improve this crucial public-private partnership; to the Committee on Education and Labor.

178. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1330 memorializing the Congress of the United States, to authorize the Silver Alert Grant Program; to the Committee on Energy and Commerce.

179. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 152 memorializing the Congress of the United States to support federally funded and stated-funded home and community-based services for individuals with disabilities of any age, especially elders; to the Committee on Energy and Commerce.

180. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 202 memori-

alizing Congress to encourage the establishment of a research center in New Jersey dedicated to chronic neuroendocrine immune disorders; to the Committee on Energy and Commerce.

181. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 206 memorializing Congress to reauthorize the "Ryan White HIV/AIDS Treatment Modernization Act of 2006"; to the Committee on Energy and Commerce.

182. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 147 memorializing the Congress of the United States to oppose offshore drilling for oil or natural gas and urging the President and Congress to support energy independence and renewable resources; to the Committee on Natural Resources.

183. Also, a memorial of the Legislature of the State of Texas, relative to House Joint Resolution 39 memorializing the Congress of the United States to post-ratify Amendment XXIV to the Constitution of the United States prohibiting the denial or abridgement of the right to vote for failure to pay any poll tax or other tax; to the Committee on the Judiciary.

184. Also, a memorial of the Senate of the State of Oklahoma, relative to Senate Joint Resolution No. 11 memorializing the Congress of the United States to rescind applications by the Legislature to call a constitutional convention; to the Committee on the Judiciary.

185. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 38 urging the Congress of the United States to restore the presumption of a service connection for Agent Orange Exposure to United States Navy and United States Air Force veterans who served on the inland waterways, in the territorial waters, and in the airspace of the Republic of Vietnam; to the Committee on Veterans' Affairs.

186. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 86 urging the United States Congress to support the establishment of a veterans hospital in the Rio Grande Valley; to the Committee on Veterans' Affairs.

187. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 183 urging the United States Congress to reject the provisions of President Barack Obama's budget that would eliminate the intangible drilling costs deduction, percentage depletion allowance, geologic and geophysical costs deduction, and domestic production activities deduction and to encourage instead the development of Texas oil and natural gas; to the Committee on Ways and Means.

188. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 10 urging the Congress of the United States to provide emergency funding and resources to begin immediately addressing increasing delays at United States ports of entry on the Texas-Mexico border; to the Committee on Homeland Security.

189. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 79 urging the United States Congress to refine Department of Homeland Security policy to consider risk levels as well as population size in assessing the financial needs of first responders in border communities along the international

boundary created by the Rio Grand; to the Committee on Homeland Security.

190. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 157 urging the Congress of the United States to support the development of onshore and offshore wind energy in New Jersey and to further support offshore wind energy development; jointly to the Committees on Natural Resources, Energy and Commerce, and Ways and Means.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mrs. BONO Mack.  
H.R. 39: Mr. COHEN.  
H.R. 211: Mrs. HALVORSON.  
H.R. 219: Mr. WITTMAN.  
H.R. 303: Mr. PIERLUISI, Mr. CONNOLLY of Virginia, and Mr. BOSWELL.  
H.R. 345: Mr. GERLACH.  
H.R. 503: Mr. SESTAK.  
H.R. 510: Mr. HODES, Mr. WESTMORELAND, and Mr. WU.  
H.R. 537: Mr. SCHOCK.  
H.R. 560: Mr. EDWARDS of Texas and Mr. ANDREWS.  
H.R. 571: Ms. SCHAKOWSKY, Mr. KAGEN, and Ms. KILROY.  
H.R. 697: Ms. HERSETH SANDLIN.  
H.R. 745: Ms. SPEIER.  
H.R. 811: Mr. BOSWELL.  
H.R. 847: Mrs. CAPPS.  
H.R. 927: Mr. TANNER.  
H.R. 944: Mr. CONNOLLY of Virginia.  
H.R. 953: Mr. GRAVES and Mr. LUJÁN.  
H.R. 954: Mr. COHEN.  
H.R. 1019: Mr. FLEMING.  
H.R. 1054: Mr. MCCAUL, Mr. KIND, Mr. CARTER, and Mrs. BACHMANN.  
H.R. 1055: Mr. MCCAUL.  
H.R. 1067: Mr. SCHAUER and Mr. OBERSTAR.  
H.R. 1074: Mr. DAVIS of Tennessee and Mr. CARNEY.  
H.R. 1075: Mr. ROONEY.  
H.R. 1086: Mr. HERGER.  
H.R. 1101: Mr. ROTHMAN of New Jersey.  
H.R. 1136: Mr. PAUL and Mr. CASSIDY.  
H.R. 1142: Ms. SHEA-PORTER.  
H.R. 1175: Mr. MURPHY of New York.  
H.R. 1182: Mr. DAVIS of Kentucky, Mr. MILLER of Florida, Mr. KISSELL, Mr. PASTOR of Arizona, Mr. MICHAUD, Mr. ELLISON, Mr. GRIFFITH, and Ms. SCHAKOWSKY.  
H.R. 1204: Mr. SCHAUER.  
H.R. 1207: Mr. SCHRADER and Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 1210: Mr. ADERHOLT.  
H.R. 1214: Mr. SCHAUER and Ms. BEAN.  
H.R. 1215: Mr. ABERCROMBIE.  
H.R. 1245: Mr. KAGEN and Mr. SOUDER.  
H.R. 1255: Mr. HENSARLING.  
H.R. 1274: Ms. SCHAKOWSKY.  
H.R. 1324: Mr. POMEROY and Mr. RUPPERS-BERGER.  
H.R. 1326: Ms. KILROY.  
H.R. 1362: Mr. LOBIONDO, Mr. MOORE of Kansas, Mr. HONDA, Mr. MANZULLO, and Mr. LATOURETTE.  
H.R. 1430: Mr. WITTMAN.  
H.R. 1458: Mr. ROTHMAN of New Jersey and Mr. LEWIS of California.  
H.R. 1483: Mr. COHEN.  
H.R. 1671: Mr. MCNERNEY and Mr. KILDEE.  
H.R. 1744: Ms. WATSON and Mr. WEXLER.  
H.R. 1751: Mr. WATT.  
H.R. 1766: Mr. VAN HOLLEN, Mr. WEXLER, and Ms. ROS-LEHTINEN.  
H.R. 1822: Mr. BROWN of South Carolina, Mr. JORDAN of Ohio, Mr. MORAN of Kansas, and Mr. MANZULLO.

H.R. 1835: Mrs. BIGGERT and Mr. CLAY.  
H.R. 1925: Mr. DAVIS of Illinois, Mr. DOYLE, and Mr. WATT.  
H.R. 1926: Mr. COHEN.  
H.R. 2002: Ms. KOSMAS.  
H.R. 2016: Mr. CONYERS.  
H.R. 2084: Mr. TERRY.  
H.R. 2129: Mr. ALTMIRE.  
H.R. 2132: Mr. PASTOR of Arizona.  
H.R. 2139: Mr. HEINRICH, Mr. SHIMKUS, and Mr. SERRANO.  
H.R. 2214: Mr. DOGGETT and Mr. ABERCROMBIE.  
H.R. 2251: Mr. RAHALL, Mr. EHLERS, Mr. BRALEY of Iowa, and Mr. TERRY.  
H.R. 2298: Mr. BURTON of Indiana, Mrs. BACHMANN, and Mr. GRIJALVA.  
H.R. 2329: Ms. EDWARDS of Maryland.  
H.R. 2336: Mr. ROTHMAN of New Jersey.  
H.R. 2339: Ms. PINGREE of Maine.  
H.R. 2429: Mr. WELCH.  
H.R. 2443: Ms. HERSETH SANDLIN, Mr. MICHAUD, Mr. KAGEN, and Mr. WELCH.  
H.R. 2521: Ms. CHU.  
H.R. 2546: Mr. BILBRAY, Mr. STUPAK, Mr. DAVIS of Kentucky, Ms. HARMAN, and Ms. TITUS.  
H.R. 2547: Mr. BURTON of Indiana.  
H.R. 2560: Mr. ROTHMAN of New Jersey.  
H.R. 2713: Ms. GINNY BROWN-WAITE of Florida.  
H.R. 2720: Mr. TOWNS.  
H.R. 2724: Mr. PASTOR of Arizona and Mr. COHEN.  
H.R. 2740: Mr. COURTNEY.  
H.R. 2766: Mr. CLAY.  
H.R. 2807: Mr. MCMAHON, Mr. MOORE of Kansas, and Mr. HEINRICH.  
H.R. 2811: Mr. MORAN of Virginia.  
H.R. 2818: Mr. SESTAK.  
H.R. 2819: Mr. HINCHBY.  
H.R. 2835: Mr. SHERMAN.  
H.R. 2866: Mr. LATOURETTE.  
H.R. 2872: Mr. COURTNEY.  
H.R. 2935: Mr. HASTINGS of Florida and Mr. HELLER.  
H.R. 2964: Mr. LUETKEMEYER.  
H.R. 3012: Mr. BISHOP of Georgia and Ms. CLARKE.  
H.R. 3017: Ms. SUTTON and Ms. KILPATRICK of Michigan.  
H.R. 3048: Mr. CONYERS and Mr. MCGOVERN.  
H.R. 3070: Mr. SESTAK.  
H.R. 3094: Mr. GRIJALVA.  
H.R. 3116: Mr. BARRETT of South Carolina and Mr. CHILDERS.  
H.R. 3179: Mr. SHERMAN.  
H.R. 3238: Mr. AL GREEN of Texas, Mr. SESTAK, Ms. EDWARDS of Maryland, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. COURTNEY.  
H.R. 3245: Mr. WATT.  
H.R. 3250: Mr. CROWLEY, Mr. ISRAEL, and Mr. RANGEL.  
H.R. 3266: Mr. WEXLER and Mr. HASTINGS of Florida.  
H.R. 3286: Mr. GORDON of Tennessee, Ms. LEE of California, and Mr. BRALEY of Iowa.  
H.R. 3308: Mr. WOLF.  
H.R. 3321: Mr. SABLAN, Ms. EDWARDS of Maryland, Mr. BLUMENAUER, and Mr. MCGOVERN.  
H.R. 3341: Mr. TURNER.  
H.R. 3343: Mr. KUCINICH.  
H.R. 3463: Mrs. SCHMIDT.  
H.R. 3472: Mr. SCHAUER and Mr. PETERS.  
H.R. 3498: Mr. ROGERS of Kentucky.  
H.R. 3527: Mr. SHERMAN.  
H.R. 3550: Ms. SCHAKOWSKY and Ms. HIRONO.  
H.R. 3551: Ms. SCHAKOWSKY and Ms. HIRONO.  
H. J. Res. 50: Mr. MANZULLO.  
H. Con. Res. 42: Mr. DAVIS of Illinois.  
H. Con. Res. 43: Mr. DAVIS of Illinois.  
H. Con. Res. 157: Mr. TURNER.  
H. Con. Res. 170: Mr. SOUDER and Mr. WOLF.

H. Con. Res. 178: Mr. BERMAN.  
H. Con. Res. 181: Mr. EHLERS and Mrs. MILLER of Michigan.  
H. Res. 164: Mr. PALLONE.  
H. Res. 487: Mr. SULLIVAN and Mr. WHITFIELD.  
H. Res. 494: Mr. HEINRICH.  
H. Res. 598: Mr. SCHIFF and Mr. FILNER.  
H. Res. 599: Mr. TIERNEY.  
H. Res. 604: Mr. GOHMERT and Mr. MCCOTTER.  
H. Res. 613: Mr. WELCH.  
H. Res. 615: Mr. KIRK.  
H. Res. 660: Mr. THOMPSON of Mississippi and Mr. CLAY.  
H. Res. 666: Mr. CONYERS.  
H. Res. 671: Mr. PAUL and Mr. FLAKE.  
H. Res. 707: Mr. PETERSON.  
H. Res. 725: Mr. MOORE of Kansas, Mr. Teague, Mr. REYES, Mr. COSTELLO, Mr. HINCHBY, Mr. HASTINGS of Florida, Mr. WALZ, Mr. POMEROY, Mr. SPRATT, Ms. MATSUI, Mr. BERRY, Mr. LEWIS of Georgia, Mr. MASSA, Mr. EDWARDS of Texas, Mr. SPACE, Mr. KIND, Mr. BAIRD, Mr. MORAN of Virginia, Mr. POLIS of Colorado, Mr. LIPINSKI, Mr. KLEIN of Florida, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. CUELLAR, Mr. ORTIZ, Mr. GRAYSON, Mr. OLVER, Mr. DAVIS of Tennessee, Mr. BOSWELL, and Ms. MARKEY of Colorado.  
H. Res. 727: Mr. EHLERS, Ms. EDWARDS of Maryland, Mr. SPRATT, Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mr. MCCOTTER, and Ms. BORDALLO.  
H. Res. 729: Mr. BILBRAY and Mr. MCCAUL.  
H. Res. 734: Mr. HERGER, Mr. COFFMAN of Colorado, Mr. BOCCIERI, Mr. OLSON, Mr. SMITH of Nebraska, Mr. KING of Iowa, Mr. AKIN, Mr. MCHENRY, Mr. ROSKAM, Mr. GUTHRIE, Mr. LUETKEMEYER, Mr. BISHOP of Utah, Mr. REICHERT, Mr. RADANOVICH, Mr. CAMP, Mr. DAVIS of Kentucky, Mr. MCCOTTER, Mr. PITTS, Mr. WOLF, Ms. FALLIN, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. CARTER, Mr. PAULSEN, Mr. GOODLATTE, Mr. WHITFIELD, Mr. ADERHOLT, and Mr. FRANKS of Arizona.  
H. Res. 736: Mr. SMITH of New Jersey.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GEORGE MILLER of California, or a designee, to H.R. 3221 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2480: Mr. LANCE.  
H. Res. 648: Mr. JACKSON of Illinois.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

66. The SPEAKER presented a petition of the City of Miami, FL, relative to Resolution 09-0383 petitioning President Barack Obama

and the United States Congress to adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283), which eliminates the “Don’t Ask, Don’t Tell” policy; to the Committee on Armed Services.

67. Also, a petition of the City of Oakland Park, Florida, relative to Resolution No. R-2009-099 urging the President and the United States Congress to adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283), which eliminates the “Don’t Ask, Don’t

Tell” policy; to the Committee on Armed Services.

68. Also, a petition of California Democratic Party, relative to a Resolution petitioning the Congress of the United States to pass single-payer healthcare, or, at a minimum, pass a law that will include a provision ensuring that states maintain the ability to enact truly universal health care through a state-based, single-payer health

plan; to the Committee on Energy and Commerce.

69. Also, a petition of Essex County Board of Supervisors, New York, relative to Resolution No. 244 urging the United States Congress to work with the Vermont Department of Transportation to fast track the repairs/renovations to the Crown Point Bridge and to request stimulus funding for these repairs/renovations; to the Committee on Transportation and Infrastructure.

## EXTENSIONS OF REMARKS

### REMEMBERING NORMAN BORLAUG

#### HON. JOHN SHIMKUS

OF ILLINOIS —

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to offer my most sincere condolence to the family, friends and colleagues of Norman E. Borlaug—the Father of “Green Revolution.” Dr. Norman Borlaug applied scientific innovation, compassion for the poor and expert knowledge of agricultural practices to develop and introduce groundbreaking technologies that will forever change the prospects of the hungry and impoverished around the globe.

Borlaug’s development of high-yield and disease-resistant wheat varieties bore results in Mexico, Pakistan and India that stretched the imagination of viable agriculture in developing countries. Recently, Borlaug worked to apply farming practices and methods of increasing food production to Asia and Africa and has continued to advocate the use of biotechnology to combat world famine.

World leaders will honor and continue his legacy by further applying his practices and technologies to future agriculture and food production. Dr. Borlaug has been an example for so many of us who see the hope and promise the science of biotechnology holds.

Farmers who can produce greater yields with less through agriculture biotechnology applications

#### A TRIBUTE TO MR. VERNON R. BUSS

#### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. ISSA. Madam Speaker, I rise today to honor and pay tribute to an individual who selflessly risked his life to save the life of a terribly injured Marine, former Staff Sergeant Irving Saunders. Our country has been fortunate to have dynamic and dedicated Marines who willingly and unselfishly risk their lives to keep our country safe.

We recognize Vernon R. Buss for his meritorious actions on the Guiana Airstrip, Samar Island, Republic of the Philippines on the 24 January 1945, while serving as a ground maintenance mechanic, aircraft wing. On this day while performing maintenance duties in connection with operation against Japanese forces in the Philippines, Corporal Vernon Robert Buss, United States Marine, put the life of another Marine over his own. While assisting in the rescue attempt of a crashed aircraft and its crew, Corporal Buss singlehandedly extracted the unconscious and burning body of Staff Sergeant Irving Saunders from the

wreckage of a burning F4–U Corsair. With total disregard for his own safety, Corporal Buss rushed to the side of Staff Sergeant Irving Saunders and carried him away from the burning aircraft, the burning pools of gasoline, and the random detonation of .50 caliber ammunition as it “cooked off” from the Corsair’s burning ammunition supply. Corporal Buss carried Staff Sergeant Saunders to safety, rendered first aid to him, and facilitated his evacuation to a hospital where he was treated for life threatening third degree burns over an estimated forty percent of his body. We recognize Corporal Vernon Robert Buss for his fearless personal initiative, professional dedication and sagacious bravery on 24 January 1945. His actions reflect the meritorious credit upon his person and were in keeping with the highest traditions of the Marine Corps and the United States Naval Service.

On behalf of the people of the United States, Congressman DARRELL E. ISSA, Major General Michael R. Lehnert, Commanding General Marine Corps Installations West, and all veterans who have served with courage and honor, we commemorate your service.

#### CONGRATULATING DAVID CAREY, RECIPIENT OF ROBERT WOODS JOHNSON COMMUNITY LEADER AWARD

#### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate David Carey on being honored with the Robert Woods Johnson Community Leader Award. David is currently the Human Services Co-op Board Chair of Inspire, an organization that aims to empower individuals with disabilities to direct and control their own services in a way that promotes community life.

David’s journey began in 1988. One evening, as his roommate and a friend were examining a gun, it went off, shooting a bullet into his spine as he slept. In just moments, he went from dreaming of becoming a professional baseball player to facing the rest of his life with quadriplegia. While this sudden change of circumstance would deter many people, David redirected his energy to help other people with disabilities.

Today, David’s leadership impacts the lives of over 500,000 people with disabilities in the Phoenix area. Since 2006, when he led a group of individuals to create Inspire, David has secured long term contracts to provide attendant care services and ensure that individuals across Arizona receive the quality of care they deserve. He has also worked with local transit authorities to create accessible public transportation throughout the Valley of the Sun.

When I was an Arizona State Senator, David would come to my office to lobby on disability issues. It did not make any difference how hot it was outside; David put in the effort and make his way to the State Capitol, usually on public transportation. I was impressed with him then, and continue to be impressed with his accomplishments now.

The Robert Woods Johnson Foundation Community Health Leaders program each year honors 10 outstanding and otherwise unrecognized individuals who overcome daunting odds to improve health and health care, especially to underserved populations in communities across the United States. The program elevates the work of these unsung heroes, like David, through enhanced recognition, technical assistance and new leadership opportunities. I know he will use these new resources to improve the lives of Arizonans with disabilities.

Madam Speaker, please join me in congratulating David Carey on being honored with the Robert Woods Johnson Community Leader Award. His dedication to creating better communities is an example for us all.

#### IN RECOGNITION OF SUPERVALU FACILITY IN ANNISTON EARNING ACCREDITATION FROM CAM- BRIDGE CENTER FOR BEHAV- IORAL STUDIES

#### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to Supervalu in Anniston, Alabama, for earning accreditation from the Cambridge Center for Behavioral Studies.

The Cambridge Center, along with a consortium of universities, consulting firms and insurance companies, developed accreditation criteria in 2001. It was formed to bring behavioral-based safety programs to the work place. Supervalu is one of only seven facilities in the world that has been recognized for its behavior-based safety programs since audits began.

This accreditation demonstrates Supervalu’s commitment in Anniston to help employees support and encourage each other, resulting in a positive work environment that is productive, safe and effective.

In congratulate Anniston’s Supervalu for this important distinction.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## ALASKA NATIVE CORPORATIONS

## HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. YOUNG of Alaska. Madam Speaker, today I introduce a bill that would provide Alaska Native Corporations (ANCs) with parity for an important tax incentive that promotes the permanent protection of land through the charitable donation of a conservation easement.

Primarily, conservation easements are administered under state laws while federal law offers tax benefits associated with them. Under present law, Internal Revenue Code, Section 170 allows taxpayers to take a deduction for charitable contributions of property through conservation easements.

In 2006, Congress enhanced the charitable tax deduction for conservation easements in order to further protect important habitats and encourage such gifts. Congress temporarily increased the maximum deduction limit for individuals making donations of qualified conservation easements from 30 percent to 50 percent of the taxpayer's adjusted gross income. Contributions made by corporations are deductible for up to 10 percent of their income. In the case of a qualified farmer or rancher, the limitation was increased from 30 percent to 100 percent of taxable income.

Many farmers and ranchers are owners of ecologically significant open spaces, but often have limited income. The purpose of the deduction was to create an incentive by providing these farmers and ranchers with some measure of value commensurate to that of the conservation easement donation. Qualified farmers or ranchers are defined as non-publicly traded corporations or individuals whose gross income from the trade or business of farming is greater than 50 percent of the taxpayers gross income. The temporary rules were extended for two additional years by the recently enacted Farm Bill to contributions made before December 31, 2009.

Although subsistence-based Alaskan Native communities are similarly situated to the small communal family farms that are eligible, they are ineligible for these important new tax incentives because they are Federally chartered as C corporations under the Alaska Native Claims Settlement Act of 1971 (ANCSA). Moreover, Alaska Native Corporations have insufficient gross income from the trade or business of farming to be eligible for the enhanced deduction.

Alaska Native communities continue to have a deeply symbiotic relationship with the land even today, relying on important food sources from Alaskan waters and lands. For many communities, with purchasing of food both costly and difficult, nearly 70 percent of food continues to come from the land.

Because conservation easements are the result of decades of statutory, regulatory, and case law, this legislation is crafted to ensure it does not change the underlying state law or the underlying federal tax law pertaining to conservation easements. A summary of the legislation follows.

The legislation modifies Internal Revenue Code, Section 170(b) (2) by inserting subpara-

graph (C), creating an exception that provides Alaska Native Corporations with a deduction for donations of certain qualified conservation easements.

Under Section 170(b)(2)(i), the maximum deduction limit would be set at 100 percent of the taxpayer's adjusted gross income.

If the taxpayer has deductions in excess of the applicable percentage-of-income limitation, Section 170(b)(2) (ii) would allow the taxpayer to carry-forward the deduction for up to 15 years.

In order to be eligible, a qualified charitable conservation contribution must: (1) otherwise qualify under Section 170(h)(1); (2) be made by a Native Corporation; and (3) be land that was conveyed by ANCSA.

Section 170(b)(C)(IV) reiterates that this legislation is not meant to modify underlying state law or the underlying federal tax law in any way most notably regarding to existing property rights conveyed to ANC's through ANCSA. For example, while the easement would apply to the surface rights of the land, the Regional Corporation would continue to hold their subsurface rights and reserve their right to develop those resources through methods such as directional drilling.

The increased maximum deduction limit would apply to all contributions made in taxable years beginning January 1, 2009.

Under Alaskan law, all ANCs already have the ability to place conservation easements on their land, so communities that would like to "tie up their land" already possess the ability to do so. Additionally, current law affords eminent domain powers to governments for imposing corridors across easements. Moreover, courts have repeatedly held that lands subject to conservation easements are not protected from condemnation proceedings.

Expanding eligibility for the tax deduction for charitable donations of qualified conservation easements would give parity to Alaska Native Corporations, providing them with an incentive to permanently protect properties. In addition, the tax incentive would help provide the resources necessary to offset the costs of permanent protection.

A PROCLAMATION HONORING  
RONDA KINNAMON FOR 30 YEARS  
OF DEDICATED SERVICE TO OHIO  
AND THE APPALACHIAN REGION

## HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SPACE. Madam Speaker,

Whereas, Ronda Kinnamon was appointed as the Regional Economic Development Director for the region of Chillicothe, Ohio, because of her expertise about and dedication to Appalachian Ohio; and

Whereas, Ronda Kinnamon has, throughout her career, been of invaluable service to community economic development and small business growth; and

Whereas, Ronda Kinnamon has provided economic and job-training assistance to the people of Ohio through her service in the State Department of Job and Family Services; and

Whereas, Ronda Kinnamon has demonstrated leadership and innovation through her founding of the American Quality and Productivity Institute of Southern Ohio, which promoted economic development and job creation in Southern and Eastern Ohio: Now, therefore, be it

*Resolved*, That along with her friends, family, and the residents of the 18th Congressional District, I applaud Ronda Kinnamon for her distinguished record of service to Ohio and the Appalachian Region. We are grateful for her dedication and service.

HONORING TREVOR L. JAMES OF  
HAMMONTON TOWNSHIP, NEW  
JERSEY; A PRAISEWORTHY MAN  
AND A LOVING FATHER

## HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. ANDREWS. Madam Speaker, I rise today to recognize Trevor L. James, who resided in Hammonton, New Jersey for 22 years. His life was tragically cut short in a motorcycle accident.

As a child Trevor loved to laugh and play like all children, but he also had a passion for all things mechanical. He would spend endless hours figuring out how things could be put together and taken apart.

When he was 12 years old, Trevor was struck by a car while riding his bicycle. As a result of the injuries from the accident he was unable to participate in sports and other physical activities. Despite this obstacle, James kept a positive attitude. He lived his life according to his parents' philosophy; act with conscience and always with motivation.

At the age of 20, Trevor was blessed with the birth of his son Dylan. Trevor instantly matured the day Dylan entered this world. Trevor bought and restored a home in order to better care for his son. He devoted his life to being the best father he could be.

On August 1st, 2006, Trevor was in a motorcycle accident in Sicklerville, New Jersey. While driving down the road he was blindsided by another vehicle and the promise of his young life was ended. Since the accident his mother, Mrs. Janet James, has dedicated her efforts to the memory of her son Trevor. She is now a major advocate for motorcycle safety in New Jersey. Members of the community have donated a billboard to commemorate Trevor's life. The billboard is located on the highway where Trevor was struck. It shows a picture of Trevor and his son Dylan, reminding drivers to remain alert on the roadways.

Madam Speaker, Trevor James' life must not be forgotten. I want to personally thank Mrs. James for keeping her son's memory alive. As Mrs. James says, her son will be remembered for the characteristics he demonstrated everyday: truth, love, and justice.

# HONORING PENNY BROPHY FOR HER SERVICE TO THE CITY OF TEMPE

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to honor Penny Brophy, who is retiring from the City of Tempe after twenty four years of distinguished service. Penny possesses a quick wit and enthusiastic personality that endears her to her fellow co-workers. She also has the rare ability to interject humor in even the most stressful situations, and is always generous with her time to help her co-workers.

However, Tempe's loss is the Brophy family's gain. She will now have more time to spend with her husband, Bob and their children, Howard and Laurie. As a grandparent myself, I also know she will love having more free time to dote on her own four grandchildren—Adam, Jessican, Dylan and Sydney.

Penny, congratulations on your retirement, and I hope you enjoy your hard-earned leisure. You are a rare gem and will be truly missed.

Penny started her tenure with Tempe while I was Mayor, and I am pleased to recognize her accomplishment today. Madam Speaker, please join me in congratulation Penny Brophy on a distinguished career of service.

# TRIBUTE TO UNIVERSITY OF KANSAS DEBATERS BRETT BRICKER AND NATHAN JOHNSON FOR THEIR CHAMPIONSHIP AT THE NATIONAL DEBATE TOURNAMENT

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. MOORE of Kansas. Madam Speaker, I am pleased to have this opportunity to congratulate the collegiate policy debate team of Brett Bricker and Nate Johnson from the University of Kansas on their National Debate Tournament championship this spring.

Nearly 80 teams competed in this year's National Debate Tournament, held in Austin, TX. After 10 challenging rounds of debate, Bricker and Johnson defeated the defending national champions from Wake Forest to bring home the title. While less prominent than its athletic counterparts, collegiate policy debate is a competitive, academic activity that exists in universities across the Nation. Students spend countless hours throughout the academic year reading articles and forming arguments to debate a national topic on both sides. In addition to the grueling work required by the activity, students must also keep up with their schoolwork, all without the benefit of scholarships.

I am pleased to share with the other members of the House of Representatives a recent article in Kansas Alumni magazine chronicling the champions' story. I ask that my colleagues join me in congratulating Brett Bricker and Nate Johnson on their championship.

# RAISE THE BLUE BANNER—THERE'S NO ROOM FOR ARGUMENT: KU'S DEBATE TEAM IS THE BEST IN THE LAND

(By Joe Miller)

While other Kansas seniors are enjoying spring break on beaches in Florida, Brett Bricker is in cold, damp Lawrence, his nose buried in books. He reads all day, every day, taking short breaks now and then to grab some food. And he keeps reading while he eats. At night he can't sleep, so he gets up and reads some more, plowing through thick, mind-numbing books about the global economy and farm subsidies, and dense articles culled from peer-reviewed journals.

It's grueling, but this is March—tourney time. Bricker knows he must give his all if he wants to bring the national championship trophy back to KU.

When he needs a break from reading, he trudges across an empty campus to Bailey Hall, downstairs to the basement, to meet with his teammate, fellow senior Nate Johnson. It's a messy place, with tables and study carrels stacked with books and photocopied articles, reams and reams of them, and accordion tile folders and pens and highlighters. And trophies. Lots and lots of trophies.

"There's too many trophies," he says. "Not enough room for all of them."

But Bricker, a math major, and Johnson, a double major in philosophy and political science, have spent four years doing all they can to add to the clutter. They first set foot in this place when they were high school students and were blown away by the winning tradition showcased on its walls, which are covered with banners: yellow and red for Final Four finishes, burgundy for ending the regular season ranked No. 1, and four KU blue ones for national championships: 1954, 1970, 1976 and 1983. "When you get here, you want to work as hard as you can to enshrine your name here," Johnson says.

Among the banners are several bearing their names, each for perfectly admirable accomplishments such as earning top seed in a championship tournament or finishing in the finals or Final Four. But those aren't good enough for Bricker and Johnson. The banners that bear their names aren't Jayhawk blue.

Folks sometimes compare KU's debate program to its storied basketball program. But that's really doing a disservice to debate. Over the past 50 years, the Jayhawks won the National Debate Tournament four times, made it to the NDT Final Four on 13 occasions, and have qualified for the tourney every year since 1968.

And, unlike basketball, they do it all without the benefit of full-ride scholarships. The Jayhawk debate squad, a perennial national top 10, is a team of walk-ons. "Our students debate because they love debate," says coach Scott Harris.

Despite its success, Kansas doesn't attract the nation's top high school debaters the way rivals do. Other top-ranked debate programs, such as Northwestern, Emory, Harvard, Dartmouth and California-Berkeley, reload every season with champion debaters from the best prep schools in the country. Kansas builds its success with in-state students who had little opportunity to compete at the national level.

"Kansas has a great tradition of taking kids who weren't especially good debaters in high school and making them into champions," Bricker says.

He and Johnson are perfect examples. Both debated in high school, Johnson in Manhattan and Bricker in Wichita. And though both

qualified for the national championship tournament, along with hundreds of other kids, neither made it to elimination rounds, much less the Final Four or championship.

Yet now they're heading into the final tournament of their college careers, the storied National Debate Tournament, as the second-ranked team in the nation, having been edged out of the top spot by Northwestern in February after a season-long, neck-and-neck battle.

It would have been nice to finish No. 1, of course. But in the big scheme of things, it doesn't matter. All that matters now—in-deed, maybe all that ever has mattered—is the NDT.

Last year, Kansas got knocked out in the Elite Eight. Same thing the year before.

Now the Jayhawks have one last chance to win it for themselves, and for their coach, who, despite an outstanding record in his 18 years in Lawrence, has never won the big one.

Harris came to Lawrence in 1991, after a five-year stint as director of debate for the University of Louisville, where, truth be told, he was beginning to feel disillusioned with the game. It's a high burnout activity," he explains.

Observing Bricker and Johnson as they prepare for the NDT, it's easy to see why. Each works more than 40 hours a week on debate during the regular season, much more at championship time. This is in addition to school. And neither of them sloughs off their schoolwork. Both are graduating with honors and have shored up plans to continue their studies, Johnson in law school and Bricker as a master's student in KU's communication studies program.

Coaching is even more demanding. In addition to managing several dozen debaters and nine assistant coaches (grad students in the communication studies department), and traveling to 18 tournaments a year, Harris also teaches two classes each semester.

Yet he feels more excited about debate today than ever, he says, "because of the quality of students we've had here at Kansas. I really feel like I've been spoiled. We've had really good people. I don't know what it is about Kansas. Maybe it's something in the water that produces kids of high character."

Also, he gets a lot of help from the administration and alumni. Support for debate has always been strong. It helps, for instance, that the chair of the communication studies department is not only a former KU debater but also a national champion: Professor Robert Rowland, c'77, PhD'83, won the NDT in 1976 with teammate Frank Cross, c'77. But support strengthened in 2001, when Chancellor Robert E. Hemenway formed the KU Debate Advisory Committee, a group of faculty and alumni that raises funds for the program and builds community across generations of KU debaters.

Mark Gidley, c'83, c'83, who serves on the committee and helped win Kansas' last national championship, in 1983, says the effort has benefited the program and alumni. "We've had a number of reunions," he says. "It's been amazing to make connections between debaters from the '40s and '50s and the '80s and '90s and to see that we all had the same experiences."

RECOGNIZING THE MOUNTAIN  
VIEW LITTLE LEAGUE'S ALL-  
STAR BASEBALL TEAM

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. MITCHELL. Madam Speaker, I rise today in recognition of the Mountain View Little League's All-Star team, which won the 2009 Junior League Baseball World Series. I share the pride of from around my Congressional District and state that this inspiring and hard-working team hails from our community.

After a 24-game winning streak, the Scottsdale-based team claimed the World Series title, beating a team from Aruba. However, it is not just their impressive record or title that makes them an exceptional team. Their qualities of dedication, hard work and perseverance brought the team to victory. As a former teacher and coach, I know from experience the importance of these values, which are essential both on and off the field.

Therefore, I am truly privileged to celebrate the win of such a determined and good-spirited team. The team's heart and unity has paid off and should serve as an inspiration for all. I have high hopes for all members of the team and I am confident that they will continue to make Arizona proud, whether in baseball or any other future endeavors.

Madam Speaker, I am honored to enter into CONGRESSIONAL RECORD the names of the Mountain View Little League's All-Star team: Jake Anderson, Dylan Cozens, Michael DeRegis, Jimmy DiTroia, Cody Erickson, Lucas Jacobi, Zac Janikis, Grant Martinez, Duncan Morfitt, Ryan Riggs, Michael Salazar, Luc Trotta, Mo White; Coaches Jim DiTroia, Darin Trotta and Manager Steve Erickson.

TRIBUTE TO MIDLAND BERRYHILL  
AMERICAN LEGION POST 165  
BASEBALL TEAM

**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. CAMP. Madam Speaker, I rise today to commend the team members of the Midland Berryhill American Legion Post 165 baseball team on winning the American Legion World Series on Tuesday, August 18, 2009. They have represented the state well with their perseverance and athleticism, and we are very proud of their national accomplishments.

Berryhill's 11-4 win over the Medford, Oregon Mustangs completed a five-game unbeaten run through the World Series. This is Berryhill's first ever national championship.

Additionally, Berryhill, a 19 and under travel team comprised of players from mid-Michigan and rooted in Midland, consistently outscored their opponents with strong hitting and solid defense throughout the series.

Team members include: Cole Martin, Kenny Babinski, Jordon Herman, Larsen Cronkright, Garrett Yatch, Nate Kuehne, Jordon Dean, Sean Hartman, Alex Rapanos, Eric Dawson,

Matt Cresswell, Kenton SanMiguel, Ryan Longsteth, Kyle O'Boyle, Ben Singer, Eric Peterson, Chad Mayle, Max Yatch, and Jake Enszer. The team's coaching staff includes Dan Cronkright, and Patrick Dawson, while Steve Cronkright serves as the team manager.

I am honored today to recognize the Midland Berryhill American Legion Post 165 baseball team for their accomplishments, and congratulate them on their outstanding performance.

A TRIBUTE TO HELEN KLEBERG  
GROVES

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SCHIFF. Madam Speaker, I rise today to recognize Helen Kleberg Groves, who will be honored on October 3, 2009 at the Autry National Center's Annual Gala, "Celebrate the Spirit: Women of the West." The Autry National Center's mission is to tell the stories of all the diverse peoples of the American West, and that is reflected in the themes of their Galas—this year's theme, "Celebrate the Spirit: Women of the West" reflects the often neglected stories of Western women.

Helen Kleberg Groves is a true Texas cowgirl, a mother, a grandmother, an author, and a philanthropist with a heart as big as the King Ranch, her family home. Groves was born in San Antonio on October 10, 1927, the child of Robert J. Kleberg Jr. and Helen C. Kleberg. She was reared on the 825,000-acre ranch in South Texas, where she learned about ranching, line breeding, genetics, and working cattle from her father.

She attended Henrietta M. King High School in Kingsville; St. Mary's Hall in San Antonio; and Foxcroft School in Middleburg, Virginia. She also attended Vassar College in Poughkeepsie, New York. In addition to raising five daughters and a son, Groves made time for civic work while spending a lifetime in ranching and livestock. For more than 30 years, from 1956 to 1988, she was on the board of directors of King Ranch Inc.

She is president of the Robert J. Kleberg Jr. and Helen C. Kleberg Foundation, established in 1950 by her parents. The foundation has funded countless projects in Texas and across the country, particularly in the areas of biomedical research, health services, higher education, and veterinary and wildlife projects.

Ms. Kleberg Groves has been called an ambassador to the equine industry for her support of equine research and contributions to the development of the American Quarter Horse.

Known as the "First Lady of Cutting," Groves has spent decades breeding, raising, and riding cutting horses. She began competing in cutting horse events in 1972 and took many championships until she retired from competition. She is a member of the National Cutting Horse Association Hall of Fame, National Cowgirl Hall of Fame, and the Texas Cowboy Hall of Fame.

Among her numerous honors is the Order of Australia from the Governor General of Aus-

tralia. She was only the second American to receive this award. She is emeritus director of the U.S. Equestrian Team and a lifetime vice president of the Texas and Southwest Cattle Raisers Association.

I ask all Members of Congress to join me in paying tribute to Helen Kleberg Groves, an inspiring individual—and true Woman of the West.

IN TRIBUTE TO GRAHAM HIGH  
SCHOOL WRESTLING COACH RON  
McCUNN

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. JORDAN of Ohio. Madam Speaker, I am honored today to commend to the House the life and career of my friend and former wrestling coach, Ron McCunn, who passed away last month at age 63.

Ron McCunn coached at Graham High School in St. Paris, Ohio, for 23 years. During his career, he led Graham's wrestlers to their first three state championships (1982, 1998, and 2001). His hard work, dedication, and discipline not only brought national recognition to the wrestling program, but also had a positive impact on the students, athletes, and families whose lives he touched.

In addition to his coaching duties, Coach McCunn taught chemistry and physics at Graham.

Madam Speaker, a ceremony was held at Graham High School on Saturday, September 12, marking Coach McCunn's years of service and devotion to his students. I was honored to join former teammates, students, and friends from throughout the region in celebrating his contributions and accomplishments. I offer my sincerest condolences to his wife, Dale; their son, Steve; Ron's mother, Peggy; and all of their family and friends.

CONGRATULATING SCOTTSDALE  
DEPUTY FIRE CHIEF JAMES FORD

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Scottsdale Deputy Fire Chief James Ford for his induction into the Arizona Fire Service Hall of Fame on September 10, 2009. Chief Ford will be recognized for his continued dedication and service to the community. The Arizona Fire Service Hall of Fame recognizes those who make constructive contributions to their community.

Throughout his career, Chief Ford has worked tirelessly to promote the safety and security of the Scottsdale community, and his efforts have saved countless lives. He has dedicated much of his career to ensuring the safety of every community member by pushing for the installation of residential and commercial sprinkler systems. His pioneering research and advocacy on behalf of mandatory sprinkler systems, which activate automatically during a fire emergency to preserve lives and

property, has established Scottsdale as a national and international leader in fire safety.

I am proud to represent such a compassionate and hard working individual in my district. Not only have his efforts benefited the community, but he has inspired communities elsewhere to develop and implement mandatory sprinkler ordinances.

Therefore, I urge you Madam Speaker to join me in recognizing and congratulating James Ford on his recent induction and his lasting contributions to his profession and community.

#### PERSONAL EXPLANATION

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. GERLACH. Madam Speaker, unfortunately, on Monday, September 14, 2009, I missed three recorded votes on the House floor. Had I been present, I would have voted "yea" on rollcall 696, "yea" on rollcall 697, and "yea" on rollcall 698.

#### HONORING THE LIFE OF PORT AUTHORITY OF NEW YORK AND NEW JERSEY AVIATION DIRECTOR WILLIAM DECOTA

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to celebrate the life—and mourn the passing—of Port Authority of New York and New Jersey (PANYNJ) Aviation Director William DeCota.

Bill DeCota was appointed director of the world's largest aviation system in 1999. As Aviation Director for PANYNJ, he supervised the management of a diverse portfolio of airports, from international hubs like Lagaardia and Kennedy to Teterboro, a general aviation reliever airport located in my congressional district in New Jersey. Before assuming the position of Aviation Director, Bill served PANYNJ as Deputy Director of Aviation, Assistant Director for Business and Properties, and Manager of Business and Financial Services for the Aviation Department.

In all aspects of discharging his responsibilities, Bill was superlative. He oversaw the largest airport improvement program in the history of the United States, and he brought his keen expertise of airport congestion to bear on one of the Nation's most crowded air corridors. During my time in Congress, I have fought to reduce airport overcrowding and aircraft noise pollution, as well as increase safety at Teterboro and all of our national airports. In that fight, Bill was an ally, partner, mentor, and friend. His institutional knowledge and acute understanding of the difficulties faced by people living near airports, as well as his consistent good humor and positive outlook, made him indispensable. He will be sorely missed.

In the wake of his untimely passing, Bill leaves a legacy of safer air travel and im-

proved quality of life for airport neighbors. He gave back to the community as richly and generously in his personal life as he did in his career, serving—in addition to positions on a variety of aviation-related boards—as president of the Queens Council of the Boy Scouts of America.

Madam Speaker, Bill DeCota was a public servant of the highest order; humble, capable and knowledgeable. I rise today to applaud his achievements, mourn his passing, and express my heartfelt condolences to his friends, family and coworkers. New Jersey, and the country, are poorer for having lost him.

#### A PROCLAMATION CONGRATULATING FLORENCE LEWIS ON ACHIEVING HER 100TH BIRTHDAY

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SPACE. Madam Speaker, Whereas, Florence Lewis will soon celebrate her 100th birthday; and

Whereas, Florence Lewis continues to be a positive influence on the lives of others and contributes to her state and country; and

Whereas, she strives to continue her good works of public service and provides inspiration, grace, and love to her family and her community: Now, therefore, be it

*Resolved*, That along with her friends, family, and the residents of the 18th Congressional District, I commend and thank Florence Lewis for her contributions to her community and country.

#### RECOGNIZING THE 40TH ANNIVERSARY OF THE MINORITY BUSINESS DEVELOPMENT AGENCY

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Res. 215 to celebrate the 40th Anniversary of the Minority Business Development Agency, a member of the Department of Commerce.

Established on March 5, 1969, the Minority Business Development Agency is the only federal agency specifically created to foster the establishment and growth of minority-owned businesses in America. With five regional offices in Atlanta, Chicago, Dallas, New York and San Francisco, the Minority Business Development Agency network offers a broad range of services to minority entrepreneurs that are strategically located in areas with large concentrations of minority businesses. As a Representative of an area with a large concentration of minority-owned businesses, and as a business owner myself, I am especially aware of the necessity for the services provided by the Minority Business Development Agency business specialists.

Created in the midst of the Civil Rights Era, the Minority Business Development Agency

has participated in many extraordinary events and left an impressionable footprint in its four decades of work. It participated with the International Trade Administration in the first trade mission to Bahrain, and many ITA missions with minority business delegations followed due to the success of this mission. Additionally, the Agency coordinated and supported disaster relief efforts for minority businesses following the devastating aftermath of the 1992 Los Angeles riots and the hurricanes that ravaged many of the coastal communities along the Gulf of Mexico.

With a current focus on access to capital for minority-owned businesses, I look forward to celebrating the future success of this organization. I urge my colleagues to join me in commending the Minority Business Development Agency on its 40 years of prosperity and endeavoring to advance minority businesses in our nation.

#### HONORING HISTORIC YELLOW SPRINGS

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. GERLACH. Madam Speaker, I rise today to honor Historic Yellow Springs on the 35th Anniversary of its founding as a non-profit organization committed to preserving and enhancing one of the true historical treasures in Chester County, Pennsylvania.

Thanks to the vision and leadership of Connie Fraley and other founders of Historic Yellow Springs, the organization purchased the picturesque 145-acre site and 13 historic buildings on the property in 1974.

The property traces its history back to the early 1700's when Lenape Indians first discovered "yellow water" bubbling from the ground. Stone ruins from America's first military hospital, which treated injured soldiers from the Valley Forge encampment during the Revolutionary War, are also part of the property. And the beauty of the property has inspired impressionistic painters and artists from the Pennsylvania Academy of the Fine Arts Country School during the early part of the 20th Century.

Since establishing Historic Yellow Springs as a non-profit organization in 1974, the talented staff and dedicated members of the Board of Directors have done a tremendous job of offering creative programming to teach generation after generation about the history of the property and to provide exceptional educational and artistic opportunities by holding classes in the library, Connie's House and the Barn Studio.

Staff and the Board of Directors will celebrate the 35th Anniversary during Founders Day on Sunday, September 20th and dedicate the recently restored Iron Spring Gazebo in the memory of Founder Connie Fraley.

Madam Speaker, I ask that my colleagues join me today in congratulating Historic Yellow Springs as it celebrates this memorable milestone and in expressing sincere appreciation for the exemplary work of the staff and Board of Directors.

COMMEMORATING MRS. MARGARET BROSETT WILLIAMS ON THE OCCASION OF HER 100TH BIRTHDAY

### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. ALEXANDER. Madam Speaker, it is with great pride and pleasure that I rise today to commemorate Mrs. Margaret Brossett Williams on the occasion of her 100th birthday.

On September 28, 1909, Williams was welcomed into this world by John and Veraline Brossett in Cloutierville, La. She is the last surviving sibling of ten children born to this union.

She married James Houston Williams on October 12, 1928. They were the proud parents of four children: James Dewey Williams, Robert Earl Williams, William Ray Williams and Patsy Jean Williams.

At the very young age of 37, Williams became a widow when her husband passed away unexpectedly in 1946. Her considerable strength and determination was apparent as she raised her four children on her own.

Williams credits her happiness to being surrounded by family and friends. Today, as she has outlived her four children, Williams is encircled by the love of her grandchildren, great-grandchildren and great-great grandchildren.

Baptized on May 6, 1910 at St. John the Baptist Catholic Church in Cloutierville, she is deeply committed her Catholic faith. Williams still recites her rosary every night before she goes to sleep and is a faithful member of St. Rita Catholic Church in Alexandria, La.

As her friends and family prepare to join together on September 27, 2009, for a mass in her honor, Williams continues to exemplify a strong character of dedication, compassion and devotion.

I ask my colleagues to join me in congratulating Mrs. Margaret Brossett Williams on this truly significant birthday.

### HONORING LOUIS T. CAMPESE

### HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. ARCURI. Madam Speaker, I rise today in honor of Mr. Louis T. Campese, a resident of my district in Upstate New York, for his heroic service during World War II and his ongoing work on behalf of our nation's veterans.

Mr. Campese served on the U.S.S. *Patterson* (DD-392), a naval destroyer stationed at Pearl Harbor during the Japanese attack of December 7, 1941. That morning, Mr. Campese and two of his comrades nearly lost their lives while rescuing a drowning sailor. For his extraordinary actions during the attack on Pearl Harbor and his service during World War II, Mr. Campese was awarded several medals, including the Pearl Harbor Medal, the World War II Victory Medal and the American Defense Service Medal.

Each year Mr. Campese reunites with other surviving shipmates of the U.S.S. *Patterson* to

reminisce about their service together and reinforce the bonds of friendship. Mr. Campese served previously as treasurer for the Pearl Harbor Survivors Association, Inc., and remains active in various veterans' organizations.

Madam Speaker, I am proud to recognize the extraordinary service Mr. Campese rendered on behalf of our nation during a time of great crisis. His bravery in the face of tremendous peril is an example for us all. I ask my colleagues to join me in recognizing Mr. Campese and the many men and women willing to risk their lives in defense of the principles and freedoms we as a nation hold dear.

### HONORING DOLPH CHIANCHIANO

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. McDERMOTT. Madam Speaker, I rise to honor Dolph Chianchiano, Senior Vice President for Health Policy and Research for his 30 years of service to the National Kidney Foundation.

As the co-chair of the Congressional Kidney Caucus, I have had the honor of working with the NKF and Dolph to educate my colleagues about the impact of kidney disease, and to shape policy and legislation to make the lives of patients better.

Being from Seattle, where dialysis treatments were first used, I have seen the power of research and innovation in the treatment of kidney disease. People live longer, more productive lives with kidney failure, and we continue to learn more every day.

Dolph Chianchiano has contributed to the understanding we now have about kidney disease in his role of administrator of NKF's research program, which has awarded nearly \$80 million in grants in his tenure. He made the important decision to expand the program to include not only physician research, but other members of the renal health care team: nurses, dietitians and social workers. He has cultivated a cadre of researchers, providing early career grants to researchers that go on to devote a career to improve the lives of kidney patients. Many kidney professionals have remarked, "I got my start through an NKF research grant."

Dolph has also been a tireless advocate for more research funding at the federal level, helping to guide the research agenda of the National Institutes of Health and other federal agencies. In the past three decades, we have seen many advances, and hopefully more will come, as we improve the treatment for kidney disease.

I have worked with the NKF for the 20 years I have been in Congress, and I look forward to many more years working with Dolph and the others associated with the Foundation. Congratulations on 30 years of service to kidney patients. I applaud you and wish you well.

IN HONOR OF SARA BIESIADNY OF GRAPEVINE, TEXAS

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. MARCHANT. Madam Speaker, I rise today to recognize Sara Biesiadny of Grapevine, Texas. Sara has been selected as a regional winner of a ConvaTec Comeback Kids Award. This very important program honors annually a group of individuals living with intestinal diseases or recovering from ostomy surgery.

The Great Comebacks Awards Program honors the achievements of children and teenagers living inspirational lives with Crohn's disease, ulcerative colitis and/or an ostomy. This year marks the 25th anniversary of the Great Comebacks Program. Each year regional awards are given to 12 people throughout the United States who have struggled with a chronic condition and have shown extraordinary strength and courage. Recipients are selected for having managed, despite daily struggles with their conditions, to live full and productive lives. In March of 2010, one of these recipients will receive the national Great Comebacks Award.

My constituent Sara, born with birth defects of the spine, bladder and colon, received an ostomy shortly after birth. Despite this rough start in life, Sara has never wasted a moment's thought on "why has this happened to me?" In fact, she has refused to let her ostomy and other medical conditions get in the way of pursuing her love of sports and science. Even though Sara has undergone continuous medical procedures and surgeries since birth, she won't sit on the sidelines, and enjoys playing softball and basketball and swimming. In fact, as a freshman, she set her mind to join the high school golf team and has enjoyed three solid seasons with the team. Sara also has excelled academically. Sara, 17, is currently a high school senior and encourages others suffering from bowel diseases to remember, "Having an ostomy or bowel disease does not define who you are, only you can do that."

The Great Comeback Awards Program raises awareness of quality-of-life issues for people with Crohn's disease, ulcerative colitis, colorectal cancer and other diseases that can lead to ostomy surgery. These diseases are painful and debilitating; and while ostomy surgery is a procedure that can be life saving, it is also life-changing for patients of all ages. The spirit and courage with which a patient embraces life after ostomy surgery is what the Great Comebacks Program celebrates. My best wishes to Sara and her family.

### COMMENDING THE AMERICAN LEGION POST 3

### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate The American Legion

Post 3 for their hard work, service and dedication to the Alexandria/Pineville area, and to the nation.

In 2009 alone, The American Legion Post 3 donated \$34,500 to more than 30 laudable organizations throughout central Louisiana. Post 3 will be honored with a "Legiontown USA" program and subsequent ceremony on September 16, the anniversary of the organization's congressional charter, as American Legion Day.

The "Legiontown USA" campaign was recently introduced to increase awareness of the activities and efforts of local posts in communities throughout the United States and worldwide. This movement is beneficial for it gives our courageous veterans the recognition they deserve.

On a national level, The American Legion is a patriotic, non-profit organization devoted to advocating for our veterans on Capitol Hill. It is an honor and privilege to have such a prominent and compassionate institution in the 5th District of Louisiana.

Madam Speaker, I ask my colleagues to join me in commending The American Legion Post 3 for their loyalty and dedication to our nation's veterans, as well as for their tremendous service to the communities of central Louisiana.

A TRIBUTE HONORING SALESIAN  
HIGH SCHOOL'S CHAMPIONSHIP  
VOLLEYBALL TEAM FROM  
BOYLE HEIGHTS IN LOS ANGELES

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize and commend an extraordinary group of highly motivated and talented high school volleyball players and their coach from the Boyle Heights area of Los Angeles in the 34th District who were crowned champions of California Interscholastic Federation (CIF)-Southern Section Division V in May.

When people talk about Salesian High School's run at the championship, they talk about an unlikely coach and an equally unlikely group of young men for whom volleyball has become more than a game.

The team's coach, Elliott Walker, is a math teacher who learned the basics about volleyball by reading library books. With his compact body and beard, he doesn't exactly fit the stereotype of a volleyball coach. As for the players, the Salesian roster mirrors a student body that is 96 percent Latino, and few of the kids played volleyball before arriving as freshmen.

However, with a defensive style that emphasizes keeping the ball in play, Salesian's team, called the Mustangs, more than compensates for its lack of height and experience. The Mustangs try to throw other teams off-balance with quick transitions, giving opponents less time to settle defensively. This approach suits their coach who, ever the mathematician, asks players to line up with shoulders perfectly an-

gled and teaches his players precise steps for each situation. Hitters aim at nine distinct areas across the net like keys on a cellphone, beginning with high-percentage shots to No. 1, then No. 3, and so on.

After consecutive runner-up finishes in 2007 and 2008, the second-seeded Mustangs ventured to suburban Orange County this year for a shot at the title. While the Mustangs built a respectable program on sweat and guile, the team from the Boyle Heights school faced a formidable match-up. After all, Salesian faced volleyball royalty in the form of St. Margaret's of San Juan Capistrano. In addition to being made up of big kids from a beach town, St. Margaret's team is led by Coach Karch Kiraly, a legend in the sport, whose two sons are on the team's roster.

After four hard-fought games, the final match ended when senior outside hitter Bernard Luna smashed his eighth kill of game four, giving the all-boys school from East Los Angeles its first-ever section title in the sport. Luna finished with 22 kills, two blocks and a service ace in an overall spectacular performance. This was not a one-man effort. Cameron Walker, Jacob Porter, Aaron Turcios, brothers Steven and Ivan Godinez and Erwin Ramirez were the other starters who contributed. Anthony San Jose and John Mora also had their moments off the bench.

Bernard Luna, a senior outside hitter who averaged 18 kills per game for the Division V champion Mustangs, was named CIF Player of the Year. Salesian's Elliott Walker was named Coach of the Year. And, juniors Erwin Ramirez and Cameron Walker were named to the First Team All-CIF.

But the players' success extends well beyond the volleyball court. All nine seniors on last school year's championship volleyball team are currently enrolled at four-year colleges, including Luna, who earned an athletic scholarship to Hope International University.

Madam Speaker, on behalf of the 34th Congressional District and the state of California, I ask my colleagues to join me in congratulating Salesian High School's volleyball team on their remarkable achievements and extending to this school year's team our best wishes for the upcoming season. They are truly an inspiration, on and off the volleyball court. After all, as they have shown, with determination, teamwork and a lot of hard work, anything is possible.

PERSONAL EXPLANATION

**HON. PETER T. KING**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. KING of New York. Madam Speaker, due to a homeland security matter I was detained this evening and missed rollcall #696. Had I been present, I would have voted "aye."

PATRICK SWAYZE—ACTOR—  
ADVOCATE—TEXAN

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. POE of Texas. Madam Speaker, I rise today to remember Patrick Swayze, actor and advocate. Swayze died at the age of 57—yesterday—September 14, 2009 after a long battle with pancreatic cancer. He was born in Houston, Texas, on August 18, 1952 to parents, dancer and choreographer Patsy Swayze, and the late engineer draftsman, Jesse Swayze.

A great actor, singer and dancer and an outstanding native Texan, Swayze had a long and distinguished career that made him an American icon. Known for his work in many films including "The Outsiders", "Dirty Dancing", and "Roadhouse," Swayze has been gracing the big screen for over four decades. He received four Golden Globe nominations for his performances in "Ghost" and "To Wong Foo, Thanks for Everything! Julie Newmar".

Patrick Swayze had been suffering from pancreatic cancer since January 2008. Despite his own illness, Swayze's unwavering dedication to bring awareness and fight cancer remained clear until his final days. He recently wrote a letter to Congress asking for support and funding towards the National Institutes of Health for treating cancer as well as other life threatening illnesses. Swayze brought necessary attention to pancreatic cancer by making fellow Americans aware that "more than 1.4 million will be diagnosed with cancer in their lifetimes," and reminding them "that they are not alone."

Patrick's rise to fame began at Waltrip High School in Houston. After graduation, he enrolled in San Jacinto College, located in the second district of Texas, to focus on gymnastics. His training allowed him to take his first step toward stardom as Snow White's Prince Charming with the Disney's Parade Ice Show. Shortly after, he traveled to New York City in order to pursue his first love, dancing. However, an old football injury ended his ballet career, directing Swayze towards acting. Swayze starred in over 33 movies, 7 theatre productions, and had numerous television roles and appearances throughout his accomplished career.

Swayze leaves behind his wife of over thirty years, Lisa Niemi. Together they weathered a journey of both success and disappointment. Swayze and Niemi's love and commitment for one another was unwavering until the very end.

On behalf of the second congressional district of Texas, I rise to remember a true native Texan, Patrick Swayze for his outstanding achievements in the entertainment business and in the fight against cancer. His life is truly an example to all. He will be remembered as a role model and a shining example of hard work, determination, and the spirit of Texas.

## HONORING MR. WILEY HILBURN

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. ALEXANDER. Madam Speaker, it is with great pride that I rise today to commend Mr. Wiley Hilburn, an esteemed editor, respected mentor and prolific columnist.

On September 1, the Louisiana Tech University news bureau chief, journalism teacher and department head, will retire after 41 years of dedication and service. Hilburn's legacy is not only embedded in his written work, but translated into the countless careers of past students.

The Tech Talk, Louisiana Tech's weekly newspaper, was not always the student voice of the university, but merely a mouthpiece for the administration. In 1968, Tech President F.J. Taylor, hired Hilburn to liberate the school's newspaper, a period consumed with controversy and fueled by opinion. Successfully safeguarding the student body's First Amendment right during the Vietnam War and Civil Rights movement renders recognition.

Hilburn will retire from one of Louisiana's most acclaimed journalism schools. During his 41-year-tenure, Hilburn served under Taylor and current Tech President Dan Reneau. Throughout the past 40 years, students have learned how to report responsibly and objectively.

Although he will no longer steer the student voice of Tech, his opinionated outlook of reason will continue in his columns, printed weekly in The Shreveport Times and The News-Star, of Monroe.

The Ouachita River touches most parishes in North Louisiana; Hilburn touches the hearts of all of his readers in North Louisiana every Sunday. During his four decades of teaching and mentoring students, Hilburn gave 'fragments' of his life to every journalism student who walked through Keeney Hall.

I ask my colleagues to join me in congratulating Mr. Wiley Hilburn, a teacher, writer and personal friend.

CONGRATULATING COCOA BEACH HIGH SCHOOL AND RALPH M. WILLIAMS ELEMENTARY SCHOOL FOR BEING DESIGNATED AS 2009 BLUE RIBBON SCHOOLS

**HON. BILL POSEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. POSEY. Madam Speaker, I am pleased to recognize and extend my congratulations to two schools in the 15th Congressional District of Florida that have been designated as 2009 Blue Ribbon Schools: Cocoa Beach High School and Ralph M. Williams Elementary School. I am honored to represent a district that is home to these schools that have achieved so much. These schools will serve as models for other schools throughout the country.

The Blue Ribbon Schools Program commends public and private elementary, middle,

and high schools that are either academically superior by scoring in the top 10 percent on state assessment tests or that demonstrate extraordinary gains in student achievement, specifically in students from disadvantaged backgrounds.

Florida's success in the realm of education is nothing new. Florida's education system is frequently boasted as the best in the Nation. In a recent publication by the Heritage Foundation, Florida public education is described as "remarkable." The paper goes on to say that, "Over the past decade, National Assessment of Education Progress (NAEP) reading scores for Florida fourth graders have soared nine percentage points—more than twice the national gain. Florida's eighth-grade reading gains were also almost double the national average. Math scores also registered solid gains, exceeding the national average . . . Most impressive has been the success of minorities. Scores among Florida's low-income black and Hispanic students have risen much faster than the national average. Hispanic fourth-graders in the Sunshine State now boast reading scores higher than the all-student average in 15 states, including California." These achievements are truly remarkable.

I would also like to take a moment to thank the principals and teachers of these two fine schools. Your leadership and service have made these achievements possible. Most fundamentally, education is the province of parents, teachers, and local and state governments. This award demonstrates that the innovation and hard work of parents, teachers, local administrators, and the community as a whole can produce efficiency, accountability, and achievement in our Nation's schools. These two schools have served their students well and are effectively preparing them for the challenges awaiting them as adults through an effective education system.

Madam Speaker and my colleagues, I ask that you join me in honoring the students, teachers, and administrators at Cocoa Beach High School and Ralph M. Williams Elementary School for their extraordinary accomplishments. They have made Florida's 15th Congressional District proud.

## TRIBUTE TO LIZ ANDERSON

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mrs. EMERSON. Madam Speaker, I rise today to pay my respects to a good friend of mine and a great servant of Missouri's Eighth Congressional District, Liz Anderson. Mrs. Anderson, born in Poplar Bluff, Missouri, passed away on September 9th, and she is being sorely missed by her family, friends, colleagues and the citizens of Southern Missouri.

For 30 years, Southern Missourians have been accustomed to getting the news of the day from Mrs. Anderson. First as a reporter, then as editor and co-owner of The Enterprise-Courier in Charleston, Missouri, and The East Prairie Eagle in East Prairie, Missouri, Mrs. Anderson brought her considerable skills to the newsroom. In our communities, she is

remembered for being tough, fair, inquisitive, patriotic, and—above all—for taking the time to become at least twice as informed as she needed to be on any issue that earned a place in her newspaper.

Separate from her vocation in the newsroom, Mrs. Anderson put her considerable talents to work on issues she felt were important to Mississippi County, Missouri, as well as to the rest of the state and to the nation. On flood control, river transportation, and economic development issues, the positive effect of her efforts will endure along with our memory of her.

To Liz Anderson's family, I extend my heartfelt condolences. To the members of this U.S. House of Representatives, I commend her strong community spirit and her dedication to the principles of a free press. Mrs. Anderson put that free press to work in an exemplary way in Southern Missouri—and we should all take her tremendous contributions to heart as we honor her memory.

## TRIBUTE TO JOHN MANGANARO

**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SMITH of Nebraska. Madam Speaker, I rise today to congratulate Mr. John Manganaro upon his retirement after 17 years serving as head baseball coach at Wayne State College.

Manganaro came to Wayne State as an assistant in 1990 and took the helm in 1993, inheriting a sport with less than one scholarship and a \$12,000 budget. He built Wayne State into one of the top programs in NCAA Division II, winning the last six Northern Sun Conference regular season titles while guiding the Wildcats to six straight NCAA tournament appearances.

Manganaro tallied a 506–309–1 record and was 198–54 in Northern Sun Conference games. Manganaro is a four-time Northern Sun Conference Coach of Year award recipient and led Wayne State to five Northern Sun Conference Tournament titles. Manganaro produced All Americans in six of the last seven seasons and had two players selected in the Major League Baseball Draft over the past three seasons.

In July of this year, the Omaha World Herald selected John Manganaro as the 2009 Midlands College Coach of the Year for men's sports. This was a fitting award for a coach that built a baseball program from scratch and turned it into the 12th winningest team this decade in NCAA Division II baseball.

Many of my constituents have been members of his teams through the years and they have all benefited from the experience. He is a credit to his sport, his college, and all of Nebraska.

I wish John Manganaro, his wife Janice, and their six children and two grandchildren all the best in their future endeavors.

## PERSONAL EXPLANATION

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Ms. WOOLSEY. Madam Speaker, on September 14, 2009, I was unavoidably detained and was unable to record my vote for rollcall Nos. 696–98. Had I been present I would have voted:

Rollcall No. 696: Yea—Recognizing the significant contribution coaches make in the life of children who participate in organized sports and supporting the goals and ideals of National Coaches Appreciation Week;

Rollcall No. 697: Yea—Expressing support for designation of “National Safety Month;” and

Rollcall No. 698: Yea—Supporting the goals and ideals of senior caregiving and affordability.

A PROCLAMATION HONORING  
STRASBURG HIGH SCHOOL**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SPACE. Madam Speaker:

Whereas, Strasburg High School has displayed incredible dedication to creating well-rounded students; and

Whereas, the Strasburg High School has been supportive of their athletes; and

Whereas, the Strasburg High School has broadened the abilities and skills of their athletes in the sport of softball; and

Whereas, the Strasburg High School has always promoted sportsmanship on and off of the field: Now, therefore, be it

*Resolved*, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Strasburg High School on supporting their Girls' Division IV State Softball Championship. We recognize the tremendous amount of support they have given to their athletes.

## HONORING DOLPH CHIANCHIANO

**HON. MARK STEVEN KIRK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. KIRK. Madam Speaker, I rise to honor Dolph Chianchiano, Senior Vice President for Health Policy and Research, for his 30 years of service to the National Kidney Foundation.

As the co-chair of the Congressional Kidney Caucus, I have come to understand the need for kidney patients to have a strong advocate, and they certainly have one with Dolph.

Few people can say they have made a direct impact on the lives of millions of Americans as Dolph Chianchiano can. He has guided the NKF on almost every legislative and policy decision in the history of the Medicare ESRD program, which started 35 years ago.

He helped shape the National Organ Transplant Act in 1984, the Benefits Improvement and Protection Act in 2000, the Organ Donation and Recovery Improvement Act in 2004 and Medicare Improvements for Patients and Providers Act in 2008. These laws have helped raise the standards for dialysis facilities, establish, regulate and improve the organ donation process, and provide funding for education, early screening and life-saving treatments for kidney patients.

He has been diligent to make sure that the promise of legislation becomes a reality for patients, making sure that the laws are implemented well through rulemakings and that appropriations follow the authorizing legislation. His ability to work to build support in the kidney community and his institutional memory of regulations and legislation over three decades makes his work even more profound.

We know Dolph's work will continue and for that we are thankful. But today, I want to honor him for his passion, commitment and dedication to kidney and transplant patients for the past 30 years and wish him the best as we work together to improve the lives of people touched by kidney disease.

## PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SMITH of Washington. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, September 14, 2009.

Had I been present, I would have voted “yes” on rollcall vote No. 696 (On the motion to suspend the rules and agree to H. Res. 6); “yes” on rollcall vote No. 697 (On the motion to suspend the rules and agree to H. Res. 459); and “yes” on rollcall vote No. 698 (On the motion to suspend the rules and agree to H. Con. Res. 59, as Amended).

A PROCLAMATION HONORING  
ROGER MCCAULEY FOR 40 YEARS  
OF DEDICATED SERVICE TO OHIO  
AND THE APPALACHIAN REGION**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SPACE. Madam Speaker,

Whereas, Roger McCauley served as the Executive Director of the Corporation for Ohio Appalachian Development, because of his expertise about and dedication to Appalachian Ohio; and

Whereas, Roger McCauley has been a long-standing advocate of affordable housing for all through his service on the board of the Ohio Housing Finance Agency; and

Whereas, Roger McCauley has, throughout his career, been of invaluable service to community economic development and poverty advocacy groups; and

Whereas, Roger McCauley has been an up-standing and irreplaceable leader in his com-

munity, having served on the Governor's Early Childhood Advisory Council, as President of the Oakdale Water District, and as President of the Burr Oak Regional Water District;

Whereas, Roger McCauley has spent forty years of his distinguished life fighting in the War on Poverty: Now, therefore, be it

*Resolved*, that along with his friends, family, and the residents of the 18th Congressional District, I applaud Roger McCauley for her distinguished record of service to Ohio and the Appalachian Region. We are grateful for his dedication and service.

HONORING THE WORK OF ARA  
PARSEGHIAN**HON. JOE DONNELLY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to honor Ara Parseghian for his years of dedication as a loving husband and father, legendary football coach and most notably, an advocate for scientific research to discover cures for two rare diseases which afflict hundreds of thousands of Americans—Multiple Sclerosis (MS) and Niemann-Pick Type C disease.

Ara Parseghian spent much of his career serving as a leader and role model to the many young men who came under his guidance during his tenure as the head football coach at Miami University, Northwestern and the University of Notre Dame. Mr. Parseghian's impressive record at Notre Dame included two consensus national championships and three bowl victories in the 1970 Cotton Bowl, the 1973 Sugar Bowl and the 1974 Orange Bowl. Mr. Parseghian was inducted into the College Football Hall of Fame in 1980 in recognition for these tremendous accomplishments.

Many Americans have heard stories about Ara Parseghian's legendary football career, but what many may not know is that some of his most important work began after his football career. For nearly fifteen years, Ara has been fighting Niemann-Pick Type C disease. This tragic disease is a degenerative neurological disorder afflicting thousands of children and sadly is ultimately fatal. Niemann-Picks Type C is a rare disease, afflicting only one out of four children when both parents are carriers. The Parseghian family learned of this disease first hand, when despite the rarity of the disease, three of Ara's youngest grandchildren were diagnosed with Niemann-Picks Type C in 1994.

Unfortunately, the Parseghians' beautiful grandchildren are no longer with us. Michael passed away at the age of 9 in 1997, Christa when she was only 10 in 2001, and most recently Maria at age 16 in 2005. Surely no grandparent in this day and age should have to outlive three of their grandchildren. Yet, rather than succumb to grief and give up hope, Ara Parseghian and his family never let up in their fight to find a cure for this terrible disease. Together they founded the Ara Parseghian Medical Research Foundation in 1994 devoted to researching and finding a

cure for Niemann-Picks Type C. In 1997, scientists funded by the Parseghian foundation were able to isolate the gene responsible for causing Niemann-Picks Type C, and have since made tremendous strides towards finding treatments which may one day prevent other families from suffering the same tragic loss as the Parseghians have.

Ara Parseghian's commitment to scientific discovery did not stop with the disease that took the lives of his grandchildren. Mr. Parseghian, whose sister, brother-in-law and daughter have been diagnosed with multiple sclerosis, is also active in fundraising for the National Multiple Sclerosis Society.

In honor of his many years of selfless devotion to the cause of medical research, Ara Parseghian will be honored at the Kate's Hope Michiana MS Luncheon on September 23, 2009, where he will receive the first Kate's Hope Award for "hope-inspiring humanitarian service." While Ara Parseghian has received numerous awards and accolades for his achievements on the football field, it is honors such as this—for his selfless devotion to others—which will truly define the "Era of Ara." And so once again, I wish to express my sincere admiration and respect for Ara Parseghian, and honor all he has done for children and families struggling with neurological disorders.

#### HONORING STEPHEN C. WHITE OF THE MYSTIC SEAPORT MUSEUM

#### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. COURTNEY. Madam Speaker, I rise today to welcome Stephen C. White, as the new president and chief executive officer of Mystic Seaport Museum, in my Congressional district.

The Board of Trustees of the Museum conducted a national search of many qualified candidates and found an individual capable of building on the Museum's many accomplishments during its 80-year history. Mystic Seaport Museum, the Museum of America and the Sea, hosts nearly 300,000 visitors each year, including 30,000 children attending with school or youth groups.

Prior to joining the Museum, Steve served 18 years as headmaster of Fay School, the country's oldest junior boarding school. During Steve's tenure, Fay School established a dynamic strategic plan and a comprehensive master plan for future campus development. Under Steve's leadership, Fay dramatically increased its endowment and, most recently, completed a \$20 million campaign designed to support key elements of the strategic plan, including compensation, scholarships, program development and campus expansion.

A native of Camden, ME, Steve has long enjoyed a connection to the sea, sailing wooden boats with his grandfather and father. He found his call to education through the sea as well, having spent summers as a director of junior sailing programs at Camden Yacht Club and Ft. Worth Boat Club. He's also made two trans-Atlantic crossings on a sloop from Con-

necticut. Steve is excited to get back to his maritime roots as he takes on the position of moving Mystic Seaport forward.

Steve has a B.A. in English and Education from Hartwick College. Additionally, he has completed coursework at Columbia University/Teachers College through a Klingenstein Fellowship. He currently resides on Cape Cod with his wife, Maggie, and is planning to relocate to Mystic soon.

As Mystic Seaport celebrates its 80th year, the team there continues to strive toward achieving the vision the founders laid out in 1929—that the Museum be educational in purpose, national in scope and an inspiring force for the future.

Based on my work with Steve White during his first few months in office, I am confident that he has been an excellent selection to continue working toward this vision, and I look forward to working closely with him as he does so.

#### CALL TO SERVICE HOMEBUYER CREDIT ACT OF 2009

#### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. BLUMENAUER. Madam Speaker, in June of this year, a constituent contacted me regarding an issue of great concern to his family. He and his wife had purchased a home in my district with the First Time Homebuyer Credit. Yet, because of a temporary government assignment overseas, they were being forced to repay the credit. This constituent eloquently expressed his frustration and asked my office to help him, and the thousands of Foreign Service families like his.

I'm proud to say that today we are doing just that by introducing the "Call to Service Homebuyer Credit Act of 2009."

This bill would allow members of the armed services, Foreign Service, and intelligence community to take full advantage of the 2009 First Time Homebuyer Tax Credit.

Currently, the credit provides up to \$8,000 towards the purchase of a home, from December 31, 2008 through November 30, 2009, provided that the home is a primary residence for 36 months afterward. The program has been so successful that the National Association of Realtors estimates 1.8 million families will file for the credit, and that 350,000 wouldn't have been able to purchase a home without it.

But for all its popularity, the credit is inaccessible to many Americans—like my constituent—serving our country in the military, Foreign Service, or intelligence community. These occupations often require time served abroad, or otherwise away from home, rendering a 36-month commitment to a primary residence a difficult proposition. Even now, hundreds of thousands of men and women are overseas serving our country on bases, embassies, or other posts, away from friends and family, and often in hazardous locations. Those serving the public should not have to choose between their job and their home.

This bill protects those called to service, now or in the future, by counting duty away

from home as time spent fulfilling the primary occupancy requirement. It also gives a second chance to those who served away from home in 2009 by extending the credit for one year. This bill will give these men and women the same opportunity as other Americans to own a home.

I appreciate the engagement of the Ways and Means Committee on this issue, and I look forward to working with my colleagues to quickly enact these thoughtful provisions.

#### CELEBRATING THE 50TH ANNIVERSARY OF BANK OF O'FALLON IN O'FALLON, ILLINOIS

#### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of the Bank of O'Fallon, in O'Fallon, Illinois.

The Bank of O'Fallon was chartered in 1959 and opened its doors in a facility on the northwest corner of the new Southview Plaza. The original board of directors included; Matthias K. Schwarz, Russell V. Thoman, Sr., Dr. B.F. Tate, Arthur Huller, W. Wayne McKinley, Ray Richardson, and Jack Schwarz. The management team consisted of President, Matthias K. Schwarz, Vice-President, Russell V. Thomas, Sr., and acting cashier, Dr. B.F. Tate.

Responding to the needs of its customers, the Bank of O'Fallon opened an 8 lane drive through facility in 1973, across the "Shiloh Road," at 913 South Lincoln. Expansion continued in 1989 with the opening of a new, larger bank building next to the drive through. The Community Financial Center was built on the site of the original bank building in 2000. This center holds a conference room, dedicated to one of the founders, Russell V. Thomas, Sr. and his wife, Eleanor, where community groups can meet free of charge.

The Bank of O'Fallon has grown through the years and has earned a reputation as a sound, successful community bank. It is owned by Security First Bancshares, Inc., a locally owned holding company. With current assets of approximately \$255 million, the bank has been recognized by several independent bank research firms with their highest ratings.

The current president, Richard J. Thoman, stresses the joint contributions of the directors, officers and employees in the continuing success of the bank. O'Fallon and the surrounding area have been tremendous growth since 1959 and the Bank of O'Fallon has grown with it by maintaining close ties within the communities it serves.

Madam Speaker, I ask my colleagues to join me in congratulating the board of directors, officers and employees of the Bank of O'Fallon on their 50th Anniversary and wishing them the very best for many more years to come.

HONORING ANN ARBOR HOST  
LIONS CLUB'S EIGHTIETH YEAR  
OF SERVICE

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. DINGELL. Madam Speaker, I rise today to honor the Ann Arbor Host Lions Club as they celebrate their eightieth year of service to the people of Ann Arbor and the state of Michigan.

The Lions Club has spent decades faithfully serving the City of Ann Arbor and have aided the area in times of prosperity and hardship. Since 1929, the Lions Club has maintained its presence in the community through a variety of events, including but not limited to White Crane drives, active participation in Habitat for Humanity and strong support for countless local and state-wide programs.

As members of the world's largest community service organization, the men and women of the Ann Arbor Host Lions Club should be commended for their dedication to the residents of the greater Ann Arbor area. The Lions Club's desire to give back to the community was directly responsible for the creation of the Michigan Eye-Bank, a state-wide charitable organization that has offered sight restoration to thousands of people.

The citizens of Ann Arbor can take immense pride in being members of a community that has engaged and been served by the wonderful group of dedicated and compassionate volunteers that constitute the Ann Arbor Host Lions Club. Their generosity and charitable activities have been visible in the community for several generations and it is my hope and wish that their outstanding work receives praise and recognition.

Madam Speaker, I ask that my colleagues rise and join me in commending the Ann Arbor Host Lions Club on eighty years of charitable support and service to the community.

HONORING DR. NORMAN E.  
BORLAUG

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. BRADY of Texas. Madam Speaker, I rise today to honor Dr. Norman E. Borlaug, a brilliant scientist and humanitarian, who died on September 12, 2009, at the age of 95 from complications with cancer in Dallas, Texas.

Dr. Borlaug was awarded the Nobel Peace Prize, the Presidential Medal of Freedom, and the Congressional Gold Medal during his lifetime. Dr. Borlaug used the respect he received from his accolades to advocate the importance that sound agriculture policy would have on allowing peace to exist among communities hard hit by famine.

Dr. Borlaug won his Nobel Peace Prize in 1970 for developing a strong strain of wheat that could produce large yields in regions of the world, otherwise susceptible to famine. Many of these regions were in developing

countries with a history of increased amounts of conflict due to the hunger of its communities. Dr. Borlaug believed through studying agriculture trends, food challenges could be met resulting in establishing peace and prosperity.

Dr. Borlaug received his Presidential Medal of Freedom in 1977 and his Congressional Gold Medal in 2007.

Dr. Norman Borlaug was Distinguished Professor of International Agriculture in Texas A&M University's Department of Soil and Crop Sciences. Joining the Texas A&M family in 1984, Borlaug worked extensively, even up to his death, studying the food trends of the world. At Texas A&M in 2006, the Norman Borlaug Institute for International Agriculture was named in his honor. This institution aims to carry on the rich legacy of the great works and service of Dr. Borlaug and ensure future stewards of that legacy will carry out the good work stressed by this great man.

Dr. Borlaug knew the importance of challenging the youth in his field to carry the torch for the next generation of scientists, working to solve the food challenges that the future may hold. Generations to come will be indebted to his life's work.

Madam Speaker, I am proud to call Dr. Borlaug a friend, and I remain in awe of his intellect and body of work. Thank you for the opportunity to call on all Americans to recall his spirit and his service.

INTRODUCTION OF SATELLITE  
HOME VIEWER UPDATE AND RE-  
AUTHORIZATION ACT  
("SHVURA")

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. CONYERS. Madam Speaker, today I am introducing the "Satellite Home Viewer Update and Reauthorization Act," legislation that modernizes, simplifies and improves the compulsory copyright licenses governing the retransmission of distant television signals by cable and satellite television operators. I am joined by Representative BOUCHER, Representative WASSERMAN SCHULTZ and Representative JOHNSON.

Both the cable and satellite industries rely on these licenses to provide television programming to their customers. The satellite Section 119 license will expire on December 31, unless we act. This legislation renews the satellite license for five years.

These compulsory copyright licenses were designed to facilitate investment in new creative works by the satellite and cable industries by eliminating direct negotiation with the copyright owners for the use of distant signal programming. These companies pay copyright royalty fees to a pool, at a rate set by statute, and are then distributed to the copyright owners by the United States Copyright Office.

In the five years since we last addressed these issues, the cable and satellite industries have changed dramatically. The country underwent a transition from analog to digital television, the cable industry has grown and con-

solidated, and the satellite industry has expanded its reach, signing up more subscribers and providing more markets with local-into-local service.

This legislation reflects the recent transition to digital television by clarifying that the compulsory licenses apply to digital streams instead of just analog streams, and by providing for an updated technological model to predict the eligibility of satellite subscribers for distant signals under the Section 119 license. It also takes into account the advent of multicasting, which is a direct result of the new capacity created by the transition to digital signals and was not contemplated by the previous licensing schemes.

One important purpose of the Section 119 license is to ensure that consumers who live in markets that may be missing certain network affiliates can receive the full complement of network programming. The new language clarifies the ways in which the license can be used by satellite companies to accomplish this.

Changes in the cable television marketplace have resulted in confusion over the proper way to calculate royalties under the Section 111 cable compulsory license. This so-called "phantom signal" uncertainty has chilled both the cable and content industries, creating legal ambiguity that deters investment and growth, and threatens to raise cable price and disrupt cable service. This legislation alters the way the royalty rates are calculated to restore certainty to the marketplace and make the compensation for copyrighted content more fair.

This legislation also gives television and cable providers the flexibility they need to assist the United States Government in times of national emergency. Previously, during national emergencies, the compulsory licenses precluded cable and satellite companies from broadcasting certain distant signals to government organizations. Now the licensees can provide the government with the information it needs to monitor and respond to a natural disaster or man-made catastrophe.

This legislation also attempts to help rural markets that are currently not receiving "local-into-local" service. To incentivize satellite companies to serve these disadvantaged markets, the legislation restores the section 119 license to DISH network, which lost its license three years ago for noncompliance, on the condition that DISH enter all television markets in the United States. It is anticipated that this change will spur price and market competition between the major satellite providers to broaden and improve service to consumers.

The legislation streamlines and updates the compulsory license system in several other ways. It substantially heightens the penalties for copyright infringement. It provides a verification right for copyright owners to ensure that they are being properly compensated for the use of their intellectual property. It corrects and updates provisions related to rate-setting proceedings before the Copyright Royalty Judges. It adds a royalty filing fee to defray the administrative costs of disbursing the copyright payments to the pool. And it moves provisions for low power television and "significantly viewed" stations from Section 119 to Section 122 to reflect the "local" nature of those signals.

The current compulsory licenses were not designed for this new digital era. This legislation is necessary to avoid immediate disruption in service to satellite consumers, long-term deterioration of service to cable consumers, and to enhance and protect the rights of content-creators.

A PROCLAMATION HONORING  
INDIAN VALLEY HIGH SCHOOL

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SPACE. Madam Speaker,

Whereas, Indian Valley High School has displayed incredible dedication to creating well-rounded students; and

Whereas, the Indian Valley High School has been supportive of their athletes; and

Whereas, the Indian Valley High School has broadened the abilities and skills of their athletes in the sport of baseball; and

Whereas, the Indian Valley High School has always promoted sportsmanship on and off of the field: Now, therefore, be it

*Resolved*, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Indian Valley High School on supporting their Boys' Division III State Baseball Championship. We recognize the tremendous amount of support they have given to their athletes.

REMEMBERING SEN. RON RAIKES

**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Mr. SMITH of Nebraska. Madam Speaker, I rise today to remember a friend and a col-

league, Nebraska State Senator Ron Raikes. Ron was a dedicated public servant, who will be remembered as an honorable, hardworking senator who took pride in representing his constituency and all of Nebraska.

Raikes was born and raised in Nebraska. He attended Iowa State University and worked there as a professor after receiving a doctorate in agricultural economics from the University of California-Davis.

Raikes was appointed to the Nebraska Legislature in 1997, elected in 1998 and reelected in 2000 and 2004. I will always remember him as a well-liked and deeply respected colleague.

He was a mentor to the younger generation and an avid farmer. He ran a large cattle operation, a soil conservation business, and grew corn, soybeans and wheat. More than that, he was a tireless advocate for what he believed in and always challenged his colleagues.

He will be missed.

My heart goes out to his wife, his children and his grandchildren.

RECOGNIZING HISTORICALLY  
BLACK COLLEGES AND UNIVERSITIES

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 15, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to acknowledge the importance of Historically Black Colleges and Universities in the United States. President Barack Obama has issued a proclamation recognizing August 30–September 5, 2009 as National HBCU Week, and I am very proud to honor these institutions today.

Historically Black Colleges and Universities are defined as accredited colleges and univer-

sities founded prior to 1964 with the intent of serving the African-American community. These institutions have existed for more than 140 years, and there are more than 100 across the United States. Of the nine HBCUs in my home state of Texas, three are public institutions and six are private.

HBCUs have had a very long history and date back to the period directly following the Civil War. Originally HBCUs were the only institutions of higher education that accepted African-Americans. After the Civil Rights Movement prompted an end to white-only admissions policies, HBCUs continued to act as an important educational resource for African-Americans and other students who chose not to attend predominately white institutions.

There are a number of notable figures who have graduated from HBCUs, and I would like to pay tribute to some of them today. Alice Walker of Spelman University and Langston Hughes of Lincoln University are American literary giants who attended HBCUs. Former U.S. Supreme Court Justice Thurgood Marshall went to Howard University and former Congresswoman Barbara Jordan attended Texas Southern University. Additionally, Rev. Martin Luther King, Jr. was a graduate of Morehouse University. Truly, our country would be at a great loss without these heroes.

I commend the educators, students, alumni and staff that have worked tirelessly to make Historically Black Colleges and Universities what they are today. I ask my fellow colleagues to join me in recognizing the role these institutions have played in educating generations of Americans of all races and ethnic backgrounds.

**SENATE—Wednesday, September 16, 2009**

The Senate met at 9:30 a.m., and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, sustainer of humanity, if it were not for Your love, our burdens would be too heavy and the journey would seem too difficult. But because of Your mercies, we can mount up on wings like eagles, run and not become weary, and walk and not faint.

Draw near to our Senators today. Keep them from confusion and perplexity and the fatigue of fruitless quests. Breathe upon their thinking with Your truth and illuminate their understanding with Your light. May the pressures of the world not mold them, but may they receive Your strength so that they can shape our Nation and world according to Your purposes. Lord, maintain in them the fidelity of those to whom much has been given and from whom much will be required. May this be for them a productive day because they have placed their trust in Your strong and guiding hand.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 16, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period for the transaction of morning business until 11 a.m. Morning business will need to cease at 11 a.m. because we have Senator COBURN coming to give a statement at that time, preparatory to a vote that will occur after he completes his remarks. Senators will be permitted during the time until 11 o'clock to speak for up to 10 minutes each. The Republicans will control the first half of that time, the majority will control the next half, and the remaining time will be equally divided and controlled between the two leaders or their designees.

Following morning business, the Senate will resume consideration of H.R. 3288, the Transportation appropriations bill. There will be 30 minutes for Senator COBURN and 10 minutes for Senator MURRAY to debate the pending Coburn amendments. Upon the use or yielding back of that time, the Senate will proceed to a series of up to five rollcall votes. Therefore, Senators should expect votes beginning around 11:30 a.m. Senator COBURN may not use all of his time. If that is the case, when he completes his remarks, Senator MURRAY or someone she chooses will speak and then we will start the votes.

Last night, I filed cloture on the committee amendment and the underlying bill. I am confident and hopeful that is not going to be necessary, as I am told we should be able to complete action on this bill today. As a result, there will be a 1 p.m. filing deadline for first-degree amendments to this Transportation bill. We hope we can move immediately to the Interior appropriations bill. We should be able to wrap that up fairly quickly.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**HEALTH CARE**

Mr. MCCONNELL. Mr. President, the debate over health care continues to be a top concern for most Americans, but it is important to realize that this de-

bate is not taking place in a vacuum. It is taking place in the context of a nation that is increasingly concerned about the size and the scope of government.

Over the past year, Americans have seen the government take over automakers and insurance companies. They have seen government spend hundreds of billions of dollars to bail out banks and other financial institutions. They have seen government run up unprecedented debt. And now they are seeing the government trying to take over health care.

If the White House wants an explanation for all the unrest it is witnessing across the country, all the worry and concerns Americans have about their health care plans, this is a crucial piece. Democrats in Washington may see all these government programs and interventions as separate, individual events. But to most Americans who are weathering a recession, it seems as if every time they pick up a newspaper or turn on the television, Democrats in Washington are pushing another trillion-dollar bill, calling for more spending, more taxes, and more debt. That is why people are becoming more vocal, and that is why they have been delivering a consistent message for weeks: no more government takeovers, no more spending money we do not have, no more tax increases, and no more debt. Americans are concerned about government running their lives and ruining their livelihoods, and they do not get the sense that either the administration or Democrats on Capitol Hill are listening.

Nowhere is this disconnect between the people and the politicians in Washington more apparent than in the debate over health care. Americans do not think a bigger role for government in health care would improve the system. Yet despite this, every single proposal we have seen would lead to a vast expansion of the government's role in the health care system.

It is not that the Democrats in Congress do not sense the public's unease about a new government plan for health care. I think they do. It is the primary reason some of them are backing away from proposals that include it. What some Americans do not realize, however, is that even without a government plan, the health care plans Democrats are proposing would still vastly expand the government's role in our health care. That is what I would like to discuss in a little more detail this morning.

Let me list just a few examples of how government's role in health care

would expand even without a government-run plan.

Even without a government plan, the proposals we have seen would force employers to pay a tax if they cannot afford insurance for their employees. Employers have warned that this provision would kill jobs. At a time when the Nation's unemployment rate stands at a 25-year high of 9.7 percent, we should help businesses create jobs not kill them.

Even without a government plan, these proposals would require all Americans to choose only from health insurance plans with standards set by the government and would let government bureaucrats dictate what benefits are available to families. On this point, Americans have been equally clear. People want more choice and competition in the health care market so they can pick a plan that will work for their family, not one dictated by politicians in Washington. Yet even without a government plan, that is what they would get under the proposals we have seen. Anyone who saw any of the townhall meetings last month knows this idea is about as popular as chicken pox.

Even without a government plan, these health care proposals would require States to expand their Medicaid Programs, something the Senator from Tennessee, who is here on the floor, has spoken about frequently. Governors from both political parties have expressed serious concerns about the effect this particular proposal would have on their State budgets. They think these kinds of decisions should be left up to them, the States, not the Federal Government, and, frankly, so do most Americans.

Even without a government plan, these health care proposals would impose new taxes on small businesses and on individuals. Under the House bill, for example, taxes on some small businesses could rise as high as roughly 45 percent, a rate that is approximately 30 percent higher than the rate for big corporations. Under the same House bill, the average combined Federal and State top tax rate for some individuals would be about 52 percent—more than half of their paychecks.

Finally, the President has said his plan will not require any Americans to give up the health insurance they have and like. But what about the 11 million seniors who are currently enrolled in Medicare Advantage? Nearly 90 percent of them say they are satisfied with it. This program has given seniors more options and more choices when it comes to their health care. Yet under the administration's plan the government would make massive cuts to Medicare Advantage, forcing some seniors off this plan that so many of them have and like. When it comes to Medicare Advantage, Democratic rhetoric just does not square with reality.

Let me sum it up. While getting rid of the government plan would be a

good start, the Democratic bills we have seen would still grant the government far too much control over the health care system.

Over the past few months, Americans have been saying they have had enough of spending, enough of debt, and enough of government expansion. How are the Democrats in Washington responding? By trying to rush through another trillion-dollar bill Americans do not even want and cannot afford.

The American people do want health care reform—not with more government but with less. They do not want a new government-run system; they want us to repair the system we have.

On all of these points, the American people are sending a clear and persistent message. It is time we in Congress started to listen.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes, the majority controlling the next 30 minutes, and the remaining time equally divided and controlled between the two leaders or their designees.

The Senator from Tennessee is recognized.

#### HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I congratulate the Republican leader, the Senator from Kentucky, on his remarks. He made it very clear that we on the Republican side of the aisle want health care reform, but our definition of that is a little different from that on the other side of the aisle. We want health care reform that reduces costs—costs to the American people when they buy health insurance and the costs of the government of the American people. We do not want more debt and another Washington takeover, which we are seeing so much of these days.

President Obama said in his address to us that he “will not sign a plan that adds one dime to our deficits—either now or in the future. Period.” That is good.

As David Brooks wrote in the New York Times this past Friday:

This sound bite [of the President] kills the House health care bill.

It kills the House health care bill, because it would add \$220 billion to the

deficit over the first 10 years of its operation and another \$1 trillion over the next 10 years after that.

The President's sound bite about the deficit would effectively knock out the bill passed by the Senate HELP Committee as well. According to a recent letter from the Congressional Budget Office to the ranking member of the Senate HELP Committee, Senator ENZI of Wyoming:

The 10-year cost of the coverage expansion [of that bill] to the Federal Government, including such a change in Medicaid eligibility, would probably exceed \$1 trillion.

So that is off the table.

There appears to be growing bipartisan concern about a health care bill that might add to the debt. Senator WARNER of Virginia said on Monday:

My feeling is, [health care reform] can't just be paid for in a 10-year window. It has to be paid for in the out years as well.

That is Washington-speak for over the long term. He says:

This is so much bigger than health care. It goes to the deficit. It goes right to the heart of our competitiveness.

That is Senator WARNER of Virginia. I couldn't agree more. All of the health care reform bills produced so far by the Democratic Congress—either in the Senate or in the House—flunk the first test, which is reducing cost—cost to the American people and cost to the American government.

In July, the Congressional Budget Office Director, Douglas Elmendorf, said that the House bill and the Senate HELP bill did not propose “the fundamental changes that would be necessary to reduce the trajectory of Federal health spending by a significant amount.”

Additionally, the Congressional Budget Office has indicated that the House bill would result in a “net increase in the Federal budget deficit of \$239 billion” over 10 years. This is likely a low-ball estimate, because it assumes that Congress will increase taxes by \$583 billion over the next 10 years.

So if we are going to implement health care reform without increasing our debt, how are we going to pay for it? Who is going to pay for it is the more precise question. Here are some of the answers that have been proposed so far by the Democratic side of the aisle.

No. 1, grandma's Medicare is going to pay for it. The bills—and the President's own plan, which we have yet to see the details of—propose “Medicare savings.” Nice words for Medicare cuts. If there is \$500 billion in savings to be found in Medicare, we should use it to keep Medicare solvent, because the trustees of Medicare say that we are now spending at such a rapid rate that we will run out of money for Medicare by 2017. We should not use Medicare cuts to pay for a new government program. We should use any Medicare savings to make Medicare stronger.

No. 2, the way to pay for these bills we have been seeing in the House and the Senate is to shift the costs to the States. This is done by expanding Medicaid, which is the largest government-run program we have today. Almost 60 million low-income Americans have their health care from Medicaid, which the Federal Government pays about 60 percent of and the States 40 percent. The plans we have been hearing about have the Federal Government expanding Medicaid coverage—this is the State plan I was talking about—from 60 million to 80 million or 90 million people and, after a few years, asking the States to pick up their additional share of the cost of that expansion.

According to the National Governors Association, expanding Medicaid to 133 percent of the Federal poverty level would cost the States an additional \$31 billion per year. Although details are still lacking—and we may find out more today about the proposals from the Senate Finance Committee—the Democratic Governor of Tennessee, Governor Bredesen, said on Friday that he is concerned about the plan being proposed by Senator BAUCUS and that his guess was it might cost our State as much as \$600 million to \$700 million per year.

In Washington that doesn't sound like a lot of money, but to Tennessee that is a lot of money. We had a big fight a few years ago over whether to have a new State income tax. We don't now have one, and our former Governor didn't succeed on that. People got very upset about that. That would only have raised \$400 million. But this is an increase of \$600 million or \$700 million that would, after a few years, be shifted to the States.

That is not all. Since States only reimburse doctors and hospitals for about 60 percent of their cost of serving the 60 million patients on Medicaid, these expansion proposals of Medicaid usually also require States to increase reimbursements to doctors and hospitals. Increasing reimbursements to doctors and hospitals would basically double the increased cost to States. So you can see why earlier in the debate many of the Governors—including many of the Democratic Governors of this country—objected to this proposal. Governor Bredesen called those proposals “the mother of all unfunded mandates.” We know where unfunded mandates lead in our State, and that is higher State taxes.

No. 3, in addition to cutting Medicare and increasing State taxes by expanding Medicaid, the bills we have seen ask small businesses to help pay for the bills through employer mandates and fines. Under the Senate HELP Committee bill, for example, firms with more than 25 workers would have to pay the new tax, with penalties equal to \$750 per year per full-time employee and \$375 for part-time employ-

ees. The Congressional Budget Office estimated that this would raise \$52 billion over 10 years. The House bill would impose over \$200 billion in fines on businesses who cannot afford to finance their workers' health coverage.

There is another consequence to that. We have often heard the President say: Well, if you like your health care plan, you can keep it. But, what he doesn't go on to say is that if we create this government plan and if we require employers to pay \$750 per full-time employee and \$375 for a part-time employee, many employers are going to look at that and decide it is much cheaper to pay the \$750 or the \$375 for an employee. So they will just pay the government a fine and let the government plan offer health care to their employees. It is estimated by most groups that have looked at the plans we have seen that the combination of a government plan and an employer tax will result in millions of Americans losing their employer-provided health insurance.

Then there is one other way of paying for the bill: to tax people who have health care insurance. That is why the Democratic Senator from West Virginia, Mr. ROCKEFELLER, is quoted as saying today that the bill coming out of the Finance Committee—which we haven't seen yet—has a big tax on coal miners, on the middle class. That is according to Senator ROCKEFELLER.

So we are barking up the wrong tree. This debate about health care should be about reducing costs. That should be the first goal of what we mean when we say the words “health care reform”—reducing the cost to individuals and families and small businesses that are buying health care plans and paying for insurance—that is 250 million individuals in the country today—reducing the cost to the government in higher health care spending.

That is why Republicans have suggested we should start over. A lot of good work has been done. A great many of us understand much better this complex subject we are dealing with. There is no embarrassment in saying we have gotten to this point; we are headed in the wrong direction. The Mayo Clinic, the Democratic Governors, the Congressional Budget Office, millions of Americans in town meetings are saying: You are heading in the wrong direction. You say: Ok, fine. We hear you. Let's start over.

How should we start over? Instead of passing 1,000-page bills that add to the debt and increase costs, we should work step by step to re-earn the trust of the American people. The era of 1,000-page bills is over. Smaller steps in the right direction are still a very good way to get where we want to go. There are some steps we can take, some things we can do today to move step by step in the right direction and to lower costs.

No. 1, allowing small businesses to pool and reduce health care costs by putting their resources together would increase accessibility for small business owners, unions, associations and their workers, members and families to health care. This legislation has already been considered in the Senate and in the House. It is nearly ready to pass. Estimates are that passing a small business health insurance plan would permit small businesses to offer coverage to one million more Americans.

No. 2, reform medical malpractice laws so runaway junk lawsuits don't continue to drive up the cost of health care. The President mentioned that the other night in his remarks. I congratulate him for that. But, we should do even more than he suggested. We have 95 counties in Tennessee, and in 60 of them we don't have an OB/GYN doctor because they will not practice there anymore. Their medical malpractice insurance premiums are too high—over \$100,000. So pregnant women have to drive a long way—to Memphis or to Nashville or to other large cities—for their prenatal health care or to have their babies. That is a way to lower costs—reduce junk lawsuits.

There is some disagreement about how much that would save, but there is no disagreement that junk lawsuits contribute to higher medical costs.

No. 3, allow individual Americans the ability to purchase health insurance across State lines. As a former Governor, I jealously protect States rights. I like States to have responsibilities. But, I think, in terms of health care, we should allow more purchasing of policies across State lines, as people do with their car insurance today. That is a third way to take a step toward health care reform that actually begins to lower costs.

No. 4, we don't have to pass a new bill in order to insure more Americans. About 20 percent of the uninsured Americans—maybe 10 million or 11 million—are already eligible for existing programs, such as Medicaid and the Children's Health Insurance Program. They are not enrolled. We should sign them up.

No. 5, we could create health insurance exchanges. I hear that from the Democratic side; I hear it from the Republican side. These are marketplaces in each State so individuals and businesses can shop around and find a cheaper and a better source of health insurance.

No. 6, all of us have talked about encouraging health information technology, which the Government Accountability Office has said “can improve the efficiency and quality of medical care and result in costs savings.”

I have suggested six areas we could work on together to reduce cost. We have forgotten, in this health care debate, what we set out to do. The first

goal of health care reform is to reduce cost—the cost of health care to Americans, to American businesses, and the cost to Americans of their government, which is spiraling out of control in debt because of the cost of health care. We are spending 17 percent of everything we produce in this country—and we produce 25 percent of all the wealth in the world year in and year out—on health care; twice as much on health care as a percentage as most industrialized countries. If we don't reduce costs, we will bankrupt the government and make health care unaffordable for most Americans.

The President of the United States was right to say he will not sign a bill that increases the deficit. Since that eliminates all the legislation the Democratic Congress has produced so far, I hope we will now take Republican advice and start over and get it right. A good way to begin would be for the President to send us a health care reform bill that not only doesn't add to the debt but that begins step by step to reduce costs to the American people and to the American Government. And by taking those steps, we can re-earn the trust of the American people.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask that the time I use be allocated on the Democratic time and that the Republican time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. NELSON of Florida. Mr. President, I am here to talk about health care and health care reform today. A lot is happening today. The chairman of our Finance Committee, Senator BAUCUS, is, as we speak, making his chairman's mark become available publicly. Then later on today, around noon, he is going to have a public statement about it.

Clearly this is one of the most pressing issues. Throughout this long hot summer we have had, people across the country have debated this issue, discussed it. It has helped lay the groundwork for where we are right now on this historic issue. I personally believe the President of the United States is committed that we are going to pass health care reform legislation.

I believe the President of the United States back in the early 1990s was

equally committed, but it did not happen. I think the big difference between then, in 1993, and now is that in fact it is going to happen. I want you to know this Senator is optimistic that when it gets around to 60 votes in this Chamber in order to shut off debate, I think we will get those 60 votes, and I think we will get them in a bipartisan fashion.

Of course, right now all the commentary you hear is what is this problem and what is happening on this fight and who is not on board, and so forth. That is all natural. That is natural kind of talk. But when the moment of truth comes in casting yea or nay on this floor, I think people are seeing, day by day, examples of why we have to have health care reform.

This happened just this past week in my own State of Florida. A woman undergoing cancer treatments has a reasonable degree of success by virtue of the enormous advances in cancer treatment. As the research doctors will tell you, people can live with cancer now. This lady was told by her insurance company they were disapproving the payments for the continuation of her treatments for cancer. That is the kind of stuff we cannot tolerate. It is another example of how insurance is not available even if an American citizen can afford it.

I will give another example. One of the prominent citizens in a big city in Florida told me, for her corporation the health insurance is being jacked up 47 percent. This is for a major telecommunications company that has thousands of lives they can spread the health risk over, and it is being jacked up 47 percent. She said they negotiated that down from 55 percent. The question of affordability is there as well as the availability. In other words, the American people need stability when it comes to them knowing that health insurance and health care are going to be there for them. That is what we do not have and that is why this Senator is optimistic that when the moment of truth comes that we have to indicate to the President of the Senate if our vote is yea or nay, we are going to have 60 votes to cut off debate to get to the bill to start the amendatory process.

We are going to start that amendatory process in the Finance Committee of the Senate next week. The chairman is going to come out with a mark—the chairman's suggestion, called the chairman's mark—today. There is a bunch of stuff in there this Senator doesn't agree with. But we are going to have an opportunity to change it.

Every one of us has received a lot of commentary about this from our constituents. In our office, just in the last few weeks, just on this issue we have received 56,000 calls or e-mails or letters. I happen to think this is good. It is bringing out passions. Unfortunately, it is bringing out, sometimes, hot passions.

During August I was inside giving a speech to the greater Miami Chamber of Commerce while outside on the road were demonstrators with signs. Along came a pickup truck, a fellow got out, got into an argument, and he hauled off and knocked out a 65-year-old demonstrator. Of course, the TV cameras arrive when the poor 65-year-old is just coming to consciousness.

There is no place for that, but that indicates some of the hot passions this has brought out. Remember what President Lincoln said:

With public sentiment, nothing can fail. Without it, nothing can succeed.

He was specifically talking about the way we do government and the way we make law in this country.

Recall also what President Kennedy said about 50 years ago. He said specifically about health care:

The consent of the citizens of this country is essential if this or any other piece of progressive legislation is going to be passed.

He was specifically talking about health care. So every one of us Senators can say, from the personal meetings, the calls, the letters, the e-mails—we can tell you there are a lot of folks out there who do not have access to affordable health care or in many cases to quality health care. We can tell you the stories we have heard about people being systematically excluded by some of the Nation's major managed care insurance companies and/or just insurance companies. Unfortunately, those are not rare cases. That is why we are here, to do something about it.

Regardless of where you stand on the specifics of the issue, I think we can agree the current system, if continued, would be unfair, too costly, and as a result it needs to be fixed. It affects every one of us. It is also a truth that sooner or later every American, 9 out of 10 times, 9 out of 10 of us are going to end up in the hospital at some point.

What do we do? I think the President laid down a good marker. His speech before the joint session was excellent. It gave some clear answers about his views on reform. It is true he has been more hands-off and is letting it be done by the Senate and the House. But, interestingly, when he got more specific, as he did in his speech to the joint session, he described or tracked pretty close to what is coming out in Senator BAUCUS's mark that the Finance Committee is going to take up next week.

This legislation is going to let folks who are happy with their insurance keep it, including our senior citizens who are on Medicare and our veterans who have their health care. But it is also going to create a marketplace, a marketplace called the health insurance exchange, for those who do not have insurance. And in the case of the State of Florida, I will give you a percentage. That is 21 percent of our people who do not have insurance in Florida.

That number is a little less nationwide, but if you take Florida as a bellwether, it is 21 percent who do not have insurance. This legislation is going to create an exchange, a health insurance exchange, for those who do not have it, cannot get it, or those who are unhappy with their coverage. They can go get it at an affordable price.

It is a private sector solution of insurance companies competing with an insurance co-op, which is owned by the policyholders, not a government-insurance company, where in that competition of the free marketplace, they can offer insurance at lower prices. And for those poor souls who all they can get is not a group policy because they do not get insurance through an employer, the only way they can get it is to buy an individual policy, and, therefore, because it is an individual policy their rates are through the Moon—they are going to have an opportunity also to go into this health insurance exchange where they can get good coverage at a lower price. So what the legislation is going to do, in the creation of this health insurance exchange, it is going to hold the insurance companies' feet to the fire to require them to cover everyone and prevent them from dropping people when they get sick. That is called "guaranteed coverage" without any exemption from preexisting medical conditions.

That is why a lot of people cannot get insurance. They have had a heart attack before or they had some malady or you have heard the horror cases that they had a skin rash previously 3 years ago, and the insurance company will not cover them because they said that is a preexisting condition.

We are going to stop all of that with this legislation that I think will ultimately become law. It is going to contain several additional measures aimed at reducing other medical and prescription drug costs, and it is going to go right at the waste and the fraud in the system.

This is a starting point. This is not the end all to be all. This is the starting point. We are going to do the amendments probably for 2 weeks in the Finance Committee. Then it is going to come out here, and it is going to get amended here. Then it is going to go to a conference committee, and it is going to get amended more.

There are some concerns I want to share with the Senate and anybody who is listening through the lens of that TV camera. We have emphasized the importance of making sure that the insurance available on that health insurance exchange is affordable. We emphasized the importance of addressing the high health care costs of retirees who are not yet ready, because they are not eligible, for Medicare.

We have urged and expressed our concerns about how small business is treated under this bill. Then, when it

comes to senior citizens, those who are on Medicare, who generally are very favorable about their Medicare coverage, it is certainly a concern of this Senator who has a substantial population in my State of Florida of senior citizens on Medicare that they not have something taken away from them they have come to expect and to rely on in Medicare.

That particularly is so with regard to a program called Medicare Advantage, which is a fancy term for a Medicare HMO, a health maintenance organization. The way the system was set up in a bill that passed 5 years ago, which this Senator did not vote for because it was severely flawed—nevertheless, it is the law and it has been the law for the last 5 years. It set up a system whereby Medicare HMOs, called Medicare Advantage, bid for senior citizens by offering them attractive premiums that are below what the standard Medicare fee-for-service is in a community. The law requires whatever that differential is between what the Medicare HMO has bid and what the fee for service is, that a quarter of that has to be given back to Medicare, but 75 percent of that differential is given to the senior citizen's Medicare beneficiary, through either lower premiums or no copays, or through extra benefits, such as hearing devices, or eye glasses or maybe even a membership in a fitness club.

Needless to say, the senior citizens who have this do not want it taken away from them. Although people will say these high subsidies to Medicare Advantage, to those insurance companies need to be adjusted, I think it would be intolerable to ask the senior citizens on Medicare who have it to give up substantial health benefits they are enjoying under Medicare.

For hundreds of thousands of seniors who did not conceive of Medicare Advantage but who have come to rely on it, this Senator is going to offer an amendment that will shield them from those benefit cuts on existing senior citizens on Medicare. I do not think we can punish senior citizens who signed up, and if changes need to be made for the future solvency of Medicare, then the senior citizens currently with Medicare Advantage should be grandfathered in. That is what my amendment is going to be. It is going to say that on the date of the bill, once it is signed into law, those who have that benefit should not have it taken away, and that a competitive arrangement for Medicare Advantage in the future would be done on a going-forward basis.

I have another reason I am offering that amendment, because Senator Claude Pepper was one of the people who nurtured me along as a young Congressman in the House of Representatives. A lot of young people today do not remember who Senator, then Congressman, Claude Pepper was. He had been a Senator back when Roosevelt was President. He came back into the

Congress after a 12-year hiatus out of office as a new Congressman from South Florida. He became the champion of the seniors of America, first, chairman of the Aging Committee in the House of Representatives, and then as chairman of the Rules Committee of the House of Representatives.

What Claude Pepper said everybody listened to, because he spoke with great credibility and he spoke with great passion and eloquence. He spoke for a good cause, and that was standing up for the rights of senior citizens. He had been there at the outset. He had been a Senator when Social Security came into being in the midst of the Great Depression. Claude Pepper, who died in office at about age 87, on many private talks would say: BILL, I want you to look out for our seniors. Someone has to look out for them.

I have never forgotten those admonitions, those instructions that were done with such love and compassion. So I feel it is my duty to try to protect our seniors as we get into the midst of this debate.

There are other areas where we can certainly improve what is expected to come out today at noon. Another amendment would require the pharmaceutical companies to provide rebates to Medicare, as they have been doing for years, for decades, to Medicaid.

Medicaid has roughly 49 million people in this country. Medicare has roughly 44 million people in this country. We give big discounts because we are buying for 49 million Medicaid recipients. The drug companies give those discounts back in the form of a rebate to the governments, the Federal and State governments.

Why shouldn't they do that with regard to the 44 million Medicare recipients? If it is good enough for Medicaid, and it makes drugs a lot cheaper, why not do it for Medicare recipients? By the way, it would save Medicare a ton of money.

There are serious issues to be resolved. This Senator is optimistic, and I believe we are going to be able to achieve this goal of expanding affordable health care to nearly all Americans. We must do so without raising taxes on the middle class or upending their coverage. And we must do so without lowering the quality of health care for any American, including our senior citizens.

I am, by nature, an optimist. In the midst of everything that is wrong about this health care bill, I remain an optimist. The moment of truth is coming when we cast that vote yea or nay.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. In the first segment of the time, 4½ minutes remains.

Mr. NELSON of Florida. I ask unanimous consent to be recognized.

The PRESIDING OFFICER. The Senator is recognized.

#### NASA FUNDING

Mr. NELSON of Florida. Mr. President, this afternoon I am chairing a hearing of our Science and Space Subcommittee of the Commerce Committee on the future of NASA. The National Aeronautics and Space Administration is at a crossroads. There is only one person who can lead America's space program, and that is the President. The direction our country's space program, both manned and unmanned, is going to take will be square in the lap of the President. I discussed this with him on several occasions when he was Senator and when he was a candidate. I have discussed it with his staff, I am sure from their standpoint, ad infinitum.

This afternoon, we have the Chairman of the blue ribbon panel created by the President to look at the future of human spaceflight for America and to report to the President. The Chairman, former aerospace CEO Norman Augustine, is testifying in front of our committee.

It is the contention of this Senator's, who loves the space program, both manned and unmanned, and wants to see it continue as a part of our American character as explorers and adventurers, that if we ever give it up, we become a second-rate power because we give up a part of ourselves. We have always been pioneers, adventurers, and explorers. We used to go westward when this country was discovered and built. Now we go upward. Clearly, it is no secret where this Senator comes from.

What I would like to get Dr. Augustine to bring forth, out of this extensive deliberation and extensive and detailed and very good report he has come forth with, is just how important it is that you can't do a human space program on the cheap and that NASA has been underfunded for the last decade. We see the results, that we are going to be shutting down the space shuttle in the near future when we have completed construction of the international space station. And because NASA has been underfunded, we don't have the next rocket ready. We have to go and hire rides to our own space station that we have bought and paid for and built. We have to buy rides from the Russians to get there. That is inexcusable, but that is what happened.

It happened over the last decade. NASA was underfunded.

The Augustine Commission has come out in early reports—and I want to hear this directly from him, I want the committee to hear this directly from Dr. Augustine—indicating that if we are going to fund a human spaceflight program that gets us out of low Earth orbit where our space station is and allows us to explore other worlds, be it the Moon, be it Mars, be it asteroids, whatever it is, NASA needs an additional \$3 billion a year for the next decade. I want to hear Dr. Augustine say that, in fact, we do need to get out of low Earth orbit, because that is what we need to do as discoverers, as adventurers.

Finally, I want to hear him say that because NASA has been underfunded and mismanaged, in fact, we have a huge personnel problem in that suddenly there is not going to be work for that personnel. Those people who are space pioneers, who have lived it and breathed it and dedicated their lives to it, need to be taken into consideration instead of summarily dismissed and laid off. That is what I am looking to.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wish to spend a few minutes this morning on some amendments I have offered. I ask unanimous consent to withdraw amendment 2373.

The PRESIDING OFFICER. The Senate is in morning business and the measure is not pending at this time.

Mr. COBURN. Will the Chair advise when we will be out of morning business?

The PRESIDING OFFICER. At 11 o'clock.

#### TRANSPORTATION APPROPRIATIONS

Mr. COBURN. Mr. President, I will spend some time discussing the amendments we have. There is some opposition to our amendment to allow the States to opt out of being required to fund transportation enhancements. This does not eliminate the enhancements. What it simply does is give the State of Colorado or the State of Oklahoma the opportunity to say, with roads in such disrepair and 138,000 bridges in disrepair, that we have the ability, if we so choose, to take all of the money, instead of 90 percent, and apply it to solve the problems we have.

So it will not force California to not do enhancements. It will not force any

State to not do them. It will give them the privilege of electing whether they want to do those enhancements when, in fact, we have such a critical need in terms of roads, highways, and bridges.

So the goal of this—and it is important to know where the money comes from. The money is taxes that are collected from individuals in Colorado and Oklahoma and every other State that are then sent here and then sent back. In my State—I do not know about Colorado—we have never gotten more than 93 percent of what we have sent here. We used to average about 74 percent. But now, as to the money that does come back, 10 percent has to be spent on enhancements, whether that is sound barriers or walking paths or bicycle paths or numerous other enhancements, as under the SAFETEA-LU bill.

So what this amendment does, it does not force anybody to not, but it gives them the option to fix the problems in their State.

I would note that the National Transportation Safety Board notified us that last year 13,000 people died on our highways, not because they made a driving error, not because someone else made a driving error, not because they had a problem with their automobile or with their truck, they had the accident because the roads were substandard. Thirteen thousand people lost their lives.

So the question of priority, of whether my department of transportation in Oklahoma ought to have the ability to fix roads and bridges instead of building sound barriers ought to be left to us.

This amendment is for this year only. It does not eliminate, does not change the law. It just says: We are going to give you the option this year with this money, if your State has needs—and Oklahoma has significant needs; I know Colorado does because I am there a lot—that we do not necessarily spend it on sound barriers, that we can actually spend it on something that is going to save somebody's life. So it does not force anybody to not do enhancements but gives them the right to choose the priority of saving lives over enhancements, if they so desire.

The Senator from California made a statement yesterday about what this amendment would do. There is no force in this amendment other than to allow. It allows the States the freedom to do what is best for their citizens rather than saying 10 percent of the money they get back has to be spent on things that are not going to save lives, are not going to enhance safety, but, in fact, are going to enhance aesthetics.

So I think it is a commonsense amendment. There is no force; that if California wants to continue to spend 10 percent of their money on enhancements, they can. There will be nothing

that will keep them from doing that. It will be what the State decides to do rather than what we decide to do. Since it is money taken from those States, it would seem we would want to give the States the option to make the best priority choice for those dollars for their individual citizens.

I am very appreciative of Senator MURRAY's agreement to take two of our amendments that are based on transparency to the American public. One requires HUD to report to Congress on homes that are owned and the cost to taxpayers so the American people see what the Department of Housing and Urban Development is doing. The other is an amendment to make available to the public all the reports—and there are numerous reports required in this bill of the Transportation Department—to make those available to the public as well so it is in the light of transparency. I am very thankful for Senator MURRAY's agreement on those two amendments.

I have two other amendments I will talk about when Senator MURRAY gets to the floor. Otherwise, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3288, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Coburn/McCain amendment No. 2371, to remove an unnecessary and burdensome mandate on the States, by allowing them to opt out of a provision that requires States to spend 10 percent of their surface transportation funds on enhancement projects such as roadkill reduction and highway beautification.

Coburn/McCain amendment No. 2370, to fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as roadkill reduction programs, transportation museums, scenic

beautification projects, or bicycle paths, if the Highway Trust Fund does not contain amounts sufficient to cover unfunded highway authorizations.

Coburn/McCain amendment No. 2372, to fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as transportation museums.

Coburn amendment No. 2374, to determine the total cost to taxpayers of Government ownership of residential homes.

Coburn Amendment No. 2377, to require public disclosure of certain reports.

Wicker modified amendment No. 2366, to permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage.

Vitter amendment No. 2376, to affirm the continuing existence of the community service requirements under section 12(c) of the United States Housing Act of 1937.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are now here on our fifth day of considering the transportation and housing appropriations bill. We do have a number of amendments that have been offered. The Senator from Oklahoma is here. He has the first 30 minutes under the previous order. I have the following 10 minutes. I would like all Senators to know that if all time is not used, we intend to yield back and we expect that these votes may occur as early as 11:30.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I join with my colleague, the Senator from Washington, in saying please let's get on with it. This will fill out a full week now. This will be Thursday through Wednesday we have been on the floor. We want to bring these amendments forward. I understand we may not need 40 minutes, and we certainly would like to get these votes started so we can wrap them up before we break for the scheduled lunches.

Again, if the Senators could be ready for a vote, we hope as early as 11:30, no later than 11:40, and we will have a series of votes. We look forward to dealing with these amendments and moving on to others.

I thank our colleagues for their attention and let's get on with it. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### AMENDMENT NO. 2370, AS MODIFIED

Mr. COBURN. Mr. President, I believe the desk has a modification to amendment No. 2370, and I ask unanimous consent for that modification.

The PRESIDING OFFICER. Is there objection to modifying the amendment?

Without objection, the amendment is so modified.

The amendment (No. 2370), as modified, is as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) None of the funds made available by this Act may be used for any purpose described in subsection (b) until the date on which the Secretary of Transportation certifies, based on the estimates made under section 9503(d)(1) of the Internal Revenue Code of 1986 of unfunded highway authorizations in relation to net highway receipts (as those terms are defined in that section) for the period of fiscal years 2010 through 2013, that the Highway Trust Fund contains or will contain amounts sufficient to cover all such unfunded highway authorizations for those fiscal years.

(b) The purposes referred to in subsection (a) are—

- (1) transportation museums;
- (2) scenic beautification projects; and
- (3) pedestrian or bicycle facility projects.

#### AMENDMENT NO. 2371

Mr. COBURN. Mr. President, I wish to talk about all three of the amendments I plan on getting votes on. I will give a little summary on amendment No. 2371.

The way the highway trust fund spending is set up now is that if we send your State \$100 million, \$10 million of that \$100 million has to be spent on enhancement projects, regardless of the condition of your roads, regardless of the condition of your highways, regardless of the condition of the bridges in your State. All this does is allow States to not have to follow that in this, No. 1, tough economic time; No. 2, when we know highway deaths related to roads and bridges alone account for 13,000 deaths a year. So we will intend to ask for a vote on that. It does not prohibit the States from doing these enhancements, much as was claimed in debate yesterday but, rather, gives an opportunity for the States to make good value judgments about what is in the best interests of their State in terms of highways, roads, and bridges.

#### AMENDMENT NO. 2372

Amendment No. 2372 is an amendment which requires us to prioritize. Unbeknownst to most Americans, money that is collected from the purchase of your gasoline has been used—\$28 million of it, as a matter of fact—to fund transportation museums. That may be a great use in a time when we are not in the economic situation and circumstances we find ourselves in today. What this amendment does is say, until we get out of the trouble we are in and until the trust fund gets back to where it needs to be, we shouldn't be prioritizing and we shouldn't be earmarking money for transportation museums. It goes back to common sense. The money we are collecting in gas taxes ought to be used to repair and build highways and bridges and roads, not fund museums.

As a matter of fact, several of the museums that have been funded in the last 5 years are already closed. They came through earmarks. We spent millions of dollars. Nobody had any interest in them; consequently, they were closed. In this one bill we have one that has been earmarked. It may be the

right thing to do, but now is not the right time to do it.

So what this amendment simply does is say that for this year—this year only—we are not going to allow lower priority items such as a transportation museum to displace money that could be used to enhance somebody's safety or protect their life. I don't know what the outcome on this will be, but I think it will be a telling statement for the Congress that if we decide museums are more important than somebody's life—more important—the priority is there—it will show a disconnect in this Congress as to whether we are willing to make good priorities with Americans' taxpayer dollars or do we continue to ignore common sense and spend the money the way some or one or many individuals would like to do it, without regard to what the original intended purpose for the money was and without regard to the very serious situation we find with our roads, highways, and bridges.

Senator MCCAIN and I asked the Government Accountability Office to look at where the money was spent over the last 4 years prior to this year, and \$3.7 billion of highway money went for transportation enhancements, of which museums are one. Granted, it wasn't a lot of money, but when you take \$38 million and apply it to defective bridges in Oklahoma, what you can do is fix 75 of our defective bridges—bridges that are putting people's lives at risk and money that Oklahomans paid out that ought to come back and take care of the problems we have. The same for Colorado. The same for Missouri. The same for all these States. We are behind.

We have 137,000 or so bridges that are suspect in this country. We recently had an individual in Tulsa, OK, who was seriously injured when a chunk of concrete fell from a bridge through his windshield. So it wasn't the people driving over the bridge; it is the people going under the bridge who are put at risk, simply because we have focused money on things other than highways, bridges, and roads. So it is by law right now that we have to spend 10 percent of that money, and some of it goes to museums.

All this amendment says is, right now, let's not spend money on museums and let's fix roads and highways and bridges. We authorized \$4.1 billion over the last 5 years for transportation enhancement set-asides. All of that comes out of the 10 percent mandatory—and I have the other amendment I talked about before.

Let me go through what the GAO report said: \$850 million had to be spent on scenic beautification and landscaping projects. Well, \$850 million could have built a lot of highways in this country. It could have repaired a lot of those 137,000 bridges. Yet we mandated that the money got spent on

something other than roads, highways, and bridges. We allocated \$488 million for behavioral research. There is no question that some of that is absolutely necessary in terms of us making decisions. We allocated \$224 million for 366 projects to rehabilitate or operate historic transportation buildings—\$224 million. That is half of what Oklahoma spends a year on what they get from the trust fund, and we did it to preserve historic buildings and transportation novelties rather than spend it on highways, roads, and bridges. We allocated \$84 million for road-kill prevention, wildlife habitat connectivity; \$28 million, as I said, to establish 55 transportation museums; \$19 million to control outdoor advertising.

What this GAO report says is we refuse to make the hard choices about priorities. All this museum amendment says is not now. For 1 year, let's spend the money we were going to spend on museums and put it into real infrastructure, real highways, real bridges.

#### AMENDMENT NO. 2370

I have one other amendment I wish to discuss—and then I will reserve the remainder of my time and give the chairman her time—and that is amendment No. 2370. We know, because of the increased price of gasoline, and we know because of the economic recession we find ourselves in, that dollars going into the highway trust fund have been added. As a matter of fact, twice in the last 2 years, we have borrowed money from our children and grandchildren to keep the trust fund viable because the taxes coming in off the trust fund have not kept up with the pace of spending we have authorized and subsequently obligated to be spent. We know the highway trust fund is on the brink of insolvency. Within a year, if we don't get the 18-month extension which I think is being planned, we will go back and steal another \$7 billion or \$8 billion from our kids to keep this system viable.

What this amendment says is, if we are going to do that or until it becomes viable on its own, we should preclude the transportation enhancement program. We know we don't have enough money to take care of the very serious problems we have on our roads, on our highways, and with our bridges. Yet we continue to force the States to spend 10 percent of their money not on highways, roads or bridges. That doesn't make any sense. So this is a much stronger amendment than my earlier amendment that says, until the highway trust fund becomes solvent, until we quit stealing money from our kids and our grandkids and actually pay as we go, pay for what we are wanting to do, at least that 10 percent of the money is going to get spent on real roads, real bridges, and real highways, not on enhancements.

I know many do not agree, and I am readily perceptive of their disagree-

ment. The fact is, if you go out and poll the American people and you ask them: Should we fix the highways that allow 13,000 people a year to die because of the quality of the highway or should we build a walking trail or a sound barrier, they will all say: Fix the highways first.

Come back and do these other things later. Should we build a museum when we have roads in disrepair? No. They will all say that—unless they are the ones benefiting directly from the money going to an earmarked project for a museum.

So it is not a question of common sense, and it is not a question of priority; it is a question of whether we will break the chain of how things are done here and, in fact, say: American taxpayers, you are paying this money every time you pump a gallon of gas, and we are going to make sure that goes for roads, bridges, and highways first; and when we get extra money, we will then enhance the areas around or surrounding the highways.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the Senator from California will be here shortly to respond to a number of these amendments, since they fall into the jurisdiction of her full committee.

The Senator from Oklahoma has offered three amendments to this bill that are related to transportation. Each of those amendments would limit the ability of States and local governments to spend their highway grants on activities that are eligible for funding under the Federal aid highway program.

Those limitations would not only apply to funds that have been earmarked in this bill. I think Senators should understand they would also apply to the formula grants that go to our States and local governments, which plan their own transportation investments.

The Senator's amendments would take away funding from transportation enhancement, especially streetscaping, bike and pedestrian paths, and the mitigation of highway runoff pollution.

Today, all of these activities are eligible for funding under the current highway authorization law, the SAFETEA-LU Act. Under that act, communities are required to prepare and provide comprehensive transportation plans in order to receive their Federal highway and transit grants. Those plans have to include the communities' plans for bike and pedestrian pathways, because those transportation plans are meant to be comprehensive, and our national policy, which has been debated on the floor of the Senate and the House, has been to recognize bike and pedestrian paths as one component of a complete transportation system. They cannot constitute

the largest part of the system but a plan that ignores that element is incomplete.

When we provide bike paths and walkways, we help keep our families and our neighbors safe. Without these paths, many more bicyclists, pedestrians, people who commute to work that way would compete with vehicle traffic. Everybody on a bike or footpath is vulnerable when they are mixed in with heavy traffic. But school-age children are the most vulnerable.

When we debated this policy under SAFETEA-LU, we determined that bikeways and walkways are an important part and are components of our transportation system for people who cannot afford a car and have to walk to work. People who walk to school are impacted by the Senator's amendment.

I don't believe that this bill—the current transportation appropriations bill—is an appropriate time that we should be debating and changing our highway policy, which is so important to all of our communities across the country.

The chairman of the appropriate committee is on the floor. I know she wants to respond. I yield the floor to her at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what is the order right now? How much time remains before we vote?

The PRESIDING OFFICER. Six-and-a-half minutes remain.

Mrs. BOXER. Mr. President, I thank the chairman of the subcommittee for setting aside some time for me because, as the chairman of the Environment and Public Works Committee, I am concerned about the Coburn amendment. I want to discuss why.

The particular program that the Senator is going after is the transportation enhancements program, created in 1991, in a very bipartisan way in the transportation bill. The purpose of the program is to encourage investment in some very important priorities for the Nation. I want to talk about that.

I particularly want to say that, on average, this program provided \$650 million for these important activities each year. I want to point out that if you relate that \$650 million to jobs, we are talking about many jobs, because \$11.5 billion was made available since 1992, and that translates to 400,000 jobs—good-paying jobs, jobs that do important things, jobs that can't be shipped overseas. And of all the times to come to the floor and go after a program that is a job creator and, in addition, does many important things that actually save lives, I don't think this is the time. Frankly, I don't think there is any time for that.

For example, one of the uses of these funds is that we try to stop highway runoff—runoff that has very harmful

chemicals and pollution in it, and it goes right into waterways. That is something we should not stop. That is something we owe to our children, to protect them from pollution.

We also use the funds to reduce vehicle-caused wildlife mortality. Anybody who has seen the result of a collision with a deer or other large animal, as I have in the county where I have lived for 40 years, knows you are dealing with danger for all the parties involved. Why on Earth would we come down here and strike the funding for a program that protects our kids from pollution and saves lives by making sure that our local people do the right thing and make sure these animals don't have ready access or easy access to our freeways?

Let me put this into exact numbers. I know my friend is an exacting debater, and he is a great debater. A study under the National Cooperative Highway Research Program estimated that each year wildlife collisions are responsible for 200 human deaths, 29,000 injuries, and more than \$1 billion in property damage. So even with the funding that we have, this is an issue, and we don't want to make matters worse.

I am going to be specific. In Washington State, \$75,000 in TE funds, which my friend wants to strike, provided in 1999 for radio collars for elk and an alert system for motorists to reduce elk-vehicle collisions on Highway 101 in the Sequim Valley. As a result of the project, elk-vehicle collisions have dropped from an average of 2.5 every year to only 1 in the past 7 years. Why on Earth do we want to pull money from a fund that saves lives?

In Colorado, \$108,000 in TE funds were provided in 2007 to remove broken one-way deer gates and replace them with escape ramps and extend the fencing, which was first set up in 1980, to guide wildlife off of U.S. 550. So those funds certainly are improving safety and saving lives.

Bicycle paths, pedestrian facilities are provided, and the chairman spoke about that. In Georgia, TE funds helped transform the 5th Street bridge span over Atlanta's I-75/I-85 into a pedestrian/bicycle-friendly park, hovering 17 feet above the highway that safely connects buildings of Georgia Tech's campus. The bridge was widened to incorporate bicycle paths, landscaping, lamp posts, trellises, and benches.

I guess there is a different view of what is essential. I think saving lives is essential. These funds are used to save lives. Also, if I could say it, because I know my friend doesn't think it should be a priority to beautify our highways, freeways and roads, I point out that the taxpayers of this country care about their communities, care about how their highways and freeways and their roads look. It is a big dif-

ference when you have a highway and a freeway that is taken care of, just as we take care of our homes. That is our job.

In Illinois, a tunnel was constructed beneath the busy Center Grove Road that will provide safer passage for students walking between their school and a nearby sports complex. The tunnel was constructed with the help of TE funds—the very funds my friend wants to cut.

In Plymouth, IN, they can now enjoy 2.2 miles of paved trails that meander throughout the community, connecting schools, parks, rivers, and neighborhoods. And a TE award of \$1.2 million helped fund the trail. It was matched by local dollars.

In Minneapolis, TE funds helped construct the Midtown Greenway project that provides a safe bicycle commuter freeway for up to 4,500 cyclists a day.

In Oklahoma, new and existing businesses and shops are thriving after a streetscaping project in downtown Norman. TE funds helped to renovate the downtown area, which included improvements in historical lighting.

I hope we will vote against the series of Coburn amendments. I think they hurt, they will stop creation of jobs, and they will make us less safe.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I think, first, the Senator doesn't understand amendment 2371. It doesn't eliminate any money. It allows the States to opt out of the enhancement if, in fact, it is better.

The Senator talks about life. With 13,000 people killed on bad roads last year, that didn't have anything to do with driving skills or the cars or anything else, other than we didn't put good roads into place. It is a question about priorities.

There will be no job loss at all. There will be no decrease in spending under amendment No. 2371. What it simply says is that you don't have to take 10 percent of your funds anymore and spend it on enhancements, if you know you have people who are going to die because you don't fix a road.

She talks about 200 deaths versus 13,000 deaths. There are 137,000 deficient bridges. Should we fix the roads or build a sound barrier? Which one is important? Should we fix the roads or build another museum? Should we fix the roads or enhance walkways? It is not as if we don't have walkways and trails. The question is, where is the greatest need? And will we make prudent judgments about giving freedom back to the States and say if, in fact, they don't want to enhance in this tough economic time, they don't have to? It doesn't preclude California or Washington State from doing enhancements. They still can. It just says that in those States that have significant critical infrastructure needs and roads that are at high risk, under amendment No. 2371, they get a chance to opt

out and do what is best for their citizens and their State, and to fix some of the bridges, instead of building a walkway or a bicycle trail. They will be able to fix a bridge or fix a road and take a curve out where people are dying, instead of building a museum. It is not onerous. The arguments are specious.

The fact is, we are giving back to the States and saying they can prioritize this. If you think enhancements are not as important as the risks you have on your highways, you can opt out—this year only—and put it into roads, bridges, and highways.

Mrs. BOXER. Will the Senator yield?

Mr. COBURN. I want to finish my point. The Department of Transportation in every State is not run by idiots. Their No. 1 goal is for the protection and enhancement of their citizens. We are now saying to Oklahoma or Colorado or Delaware, you don't get to make the decision about what the priority is because 10 percent of the money you get has to be spent this way.

All this is saying is for this year alone—for this year alone—you can opt out of certain provisions. Some you may want to do, some you may not want to do. But if you choose to put \$7 million in to take a curve out of a road that is killing people versus building a bike trail or a sound barrier, you can do it. You are actually going to save more lives. It will make no difference in the number of jobs created or saved. It has no effect on that whatsoever. The exact same amount of money is going to be spent, and it is all going to be spent on construction of what the highway trust fund was—I am not saying these are not good ideas. I am saying it is the priority of placing them ahead of safety and improving roads, improving bridges. How do we explain to the family of the person who was injured in Tulsa, OK, that we are going to build a sound barrier rather than the bridge where a piece of concrete fell through his windshield and critically injured him? That noise is more important than that individual's life?

I say give the freedom back to the States for this one year to not require a mandatory 10-percent allocation to enhancements. Most of the States probably will not take that. But I can tell you, in my State, where we have the second or third largest number of deficient bridges, we are going to build bridges, we are going to fix the broken bridges, we are going to save people's lives, and we are going to save more people's lives.

By the way, our taxpayers put the money into the highway trust fund for this with every gallon of gas. Oklahoma has never gotten more than 94 percent back and over the last 20 years has averaged less than 80 percent of what we send here. So it is highly insulting in this year of tough, difficult

times for us to get less than what we send up, one, and then say: 10 percent of it you cannot spend on the greatest need in your State; that we know better, Washington knows better. Washington does not know better.

We do not preclude any of the enhancements anywhere else. If the State departments of transportation want to do every enhancement and go to the 10 percent, they can go to it. What we are saying is, if your State has a need that is critical to saving people's lives, maybe you don't build a sound barrier right now but, in fact, you fix the road or you repair the bridge. It is common sense.

The question will be, Do we do what is best for the American people or do we stand with the dogma that says we know better? Can we trust Governors and State departments of transportation to make good decisions for the safety of their individual citizens in their States? I think we can.

I am not excited about what will be the outcome of this vote, but I tell you that this kind of common sense—it does not eliminate it. It just says we should do that.

To save the Chamber time, I will ask unanimous consent to withdraw—Mr. President, I want Chairman MURRAY to hear this, if she will. I would ask unanimous consent to withdraw amendment No. 2370 which puts a limit until the trust fund is stable. I will stop that. I will withdraw it, if I can have unanimous consent to do that.

The PRESIDING OFFICER (Mr. KAUFMAN). Is there objection?

Mrs. BOXER. Yes. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. We will spend the time voting on something I don't think will be adopted anyway.

On amendment No. 2371, none of the claims the Senator from California made are accurate. They are not accurate. There will be no decrease in jobs. There will actually be the opposite of what she said—enhancement and saving lives. There will be a real ability for the States to make the best decisions for their citizens.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2374, offered by the Senator from Oklahoma.

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2374 AND 2377

Mrs. MURRAY. Mr. President, I have talked with the Senator from Okla-

homa, and two of the amendments he has offered, No. 2374 and No. 2377, are amendments the committee agrees to. I ask unanimous consent that both of these amendments be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2374 and 2377) were agreed to.

AMENDMENT NO. 2371

Mrs. MURRAY. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is No. 2371, and there will be 2 minutes of debate equally divided.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, we just had the debate. All it does is allow States to opt out, if they find critical infrastructure needs, from the mandatory 10-percent enhancement rule.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the Senator does not describe his amendment properly. I ask colleagues to read it. The amendment says:

None of the funds made available by this Act may be used to implement section 133(d)(2) of title 23, United States Code.

That means none of the funds could be used for this very important part of our transportation program which has created 400,000 jobs since 1992. This is not the time to cut these good jobs. This is not the time to say to the States: In your purpose, you can do whatever you want, but then in the real amendment they cannot get any Federal funds anymore to keep wildlife off the freeways, they cannot get funds anymore to do highway beautification, they cannot get funds anymore to stop runoff from highways that will pollute our waterways.

I say the purpose may be what the Senator says, but because he is forced into doing this on an appropriations bill, he says none of the funds can be used for these TE programs, and that will cause injuries and death.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, the amendment is very carefully written so it will not allow the enforcement of administration of funds. If you will carefully read public law—that is how we got it germane—it does not allow the enforcement. It doesn't mean they can't do it. The money can still go out. If you still want to do the enhancements, you can. It simply says you may not have to if you don't want to.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2371. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 277 Leg.]

#### YEAS—39

Alexander	Ensign	LeMieux
Barrasso	Enzi	Lieberman
Bayh	Feingold	Lugar
Bennett	Graham	McCain
Brownback	Grassley	McCaskill
Bunning	Gregg	McConnell
Burr	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Sessions
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Klobuchar	Webb
DeMint	Kyl	Wicker

#### NAYS—59

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Burr	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lincoln	Udall (CO)
Collins	Menendez	Udall (NM)
Conrad	Merkley	Voinovich
Dodd	Mikulski	Warner
Dorgan	Murkowski	Whitehouse
Durbin	Murray	Wyden
Feinstein	Nelson (NE)	

#### NOT VOTING—1

Byrd

The amendment (No. 2371) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2370 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2370, offered by the Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw the amendment; amendment No. 2370.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### AMENDMENT NO. 2372

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2372, offered by the Senator from Oklahoma.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, 13,000 people died on American roads last year because of the quality of the roads and bridges. We have spent \$48 million

in the last 4 years on museums, some of which are already closed. The money we collect from taxpayers should be prioritized to build roads, bridges, and highways. This amendment is a simple amendment. It says we should be spending right now, this next year only, no money for museums until we get the roads back.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield my 1 minute to the Senator from Delaware.

Mr. CARPER. Mr. President, when you take the train up the Northeast corridor and the train stops in Wilmington, DE, you are in the middle of what was, 60 years ago, a vibrant ship-building area. We built ships to help win World War II. When the war was over, what had been a vibrant ship-building industry turned into an industrial wasteland.

Fifteen years ago we began transforming it, and today it is river walks, it is places for people to live, work, recreate, we have parks—it is a beautiful place, an urban wildlife refuge. We are going to build a children's science museum there as well. It costs \$11 million. We raised the money from our local sources.

In this bill is the HUD funding, \$190,000, to help us complete the package. It is a small amount of money for a great payoff for a lot of kids, tens of thousands of kids who will visit that science museum, who will be excited about science and, hopefully, will go on to have careers as scientists, inventors, and engineers. I ask you to help me defeat this amendment.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing on the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 278 Leg.]

#### YEAS—41

Barrasso	Enzi	Lugar
Bayh	Feingold	McCain
Brownback	Graham	McCaskill
Bunning	Grassley	McConnell
Burr	Gregg	Murkowski
Chambliss	Hatch	Risch
Coburn	Hutchison	Roberts
Collins	Inhofe	Sessions
Conrad	Isakson	Snowe
Corker	Johanns	Thune
Cornyn	Klobuchar	Udall (CO)
Crapo	Kohl	Vitter
DeMint	Kyl	Voinovich
Ensign	LeMieux	

#### NAYS—57

Akaka	Feinstein	Nelson (NE)
Alexander	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Landrieu	Shelby
Burr	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (NM)
Casey	Lincoln	Warner
Cochran	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wicker
Durbin	Murray	Wyden

#### NOT VOTING—1

Byrd

The amendment (No. 2372) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

#### AMENDMENT NO. 2366, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 2366 offered by the Senator from Mississippi, Mr. WICKER.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I would let all fellow Senators know, we have two more votes remaining. If the Senators would allow the speakers to speak, we will be able to move through these expeditiously.

I ask unanimous consent that the remaining amendment votes be 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I would urge all Members to stay around and vote and we can get on with the business and anybody who wants to have lunch can have lunch.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, very simply, this amendment would allow law-abiding Amtrak passengers to securely transport firearms in their checked baggage. Under current practices, all the American domestic airlines permit firearms in their checked luggage. Other American passenger railroads also allow checked firearms.

Only the federally subsidized Amtrak prohibits law-abiding American citizens from exercising their second amendment right in checked baggage. On April 2 of this year, the Senate passed a similar amendment to the budget with 63 votes in favor of the Wicker Amendment and only 35 against.

During the time since then, Amtrak has made no efforts to respond to this overwhelming bipartisan vote. It is my hope that we get a similar overwhelming bipartisan vote today which

results in Amtrak ending this unfair practice. I urge a vote in favor of the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I would ask all our Senators to pay attention to what we are being asked to vote on. We did vote on a similar amendment during the budget debate. But these amendments are very different. The amendment to the budget resolution never put Amtrak's funding at risk. That amendment would have only prohibited an extra reserve fund from going to Amtrak if it did not allow firearms.

The amendment we are now considering does something much more drastic, it will put at risk Amtrak's appropriations. In order to receive any Federal funding under this amendment, Amtrak would have 6 months to build a process for checking and tracking firearms, it would have to find the manpower necessary to screen and guard firearms, and would have to purchase the equipment necessary.

There is nothing in the underlying appropriations to pay for any of that. So this amendment is going to put a severe burden on them, and if they do not comply, Amtrak will shut down.

I think it is very important that we be careful what we are voting on. I ask my colleagues to oppose the Wicker amendment.

The PRESIDING OFFICER. The question is on agreeing to the Wicker amendment.

Mr. WICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 279 Leg.]

#### YEAS—68

Alexander	Ensign	McConnell
Barrasso	Enzi	Merkley
Baucus	Feingold	Murkowski
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Gregg	Reid
Bennett	Hagan	Risch
Bingaman	Hatch	Roberts
Bond	Hutchison	Sanders
Brownback	Inhofe	Sessions
Bunning	Isakson	Shaheen
Burr	Johanns	Shelby
Casey	Johnson	Snowe
Chambliss	Klobuchar	Tester
Coburn	Kohl	Thune
Cochran	Kyl	Udall (CO)
Collins	Landrieu	Udall (NM)
Conrad	Leahy	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	McCain	Wicker
Dorgan	McCaskill	

#### NAYS—30

Akaka	Franken	Mikulski
Boxer	Gillibrand	Murray
Brown	Harkin	Pryor
Burris	Inouye	Reed
Cantwell	Kaufman	Rockefeller
Cardin	Kerry	Schumer
Carper	Lautenberg	Specter
Dodd	Levin	Stabenow
Durbin	Lieberman	Whitehouse
Feinstein	Menendez	Wyden

#### NOT VOTING—1

Byrd

The amendment (No. 2366), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2376

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2376, offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Madam President, this should be a noncontroversial amendment. It simply retains in present law the current community service requirement which Congress passed into law for public housing tenants who are able-bodied over a decade ago. The House has tried to take out this requirement. It is a very modest 8 hours per month of community service for able-bodied tenants. Automatically exempted are folks over 62, folks who have a disability, caretakers, folks who meet the TANF work requirements, et cetera. It is a modest, reasonable work requirement which has been in the law for years. I urge all Members to retain it through this vote.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. The Senator from Louisiana is offering an amendment that would require continued enforcement of public service for people who live in public housing. I oppose this amendment for two reasons. First, it is current law. Secondly, I am concerned, in this economic downturn, when we have a lot of families struggling, the most struggling families, we are putting this requirement on them. Therefore, I am going to oppose this amendment and will be voting no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana has 6 seconds remaining.

Mr. VITTER. This excludes folks who have a work requirement under TANF.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

The question is on agreeing to amendment No. 2376.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 280 Leg.]

#### YEAS—73

Alexander	Ensign	McConnell
Barrasso	Enzi	Merkley
Baucus	Feingold	Murkowski
Bayh	Feinstein	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bennet	Graham	Risch
Bennett	Grassley	Roberts
Bingaman	Gregg	Rockefeller
Bond	Hagan	Schumer
Boxer	Hatch	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Snowe
Burr	Isakson	Specter
Chambliss	Johanns	Tester
Coburn	Kaufman	Thune
Cochran	Klobuchar	Udall (CO)
Collins	Kohl	Udall (NM)
Conrad	Kyl	Vitter
Corker	Leahy	Voinovich
Cornyn	LeMieux	Warner
Crapo	Lieberman	Webb
DeMint	Lincoln	Wicker
Dodd	Lugar	Wyden
Dorgan	McCain	
Durbin	McCaskill	

#### NAYS—25

Akaka	Inouye	Pryor
Brown	Johnson	Reed
Burris	Kerry	Reid
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Shaheen
Carper	Levin	Stabenow
Casey	Menendez	Whitehouse
Franken	Mikulski	
Harkin	Murray	

#### NOT VOTING—1

Byrd

The amendment (No. 2376) was agreed to.

Mrs. MURRAY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, we have made great progress on the transportation and housing appropriations bill, and I thank all Senators for working with us. We have several amendments left to do.

I now ask unanimous consent that Senator LANDRIEU be given 5 minutes to speak on amendment No. 2365, followed by Senator GREGG with 20 minutes equally divided on amendment No. 2361.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, at this time, then, we will move to those two amendments. We have several other Senators who have notified us they wish to offer amendments.

For the information of all Members, we hope to have votes on at least the

two amendments I have just spoken of, the Landrieu and Gregg amendments, at 2:30. If there are other amendments we are able to move at that time, we will then vote on those as well. But, again, we are making great progress. We have a few amendments left, and I urge any Senator who has an amendment, you have a few hours left to get it to us so we can work it out.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### AMENDMENT NO. 2365

Ms. LANDRIEU. Madam President, I appreciate the chairman allowing me the opportunity to offer this amendment, and also working with Senator BOND, who I understand supports this amendment as well.

I offer this amendment on behalf not only of myself but Senator HARKIN, Senator HUTCHISON, Senator GRASSLEY, and Senator CORNYN. So we have a strong bipartisan group of Senators who are coming to the floor to ask our colleagues to approve an amendment that has to do with a change and modification in the Community Development Block Grant Program that has been put in place to help communities prepare for and recover from disasters. This amendment is going to affect all communities in a positive way across the country that received community development block grant funding and in a very significant way. If this amendment is passed by this body today and continues in this bill, the communities that have received special allocations of community development block grant money will be able to use those funds to match other Federal funds available.

This is the way the normal Community Development Block Grant Program has operated, I understand, since its inception. As my colleagues can see from this chart, in every single situation, except for two, in the last 17 years, that has been the case. So my amendment is basically allowing the floods and natural disasters of 2008 to be included in this effort; in other words, to say, if you received community development block grant funding, you can use those funds as a local and State match for other Federal funding.

This is important for two reasons. One, it has been done in that way the last 17 years for good reason. For good reason because these communities, you could argue, have even greater challenges than normal, considering that in any time it is tough to provide housing or to build roads or to help their small businesses get back on their feet, but after a catastrophic disaster it is sometimes 5, if not 10, times harder. So why restrict their money at a time when they need the greatest flexibility? That is all this amendment does.

Again, this is the way it has been done in general community development block grants since the beginning

of the program. It is the way it was done with disaster community development in every case. Our amendment would simply make that uniform policy for the States affected by the 2008 disasters.

This will be a great help to Texas that is still recovering from the storms of Ike. I will be visiting and having a field hearing through my Committee on Small Business as well as Disaster. Senator HUTCHISON will be attending that field hearing to visit Galveston just on Friday. So approval of this amendment would bring a lot of hope and encouragement to the people on the Gulf Coast, not just in Louisiana but, as I said, in Texas as well. California will be benefited as well as Iowa and some of the States that were affected by the floods.

So, again, this is amendment No. 2365. I think my explanation is sufficient about what this amendment does and what a great help it will be to mayors and parish officials and county officials struggling to rebuild and what a smart way to use and to leverage moneys to get these communities rebuilt quickly in these very difficult economic times.

I ask unanimous consent that the CDBG allocation chart to which I referred to be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CDBG ALLOCATIONS (Prepared by Ben Billings)

##### FUNDING SUMMARY

Rank	State	Total CDBG received	First allocation	Second allocation
1 .....	Texas .....	\$3,058 b	\$1,315 b	\$1,743 b
2 .....	Louisiana .....	1,059 b	438 m	620 m
3 .....	Iowa .....	798 m	281 m	516 m
4 .....	Indiana .....	415 m	162 m	253 m
5 .....	Illinois .....	187 m	59 m	127 m
6 .....	Wisconsin .....	124 m	49 m	75 m
7 .....	Missouri .....	104 m	25 m	79 m
8 .....	Arkansas .....	95 m	25 m	70 m
9 .....	Tennessee .....	92 m	21 m	72 m
10 .....	Florida .....	81 m	17 m	64 m
11 .....	California .....	39 m	0	40 m

Ms. LANDRIEU. Madam President, I see my good friend, Senator GREGG. I yield the floor.

The PRESIDING OFFICER. Has the Senator offered the amendment?

Ms. LANDRIEU. Yes, I believe I have, but if I have not, let me submit it at this time. It is amendment No. 2365.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana, [Ms. LANDRIEU], for herself, Mr. HARKIN, Mrs. HUTCHISON, Mr. GRASSLEY, and Mr. CORNYN, proposes an amendment numbered 2365.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with. I suggest we don't have to read the whole amendment and we will leave it lying until we can vote on it later today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Disaster Relief and Recovery Supplemental Appropriations Act, 2008)

On page 318, between lines 11 and 12, insert the following:

SEC. 234. The matter under the heading "COMMUNITY DEVELOPMENT FUND", under the heading "COMMUNITY PLANNING AND DEVELOPMENT", under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT" in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3601) is amended by striking "Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program".

The PRESIDING OFFICER. The Senator from New Hampshire.

#### AMENDMENT NO. 2361

Mr. GREGG. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2361.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. COBURN, and Mr. BENNETT, proposes an amendment numbered 2361.

Mr. GREGG. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of stimulus funds for self-congratulatory signage that allows lawmakers to promote their spending of taxpayer dollars on stimulus projects)

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_\_. (a) This section may be cited as the "Axe the Stimulus Plaques Act".

(b) Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) may be used for physical signage to indicate that a project is being funded by that Act.

Mr. GREGG. Madam President, this is an amendment that shouldn't have to be offered, to be very honest with you. Today there are a lot of projects being pursued under the stimulus package, and every one of those projects that is a road project, unfortunately, finds itself having to put up a sign that says this is a good project being paid for with tax dollars. These are self-congratulatory signs. They are political signs. They are there so lawmakers can pat themselves on the back and say: Wow, look at this project we are doing.

But these signs cost money. Actually, when you add them all up, they cost a lot of money. They are a total waste of money. There is no reason to

have these signs by every project that occurs in America. It is projected there will be somewhere around 20,000 to 22,000 projects. The signs cost about \$400 in New Hampshire, and they cost as much as—I think it was around \$3,000 in New Jersey for each sign. New Hampshire is a little more efficient. I suspect in North Carolina they probably don't cost much more than \$400, but if you add that up, we are talking about a cost of somewhere between \$6 million and \$15 million being spent on signs. That is an inexcusable waste of money. That money could be used for something valuable, for example, rather than a sign.

The practical effect of this is, the signs should say "Wasting taxpayers' dollars; project funded by the future generations of Americans," if they are going to be honest signs. But I am not asking for any signs. There shouldn't be any signs.

Instead, the highway departments across this country are being basically required to put up these signs as the projects are built. In fact, there was one example in New Hampshire—there were lots of examples in New Hampshire, but there was one community in New Hampshire where the leadership of that community said: We don't want to put the signs up because we think they are a waste of money, and they were told, if they didn't put up the signs, they wouldn't get the money. That is happening all across the country.

So this amendment should be unnecessary. It should be obvious—obvious—that we don't have to put these signs up; that we shouldn't be spending money in this way. If we are going to spend \$6 million to \$18 million to \$20 million on something, let's spend it on what actually produces some value rather than creates a self-congratulatory event for the local political leaders and for the Congress. We do enough self-congratulating around here. We shouldn't have to make the taxpayers pay for it. Instead, we should be a little more responsible with the taxpayers' money.

It is a very simple amendment. That is why I am not going to spend a lot of time on it, because I think it is so obvious it should be accepted and passed, that it should occur. It is one of those amendments where you sort of scratch your head and say: Why did we even have to offer this? Why should we have to offer this amendment saying you don't put up signs spending taxpayers' dollars to congratulate yourself for a project the taxpayers paid for. But we do, of course, in this instance because the Department has insisted on these signs across America.

That is what the amendment does. I reserve the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays are ordered.

The Senator from California.

Mrs. BOXER. Madam President, I rise in opposition to Senator GREGG's amendment and I wish to say why I think there are many reasons not to support it. I started off my political career as a county supervisor. It is through that agency that when we are undertaking a major road project, we put up a sign first of all to let people know work is underway and what it is about because a lot of times people don't know if it is going to be a month-long project or a day-long project. We would put up a sign to let people know who is funding the program, to let people know whether it is a State project, a local project. No big deal. We did this—and we do this—under Republican leadership, under Democratic leadership. It is information.

I think the true source of this amendment is a frustration. This is my own opinion. I am sure my friend absolutely would not agree with me, but it is my sense that there is a frustration by the people who voted no on the Economic Recovery Act, the stimulus bill; there is a frustration that it is working. They predicted gloom and doom.

Let me tell you what is happening in this great Nation of ours. We have a long way to go to get jobs up and running, there is no question about it, but the stimulus bill has already saved or created a million jobs. Let me tell you what else. We are looking at growth for the first time in this economy. When we were faced with the worst recession since the Great Depression—and I know it because the Presiding Officer had the same issue as she looked at what to do—we had to decide whether it made sense to do some job creation here, and we didn't get many Republican votes, but thank goodness we got three. Thanks to those good people for joining us because I can tell you this: In my home State, we are starting to see it happen. We are going to get tens of billions of dollars.

So now I think the issue is a frustration with the fact that we won that vote and we got that done and those jobs are being created as we speak. Slowly but surely we are being lifted out of this darkness.

Here we have a small amendment, I agree. You know what. If it passes, no harm. But I have to say, why on Earth would you want to hide from the American people the fact that the recovery package we passed is putting people to work? People want to know. Not everybody has a computer. Not everybody is going to follow up on the transparency this administration has put in place. They are showing that every day it is working, where it is happening, and so on and so forth—not by name but how many jobs are created and the like.

It seems to me, if you are improving our highways, our transit systems, our water infrastructure, our government

buildings, and the source of funding is the stimulus program, the Economic Recovery Act, let people know. Why would we prohibit funds under this act from being used for these signs that simply inform taxpayers that a project is being made possible by taxpayer dollars from the stimulus program? I think it is a question of making our people more informed, giving them information.

My friend says it costs money to do a sign. I couldn't agree more. Everything costs money. It costs money to do a sign. Guess what. People work in those places where those signs are made. People proudly work on those jobs and get paid a good amount and can support their families. So this is a jobs program. Part of it is to tell the people, yes, the funding for this project is paid for by the stimulus program, the economic recovery program, and, yes, people were paid to work in places that make these signs. I don't think it is logical to keep this information from the people. What purpose is served? It is going to save a little bit of money, but the fact is, the purpose of the stimulus bill was to create jobs, and you are going to take away jobs from people who are making those signs. I think this is an antijobs amendment we have before us.

Look, the Recovery Act is working. I think it is frustrating those who predicted it would never work, and they will predict it will never work until they have their last breath because that is the nature of politics; you have to spin it one way or another. But we know the economy is turning around. We also know we need to create many more jobs, and this amendment will not create one more job. I don't believe it will. The fact that we are doing some good things with this funding, including making buildings more energy efficient, upgrading flood protection, let the American people know that their funds are being spent well. I think that is money spent well.

Some people may see a program, by the way, I say to my good friend, and they don't like it. They say: Why on Earth are they using my money to do this particular project? Let them know. Let them know. So if they like what they see, they understand where it came from. If they don't like what they see, they understand where it came from.

I urge my colleagues to oppose the Gregg amendment. I agree with my friend, it is not a major amendment, but I think it speaks to the point that the American people should have an easy way of knowing where these funds are going and the projects they are building. We certainly had a big enough battle on the floor of the Senate—oh, boy, did we have a battle—trying to find those three votes. So it passed. It was controversial. Some in America don't support it; others in

America do. I think they should have a right to know if a project is being brought to them by way of this important bill that I think is helping turn our economy around.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, the issue isn't the stimulus package, although I have reservations about that. I would be happy to debate that with the Senator from California at some length because I think adding almost three-quarters of a trillion dollars of new debt to our children's backs on a package that will spend out through 2019 is hardly stimulus, especially when we see only 20 percent of that package will spend out by the end of this year, and maybe 50 percent next year.

We had Chairman Bernanke saying, essentially, that we are out of the recession. That all comes from borrowing that our children will have to pay. In my opinion, it is not fair to pass that debt on to our children, that \$787 billion. That is not the debate. This debate is about whether we should be congratulating ourselves with tax dollars. It is self-aggrandizement at the expense of the taxpayer. This is going out and buying advertising to promote ourselves and having the taxpayer pay for it.

We can clearly spend these dollars more efficiently doing something else. Sure, it is not a lot of dollars, but when we add it all up, \$18 million is a lot of money. We can do something more constructive besides putting up a sign that says we are wonderful because we are spending their money. If we want to say we are doing great things for them, we can say here is a sign telling them that. But rather than having the people pay for that sign and telling them they are going to have to pay for it, let's have the Democratic Senatorial Committee or the Republican Senatorial Committee pay for that sign. Let's do that if we think it is that important as a piece of political promotion. But it is not. I don't think the Democratic Senatorial Committee would pay for that sign because they would see it as a waste of money. I don't speak for them, but I don't think the Republican Senatorial Committee would pay for this either. I would recommend that they not do it.

These signs are a waste of money. Do they create jobs? Well, actually the signs in New Hampshire are made in prisons. They cost money because the materials cost money. I guess that is why we get them for \$300. In New York, it is \$3,000 a sign. As a practical matter, I don't think we can argue that making these signs is somehow stimulating the economy. All it is doing is saying: Hey, we are wonderful; we are going to take your money and use it to

tell you what a wonderful job we are doing with your money. It is not fair or appropriate.

I hope people will support the amendment. As has been mentioned by the Senator from California, this is not a major amendment, but it is one that states an attitude toward how we spend money. I think it is important in that context.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MOTION TO RECOMMIT

Mr. ENSIGN. Madam President, I will have a motion momentarily. I will wait for the manager of the bill to come on the floor.

I will be offering a motion to recommit the bill back to the Appropriations Committee at last year's spending level. On the front of this bill, it says that last year's spending level was at a level which included last year's spending, plus the stimulus money. So when they say this year's spending level, it looks as if there is a huge cut, when in fact, there is actually a 23-percent increase in this year's spending bill over last year's.

So the motion I am about to make is asking to report the bill back to the committee, where the committee can make whatever specific recommendations within that level but to do that at last year's spending level.

I have heard the rhetoric from politicians in the House, Senate, and the President talking about how serious a problem we have with the deficit and how serious a problem we have with the debt in our country. That is one of the reasons you saw hundreds of thousands of people on the Mall here this last weekend. People are really concerned about the direction of our country. We have heard economic experts talking about America actually approaching its borrowing capacity. If our country ever reaches its borrowing capacity, it will be an economic disaster. It would be like a business having many expenses and no cash in the bank. The bank and all its lenders saying: Sorry, we are not giving you any more money.

Well, we owe people from all over the world. We owe sovereign wealth funds. We owe China, Japan, European countries and other sovereign wealth funds all over the world. They hold a lot of our debt. The more we continue to borrow, the more we become beholden to these other countries. And when the next trillion dollars needs to be borrowed, what if these other countries say to us: No, we are not going to do it.

The other thing they could also say is: Yes, we will give you that next trillion dollars. We will loan the money to you, but it is going to be at a higher interest than you want to pay. And by the way, the other debt we also hold that you owe us, we are going to raise the interest on that.

You see, we are not going to be in a position to say: No, that is not exactly what we want to do. The more debt we run up, the less of a position we will be in as a country to be able to bargain. We literally cannot sustain the level of debt we are developing here in the United States.

I see the pages down in front of us here—this younger generation. The younger generations across our country are being saddled with the debt this Congress, this President, the past President, and past Congresses have run up. Unfortunately, instead of slowing that borrowing down, we are increasing it at a faster and faster rate.

So this is a very simple motion. This just says: Let's start taking these appropriations bills and let's at least start freezing spending. That is basically what this motion suggests. It just says: Freeze spending.

By the way, a lot of the programs that are in this bill were already dramatically increased in the stimulus bill. So not only did we increase last year over the previous year with the regular appropriations process, we then added money to the stimulus bill on top of that.

So what did they do this year? Instead of being fiscally responsible and saying: Let's at least freeze spending—which I will bet the American people would even suggest since we are in tough economic times, that maybe we should do a little haircut and cut spending a little bit—no, no, the majority has said we are actually going to increase the level of spending in this bill by 23 percent, way above inflation, and this is at a time in our country when we cannot afford it. So I think this is a place to start showing some fiscal responsibility, and there will be other opportunities where we can as well.

We all know entitlement spending is out of control in this country. We all know that needs to be addressed. Medicare and Medicaid alone can bankrupt the country. The President talked about that the other night. That is one of the reasons we need to actually get entitlements under control in our health care bill—which, by the way, none of the health care bills do.

We need to get entitlement spending under control, but we also need to get what is called discretionary spending, or these annual appropriations bills, under control as well. We are not talking about small amounts of money anymore. Even though the entitlements are the biggest part of the budget, the discretionary or the annual

spending bills are a very significant amount of money these days.

As I mentioned before, this year's bill is a 23-percent increase over last year's. The committee report says it isn't, that it is actually a cut from last year. But let me explain exactly how they do that. They took last year's bill and added on the money we spent in the stimulus bill to last year's bill. They say that is what we spent last year, so that this year we are going to spend less than we did in the combination of those two bills. They call that a cut in spending. Well, that is phony Washington math. That is how we end up with the kinds of deficits and the debt we have in this country. People claim a cut in spending when it is actually, if you compare apples with apples, a 23-percent increase over last year.

So I think it is time. It really is time. Republicans and Democrats should join together in thinking about not even the next generation, but let's think about today. Let's think about what we are doing to this country today. Let's start showing some fiscal responsibility around here. Let's start joining together as Americans in not running up this massive amount of government debt. Let's start saying no to some of the special interests that come into our office. Let's start by saying that.

So, Madam President, I have a motion at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit the bill (H.R. 3288) to the Committee on Appropriations with instructions to report the same back to the Senate with changes that reduce the aggregate level of appropriations in the Act for fiscal year 2010 by \$12,713,000,000 from the level currently in the Act.

Mr. ENSIGN. So just to summarize, this is a motion to recommit the bill back to the Appropriations Committee. It does not take away the power of the Appropriations Committee. It does not say that it cuts any one individual program. The Appropriations Committee would have the authority to be able to put its priorities within the bill. But it does say we are not going to spend more money than we spent last year. That is, very simply, what it says. We are going to freeze the level of spending to last year instead of having a 23-percent increase over last year.

To reiterate, in the stimulus bill last year, tens of billions of dollars were added to these very same programs that are in this spending bill. So I believe the responsible thing to do is for us to vote on this motion and to show we are really serious about controlling the debt and the deficit in the United States of America.

Madam President, I yield the floor.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 2403

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending business before the Senate be set aside in order to consider amendment No. 2403.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2403.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development)

On page 318, between lines 11 and 12, insert the following:

SEC. 2. None of the funds made available by this Act may be used to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development.

Mr. MCCAIN. Mr. President, the amendment is very simple. It prohibits, as recommended by the President, the use of funds under this act to carry out the Brownfields Economic Development Initiative grant program that is administered by the Department of Housing and Urban Development.

In May of this year, President Obama released a list of 121 programs that he recommended be terminated or reduced. One of the programs the President recommended for termination is the Brownfields Economic Development Initiative.

The administration stated specifically that this grant program is extremely small relative to other programs that address this need. They added that local governments have access to other public and private funds that can address this same purpose.

In justification for the termination, the administration wrote—and I quote from the document “Terminations, Reductions and Savings, Budget of the U.S. Government, Fiscal Year 2010,” that is issued by the Office of Management and Budget. In other words, it is a number of terminations and reductions that the administration wants carried out, with justification for doing so.

So far I have had amendments on several of these and they have all been

overridden. Our amendments have not carried and I imagine I will lose this also. The moral is why didn't OMB stop this? Because clearly it is being totally disregarded by the appropriators. The American people pay attention to the President's recommendations. But now I have had a number of amendments that have been in keeping with the President's request—the same President who said we will go line by line in the appropriations bills and eliminate those that are unnecessary.

Again, the Office of Management and Budget has said:

The Brownfields Economic Development Initiative (BEDI) is a competitive grant program whose purposes are served through much larger and more flexible Federal programs. BEDI is designed to assist cities with the redevelopment of abandoned, idled, and under-used industrial and commercial facilities where expansion and redevelopment is burdened by real or potential environmental contamination. These funds are targeted for redevelopment of brownfield sites for the purposes of economic development and job creation. While these are very important objectives, the program is very small, and local governments have access to other public and private funds, including the much larger Community Development Block Grant (CDBG). The 2010 Budget funds CDBG as \$4.5 billion, or 14 percent above the 2009 enacted level.

We are talking about trying to reduce spending and the CDBG program is now 14 percent, \$4.5 billion, above 2009-enacted levels.

A 1999 Government Accountability Office (GAO) report (RCED-99-86) found that about \$469 million was planned and \$413 million in Federal funds were obligated for brownfields activities in 1997 and 1998. Of the planned total, BEDI appropriations (\$25 million) contributed just five percent of the planned expenditure.

By terminating this program, the Department of Housing and Urban Development is also able to reduce the administrative workload associated with managing a small and duplicative program. Focusing staff on higher impact and higher return activities is a priority for the agency.

I am sure that the opponents of my amendment will argue that the Senate did not include funding for this program in the underlying bill. The committee report states that “The Committee does not recommend an appropriation for the Brownfield Redevelopment program, consistent with the budget request. The Committee notes that other Federal appropriations are available for the same purpose through the Environmental Protection Agency. Communities may also use CDBG funds to redevelop Brownfield's sites”

If that is the case, and the committee agrees with the President that Brownfield Redevelopment under HUD is duplicative, then why does the committee report also contain three specific earmarks totaling \$1.3 million for the redevelopment of Brownfields properties as Economic Development Initiatives? It makes no sense. In here, despite the committee saying they are

eliminating the program, we have \$600,000 for the redevelopment of Brownfields property into a business park in Cincinnati, OH; \$500,000 for the redevelopment of Brownfields properties in Waterbury, CT; \$200,000 for Brownfield redevelopment in Pittsburgh, PA.

Americans are hurting. The Nation's unemployment rate is nearly 10 percent, the deficit for this year is estimated to be \$1.6 trillion, the projected 10-year deficit jumped from \$7.1 trillion to \$9.1 trillion, our public debt is expected to reach \$12.1 trillion by mid-October. When is it going to stop?

Again, I urge my colleagues to listen to the American people. The American people are rising up everywhere. Although it is a bit derided and underestimated, at the TEA parties and demonstrations and the marches last weekend, at conservative estimates 70,000 people came from all over the country to march. In Yuma, AZ 1,000 to 2,000 people decided to demonstrate and it is still pretty warm in Yuma, AZ this time of the year and all over my State.

So what did we do? We say we are going to terminate a program in the committee report and then of course we cannot resist earmarks and porkbarrel spending which has led to corruption.

There is a trial going on right now of a lobbyist who some years ago engaged in paying off legislators for earmarks. That person, if convicted, will be the 23rd person convicted or who pled guilty in the Abramoff scandal. I would like to tell the American people that things have improved, that things have improved since the Abramoff scandal broke and people pled guilty and went to prison, but I can't. I can't tell them there has been any improvement. I can't tell them that corruption doesn't go on here in Washington. I can't tell them that there are no more Duke Cunninghams out there who are residing in Federal prison.

You know what, they are sick and tired of it. This is only \$1.3 million. That is less than chickenfeed around this place. But we have to start somewhere and we might start with implementing the recommendations of the President of the United States and the Office of Management and Budget and get rid of a program that is obviously unneeded.

I don't want to take too much more time of the body, except to again say there is a peaceful revolution going on out there. It is not just over health care reform. It is over the out-of-control spending and the trillions and trillions of dollars of debt we are laying on future generations. Our children and our grandchildren are inheriting an unsustainable situation while we do business as usual here in the Senate.

I could go back to Coast Guard vessels that the Coast Guard and the Navy never needed. I could go back to muse-

ums that were funded that are now closed all over America, and a lot of other abuses that have taken place. But I hope my colleagues will vote in favor of this amendment. Those who do not, I hope people at home will pay attention, will pay attention to the out-of-control spending that continues here and the mortgaging of our children's futures and what we are doing in the commission of generational theft.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, there seems to be some possibility of ambiguity in the amendment. I appreciate the Senator from Washington bringing that to my attention. I ask unanimous consent, if necessary, to be able to modify the amendment before the vote with the intent of the elimination of these three earmarks as I have argued on the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I say to the Senator, he doesn't need to ask unanimous consent. We are happy to work with his staff so as to modify it with the intent of what he was trying to do. I will not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 2410

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up DeMint amendment No. 2410.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2410.

Mr. DEMINT. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

#### AMENDMENT NO. 2410

(Purpose: To limit the use of funds for the John Murtha Johnstown-Cambria County Airport)

On page 179, between lines 4 and 5, insert the following:

#### SEC. 118. LIMITATION ON USE OF FUNDS FOR JOHN MURTHA JOHNSTOWN-CAMBRIA COUNTY AIRPORT.

None of the funds appropriated or otherwise made available by this title (including funds derived from the Airport and Airway Trust Fund) may be obligated or expended by the Secretary of Transportation, the Administrator of the Federal Aviation Administration, or any other officer or employee of the Department of Transportation for use at, or in connection with operations (other than air traffic control operations) at, the John Murtha Johnstown-Cambria County Airport, including to provide subsidized air service to or from that Airport.

Mr. DEMINT. Mr. President, I will take a few minutes to talk about this amendment to the transportation-HUD bill we are on this week. I think if there is one expenditure by the Federal Government over the last 10 years that has drawn the attention of the American people more than the "bridge to nowhere," it is probably the \$200 million that has gone to the John Murtha Airport in Johnstown, PA.

Americans are greatly concerned about the level of spending and debt, particularly the spending they consider wasteful or maybe even corrupt. There have been a number of media documentaries on the John Murtha Airport.

I would like to talk about it a little bit today because my amendment would disallow the use of any funds in this bill to be used to administer any additional subsidies or grants to this particular airport.

We disagree a lot on Federal spending; here and there are different things, different priorities we can debate about. But if there is any such thing as waste, it is this airport. I will tell you why. Over the last 10 years, or actually 20 years, this little airport in Johnstown, PA, has received about \$200 million in Federal funds, \$150 million of that was steered directly by Congressman MURTHA himself, who uses the airport to come back and forth to Washington and for campaign stops.

It only has three commercial flights a day to one destination and that is to Washington, DC. Only an average of about 20 passengers a day use this airport. The American taxpayers are on the hook for about \$1.5 million a year in Federal subsidies. Every ticket to Washington and back is subsidized for about \$100, which means the American taxpayers pay almost as much for the ticket as the passenger does, not just for one trip or two but continually year after year.

In spite of the fact that major media outlets for a number of months have used this as an example of the fleecing of America, this continues to go on. In effect, when the stimulus bill was passed with all the promises of transparency and priority use, \$800,000 of funds went to this airport to repave an alternate runway which is seldom, if ever, used.

A lot of us in the Congress and the Senate have worked for years on small rural airports to try to get some money to extend a runway so corporate aircraft could come in, so maybe businesses could locate in areas where there was not commercial air traffic. Getting \$100,000 for an airport is a major accomplishment sometimes, but \$200 million for an airport that averages 20 passengers a day, that many times there are more people handling security at this airport than there are people going through the lines, is something we need to stop.

If we cannot stop it, we cannot stop anything. Last Saturday in front of the Capitol, hundreds of thousands of people gathered. It was not a Republican gathering, I can tell you that because I was there. It was average Americans, moms and dads with their children, grandmas, grandpas, people who had never been involved in politics before who were very concerned about the level of spending, not just this administration.

This is not a criticism of this administration. We are talking about the last 15 or 20 years. People are concerned about the level of spending and borrowing and debt, taxes and government takeovers in all areas of our economy.

Health care is certainly something that brought it to a head, but these people are here concerned by the fact that they believe our country is on the edge of the cliff. They would like to see us in the Congress begin to move back away from the cliff and take some of the things that are not necessary here in Washington and begin to trim them back.

But I think we can say here, if we cannot cut the funding for this little airport in Pennsylvania named after the Congressman who has helped to get \$200 million, if we cannot stop funding it, stop subsidizing tickets, if we cannot look at the facts in this particular case and decide as a Congress to stop this, then there is nothing we can cut. Then there is no such thing as waste, and there is no such thing as fraud and corruption throughout this Federal Government. If we cannot agree, as Members of the Senate, to stop this—we are not taking away the \$200 million they have already gotten, the \$800,000 for the alternative runway which they have there, which did not need repaving in the first place, we are not closing down the airport or stopping any air travel there. We are just saying: Enough is enough.

We have bought equipment there, radar equipment, spent millions of dollars that is not even being used. It is not being staffed. It is time we at least focus on one thing and say that we can begin the process of moving this country away from a cliff of economic and financial disaster.

I hope on this bill, with this amendment, that we can, in a bipartisan way, agree this is one thing we do not have to have at the Federal level, that we can begin to shift priorities to those things we are supposed to do at the Federal level. It is certainly not to fund a pet project of one Congressman to the tune of \$200 million.

I encourage all my Senate colleagues, Republican and Democratic, to support an amendment that would simply disallow the use of any funds in this bill to be used to continue the administration of subsidies or grants to this airport.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are about to set up a series of votes to occur shortly. We will make that unanimous consent agreement in the next few minutes.

In the pending time, I will speak against one of the amendments that will be considered; that is, the one that was offered by the Senator from Nevada. It is a motion to recommit and reduce spending for our transportation and housing bill.

I would like to point out to all our colleagues, the funding levels that are contained in this bill are consistent with the budget resolution this entire Senate agreed to in the spring and are \$1.2 billion below the level of funding that was requested by the President in his request.

The majority of the funding increases that are contained in our bill support our Nation's vulnerable citizens and the needs of the communities. Those increases include funding to support rental assistance for low-income families, elderly and disabled tenants who use Section 8 vouchers, living in project-based housing or those who live in public housing.

The funding provided ensures that families receiving assistance will maintain that. This is critical because, without assistance, these individuals and families would be at the risk of homelessness, at a time that all of us know that many of our citizens are struggling today.

We have increased funding for homeless programs, which will help prevent more families from becoming homeless. Last year we should all note there was an increase of 9 percent in family homelessness in this Nation.

We have increased funding to support our States and our local communities to address their housing needs and support economic activities ties through the Community Development Block Grant Program. We increased funding in our Nation's infrastructure that will both improve the safety of our Nation's roads and bridges and create and sustain critical jobs.

We have increased funding for safety inspectors at the Federal Aviation Administration, as well as funding for a new program to invest in railroad safety technologies such as positive train control.

In comparison, there are drastic consequences, we should note, to freezing funding for this bill at last year's level. Funding frozen at the fiscal year 2009 level could result in tens of thousands of people who currently hold vouchers to lose their housing. During this economic crisis, we should not be putting our low-income families at risk and out on the street.

In addition, a funding level frozen at the 2009 level would put at risk our critical funding for air traffic controllers. My colleague from Missouri has talked about the importance of increasing the air traffic controllers, and we know the Federal Aviation Administration is facing a shortage of experienced air traffic controllers. We cannot afford to ignore the safety needs of the aviation system.

This subcommittee carefully weighed the merits of all programs before us. We cut programs below the President's request and achieved additional savings. Further reductions now requested by this amendment would seriously undermine critical transportation safety activities. I ask colleagues to reject the amendment when we vote.

We should have a unanimous consent agreement shortly to have votes begin in the next several minutes.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to the following amendments and motion in the order listed; that no amendments be in order to the amendment or the motion prior to a vote; that prior to the stacked votes in this sequence there be 2 minutes of debate equally divided and

controlled in the usual form; that after the first vote, the succeeding votes be limited to 10 minutes each: the Gregg amendment, No. 2361, and the Ensign motion to recommit.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 2361

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on the Gregg amendment.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment does a very simple thing. It says taxpayers don't have to pay for signs which tell them their money is being spent well. It makes no sense that taxpayers should be spending millions of dollars to put up signs to tell them their money is being spent well. It has to be extraordinarily frustrating to taxpayers to see that happening. It certainly is not a good use of their money. The money can be used on a lot of other things—building a road, repairing bridges, improving buildings that need to be improved, improving parks. Let's not put up signs on every one of these sites across America saying we congratulate ourselves for doing the project. It is self-congratulatory, it is political, and it is inappropriate. These truly are signs to nowhere. A total waste of money. They should not be required. We should reject them as being required. That is what the amendment does.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Who yields time in opposition?

The Senator from California.

Mrs. BOXER. Mr. President, this is a most political amendment. I got to thinking, after Senator GREGG said we can't show a sign where economic recovery funds are being put to use on a road or a bridge or highway. We should keep it from the people because he says it is self-congratulatory.

It is not self-congratulatory. Some people may not like the project; some people may. It is about transparency and openness.

I have to say to you, this makes no sense. Where were Senator GREGG and his friends on the Republican side when George Bush and the Republican Congress spent \$33 million to send out a letter telling everyone their Economic Recovery Act was working by way of refunds? I never heard one word out of

the Senators from the other side of the aisle. That cost \$33 million.

Mr. President, I ask unanimous consent that a copy of the tax rebate letter that went to every American be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### TEXT OF IRS TAX REBATE LETTER

#### NOTICE OF STATUS AND AMOUNT OF IMMEDIATE TAX RELIEF

We are pleased to inform you that the United States Congress passed and President George W. Bush signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001, which provides long-term tax relief for all Americans who pay income taxes.

The new tax law provides immediate tax relief in 2001 and long-term tax relief for the years to come.

As part of the immediate tax relief, you will be receiving a check in the amount of \$XXX during the week of XX/XX/01.

Your amount is based on information you submitted on your 2000 federal tax return and is just the first installment of the long-term tax relief provided by the new law. The amount of the check could be reduced by any outstanding federal debt you owe, such as past due child support or federal or state income taxes. You need to take no additional steps. Your check will be mailed to you. You will not be required to report the amount as taxable income on your federal tax return.

On the reverse side of this letter is information on how your check amount was calculated. If you need additional information, please visit the IRS web site at [www.irs.gov](http://www.irs.gov) or call 1-800-829-4477. Please keep a copy of this notice with your tax records.

Mrs. BOXER. I would say to you, this is politics. This is going to save—Senator GREGG's amendment—\$4 million. This cost \$33 million.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. I yield the floor. I hope we vote "no."

Mr. GREGG. Mr. President, I ask for one point of personal clarification.

I did not vote for President Bush's stimulus package either.

Mrs. BOXER. Mr. President, I ask for a rebuttal.

This is not about whether you voted for the stimulus. It is about whether you objected to spending money to tell people what the stimulus does. It seems to me, under Republican leaders we did not hear anything. Now we hear it.

I yield the floor.

Mr. GREGG. Mr. President, do two wrongs make a right?

The ACTING PRESIDENT pro tempore. All time has expired.

Mrs. MURRAY. Mr. President, regular order.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Gregg amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia

(Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 281 Leg.]

#### YEAS—45

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Bennett	Gillibrand	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Schumer
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shaheen
Cochran	Isakson	Shelby
Collins	Johanns	Snowe
Corker	Klobuchar	Thune
Cornyn	Kyl	Vitter
Crapo	LeMieux	Voinovich
DeMint	Lincoln	Wicker

#### NAYS—52

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown	Kerry	Specter
Burris	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Warner
Conrad	Lieberman	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Merkley	
Feingold	Mikulski	

#### NOT VOTING—2

Byrd

Rockefeller

The amendment (No. 2361) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, for the information of all Senators, we have one more vote right now. We expect to be debating several amendments over the next hour or so. I believe there are about four or five amendments left. We want to finish this bill this afternoon. If you have any issues, please bring them to the committee during this vote or when this vote is over so that later this evening or early this evening, I hope, we can move to the final votes on this bill.

With that, I believe the motion to recommit by the Senator from Nevada is in order.

#### MOTION TO RECOMMIT

The PRESIDING OFFICER. Who yields time on the Ensign motion to recommit?

Mr. ENSIGN. Mr. President, this is a committee report here. It says, "2009 appropriations, \$117 billion." This is the kind of fuzzy math we deal with here in Washington, DC. Last year's

appropriations bill was \$55 billion, it wasn't \$117 billion. It is only \$117 billion if you count in the money from the stimulus bill. That looks as if it is being counted here so that they can claim they are actually cutting last year's bill. This bill has a 23-percent increase over last year. What this motion to recommit says is, let's show some fiscal restraint around here and let's freeze spending to last year's level.

So we want to recommit the bill back to the Appropriations Committee. The Appropriations Committee can determine where it wants the spending to go, but it needs to be at last year's level.

Every State in our country right now is—they are not freezing their budgets, they are cutting their budgets. Yet here in Washington we have an appropriations bill in front of us that increases spending by 23 percent. This is outrageous. We need to show some fiscal discipline in this case, so I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, for the information of my colleagues, the funding levels contained in the bill are consistent with the budget resolution the Senate passed and agreed to this Spring. We are \$1.2 billion below the level of funding requested by the President.

We worked very hard to balance the important safety, transportation and accounting needs of this Nation. We urge you to defeat this amendment.

Mr. BOND. Mr. President, I join with my colleague in urging a defeat of the amendment.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 282 Leg.]

#### YEAS—33

Barrasso	Enzi	Lugar
Bayh	Graham	McCain
Bunning	Grassley	McCaskill
Burr	Gregg	McConnell
Chambliss	Hatch	Risch
Coburn	Hutchison	Roberts
Corker	Inhofe	Sessions
Cornyn	Isakson	Snowe
Crapo	Johanns	Thune
DeMint	Kyl	Vitter
Ensign	LeMieux	Wicker

#### NAYS—64

Akaka	Feingold	Murray
Alexander	Feinstein	Nelson (NE)
Baucus	Franken	Nelson (FL)
Begich	Gillibrand	Pryor
Bennet	Hagan	Reed
Bennett	Harkin	Reid
Bingaman	Inouye	Sanders
Bond	Johnson	Schumer
Boxer	Kaufman	Shaheen
Brown	Kerry	Shelby
Brownback	Klobuchar	Specter
Burris	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Voinovich
Cochran	Lieberman	Warner
Collins	Lincoln	Webb
Conrad	Menendez	Whitehouse
Dodd	Merkley	Wyden
Dorgan	Mikulski	
Durbin	Murkowski	

#### NOT VOTING—2

Byrd Rockefeller

The motion was rejected.

Ms. CANTWELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. CANTWELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am concerned that we in this Congress are not properly attached to reality. I spent time in my State over the recess, and people talked to me repeatedly about their concerns about excessive government spending. It is a real national issue.

We know our national debt, the total debt is on track to double in 5 years and triple in 10. That is the public debt this country owes, and we have to pay interest on it to countries such as China and individuals all over the world. We pay a lot of interest every year. The interest is going to surge over the next 10 years under this proposal.

I feel as if we are not connected, we are not hearing it. We think it is business as usual, and it is not business as usual. States throughout our country, cities throughout our country are cutting spending, trimming budgets, finding more ways to be efficient, looking for ways to save money and be within their budgets. Most States have a balanced budget amendment, and they have to stay within their budget. We do not. We came within one vote several years ago passing out of the Senate a balanced budget amendment, but it failed. Now we are proceeding on a stunningly reckless course of spending.

I have always tried to support agriculture. It is a big thing in my State. But I could not vote for the last agri-

culture bill we had. There was a 14-percent increase in agriculture spending. We know the rule of 7—most people do. If you increase something at the rate of 7 percent a year, it will double in 10 years; at 14 percent, it will double in 5 years. So the entire agriculture bill of the United States is on track to double in 5 years at that rate, and that does not include the extra money that came out of the stimulus bill, which is significant. If you include that, it would amount to a 67-percent increase in agricultural funding. I just bring that up. This is a bill I care about.

The transportation and HUD bill that is before us today is worse. It has a 23-percent increase in spending which is on top of a 13-percent increase in spending in the bill last year. That does not include the stimulus package spending. At a 23-percent rate, spending on Housing and Urban Development, and Transportation would double in 3 to 4 years. If you include the stimulus package money which we passed in February it is a 165-percent increase in spending from fiscal year 2008 to fiscal year 2010. That is a stunning increase, at a time when we do not have the money, and the American people know it.

That is one of the complaints about health care. It is all part and parcel of a concern by the American people. What I understand them to say to me is: Have you guys lost your minds up there? Do you no longer feel a sense of responsibility? You are going to triple the national debt in 10 years? How can you justify that? We have vote after vote and they fail. We need to be containing spending.

We had an amendment that was offered to deal with a shortfall in transportation money. We have a problem. We have a real problem. People are using less gasoline, and the taxes for our highways primarily come from people paying a tax per gallon. If they use less gallons, we have less money coming into the basic highway fund.

I would like to see that number lifted. How can we do it? Senator VITTER proposed a very commonsense amendment. He said: Let's put up, I think it was \$18 billion, out of the stimulus bill—most of which was promised for roads anyway, but they have not been fixed—he said take that money and fix the shortfall in the transportation bill. I voted for that. It failed because they preferred to fix the shortfall in transportation by borrowing more on top of the stimulus bill; every penny of it is borrowed. We don't have the money. We have to borrow it. We pay interest on it. Somebody has to pay that for the indefinite future because the 10-year budget the President has submitted to us has no hint it will contain spending. In fact, the deficits grow in the out years, which is why we have such a terrible problem.

Earlier today we had an amendment by Senator ENSIGN that said: Let's

freeze spending. Let's show some restraint such as our States are doing, such as our families are doing. No. Just flat spending. You see, transportation and these other programs that are in this bill, they are getting stimulus money out of the \$800 billion on top of that. So why do they need a baseline increase of 23 percent? Next year, we will be hearing: We are only going to do a 15-percent increase on the baseline and be proud of that.

I don't like the way we are doing this. I don't think we are listening to the American people. It is not the right thing to do.

I have a few charts I would like to share that bear repeating because I am not making up these numbers. These are numbers by the Congressional Budget Office. They are basically a nonpartisan group of fine folks who try to give us honest data on which we can make decisions. The chairman of it is selected by the Congress. Of course, the Congress is a Democratic majority, and they were able to select a Director. This is what they scored President Obama's budget. This is the public debt of the United States of America, much of it held by China and other countries around the world, individuals around the world. They buy our T-bills, and we pay them interest.

This chart is in trillions. In the entire history of our country up through 2008, we had accumulated a public debt of \$5.8 trillion. A lot of people think that is too high. I think that is too high. We are carrying a big debt, and we do not need it to continue. Under the budget that is before us today, that we passed, it looks like we are spending at least on that level, if not more, based on the bills we see coming forward. Our spending will double the entire national debt in 5 years to \$11.8 trillion, and in 10 years, according to the Congressional Budget Office, it will be \$17.3 trillion.

That is a stunning figure. It should put chills through the backbones of everybody in this Congress. How can we justify this? States are trimming their budgets, and we had a 14-percent increase in agriculture, which we not long ago voted on, and now we have a 23-percent increase in HUD. This is not responsible.

We came into this year with a deficit. The President said we had to rush through a stimulus bill, and they passed it by just a couple of votes—\$800 billion, every bit of it borrowed because we did not have the money. We were already in debt. If you spend more money when you are in debt, how do you get it? You borrow it. You have to get people to buy your Treasury bills. The interest rate on 10-year Treasury bills was over 2 percent in January. In July, they reached 3.6 percent or so because people are getting worried. They think we might have an inflationary spiral. They think interest rates may

go up. So they are not so willing to loan money at a low interest rate for 10 years like they were at the beginning of the year. This causes a problem.

Let me show this chart, which I think brings the numbers home in a way we can comprehend them because it is difficult to comprehend numbers this big. People assume, when I throw these billion-dollar figures around, surely people up there know what they are doing, and, SESSIONS, you are just exaggerating. You don't like to spend money, and you are exaggerating.

It is not an exaggeration. I am talking about the entire debt of America tripling in 10 years.

Look at the interest. We spend approximately \$100 billion now on highways. I said \$40 billion, but I think with the stimulus and the spending from gas taxes, we spend about \$100 billion on our highways. We spend about \$100 billion on education. On September 30, 2009, the estimate is that we will pay \$170 billion in interest. We get nothing for it. It is just like paying interest on your credit card. The bank gets it. You don't get it. They loaned you money. You owe them money—interest—to keep the money they loaned you.

As the debt increases and we have a modest adjustment in the interest rate—not a big adjustment but one the Congressional Budget Office projects will occur, a raising from the relatively low interest rates we have today—as those go up, the interest we will pay each year, the burden we pay first before we can buy anything with the taxpayers' money is increasing.

We see the numbers here. In 2019, 10 years from today, the Congressional Budget Office estimates the U.S. Government will be paying out \$799 billion a year in interest. We don't get anything for that. It goes out to people all over the world who bought our Treasury notes, and we send out this interest. We send it to some Americans who buy it. They get this interest. It is money we do not have to do things we want to do for our constituents. And, in essence, as a moral matter, we are reaching into the future and we are taking money from the future and spending it today to meet our desires today, without doing what our States and cities and counties are doing—figuring out how to get by with less in tough times and looking forward to the day they will be able to see growth again and be able to not have to be on such a spare budget. But that is life. We are not able to pass a law to reverse life and the challenges and difficulties and uncertainties we face every year in our personal lives and in our national lives and in our economic lives.

So that is the lower number. That is assuming things are going pretty well. Look at the interest rates that the blue chip forecast of economists, who are a good group of people—and they

make forecasts that are pretty accurate. They have been more accurate than the government over the years. The Blue Chip Forecast says the interest rate is going to be more than CBO scores. They say the interest rate in the tenth year would be \$865 billion. And interest rates could surge to the level of the 1980s, which would be 10 percent interest rates. If you had that kind of interest rate, we would spend \$1.29 trillion on interest before we could do anything to purchase things for our constituents.

Remember, the highway money is about \$100 billion; education is about \$100 billion. We will be spending \$800 billion on interest—\$600 billion plus more than we spent this year, just on interest, because of irresponsible spending. So I would say, count me as somebody who is getting the message, both from my own study of what is occurring here, being on the Budget Committee, and from what I am hearing from my constituents. They say: It is time for you guys to get responsible. We are upset. And why shouldn't they be upset? Somebody comes to a town meeting and they are a little hot with their Congressman or their Senator. Are we supposed to think this is a threat to democracy, when we have this kind of behavior going on in the Congress? They ought to be hot. There is every reason to be hot. We do not need to be doing this.

You may say: Well, we are having a hard time economically, Senator. We have to spend a little money now to get this thing going. The outyear budget projection, according to the Congressional Budget Office, assumes robust growth. In 2012 and 2013 they are projecting over 4 percent growth. We may not have 4 percent growth. If we don't have 4 percent growth, we are going to have larger deficits than they are projecting. And in the outer years they are projecting a solid 2- or 3-percent growth out there. No recession in this. So this is not a projection based on the assumption of a recession putting us in this kind of debt.

How much do we spend each year? Well, it is about \$3.5 trillion. That is how much a trillion dollars is. We have \$1.8 trillion in debt this year. We will be short this year \$1.8 trillion. We will spend \$1.8 trillion more than we take in. That is \$1,800 billion. And those are things that should cause us to think about what we are doing. We have done nothing like this before, I don't think, except maybe a life-and-death struggle in World War II, when people all over the country were drafted. I would note that 43 cents out of every dollar we are spending this year is borrowed. That is not acceptable.

We have heard from administration officials, from Alan Greenspan and other experts, that this whole budget picture is unsustainable. That is what they say. TV commentators, editorial

writers say it is unsustainable, the debt cycle we are in. Let me ask this: What does unsustainable mean? It means just that. It cannot be allowed to continue.

I had somebody ask me recently in the airport: Well, when are you going to start paying it down? When are you going to start paying the debt down? The same way I have to do in my house with my credit cards, my mortgage. The answer is: There is no prospect of paying it down. Last year was the highest deficit we have had—\$450 billion in 1 year. This year it will be \$1,800 billion. In the next 10 years, according to CBO, the least deficit we will have—and they are projecting 2 or 3 years from now—is \$600-plus billion. That is the lowest. Then it starts back up again, and in the tenth year it is over \$1 trillion.

There is no prospect of a balanced budget anywhere out there, and we act as though it is business as usual. We can spend and spend—so 23 percent on this bill, 14 percent on that bill on top of the stimulus money we put in. What we should do is have at least level funding with the stimulus money piling into the economy—the \$800 billion there.

In closing, I would say we are not getting it. We are not listening to the American people. We are not even reading our own budget numbers, and we are hurting our country. This \$800 billion in interest every year? This will devastate our ability to fund the government. Not only that, it will require either more and more and more borrowing or more and more and more taxes, neither one of which is good for this economy. It is not good for America.

We do not have to do this. I don't mean to be partisan about it. Republicans' hands are not clean on this either. But the leadership in this Senate needs to understand these fundamental principles and needs to send some signals that they understand it and are prepared to do something about it. And that includes the President of the United States of America. He needs to understand what is happening to this country as a result of his budget and take some steps that will show in reality we are going to bring this ship back on course again.

You say: Well, you have this health care bill and that is what is driving it. The health care bill is not in there. This budget analysis was done before health care even came up. It will cost more, of course, and make these numbers look even bigger. So we have to grow up and be responsible. Our Republic is depending on us to lead and tell the truth, and the truth is we are on an unsustainable course. The truth is this administration and the leadership in this Senate and the House of Representatives has no plan to get us off this unsustainable course. The Amer-

ican people are the only ones, it looks like, who have sense enough to know what is occurring, and I hope they will continue to make their voices heard.

I thank the Chair, and I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

#### AMENDMENT NO. 2359, AS MODIFIED

Mr. VITTER. Mr. President, I ask that any pending amendment be set aside and that amendment No. 2359 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask that the modified version of the amendment be made pending.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment (No. 2359) as modified.

The amendment is as follows:

(Purpose: To prohibit the use of funds for households that include convicted drug dealing or domestic violence offenders or members of violent gangs that occupy rebuilt public housing in New Orleans)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PROHIBITION ON USING FUNDS FOR CERTAIN HOUSEHOLDS.

(a) IN GENERAL.—No funds made available under this Act may be used for or provided to a household that—

(1) includes a covered offender; and

(2) resides in federally-subsidized housing in New Orleans, Louisiana.

(b) DEFINITIONS.—In this section—

(1) the term “covered offender” means an individual that—

(A) has been convicted of an offense under Federal, State, or tribal law involved in manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

(B) is a member of a criminal street gang, as defined in section 521 of title 18, United States Code;

(2) the term “federally-subsidized housing” means any housing for which housing assistance is being provided; and

(3) the term “housing assistance” means any assistance, loan, loan guarantee, housing, or other housing assistance provided under a housing-related program administered, in whole or in part, by the Secretary of Housing and Urban Development.

Mr. VITTER. This amendment is very straightforward, and it is very narrowly drawn. First of all, it only affects public housing assistance in New Orleans, LA, nowhere else, and it prohibits funds in this bill from going to

any housing assistance to benefit drug dealers or members of violent gangs, folks who have actually been convicted of these offenses—drug dealing, not simple possession, drug dealing, a conviction of that—or convicted of crimes that involve a member of a violent gang.

After Hurricane Katrina, there was an enormous rebuilding effort in New Orleans that continues. Part of that effort involves public housing in New Orleans. Quite frankly, that system has been plagued for many years with tremendous problems, the biggest of which is crime in those projects. There has been an ongoing effort to rid those projects of violent crime. That effort continues and certainly that battle has not yet been won because, unfortunately, New Orleans continues to be a capital in the country for violent crime, with very high violent crime levels.

As we are rebuilding these projects using a fundamentally different model—a mixed-income model, less density—certainly one of the changes we need to make is to ensure that drug dealers and members of violent gangs do not set up shop once again in those public housing projects and do not get other taxpayer assistance.

In this bill is \$7.25 billion for public housing assistance. Some of that will go to New Orleans. Certainly it is reasonable and productive and positive that we simply say we are not going to send this assistance to folks who have been convicted of being a violent gang member, have been convicted of drug dealing, not simple possession but drug dealing.

This is very important policy, very important for the continued recovery of New Orleans coming out of Hurricane Katrina. I urge my colleagues to accept this amendment and support this amendment and pass it into law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WTO RULING

Mrs. MURRAY. Mr. President, 2 weeks ago, the World Trade Organization handed down a ruling in one of our Nation's most important trade cases to date. The ruling was in a case that the U.S. Government, through our Trade Representative, brought against the European Union for providing market-distorting subsidies for the European aerospace company, Airbus. It was a

case brought against the EU not because of minor trade infractions or insignificant manipulation of the international market. It was brought because of decades of playing outside the rules, billions in government subsidies, and repeated warnings by the United States to end the unfair practice of providing a damaging subsidy called launch aid. What the WTO ruled by all accounts is very clear. Launch aid is illegal. It creates an uneven playing field. It has harmed American workers and companies. It needs to end.

For me, this is an important decision that is long overdue. That is because in my home State, the State of much of our country's aerospace industry, the consequences of competing with the treasuries of large European governments has been very real for a very long time. It has been felt in communities, in local economies, and in lost jobs. That is why, as my colleagues know, I have been speaking out against Europe's market-distorting actions in commercial aerospace for many years. I have raised my concerns with other Senators, with foreign leaders, and administrations of both parties.

In 2005, I helped pass a unanimous resolution in the Senate on the need to level the playing field for fair global aerospace competition. In that same year, after the European Union mocked our efforts to negotiate in good faith by continuing to provide launch aid, I urged the Bush administration to move forward with this WTO case. Make no mistake about it, I understand the value of healthy competition in the international marketplace. But I also believe that competitors must abide by the same set of rules.

One reason I have fought so hard to end illegal subsidies is because I know there is a fundamental difference in how our country and Europe view the aerospace industry and fair competition. For us in America, commercial aerospace is seen as a private business. Some companies will win; some companies will lose. But we allow the marketplace to decide. American aerospace companies, such as Boeing, take tremendous financial risks when they develop and market a new aircraft. Their workers and developers and researchers put their jobs and billions of dollars on the line each time. They literally bet the company with each new plane they develop. But in Europe, aerospace is a jobs program. To fund that program, they use billions of dollars in what is called launch aid. So they are not quite as concerned when Airbus loses money. In fact, they don't even require Airbus to repay that launch aid, if the aircraft they develop is unsuccessful. It is no risk, all reward.

But as the WTO has now ruled, it is also a violation of international trade rules and fair competition. The plain truth is that these illegal subsidies have cost American jobs. The commercial

aerospace industry employs well over half a million Americans with family-wage salaries. But in the past 20 years, as Airbus has continued to grow, thanks to billions in subsidies, we have lost hundreds of thousands of American aerospace jobs. These are scientific and technical jobs. They are jobs that keep the economies of communities large and small stable in States all throughout the country. They are jobs that support families to pay mortgages and create other jobs. They are jobs that are increasingly precious at a time when we are facing double-digit unemployment.

American innovation led to the birth of the aerospace industry over 100 years ago. Since that time, we have made air travel safer and brought growth and innovation to our economy. Although we led in the first century of flight, unless we recognize the damages these subsidies pose and fight for our workers, we might not have a major role in the next century in aerospace. That is why the WTO ruling is so important. This ruling is much more than a confirmation that Airbus has been breaking the rules. It is a victory for American workers who produce the world's best planes and who have been forced to fight an uphill battle. It is a warning to other countries considering entering the aerospace marketplace that launch aid is the wrong example to follow. It reaffirms the spirit of free and fair trade in the international marketplace and reminds us that we have to be vigilant because this is certainly not the end of this fight.

In fact, there are already signs that the EU and Airbus will flaunt the will of the WTO. Already, very publicly, the Governments of France, Germany, and the United Kingdom have said they will move forward with plans to provide Airbus with nearly \$5 billion in launch aid for the development of Airbus's latest generation of airplane, the A350, despite any ruling by the WTO. In other words, in the face of a clear condemnation of their practices, they said they will do as they please. That is why, on Monday, I wrote to President Obama urging him and his administration to take the strongest possible actions to prevent European governments from providing Airbus with an additional illegal trade-distorting subsidy. But it will be all of our responsibilities to ensure that the rules are followed, American jobs are not further endangered, and the future of the aerospace industry is protected.

Unless we wake up to the threat that continued illegal subsidies pose, we will lose an industry we created that is critical to our economic recovery and will help sustain our Nation's continued growth.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, while we have an opportunity, there are some important comments I want to make about this bill.

We have heard from some people who are concerned about the deficit and the national debt. They are tremendous concerns. Any discussion of our overall economy must take into consideration the debt we are running up that will be on the backs of our children and our grandchildren. I have opposed many spending packages that have come through and many of the things that have gone on.

But when we are looking at priorities—which are funding ongoing programs which are within the budget of our committees—then we need to focus on spending that will prove beneficial for the American people and the economy.

The bill before us, the Transportation and Housing and Urban Development appropriations bill, funds infrastructure development for everything from roads, to bridges, to airports, which is critical to attracting businesses, creating jobs and economic growth in our communities.

The bill also provides funding to help the Nation's most vulnerable populations: the homeless, low-income families and seniors, housing for the disabled, and housing for our returning veterans who have served overseas.

This bill provides increased investment in the Federal Aviation Administration. The FAA gets money for 200 additional safety inspectors. I have spoken on this floor about the need for safety inspectors because we have airlines flying with very subpar qualifications, and too often they get away with sending out people who are not qualified, should not be pilots, have not been properly trained. For all of us who fly and all of our constituents, that is a major concern. But we need to accelerate programs as well related to reducing congestion and increasing safety. That means getting us to the next generation air traffic system.

Nobody will claim this is a perfect bill, but it is one that provides needed funds for programs that not only make a difference in the lives of everyday Americans but also enables job creation, economic growth, and the kind of treatment we wish to provide for those in need, especially in the housing area.

I have asked my colleagues, and will continue to ask them, to support this bill. There have also been attacks—and there will be some more before we get out of here—on earmarks. Every year

we have a debate about whether Congress should have a role in setting priorities or simply pass the buck to those in the executive branch of government.

Within my State are State and local experts I turn to, as well as people whose lives are inextricably linked to housing, transportation, and economic development. Most of these people know a great deal about these issues. They know a lot more about these issues and how they affect the people of Missouri than most folks sitting in a bureaucracy in Washington, DC, who may never have been there, do not know what the challenges are, do not know where the local people are putting their priorities, do not know what their plans are, do not know how they see their communities grow, their State grow. I think a lot of these people know more about housing, transportation, and economic development than people at OMB and those who ultimately produce budget submissions from their distant Washington offices.

We have heard a lot of talk about bad earmarks. I am opposed to bad earmarks, and people who abuse the system, who do so criminally, should be punished and put in jail, as they have been. There is no debate there. The debate is not what is written about, but it is who should earmark because every dollar that is spent by the government is directed by somebody. Who is making the decisions?

Some argue it should be a mix where Congress earmarks roughly 2 percent of discretionary funds, with the balance, roughly 98 percent, being earmarked by agency employees of the executive branch. I think you could make a good argument that it should be even higher.

However, under this scenario, with full disclosure, elected officials have a role in listening to and speaking for the people of their State, the leaders of their communities, the leaders of the institutions. We can make those recommendations, and the full Congress can look at them and the President can ratify them. This is reflected in the bills before us this session.

Others argue Congress should have no role; executive branch officials, elected by no one, should have 100 percent monopoly power over spending. Their position is people unaccountable to the voters should have this monopoly power. Congress can, however, and does set criteria, but the more criteria we set, the more it becomes a congressional earmark. The less criteria we set, the more it remains an executive branch earmark.

In executive agencies, people have their own agendas and political leanings. Their own political bosses—in either the Bush administration or the Obama administration—have their own agenda. I do not like monopoly power of the Obama administration on spending and I did not support it during the

Clinton or either Bush administration as well.

I have to admit I find it puzzling to hear some of my self-professed conservative friends suggesting that the way to reform spending is to turn it all over to the Obama administration to earmark. I am not arguing they should have no role. I am arguing today that Congress should have a role.

The Constitution, in article I, section 9, says very clearly that it gives the Congress the power of the purse. It states:

No money shall be drawn from the Treasury but in consequence of Appropriations made by law.

Guess what. That is what we are supposed to do, as stated in article I, section 9. I think it would be extreme, probably excessive, to suggest that Congress should earmark all money, just as I believe it would be extreme and wrongheaded to suggest that the Obama administration should earmark all money.

A bad earmark is a bad earmark, no matter who does it. Frankly, when I left the governorship of my State, one of the reasons I believed it was important to run for the Senate was to be able to exercise the voice and the views of Missourians in the spending process because I had seen too many instances where bureaucrats in Washington made very bad decisions.

They made bad decisions that absolutely turned the priorities around. They told us we had to spend all of our money for cleaning up wastewater, putting tertiary treatment on major metropolitan sewer systems, which would then have to put cleaner water into the Missouri and Mississippi Rivers than was already there.

The State's priority was to clean up many of the pristine streams in our State which had, in too many instances, raw sewage flowing into them—streams which were vital parts of our scenic rivers, our scenic waterways, places for hunters and fishermen, where people would like to swim and boat but could not.

But we have seen even more instances of bad earmarks. I thought it was a horrible Pentagon earmark to award an Air Force tanker project worth billions of dollars to a European company—a process which, under pressure, has since been subjected to review and will cost thousands of Missouri jobs if undertaken.

Fundamentally, I see this as a role of Congress and one that should be transparent, self-limiting, and subject to scrutiny. We get that scrutiny. I accept it. I am happy to argue with anybody who disagrees with my views, but at least we do so out in the open. When earmarks are made in the executive branch, nobody knows who did them. If you don't like a decision, you don't even know whom to yell at because it is somebody who is not appointed, not

accountable, not obvious to the people we are supposed to serve.

A lot of people criticize me for putting out statements, news releases, when I get some funds for the State, which is another way of saying I was too transparent. I use this process to help empower local people who have local ideas on how best to improve their local communities after having set their own local priorities.

If a Senator doesn't want to request an earmark, that is fine. Some people request earmarks and then vote to strip them out. I think that is a little bit self-contradictory, but I will leave that to the Senators who choose to request them and then move to strike them. If a Senator thinks it is inappropriate or does not trust himself or his local leaders to establish priorities and petition Congress for funding, that is his or her business. But I do trust local officials who answer to their voters and neighbors, as I do, who invest their money and the tax money at the local level, and who understand their own conditions better than anyone else, over the geniuses at OMB who may or may not have had the privilege of traveling to Missouri, to Washington State, to Pennsylvania, to Minnesota, to wherever the Senator comes from.

In short, someone earmarks discretionary money, and I am glad that a small fraction of that earmarking is reserved for those who can be questioned and disparaged and voted out of office if people disagree. I disagree that earmarking and making all spending decisions should be a responsibility exclusive to the typically anonymous executive branch people.

I ask my colleagues to ensure that bureaucrats and politicians in the executive branch are not the sole source of power when it comes to setting spending priorities. In this case, local citizens outside of Washington who live with the project purposes and who are not agency officials should have a stronger voice in setting local priorities, not a weaker voice.

I urge my colleagues to support this bill and to oppose efforts to take away from Congress not only our constitutional power and authority over the purse but what I view as a high responsibility of someone who holds an office and carries out the duties of a U.S. Senator.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Chair recognizes the Senator from Pennsylvania.

AMENDMENT NO. 2410

Mr. CASEY. Mr. President, I rise today in opposition to an amendment proposed by my colleague from South Carolina. The amendment is No. 2410. I believe this amendment sets a dangerous precedent for a number of reasons.

First of all, it singles out one airport, which happens to be an airport in

southwestern Pennsylvania, in Cambria County on the southwestern corner of our State.

It is important to note about this particular debate on this amendment that none of the funds in the underlying bill we are talking about here provide for direct funding to this airport. In my view, the decision as to whether this particular airport should receive funding should be left to the Federal Aviation Administration.

The Senator from South Carolina noted that the airport received funding under the America Recovery and Reinvestment Act, known as the stimulus bill. Let me read something from the spokesperson from the U.S. Department of Transportation. This spokesperson said: "The bottom line is it," meaning this airport, "deserved the money based on the merits." "It," meaning the funding under the recovery bill, "is not an earmark."

The Essential Air Service Program, which as many here know was created by Congress in 1978 to help small airports—we have a lot of them in Pennsylvania, and we need them—to survive after airline deregulation. That is the primary source of Federal funding for the airport in this case, not an earmark, not a congressional earmark.

According to Congressional Quarterly, more than 150 airports across the country qualify for this assistance and many of the 150 airports have a higher per-passenger subsidy with lower passenger loads than the airport we are talking about here, the Johnstown Airport.

Let me say in conclusion, the city of Johnstown, as well as the wider Cambria County region but especially this county—and so many places have been hit hard in this recession, but historically this particular community has been hit very hard. In the 14 labor regions of our State where they measure unemployment, very often the Johnstown labor market has the highest in the State. If it is not the highest unemployment, it is often in the top three. This is a community that has suffered tremendously over many decades with job loss.

When we consider what happens when people go to an airport, sometimes it is not just civilians. A lot of military personnel leave from an airport such as this. Johnstown, PA, including Cambria County, PA, has transported on a per capita basis as many or more soldiers in Iraq, for example, than almost anyplace in the country.

So this is a community that has contributed mightily to the success of this country under adverse economic circumstances. The least we should do is not target this community and target this airport in the midst of a debate on such a significant Transportation appropriations bill.

So we are grateful for this opportunity.

I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to speak on the pending amendment relating to the Mount Washington Community Development Corporation. There has been an effort to delete an appropriation of \$200,000 to help the Mount Washington Community Development Corporation clean up and remove hazardous waste and prepare the site for future development.

In phase I, there will be a cleanup of asbestos and hazardous waste, with a total cost of \$1.2 million. On phase II, there will be construction for a total cost of \$90 million to \$100 million.

The project is a brownfield redevelopment site preparation for the future construction of One Grandview Avenue in the city of Pittsburgh.

The site currently includes a blighted structure in a state of total disrepair. The dilapidated building has been vacant since 1979 and was recently condemned by the city of Pittsburgh.

Historically, this property has been the hub of illegal activities and has been a public safety hazard for the city. Since 1989, there have been over 30 documented incidents of assault, vandalism, and theft at the location.

The residents of the area have signed a petition in favor of the Grandview apartment development, which cites the chaotic history of this particular locale. Three hundred people have signed on urging that the development take place, and the petition reads in part:

Since the summer of 2008, the developer and his representatives have attended countless meetings with the MWCDC [the development project].

It goes on to recite the details of what is needed there. What the \$200,000 will be designed for is, arguably, a responsibility of the Federal Government for failure to take steps to avoid that kind of contamination or, once the contamination occurs, to make remedial action to improve it. The total cost is going to be in the neighborhood of \$1.2 million. The Federal contribution, which we are asking for on this earmark, is, I submit, a very modest matter and a good reason for the Federal Government to undertake greater responsibility than \$200,000.

In addition to the citizens, the request has been made by the mayor of the city of Pittsburgh. I ask unanimous consent that the petition from his chief of staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PETITION IN SUPPORT OF THE ONE GRANDVIEW AVENUE DEVELOPMENT

We the undersigned hereby support the development at One Grandview Avenue (the location of the former Edge restaurant) proposed by Mr. Steve Beemsterboer.

Since the summer of 2008, the developer and his representatives have attended countless meetings with the MWCDC and individual residents concerned about implications of this development. Mr. Beemsterboer has had many private meetings with residents who have had the most concerns about this project, and countless times, the developer has responded to concerns of size and scale, storm water runoff, height, traffic flow and property values. The developer has gone out of his way to listen to concerns and make changes to his plans to accommodate a few residents. As an example, the size and scope of the proposed development has changed three (3) times due to the concerns of a few residents.

The former Edge restaurant has been vacant for three (3) decades. It has sat condemned by the city of Pittsburgh for over one (1) year. Historically, the property has been a hub for illegal activity and has been a public safety hazard for the City of Pittsburgh for 30 years. Since 1989, there have been over 30 documented incidents of assault, vandalism and theft at the location, not to mention countless accounts of suspicious and illegal activities like drug deals and prostitution.

There have been many development plans for the former Edge restaurant over the years, but resident resistance has been strong. In fact, so strong, the community put an end to plans for a Ritz Carlton. That was several years ago, and things are different today.

There will be hundreds of City residents upset and outraged if the developer meets all of the city's code and legal requirements and somehow cannot get this project moving forward. Our City leaders have an obligation to support the neighborhoods that are asking for assistance and who are collectively behind a development such as this one. The community asks for your support and assurance that this project will not be derailed due to a few people with personal agendas.

Again, we the undersigned wholeheartedly support the development proposed at One Grandview Avenue and expect to see progress at the location.

Mr. SPECTER. Mr. President, this has also been supported by Senator CASEY, Congressman MIKE DOYLE, in whose district it is, and by Allegheny County Executive Dan Onorato, the county council, the Mount Washington community, and by two representatives of the Pennsylvania General Assembly, Senator Wayne Fontana and Representative Chelsa Wagner.

It is hard to envisage a more appropriate use of \$200,000 than is present here. It is a clear-cut matter of looking to the Federal Government to fulfill its responsibility to an area that has become blighted, a waste site that should have been cleaned up a long time ago under Federal law.

AMENDMENT NO. 2410

Mr. President, in addition to the considerations on the Mount Washington

Community Development Corporation, I am opposed to the amendment No. 2410, which would prohibit the use of funds for the John Murtha Johnstown-Cambria County Airport.

A similar amendment was defeated in the House of Representatives by a decisive vote of 263 to 154. This airport supports 45,000 takeoffs and landings per year.

The Cambria County Airport receives Federal funding from the Essential Air Service, a program run by the Department of Transportation on a formula basis to rural regions. The recently passed stimulus also provides funding but on a purely competitive basis.

The Johnstown Airport is one of many airports across the United States that receive Essential Air Service annual funding. The current subsidy is \$1.4 million or just over \$100 per passenger. There are 152 similar regional airports around the country, including a number in my State, in Altoona, Bradford, Dubois, Lancaster, and Oil City. Johnstown Airport ranks only 40th in the per-passenger subsidies.

The majority of the \$150 million that critics cite was funded for military purposes.

There are over 1,000 Guard and Reserve troops stationed at the airport, and they use these facilities daily. These troops have been involved in over 19 overseas deployments in the last 5 years alone to Iraq, Afghanistan, and other areas around the world. The upgrades funded in previous years were essential to keep these troops in a proper state of readiness to sustain such a high rate of deployment.

National Guard LTC Christopher Cleaver had this to say:

The airport is a vital part of the Guard's strategic deployment plans. In today's climate of warfare, it's extremely prudent to be able to move fast.

We have a commitment to mobilize in 96 hours. It's a great advantage to have a runway at your doorstep to quickly move to anywhere in the world.

On this basis, I think the appropriation is entirely warranted.

AMENDMENT NO. 2366

Mr. President, I have sought recognition to discuss my vote against an amendment offered to the fiscal year 2010 Transportation and Housing and Urban Development Appropriations bill. The amendment, offered by Senator ROGER WICKER, would cut off funding for Amtrak unless it amends its current policy and allows passengers to transport firearms by March 31, 2010. It is my understanding that Amtrak implemented the firearm ban in 2004 after it conducted a review and evaluation of security measures following the attacks on passenger trains in Madrid on April 11, 2004.

Though Amtrak ought to have authority to set policy that is in its best interest, I am reluctant to support a policy that prohibits law abiding citi-

zens from carrying permitted firearms. This policy was the subject of a similar amendment that Senator WICKER introduced on April 2, 2009, to the fiscal year 2010 budget resolution. The budget resolution established a reserve fund for multimodal transportation projects and Senator WICKER's amendment to the budget disqualified Amtrak from accessing this proposed reserve fund if it did not allow passengers to transport firearms. I supported that amendment and it passed 63-35. However, the passage of that amendment did not jeopardize Amtrak's regular annual appropriation.

On the other hand, Senator WICKER's amendment on September 16, 2009, to the Appropriations bill may ultimately result in a complete cutoff of Federal funding for Amtrak. The legislation we are considering includes \$1.574 billion for Amtrak and this funding is critical to maintaining our national passenger rail system. Amtrak provides a vital service for the entire Nation and I have consistently advocated for robust Federal funding to support its operations. Cutting off Federal funding would cause passenger rail operations to cease and deprive millions of Americans from an important mode of transportation. I am not willing to risk stranding Amtrak users in order to compel Amtrak to amend its firearm policy.

We ought to consider Amtrak's firearm policy independently from the appropriations process. Should Congress decide to mandate a revision to this policy, Amtrak ought to be given sufficient time to ensure it has proper personnel and infrastructure in place without the threat of funding cuts for not meeting an unrealistic implementation deadline.

Mr. President, I also wish to describe an amendment I have introduced to the fiscal year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill. This amendment preserves funding which has already been secured for a critical project in Pennsylvania.

The corridor along U.S. route 422 in southeastern Pennsylvania has experienced rapid population growth over the past decade including many daily commuters to Philadelphia. This population expansion has led to significant congestion along route 422 in Montgomery and Berks Counties. Transportation officials and community leaders in the area have for years worked diligently developing proposals to mitigate the congestion and expand mobility options for residents living along the corridor.

The community has made considerable progress in this effort over the past 2 years, including completion in 2008 of a study to consider the feasibility of extending an existing rail line and commencement in 2009 of a study to explore long-term financing options

for a commuter rail system and maintenance of route 422. Additionally, on August 24, 2009, Transportation Secretary Ray LaHood joined me for a roundtable meeting with local public officials and transportation leaders to discuss the problem and these recent developments.

The amendment I have introduced would simply preserve funding that was included in appropriation bills from previous years to support the local effort in this important undertaking.

I urge my colleagues to support this amendment.

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 2402, AS MODIFIED, NO. 2405, AS MODIFIED, AND NO. 2415

Mrs. MURRAY. Mr. President, we have managers' amendments at the desk—amendment No. 2402, as modified; 2405, as modified; and 2415. I ask unanimous consent that the amendments be considered and agreed to en bloc, and the motions to reconsider be considered laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2402, AS MODIFIED

(Purpose: To provide that amounts in the bill provided for the Transportation Planning, Research and Development program shall be used for the development, coordination, and analysis of data collection procedures and national performance measures)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Such amounts as are required from amounts provided in this Act to the Office of the Secretary of Transportation for the Transportation Planning, Research and Development program may be used for the development, coordination, and analysis of data collection procedures and national performance measures.

AMENDMENT NO. 2405, AS MODIFIED

(Purpose: To provide the Secretary of Housing and Urban Development the authority to use previously appropriated funds to prevent the termination of housing assistance to eligible families)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The first numbered paragraph under the heading "Tenant-Based Rental Assistance" in the Department of Housing and Urban Development Appropriations Act, 2009 (Public Law 111-8) is amended by adding the following before the period at the end:

"": Provided further, That up to \$200,000,000 from the \$4,000,000,000 which are available on October 1, 2009 may be available to adjust allocations for public housing agencies to prevent termination of assistance to families".

AMENDMENT NO. 2415

(Purpose: To provide technical and financial assistance to Illinois transportation officials to conduct a feasibility study for consolidated freight and passenger rail through Springfield, Illinois)

On page 215, between lines 2 and 3, insert the following:

SEC. 156. The Administrator of the Federal Railroad Administration, in cooperation with the Illinois Department of Transportation (IDOT), may provide technical and financial assistance to IDOT and local and county officials to study the feasibility of 10th Street, or other alternatives, in Springfield, Illinois, as a route for consolidated freight and passenger rail operations within the city of Springfield.

The PRESIDING OFFICER. The Senator from Arizona.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2421

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending amendment for the purpose of sending a motion to recommit with instructions to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. Kyl] moves to recommit the act H.R. 3288 to the Committee on Appropriations with instructions to report the same back to the Senate forthwith with the following amendment No. 2421.

The amendment is as follows:

(1) Any amounts that are unobligated amounts for fiscal year 2010 for the American Recovery and Reinvestment Act that are available in a non-highway account receiving funds in this Act for fiscal year 2010 are rescinded.

Mr. KYL. Mr. President, I will take just a moment to explain what this motion is. It is very simple. Incidentally, I wish to say at the outset that because of the way it reads, as the clerk read, "forthwith," there is no intention in this motion to delay the bill whatsoever. It requires the committee to report back forthwith.

Although I believe the discretionary spending increase in this bill, which is 23 percent above last year's level, excluding the stimulus bill, is far too high, my motion does not touch spending in this appropriations bill.

Let me repeat that. This amendment does not change in any way the spending in this appropriations bill. My motion simply instructs that the bill be sent back to the Appropriations Committee so it can be amended and sent back here forthwith to provide for rescissions of any amounts that are unobligated for the fiscal year 2010 in the stimulus bill that are available in non-highway spending accounts. In other words, whatever has not been obligated under the stimulus and relates to the spending in this appropriations bill that is duplicative of that spending and does not relate to highway spending would be rescinded.

Why is it necessary? The stimulus, I do not believe, has provided what was promised—namely, jobs. A report at the end of August issued by the President's Chief Economist, Christina Romer, found that only \$151.4 billion of the original \$787 billion had been spent. The real total cost of the stimulus is over \$1.1 trillion when you include interest.

That is a mere 19.2 percent—less than a quarter of the total package. In other words, the majority of this funding will be spent over the next several years, by which time the recession, hopefully, will be long over.

The administration claimed this spending would halt the unemployment level at 8 percent. Seven months after we passed the stimulus, unemployment levels are now at 9.7 percent and growing. We have lost over 2 million jobs.

I know the administration likes to say the stimulus has saved or created 1 million jobs, but most people recognize there is no way to measure saved jobs. In fact, Christina Romer stated recently:

You know, it's very hard to say exactly what the jobs effect is because you don't know what the baseline is.

My point is this: This discussion of the wasteful and nonjob-producing stimulus is important to this bill because our Nation is about to hit its debt ceiling of \$12.1 trillion in October. This Congress will have to, again, raise the debt limit after having done so through the so-called stimulus. The public debt level is currently at \$11.8 trillion.

This motion will lead to more than \$11.6 billion in savings, which is less than 1 percent of our Nation's debt level. But we need to start somewhere, sometime.

I urge my colleagues to support this amendment which, to reiterate, does not take one dime out of this appropriations bill. It simply says the committee should go back and rescind from the stimulus bill any funding in the stimulus bill that is duplicated in this transportation and housing bill as long as the money has not yet been obligated and does not relate to highway spending. We would save about \$11 billion. That is a good thing to do.

I urge my colleagues to support this motion when we are able to call it up and vote on it.

Mr. BURRIS. Mr. President, today, this Senate will act on a sweeping Transportation appropriations bill. My colleagues have spoken about this measure as an important part of the Federal budget for 2010. And they are right. This is sound fiscal policy that represents an investment in transportation and infrastructure. But we are also talking about much more than Federal spending over the next year. With this legislation, we are plotting a course for America's future. We are investing in public transportation projects and laying the groundwork for high-speed rail. We are developing renewable energy sources such as biodiesel and ethanol, which will allow us to keep efficient cars and trucks on America's roads. All of these efforts will help us achieve energy independence and protect the environment. So this bill has implications far beyond the next fiscal year. It is the beginning

of a major step toward our new renewable energy paradigm. Let's talk about what that means for America.

As a Chicagoan, I am fortunate to live in a city with a world-class public transportation system. Millions of people ride the CTA trains and buses every year. This reduces traffic on the streets, cuts greenhouse gas emissions, and saves money. Unfortunately, it also places a strain on the existing infrastructure. That is why we need to increase our support for the CTA and other public transportation systems across the country. We need to help the CTA and similar agencies expand service, refurbish aging infrastructure, and continue to operate safely. This will make our cities more accessible for everyone. It will help usher all urban centers into a new era of prosperity.

But we should not stop there. It is time to renew our focus on transportation between cities and towns. As just about anyone can tell you, America's highways are heavily congested. Additional roads would be expensive to build, and they wouldn't make it any easier to get around. We need a solution that is both affordable and energy efficient. For me, this means only one thing: High-speed rail.

I am proud to be a member of the Midwest High Speed Rail Association. And I believe it is time to weave this country together, from coast to coast, with a new network of clean, safe high-speed trains. This will create thousands of jobs, serving as a boon to the national economy. It will also save money. Laying track is four times cheaper than building highways, and railroads can transport up to five times as many people. There is no question that high-speed rail will increase the ease and affordability of travel between States. This will bring fresh opportunity to every community, large or small, that touches the new rail lines.

Mr. President, 140 years ago, the great American railway first connected the east coast to the west coast. Rail travel helped give definition to this country. It is an integral part of America's past. And it will be just as important to America's future.

This Transportation bill funds important projects and initiatives like these, all across the country. But it is about more than public transportation. It also helps to lay the groundwork for a renewable energy paradigm. It is a blueprint to create jobs, protect the environment, and save money.

If we pass this legislation, it will be a significant step in the right direction. And if we build upon this progress in the years to come, we can secure a brighter future for ourselves and for our children, because it's not just a matter of dollars and cents, and it's not just about jobs or the environment. It is about all of that, and it is about national security. It is about reducing

our dependence on foreign oil. It is about renewable energy, safer modes of transportation, and an electric grid that is more secure and more efficient. This Transportation bill is a piece of that puzzle. It is a great start. So I urge my colleagues to join with me in supporting this measure. Let's invest in America's future once again.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that except for the amendments provided for in this agreement, no further amendments be in order to H.R. 3288; that the following be the only first-degree amendments and motion to recommit remaining in order to H.R. 3288; that second-degree amendments which are relevant to the first-degree to which offered be in order but not prior to a vote in relation to the first-degree amendment; that the listed Kyl motion to recommit be the only motion to recommit in order, except motions to reconsider votes or motions to waive applicable budget points of order; that a managers' amendment that has been cleared by the managers and the leaders also be in order, and that if the amendment is offered, then it be considered and agreed to and the motion to reconsider be considered made and laid upon the table; Landrieu amendment No. 2365, which is pending; Vitter amendment No. 2359, pending and as modified; DeMint amendment No. 2410, pending; McCain amendment No. 2403, pending, as modified; Kyl motion to recommit with instructions, pending; that upon disposition of the amendments and the motion to recommit, the substitute amendment, as amended, if amended, be agreed to and the motion to reconsider be considered made and laid upon the table; that the bill, as amended, be read a third time and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the subcommittee and Senators INOUE and COCHRAN be appointed as conferees; further, that if a point of order is raised against the substitute amendment, it be in order for another substitute amendment to be offered, minus the offending provisions but including any amendments which had been agreed to prior to the point of order; that no further amendments be in order; that the new substitute amendment, as amended, if amended, be agreed to and the motion to reconsider be considered

made and laid upon the table; that the remaining provisions beyond adoption of the substitute amendment remain in effect; that on Thursday, September 17, following a period of morning business, the Senate then resume consideration of H.R. 3288 and proceed to vote in relation to the amendments and motion as specified above, with 2 minutes of debate equally divided and controlled prior to each vote, and that after the first vote in a sequence, the remaining votes be limited to 10 minutes each; further, that the cloture motion be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, with that, I would like all Members to know that what we have just agreed to is the final amendments of this bill. If any Senator would like to speak on any of them, they are welcome to come to the floor to do so this evening. But with this agreement, all those amendments will be voted on tomorrow morning, as will be announced at the end of the session today.

Mr. President, just to let all Senators know, with this agreement, there will be no further rollcall votes tonight.

#### MORNING BUSINESS

Mrs. MURRAY. Mr. President, if there are no other Senators who wish to speak on that—I know a number of Senators are waiting to speak in morning business—I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Connecticut.

#### AFGHANISTAN

Mr. LIEBERMAN. Mr. President, I rise—and soon will be joined by Senate colleagues, Senators MCCAIN and GRAHAM—to speak about the war in Afghanistan.

For the first time since 9/11, a national debate is underway about the future of our fight in Afghanistan. This is appropriate. Whenever our Nation sends our brave men and women in uniform into harm's way, it is both natural and necessary that we should have a vigorous national conversation about why we are doing so, whether it is necessary for our national security, and what the right strategy is to achieve our objectives. The truth is, we have not had such a debate since the decision was made unanimously to go into Afghanistan after 9/11 to overthrow the Taliban, which had given safe haven to al-Qaida, which planned and trained for the attacks on us in Afghanistan.

The most direct answer to the question of why we are fighting in Afghani-

stan and why we must succeed there is exactly that: Afghanistan is where the attacks of 9/11 originated, where al-Qaida made its sanctuary under the Taliban, and where the same Taliban is on the offensive today in Afghanistan and has seized the initiative with the clear aim of gaining control of all of Afghanistan, or major parts of it, and once again providing sanctuary for al-Qaida. It remains self-evident to be a clear and vital national interest of the United States to prevent this from happening. It is also because, although Afghanistan may seem geographically remote, we found out on September 11, 2001, in this modern technological world where great spaces are passed over quickly, that it is not remote when it comes to the safety and security of the American people, and Afghanistan is in the heart of a region in which we have critical national interests.

The fact is, Afghanistan and Pakistan are today at the epicenter of global Islamist extremism and terrorism, with which we are at war. This is the test of our age so far as our security is concerned.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. LIEBERMAN. I will be glad to yield.

Mr. MCCAIN. Is it true that yesterday, when we had the hearing with Admiral Mullen for renomination as Chairman of the Joint Chiefs of Staff, and who I think we would all agree has done an outstanding job of serving our country, it was pretty clear that Admiral Mullen felt a sense of urgency for us to act in Afghanistan because al-Qaida and the Taliban—especially the Taliban—are making inroads and we, in his words, are not seeing the progress we want, that we are losing, basically, in Afghanistan?

Didn't he say to you and to Senator GRAHAM such that the important thing is that time is not on our side and we need to get troops over there as quickly as possible, in keeping with the strategy that was devised in March of this year and agreed to by the President? That was my understanding.

And Senator GRAHAM said: OK, now as to the civilians, I just got back from a visit. I appreciate all our civilians who are over there from different agencies. They are very brave, but, quite honestly, they can't go anywhere.

Admiral Mullen said: Right.

Senator GRAHAM said: You could send 10,000 lawyers from the State Department to deal with rural law programs, but they are sitting on the base because if they leave the base, they are going to get shot.

Admiral Mullen:

Right.

Then Graham said:

The only way to get off the base is if they have a military convoy, is that right?

Mullen said:

Right.

Senator GRAHAM said:

So I just want our colleagues to know the security environment in Afghanistan, from my point of view, will prevent any civilian success until we change the security environment. How long would it take to train enough Afghan troops to change the momentum, in your view, if we did it just with Afghan forces?

And he said:

Two or three years.

Then Senator GRAHAM said:

What will happen in that two or three year period in terms of the security environment while we are training.

Mullen said:

If it's just training?

GRAHAM said:

Yes.

Mullen said:

I think the security environment will continue to deteriorate.

I ask my friend, doesn't that lend urgency, which is certainly not apparent in the President's statement today? After meeting with the Canadian Prime Minister, basically saying he is going to go through a long process of evaluation and another strategy, claiming he didn't have one before. That is what is disturbing, is the total lack of urgency in the President's statement today.

Mr. LIEBERMAN. Mr. President, I say to my friend from Arizona, I was surprised and puzzled by that statement of the President today, particularly because the President, I think, has been very strong about Afghanistan. He has called Afghanistan a war of necessity—for the reason that I said, because we cannot allow al-Qaida and the Taliban to come back into control. Forgive the analogy, but anymore than after World War II if the Nazis had somehow reassembled and attempted to retake control of part or all of Germany, we would have sat back? We simply cannot let that happen.

We also know if Afghanistan falls, if we accept defeat or for some reason retreat from Afghanistan, it will profoundly destabilize neighboring nuclear Pakistan and encourage the Islamist extremists throughout that region and the world.

My friend from Arizona is right. There is a sense of urgency that he and our colleague and friend from South Carolina, Senator GRAHAM, who is on the floor, saw when we visited with General McChrystal and Admiral Eikberry and the Afghan national security leadership a month ago. Admiral Mullen yesterday said we have lost the initiative in Afghanistan. It is why President Obama deployed the additional 21,000 troops in March and announced this new strategy.

Mr. MCCAIN. Will the Senator yield for one more question quickly?

Mr. LIEBERMAN. I will be glad to.

Mr. MCCAIN. Isn't it true this is where the contradiction is? It is so

paradoxical it is hard for me to comprehend. Admiral Mullen—in a question I said:

Admiral Mullen, didn't you say "time is not on your side"?

Admiral Mullen:

No, sir, I have a sense of urgency about this. I worry a great deal that the clock is moving very rapidly and there are lots of clocks, as you know. But the sense of urgency—and I, believe me, share that with General McChrystal who, while he is very focused on the change which includes partner—focus on the Afghan people, he is alarmed by the insurgency; he is in a position where he needs to retake the initiative from the insurgents who have grabbed over the last 3 years.

Then to contrast that with the President's statement today he said:

I am absolutely clear, you have to get the strategy right and then make determinations about resources. You don't make determinations about resources—certainly you don't make determinations about sending young men and women into battle without having absolute clarity about what the strategy is going to be.

He said:

My determination is to get this right and that means broad consultation not only inside the U.S. government but also our ISAP partners and our NATO allies, and I am going to take a very deliberate process in making these decisions.

I don't know what to make of that.

Mr. LIEBERMAN. I think the statement by our top uniformed military officer, ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, reflects what General McChrystal and everybody on the ground in Afghanistan has said, this is an urgent matter. The President recognized that when he sent the 21,000 additional troops.

Most everybody in this Chamber and in the House will accept the fact that it would have a devastating effect on America's national security and the security of the world if we lost Afghanistan. But then comes the question—incidentally, President Obama himself said this in a statement he made a while ago. He said we cannot muddle through in Afghanistan. It requires a decisive commitment to achieve victory.

We learned that in Iraq. Counterinsurgency, such as we are involved in in Afghanistan, is manpower intensive.

That is the question the administration and we here in Congress have. If you agree it is in the vital national security interests of the United States to succeed in Afghanistan, then you have to decide how we can best do that. To me the answer is clear. We need more troops there, American troops, while the Afghans are being trained to take over themselves. They cannot just be trainers. As Admiral Mullen made clear yesterday, they need to be combat troops. They need to be combat troops because, without the security that the American combat troops can singularly and uniquely provide in the

short term, there cannot even be training of the Afghans. There certainly cannot be governance as we know it and there cannot be a prospect for economic development.

We need to make this decision soon. Weather has an effect.

Mr. GRAHAM. Will the Senator yield for a question?

Mr. LIEBERMAN. I will yield to my friend from South Carolina.

Mr. GRAHAM. As I understood the situation, in the last couple of months casualties among American forces are at an all-time high since the invasion. Do you agree with that, I ask the Senator?

Mr. LIEBERMAN. That unfortunately is true.

Mr. GRAHAM. It is also my understanding that IED attacks by the enemy have gone up about 1,000 percent and in reaction to that, Secretary Gates has sent 3,000 people over to deal with the IED problem. From my understanding of the testimony yesterday, Admiral Mullen said the force structure we have in place, between the combination of coalition forces and Afghan forces, is not enough to reverse the trends and to regain lost momentum. I thought it was pretty clear that he was telling us something has to change beyond training the Afghan Army.

Would you agree that the longer we leave people in that environment, where the momentum is on the enemy's side, we are doing a great disservice to the 68,000 people who are there? And if you are going to send troops, send them while it matters, send them in enough number to save lives and get the job over sooner rather than later? That is what I think all three of us are saying.

Mr. President, we appreciate your commitment in Afghanistan. Sending troops to get the election conducted was a wise move. Understanding that Afghanistan is the central battle in the overall war on terror now is a deep understanding on the President's part. The only thing we are saying, the three of us and I think others, is that our military commanders have told us we have lost momentum and the only way to get it back in the short term is more combat power, and every day that we wait makes it much harder for those who are in theatre, and they are dying at levels and being injured at levels we have not known before. That is what drives our thinking. Would you agree with that?

Mr. LIEBERMAN. I am totally in agreement with my friend from South Carolina. This in fact is the lesson we should have learned and I think did learn in Iraq. When did the number of American casualties in Iraq begin to go down? It was when we sent more American troops there. Because the addition of American troops, and a new strategy—not just the numbers but a new

strategy, a strategy quite similar to the new strategy we have in Afghanistan—protects the civilian population, gives them the confidence that we are not leaving. When you do that, something significant happens. It happened in Iraq and it will happen in Afghanistan. When we commit more troops, the people in the country decide we are not going to cut and run.

The Afghan people despise the Taliban. The progress the Taliban is making in controlling more land in Afghanistan is totally the result of violence and intimidation. The Afghan people, however, are watching us and wondering are we going to begin to pull back? Should they hedge their bets? Should they be careful not to join the fight against the Taliban?

If we begin to sound an uncertain trumpet—you remember that phrase from Scriptures: “If the sound of the trumpet is uncertain, who will follow into battle?” I will tell you one group that will not follow into battle if America begins to sound an uncertain trumpet in Afghanistan is the people of Afghanistan. We have a desire now that most everybody here shares. Let's break some of the Taliban away, the ones who are not zealots, the ones who, in a sense are foot soldiers, followers. They are the comparable group to the Sons of Iraq in Anbar Province. But when did the Sons of Iraq decide they were going to turn against al-Qaida? When we convinced them we were going to stay in Anbar and protect them.

In fact, how did we convince them? By sending more troops. It was after that the Iraqi security forces grew in capability, that the American casualties went down.

I would say to my friend, he has touched a very important point here. The only way we will reduce American casualties, which are now going up, and create an environment in which more Afghans will join the war against the Taliban and al-Qaida is for us to give them the confidence we are not going to leave. The best way we can do that and provide the security to do that is by sending more troops.

Incidentally, a final word and then I will yield to my friend from South Carolina. There are those, including my dear friend and respected chairman of the Armed Services Committee, Senator LEVIN, who are focused on sending more Americans only for training purposes, not combat troops. But here is something else we learned in Iraq. The fact is you need more than trainers to train the indigenous forces. One of the great tactical breakthroughs in Iraq that General McChrystal wants to put into effect in fact has begun in Afghanistan: There is no better way to train the Afghan forces than to partner them with American and coalition forces in Afghanistan. It is not just sending somebody to a school run by Ameri-

cans to train them; it is having the Afghan units out there in the field, side by side, working with, fighting with, living with American soldiers that is the best source of training.

I couldn't agree with my friends from South Carolina and Arizona more. The situation in Afghanistan is a vital national interest. Everybody agrees with that. You can't listen to ADM Mike Mullen yesterday and decide the initiative is ours now. It is not. It is slipping away from us. The best way to regain the initiative is to send as many troops as we can. Listening to General McChrystal, a lot of them have to be combat troops, and to do so as quickly as possible.

I said “the weather” a moment ago. The winters are harsh in Afghanistan. That is not to say all conflict stops, but there is a fighting season in Afghanistan. This year, we did not have adequate forces there until the new wave the President, President Obama, deployed got there. They didn't get there until June. We were together in Helmut Province with GEN Larry Nickelson, an extraordinary Marine general, a patriot, great soldier, great fighter, great leader. Those Marines are turning back the tide against the Taliban there because they have the numbers.

And that is exactly what we have to do throughout the country. I thank my friend. I am glad to yield the floor to him at this time.

Mr. GRAHAM. I ask unanimous consent to be recognized for 5 minutes.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from South Carolina.

Mr. GRAHAM. I would like to pick up where my colleague, Senator LIEBERMAN, left off. The question to ask is, how did the Taliban regain momentum? How do a bunch of fighters, who do not have one airplane, no navy, no heavy weapons to speak of, how could they have regained momentum and begun to reoccupy parts of Afghanistan?

The only answer I can come up with is a vacuum has been created. That vacuum has two components to it: the lack of governance and not enough troops to prevent the Taliban from coming back in some areas of Afghanistan.

I would submit this: If we wait to train the Afghan Army as the only way to stabilize Afghanistan, we are going to waste 2 or 3 years. It is going to get so bad we cannot stand the casualties, and the American people will not tolerate a 2- or 3-year period of where we are just training the Afghan forces, sending them from the training cycle into combat. They are going to fold, just like they did in Iraq. We cannot train an army and have them fight at the same time. We need a little bit of breathing space.

So this idea that we are going to train the Afghan Army, that is the way

we will regain momentum against the Taliban, quite frankly will not work. I think Admiral Mullen understood that. What will work is to send more combat power to clear the Taliban from the areas that the Taliban have reoccupied. The Marines are telling us in no uncertain terms, with the right mix of troops they are delivering punishing blows to the Taliban. But we can send 1 million troops to Afghan and still not deal with the fundamental problems they face and the world faces, the legitimacy of the Afghan Government in the eyes of the Afghan people. That is why the Taliban have come back because the Afghan Government has failed. They have failed in almost every respect to give the Afghan people the governance and the hope they need to stand up to the Taliban.

So this is one Senator who believes the way to regain lost momentum is to add more combat power and, yes, train the Afghan Army and police force with a new strategy which we now have in place.

It is labor intensive. It is going to take a lot of time. We have to understand, if we get the Afghan Army up to 400,000, the whole budget of Afghanistan is \$800 million a year. It will take \$5 billion a year to maintain that army. We are going to end up paying. I hope the American taxpayer understands that. But it is cheaper for us to do that than it is for us to be the 400,000-person army.

So when it comes to cost, it is better to train them and help them with their training and funding than it is for us to stay over there in large numbers forever. But we are going to have to plus up to regain lost momentum. Then we are going to have to focus on the real cause of the deterioration—governance.

The Karzai government has failed in many ways. Corruption is rampant. If, in the next 6 months, some major figures in Afghanistan are not prosecuted for ripping off the Afghan people, then nothing will ever change over there.

I have been a military lawyer serving as a reservist in Afghanistan. I can tell you that everyone who has looked at the Rule of Law Programs will tell you that corruption, narcotics corruption, is rampant in that country. They need a legal system in Afghanistan that can stand up to the corruption. That means we have to protect the judges from being assassinated; we have to build capacity.

There are less than 500 lawyers in all of Afghanistan. There are 16,000 people in jail. Most of them went to jail without ever seeing a lawyer. We have our work cut out for us. We need benchmarks and measurements so I can go back to South Carolina and every Senator can go back to their constituents and say: We are not throwing good money after bad. We are going to push the Afghan Government to prosecute corruption, to provide security for

judges, to find a way to empower the economy beyond the drug trade, and start making hard decisions about how tribal justice systems can be incorporated into the formal justice system.

There are so many decisions that politicians in Afghanistan have failed to make that have allowed the Taliban to come back. We need to put them on notice that with new resources and new troops, a new dynamic will be in place, and they will be making the decisions necessary to provide governance to their people. If they fail to do that, then they will not have our support because, at the end of the day, they have to want it more than we do.

Senator LIEBERMAN is right about this. The good news amidst all of this bad news is the Taliban is very much reviled and hated in the country. But put yourselves in one of these villages out in the middle of Afghanistan. What would you do, knowing that by night the Taliban comes in and rains terror? We have to replace that dynamic and give the people assurance that we are not only going to provide them security but the Afghan Government is going to provide them schooling and education, health care, and some hope.

Finally, I cannot tell you that we will succeed with more troops. I can tell you, we will fail if we do not send more troops. It is so much harder in Afghanistan than in many ways it is in Iraq. We are not the Russians. We are not the British. This is not Vietnam. This is not Iraq.

This is Afghanistan where 9/11 was planned and executed. We can get this right.

Mr. MCCAIN. Would the Senator yield so I can ask a question? I see we have one of our colleagues waiting to speak.

I wonder what the Senator thinks. We held a hearing yesterday with the Chairman of the Joint Chiefs of Staff, who is highly regarded. He conveys to every questioner, no matter which Member it is, a sense of urgency because of his belief and that of our military commanders on the ground that we are not winning.

In fact, in the words of Admiral Mullen: Time is not on our side.

Yet today, the President of the United States came out, after meeting with the Canadian Prime Minister, and basically said he is—after his spokesperson said he is going to take weeks and weeks to make a decision, he came out and basically said there is not a sense of urgency; that the strategy that was developed in March was not the operative strategy, even though Admiral Mullen said the March strategy was the operative strategy, and all we need to do is fill in the resources and the strategy.

My question to my friend from South Carolina is, how do you account for this apparent contradiction or difference in view about the sense of ur-

gency that exists in the conflict in Afghanistan?

Mr. GRAHAM. Well, the one thing I can tell you is Admiral Mullen is going to be reappointed with probably every person in this body voting for him because he has gained our trust, and it speaks well of the President that he would renominate him. So he has obviously gained the President's trust.

I am not a military commander. But I do not have to be much of a military expert to understand his testimony. His testimony was pretty clear: We have lost momentum. The Taliban is reemerging, stronger than ever, and the capability of the coalition forces and the Afghan Army and security forces combined cannot reverse the momentum. Something new has to happen.

When we put on the table training the Afghan Army without additional combat power, how long would it take before they could have enough numbers to change things? Two or three years.

What would happen during that training period? It would deteriorate further.

What did he tell us? The pathway forward is that we have a new strategy, it needs to be properly resourced. I think what he was telling us more than anything else is that time is not on our side. Casualties in July and August were at an all-time high. We have 68,000 people wearing our uniform in Afghanistan who are getting killed in larger numbers than ever, and the dynamic on the ground will not change the momentum. To do nothing puts them in an environment where they are going to get killed in higher numbers, and what Admiral Mullen is telling us, and I hope the President will listen, is that time is not on our side, but, more importantly, it is not on their side.

This decision about troops, to me, is pretty easy. We need more, but troops alone will not fix Afghanistan. But without more troops in a hurry and with a sense of urgency, we are going to let the Taliban get stronger, the Afghan people are going to get weaker in their resolve, and more Americans are going to die than if we had more troops.

That is what I got out of the hearing. I hope the President is listening.

Mr. MCCAIN. Again, I also would ask my colleague, have we forgotten the lessons of history? We were there and we assisted the Afghans in driving out the Russians. Our assistance was critical. The Russians left and we left.

When we left, it left a vacuum that ended up with the fighting between warlords, and the Taliban filled the vacuum, the Taliban had an arrangement with al-Qaida and Osama bin Laden, and the terrorists who attacked us on 9/11—which we just commemorated—were able to be trained in Afghanistan.

I hope our memories are not so short that we are willing to risk a repetition

of that kind of threat, which the President, during the campaign, seemed to recognize very accurately; called it the "good war." He said it "was a war we had to win," "do what is necessary to win."

Now I worry—I wonder if my colleague does—that every day we delay doing what we all know is necessary puts the lives of young Americans who are already there at risk and makes it a longer period of time before we can prevail.

Mr. GRAHAM. The last thought about that: I think our memory, the event that we need to remember is even later than 9/11. It is actually in Iraq. I remember very well this whole debate, and I would urge this administration not to do what the last administration did. That is exactly what is going on in Afghanistan right now. It is as if we have learned nothing.

It is clear, just as it was in Iraq, that we did not have enough combat power to secure the country, not enough mentoring programs to actually train the Iraqi Army, and only when we changed the strategy of adding more troops and gave the Iraqi people and the army some breathing space, the politicians, from the violence did things change. It is exactly the same thing here.

But right now we have a dynamic on the ground that is not much different from Iraq the first 3 years after the fall of Saddam Hussein. It is clear that Admiral Mullen recognizes that. The new strategy in March is a counterinsurgency strategy, and Senator MCCAIN, the one thing I remember is numbers matter. We need enough troops per population center to effect change, and we do not have the ratios to enact an effective counterinsurgency strategy unless we add more troops, and that means more than just trainers.

So my frustration is, as you said yesterday: We have seen this movie before. We are putting 68,000 troops in harm's way, and unless we properly resource them, give them more assistance, more people to help them fight, they are not going to change the battle momentum, and they are going to get killed in the process.

There is not enough people to effect the counterinsurgency strategy, just like there was not enough in Iraq. Have we learned nothing? So let's act.

Mr. President, we will support you to the nth degree to get the combat power and the trainers and the civilians into Afghanistan to turn this place around. But the sooner you act, the quicker we can do it, and the sooner we will come home and the less lives we will lose in the long run. That is our message.

We respect you. You are the Commander in Chief. You won the election. But you have an opportunity, and it is clear to me that we are losing momentum. This is not a time to deliberate. This is a time to act.

The PRESIDING OFFICER. The Senator from Louisiana.

TRANSPORTATION  
APPROPRIATIONS

Ms. LANDRIEU. Madam President, I come to the floor to speak about three amendments to the Transportation-HUD appropriations bill. I do wish to comment on the Afghan discussion and thank my colleagues who just spoke so eloquently. All three have been leaders on the issue of international engagements. I hope the Senators, particularly Senator McCAIN and Senator GRAHAM, as we contemplate the right moves forward, will think about and be willing to fund nonmilitary programs as well. Many such programs have been shown, in front of the Armed Services Committee and the Appropriations Committee, through testimony given by Secretary Gates himself, as well as many military leaders, to actually help reduce violence by supporting development in Afghan villages, empowering individuals, particularly women in Afghanistan who, with a little bit of help and a little bit of support, can be the strength and cement that holds communities together. Educating girls is an important strategy.

One thing we have learned from the failed policies of the previous administration is that we have to use both hard and soft power combined, to make it smarter so we can actually win some of these battles. That is probably what President Obama and his team are thinking about: How do we unite the Congress, get past partisan rhetoric, and come up with a smart strategy to win in Afghanistan. In that way we might not only protect our troops, but we might be able to get them home a little bit sooner. I am sure that is what the President is thinking about. I look forward to working with Senators Lieberman, McCain, and Graham as we move forward, hopefully, in a bipartisan fashion, to protect our troops and to win in a place that we most certainly need to and keep the Taliban at bay.

I came to talk about three amendments. One is an amendment I have pending. It is amendment No. 2365. I see my colleague, Senator HUTCHISON, is in the Chamber. She is a cosponsor of the amendment. Although we are not going to vote on it tonight, I wished to speak for a moment about the amendment. Unfortunately, I will be away from the Senate tomorrow for a longstanding commitment. Tomorrow I will deliver a speech that I promised to give on behalf of Senator Domenici in New Mexico, so I will not be here for the vote. But I know my colleagues who are supporting this amendment will stand in and carry the torch.

My amendment will help disaster-stricken communities in Texas, Louisiana, Iowa, Indiana, Illinois, Wisconsin, Missouri, Arkansas, Tennessee, Florida and California. Congress appropriated \$6.5 billion in a Community De-

velopment Block Grant for the series of disasters that afflicted these states in 2008. The problem was, that in this particular allocation, we prohibited these communities from using that money to match other Federal moneys that might be available, which makes no sense. Congress has appropriated funds using the Community Development Block Grant to respond to 19 other disasters, and virtually never resorted to adding such a prohibition.

What my amendment will do is revert to the regular language so that communities, such as Galveston—I see my colleague Senator HUTCHISON here. She and I will be together in Galveston on Friday to monitor recovery efforts there and she has been such a leader in this effort. However, there are still many communities in New Orleans and in southwest Louisiana and other parts of south Louisiana for which this amendment is crucial. It doesn't add money to the bill. It just allows us to use money more intelligently.

For communities that are struggling not just because of disasters but because of the atmosphere of tough economic times, it gives local and State leaders a little bit more flexibility to pull down some of the Federal money that has already been allocated to communities that need it the most. It is amendment No. 2365. Senator GRASSLEY is supportive, as are Senator MURRAY and Senator BOND. I thank them so much. We will consider that amendment tomorrow.

Now I want to turn to a new topic and I wish to speak against an amendment offered by my colleague from Louisiana, Senator VITTER, that will be considered tomorrow. I will not be here to vote against this amendment but will submit a statement for the RECORD. I strongly oppose that amendment—amendment number 2359, which will be voted on tomorrow.

This is an amendment I oppose for two reasons. No. 1, it is bad policy. The other reason I am against it is because this amendment only deals with public housing residents and other HUD-housing assistance recipients in the city of New Orleans. It doesn't address the problems of public housing residents right here in the District of Columbia, nor public housing residents in Chicago or New York, nor Baton Rouge, nor Lafayette. Only in New Orleans.

That is perplexing to me, that it is focused on only one city in our State and only one city in the whole country. That is one reason to vote against the amendment, no matter what it says, because it does not include other communities.

But the real reason to vote against the amendment is because it is mean-spirited and counterproductive. What this amendment basically says is that you can be evicted from public housing if anyone in your family commits a crime or gets in trouble with the law.

I understand family members. I am one of nine siblings. I am married and now have two children. I have many brothers and sisters and 38 cousins in our extended family and two wonderful parents. The Presiding Officer has met many members of my family. I like to try to take responsibility for everyone in my family. But parents, no matter how hard they try, sometimes somebody in your family does something that is wrong. Should the entire family become homeless? That is what the Vitter amendment will do. It is such poor policy. It is so mean-spirited. It is so counterproductive. It will mean an increase in homelessness for a city that has already seen our homeless population quadruple.

More than that, the nature of this amendment is so punitive. It penalizes grandmothers or great aunts or moms and dads, or siblings who are trying to do the best they can with very little. Children sometimes do very bad things. Sometimes you will have a family of five children. Four are wonderful and straight-A students. Then you have one child who gets in trouble with drugs or becomes an alcoholic, and causes trouble for the family. Senator VITTER has put in an amendment which he will ask this body to support that would do this: when one member of the family gets in trouble with the law, the whole family gets thrown out on the street.

If this amendment passes, I would like for him to have to go to the sister in fourth grade, because, let's say, the teenage son who is 17 is the one who is causing the problems. I don't want people to think I just pick on boys, but I think people understand we have lots of trouble with this age group of all genders. I would like maybe for my colleague to be the one who has to knock on the front door and tell the mother and the fourth grade little girl, who got an A on her test, performed in the band and has straight A's, that she can pack her bags and spend the night on the street. If I could modify this amendment to make him have to do that, I would. This is not compassionate conservatism. This is mean, and it is nonsense. It needs to be voted down.

To repeat the number, for my colleagues, both Democrats and Republicans, it is amendment No. 2359, only for New Orleans and only for people in public housing. I hope Members will vote no.

Let me say one other thing about this. Unfortunately, my colleague and some people supported tearing down all the public housing units in New Orleans after the storm because some of them were destroyed. Some people took this as an opportunity to say: We never liked them anyway. They weren't run very well. Which was often true. So let's knock them all down and too bad for the people who used to live there, even though most of those people worked. I am going to remind my

colleague and others, they don't live there for free. Under the law, they pay 30 percent of their income to live in that housing. He wanted to knock them all down.

Some of us fought back and said: OK, we want to reform them. We want to build better communities. We will work with you here. So because I stepped in and a bunch of others stepped in, Catholic Charities and many activists from all walks of life, including the business community, we said: We are going to rebuild these communities. Well here is the most amazing thing about it: it is working. Shawn Donovan, our Housing Secretary, was just there. We had standing room only, with people from every different race and walk of life. We are patting ourselves on the back saying: It was bad 10 years ago. It was bad 5 years ago. But now we are all working together in the spirit of unity in a city that has been absolutely brought to its knees by flooding and by political bickering and bomb throwing. And we made things better. Then this amendment has to hit the floor. It is a disgrace. I urge my colleagues to vote no on amendment 2359.

While I am here, I will say a word about another amendment that has been agreed to this afternoon by 73 votes, unfortunately. It was another Vitter amendment. It was amendment No. 2376. I voted no. There were 26 of us who voted no, but 73 Senators voted yes. I know I am in the minority, but that is what the Senate is about, giving the minority a voice. I wish to say something about this. This amendment reinstated a law that says that if you live in public housing, you have to do 8 hours of community service. That sounds pretty good. People think, we are providing housing for people. They should be grateful. The least they can do is community service.

I am a big supporter of community service. I try to do it when I can. I support community service and I support calling all of our citizens to community service. What I don't support is making poor people and mostly minorities do community service, while other people sit on the sideline and never are required to do it, even though the largesse they receive from our government is much greater than a resident of public housing could ever hope to get even if they lived there for 50 years.

If you lived in public housing for 50 years, you could not possibly benefit as much from the General Treasury as if you would if you were the executive of AIG to whom we gave a gazillion dollars. Did we ask them to do 8 hours of community service? We didn't even ask him to pay the money back. Somebody has to wake up in this Chamber.

I am not fussing at my colleagues because I know people have a different view about this. But if we want to require law students to do 8 hours of

community service for the loans they get, fine. But don't just pick on the poor because they can't fight back, and they don't have any lobbyists up here for them.

Those are the two amendments my colleague could come up with today. I can't wait to see what he comes up with tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### AFGHANISTAN AND THE NATO ALLIANCE

Mrs. HUTCHISON. Madam President, Senators LIEBERMAN, MCCAIN, and GRAHAM took the floor a few minutes ago. I have some concerns about the direction we are heading in Afghanistan as well.

Yesterday the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, came before the Senate Armed Services Committee and said that success in Afghanistan would probably require more forces and certainly more time. I think all of us who are aware of what is going on there—and certainly I was there last year myself; many of us have gone over there to see for ourselves what the conditions are—and I think clearly we can all agree we are going to have more time in Afghanistan.

While the Chairman did not specifically ask for more troops, and had not had a request from GEN Stanley McChrystal, who is the senior American officer and NATO commander in Afghanistan, he did, however, indicate he “believed—having heard General McChrystal’s views—and having great confidence in his leadership,” as we all do—“a properly resourced counterinsurgency probably means more forces, and, without question, more time and more commitment to the protection of the Afghan people and to the development of good governance.”

There are currently approximately 64,000 American troops in Afghanistan. But it is becoming increasingly clear that we cannot achieve our goals in Afghanistan unless we add additional troops and anticipate a protracted effort.

To his credit, President Obama laid out a new strategy in March. It properly put primary emphasis on building the governance capacity of Afghanistan and building up Afghan security forces. He also said he would send—and has—21,000 additional U.S. troops. We know now that was probably not enough and more troops will be needed.

Just this week, the President said we should “not expect a sudden announcement of some huge change in strategy,” and he further pledged that the issue was “going to be amply debated, not just in Congress, but across the country.”

I welcome that debate. We need to agree as a nation on a strategy for vic-

tory, on the resources necessary to complete the mission. We need to block attempts by the cut-and-run crowd to limit the deployments and operations of U.S. troops or to tie their hands as to what they can do while they are there. We do need more Afghan forces. It should also be abundantly clear that if our strategy is going to work, we must have another resource.

I want to call attention to the role of NATO. With the Taliban resurgent and casualties rising to levels never seen before in Afghanistan, we must have more security forces in Afghanistan, and it is well past time for our NATO allies to step up and do their part.

The security of the free world is at stake in Afghanistan. Sometimes there has been legitimate argument about whether there is a legitimate American interest in some of the places we have gone. It cannot be questioned that in Afghanistan our security interests are at stake. In fact, the credibility of the NATO alliance is at stake, and I think whether the NATO alliance proves it can be successful and relevant in today's world is at stake in Afghanistan.

NATO countries need to realize how much it is in all of our interests to defeat the Taliban resurgence and prevent a new al-Qaida safe haven from developing there. We need to prevent ungoverned territory in Afghanistan from being used by terrorists with global reach, and the only way to ensure this is through a strong and stable Afghan Government. But they are not going to get there without the help of the NATO alliance. The horrors of September 11 were only a taste of what the terrorists, with global reach, might accomplish if they have uncontested territory from which to operate.

Our NATO partners need to realize that the credibility and relevance of the alliance itself is now being tested in Afghanistan. NATO no longer faces a threat on the continent of Europe or even on the periphery of Europe. For NATO to be relevant, it must have a global expeditionary role in the defense of our common interests, particularly against the threat of global terrorism. If NATO cannot succeed in Afghanistan, where we all agree NATO must succeed, the alliance will be weakened to the point that will call into question: Will it succeed anywhere?

Many NATO countries are present in Afghanistan, but among them only a few are bearing the brunt of combat operations: Great Britain, Canada, the Netherlands, Denmark, and, of course, the United States. But just this week, Canada announced its intention to pull out all forces by 2011. Other NATO allies have limited operations of their troops through restrictions on their missions—restrictions that I think are a little embarrassing, frankly.

For example, some nations that have signed up—part of NATO, willing to do their part in Afghanistan—refuse to

conduct any operations at night. Others refuse to carry Afghan soldiers on their helicopters. Others are prohibited from participating in combat unless they are fired on and protecting their own base. In other words, they are prohibited from coming to the aid of an ally under attack.

Let's be frank. If a NATO member cannot handle the responsibilities of alliance membership, they should not enjoy the privileges and prestige of membership. Our NATO allies need to remember what was agreed to in Bonn in December of 2001. The alliance gave their solemn word to help Afghanistan overcome the ravages of terrorism and civil war. The credibility of our allies is at stake.

The NATO alliance has a very simple mission. It is: If one is attacked, we are all attacked. America has come to the aid of European nations well into the last century—throughout the last century. America was attacked on 9/11, 2001, and we have not seen the response that would meet the test of the mission of NATO. We have not seen our allies on the field in Iraq, with notable exceptions. Great Britain has always been there. Others have been there part time. But America has carried the lion's share. They are carrying, by far, the lion's share in Iraq today.

Afghanistan is the hotbed in that area, between Afghanistan and Pakistan, of al-Qaida, which was the attacker of our country on 9/11. NATO agreed in December of 2001 that they would be engaged in Afghanistan, and yet NATO has not fulfilled its responsibility, even though the lion's share of our troops—our troops who have done an outstanding job, our troops who are fatigued from overdeployment have done their jobs—have not had the help of NATO.

NATO is supported by the taxpayers of America because we thought it would be an alliance that would come to our aid, as we have come to the aid of every member of NATO. The United States pays 24 percent of the operating costs of NATO.

I am the ranking member of the Military Construction Subcommittee of Appropriations, and I can tell you that the military enhancements and military construction for NATO are in the range of \$230 million in this year's bill. It is usually in that range—sometimes a little more, sometimes a little less. But basically America is paying a quarter of a billion dollars every year for military construction and enhancements for NATO.

There are not NATO bases in America. They are in other places. Yet we are having to now put more troops on the line because our NATO allies have restrictions, except for the ones I have named that are in full combat and full partners and doing their jobs, and we appreciate that so much.

But I think the NATO alliance must step up to the plate. As we are debating

more troops, I know we will do what is necessary because America always does what is necessary, and I think our NATO allies know that, but sometimes they just sit back and let us do it. They let our taxpayers pay the tab. They let our troops be the ones who lead in the field.

We went to Bosnia. Bosnia was in their backyard, but they needed us to step in; also in Kosovo. We have been there for them to step in because when it is necessary America is there. But when we are debating the increase in troop strength in Afghanistan—which everyone who has been there knows we are going to need—let's not forget to bring in another source that would help America in this time of need, while we are continuing to keep our commitments in Iraq with very little help from the outside, while we still have troops in Bosnia, and while we have 64,000 troops, the lion's share, in Afghanistan.

Now we are looking at sending more, and I think now is the time for us to put it on the table for our NATO allies, that they have a commitment, if the NATO alliance is relevant. "If one is attacked, we are all attacked" is a great, simple, clear mission. But it is not simply successful because we have the right mission. It takes every member doing its fair share. And, most certainly, at a time when America is doing so much more, this is the time for our allies to take the shackles off, to engage, to be in combat, to put our treasure on the line with their treasure and not just our treasure alone.

I think it is time for us—and I call on the President—and fulfill the mission. Terrorism is the enemy of every NATO country. This is not an American fight. It is a global fight for freedom. If we lose in Afghanistan and give unfettered territory for operations of al-Qaida, every NATO country will be attacked. Don't they see it? Don't they have the commitment and the courage to stand up? Just because it is in another country and seems far away, can they be so naive?

When we talk about more American troops, as the President has said we will, I ask the President to look for more troops from other sources as well and to ask our allies to step to the plate and be our partners as NATO envisioned.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Maryland.

(The remarks of Mr. CARDIN pertaining to the introduction of S. 1678 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN PRAISE OF ORLANDO FIGUEROA

Mr. KAUFMAN. Mr. President, I rise once again to recognize the service of one of America's great Federal employees.

Last week I spoke about an outstanding public servant who refused to give up when she was faced with life-changing trauma. My friend Vice President BIDEN says America's greatest attribute is that when it gets knocked down, it gets right back up.

Perseverance is one of our national strengths. It has seen us through the lean years and the times of war. It has also seen us through the setbacks of our march of science and discovery. In one such setback a few years ago, NASA experienced a string of failures to land an exploratory probe on Mars. After the inspirational voyages of Viking 1 and 2, which landed on the red planet of the 1970s, NASA did not send spacecraft to the surface of Mars for 20 years. After a brief but successful return in 1997 by the Mars Pathfinder, NASA prepared a series of missions aimed at exploring the Martian surface and laying the groundwork for a future astronaut mission.

The enthusiasm at NASA and in our Nation's scientific community quickly turned to disappointment as two consecutive missions failed to reach their destination. Some of my colleagues may remember how frustrating it was to learn that one craft burned up in Mars' atmosphere because a contractor measured in English units instead of the metric system used by NASA.

When Orlando Figueroa took charge of NASA's Mars Exploration Rover project in 2001, he set out to change the mood. Optimism and excitement had long been the driving force behind NASA's successes, and Orlando knew that despite recent setbacks, NASA could once again achieve and inspire.

Less than 3 years later, under Orlando's leadership, NASA's Mars Exploration Rover project successfully landed some of the most advanced technology ever created onto the Martian surface.

He pushed his team to look forward, not backward, and Orlando's leadership was critical as the team faced challenges in advance of a rapidly approaching launch date.

The Mars Exploration Rovers—called Spirit and Opportunity—successfully landed on opposite ends of Mars in January 2004 after a 6-month journey.

Together, they traversed several miles of the planet's surface and captured over 100,000 high resolution photographs for use by scientists studying the Martian climate and soil.

The tests conducted by Spirit and Opportunity have brought our researchers closer to finding evidence of water and possibly past life on our neighboring planet.

The Mars Exploration Rover project also reignited the imaginations of countless students.

I have spoken a number of times already about the importance of supporting education in the fields of science, technology, engineering, and mathematics or "STEM." The success of Orlando and his team at NASA contributes greatly to our efforts to renew interest in space exploration and scientific discovery among our Nation's youth. It was this same enthusiasm that first led us to orbit the Earth and reach the Moon.

Orlando exemplifies the kind of perseverance endemic to America's civil servants.

He and his team demonstrated once again that our Nation, when we get knocked down, can get back up and accomplish any task we set for ourselves.

It was for this reason that Orlando was awarded the Service to America—Federal Employee of the Year medal in 2005.

I hope that all the members of this body will join me in recognizing the important contribution made by Orlando Figueroa and all of the hard-working employees of NASA.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BROWN. Mr. President, as others of my colleagues have done, I have come to the floor periodically—pretty much every day we have been in session in the last couple months—and shared letters from people from Ohio who are in the midst of a personal health care crisis—small businesspeople who want to cover employees but simply cannot afford to, and individual young people who are removed from their parents' insurance when finishing school or who come back from the Army and cannot get insurance, and people who have preexisting conditions—all kinds of people who, in many cases, thought they had good health care insurance, and they got very sick, it got expensive, and they lost the insurance.

I wish to share some letters again tonight. These are new letters and stories I have heard. Over the last month or so, I have done townhall meetings in Cincinnati, where 1,500 people showed

up, and this is the most conservative part of Ohio. Two-thirds of them supported the President's health care effort and about a third opposed it. I did a large townhall meeting also in Columbus, and I did roundtables—135 or so—around Ohio in the last couple years, where I have listened to people talk about issues and what we can do to make my State better. I have been in all 88 counties doing that. I did an electronic townhall meeting the other night, where several hundred people were on and I took questions and explained the health care legislation; and I especially tried to answer questions about some of the misinformation.

It is important to understand that the insurance industry has a lot to lose with this health care bill. They like the system the way it is. It works for them and they are immensely profitable. Their executives are making \$10 million, \$20 million a year. Some of their CEOs and top management put out some significant misinformation about this bill to protect their economic interests. That is important to remember.

Elizabeth is from Clermont County, along the Ohio River, east of the Cincinnati, a fast-growing suburban county. She writes:

I am 25 years old and unemployed. Years ago, I was diagnosed with a blood disorder. Up until I turned 25, I was covered under my father's health insurance through his work.

When I turned 25, I had to find my own health insurance, but because of my pre-existing condition, I was denied by most insurers.

The best one I could get is of very poor quality and it's very expensive.

That happens with a lot of young people. They are under their parents' insurance and they finish school and get jobs—and they are probably not going to be the kind of jobs, in many cases, that have health insurance—except that, by that time, we are going to have passed this health insurance bill. But one of the things our bill does is says no insurance company may drop you from their plan until you turn 26. So a young person who finishes school and is trying to get on their feet or who goes to the Army for 3 years and then comes back out and maybe is living at home trying to get on his or her feet, until he or she turns 26, he or she can continue to be on their parents' insurance plan. Once they turn 26 and they don't have insurance, they can go into the insurance exchange, which we can talk about later.

So this bill will absolutely matter to somebody such as Elizabeth.

Sharon is from Portage County. She says:

My husband will turn 65 at the end of the year. He wants to retire, and after working hard for his company for 30 years, he deserves it.

But I'm only 62 and recently lost my job. If my husband retires, I will have no coverage for three years.

She has to wait until she is 65.

We will not be able to afford insurance for me based on his retirement savings.

Please help us and many others who are struggling.

Sharon lives east of Akron, the home of Kent State University, near Ravenna, Aurora, and other communities there. Sharon's situation would allow her, regardless of her income, to be able to go into the insurance exchange, which means that if she is fairly low income, she will get subsidies from the government to help pay her premium. With the insurance exchange, she will be able to choose, under the plan we have written so far, whether she wants to go with Aetna, Blue Cross, Medical Mutual, a not-for-profit insurance company in Ohio, or perhaps into SummaCare in the Akron area or into the public option. The legislation provides for an option that is not private—a government option—that will do several things. First, the public option will keep the private insurance companies honest. They will quit gaming the system if they have to compete against a public Medicare look-alike plan.

Second, the public option will help to drive costs down because they will compete against these private insurance companies, and that is so very important.

Third, the public option will be available particularly in rural areas where there is not a particularly competitive market. In southwest Ohio, for instance, two insurance companies have 85 percent of the market. A public option would inject needed competition where there is not any today.

Margaret from Greene County in the Xenia and Jamestown area said:

My husband works for a small business. Although we have health insurance through his employer, my husband has not been to a doctor for a few years.

I believe he is putting off regular checkups because he is afraid the doctor will diagnose one of those conditions, such as diabetes, that blacklists people from health insurance.

Small businesses cannot afford to have even one person with a chronic illness on their insurance because it raises the rates so much for the company.

I understand that the insurance and drug industries have too much money and political power, but my husband can't afford to lose his job.

First, about that last point, 5 years ago I was in the House of Representatives. In those days, when President Bush was in the White House, he pushed a bill through the Congress to partially privatize Medicare. It was a total giveaway to the drug companies and insurance companies. Those days are over. With the legislation we pass, the drug companies are going to be unhappy with it and insurance companies

are going to be unhappy with it. I want them to be treated fairly, but I don't want them to have the power in this health care system they have had in the last few years, and they won't under this legislation.

Margaret is right about a small business. If you work for a company that has 20 employees—say you own a small business with 10, 15, 20 employees and one of them gets very sick and they have to take expensive biologics or go into the hospital and their costs are high. The insurance company will do one of two things: It will either cut you out of the plan or cut the small business out of the plan or it will raise rates so high on that small business—because they have 1 or 2 really expensive cases, the insurance companies will raise their rates so much for that small business that the small business won't be able to afford it anymore.

What Margaret's husband's employer could do, so that Margaret's husband could go to the doctor even if he had major health problems to be taken care of, is if he chose to take his employees into this exchange, again, they could go to Aetna, Medical Mutual, BlueCross, or the public option. And the small business is going to get tax credits that are not available now to bring down the cost of the insurance.

Once a small business goes into a larger pool, the rates come down because small businesses and individuals always pay more than large businesses that can spread their risk to a much wider pool.

The last one I will share is from Jamie from Fairfield County:

I am a married 40-year old mother of three sons. I am currently uninsured, but my husband is self-employed and has insurance for him and our children.

The insurance companies refuse to insure me due to a preexisting condition. My condition does not require any treatment and I haven't followed up on it since my diagnosis 4 years ago.

Without insurance, I am nearly 3 years overdue for my mammogram and 4 years overdue for my OB/GYN exam. I have not had any of the preventive testing that begins in your forties.

My family is plagued by heart disease, cancer, and diabetes. I fear that without the opportunity for health care, I will not be able to be here for my children and my future grandchildren.

I ask that you please give me a voice with those opposed to health care reform.

Jamie, from Fairfield County, a suburban county southeast of Columbus, is in a situation in which far too many people are. She needs the preventive care, but she does not get the preventive care because she cannot get insurance because she has a preexisting condition. Imagine that: You are 40 years old—people in this body, it is hard for us to be as sympathetic as we should be. We make a good income here. We have status in the community. Most Members of this body generally have pretty good health insurance, but it is

pretty hard to empathize. But we need to with people such as Jamie—40 years old, preexisting condition, but she does not go to the doctor to get preventive care. She doesn't get the OB/GYN exams. She does not get the mammogram. She does not get the preventive testing a 40-year-old woman should get. What happens? At some point, she may come down with an illness, a significant, serious expensive illness that will not only compromise her health or worse, but it will mean the health care system will spend a lot more money on Jamie than it would have if she had insurance to get preventive care.

That is what is so important about this legislation. One of the things our bill does is insurance companies under our bill—the public option, Aetna, CIGNA, or any of the insurance providers, public or private—the legislation we are passing will say to them—they are charged a premium, but they can't make them pay a copay for preventive care. Nobody under our plan who goes to a doctor in the health care exchange will pay a preventive care copayment. That means more people will get mammograms, more men tested for prostate cancer, more men and women will get colonoscopies when they turn 50, women will get OB/GYN exams. All these exams will help people live longer and more prosperous lives and help prevent them from getting huge medical bills that so often lead to all kinds of bankruptcies and other financial problems.

I get hundreds of these letters a week—most of us do—from people who simply want a fair shake. With this legislation, as we know, if you have insurance and are happy with it, you can keep your insurance. We are building consumer protections around that insurance, so no more cutting people off with preexisting conditions and no more annual caps or lifetime caps if they get sick, and they can't take their insurance away, no more discrimination based on gender, age, geography, or disability. That will be in the past.

The second thing the bill does so very well is it provides insurance for people who don't have insurance, decent, affordable, high-quality insurance.

Third, it helps small businesses so they can provide insurance for their employees, because most small businesses I know, whether they are in Toledo, Youngstown, Athens, Gallipolis, Dayton, or Springfield, want to provide insurance. Most small businesses want to provide insurance to their employees, but so many can no longer afford the insurance they provided 10, 20 years ago.

The last thing our bill does is it provides a public option. That means people will have the choice. It is another choice they can make, another choice they can make if they don't want private insurance. They can go with the public option, and they will see the

public option keep prices down, provide choice, and keep the insurance companies honest.

This legislation makes sense. It is time we move this legislation in the next few weeks and get it to the President's desk by Thanksgiving.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### AFGHANISTAN

Mr. CASEY. Mr. President, I appreciate the statement my colleague, Senator BROWN from Ohio, just made about health care. It is a critically important issue we all have been working on. He and I were fortunate to serve this summer and throughout the year, but especially this summer, working on the bill he spoke of—the Health, Education, Labor and Pensions Committee bill.

I rise tonight to talk about another significant challenge we face as Americans; that is, the really grave challenge we face in Afghanistan.

I had the opportunity this summer toward the end of August to travel to both Afghanistan and Pakistan with Senator BROWN of Ohio and his colleague from Ohio, ZACK SPACE, a Member of the House of Representatives. They would agree with me, and I believe most Americans would agree, that when we have troops on the ground in harm's way in such an important part of the world for our security, we must have a very serious debate, a sober deliberation, an objective assessment of where we are right now.

The administration has expressed, and I support, the overall goal in Afghanistan to ensure that al-Qaida or any other terrorist group does not gain the sanctuary it requires to plot, plan, or train for another terrorist attack on American soil or against our allies.

We have seen the direct impact of an unstable Afghanistan right in my home State of Pennsylvania. Last week, I traveled to Shanksville, PA, in southwestern Pennsylvania, as the world knows now as the place where the plane went down in September of 2001. That was an unspeakable act of terrorism. Thank goodness for this Capitol and for our country that a group of brave Americans took control as best they could and made sure that plane, which was headed for Washington, did not get here. And they gave their lives in that effort. The men responsible for those attacks conducted their planning from Afghanistan, not from anywhere else. It is in our national security interest to make sure that Afghanistan today never again becomes a safe haven for the likes of Osama bin Laden or any other terrorist who may confront us in the future and continues to confront us today.

As of this week, at least 822 members of the U.S. military have died in Afghanistan, including 35 from the State

of Pennsylvania. Those who gave, in Lincoln's words, "the last full measure of devotion" to their country, we are thinking of them and their families tonight, as we do every day.

We are also remembering those who have sacrificed time in Afghanistan in this effort and some who have been wounded, so many who have been wounded—thousands have been wounded in just this conflict itself.

We turn again to Lincoln when he talked about "he who has borne the battle"—in the modern context of that, him or her, fighting men and women on the ground in Afghanistan, in Iraq, and other places around the world. We are thinking of them tonight, and we pray for them. But we also pray for ourselves that we may be worthy of their valor.

I know there have been a lot of reports lately and discussions about what has been happening in Afghanistan. We have seen recent reports of heavy Taliban activity across 80 percent of Afghanistan. That doesn't mean they control 80 percent, but there is a lot of activity in 80 percent. That number is up from 72 percent in November 2008 and way up from 54 percent a year before that. That is just their activity. But a substantial Taliban presence, one or more attacks per month—that is the measurement of this—was seen in another 17 percent of the country.

It is critical that we have taken measures to recalibrate our efforts in Afghanistan. General McChrystal, a great military leader, a great mind, with whom we had a chance to spend some time on our trip, was confirmed by the Senate in June to take command of NATO and U.S. operations in Afghanistan and arrived in Afghanistan a few weeks later. General McChrystal recently submitted his strategic review to the White House, and we look forward to hearing the results of that review. We need to give General McChrystal and his team an opportunity to implement his strategy and to put it into action. That has just begun over the last couple several months.

Having spent so much of the last 8 years since September 11, 2001, not focused on Afghanistan, we cannot expect results there overnight. This is why I stand in support of Chairman CARL LEVIN, the chairman of our Armed Services Committee, of his call for an expansion, a rapid expansion of the Afghan national security forces, both the Afghan National Army and the Afghan National Police. I traveled with Chairman LEVIN in May of 2008 to both countries, and I learned on that trip and many days before and after that trip of his leadership, his experience, and his understanding of the issues we confront in both Afghanistan and Pakistan and other places around the world. I believe his understanding of these issues is unparalleled. There

may be some here who know as much, but few could make the case they know more. I have confidence in CARL LEVIN's assessment of where we are today and his recommendations for where we should go in the future.

In July, General McChrystal assessed that the Afghan Army could expand from 134,000 troops to about 240,000, and the police force could go from 92,000 personnel to about 160,000 personnel by 2013. Chairman LEVIN wishes to see those same numbers but on a shorter timeline, to be accomplished in 2012. So that is something we should debate here. But I think any acceleration, any strategy that gets us to a higher number of Afghan Army and Afghan national police at a faster rate is what we have to be committed to.

Because of low levels of literacy and experience, in some cases, it will take time to build a competent Afghan officer corps—the highest level of training in the Army. This will require that we use every possible resource and enhanced U.S. training capacity to get the job done. To get to those numbers will not be easy, but I believe we can do it, and so do officials in the Afghan Government. While in Afghanistan last month, I met with Defense Minister Wardak and the Interior Minister, Mr. Atmar, who both feel confident they can adequately accelerate training of these security forces.

There is a growing insistence here in the Congress and across the country that the Afghan Government begin to assume more responsibility for its own security. In my visit to Afghanistan just after the recent Afghan Presidential election, I met with President Karzai and explained that the United States does not plan an open-ended commitment to Afghanistan. The Afghan Government, whether led by Hamid Karzai or anyone else, needs to recognize the critical need to provide security, goods, and services to the Afghan people. While we certainly are committed to assistance and development, it is ultimately the responsibility of the Afghan Government—the government itself—to reform and rebuild the country. Good governance and the fight against corruption are crucial elements to garnering public support and strengthening the effort against the extremist forces in the country. An Afghan public that can trust its government not to steal from them is more likely to support this hard-fought counterinsurgency effort—the effort that General McChrystal has talked about and will continue to tell us about.

I have to be very candid, though—and I have said this publicly already in different ways—that when I asked President Karzai specific questions about what we can tell the American people about his efforts going back a number of years, including his efforts at present—on a lot of these critical ques-

tions, such as, how are you doing on delivering services to your people; how are you doing on anticorruption efforts; how are you doing on improving your governance—he had, at best, inadequate answers to those questions. I was much more impressed, candidly, by his ministers—Minister Wardak and Minister Atmar—who are charged with the responsibility for the army and the police. That is the good news, despite the bad news I just reported about President Karzai, in my judgment. It is only my opinion, but I have met with him twice and I have read a lot about him.

Our challenge in Afghanistan comes not only from a resurgent Taliban but development needs across the country. Farmers grow poppy because they can get a good rate of return and because the Taliban threatens them if they do not. Basic development projects are threatened and extorted by Taliban forces. U.S. political relationships with local officials are often tenuous, as these leaders are often the main targets of Taliban attacks—brutal attacks and threats on people's lives, on their families, and on their property.

That is one reason why the courageous work of the Provincial Reconstruction Teams—the so-called PRTs—is essential to our success. These teams, composed of able and brave personnel from USAID, the Department of State, and the Department of Agriculture, supported by the U.S. military, are on the front lines of providing security such that political and development progress can flourish in these places across Afghanistan. These teams are operating in the most difficult environments in the country, and I want to thank them for their remarkable efforts and their sacrifice in contributing to our mission. I know General McChrystal not only respects and appreciates but works closely with all of these parts of our government that are doing such a great job for us. While the enhanced presence of Afghan forces is our ultimate goal, these Provincial Reconstruction Teams are a substantial part of how we are going to get there.

This approach is comprehensive and smart, but it does require time. The courageous work performed by the PRTs, combined with an enhanced effort by the Afghan national security forces, I believe, can finally put us in a position where a stable Afghanistan is achievable.

The challenge is not limited to Afghanistan and the Obama administration has adopted the correct holistic approach to include Pakistan, the neighbor to the east of Afghanistan. We have begun to rebuild important ties with the Pakistani Government based on trust and a common understanding that extremist forces are a serious threat to the Pakistani state, and not an asset to be expended on its other national security interests. In

Congress, we have also worked to ensure that our relationship with Pakistan is based on mutual trust and a commitment to build links at all levels of Pakistani and American society; among governments but also with nongovernmental organizations—academics, businessmen and businesswomen, humanitarian workers, and across the board. We have a lot of Pakistani Americans who are helping us do this. While we will also maintain our support for Pakistan's military, this new multitiered approach will be critical to building the solid foundation for a new relationship between our two countries—the United States and Pakistan.

Despite our efforts to deepen our relationship, the news from Pakistan in recent days has not been encouraging. We are happy that they took the fight into the Swat Valley and had success there. Thank goodness they did that. But when I say the recent days, I mean the last several days and weeks. Over the weekend, Pakistan's Government announced the sacking of more than 700 police working in the Khyber tribal region. These police were fired after not showing up for work because they were threatened by militant leaders in the region. This is not a new trend in Pakistan. Two years ago, hundreds of police resigned under threat from local Taliban forces in the Swat Valley. So we have to monitor this, as we do developments in Afghanistan. Without the basic security provided by the police in these volatile border areas, the difficulty of our efforts is compounded. I hope that the Pakistani national government can do more to properly train and equip these important front-line defenses against extremist elements in Pakistan and/or the border region.

Human rights questions have been raised in recent days in news accounts. That is also a concern we have. I had the opportunity, as well as Senator BROWN and Congressman SPACE, when we were there, to visit a camp where they are taking care of those who were displaced by the fighting in the Swat Valley—so-called IDP camps, internally displaced person camps. So far, that effort has met with success, and thank goodness the Pashtun tradition in Pakistan has meant as many as 80 percent of the people displaced were taken into homes and the government and military didn't have to help them directly, not until they had to go back to their homes and their communities.

We also had a chance to meet with General Kiyani, a very strong and capable military leader, who gave us a briefing on the efforts against the Pakistani Taliban. I believe our national security—literally the safety of our families from another grievous attack here in the United States—depends on our success in South Asia. I applaud Chairman CARL LEVIN for his vision and leadership on this important issue

at this critical time, and I encourage my colleagues to do the same.

We ought to have a full debate in the Senate, in the House, and across America about troop levels. We are not there yet. There has been no recommendation made by the administration beyond the 17,000 combat troops and the 4,000 trainers, but it is never too early to start an important debate about troop levels. We also should debate and continue to get more information about evaluating the progress we are making there. President Obama and his administration are committed to doing that. They have presented to the Congress a series of metrics or benchmarks—pick your word—weighing and evaluating how we are doing on our progress there. A series of tough questions has to be asked on a frequent basis. They have to be answered by the administration if Congress is going to be satisfied with our support, both military and nonmilitary.

I believe we can get this right if we debate it, if we ask tough questions and demand answers to those tough questions of the administration, of the military, and any other question that Congress and the American people want to have asked and answered.

Finally, I mentioned the great work General McChrystal and our fighting men and women are doing every day of the week across the world in places such as Afghanistan and Iraq, but let me also highlight, before I conclude, three people on the ground there who are leading our efforts on the nonmilitary side representing our State Department: General Eikenberry, a great military leader who is serving as our Ambassador to Afghanistan and who is doing great work there; Ambassador Paterson in Pakistan, who has served now in that capacity under two administrations working very hard in a difficult situation in Pakistan; and finally, Ambassador Holbrooke, who has served this country in a number of capacities, now put in charge of monitoring the work and being a constructive force in both countries—both Afghanistan and Pakistan. We are grateful for their public service, their commitment to our security, the commitment to our troops they have made, and the commitment to getting this right so the American people can have confidence in this policy going forward.

We are not there yet. We are just beginning a full debate. But I would urge our colleagues here to pay close attention and to continue to ask these questions so we can make sure that Afghanistan is stable—as we hope for Pakistan as well—so we can protect our people from another terrorist attack or the threat of that kind of an attack.

I thank the Chair. I yield the floor.

#### REMEMBERING OUR FALLEN SOLDIERS

Mr. DURBIN. Mr. President, this week, an Illinois family who lost a son in Iraq will remember the anniversary of his death. Their son was 19 when he was killed in a vehicle accident in Baghdad, 1 year ago.

Thousands of American men and women have given their lives in the wars in Iraq and Afghanistan. They have not been the first to do so in service to our country. Sadly, we know they will likely not be the last.

How do we pay tribute to those lost who have served? The Illinois poet Archibald MacLeish asked that we remember them. In his well-known war poem, written during the depths of the Second World War, a young, dead soldier speaks. "We were young," the soldier entreats. "We have died. Remember us."

And so we do. We remember them in our communities, in ways big and small. We remember them here on the floor of the Senate.

And we remember them when we debate issues of national security that will dramatically affect our military forces. The vote to send young Americans to war is the most serious decision any of us will make on this Senate floor. I have written notes to the families of the many Illinois servicemembers who have been killed in Afghanistan or Iraq. Every letter makes plain the burden we have placed on—and the trust we have placed in—military members and their families.

Finally, we remember them when we consider how to honor their friends in service, those in battle today and those who are fortunate to return home. Over the past years, Congress has tried to keep its promise to our troops. We have tried to provide them with the equipment and the resources they need to complete the work we have asked them to do. We have welcomed them back with new opportunities, like the educational benefits in the new GI Bill, that will help them take the next successful step in their lives. And for those who have returned home with injuries, we have worked to provide them with the best medical care available.

The young Illinois soldier who died last year has a strong family: mother, father, sister, brother, and friends. They will remember him. In this Senate, we do, too.

#### BURMA'S FORGOTTEN POLITICAL PRISONERS

Mrs. FEINSTEIN. Mr. President, I rise today to bring to my colleagues' attention a new report by Human Rights Watch entitled "Burma's Forgotten Prisoners."

The report offers moving and compelling stories of political activists in Burma who have put their lives and careers on the line to raise awareness

about the human rights situation in their country.

In the face of threats, intimidation and beatings, they have embraced non-violence to put pressure on the ruling military junta to respect the legitimate aspirations of the people of Burma and support a new government based on democracy, human rights, and the rule of law.

We all have been inspired by the story of Burma's most famous political prisoner, Nobel Peace Prize winner and leader of the democratic opposition, Aung San Suu Kyi.

After leading the National League for Democracy to an overwhelming win in the 1990 parliamentary election—a victory quickly annulled by the military junta—she has spent the better part of the past 19 years in prison or under house arrest.

Recently, a Burmese court sentenced her to an additional 3 years of confinement on trumped up charges of violating the terms of her house arrest.

Yet despite the regime's best efforts, it has failed to stifle her will and her call for free and democratic Burma.

And it has failed to stop her from inspiring thousands of her fellow citizens to take up her cause.

The report by Human Rights Watch reminds us that while Suu Kyi is the most well-known democracy activist, she is by no means alone. In fact, the report notes that there are now more than 2,100 political prisoners in Burma; there are 43 prisons holding political activists in Burma and 50 labor camps; and beginning in late 2008, closed Burmese courts sentenced more than 300 activists to prison terms of, in some cases, more than 100 years for speaking out against the government and forming organizations.

Among those profiled are Zargana, one of Burma's most famous comedians, actors, and human rights activists, who was arrested and sentenced to 59 years in prison for criticizing the government's response to Cyclone Nargis; U Gambira, a young Buddhist monk who was sentenced to 68 years in prison including 12 years of hard labor for playing a key role in the 2007 demonstrations which became known as the Saffron Revolution; Ma Su Su Nway, a prominent labor rights activist who was sentenced to 12½ years in prison for criticizing the government during the 2007 demonstrations; and Min Ko Kaing, a 46-year-old activist who has spent 17 of the past 20 years in prison, most of it in solitary confinement, for his political beliefs.

At a time when the regime is intent on moving forward with new elections based on a constitution that was drafted behind closed doors and would entrench the military as the country's dominant political force, it is important for us to remember that there are those in Burma who have a different vision.

These brave activists deserve our admiration and respect. More importantly, they deserve to know that we stand in solidarity with them and we will not rest and we will not remain silent until they are free.

I urge my colleagues to read the report and to once again call on the ruling State Peace and Development Council to release all political prisoners and begin a true dialogue on national reconciliation in Burma.

#### SAFE STREETS CAMPAIGN

Mrs. MURRAY. Mr. President, I wish to commemorate the 20th anniversary of the Safe Streets Campaign of Pierce County, WA.

Twenty years ago, Pierce County residents from all walks of life banded together to form the Safe Streets Campaign and to demonstrate the willpower and strength needed to take back their streets from a plague of drug- and gang-related violence and to improve the quality of life in Pierce County.

Over the next two decades, the Safe Streets Campaign has shown itself to be an effective citizen-led initiative to pressing community problems. It has organized over 250,000 residents throughout Pierce County to fight crime, substance abuse, and youth violence in partnership with local law enforcement, State and local government, community-based organizations, faith-based groups, businesses, Native American Tribes, schools, and youth.

For example, Safe Streets established the Youth Leading Change Initiative in Pierce County high schools to empower young people to lead efforts to address the problems of youth substance abuse and violence. These young people engage their peers and community members in a number of valuable ways. They march against violence. They work to reduce blight in high-risk communities. They engage in peer education on the dangers of youth substance abuse. And they work with Washington State lawmakers to craft innovative solutions to these social problems. I have met with many of these young leaders and been impressed with the work that they do.

The proactive community and neighborhood involvement by the Safe Streets Campaign and similar organizations improves the quality of life for families and helps provide a safe environment to raise and educate our children. Its work has led to lower crime rates, reduced 911 emergency calls, helped close thousands of drug houses, sustained ongoing graffiti removal, supported recovering addicts and healthy neighborhoods, and helped youth involved with gangs choose a life of hope rather than a life of crime.

Safe Streets is a shining example of citizen initiative where communities stand up for themselves and take their

neighborhoods back from the control of drug pushers, gang members, and associated violence. It has been sustained over the past 20 years through a mix of State, Federal, and local government funding and corporate and individual donor support.

I commend the staff, founders, board of directors, and volunteers of the Safe Streets Campaign of Pierce County for the dedication that has fueled this community initiative from the beginning, and I congratulate them as they celebrate 20 years of commitment to safe communities.

#### SMALL BUSINESS ADMINISTRATION NOMINATIONS

Ms. LANDRIEU. Mr. President, today the Senate Committee on Small Business and Entrepreneurship favorably reported out the President's nominations of Dr. Winslow Lorenzo Sargeant to serve as chief counsel for advocacy and Ms. Peggy Elizabeth Gustafson to serve as inspector general of the Small Business Administration.

I am pleased that President Obama nominated such talented individuals to top positions at the SBA. Their confirmation will make the SBA much closer to having an exceptional leadership team in place.

As chief counsel for advocacy, Dr. Winslow Sargeant will bring a unique background to this very important position. With a Ph.D. from the University of Wisconsin-Madison in electrical engineering and a background as a very successful small business owner, he is not only well-educated, but well-educated about the challenges facing small businesses today.

He is currently the managing director of Venture Investors, a Midwest venture capital company with a concentration on starting up health care and technology companies. From 2001 to 2005, he served as a program manager for SBIR in electronics at the National Science Foundation. He has also worked at IBM as a staff engineer, at AT&T as technical staff, and as an associate adjunct professor at the University of Pennsylvania.

As the current general counsel for Senator CLAIRE McCASKILL, whose interest in and knowledge of oversight issues is well known and respected in the Senate, Ms. Peggy Gustafson is an excellent nominee for inspector general of the SBA. She received her J.D. at Northwestern University and, before working as general counsel for Senator McCASKILL here in Washington, Ms. Gustafson worked for her when the Senator was the prosecutor for Jackson County, MO, as well as when she was the Missouri State Auditor.

With capable leaders like Dr. Sargeant and Ms. Gustafson at the helm, we are hopeful the agency will be more ready than ever to play an important role in assisting small businesses

as they continue to lead this country to an economic recovery. We look forward to working with them and to a new era for the SBA and American small businesses.

#### REMEMBERING BELLE ACKERMAN LIPMAN

Mr. LEVIN. Mr. President, I wish today to remember the life of an extraordinary woman.

Belle Ackerman Lipman passed away at her home in Memphis, TN, on Aug. 17, 2009, in the 100th year of her remarkable life. A beloved wife, mother, grandmother, great-grandmother, and friend, Mrs. Lipman is a model for all of us who hope to live life fully and for all the years granted us.

A daughter of Romanian immigrants, Belle Ackerman was born in 1910 in Philadelphia, where her parents owned a general store. Just five blocks away from the store lived young Mark Lipman, who would become the love of Belle's life. The businessman and his young wife moved not long after their marriage to Little Rock, AR, where Mark saw new business opportunities, and then in 1958 to Memphis, TN. There, Belle Lipman became a pillar of the community. Her work in civic affairs was extensive, including service as a trustee with the Simon Wiesenthal Center. She was president of the Little Rock chapter of Hadassah, the worldwide Jewish women's organization, among a host of endeavors in charity, service, and the arts.

But it is not those remarkable accomplishments alone that made Belle Lipman such a special woman. As years passed, her zest for life, for new experience, and to learn of new cultures grew apace. A lifelong interest in travel made her one of the first American citizens to travel to China after diplomatic relations with that Nation were reestablished in 1979. Her travels took her to a hot-air balloon over the plains of Kenya, the rivers of the Amazon, and the ancient cities of Peru. She rode the Orient Express at the age of 87. At 92, she crossed the Arctic Circle. At 95, she visited the mountains of Tibet and a host of other places. At her 95th birthday party, she celebrated the only way she knew how, with verve by dancing the Charleston.

Belle Lipman was a model—a model of how to live life to the fullest and how a thirst for new experiences can fill a lifetime. My wife Barbara and I send our condolences to her beloved children, her son Ira and her daughter Carol, her grandchildren, and her great-grandchildren. We do so with the sure knowledge that the joy of Belle Lipman's life will over time ease the pain of her passing, leaving the warmest of memories to sustain family and friends.

#### ADDITIONAL STATEMENTS

##### COMMENDING GEORGE OTT

• Mr. DORGAN. Mr. President, a friend of mine, Walt Jacobs, from New England, ND, writes a column in his local newspaper titled "Around The Pot." On August 28, 2009, he wrote a wonderful column about a courageous man named George Ott and his service to our country as an Air Force pilot in World War II. I wanted to share it with my colleagues. The column is as follows:

Today, as I sit with pen in hand, my thoughts are with a good friend, George Ott, who is spending his days at Hawk's Point in retirement in Dickinson. My first recollection of George is when he was in high school at St. Mary's with his sister, Clara in the 30's, a time when there were no crops, low prices, land was blowing and the future was dismal for everyone.

Crops were better in 1939, and we experienced good weather and a prosperous economy in the early 40's was enhanced by the war in Europe and the United States entry to the conflict in December of 1941. George interrupted his college and volunteered for duty in the Air Force in 1940 and became a bomber pilot. George bombed a Japanese submarine off the west coast of Washington, one of the first of the war. Stationed in England in 1943, his bomber was chosen to fly a secret mission for the State Department which directed him to fly with a courier to Accru, Africa and from there to Brazil, South America and then to complete the secret mission to Washington, D.C. The three-day trip was met in Washington and the military cover and secrecy convinced the pilot of the mission's urgency and its military importance.

He was sent back to England and continued the daylight missions over Europe as squadron commander until Black Friday, the last day of the day-light raids over Germany until the Air Force could provide aerial cover for the bombers. Until that raid on the 14th day of October, the air cover from England had to turn back over Germany when they reached their fuel limit, leaving the bombers to provide their own firepower for defense. As the planes were shot down from their defense formation, the squadrons were left to the mercy of the German planes. On that Friday, George left England, commander of the bomber group to bomb the ball-bearing factory at Schweinfurt. He, in his leading plane, was hit by defensive German anti-aircraft fire before he reached the target and fell out of formation. (As were 87 percent of the American bombers shot down on that day on the Schweinfurt raid.) He continued at a slower pace with the loss of motors, but dropped his bombs and turned his plane for home in England. George determined it was best for the crew to bail out of the lumbering air craft over northern Germany, but he continued with one of the four engines running and hoped to make the coast of England. As he flew the plane alone, he spotted a Messerschmitt fighter alongside and gave George a friendly thumbs down sign and George left his plane. As he floated to the earth in his parachute, he saw his bomber shot from the sky.

George landed in a potato patch and as he scrambled to bury his chute, he heard a sound behind him and there stood a civilian home-guard with a pointed gun. George said

the bore looked big enough to crawl into with the statement, "For you the krieg bist fertig." (For you the war is over.)

As George walked around his prison camp he reached through the fence and daily brought the tufts of grass to his stalag and replanted the grass until he had a lawn by his barracks, 4x8. As that farm boy spent his time in his prison, the spirit of his farming heritage wanted to lie on the grass while waiting for the war to end.

So, today George is waiting once again, but he is not lying on the grass by his stalag in enemy land, but at Hawk's Point with the comfort he deserves so much.

So on Wednesday we will honor George on his 90th birthday. Thank you, George, a good and honorable servant.●

#### 2009 SECRETARY OF DEFENSE EMPLOYER SUPPORT FREEDOM AWARD

• Ms. LANDRIEU. Mr. President, as we focus on improving the workplace and enhancing benefits for employees throughout the Nation, I would like to take this opportunity to highlight an outstanding group of law enforcement officers from Louisiana.

For the last 8 years, our country has been at war. Thousands of Americans left their usual workplace to honor their commitment to the armed services. America's employers have done an outstanding job of supporting our National Guard and Reserve members both in and outside the workplace. Currently, almost one-half of the U.S. military is comprised of National Guard and Reserve members. This support for our "Citizen Soldiers" allows them to continue their invaluable service to our country.

Each year Guard and Reserve members and their families nominate employers who have gone above and beyond in their support of military employees. This year, Sheriff Andy Brown and the Jackson Parish Sheriff's Department in Jonesboro, LA, have been selected as one of the 15 employers to receive the 2009 Secretary of Defense Employer Support Freedom Award. This award is the highest recognition given by the U.S. Government to employers for their outstanding support of employees who serve in the National Guard and Reserve. As an added honor, Sheriff Brown has been selected as one of the attendees to speak on behalf of these 15 recipients at the 14th Annual Awards Ceremony on September 17.

The Jackson Parish Sheriff's Department led by Sheriff Andy Brown was selected out of more than 3,200 nominees from across the Nation. Sheriff Brown and his employees went beyond the call of duty to extend employment support to employees who have volunteered to serve in our Nation's Armed Forces.

The Jackson Parish Sheriff's department employs seven part-time service-members. Among the benefits that the Jackson Parish Sheriff's department

provides its National Guard and Reserve employees is full pay for servicemembers called away on duty for more than 12 months. The department also provides continuous health care, dental, and life insurance benefits to ensure coverage and support for servicemembers' families while the member is on active duty.

Sheriff Brown has fostered a supportive work environment for servicemembers by requiring every supervisor and employee in his department to thoroughly understand and implement the servicemember rights outlined in the Uniform Services Employment and Reemployment Act. His positive attitude and accommodation for our citizen soldiers demonstrates an unwavering support that exemplifies the spirit of the Employer Support Freedom Award.

I offer my heartfelt thanks and congratulations to Sheriff Brown and the entire Jackson Parish Sheriff's Department. The Employer Support Freedom Award is a tremendous honor and a fitting recognition of Sheriff Brown's commitment to our troops and his service to Louisiana and our Nation.●

#### COMMENDING CAROLE ROPER PARK VAUGHAN

● Mrs. MCCASKILL. Mr. President, I wish to pay tribute to my friend and former colleague, as well as an outstanding woman of service, Carole Roper Park Vaughan. From 1977 through 1994, Carole represented the 51st District of Missouri, which includes the home of President Harry S. Truman, in the Missouri House of Representatives. On September 18, Carole will celebrate her 70th birthday, and I just want to take a few minutes today to honor her and the contribution she made to so many lives in Missouri.

Carole was born to Rudy and Rose Roper of Sugar Creek, MO, both children of Croatian emigrants. Carole's father served as the mayor of Sugar Creek for 40 years, from 1940 until 1980, so she came by her political acumen naturally. In fact, while other little girls were playing with dolls, stuffed animals, or having teas, Carole was with her father learning the art of making a deal, a skill she would later take with her to the State legislature.

Though politics was in her blood, her dedication to public service did not begin with elected office. After graduating from the University of Missouri-Kansas City with a bachelor of arts degree in education, Carole pursued a teaching career in the Kansas City school district. For 12 years, she taught elementary education in some of the poorest school districts in the Kansas City area. It was here that she fully realized the importance of community involvement. Her students were faced with everyday challenges she had never experienced before, and

there was a real need for change. As a teacher, however, Carole felt she was limited in how she could effect the meaningful change that was desperately needed in her community.

Despite her pedigree and desire to make a difference, Carole's ascension into public office happened almost by accident. When the current legislator in her district suddenly became ill and died, those in the community who were impressed by her interest in changing the status quo encouraged her run. She filed for office on the day of the filing deadline, and in 1976, she was elected to represent the 51st District of Missouri. Thankfully, for the people of Missouri, there was nothing accidental about her approach to legislating. Hailing from the home of Harry Truman, Carole had a real no-nonsense style about her, and she could get things done.

During her 18 years as a member of the Missouri House of Representatives, Carole sponsored 93 bills, many of which became law, including the largest insurance reform bill in Missouri history. But what Carole was most known for was her vigorous pursuit to improve the way the State of Missouri delivered health and mental health care. In 1981, she became the first woman in Missouri history to chair a standing appropriations committee, and for 13 years Carole reigned over the Committee on Appropriations for Health and Mental Health. At the time she was appointed to this position, Missouri was headed into a recession, and there was a desperate need to cut health services. Yet Carole was able to make the necessary changes without sacrificing services. In fact, throughout her tenure as chair of the committee, Missouri reduced overall costs of mental health care programs while improving the services it provided.

Carole's dedication to those suffering from mental illness, developmental disabilities, head injuries, and substance abuse was truly unparalleled. While her work with community mental health centers or substance abuse programs seldom made the front page, she worked tirelessly in the pursuit of better treatment for these special citizens. The result of her dedication was the transformation of a badly broken mental health system into a community-based approach that provided real options for some of our most vulnerable.

In 1995, Carole retired from the Missouri House of Representatives, but her commitment to her community and the democratic process has continued. She has remained dedicated to improving services for the mentally ill, substance abusers, and victims of domestic violence. She has worked with Thank You Walt Disney Inc. to help restore Walt Disney's downtown Kansas City Studio. She has worked tirelessly to elect democratic candidates who embody the same steadfast dedication to effect change that she had during her

time in public service, including devoting countless hours on the phones and going door-to-door for then Presidential candidate Barack Obama. Once again, her hard work paid off.

Mr. President, I ask the Senate to join me in wishing Carole Roper Park Vaughan a very happy 70th birthday. She has been a remarkable servant to the citizens of the State of Missouri and I am grateful to call her my friend.●

#### COMMENDING EDGECOMB POTTERS

● Ms. SNOWE. Mr. President, Midcoast Maine is a special place for Mainers and tourists alike. With its beautiful harbors and quintessential Maine villages, the region is a remarkable cross-section of our State. Nestled on route 27 in the heart of this striking area is Edgcomb Potters, a veritable gem in Maine's art world. I rise today to recognize this superb Maine company and the innovative spirit of its founders.

Located in the town of Edgcomb, Edgcomb Potters was started in a small one-room schoolhouse by owners Richard and Chris Hilton in 1976. Before starting the business, Richard had been planning on entering the broadcasting industry, while Chris was an art teacher. Since that time, Edgcomb Potters has crafted over 1.3 million unique pieces of gorgeous pottery, and it averages 200,000 pieces each year. Additionally, the company has expanded to its present day 28-acre complex, where it has eight kilns, and added satellite retail locations in Freeport and Portland. Edgcomb Potters has also grown to a team of more than 30 employees in that time, and over 150,000 people visit the company's three locations each season. Beyond its own pottery, Edgcomb's stores showcase the work of over 400 different artisans, many of them Mainers, specializing in jewelry, sculpture, and glass.

The Hiltons work together on each design. Richard Hilton serves as Edgcomb's master potter, studying the organic composition and history of ceramic glazes from all over the world, and Chris lends her extensive art background to the output of beautiful pieces of pottery. They are consistently producing new and creative glazes and patterns which lend a unique rarity to the company's many pieces. All glazes and porcelains are made on site with glazes named by the colors they evoke, such as Lady Slipper Pink, Apple Green, and Honey Green. In addition to these inventive colors, the potters frequently add golden flecks, shimmering crystals, and flowing artistic tones to give a distinctive finish to each piece.

During the company's 33-year history, Edgcomb Potters has rightfully

gained significant national recognition. The Hiltons' passion for glaze development has led them to be considered national leaders in this field, and has propelled their company to be recognized by the Boston Globe, *Ceramics Monthly*, *American Style* and numerous other publications. Edgecomb Potters also garnered international attention when trade representatives from Taiwan purchased one of their large vases for that country's president in 2001. The vase was made using Kyoto Forest, a unique glaze Mr. Hilton concocted based on a 17th century Chinese glaze. The company has also been named one of America's "Best of the Road" companies by Rand McNally. The global atlas producer lists Edgecomb Potters as "one of the most highly acclaimed art potteries in America," and cites the "one-of-a-kind" pottery as an incentive for people to visit this extraordinary facility.

Edgecomb Potters continues to expand because of the Hiltons' constant and abiding passion for art and pottery, and the number of new customers they continuously attract worldwide is impressive. Indeed, Edgecomb's presence in Maine's art scene has placed our State on the national map as a destination for lovers of stunning and matchless pottery. I congratulate Richard and Chris Hilton, and everyone at Edgecomb Potters, for their pioneering spirit, and offer my best wishes for their continued success.●

#### MESSAGES FROM THE HOUSE

At 10:00 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that it has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 22. An act to amend title 5, United States Code, to reduce the amount that the United States Postal Service is required to pay into the Postal Service Retiree Health Benefits Fund by the end of fiscal year 2009.

H.R. 511. An act to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

H.R. 940. An act to provide for the conveyance of National Forest System land in the State of Louisiana.

H.R. 1002. An act to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina.

H.R. 2947. An act to amend the Federal securities laws to make technical corrections and to make conforming amendments related to the repeal of the Public Utility Holding Company Act of 1935.

H.R. 3137. An act to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques.

H.R. 3146. An act to make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development, and for other purposes.

H.R. 3175. An act to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes.

H.R. 3179. An act to amend the Emergency Economic Stabilization Act of 2008 to require the Special Inspector General for the Troubled Asset Relief Program to include the effect of the Troubled Asset Relief Program on small businesses in the oversight, audits, and reports provided by the Special Inspector General, and for other purposes.

H.R. 3386. An act to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office".

H.R. 3527. An act to increase the maximum mortgage amount limitations under the FHA mortgage insurance programs for multi-family housing projects with elevators and for extremely high-cost areas.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 95. Concurrent resolution recognizing the importance of the Department of Agriculture Forest Service Experimental Forests and Ranges.

#### ENROLLED BILL SIGNED

At 7:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1243. An act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 511. An act to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 940. An act to provide for the conveyance of National Forest System land in the State of Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1002. An act to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2947. An act to amend the Federal securities laws to make technical corrections and to make conforming amendments related to the repeal of the Public Utility Holding Company Act of 1935; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3137. An act to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3146. An act to make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3175. An act to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3179. An act to amend the Emergency Economic Stabilization Act of 2008 to require the Special Inspector General for the Troubled Asset Relief Program to include the effect of the Troubled Asset Relief Program on small businesses in the oversight, audits, and reports provided by the Special Inspector General, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3386. An act to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3527. An act to increase the maximum mortgage amount limitations under the FHA mortgage insurance programs for multi-family housing projects with elevators and for extremely high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 95. Concurrent resolution recognizing the importance of the Department of Agriculture Forest Service Experimental Forests and Ranges; to the Committee on Agriculture, Nutrition, and Forestry.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2968. A communication from the Acting Chief of the Child Nutrition Division, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "School Food Safety Inspections" (RIN0584-AD64) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2969. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Boscalid; Pesticide Tolerances" (FRL No. 8431-1) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2970. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ametryn, Amitraz, Ammonium Soap Salts of Higher Fatty Acids, Bitertanol, Copers, et al.; Tolerance Actions" (FRL No. 8431-7) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2971. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8089)) received in the Office of the

President of the Senate on September 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2972. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Sudanese Sanctions Regulations" (31 CFR Part 538) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2973. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report entitled "Assessment of Demand Response and Advanced Metering"; to the Committee on Energy and Natural Resources.

EC-2974. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf—Technical Corrections" (RIN1010-AD52) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Environment and Public Works.

EC-2975. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Non-ferrous Foundries—Technical Correction" (FRL No. 8954-3) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Environment and Public Works.

EC-2976. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "EPAAR Prescription and Clauses—Government Property—Contract Property Administration" (FRL No. 8956-4) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Environment and Public Works.

EC-2977. A communication from the Secretary of Health and Human Services and the Attorney General, transmitting, pursuant to law, an annual report relative to the Health Care Fraud and Abuse Control Program for fiscal year 2008; to the Committee on Finance.

EC-2978. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Physician Group Practice Demonstration Evaluation Report"; to the Committee on Finance.

EC-2979. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "The Department of Labor's 2008 Findings on the Worst Forms of Child Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-2980. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "The Department of Labor's List of Goods Produced by Child Labor or Forced Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-2981. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 8C for Fiscal Years 2007 through 2009, as of March 31, 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-2982. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to action on a nomination for the position of General Counsel, Federal Labor Relations Authority received in the Office of the President of the Senate on September 10, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2983. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual report of the Attorney General relative to Lobbying Disclosure Act enforcement actions taken for the period beginning on July 1, 2008; to the Committee on the Judiciary.

EC-2984. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Low Altitude Area Navigation Route (T-Route); Rockford, Illinois" ((Docket No. FAA-2008-1114) (Airspace Docket No. 08-AGL-17)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2985. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Grand Prairie, Texas" ((RIN2120-AA66) (9-3-9-8/0363/ASW-11)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2986. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Arlington, Texas" ((RIN2120-AA66) (9-3-9-8/0362/ASW-10)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2987. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace and Amendment of Class E Airspace; North Bend, Oregon" ((RIN2120-AA66) (8-24/8-26/0006/ANM-1)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2988. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Quinhagak, Alaska" ((RIN2120-AA66) (9-3-9-3/0763/AA1-22)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2989. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Standards; Aircraft Engine Standards Overtorque Limits" (RIN2120-AJ06) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2990. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE

Systems (Operations) Limited Model BAE 146-100A and 146-200A Series Airplanes" ((RIN2120-AA64) (9-10-9-2/0432/NM-168)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2991. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations" [MB Docket No. 07-172] as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2992. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment Section 73.202(b), Table of Allotments, FM Broadcast Stations (Batesville, Texas)" [MB Docket No. 08-227] received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2993. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services (Ann Arbor, Michigan)" [MB Docket No. 09-118] received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2994. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services (Hutchinson and Wichita, Kansas)" [MB Docket No. 09-129] received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2995. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Designation of Critical Habitat for Endangered Distinct Population Segment of Smallmouth Sawfish" (RIN0648-AV74) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2996. A communication from the Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Foreign Trade Regulations (FTR): Eliminate the Social Security Number (SSN) as an Identification Number in the Automated Export System (AES)" (RIN0607-AA48) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2997. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Final Amendment Fee Rule" (RIN3084-AA98) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2998. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of

a rule entitled "IP-Enabled Services" ((WC Docket No. 04-36)(FCC09-40)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2999. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Port Huron to Mackinac Island Sail Race" ((RIN1625-AA08) (Docket No. USG-2009-0659)) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3000. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation, Fran Schnarr Open Water Championships, Huntington Bay, NY" ((RIN1625-AA08) (Docket No. USG-2009-0520)) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3001. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Naval Training August and September, San Clemente Island, CA" ((RIN1625-AA00) (Docket No. USG-2009-0456)) as received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3002. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; AVI September Fireworks Display, Colorado River, Laughlin, NV" ((RIN1625-AA00) (Docket No. USG-2008-1262)) as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3003. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, and -300 Series Airplanes; and Model 747SP and 747SR Series Airplanes" ((RIN2120-AA64) (8-27-8-27/0477/NM-191)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3004. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes" ((RIN2120-AA64) (8-27-8-27/0489/CE-025)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3005. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes" ((RIN2120-AA64) (8-27-8-27/0386/NM-184)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3006. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes" ((RIN2120-AA64) (8-27-8-27/0622/CE-034)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3007. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.27 Mark 050 and F.28 Mark 0100 Airplanes" ((RIN2120-AA64) (8-27-8-27/0496/NM-139)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3008. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "CFM International, S.A. CFM56-5B1/P; -5B2/P; -5B3/P; -5B3/P1; -5B4/P; -5B4/P1; -5B5/P; -5B6/P; -5B7/P; -5B8/P; 5B9/P; -5B1/3; -5B2/3; -5B3/3; -5B4/3; -5B5/3; -5B6/3; -5B7/3; -5B8/3; -5B9/3; -5B3/3B1; and -5B4/3B1 Turbofan Engines" ((RIN2120-AA64) (8-27-8-27/0174/NE-03)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (9-10-9-9/0526/NM-029)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120-AA64) (9-10-9-9/0563/NM-180)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3011. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes" ((RIN2120-AA64) (9-10-9-9/0515/NM-071)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3012. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc. (RR) RB211 Trent 900 Series Turbofan Engines" ((RIN2120-AA64) (9-10-9-9/0771/NE-14)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3013. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, -900 and -900ER Series Airplanes" ((RIN2120-AA64) (9-10-9-9/0212/NM-122)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3014. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 707 Airplanes, and Model 720 and 720B Series Airplanes" ((RIN2120-AA64) (9-10-9-9/0476/NM-188)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3015. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR Model ATR42 and Model ATR72 Airplanes" ((RIN2120-AA64) (9-10-9-9/0786/NM-145)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3016. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-300, A340-200, and A340-300 Series Airplanes" ((RIN2120-AA64) (9-10-9-9/0264/NM-174)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3017. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310-203, -204, -221, -222, -304, -322, -324, and -325 Airplanes" ((RIN2120-AA64) (9-10-9-9/0465/NM-244)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3018. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 and -300 Airplanes" ((RIN2120-AA64) (9-10-9-9/0522/NM-127)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3019. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, and B4-2C Airplanes" ((RIN2120-AA64) (9-10-9-9/0397/NM-023)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes and Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64) (9-10-9-9/0381/NM-008)) received in the Office of the President of the

Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3021. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64) (9-10-9-8/0787/NM-090)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3022. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model AB412 and AB412EP Helicopters" ((RIN2120-AA64) (9-10-9-4/0804/SW-56)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3023. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Models A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model A340-541 and -642 Airplanes" ((RIN2120-AA64) (9-10-9-3/0781/NM-111)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-78. A joint resolution adopted by the Alaska State Legislature urging the United States Senate to ratify the United Nations Convention on the Law of the Sea; to the Committee on Foreign Relations.

#### HOUSE JOINT RESOLUTION NO. 22

Whereas in August 2007, Russia sent two small submarines into the Arctic Ocean to plant that nation's flag under the North Pole to support its territorial claim that its continental shelf extends to the North Pole; and

Whereas Denmark is exploring whether a mountain range under the Arctic Ocean is connected to Greenland, a territory of Denmark; and

Whereas Canada is considering the establishment of military bases to protect its claim to the Northwest Passage; and

Whereas the actions taken by Russia, Denmark, and Canada have been exercised under the United Nations Convention on the Law of the Sea; and

Whereas the United Nations Convention on the Law of the Sea permits member nations to claim an exclusive economic zone out to 200 nautical miles from shore, with an exclusive sovereign right to explore, manage, and develop all living and nonliving resources, including deep sea mining, within that exclusive economic zone; and

Whereas the United States Arctic Research Commission estimates that the United Nations Convention on the Law of the Sea would permit the United States to lay claim beyond the present 200-mile exclusive economic zone to an area of the northern seabed off Alaska that is equal in size to California; and

Whereas 155 nations have ratified the United Nations Convention on the Law of

the Sea, including all allies of the United States and the world's maritime powers; and

Whereas ratification of the current form of the United Nations Convention on the Law of the Sea has been pending before the United States Senate since 1994, and hearings on the treaty were held by the United States Senate Committee on Foreign Relations in 1994, 2003, and 2004, and on September 27, 2007, and October 4, 2007; and

Whereas, despite favorable reports by the United States Senate Committee on Foreign Relations regarding the United Nations Convention on the Law of the Sea in 2004 and 2007, the United States Senate has yet to vote on the ratification of the Convention; and

Whereas the United States, with 1,000 miles of Arctic coast off of the State of Alaska, remains the only Arctic nation that has not ratified the United Nations Convention on the Law of the Sea; and

Whereas, until the United States Senate votes to ratify the United Nations Convention on the Law of the Sea, the United States may not have the authority to promote its claims to an extended area of the continental shelf, refute the claim of authority by other nations to exercise greater control over the Arctic, or take a permanent seat on the International Seabed Authority Council; and

Whereas, until the United States ratifies the United Nations Convention on the Law of the Sea, the United States cannot participate in deliberations to amend provisions of the Convention that relate to the

(1) oil, gas, and mineral resources in the Arctic Ocean and other northern waters;

(2) conduct of essential scientific research in the world's oceans;

(3) right of the United States to the use of the seas;

(4) rules of navigation;

(5) effect of the use of the seas on world economic development; and

(6) environmental concerns related to the use of the seas; and

Whereas the United Nations Convention on the Law of the Sea will have an important and beneficial effect on virtually all states, both coastal and noncoastal, because the United States is heavily dependent on the use, development, and conservation of the world's oceans and their resources; and

Whereas the United Nations Convention on the Law of the Sea will not interfere with the intelligence-gathering efforts of the United States or the navigational freedom of the United States Navy; and

Whereas ratification of the United Nations Convention on the Law of the Sea has wide bipartisan support; be it

*Resolved*, That the Alaska State Legislature urges the United States Senate to ratify the United Nations Convention on the Law of the Sea.

Copies of this resolution shall be sent to the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable John F. Kerry, Chair of the U.S. Senate Committee on Foreign Relations; the Honorable Richard G. Lugar, ranking Republican on the U.S. Senate Committee on Foreign Relations; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, members of the Alaska delegation in Congress; and all other members of the United States Senate.

POM-79. A joint resolution adopted by the Alaska State Legislature relative to claiming sovereignty for the state under the Tenth Amendment to the Constitution of the

United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; to the Committee on the Judiciary.

#### JOINT RESOLUTION

Whereas the Tenth Amendment to the Constitution of the United States reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas some federal actions weaken states' rights protected by the Tenth Amendment to the Constitution of the United States; and

Whereas the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp; and

Whereas art. IV, sec. 4, Constitution of the United States, reads, "The United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment to the Constitution of the United States reads, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

Whereas the United States Supreme Court has ruled in *New York v. United States*, 112 S.Ct. 2408 (1992), that the United States Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas all states, including Alaska, find themselves regularly facing proposals from the United States Congress that weaken states' rights protected by the Tenth Amendment; be it

*Resolved*, That the Alaska State Legislature hereby claims sovereignty for the state under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and be it further

*Resolved*, That this resolution serves as Notice and Demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; all other members of the 111th United States Congress; the presiding officers of the legislatures of each of the other 49 states; and the governors of each of the other 49 states.

POM-80. A joint resolution adopted by the Alaska State Legislature urging Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas development on the Outer Continental Shelf with all coastal energy-producing states to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity; to the Committee on Energy and Natural Resources.

## JOINT RESOLUTION

Whereas there are presently 697 active oil and gas leases off Alaska's coast, covering more than 1,500,000 hectares; and

Whereas the United States Department of the Interior, Minerals Management Service, estimates there are nearly 27,000,000,000 barrels of oil and 132,000,000,000 cubic feet of natural gas that are technically recoverable offshore of Alaska; and

Whereas responsible oil and gas development in federal waters off Alaska's coast would significantly decrease reliance by the United States on foreign oil and gas, making the United States more energy independent and enhancing our national security; and

Whereas, under the Mineral Lands Leasing Act of 1920, the federal government shares with the states 50 percent of revenue from mineral production on federal land within each state's boundaries; and

Whereas the shared mineral production revenue is distributed to the states automatically, outside of the budget process, and is not subject to appropriation; and

Whereas, other than in water immediately adjacent to a state's coastline, there is not a similar authority for the federal government to share federal oil and gas revenue generated on the outer continental shelf with adjacent coastal states, despite the vital contribution made by those states to our nation's energy, economic, and national security needs in support of production from the outer continental shelf; and

Whereas the states that sustain this critical energy production and development deserve a share of the revenue generated because they provide infrastructure to support offshore operations and because of the environmental effects and other risks associated with oil and gas development on the outer continental shelf; and

Whereas, under the Gulf of Mexico Energy Security Act of 2006, the federal government recognized the contributions made by Alabama, Louisiana, Mississippi, and Texas to national security and agreed to give them 37.5 percent of revenue from oil and gas development in newly leased federal waters in the Gulf of Mexico; and

Whereas other coastal states, including Alaska and California, also support and should receive, on a regular and ongoing basis, a fair share of revenue generated through development on the outer continental shelf as compensation and reward for their contributions to the nation's energy supply, security, and economy; and

Whereas, since statehood, oil and gas lease sales from the outer continental shelf off Alaska's coast have generated millions of dollars in revenue for the federal government; and

Whereas the February 2008 lease sale in the Chukchi Sea generated an additional \$2,600,000,000 in revenue for the federal government; be it

*Resolved*, That the Alaska State Legislature supports responsible development of the oil and gas resources in federal waters offshore of Alaska's coast as a means to ensure energy independence, security for the nation, and jobs for Alaskans; and be it further

*Resolved*, that the Alaska State Legislature urges the United States Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas development on the outer continental shelf with all coastal energy-producing states to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of

the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Ken Salazar, United States Secretary of the Interior; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Steny H. Hoyer, Majority Leader of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the U.S. Senate Committee on Energy and Natural Resources; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 111th United States Congress.

POM-81. A joint resolution adopted by the Alaska State Legislature urging Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production, and that the Alaska State Legislature is adamantly opposed to further wilderness or other restrictive designation in the area of the coastal plain of the Arctic National Wildlife Refuge; to the Committee on Energy and Natural Resources.

## JOINT RESOLUTION

Whereas in 16 U.S.C. 3142 (sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA)), the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain of the Arctic National Wildlife Refuge; and

Whereas the oil industry, the state, and the United States Department of the Interior consider the coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as 10,400,000,000 barrels of recoverable oil; and

Whereas the "1002 study area" is part of the coastal plain located within the North Slope Borough, and many of the residents of the North Slope Borough, who are predominantly Inupiat Eskimo, are supportive of development in the "1002 study area"; and

Whereas oil and gas exploration and development of the coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit, and significantly increase the nation's security; and

Whereas the state's future energy independence would be enhanced with additional natural gas production from the North Slope of Alaska, including what are expected to be significant gas reserves in the Arctic National Wildlife Refuge, and the development of those reserves would enhance the economic viability of the proposed Alaska Natural Gas Pipeline; and

Whereas domestic demand for oil continues to rise while domestic crude production continues to fall, with the result that the United States imports additional oil from foreign sources; and

Whereas development of oil at Prudhoe Bay, Kuparuk, Endicott, Lisburne, Ooguruk, and Milne Point has resulted in thousands of jobs throughout the United States, and projected job creation as a result of coastal plain oil development will have a positive effect in all 50 states; and

Whereas Prudhoe Bay production is declining; and

Whereas the Trans Alaska Pipeline System, a transportation facility that is a national asset and that would cost billions of dollars to replace, would have its useful physical life extended for a substantial period if the additional reserves of recoverable oil from the coastal plain were produced; and

Whereas while new oil field developments on the North Slope of Alaska, such as Alpine, Northstar, Lisburne, Ooguruk, and West Sak, may temporarily slow the decline in production, only giant coastal plain fields have the theoretical capability of increasing the production volume of Alaska oil to a significant degree; and

Whereas opening the coastal plain of the Arctic National Wildlife Refuge now allows sufficient time for planning environmental safeguards, development, and national security review; and

Whereas the 1,500,000-acre coastal plain of the refuge makes up only eight percent of the 19,000,000-acre refuge, and the development of the oil and gas reserves in the refuge's coastal plain would affect an area of 2,000 acres or less, which is less than one-half of one percent of the area of the coastal plain; and

Whereas 8,900,000 of the 19,000,000 acres of the refuge have already been set aside as wilderness; and

Whereas the oil industry has shown at Prudhoe Bay, as well as at other locations along the Arctic coastal plain, that it is capable of conducting oil and gas activity without adversely affecting the environment or wildlife populations; and

Whereas the state will strive to ensure the continued health and productivity of the Porcupine Caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge; and

Whereas the oil and gas industry is developing directional drilling technology that will allow horizontal drilling in a responsible manner thereby minimizing the development footprint within the Arctic National Wildlife Refuge, and this directional drilling technology may be capable of drilling from outside of the boundaries of the 1002 study area; and

Whereas the oil industry is using innovative technology and environmental practices in the new field developments at Alpine and Northstar, and those techniques are directly applicable to operating on the coastal plain and would enhance environmental protection beyond traditionally high standards; and

Whereas the continued competitiveness and stability of the state and its economy require that the Alaska State Legislature consider national trends toward renewable energy development; and

Whereas the Alaska State Legislature encourages the use of revenue from any development in the Arctic National Wildlife Refuge for the development of renewable energy resources in the state; be it

*Resolved by the Alaska State Legislature*, That the United States Congress is urged to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production, and that the Alaska State Legislature is adamantly opposed to further wilderness or other restrictive designation in the area of the coastal plain of the Arctic National Wildlife Refuge; and be it further

*Resolved*, That that activity be conducted in a manner that protects the environment and the naturally occurring population levels of the Porcupine Caribou herd on which

the Gwich'in and other local residents depend, that uses directional drilling and other advances in technology to minimize the development footprint in the 1002 study area, and that uses the state's workforce to the maximum extent possible; and be it further

*Resolved*, That the Alaska State Legislature urges the United States Congress to pass legislation opening the 1002 study area for oil and gas development while continuing to work on measures for increasing the development and use of renewable energy technologies; and be it further

*Resolved*, That the Alaska State Legislature opposes any unilateral reduction in royalty revenue from exploration and development of the coastal plain of the Arctic National Wildlife Refuge and any attempt to coerce the State of Alaska into accepting less than the 90 percent of the oil, gas, and mineral royalties from the federal land in Alaska that was promised to the state at statehood.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Ken Salazar, United States Secretary of the Interior; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the Energy and Natural Resources Committee of the U.S. Senate; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 111th United States Congress.

POM-82. A joint resolution adopted by the Alaska State Legislature urging Congress to preserve its right to enact a law providing for the environmentally responsible exploration and development of oil and gas resources in the Arctic National Wildlife Refuge by not passing any legislation that designates land in Area 1002 of the Arctic National Wildlife Refuge as wilderness; to the Committee on Energy and Natural Resources.

Whereas Area 1002 of the Arctic National Wildlife Refuge is considered the most promising onshore oil and gas prospect in the United States; and

Whereas the United States Department of the Interior estimates that there may be 10,400,000,000 recoverable barrels of oil and significant quantities of natural gas in the Arctic National Wildlife Refuge; and

Whereas the potentially enormous oil and gas prospects are located in Area 1002 of the Arctic National Wildlife Refuge, and Area 1002 comprises only eight percent of the total area of the Arctic National Wildlife Refuge; and

Whereas the United States Congress, in 16 U.S.C. 3121 (sec. 1002, Alaska National Interest Lands Conservation Act), authorized oil and gas exploratory activity within the coastal plain of the Arctic National Wildlife Refuge and reserved the right to enact future laws to allow for entry into and development of oil and gas resources in the Arctic National Wildlife Refuge; and

Whereas Area 1002 of the Arctic National Wildlife Refuge was excluded from wilderness designation in 1980 as a result of a com-

promise in the negotiations that led to the conversion of the Alaska Wildlife Range into the Arctic National Wildlife Refuge, with the Arctic National Wildlife Refuge encompassing an area that is approximately double the size of the Alaska Wildlife Range; and

Whereas 16 U.S.C. 3101(d) (sec. 101(d), Alaska National Interest Lands Conservation Act) expresses the belief of the United States Congress that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas in Alaska has been obviated by the enactment of the Alaska National Interest Lands Conservation Act; and

Whereas development of the oil reserves in the Arctic National Wildlife Refuge would reduce the dependence of the United States on unstable sources of foreign oil and would make the economy of the United States stronger and more stable; and

Whereas the economy of the United States would suffer further if the large natural gas resources in Area 1002 of the Arctic National Wildlife Refuge are not available for transportation in the proposed Alaska natural gas pipeline; and

Whereas clean-burning natural gas delivered by way of the proposed Alaska natural gas pipeline could be used as an environmentally friendly energy source for homes and businesses in the lower 48 states for decades to come; and

Whereas new technology and environmental practices used by the oil and gas industry provide for efficient production and environmental protection; and

Whereas 8,900,000 acres of the 19,000,000 acres in the Arctic National Wildlife Refuge are already designated as wilderness areas; and

Whereas, assuming development of major oil and gas prospects and full leasing, oil and gas operations will have a footprint on only 2,000 acres out of a total of 1,500,000 acres in Area 1002 of the Arctic National Wildlife Refuge, approximately 0.13 percent of the area; be it

*Resolved*, That the Alaska State Legislature urges the United States Congress to preserve its right to enact a law providing for the environmentally responsible exploration and development of oil and gas resources in the Arctic National Wildlife Refuge by not passing any legislation that designates land in Area 1002 of the Arctic National Wildlife Refuge as wilderness.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Ken Salazar, United States Secretary of the Interior; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the Energy and Natural Resources Committee of the U.S. Senate; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 111th United States Congress.

POM-83. A joint resolution adopted by the Alaska State Legislature urging the President and Congress not to adopt any policy, rule, or administrative action or enact legis-

lation that would restrict energy exploration, development, and production in federal and state waters around Alaska, the outer continental shelf within 200 miles of shore, and elsewhere in the continental United States; to the Committee on Energy and Natural Resources.

Whereas the future growth of the United States economy is energy-dependent and requires access to domestic oil and gas resources, alternative and renewable energy resources, and increased conservation; and

Whereas the United States, as a matter of national policy, needs to reduce its long-term dependence on foreign energy sources for the purposes of economic and national security; and

Whereas responsible development and expansion of domestic energy resources will generate thousands of much-needed jobs; result in billions of dollars in new investment in and tax revenue for federal, state, and local governments; reduce oil imports; stem the flow of United States dollars to foreign governments for the purchase of energy supplies; and generally ensure the health of the United States economy in the short and long term; and

Whereas wind, solar, hydro, geothermal, and other alternative energy resources hold the potential for meeting future energy demands and deserve support, but are incapable of meeting current domestic energy needs; and

Whereas current domestic energy needs require increased access to domestic oil and gas while alternative energy resources are developed for the future; and

Whereas vast energy resources in the United States, including billions of barrels of oil and trillions of cubic feet of natural gas in areas on the North Slope and offshore from Alaska remain untouched and could be developed economically; and

Whereas new drilling techniques and environmentally sound exploration, development, and production technologies enable the development of oil and gas reserves in the continental United States and on the outer continental shelf as domestic energy resources; and

Whereas the safe and responsible exploration and development of all domestic energy resources to provide economic and national security is in the best interests of the citizens of the United States; and

Whereas the people of Alaska support the safe and responsible development of domestic energy resources and recognize the economic benefits of a balanced energy policy that includes increased development of domestic oil and gas resources; be it

*Resolved*, That the Alaska State Legislature urges the President of the United States and the United States Congress not to adopt any policy, rule, or administrative action or enact legislation that would restrict energy exploration, development, and production in federal and state waters around Alaska, the outer continental shelf within 200 miles of shore, and elsewhere in the continental United States; and be it further

*Resolved*, That the Alaska State Legislature urges the President of the United States and the United States Congress to encourage and promote continued responsible exploration, development, and production of domestic oil and gas resources.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Ken Salazar, United States Secretary of the Interior; the Honorable Nancy

Pelosi, Speaker of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the Energy and Natural Resources Committee of the U.S. Senate; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 111th United States Congress.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. LANDRIEU for the Committee on Small Business and Entrepreneurship.

Peggy E. Gustafson, of Illinois, to be Inspector General, Small Business Administration.

\*Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 1675. A bill to implement title V of the Nuclear Non-Proliferation Act of 1978 and to promote economical and environmentally sustainable means of meeting the energy demands of developing countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1676. A bill to allow for the use of existing section 8 housing funds so as to preserve and revitalize affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself and Mr. SHELBY):

S. 1677. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; considered and passed.

By Mr. CARDIN (for himself, Mr. ENSIGN, Mr. REID, Mr. ISAKSON, and Ms. STABENOW):

S. 1678. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. REID, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. CORNYN, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LEVIN, Mr. CASEY, and Mrs. MURRAY):

S. Res. 269. A resolution designating the week beginning September 20, 2009, as "National Hispanic Serving Institutions Week"; considered and agreed to.

By Mrs. HAGAN (for herself and Mr. BURR):

S. Res. 270. A resolution congratulating the High Point Furniture Market on the occasion of its 100th anniversary as a leader in home furnishing; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. ALEXANDER, Mr. BEGICH, Mr. REID, Mr. MENENDEZ, and Mr. LUGAR):

S. Res. 271. A resolution expressing support for the ideals and goals of Citizenship Day 2009; considered and agreed to.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LEAHY, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BROWN, Mr. CONRAD, Mr. FRANKEN, Mrs. HUTCHISON, Mr. BAUCUS, Mr. CASEY, Ms. STABENOW, Mr. BENNET, Mr. JOHANNES, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. COCHRAN, and Mr. THUNE):

S. Res. 272. A resolution commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 451

At the request of Ms. COLLINS, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Hampshire (Mr. GREGG), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 694

At the request of Mr. DODD, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 902

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 902, a bill to provide grants to establish veterans' treatment courts.

S. 908

At the request of Mr. BAYH, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1052

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1056

At the request of Mr. VOINOVICH, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1056, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1152

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1152, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 1362

At the request of Mr. REED, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the

middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1446

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1446, a bill to amend title XIX of the Social Security Act to provide incentives for increased use of HIV screening tests under the Medicaid program.

S. 1492

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1542

At the request of Mr. SCHUMER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1542, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1558

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1558, a bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training.

S. 1655

At the request of Mr. NELSON of Nebraska, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1655, a bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. CON. RES. 14

At the request of Mr. BARRASSO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 266

At the request of Mrs. GILLIBRAND, the names of the Senator from Maryland (Mr. CARDIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. Res. 266, a resolution recognizing the contributions of John Sweeney to the United States labor movement.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. Res. 266, *supra*.

S. RES. 268

At the request of Mr. MENENDEZ, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 268, a resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

At the request of Mr. ENSIGN, his name was added as a cosponsor of S. Res. 268, *supra*.

AMENDMENT NO. 2361

At the request of Mr. GREGG, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 2361 proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2365

At the request of Ms. LANDRIEU, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2365 proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1675. A bill to implement title V of the Nuclear Non-Proliferation Act of 1978 and to promote economical and environmentally sustainable means of meeting the energy demands of developing countries, and for other purposes; to the Committee on Foreign Relations.

Mr. AKAKA. Mr. President, I rise today to introduce The Energy Development Program Implementation Act

of 2009. This legislation provides a mechanism to guide the implementation of title V of the Nuclear Non-Proliferation Act of 1978, which requires the United States to work with developing countries in assessing and finding ways to meet their energy needs through non-nuclear, alternative energy sources.

Although title V of the Nuclear Non-Proliferation Act was passed into law more than 30 years ago, Congress did not put an implementation framework into place, and the Executive Branch never implemented the provisions. Back then, there may have been skepticism about the economic viability of alternative energy resources, but in the past 30 years there have been significant advances in the technology supporting alternative energy resources, and today there is broader agreement that the development of these resources is important for economic development, environmental sustainability, and national security.

This bill provides economic and environmental benefits to developing countries and diplomatic benefits for the U.S. Through the implementation of the Energy Development Program supported by this bill, developing countries will be provided energy assessments, receive support in evaluating energy alternatives, and be able to work on cooperative projects with United States energy experts on resource exploration, production, training, and research and development. This bill will further international collaboration around alternative energy sources and allow the United States to take on a stronger leadership role in this effort.

In addition to providing economic and environmental benefits, this bill supports international efforts to prevent nuclear proliferation. The bipartisan Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism recently recommended the implementation of title V because it will lower the risk of nuclear proliferation as developing countries are encouraged to focus more on non-nuclear, alternative energy sources. Providing concrete technical assistance to promote those energy sources in developing countries reduces the inherent risk that accompanies the wider proliferation of nuclear technology and materials.

We should remain mindful that the same nuclear technology that can be used for peaceful, civilian uses may in some cases be used to support covert or potentially dangerous nuclear programs. At my request, the Government Accountability Office, GAO, reviewed the International Atomic Energy Agency's, IAEA, Technical Cooperation, TC, Program, which supports peaceful uses of nuclear energy, including nuclear power, by providing nuclear equipment, training, and fellowships to IAEA

member states. The U.S. provides approximately 25 percent of its annual budget. GAO found that the U.S. faces difficulty in assessing the nature of the nuclear assistance provided under that program, and that state sponsors of terrorism, including Iran, Syria, Sudan, and Cuba had received funding under the program. For instance, GAO reported that Iran requested assistance to complete a research reactor that could have been used for both civilian and military applications. Fortunately, IAEA denied this assistance, but this example highlights the inherent proliferation risks of nuclear power and the benefit of focusing more on alternative energy sources.

This bill puts into place an implementation mechanism to support this effort. It requires the Secretary of Energy, in cooperation with the Secretary of State and the administrator of the U.S. Agency for International Development, to develop strategic and implementation plans for the Energy Development Program. The Secretary of Energy will then be required to carry out the implementation of the program according to those plans.

The Energy Development Program would be supported by the exchange of energy experts, scientists, and technicians with developing countries. Federal employees will have an opportunity to work with developing countries on energy assessments and projects focused on finding and developing non-nuclear, alternative sources of energy, while retaining their seniority and other rights and benefits within their home agencies. They will be able to share their expertise with professionals in developing countries and also bring back new ideas and perspectives from overseas that could help us in our own efforts to develop alternative energy sources.

The time has come to implement title V of the Nuclear Non-Proliferation Act. This legislation will put that process in motion. The benefits of this program have global impact as we assist developing countries in meeting their energy needs with alternative energy sources, reduce the risk of nuclear proliferation, and take a more prominent leadership role in developing alternative energy sources.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1675

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Development Program Implementation Act of 2009".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.) requires the United States to work with developing countries in assessing and finding ways to meet their energy needs through alternatives to nuclear energy that are consistent with economic factors, material resources, and environmental protection; and

(2) in December 2008, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism noted that the Federal Government had failed to implement title V of that Act and recommended that the Federal Government implement title V of that Act to help reduce the risk of nuclear proliferation.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(B) the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

(2) **ENERGY DEVELOPMENT PROGRAM.**—The term "energy development program" means the program established under title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.).

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Energy, in cooperation with the Secretary of State and the Administrator of the United States Agency for International Development.

#### SEC. 4. ENERGY DEVELOPMENT PROGRAM IMPLEMENTATION.

(a) **STRATEGIC AND IMPLEMENTATION PLANS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop—

(A) strategic plans for the energy development program consistent with title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.); and

(B) implementation plans for the energy development program consistent with title V of that Act.

(2) **REVIEW OF PLANS.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit the strategic and implementation plans to the appropriate congressional committees for review.

(b) **IMPLEMENTATION.**—Not later than 180 days after the date on which the plans are submitted to the appropriate congressional committees for review under subsection (a), the Secretary shall implement the plans.

(c) **ALLOWANCES, PRIVILEGES, AND OTHER BENEFITS.**—

(1) **IN GENERAL.**—A Federal employee serving in an exchange capacity in the energy development program shall be considered to be detailed.

(2) **EMPLOYING AGENCY.**—For the purpose of preserving allowance, privileges, rights, seniority, and other benefits with respect to the Federal employee, the employee shall be—

(A) considered an employee of the original employing agency; and

(B) entitled to the pay, allowances, and benefits from funds available to the original employing agency.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this sec-

tion for fiscal year 2010 and each fiscal year thereafter.

#### SEC. 5. REPORTS.

(a) **ANNUAL REPORT.**—Not later than 1 year after the date of implementation of the plans under section 4(b) and every year thereafter, the Secretary shall report annually to the appropriate congressional committees on the plans consistent with section 501 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261).

(b) **REPORT ON THE ALTERNATIVE ENERGY CORPS.**—

(1) **COOPERATIVE ACTIVITIES.**—Not later than 1 year after the date of implementation of the plans under section 4(b), the Secretary shall report to the appropriate congressional committees on the feasibility of expanding the cooperative activities established pursuant to section 503(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3262 note; Public Law 95-242) into an international cooperative effort.

(2) **REQUIREMENTS.**—The report required under paragraph (1) shall include an analysis and description of—

(A) an Alternative Energy Corps that is designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for the purpose of engaging in projects to aid in meeting the energy needs of those countries through—

(i) the search for and use of non-nuclear indigenous energy resources; and

(ii) the application of suitable technology, including the widespread use of renewable and unconventional energy technologies; and

(B) other mechanisms that are available to coordinate an international effort to develop, demonstrate, and encourage the use of suitable technologies in developing countries.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1676. A bill to allow for the use of existing section 8 housing funds so as to preserve and revitalize affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WYDEN. Mr. President, today I rise to introduce the Affordable Housing Preservation and Revitalization Act. I am delighted and honored to be joined in this effort by my good friend and colleague, Senator JEFF MERKLEY. It has been my privilege to work with Senator MERKLEY and his staff on an issue that is so important to our state of Oregon and to folks around the country.

There has been a lot of talk about housing in the media over the past year. The topic of most of these conversations has been the turmoil in lending industry and the fallout from the mortgage meltdown. So much so that many Americans have by now become familiar with terms like "subprime" and "securitization."

But there is another housing story here, even though it may not get the same attention or airtime: It is the story of homelessness and the struggle to find affordable housing, and for thousands of Oregonians it's a daily reality.

Like many States, Oregon is experiencing a sharp rise in homelessness.

In Multnomah County this past January, a count found 2,438 people homeless on a particular night. That was 13 percent higher than in 2007. The deterioration in the economy since January means there are probably more homeless on Portland streets now, officials said.

In July, the Department of Housing and Urban Development released a report that listed Oregon as the State with the highest concentration of homeless people.

According to a September report by the National Alliance to End Homeless, Central Oregon now ranks sixth in the Nation in overall homelessness rates and third among rural communities.

In times like these, the Federal Government can hardly stand to lose its stock of affordable housing. Sadly, that is exactly what's happening.

As long term contracts are coming due, many landlords are leaving the business of affordable housing for the private market. As these owners convert to market rents, which is in their economic interest, the low-income tenants will be unable to afford their homes. With fewer and fewer places to turn, many of these folks will end up on the street.

Some of properties have what are known as residual receipts—funds left over once the operating expenses and owner's distribution have been paid. Currently, this money can only be used in the most extreme of situations. As a result, many of these residual receipts have accumulated for nearly 3 decades. In Oregon alone, estimates suggest there are more than \$10 million in untapped residual receipts.

Senator MERKLEY and I believe these funds represent a substantial asset that could be used to help preserve affordable housing projects with expiring contracts. That is why we are introducing the Affordable Housing Preservation and Revitalization Act.

Our legislation would permit residual receipts to be transferred with affordable housing properties that are sold to non-profits, provided the non-profits commit to preserving and maintaining the housing stock as affordable.

Our legislation isn't a magic bullet and it certainly will not ensure that every American can put a roof over their head. But we think it's the kind of common sense approach that Americans can get behind. I hope that our colleagues will join us in supporting this bill.

By Mr. CARDIN (for himself, Mr. ENSIGN, Mr. REID, Mr. ISAKSON, and Ms. STABENOW):

S. 1678. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise to introduce a bill to extend the current

first-time home buyers' tax credit for 6 months to June 1, 2010. I am pleased to have Senators ENSIGN, HARRY REID, ISAKSON, and STABENOW as original co-sponsors of this legislation.

I know my colleagues remember that it was housing that led us into this recession. Remember how in the housing market the values fell, there were mortgage foreclosures, and housing starts stopped. Well, housing can help lead us out of this recession.

The Housing and Economic Recovery Act of 2008 initially established a credit at \$7,500, and that was repayable over 15 years. The American Recovery and Reinvestment Act of 2009 increased that credit to \$8,000, dropped the repayment obligation, and extended the credit to December 1, 2009.

The legislation I am introducing today with my colleagues Senators ENSIGN, HARRY REID, ISAKSON, and STABENOW would change the expiration date from December 1, 2009, to June 1, 2010. I know my colleagues understand the time delay here which requires that the houses go through settlement in order to qualify for the credit. So I think it is important that we act timely, not waiting until November 1, but to try to get this bill moving quickly. It has been an incredibly important tool to help the housing market to help restore our economy.

This is a direct extension, a clean extension. It basically extends it for 6 months. I have talked with my colleagues about ways this credit perhaps could be improved, and I know we will get into that debate. But I want to make sure we don't have a lapse in this credit being available to help first-time home buyers. It has been very valuable. As we work to perhaps modify this proposal, let us make sure we continue it so as we are fighting to get our economy back on track, we don't regress and lose this tool that is available to help the housing market.

The credit has been a huge success in helping to revive a depressed housing market. As of March 6, 2009, the Treasury inspector general for tax administration identified nearly 530,000 returns claiming more than \$3.9 billion in the first-time homeowners' tax credit.

As many as 40 percent of all home buyers this year will qualify for a credit. That tells us this credit is working. It is getting people who have never owned a home before into the home-buying market, knowing that the Federal Government is providing an incentive. It is estimated the credit is directly responsible for roughly 300,000 to 400,000 purchases this year. According to the National Association of Realtors, those additional sales have pumped approximately \$22 billion into the economy. This is a modest tax incentive to help an industry that is vital to our economy, that produces an incredible amount of economic activity and jobs. Mortgage applications in-

creased nearly 10 percent for the week ending September 3 from late August, the largest gain since early April.

Economists such as Mark Zandi of Moody's and James Glassman of JPMorgan Chase support extending this credit. While there are signs that the housing market is stabilizing, we are not out of the woods yet. The industry and part of the economy still needs help. I have talked to many of the realtors in my community in Maryland and they tell me the inventory of property on the market is at high levels. There is a lot of inventory out there. More people are wanting to sell than people willing to buy. The number of new housing starts for residential homes is at a very low level. Each housing start creates jobs. It creates jobs in the material industry. It creates all types of ripples in our economy. So getting the housing market back on track will not only help in getting more homeowners into homes and helping the economy that direct way, it also creates the jobs and maintains the jobs of those who supply the network which will create new housing stock for America.

Dean Baker, the codirector for the Center for Economic and Policy Research, notes that price declines could resume later this fall. I quote:

The uptick in sales driven by the credit has led to a substantial increase in the number of homes offered for sale at just the time that the boost from the credit is dwindling. The inventory will also be a much larger drag in the slow-selling winter months. . . .

So we now have a large inventory, and if the credit is not available, I think it will have a very negative impact on the ability to continue housing sales at a level of recovery for our economy.

Extending the credit is prudent and a fiscally responsible measure. It provides the help. We know it works. We know what has happened. We know we are still in difficult times. It is not the time to eliminate this tool that we have available. That is why I am recommending an extension, not a permanent extension, because we want this credit to be available to get us out of our current economic problems. We know we still need it. A 6-month extension is the minimum we should do. At the same time, we should look at other ways to improve and help the housing industry and to help the recovery of our Nation.

I appreciate my colleagues who have joined me in this effort. I hope my colleagues in this body will help us with moving this legislation as promptly as possible.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 269—DESIGNATING THE WEEK BEGINNING SEPTEMBER 20, 2009, AS “NATIONAL HISPANIC SERVING INSTITUTIONS WEEK”

Mr. MENENDEZ (for himself, Mr. REID, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. CORNYN, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LEVIN, Mr. CASEY, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

## S. RES. 269

Whereas Hispanic Serving Institutions play an important role in educating Hispanic students and helping them contribute to the economic vitality of this Nation;

Whereas there are approximately 268 Hispanic Serving Institutions currently in operation in the United States;

Whereas Hispanic Serving Institutions are actively involved in stabilizing and improving their local communities;

Whereas celebrating the vast contributions of Hispanic Serving Institutions adds to the strength and culture of our Nation; and

Whereas the achievements and goals of Hispanic Serving Institutions are deserving of national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the achievement and goals of Hispanic Serving Institutions across this Nation;

(2) designates the week beginning September 20, 2009, as “National Hispanic Serving Institutions Week”; and

(3) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic Serving Institutions.

## SENATE RESOLUTION 270—CONGRATULATING THE HIGH POINT FURNITURE MARKET ON THE OCCASION OF ITS 100TH ANNIVERSARY AS A LEADER IN HOME FURNISHING

Mrs. HAGAN (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

## S. RES. 270

Whereas, since the first home furnishings market was held in High Point, North Carolina in the spring of 1909, the High Point Furniture Market has gained a worldwide reputation as the premier place to experience the newest ideas in home furnishings;

Whereas, as the home furnishings market that has more new product premieres than any other, the High Point Furniture Market has become known around the world as the launching pad for the home furnishings trends that will shape the culture and homes of the people of the United States for years to come;

Whereas, every spring and fall for 100 years, as many as 85,000 people have traveled to the small city of High Point from all parts of the United States and more than 110 countries to participate in one of the largest and most influential commercial events in the world;

Whereas the High Point Furniture Market is the intellectual and creative nerve center of the home furnishings industry in the United States, and the centerpiece of the furniture industry cluster in the region;

Whereas a study conducted by High Point University in 2007 estimated the economic impact of the furniture industry cluster in the region at \$8,250,000,000 annually and found that the furniture industry cluster was responsible for more than 69,000 jobs in the region;

Whereas an economic impact study carried out at the University of North Carolina at Greensboro found that the High Point Furniture Market contributes approximately \$1,200,000,000 each year to the economies of the City of High Point, the Piedmont Triad, and the State of North Carolina;

Whereas the High Point Furniture Market is responsible for approximately 13,516 jobs, just under 20 percent of the furniture-related jobs in the Piedmont Triad;

Whereas the High Point Furniture Market is a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986;

Whereas the Department of Commerce has awarded the High Point Furniture Market “International Buyer Program” status for 3 years;

Whereas, as a participant in the International Buyer Program, the High Point Furniture Market represents the United States and the State of North Carolina to the world, and positions the home furnishings industry in the United States front and center on the world stage; and

Whereas, as the first century of the High Point Furniture Market comes to a close in fall of 2009, the High Point Furniture Market continues to expand and improve, securing its position as the most important domestic and international event in the home furnishings industry: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the High Point Market on the occasion of its 100th anniversary as a leader in home furnishing;

(2) honors and recognizes the contributions of the High Point Furniture Market during the last 100 years; and

(3) encourages the High Point Furniture Market to continue as the world-wide premier event of the home furnishings industry.

## SENATE RESOLUTION 271—EXPRESSING SUPPORT FOR THE IDEALS AND GOALS OF CITIZENSHIP DAY 2009

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. ALEXANDER, Mr. BEGICH, Mr. REID, Mr. MENENDEZ, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

## S. RES. 271

Whereas Constitution Day and Citizenship Day are observed each year on September 17;

Whereas, the Joint Resolution of February 29, 1952 (66 Stat. 9, chapter 49), designated September 17 of each year as “Citizenship Day”, in “commemoration of the formation and signing, on September 17, 1787, of the Constitution of the United States and in recognition of all who, by coming of age or by naturalization have attained the status of citizenship”;

Whereas section 111(c) of Division J of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3344) amended sec-

tion 106 of title 36, United States Code, to designate September 17 as “Constitution Day and Citizenship Day”;

Whereas Citizenship Day is a special day for all United States citizens, including those who were born in the United States and those who chose to become citizens;

Whereas Citizenship Day is a day to take pride in being a United States citizen and to appreciate the rights, freedoms, and responsibilities inherent in United States citizenship;

Whereas, on Citizenship Day, naturalization ceremonies will be held at historic landmarks throughout the United States;

Whereas United States citizens are viewed with respect, honor, and dignity in the United States and throughout the world; and

Whereas, on September 17 of each year, “The civil and educational authorities of States, counties, cities, and towns are urged to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside”, section 106(d) of title 36, United States Code: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the ideals and goals of Citizenship Day 2009;

(2) recognizes that citizens from all backgrounds have made countless contributions to the strength of the United States, making the United States a symbol of success, promise, and hope;

(3) recognizes the initiative taken by immigrants to learn about the responsibilities and significance of United States citizenship and wishes immigrants well in their future efforts to contribute to the United States; and

(4) calls on the people of the United States to observe Citizenship Day with appropriate ceremonies, activities, and programs in support of all United States citizens.

## SENATE RESOLUTION 272—COMMEMORATING DR. NORMAN BORLAUG, RECIPIENT OF THE NOBEL PEACE PRIZE, CONGRESSIONAL GOLD MEDAL, PRESIDENTIAL MEDAL OF FREEDOM, AND FOUNDER OF THE WORLD FOOD PRIZE

Mr. HARKIN (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LEAHY, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BROWN, Mr. CONRAD, Mr. FRANKEN, Mrs. HUTCHISON, Mr. BAUCUS, Mr. CASEY, Ms. STABENOW, Mr. BENNET, Mr. JOHANNES, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. COCHRAN, and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 272

Whereas Dr. Norman E. Borlaug was born on March 25, 1914, of Norwegian parents on a farm in Cresco, Iowa, and was educated in a 1-room school house throughout grades 1 through 8;

Whereas Dr. Borlaug attended the University of Minnesota, where he earned a Ph.D. degree in Plant Pathology;

Whereas, beginning in 1944, Dr. Borlaug spent 2 decades in rural Mexico working to assist the poorest farmers through a pioneering Rockefeller Foundation program;

Whereas Dr. Borlaug's research and innovative "shuttle breeding" in Mexico enabled him to develop a new approach to agriculture and a new disease-resistant variety of wheat with triple the output of grain;

Whereas this breakthrough achievement in plant production enabled Mexico to become self-sufficient in wheat by 1956, and concurrently raised the living standard for thousands of poor Mexican farmers;

Whereas Dr. Borlaug was asked by the United Nations to travel to India and Pakistan in the 1960s, as South-Asia and the Middle East faced an imminent widespread famine, where he eventually helped convince those 2 warring governments to adopt his new seeds and new approach to agriculture to address this critical problem;

Whereas, Dr. Borlaug brought miracle wheat to India and Pakistan, which helped both countries become self-sufficient in wheat production, thus saving hundreds of millions of people from hunger, famine, and death;

Whereas Dr. Borlaug and his team trained young scientists from Algeria, Tunisia, Egypt, Jordan, Iraq, Turkey, and Afghanistan in this same new approach to agriculture, which introduced new seeds but also put emphasis on the use of fertilizer and irrigation, thus increasing yields significantly in those countries as well;

Whereas Dr. Borlaug's approach to wheat was adapted by research scientists working in rice, which spread the Green Revolution to Asia, feeding and saving millions of people from hunger and starvation;

Whereas Dr. Borlaug was awarded the Nobel Peace Prize in 1970 as the "Father of the Green Revolution" and is only 1 of 5 people to have ever received the Nobel Peace Prize, Presidential Medal of Freedom, and Congressional Gold Medal;

Whereas Dr. Borlaug headed the Sasakawa Global 2000 program to bring the Green Revolution to 10 countries in Africa, and traveled the world to educate the next generation of scientists on the importance of producing new breakthrough achievements in food production;

Whereas Dr. Borlaug tirelessly promoted the potential that biotechnology offers for feeding the world, while also preserving biodiversity, in the 21st century when the global population is projected to rise to 9,000,000,000 people;

Whereas Dr. Borlaug continued his role as an educator as a Distinguished Professor at Texas A&M University, while also working at the International Center for the Improvement of Wheat and Maize in Mexico;

Whereas Dr. Borlaug founded the World Food Prize, called by several world leaders "The Nobel Prize for Food and Agriculture", which is awarded in Iowa each October so as to recognize and inspire Nobel-like achievements in increasing the quality, quantity, and availability of food in the world;

Whereas the Senate designated October 16 as World Food Prize Day in America in honor of Dr. Borlaug; and

Whereas it is written of Dr. Borlaug that throughout all of his work he saved 1,000,000,000 lives, thus making him widely known as saving more lives than any other person in human history: Now, therefore, be it

*Resolved, That—*

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of Dr. Norman Borlaug;

(2) the Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stands adjourned as a further mark of respect to the memory of Dr. Norman Borlaug.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2407. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2408. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2409. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2410. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2411. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2412. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2413. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2414. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2415. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra.

SA 2416. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2417. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2418. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2419. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2420. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2421. Mr. KYL proposed an amendment to the bill H.R. 3288, supra.

SA 2422. Mr. CASEY (for Mrs. FEINSTEIN (for herself and Mr. BOND)) proposed an amendment to the bill S. 1494, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 2407.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 304, line 19, strike the period and insert the following: "

"(8) involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); and

"(9) is a member of a criminal street gang, as defined in section 521 of title 18, United States Code."

**SA 2408.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 301, strike lines 4 through 10, and insert the following:

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section. The Secretary may waive this requirement upon determining such a waiver is necessary to facilitate the financing of acquisition, refinancing, construction, or rehabilitation of the receiving project.

(10) The Secretary determines that Federal liability with regard to this project will not be increased. The Secretary may waive this requirement upon determining such a waiver is necessary to facilitate the financing of acquisition, refinancing, construction, or rehabilitation of the receiving project.

**SA 2409.** Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 318, between lines 11 and 12, insert the following:

SEC. 234. Section 2301 of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) in subsection (c)(4)—

(A) in subparagraph (A), by striking "for purchase and redevelopment of foreclosed upon homes and residential properties," and inserting "for the eligible uses or properties described in subparagraphs (B) through (E)"; and

(B) in subparagraph (C), by striking "for homes and residential properties that have been foreclosed upon" and inserting "for properties described in subparagraphs (B), (D), and (E)"; and

(2) in subsection (f)(3)(A)(ii), by striking "for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used".

**SA 2410.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 179, between lines 4 and 5, insert the following:

**SEC. 118. LIMITATION ON USE OF FUNDS FOR JOHN MURTHA JOHNSTOWN-CAMBRIA COUNTY AIRPORT.**

None of the funds appropriated or otherwise made available by this title (including funds derived from the Airport and Airway Trust Fund) may be obligated or expended by the Secretary of Transportation, the Administrator of the Federal Aviation Administration, or any other officer or employee of the Department of Transportation for use at, or in connection with operations (other than air traffic control operations) at, the John Murtha Johnstown-Cambria County Airport, including to provide subsidized air service to or from that Airport.

**SA 2411.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 8 and 9, and redesignate paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

**SA 2412.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9 insert “, unless a State determines that there is a highway safety benefit” before the semicolon at the end.

**SA 2413.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, between lines 4 and 5, insert the following:

**SEC. 118. AIRLINE PASSENGER BILL OF RIGHTS.**

(a) **SHORT TITLE.**—This section may be cited as the “Airline Passenger Bill of Rights Act of 2009”.

(b) **AIRLINE CUSTOMER SERVICE COMMITMENT.**—

(1) **IN GENERAL.**—Chapter 417 of title 49, United States Code, is amended by adding at the end the following:

**“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE**

**“§ 41781. Air carrier and airport contingency plans for long on-board tarmac delays**

“(a) **DEFINITION OF TARMAC DELAY.**—The term ‘tarmac delay’ means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

“(b) **SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.**—Not later than 60 days after the date of the enactment of this section, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

“(c) **MINIMUM STANDARDS.**—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

“(d) **AIR CARRIER PLANS.**—The plan shall require each air carrier to implement at a minimum the following:

“(1) **PROVISION OF ESSENTIAL SERVICES.**—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

“(A) adequate food and potable water;

“(B) adequate restroom facilities;

“(C) cabin ventilation and comfortable cabin temperatures; and

“(D) access to necessary medical treatment.

“(2) **RIGHT TO DEPLANE.**—

“(A) **IN GENERAL.**—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

“(B) **DELAYS.**—

“(i) **IN GENERAL.**—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

“(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

“(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

“(ii) **FREQUENCY.**—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

“(iii) **EXCEPTIONS.**—This subparagraph shall not apply if—

“(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3-hour delay; or

“(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

“(C) **APPLICATION TO DIVERTED FLIGHTS.**—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

“(D) **REPORTS.**—Not later than 30 days after any flight experiences a tarmac delay

lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

“(e) **AIRPORT PLANS.**—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

“(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

“(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

“(f) **UPDATES.**—The Secretary of Transportation shall require periodic reviews and updates of the plans as necessary.

“(g) **APPROVAL.**—

“(1) **IN GENERAL.**—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

“(A) review the initial contingency plans submitted under subsection (b); and

“(B) approve plans that closely adhere to the standards described in subsection (d) or (e), whichever is applicable.

“(2) **UPDATES.**—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport operator, the Secretary shall—

“(A) review the plan; and

“(B) approve the plan if it closely adheres to the standards described in subsection (d) or (e), whichever is applicable.

“(h) **CIVIL PENALTIES.**—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

“(i) **PUBLIC ACCESS.**—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

“(1) including the plan on the Internet website of the air carrier or airport; or

“(2) disseminating the plan by other means, as determined by the Secretary.

**“§ 41782. Air passenger complaints hotline and information**

“(a) **AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.**—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

“(b) **PUBLIC NOTICE.**—The Secretary shall notify the public of the telephone number established under subsection (a).

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.”.

(2) **CONFORMING AMENDMENT.**—The table of sections for chapter 417 of title 49, United States Code, is amended by adding at the end the following:

**“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE**

**“41781. Air carrier and airport contingency plans for long on-board tarmac delays.**

**“41782. Air passenger complaints hotline and information.”.**

**SA 2414.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of

Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 228, between lines 4 and 5, insert the following:

SEC. 177. No amount appropriated to the Maritime Administration under this Act may be used to provide financial grants of assistance to owners or operators of vessels to which section 3507 of title 46, United States Code, applies for the purpose of retrofitting such vessels to meet the requirements of that section.

**SEC. 178. SHORT TITLE; CRUISE VESSEL SECURITY AND SAFETY REQUIREMENTS.**

(a) **SHORT TITLE.**—This section may be cited as the “Cruise Vessel Security and Safety Act of 2009”.

(b) **IN GENERAL.**—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

**“§ 3507. Passenger vessel security and safety requirements**

“(a) **VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.**—

“(1) **IN GENERAL.**—Each vessel to which this subsection applies shall comply with the following design and construction standards:

“(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

“(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

“(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, each passenger stateroom and crew cabin shall be equipped with—

“(i) security latches; and

“(ii) time-sensitive key technology.

“(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

“(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

“(2) **FIRE SAFETY CODES.**—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U. S. Coast Guard and under international law, as appropriate.

“(3) **EFFECTIVE DATE.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

“(B) **LATCH AND KEY REQUIREMENTS.**—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

“(b) **VIDEO RECORDING.**—

“(1) **REQUIREMENT TO MAINTAIN SURVEILLANCE.**—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

“(2) **ACCESS TO VIDEO RECORDS.**—The owner of a vessel to which this section applies shall

provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

“(c) **SAFETY INFORMATION.**—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

“(d) **SEXUAL ASSAULT.**—The owner of a vessel to which this section applies shall—

“(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

“(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

“(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

“(A) possesses a current physician's or registered nurse's license and—

“(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

“(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

“(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

“(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

“(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

“(5) provide the patient free and immediate access to—

“(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

“(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

“(e) **CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.**—The master or other individual in charge of a vessel to which this section applies shall—

“(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be

released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

“(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

“(B) information to secure the safety of passengers or crew on board the vessel; or

“(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

“(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

“(f) **CREW ACCESS TO PASSENGER STATEROOMS.**—The owner of a vessel to which this section applies shall—

“(1) establish and implement procedures and restrictions concerning—

“(A) which crewmembers have access to passenger staterooms; and

“(B) the periods during which they have that access; and

“(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

“(g) **LOG BOOK AND REPORTING REQUIREMENTS.**—

“(1) **IN GENERAL.**—The owner of a vessel to which this section applies shall—

“(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

“(i) all complaints of crimes described in paragraph (3)(A)(i),

“(ii) all complaints of theft of property valued in excess of \$1,000, and

“(iii) all complaints of other crimes, committed on any voyage that embarks or disembarks passengers in the United States; and

“(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

“(2) **DETAILS REQUIRED.**—The information recorded under paragraph (1) shall include, at a minimum—

“(A) the vessel operator;

“(B) the name of the cruise line;

“(C) the flag under which the vessel was operating at the time the reported incident occurred;

“(D) the age and gender of the victim and the accused assailant;

“(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crewmember;

“(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

“(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

“(H) the time and date the incident occurred, if known;

“(I) the total number of passengers and the total number of crew members on the voyage; and

“(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

“(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

“(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

“(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000 to report the incident;

“(ii) shall furnish a written report of the incident to an Internet based portal maintained by the Secretary of Transportation;

“(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary of Transportation; and

“(iv) may report any other criminal incident involving passengers or crewmembers, or both, to the proper State or local government law enforcement authority.

“(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

“(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

“(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

“(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

“(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

“(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

“(A) WEBSITE.—The Secretary of Transportation shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by cruise line, each cruise line shall be identified by name, and each crime shall be identified as to whether it was committed by a passenger or a crew member.

“(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

“(h) ENFORCEMENT.—

“(1) PENALTIES.—

“(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that

the maximum penalty for a continuing violation is \$50,000.

“(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than \$250,000 or imprisoned not more than 1 year, or both.

“(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(A) commits an act or omission for which a penalty may be imposed under this subsection; or

“(B) fails to pay a penalty imposed on the owner under this subsection.

“(i) PROCEDURES.—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

“(j) REGULATIONS.—The Secretary of Transportation and the Commandant shall each issue such regulations as are necessary to implement this section.

“(k) APPLICATION.—

“(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

“(A) is authorized to carry at least 250 passengers;

“(B) has onboard sleeping facilities for each passenger;

“(C) is on a voyage that embarks or disembarks passengers in the United States; and

“(D) is not engaged on a coastwise voyage.

“(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel of the United States operated by the Federal Government or a vessel owned and operated by a State.

“(1) OWNER DEFINED.—In this section and section 3508, the term ‘owner’ means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

**“§ 3508. Crime scene preservation training for passenger vessel crewmembers**

“(a) IN GENERAL.—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administration, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

“(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include—

“(1) the training and certification of vessel security personnel, crewmembers, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign ports;

“(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

“(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

“(c) CERTIFICATION REQUIREMENT.—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

“(d) INTERIM TRAINING REQUIREMENT.—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who has been properly trained in the prevention detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of a such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Safety and Security Act of 2009 and shall remain in effect until superseded by the requirements of subsection (c).

“(e) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$50,000.

“(f) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

“(2) fails to pay a penalty imposed on the owner under subsection (e).”

(C) CLERICAL AMENDMENT.—The table of contents for such chapter is amended by adding at the end the following:

“3507. Passenger vessel security and safety requirements

“3508. Crime scene preservation training for passenger vessel crewmembers”.

(d) STUDY AND REPORT ON THE SECURITY NEEDS OF PASSENGER VESSELS.

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Secretary of the department in which the United States Coast Guard is operating shall conduct a study of the security needs of passenger vessels depending on number of passengers on the vessels, and report to the Congress findings of the study and recommendations for improving security on those vessels.

(2) REPORT CONTENTS.—In recommending appropriate security on those vessels, the report shall take into account typical crewmember shifts, working conditions of crewmembers, and length of voyages.

**SA 2415.** Mr. DURBIN submitted an amendment intended to be proposed by

him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 215, between lines 2 and 3, insert the following:

SEC. 156. The Administrator of the Federal Railroad Administration, in cooperation with the Illinois Department of Transportation (IDOT), may provide technical and financial assistance to IDOT and local and county officials to study the feasibility of 10th Street, or other alternatives, in Springfield, Illinois, as a route for consolidated freight and passenger rail operations within the city of Springfield.

**SA 2416.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_\_. (a) The table contained in section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1687) is amended in item 422 by striking the project description and inserting "Anchorage People Mover transit needs, Anchorage, AK".

(b) Notwithstanding any other provision of law, amounts made available for item 422 in the table referred to in subsection (a) for fiscal years 2006 and 2007 shall be available for obligation until September 30, 2010.

**SA 2417.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 194, after line 23, add the following:

SEC. 1 \_\_\_\_\_. Of the \$1,000,000 appropriated under the heading "GENERAL PROVISIONS" under title III of division I of Public Law 108-7 (117 Stat. 406) for Juneau Heliport, Alaska, the unobligated balance shall be available for bridges owned by the city and borough of Juneau, Alaska.

**SA 2418.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of law, any funds available under the

heading "OEA-Fort Wainwright/Eielson AFB Track Realignment" under the heading "Operation and Maintenance, Defense-Wide" in the Joint Explanatory Statement to accompany the Department of Defense Appropriations Act, 2007 (division A of Public Law 109-289) that remain available for expenditure as of the date of the enactment of this Act shall be available instead for "Joint Tanana Range Access" as provided in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329).

**SA 2419.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The unexpended balance of \$1,000,000 appropriated under the heading Next Generation High-Speed Rail under title I of division H of the Consolidated Appropriations Act, 2005 (Public Law 108-447) and designated in the Statement of Managers for "Alaska RR luminescent grade crossings", is reprogrammed for use by the Alaska Railroad to implement advanced traveler grade crossing information technology.

**SA 2420.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The \$2,000,000 appropriated for surface transportation projects under section 115 of division F of the Consolidated Appropriations Act, 2004 (Public Law 108-199), and designated in the Statement of Managers for "C Street Railroad Bypass, Alaska", may be used by the Alaska Railroad for highway-rail crossings.

**SA 2421.** Mr. KYL proposed an amendment to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end, add the following:

(1) Any amounts that are unobligated amounts for fiscal year 2010 for the American Recovery and Reinvestment Act that are available in a non-highway account receiving funds in this Act for fiscal year 2010 are rescinded.

**SA 2422.** Mr. CASEY (for Mrs. FEINSTEIN (for herself and Mr. BOND)) proposed an amendment to the bill H.R. 1494, to authorize appropriations for fiscal year 2010 for intelligence and in-

telligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 99, between lines 2 and 3, insert the following:

(f) SUBMISSION TO THE CONGRESSIONAL JUDICIARY COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

On page 113, strike line 1 and all that follows through page 116, line 19.

On page 121, strike line 9 and all that follows through page 122, line 9.

On page 161, line 5, insert "(A)" after "(3)".

On page 161, line 6, strike "(A)" and insert "(i)".

On page 161, line 10, strike "(B)" and insert "(ii)".

On page 161, line 14, strike "(i)" and insert "(I)".

On page 161, line 20, strike "(ii)" and insert "(II)".

On page 161, line 24, strike "(iii)" and insert "(III)".

On page 162, line 3, strike "(C)" and insert "(iii)".

On page 162, line 6, strike "subparagraph (B)" and insert "clause (ii)".

On page 162, line 7, strike "(D)" and insert "(iv)".

On page 162, beginning on line 10, strike "subparagraph (B)" and insert "clause (ii)".

On page 162, line 12, strike "(E)" and insert "(v)".

On page 162, between lines 18 and 19, insert the following:

"(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

On page 179, strike line 8 and all that follows through the matter following line 12 on page 188, and insert the following:

#### SEC. 411. PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

#### "PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 706. (a) INAPPLICABILITY OF FOIA TO EXEMPTED OPERATIONAL FILES PROVIDED TO ODNI.—(1) Subject to paragraph (2), the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record shall not apply to a record provided to the Office by an element of the intelligence community from the exempted operational files of such element.

"(2) Paragraph (1) shall not apply with respect to a record of the Office that—

"(A) contains information derived or disseminated from an exempted operational

file, unless such record is created by the Office for the sole purpose of organizing such exempted operational file for use by the Office;

“(B) is disseminated by the Office to a person other than an officer, employee, or contractor of the Office; or

“(C) is no longer designated as an exempted operational file in accordance with this title.

“(b) EFFECT OF PROVIDING FILES TO ODNI.—Notwithstanding any other provision of this title, an exempted operational file that is provided to the Office by an element of the intelligence community shall not be subject to the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record solely because such element provides such exempted operational file to the Office.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘exempted operational file’ means a file of an element of the intelligence community that, in accordance with this title, is exempted from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of such file.

“(2) Except as otherwise specifically provided, the term ‘Office’ means the Office of the Director of National Intelligence.

“(d) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a) or (b), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

“(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

“(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

“(3) The specific subject matter of an investigation for any impropriety or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity by any of the following:

“(A) The Select Committee on Intelligence of the Senate.

“(B) The Permanent Select Committee on Intelligence of the House of Representatives.

“(C) The Intelligence Oversight Board.

“(D) The Department of Justice.

“(E) The Office.

“(F) The Office of the Inspector General of the Intelligence Community.

“(e) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

“(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

“(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court’s review shall be limited to determining the following:

“(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 or before the expiration of the 10-year period beginning on the date of the most recent review.

“(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

“(f) SUPERSEDITION OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

“(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

“(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

“(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office, such information shall be examined *ex parte*, in camera by the court.

“(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

“(C)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted files likely to contain responsive records are records provided to the Office by an element of the intelligence community from the exempted operational files of such element.

“(ii) The court may not order the Office to review the content of any exempted file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office’s showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

“(D) In proceedings under subparagraph (C), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

“(E) If the court finds under this subsection that the Office has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

“(F) If at any time following the filing of a complaint pursuant to this paragraph the Office agrees to search the appropriate exempted file or files for the requested records,

the court shall dismiss the claim based upon such complaint.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

“Sec. 706. Protection of certain files of the Office of the Director of National Intelligence.”

On page 214, line 6, insert “, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives” after “committees”.

On page 252, line 8, strike “2009,” and insert “2010.”

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 16, 2009, at 2:30 p.m., to hold a hearing entitled “Exploring Three Strategies for Afghanistan.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 16, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 16, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 16, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the Federal Bureau of Investigation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on September 16, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SCIENCE AND SPACE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the

Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 16, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Amy Pope, a Justice Department legislative detailee in my office, be granted the privilege of the floor for the duration of this Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 371, 372, and 373; that the nominations be confirmed en bloc and that the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations appear in the appropriate place in the RECORD as if read; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

##### DEPARTMENT OF DEFENSE

John M. McHugh, of New York, to be Secretary of the Army.

Joseph W. Westphal, of New York, to be Under Secretary of the Army.

Juan M. Garcia III, of Texas, to be an Assistant Secretary of the Navy.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

##### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. CASEY. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 120, S. 1494.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1494) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the Intelligence Authorization Act for fiscal year 2010, S. 1494, that the Senate has approved by unanimous consent.

The legislation is the product of a bipartisan effort in the Intelligence Committee, which was reflected by the committee's unanimous vote of 15 to 0 on the bill. I thank Vice Chairman BOND for his efforts on the legislation and the full committee staff for their work.

It has been 4 years since the Congress has passed and the President has signed an intelligence authorization act. This has meant that the law has not kept up with changes in the intelligence community and that Congress has not been able to require reforms and provide flexibilities that are sorely needed. I am pleased that the Senate has taken a major step toward enactment.

Before summarizing some of the key provisions of this legislation, let me briefly describe the way in which it was written.

The committee has worked with the Director of National Intelligence, DNI, ADM Dennis Blair, to identify areas where legislation is needed to better run and oversee the Nation's 16 intelligence agencies. Many of these provisions have been proposed and included in previous legislation reported out by the Intelligence Committee but have yet to be passed into law.

At the request of the White House, we have separated issues of terrorist detention and interrogation from this bill and the committee intends to take up legislation on those issues separately. The committee has not changed its position from previous legislation on the need to have an effective and humane interrogation program that operates fully within the nation's laws and international commitments.

The major themes of this bill are to strengthen the Director of National Intelligence to make sure that he has the management authorities and flexibilities needed to direct the intelligence community; insist upon stronger accountability and oversight mechanisms for intelligence activities, both within the executive branch and by the Congress; and to fund fully the intelligence community's share of the war efforts in Iraq and Afghanistan and the continuing counterterrorism operations against al-Qaida and other terrorist organizations worldwide.

There is also a classified annex to this bill, which lays out the authorized funding levels for the National Intelligence Program. The theme of the annex is to shift funds from intelligence activities that are less capable, lower priority, or not performing to those that will provide the Nation with better capabilities for intelligence collection, analysis, counterintelligence, and covert action.

The details of the classified annex are necessarily secret, but all Members are welcome to review them at the committee's offices at any time.

Let me describe some of the notable provisions in more detail.

To add to the management authorities of the Director of National Intelligence, the bill gives the Director of National Intelligence greater flexibility in personnel matters, including extending the length of time that personnel may be detailed to an intelligence agency to 3 years from the current 1 year. It also provides the Director, working with individual intelligence agencies, to shift or hire personnel by up to 5 percent above authorized personnel levels if intelligence requirements demand doing so. The bill authorizes the DNI to conduct accountability reviews of personnel and elements within the intelligence community, further clarifying that the Director is the senior official in the intelligence community. It seeks to prevent repetitions of information sharing problems by enabling the DNI to purchase necessary equipment or technology to improve information sharing with governmental departments or agencies regardless of whether they are part of the intelligence community. The bill also requires the intelligence community to continue putting in place the information technology necessary to assure information flows between its agencies.

The committee has longstanding concerns with the way the intelligence community has briefed, or has failed to brief, the congressional Intelligence Committees on all intelligence activities and covert actions. Two major controversies, over CIA detention and interrogation and over the warrantless surveillance program of the National Security Agency, were both briefed only to the chairman and vice chairman of the Senate Intelligence Committee. The rest of the committee's membership was unaware of these programs for years.

The bill strengthens the statutory requirements to keep the congressional intelligence committees "fully and currently informed" of intelligence activities and covert actions. The legislation makes clear that there is no exception to the obligation to brief Congress on intelligence activities and covert actions; requires that notifications include a description of the legal authority on which activities are undertaken; and requires that all committee members be provided with the broad outlines—the "main features"—of intelligence programs in those instances where the sensitive operational details are provided only to a limited number of Senators.

In addition to ensuring that notifications to the Congress are conducted, the bill includes a number of additional

provisions intended to strengthen intelligence oversight. These include creating an independent inspector general, confirmed by the Senate, to help the DNI oversee the intelligence community and strengthening the inspectors general of the National Security Agency, NSA, Defense Intelligence Agency, DIA, National Reconnaissance Office, NRO, and National Geospatial-Intelligence Agency, NGA, by listing them under the Inspector General Act of 1978.

They include requiring Senate confirmation for the Directors of the National Security Agency, the National Reconnaissance Office, the National Geospatial-Intelligence Agency, and for the Deputy Director of the CIA. For several years, the Intelligence Committee has viewed these positions as holding substantial budgetary and policy responsibilities.

They also include improving the intelligence community's ability to budget, manage finances, and run program acquisitions. I am unable to state publicly why these provisions are so important, but it is fair to say that intelligence agencies have had major failures in this regard. In this bill, we have sought to apply best practices from other parts of the government to intelligence community management and acquisitions with the goal of more efficiently and effectively using taxpayer dollars to fund intelligence activities.

Finally, while I am unable to provide specifics due to reasons of classification, let me highlight five other parts of the bill and its classified annex that merit recognition.

Satellites. To address a problem created by years of mismanagement and acquisition failures, the annex to this bill recommends a more capable and more affordable imagery satellite architecture that addresses the requirements of both our civilian policymakers and military warfighters.

Languages. As our committee report notes, the intelligence community's language capabilities are abysmal. This bill authorizes increased funding to significantly improve language proficiencies. Rather than funding separate initiatives across the various intelligence agencies, this funding is provided to the Director of National Intelligence for allocation and coordination to maximize effectiveness.

Research and Development. The U.S. intelligence community leads the world in the technical collection of intelligence. This success is the result of decades of investment in research and development. The annex to this bill recommends increases in investment on research and development to return to the level of funding necessary to maintain the nation's technological edge.

Cybersecurity. The committee has held numerous hearings with the Act-

ing Senior Director for Cybersecurity in the National Security Council, the Director of the National Security Agency, and the committee's Technical Advisory Group. I believe strongly that cyber attack and espionage by adversary nations and nonstate actors pose a grave threat to our Nation's national and economic security. I also believe, however, that initiatives underway to provide for security of the government's cyber networks need to be implemented and overseen carefully to ensure that privacy rights are upheld.

For this reason, the bill includes a provision that establishes a framework for executive and congressional oversight for cybersecurity. Specifically, it requires reporting to Congress on the legal authorities for cyber-security programs, privacy assessments, and details of the concept of operations for these activities. The provision also requires thorough auditing of cyber-security programs by the relevant inspectors general, especially to determine compliance with law and privacy rights. Finally, the provision authorizes the detail of cyber experts from the intelligence community to the Department of Homeland Security and FBI to assist in their roles in cyber defense and law enforcement. The annex to the bill also adjusts funding levels to ensure that the President's request for cyber-security activities are appropriately funded and are proceeding under clear legal and policy guidance.

Report on compliance with laws related to detention and interrogation. As I noted, the administration and our committee continue to conduct reviews of detention and interrogation practices begun after September 11, 2001. This bill requires the DNI to report on how the intelligence community complies with all laws, international obligations, and executive orders related to the detention and interrogation of persons under their control.

Following the reporting of our bill on July 22, we have worked with three committees of the Senate to resolve several questions.

We have worked with the Armed Services Committee to develop a Senate resolution that will govern the sequence of referral, between that committee and the Intelligence Committee, of nominations for Director of the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency. That resolution has the support of Chairman LEVIN and Ranking Member MCCAIN of the Armed Services Committee, as well as having my and Vice Chairman BOND's support. I will address the proposed resolution in a separate colloquy today with Chairman LEVIN.

We have worked with Ranking Member COCHRAN of the Appropriations Committee on an agreement to strike, in a managers' amendment, section 341

of the bill that would have expressed the sense of the Senate on an Appropriations Subcommittee on Intelligence. That internal Senate matter will continue to be discussed within the Senate but will not be a part of this bill.

We have worked with Chairman LEAHY of the Judiciary Committee to resolve several matters. The managers' amendment that Vice Chairman BOND and I have offered amends three provisions which require the submission of reports on various matters. The purpose of the amendments to sections 336, 407, and 445 is to ensure that the Judiciary Committee receives reports on matters within its jurisdiction. In consultation with the Office of the Director of National Intelligence, the managers' amendment amends section 411 on a FOIA operational file exemption to state more precisely the intent of the provision. The managers' amendment also strikes section 352 that establishes a FOIA exemption for terrorist identity information that is disseminated for terrorist screening purposes. As a comparable provision has been reported in the House, we expect that the provision will be the subject of further consideration at conference.

Mr. President, the vice chairman and I have worked hard to produce bipartisan legislation that provides the intelligence community with the tools and resources needed to keep the Nation safe and to inform decision-makers. This bill does just that. It strikes a balance between allowing intelligence agencies the latitude to conduct their operations while ensuring their legality and efficiency.

I very much appreciate the Senate's approval of this legislation and look forward to bringing a conference report to the Senate as soon as possible.

Mr. BOND. Mr. President, for too many years, Congress has failed to pass an intelligence authorization bill that could be signed into law. We came close once, only to have our efforts derailed by a problematic interrogation provision. We have solved that problem this year, and now I believe we finally have a product that we can move forward with the hope that it will soon be signed into law.

The intelligence authorization bill before us will give the intelligence community the flexibility and authorities it needs to function effectively and will ensure appropriate intelligence oversight by this committee.

Over the past several months, we have worked closely with the administration and other committees to address their concerns over various provisions. Of course, some concerns were easier to resolve than others. But we are now at a point that I believe we can pass this bill through the Senate.

I have often said that in creating the Director of National Intelligence, we gave him an awful lot of responsibility

without all the authority he needed. Well, our bill attempts to address that problem by giving the DNI clearer authority and greater flexibility in overseeing the intelligence community.

There are also a number of provisions in this bill that I believe are essential for promoting good government. Too often, we have seen programs or acquisitions of major systems balloon in cost and decrease in performance. That is unacceptable. We are in difficult economic times and the taxpayers are spending substantial sums of money to ensure that the intelligence community has the tools it needs to keep us safe. If we don't demand accountability for how these tools are operated or created, then we are failing the taxpayers, and we are failing the intelligence community.

So, for the past several years, I have sponsored amendments that require the intelligence community to perform vulnerability assessments of major systems and to keep track of excessive cost growth of major systems. This latter provision is modeled on the Nunn-McCurdy provision which has guided Defense Department acquisitions for years. I am happy to say that these provisions are part of this year's bill too. I believe that these, and other good-government provisions, will encourage earlier identification and solving of problems relating to the acquisition of major systems. Too often, such problems have not been identified until exorbitant sums of money have been spent—and, unfortunately, at that point, there is often reluctance to cancel the project.

Similarly, the intelligence community must get a handle on its personnel levels. Now, I do not share the belief that the Office of the Director of National Intelligence is too large; in fact, I think we need to make sure that our National Counterterrorism Center and National Counterproliferation Center have more resources, not less. However, I am concerned about the number of contractors used by the intelligence community to perform functions better left to government employees. There are some jobs that demand the use of contractors—for example, certain technical jobs or short-term functions—but too often, the quick fix is just to hire contractors, not long-term support. So, our bill includes a provision calling for annual personnel level assessments for the intelligence community. These assessments will ensure that, before more people are brought in, there are adequate resources to support them and enough work to keep them busy.

Finally, the CIA's interrogation program has been a hot topic over the past few months. This spring, the administration declassified several Office of Legal Counsel opinions pertaining to the program but redacted much of the information concerning its effectiveness. I am generally opposed to releas-

ing information about some of our most sensitive intelligence sources and methods, but in this case, I believe the record needed to be set straight. So I sponsored an amendment, that was accepted by the committee, requiring the Director of the CIA to release an unclassified summary of several memos that discuss the effectiveness of the interrogation program. The American people may decide for themselves whether or not the CIA's program was effective in preventing terrorist attacks on our nation and our allies.

These are just a few of the provisions in this bill that I believe are important for the success of our intelligence collection efforts and equally important for ensuring sound oversight by the Intelligence Committee.

I commend Senator FEINSTEIN for her leadership in shepherding this bill through the committee and the Senate. I appreciated her willingness to work through the many issues raised throughout this process.

I ask my colleagues to support this bill so that we can get back on track with performing effective intelligence oversight.

#### CLARIFYING RESPONSIBILITIES OF COMMITTEES

Mrs. FEINSTEIN. Mr. President, section 432 of S. 1494, the Intelligence Authorization Act for Fiscal year 2010 that is before the Senate today, provides that the Directors of the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office shall be appointed by the President with the advice and consent of the Senate. For several years, the Select Committee on Intelligence has been seeking the enactment of legislation to provide for Senate confirmation of these important positions. The Senate has previously endorsed this effort by including this requirement in the proposed Intelligence Authorization for Fiscal Year 2008.

It is our strong hope that the time has come to enact this fundamental measure to ensure adequate oversight of these three agencies whose spending constitutes a significant portion of the entire intelligence budget. In preparation for that, my colleague at the Intelligence Committee, our vice chairman KIT BOND, and I have worked with the leadership of the Armed Services Committee, Chairman CARL LEVIN and Ranking Member JOHN MCCAIN, to settle on the process by which our two committees will assist the Senate in a careful examination of the qualifications of nominees to head these agencies. The insights of both committees is important in that process because the three entities are housed in the Department of Defense and perform significant responsibilities there while also being major components of the intelligence community.

The resolution that we have prepared recognizes the contribution that each

of our committees should make to a thorough and timely process. It provides that if the nominee is an Active-Duty military officer, the confirmation process will begin in the Armed Services Committee and, if reported, the nomination will be sequentially referred to the Intelligence Committee for a prescribed period of time; namely, 30 days plus an additional 5 days if the 30-day period expires when the Senate is in recess. If the nominee is a civilian, the confirmation process will begin in the Intelligence Committee with a sequential referral to the Armed Services Committee under those same time limits. To ensure that the sequential referral does not delay completion of the committee part of the nomination process, the resolution provides for the automatic discharge of the nominations from the second committee if it has not reported with the prescribed period of time.

This referral system recognizes the equities of each committee and will ensure that the Senate receives the benefit of the recommendations made by the two committees with the expertise necessary to advise the Senate about the qualifications of nominees to head these three important agencies.

Although we are not formally introducing the resolution at this time, Vice Chairman BOND joins me in this public commitment to the Senate that we will ask our committee to report the resolution in time for consideration and adoption by the Senate in conjunction with a conference report on the fiscal year 2010 Intelligence authorization.

I ask unanimous consent that the full text of the resolution, showing its cosponsorship by myself, Senator LEVIN, Senator BOND, and Senator MCCAIN, be printed in the RECORD at the conclusion of the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. I should note for the Senate that while the full text of the amendment includes language pertinent to other nominations, such as the Assistant Attorney General for National Security, the substantive change to section 17 of S. Res. 400 only bears on the sequence of responsibilities between the Armed Services and Intelligence Committees.

I now turn to Senator LEVIN for his remarks.

Mr. LEVIN. I would like to express my support for the proposed resolution which I believe will enable both of our committees to fulfill their responsibilities for ensuring that the nominations to head these important intelligence elements within the Department of Defense are thoroughly considered. I thank my distinguished colleague on the Armed Services Committee, our ranking member, Senator MCCAIN, and our colleagues on the Intelligence Committee for reaching this agreement.

## EXHIBIT 1

111TH CONGRESS  
1ST SESSION

S. RES. \_\_\_\_\_

Amending Senate Resolution 400 (94th Congress) to clarify the responsibility of committees of the Senate in the provision of the advice and consent of the Senate to nominations to positions in the intelligence community.

## IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN (for herself, Mr. LEVIN, Mr. BOND, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on \_\_\_\_\_

## RESOLUTION

Amending Senate Resolution 400 (94th Congress) to clarify the responsibility of committees of the Senate in the provision of the advice and consent of the Senate to nominations to positions in the intelligence community.

*Resolved*, That section 17 of Senate Resolution 400 (94th Congress) is amended to read as follows:

“SEC. 17. (a)(1) Except as provided in subsection (b), the select committee shall have jurisdiction to review, hold hearings, and report the nominations of individuals for positions in the intelligence community for which appointments are made by the President, by and with the advice and consent of the Senate.

“(2) Except as provided in subsection (b), a committee with jurisdiction over the department or agency of the Executive Branch within which is a position referred to in paragraph (1) may hold hearings and interviews with individuals nominated for such position, but only the select committee shall report such nomination.

“(3) In this subsection, the term ‘intelligence community’ means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947.

“(b)(1) With respect to the confirmation of appointment to the position of Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

“(2)(A) With respect to the confirmation of appointment to the position of Director of the National Geospatial-Intelligence Agency, Director of the National Reconnaissance Office, or Director of the National Security Agency, or any successor position to such position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is a member of the Armed Forces on active duty, shall be referred to the Committee on Armed Services, and, if and when reported, to the select committee for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the select committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

“(B) With respect to the confirmation of appointment to the position of Director of the National Geospatial-Intelligence Agency,

Director of the National Reconnaissance Office, or Director of the National Security Agency, or any successor to such position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is not a member of the Armed Forces on active duty, shall be referred to the select committee and, if and when reported, to the Committee on Armed Services for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the Committee on Armed Services shall have an additional 5 calendar days after the Senate reconvenes to report the nomination.

“(3) If, upon the expiration of the period of sequential referral described in paragraphs (1) and (2), the committee to which the nomination was sequentially referred has not reported the nomination, the nomination shall be automatically discharged from that committee and placed on the Executive Calendar.”

Mr. LEAHY. Mr. President, today the Senate will pass the amended Intelligence Authorization Act for fiscal year 2010, S.1494. I appreciate the commitment of Senator FEINSTEIN, the chair of the Senate Select Committee on Intelligence, to work with me to strengthen this important legislation. The bill the Senate has approved recognizes the shared jurisdiction of the Committee on the Judiciary, and the Select Committee on Intelligence, in several legislative areas.

The first opportunity to review this legislation arose on August 5, shortly before the Senate was scheduled to recess, and in the midst of the debate on the confirmation of Associate Justice Sonia Sotomayor. At that time, I recognized several provisions in the bill that fall under the jurisdiction of the Judiciary Committee, as well as issues about which the committee shares an interest with the Select Committee on Intelligence. Since that time, Senator FEINSTEIN and I, as well as our staffs, have engaged in serious negotiations concerning these provisions. We negotiated agreements regarding exemptions to the Freedom of Information Act, FOIA, as well as numerous reporting requirements, such as a significant, new requirement for the Federal Bureau of Investigation, FBI, an agency clearly under the jurisdiction of the Judiciary Committee, and an important new cybersecurity oversight provision.

The amendment to the intelligence authorization bill agreed to today identifies the Judiciary Committee as a recipient of relevant reporting provisions, narrows the operational files FOIA exemption for information provided by intelligence agencies to the Office of the Director of National Intelligence, ODNI, and strikes a FOIA (b)(3) exemption for terrorist identity information. Senator FEINSTEIN has told me she is also committed to ensuring that the Judiciary Committee will receive reports required by the bill's section 340, cybersecurity oversight. I appreciate Senator FEINSTEIN's support for these improvements.

The intelligence authorization bill includes several reporting requirements that involve areas of long-standing interest and jurisdiction of the Judiciary Committee. The amended bill ensures that the Judiciary Committee is a recipient of those reports. Section 336 of the bill directs the Director of National Intelligence to provide a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by elements of the intelligence community to comply with the provisions of applicable law, international obligations, and executive orders relating to the detention or interrogation activities of the intelligence community. These include compliance with the Detainee Treatment Act of 2005; the Military Commissions Act of 2006; common Article 3 of the Geneva Conventions; the Convention Against Torture; Executive Order 13492, relating to lawful interrogations; and Executive Order No. 13493, relating to detention policy options.

The amendment to the intelligence authorization bill modifies section 336 to ensure that to the extent that the report addresses an element of the intelligence community within the Department of Justice, it shall be submitted, along with associated material, to the Judiciary Committees of the House and Senate.

I fought for years to obtain information about the Bush administration's detention and interrogation policies and practices, and the legal advice from that administration authorizing those policies and practices. The last administration refused to give this information to Congress, instead issuing secret legal advice that misconstrued our laws and international obligations with regard to the treatment of people in our custody. Years later we found out that the administration had sanctioned cruel interrogation techniques, including torture. It is imperative that the Judiciary Committee be fully informed of the extent to which the government is complying with our laws and international treaties relating to detention and interrogation in order to be able to conduct proper oversight and ensure that our government cannot shield policies that authorize practices in violation of our laws. The Judiciary Committee is an important partner in this oversight.

Section 407 of the bill establishes a new office of inspector general of the intelligence community to conduct independent investigations, inspections, audits and reviews on programs and activities conducted under the authority of the Director of National Intelligence. Under this new authority, the inspector general is required to submit a semiannual report to the Director of National Intelligence summarizing its activities. The amendment incorporated into S.1494 modifies the reporting provision to require the inspector general to submit reports that

focus on Government officials to the committees of the Senate and the House of Representatives with jurisdiction over the department that official represents.

Section 407 of the bill creates an entirely new inspector general with significant authority and responsibility in the intelligence community. That authority will implicate agencies within the jurisdiction of the Judiciary Committee, including the Department of Justice and components of the Department of Homeland Security. I believe this modification to the bill provides an important recognition of the Judiciary Committee's need to be involved in the investigations and activities of this new inspector general.

Another significant new provision is section 445 of the bill, report and assessment on transformation of the intelligence capabilities of the Federal Bureau of Investigation, which creates a broad new reporting requirement for the FBI. The Judiciary Committee has always had primary oversight over the FBI. As the FBI takes on more responsibility in the areas of intelligence and national security, its policies and practices in these areas must be subject to the oversight of Congress. The Intelligence Committees have particular expertise that make them an important partner in this oversight. However, it is the Judiciary Committee that has the primary legislative and oversight responsibilities over the FBI.

I am very pleased that the amendment adopted today contains several important improvements that I recommended to strengthen FOIA. I am particularly pleased that the bill, as amended, deletes a broad and unnecessary exemption to FOIA's disclosure requirements for terrorist identity information.

No one would quibble with the notion that our government can—and should—keep some information secret to protect our national security. But, in the case of terrorist identity information, our government has successfully withheld this sensitive information under the existing FOIA exemptions for classified and law enforcement information. In addition, the many instances of mistaken identities and other errors on terrorist watchlists and “no-fly” lists make it clear that FOIA can be a valuable tool to help innocent Americans redress and correct mistakes on these lists.

Lastly, the revised bill also narrows the exemption to FOIA's search requirements for operational files information that the Nation's intelligence agencies share with the ODNI. The bill now makes it clear that operational files that are already exempt from these search requirements retain this exemption under circumstances where the files are disseminated to the ODNI. This carefully crafted compromise will help ensure both effective information

sharing among our intelligence agencies and the free flow of information to the American public.

I believe the amendment strengthens this legislation by recognizing the value and significance of the shared jurisdiction in many areas of national security between the Judiciary and Intelligence Committees. I appreciate Senator FEINSTEIN's cooperation in adopting these improvements. In a letter sent to me today, Senator FEINSTEIN has also committed to continuing to work with the Judiciary Committee in the area of cyber matters. I will ask to have her letter printed in the RECORD.

The agreement to proceed with the intelligence authorization bill today includes a commitment to ensure that the Judiciary Committee receives reports required by the bill's section 340, cybersecurity oversight. The Judiciary Committee has long engaged in oversight and legislative activity regarding cyber threats and cybersecurity. Senator FEINSTEIN and I have worked together in the Judiciary Committee for many years on these issues, and we both recognize the shared jurisdiction and responsibilities of the Judiciary and Intelligence Committees with regard to oversight of cyber matters and cybersecurity.

As Senator FEINSTEIN has described it, section 340 of the bill is intended to provide a preliminary framework for executive and congressional oversight of cybersecurity programs, as defined in the section, to ensure that these programs are consistent with legal authorities, preserve reasonable expectations of privacy, and are subject to independent audit and review. Section 340 of the bill creates several reporting requirements with regard to the executive and congressional oversight of cybersecurity programs. These include Presidential notifications to Congress, reports to Congress and the President from the head of a department or agency with responsibility for cybersecurity programs, in conjunction with the inspector general of that department or agency, and a joint report to Congress and the President from the inspector general of the Department of Homeland Security and the inspector general of the intelligence community on the status of the sharing of cyber threat information within one year. I look forward to continuing to work with Senator FEINSTEIN in the Judiciary Committee and in the Senate to ensure strong oversight and legislation with regard to cyber matters.

I am pleased the Senate today will pass the amended Intelligence Authorization Act for Fiscal Year 2010. The progress that Senator FEINSTEIN and I have made to improve this bill demonstrates the success we can have when we work together constructively.

Mr. President. I ask unanimous consent to have the letter to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
SELECT COMMITTEE ON INTELLIGENCE,  
Washington, DC, September 15, 2009.

Hon. PATRICK LEAHY,  
Chairman, Committee on the Judiciary,  
Washington, DC.

DEAR CHAIRMAN LEAHY: As you know, our staffs have been in discussions since the beginning of recess over various provisions of S. 1494, the Intelligence Authorization Act for Fiscal Year 2010, ordered reported from the Committee on July 22, 2009. Among the provisions at issue is Section 340, Cybersecurity Oversight.

Section 340 is intended to provide a preliminary framework for executive and congressional oversight of cybersecurity programs, as defined in the section, to ensure that these programs are consistent with legal authorities, preserve reasonable expectations of privacy, and are subject to independent audit and review.

Section 340 contains several reporting requirements. One requires the President to provide certain notifications to Congress. In addition, the head of a department or agency with responsibility for cybersecurity programs, in conjunction with the inspector general of that department or agency, is to submit to Congress and the President periodic reports on the program. Finally, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community are jointly to submit a report to Congress and the President on the status of the sharing of cyber threat information within one year.

Under the provision as reported, notifications and reports under the section are to be submitted “to the Congress.” Vice Chairman Bond and I have consulted with the Senate parliamentarian to convey our recommendations for how referrals of notifications and reports under the section should be made.

As we have discussed before, cybersecurity is a matter of interest to many of the committees of the Senate. Of note is the longstanding interest in, and jurisdiction over, cyber matters by the Judiciary Committee. This includes but is not necessarily limited to the cybersecurity of the Justice Department and other departments and agencies under the Committee's jurisdiction, privacy interests of the American people, and legal dimensions of the government's cyber activities. Given the Judiciary Committee's role in these matters and the expectation that reports under Section 340 will touch on one or more of the Committee's areas of jurisdiction, it is my strong belief that documents provided to the Congress should be provided to the Judiciary Committee.

In addition, should the Intelligence Committee receive reports under this section that are within the jurisdiction of the Judiciary Committee but that are not provided to the Judiciary Committee, I will ensure that access to those reports is provided to Judiciary Committee members and staff as appropriate.

Thank you for your cooperation over this issue, and other provisions of the intelligence legislation.

Sincerely,

DIANNE FEINSTEIN,  
Chairman.

Mr. CASEY. Mr. President, I ask unanimous consent that the Feinstein-Bond amendment, which is at the desk, be considered and agreed to and that

the motion to reconsider be laid upon the table, that the bill as amended be read a third time, passed, that the motion to reconsider be laid upon the table, and that any statements be printed at the appropriate place in the RECORD as if read with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2422) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 1494), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1494

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

#### TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.  
Sec. 102. Classified Schedule of Authorizations.  
Sec. 103. Personnel ceiling adjustments.  
Sec. 104. Intelligence Community Management Account.  
Sec. 105. Restriction on conduct of intelligence activities.

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.  
Sec. 202. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

#### TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

##### Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.  
Sec. 302. Enhanced flexibility in details to elements of the intelligence community.  
Sec. 303. Enhancement of authority of the Director of National Intelligence for flexible personnel management among the elements of the intelligence community.  
Sec. 304. Award of rank to members of the Senior National Intelligence Service.  
Sec. 305. Annual personnel level assessments for the intelligence community.  
Sec. 306. Temporary personnel authorizations for critical language training.

##### Subtitle B—Education Programs

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.  
Sec. 312. Modifications to the Louis Stokes Educational Scholarship Program.

Sec. 313. Intelligence officer education programs.  
Sec. 314. Review and report on education programs.

##### Subtitle C—Acquisition Matters

Sec. 321. Vulnerability assessments of major systems.  
Sec. 322. Intelligence community business system transformation.  
Sec. 323. Reports on the acquisition of major systems.  
Sec. 324. Excessive cost growth of major systems.  
Sec. 325. Future budget projections.  
Sec. 326. National Intelligence Program funded acquisitions.

##### Subtitle D—Congressional Oversight, Plans, and Reports

Sec. 331. General congressional oversight.  
Sec. 332. Improvement of notification of Congress regarding intelligence activities of the United States.  
Sec. 333. Requirement to provide legal authority for intelligence activities.  
Sec. 334. Additional limitation on availability of funds for intelligence and intelligence-related activities.  
Sec. 335. Audits of intelligence community by Government Accountability Office.  
Sec. 336. Report on compliance with laws, international obligations, and Executive orders on the detention and interrogation activities of the intelligence community.  
Sec. 337. Reports on national security threat posed by Guantanamo Bay detainees.  
Sec. 338. Report on retirement benefits for former employees of Air America.  
Sec. 339. Report and strategic plan on biological weapons.  
Sec. 340. Cybersecurity oversight.  
Sec. 341. Repeal or modification of certain reporting requirements.

##### Subtitle E—Other Matters

Sec. 351. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.  
Sec. 352. Modification of availability of funds for different intelligence activities.  
Sec. 353. Limitation on reprogrammings and transfers of funds.  
Sec. 354. Protection of certain national security information.  
Sec. 355. National Intelligence Program budget request.  
Sec. 356. Improving the review authority of the Public Interest Declassification Board.  
Sec. 357. Authority to designate undercover operations to collect foreign intelligence or counterintelligence.  
Sec. 358. Correcting long-standing material weaknesses.

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

Sec. 401. Accountability reviews by the Director of National Intelligence.  
Sec. 402. Authorities for intelligence information sharing.  
Sec. 403. Authorities for interagency funding.

Sec. 404. Location of the Office of the Director of National Intelligence.

Sec. 405. Additional duties of the Director of Science and Technology.

Sec. 406. Title and appointment of Chief Information Officer of the Intelligence Community.

Sec. 407. Inspector General of the Intelligence Community.

Sec. 408. Chief Financial Officer of the Intelligence Community.

Sec. 409. Leadership and location of certain offices and officials.

Sec. 410. National Space Intelligence Office.

Sec. 411. Protection of certain files of the Office of the Director of National Intelligence.

Sec. 412. Counterintelligence initiatives for the intelligence community.

Sec. 413. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Sec. 414. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.

Sec. 415. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.

Sec. 416. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.

Sec. 417. Misuse of the Office of the Director of National Intelligence name, initials, or seal.

##### Subtitle B—Central Intelligence Agency

Sec. 421. Additional functions and authorities for protective personnel of the Central Intelligence Agency.

Sec. 422. Appeals from decisions involving contracts of the Central Intelligence Agency.

Sec. 423. Deputy Director of the Central Intelligence Agency.

Sec. 424. Authority to authorize travel on a common carrier.

Sec. 425. Inspector General for the Central Intelligence Agency.

Sec. 426. Budget of the Inspector General for the Central Intelligence Agency.

Sec. 427. Public availability of unclassified versions of certain intelligence products.

##### Subtitle C—Defense Intelligence Components

Sec. 431. Inspector general matters.

Sec. 432. Confirmation of appointment of heads of certain components of the intelligence community.

Sec. 433. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.

Sec. 434. Defense Intelligence Agency counterintelligence and expenditures.

##### Subtitle D—Other Elements

Sec. 441. Codification of additional elements of the intelligence community.

Sec. 442. Authorization of appropriations for Coast Guard National Tactical Integration Office.

Sec. 443. Retention and relocation bonuses for the Federal Bureau of Investigation.

Sec. 444. Extending the authority of the Federal Bureau of Investigation to waive mandatory retirement provisions.

Sec. 445. Report and assessments on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

#### TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Sec. 501. Reorganization of the Diplomatic Telecommunications Service Program Office.

#### TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

Sec. 601. Short title.  
 Sec. 602. Definitions.  
 Sec. 603. Findings.  
 Sec. 604. Establishment and functions of the Commission.  
 Sec. 605. Members and staff of the Commission.  
 Sec. 606. Powers and duties of the Commission.  
 Sec. 607. Report of the Commission.  
 Sec. 608. Termination.  
 Sec. 609. Nonapplicability of Federal Advisory Committee Act.  
 Sec. 610. Funding.

#### TITLE VII—TECHNICAL AMENDMENTS

Sec. 701. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.  
 Sec. 702. Technical amendments to the Central Intelligence Agency Act of 1949.  
 Sec. 703. Technical amendments to title 10, United States Code.  
 Sec. 704. Technical amendments to the National Security Act of 1947.  
 Sec. 705. Technical amendments relating to the multiyear National Intelligence Program.  
 Sec. 706. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.  
 Sec. 707. Technical amendments to the Executive Schedule.  
 Sec. 708. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.  
 Sec. 709. Technical amendments to section 602 of the Intelligence Authorization Act for Fiscal Year 1995.  
 Sec. 710. Technical amendments to section 403 of the Intelligence Authorization Act, Fiscal Year 1992.

#### SEC. 2. DEFINITIONS.

In this Act:  
 (1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

#### TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

##### SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2010, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill of the One Hundred Eleventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

##### SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of full-time equivalent positions for fiscal year 2010 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

(c) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long term, full-time training.

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a) or (b).

##### SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2010 the sum of \$786,812,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2011.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 792 full-time equivalent personnel as of September 30, 2010. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2010 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2011.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2010, there are authorized such additional full-time equivalent personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

##### SEC. 105. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

##### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2010 the sum of \$290,900,000.

##### SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act

(50 U.S.C. 2055(b)(1)) is amended by striking "receiving compensation under the Senior Intelligence Service pay schedule at the rate" and inserting "who is at the Senior Intelligence Service rank".

### **TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

#### **Subtitle A—Personnel Matters**

#### **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

#### **SEC. 302. ENHANCED FLEXIBILITY IN DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107-306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element (or the designees of such officials), for a period not to exceed 3 years.

#### **SEC. 303. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following new subsections:

"(s) **AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.**—(1) The Director of National Intelligence may, with the concurrence of the head of the department or agency concerned and in coordination with the Director of the Office of Personnel Management—

"(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

"(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

"(2)(A) At the request of the Director of National Intelligence, the head of a department or agency may establish new positions in the excepted service within an element of the intelligence community if the Director determines that such positions are necessary to carry out the intelligence functions of such element.

"(B) The Director of National Intelligence may establish the classification and ranges of rates of basic pay for any position established under subparagraph (A), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

"(3) The head of the department or agency concerned is authorized to appoint individ-

uals for service in positions converted under paragraph (1) or established under paragraph (2) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established by the Director of National Intelligence.

"(4) The maximum rate of basic pay established under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(5) Not later than 60 days prior to the date that Director of National Intelligence will convert a position under paragraph (1) or establish a position under paragraph (2), the Director shall submit to the congressional intelligence committees a notification of such conversion or establishment.

"(t) **PAY AUTHORITY FOR CRITICAL POSITIONS.**—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to fix the rate of basic pay for 1 or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

"(2) Authority under this subsection may be granted or exercised only—

"(A) with respect to a position which requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

"(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

"(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

"(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

"(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

"(6) The Director of National Intelligence shall notify the congressional intelligence committees within 30 days of any grant or exercise of authority under this subsection.

"(u) **EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.**—(1) Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or executive order, in coordination

with the Director of the Office of Personnel Management, authorize 1 or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Director of National Intelligence—

"(A) determines that the adoption of such authority would improve the management and performance of the intelligence community; and

"(B) submits to the congressional intelligence committees, not later than 60 days before such authority is to take effect, notice of the adoption of such authority by such element or elements, including the authority to be so adopted, and an estimate of the costs associated with the adoption of such authority.

"(2) To the extent that an existing compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted in another element of the intelligence community under this subsection only for employees in an equivalent category or in an equivalent situation.

"(3) In this subsection, the term 'compensation authority' means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments, but does not include authorities as follows:

"(A) Authorities related to benefits such as leave, severance pay, retirement, and insurance.

"(B) Authority to grant a rank award by the President under section 4507, 4507a, or 3151(c) of title 5, United States Code, or any other provision of law.

"(C) Compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service."

#### **SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.**

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended by section 303, is further amended by adding at the end the following:

"(v) **AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.**—The President, based on the recommendations of the Director of National Intelligence, may award ranks to members of the Senior National Intelligence Service and other intelligence community senior civilian officers not already covered by such a rank award program in a manner consistent with the provisions of section 4507 of title 5, United States Code. The award of such rank shall be made per the direction of the Director of National Intelligence and in a manner consistent with the provisions of such section 4507."

#### **SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.**

(a) **ASSESSMENT.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

#### **"SEC. 506B. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.**

"(a) **REQUIREMENT TO PROVIDE.**—The Director of National Intelligence shall for the Office of the Director of National Intelligence and, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence

community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

“(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President under section 1105 of title 31, United States Code.

“(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain the following information for the element of the intelligence community concerned:

“(1) The budget submission for personnel costs for the upcoming fiscal year.

“(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

“(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

“(4) The number of full-time equivalent positions that is the basis for which personnel funds are requested for the upcoming fiscal year.

“(5) The numerical and percentage increase or decrease of such number as compared to the number of full-time equivalent positions of the current fiscal year.

“(6) The numerical and percentage increase or decrease of such number as compared to the number of full-time equivalent positions during the prior 5 fiscal years.

“(7) The best estimate of the number and costs of contract personnel to be funded by the element for the upcoming fiscal year.

“(8) The numerical and percentage increase or decrease of such costs of contract personnel as compared to the best estimate of the costs of contract personnel of the current fiscal year.

“(9) The numerical and percentage increase or decrease of such costs of contract personnel as compared to the cost of contract personnel, and the number of contract personnel, during the prior 5 fiscal years.

“(10) A justification for the requested personnel and contract personnel levels.

“(11) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

“(12) A list of all contract personnel who have been the subject of an investigation or review completed by the inspector general of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation or review by such an inspector general during the current fiscal year.

“(13) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

“(A) internal infrastructure to support the requested personnel and contract personnel levels;

“(B) training resources to support the requested personnel levels; and

“(C) funding to support the administrative and operational activities of the requested personnel levels.”

(b) APPLICABILITY DATE.—The first assessment required to be submitted under section 506B(b) of the National Security Act of 1947, as added by subsection (a), shall be submitted with the budget for fiscal year 2011 submitted to Congress by the President under section 1105 of title 31, United States Code.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the

National Security Act of 1947 is amended by inserting after the item relating to section 506A the following new item:

“Sec. 506B. Annual personnel levels assessment for the intelligence community.”

#### SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2009, eight years after the terrorist attacks of September 11, 2001, the intelligence community continues to lack an adequate supply of personnel trained in critical foreign languages.

(2) A number of elements of the intelligence community are attempting to address that lack of supply by recruiting applicants who can speak, read, and understand critical foreign languages.

(3) Leaders in the intelligence community have recognized that improved recruiting practices are only a partial solution and that improved language training for current intelligence community employees is also necessary.

(4) While language education and instruction provides long-term benefits for both intelligence agencies and individual employees, it has short-term costs for supervisors whose staff are absent due to language training and could provide supervisors with an incentive to resist allowing individual employees to pursue language training.

(5) If the head of an element of the intelligence community was able to increase the number of personnel at that element during the period that an employee is participating in language training, that element would not have to sacrifice short-term priorities to address language training needs.

(6) The Director of National Intelligence is uniquely situated to evaluate language training needs across the intelligence community and assess whether that training would be enhanced if elements of the intelligence community were given temporary additional personnel authorizations.

(7) The intelligence community has a difficult time finding, training, and providing security clearances to native foreign language speakers who are able to serve as translators and it would be beneficial if all elements of the intelligence community were able to harness the capabilities of these individuals.

(8) The Director of National Intelligence is uniquely situated to identify translators within the intelligence community and provide for their temporary transfer from one element of the intelligence community to another element.

(b) TEMPORARY PERSONNEL AUTHORIZATIONS.—

(1) AUTHORIZED ADDITIONAL FTES.—In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be utilized only for the purposes described in paragraph (2).

(2) PURPOSES.—The Director of National Intelligence may use a full-time equivalent position authorized under paragraph (1) only for the purposes of providing a temporary transfer of personnel made pursuant to the authority in section 102A(e)(2) of the National Security Act of 1947 (50 U.S.C. 4031(e)(2)) to an element of the intelligence community to enable such element to increase its total authorized number of personnel, on a temporary basis—

(A) during a period in which a permanent employee of such element is absent to participate in critical language training; or

(B) to accept a permanent employee of another element of the intelligence community to provide language-capable services a temporary basis.

(c) INAPPLICABILITY OF OTHER LAW.—Subparagraph (B) of section 102A(e)(2) of the National Security Act of 1947 (50 U.S.C. 4031(e)(2)) shall not apply to a transfer of personnel authorizations made under this section.

(d) REPORTING REQUIREMENTS.—

(1) REPORT TO THE DIRECTOR OF NATIONAL INTELLIGENCE.—An element of the intelligence community that receives a temporary transfer of personnel authorized under subsection (b) shall submit to the Director of National Intelligence a report on such transfer that includes the length of time of the temporary transfer and which critical language need of such element was fulfilled or partially fulfilled by the transfer.

(2) ANNUAL REPORT TO CONGRESS.—The Director of National Intelligence shall submit to the congressional intelligence committees an annual report on this section. Each such report shall include a description of—

(A) the number of transfers of personnel made by the Director pursuant to subsection (b), disaggregated by each element of the intelligence community;

(B) the critical language that needs were fulfilled or partially fulfilled through the use of such transfers; and

(C) the cost to carry out subsection (b).

#### Subtitle B—Education Programs

#### SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 441g note) is amended—

(1) in the heading, by striking “PILOT PROGRAM” and inserting “IN GENERAL”;

(2) in paragraph (1)—

(A) by striking “pilot”; and

(B) by inserting “, acquisition, scientific, and technical, or other” after “analytic” in both places that term appears;

(3) in paragraph (2), by striking “pilot”; and

(4) in paragraph (3), by striking “pilot”.

(b) ELEMENTS.—Subsection (b) of section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 411g note) is amended—

(1) in the matter preceding paragraph (1), by striking “pilot”;

(2) in paragraph (1), by striking “analysts” and inserting “professionals”; and

(3) in paragraph (2), by inserting “, acquisition, scientific, and technical, or other” after “analytic”.

(c) PERMANENT AUTHORIZATION.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 411g note) is amended by striking subsections (c), (d), (e), (f), and (g).

(d) USE OF FUNDS.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 411g note), as amended by subsection (c), is further amended by adding at the end the following:

“(c) USE OF FUNDS.—Funds made available for the program may be used for the following purposes:

“(1) To provide a monthly stipend for each month that the individual is pursuing a course of study described in subsection (a).

“(2) To pay such individual’s full tuition to permit the individual to complete such a course of study.

“(3) To provide an allowance for books and materials that such individual requires to complete such a course of study.

“(4) To pay such individual’s expenses for travel as requested by an element of the intelligence community related to the program.”.

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The section heading of section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2613) is amended to read as follows:

**“SEC. 318. PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.”.**

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2599) is amended by striking the item relating to section 318 and inserting the following:

“Sec. 318. Pat Roberts Intelligence Scholars Program.”.

**SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.**

(a) EXPANSION OF THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by inserting “and graduate” after “undergraduate”; and

(B) by striking “the baccalaureate” and inserting “a baccalaureate or graduate”;

(2) in subsection (b), by inserting “or graduate” after “undergraduate”;

(3) in subsection (e)(2), by inserting “and graduate” after “undergraduate”; and

(4) by adding at the end “Such program shall be known as the Louis Stokes Educational Scholarship Program.”.

(b) AUTHORITY FOR PARTICIPATION BY INDIVIDUALS WHO ARE NOT EMPLOYED BY THE FEDERAL GOVERNMENT.—

(1) IN GENERAL.—Subsection (b) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a)(2), is further amended by striking “civilian employees” and inserting “civilians who may or may not be employees”.

(2) REPLACEMENT OF THE TERM “EMPLOYEE”.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a), is further amended—

(A) in subsection (c), by striking “employees” and inserting “program participants”;

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), strike “an employee of the Agency” and insert “a program participant”;

(II) in subparagraph (A), by striking “employee” and inserting “program participant”;

(III) in subparagraph (C)—

(aa) by striking “employee” each place that term appears and inserting “program participant”; and

(bb) by striking “employee’s” each place that term appears and inserting “program participant’s”; and

(IV) in subparagraph (D)—

(aa) by striking “employee” each place that term appears and inserting “program participant”; and

(bb) by striking “employee’s” each place that term appears and inserting “program participant’s”; and

(ii) in paragraph (3)(C)—

(I) by striking “employee” both places that term appears and inserting “program participant”; and

(II) by striking “employee’s” and inserting “program participant’s”; and

(C) in subsection (e)(1), by striking “employee” and inserting “program participant”.

(c) TERMINATION OF PROGRAM PARTICIPANTS.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (b)(2)(B)(i)(III), is further amended by striking “terminated” and all that follows and inserting “terminated—

“(i) by the Agency due to misconduct by the program participant;

“(ii) by the program participant voluntarily; or

“(iii) by the Agency for the failure of the program participant to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the program participant under this subsection; and”.

(d) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “(1) When an employee” and all that follows through “(2) Agency efforts” and inserting “Agency efforts”.

(e) AUTHORITY OF ELEMENTS OF THE INTELLIGENCE COMMUNITY TO ESTABLISH A STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended by sections 303 and 304, is further amended by adding at the end the following new subsection:

“(w) EDUCATIONAL SCHOLARSHIP PROGRAM.—The head of a department or agency containing an element of the intelligence community may establish an undergraduate or graduate training program with respect to civilian employees and prospective civilian employees of such element similar in purpose, conditions, content, and administration to the program which the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.”.

**SEC. 313. INTELLIGENCE OFFICER EDUCATION PROGRAMS.**

(a) AUTHORITY.—The Director may carry out, or may authorize the head of an element of the intelligence community to carry out, programs in accordance with this section for the purposes described in subsection (c).

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means “the Director of National Intelligence”.

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(c) PURPOSES.—The purpose of a program carried out under this section shall be—

(1) to encourage the preparation, recruitment, and retention of civilian intelligence community personnel who possess language, analytic, scientific, technical, or other skills necessary to meet the needs of the intelligence community, as identified by the Director; and

(2) to enhance recruitment and retention of an ethnically and culturally diverse workforce for the intelligence community with capabilities critical to the national security interests of the United States.

(d) AUTHORIZED PROGRAMS.—The programs authorized under this section are as follows:

(1) GRANTS TO INDIVIDUALS.—A program carried out in accordance with subsection (e) to provide financial aid to an individual to

pursue a program at an institution of higher education in language, analysis, science, technical fields, or other skills necessary to meet the needs of the intelligence community, as identified by the Director.

(2) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—A program carried out in accordance with subsection (f) to provide a grant to an institution of higher education to develop a program of study in an area of study referred to in paragraph (1).

(e) GRANTS TO INDIVIDUALS.—

(1) IN GENERAL.—The Director, or the head of an element of the intelligence community authorized by the Director under subsection (a), may award a grant to an individual who is pursuing an associate, baccalaureate, advanced degree, or certification in an area of study referred to in subsection (c)(1) at an institution of higher education.

(2) USE OF FUNDS.—A grant awarded to an individual under this section to enroll in a program at an institution of higher education may be used—

(A) to pay the tuition, fees, and other costs of such program;

(B) to pay the living expenses of the individual during the time the individual is enrolled in such program; or

(C) to support internship activities of the individual within the intelligence community during the academic year or periods between academic years in which the individual is enrolled in such program.

(3) ADMINISTRATION OF GRANTS.—A grant of financial aid to an individual under this section shall be administered through—

(A) the Pat Roberts Intelligence Scholars Program carried out under section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (50 U.S.C. 441g note); or

(B) the Louis Stokes Educational Scholarship Program carried out under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).

(4) SELECTION.—In selecting an individual to receive a grant under this section to enroll in a program at an institution of higher education, the Director or head of an element of the intelligence community, as appropriate, shall consider whether such institution has been awarded a grant under this section.

(5) AUTHORITY FOR SCREENING.—The Director is authorized to screen and qualify each individual selected to receive a grant under this section for the appropriate security clearance without regard to the date that the employment relationship between the individual and an element of the intelligence community is formed, or whether it is ever formed.

(f) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—The Director may award a grant to an institution of higher education to support the establishment, continued development, improvement, or administration of a program of study referred to in subsection (c)(1) at such institution.

(2) USE OF FUNDS.—A grant awarded to an institution of higher education under this section may be used for the following:

(A) Curriculum or program development.

(B) Faculty development.

(C) Laboratory equipment or improvements.

(D) Faculty research in language, analysis, science, technical, or other fields that meet current or emerging needs of the intelligence community as identified by the Director of National Intelligence.

(3) REPORTS.—An institution of higher education awarded a grant under this section

shall submit to the Director regular reports regarding the use of such grant, including—

(A) a description of the benefits to students who participate in the course of study funded by such grant;

(B) a description of the results and accomplishments related to such course of study; and

(C) any other information that the Director may require.

(g) APPLICATION.—An individual or an institution of higher education seeking a grant under this section shall submit an application to the Director describing the proposed use of the grant at such time and in such manner as the Director may require.

(h) REGULATIONS.—The Director shall prescribe such regulations as are necessary to carry out this section.

(i) REPEAL OF PRIOR PROGRAMS.—

(1) IN GENERAL.—The following provisions are repealed:

(A) Section 319 of Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g-2).

(C) Section 922 of Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 50 U.S.C. 402 note).

(2) EFFECT ON PRIOR AGREEMENTS.—An agreement, contract, or employment relationship that was in effect pursuant to a provision repealed by subparagraph (A), (B), or (C) of paragraph (1) prior to the date of the enactment of this Act shall remain in effect unless all parties mutually agree to amend, modify, or abrogate such agreement, contract, or relationship.

(3) TABLE OF CONTENTS AMENDMENTS.—

(A) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.—The Intelligence Authorization Act for Fiscal Year 2004 is amended in the table of contents in section 1(b), by striking the item relating to section 319.

(B) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1811) is amended—

(i) in the table of contents in section 2(b), by striking the item relating to section 922; and

(ii) in title IV in the table of contents preceding subtitle A, by striking the item relating to section 922.

(j) EFFECT OF OTHER LAW.—The Director shall administer the Intelligence Officer Training Program pursuant to the provisions of chapter 63 of title 31, United States Code and chapter 75 of such title, except that the Comptroller General of the United States shall have no authority, duty, or responsibility in matters related to this program.

#### SEC. 314. REVIEW AND REPORT ON EDUCATION PROGRAMS.

(a) REVIEW.—

(1) REQUIREMENT FOR REVIEW.—The Director of National Intelligence shall review the programs described in paragraph (2) to determine if such programs—

(A) meet the needs of the intelligence community to prepare, recruit, and retain a skilled and diverse workforce;

(B) should be combined or otherwise integrated; and

(C) constitute all the education programs carried out by the Director of National Intelligence or the head of an element of the intelligence community and, if not, whether other such educational programs could be combined or otherwise integrated with the programs described in paragraph (2).

(2) PROGRAMS DESCRIBED.—The programs described in this paragraph are the following:

(A) The Pat Roberts Intelligence Scholars Program carried out under section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (50 U.S.C. 441g note), as amended by section 311.

(B) The Louis Stokes Educational Scholarship Program carried out section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 312.

(C) The education grant programs carried out under section 313.

(D) Any other program that provides for education or training of personnel of an element of the intelligence community.

(b) REPORT.—Not later than February 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the results of the review required by subsection (a).

#### Subtitle C—Acquisition Matters

#### SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 305 of this Act, is further amended by inserting after section 506B, as added by section 305(a), the following new section:

##### “VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

“SEC. 506C. (a) INITIAL VULNERABILITY ASSESSMENTS.—

“(1) REQUIREMENT FOR INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its significant items of supply that is proposed for inclusion in the National Intelligence Program prior to completion of Milestone B or an equivalent acquisition decision. The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

“(A) identify vulnerabilities;

“(B) define exploitation potential;

“(C) examine the system's potential effectiveness;

“(D) determine overall vulnerability; and

“(E) make recommendations for risk reduction.

“(2) LIMITATION ON OBLIGATION OF FUNDS.—For any major system for which an initial vulnerability assessment is required under paragraph (1) on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010, such assessment shall be submitted to the congressional intelligence committees within 180 days of such date of enactment. If such assessment is not submitted to the congressional intelligence committees within 180 days of such date of enactment, funds appropriated for the acquisition of the major system may not be obligated for a major contract related to the major system. Such prohibition on the obligation of funds for the acquisition of the major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the initial vulnerability assessment.

“(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall, periodically throughout the life span of a major system or if the Director determines that a change in circumstances warrants the issuance of a subsequent vul-

nerability assessment, conduct a subsequent vulnerability assessment of each major system and its significant items of supply within the National Intelligence Program.

“(2) Upon the request of a congressional intelligence committee, the Director of National Intelligence may conduct a subsequent vulnerability assessment of a particular major system and its significant items of supply within the National Intelligence Program.

“(3) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in subparagraphs (A) through (E) of subsection (a)(1).

“(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the National Intelligence Program budget.

“(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

“(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by paragraph (1).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘items of supply’—

“(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

“(B) does not include packaging or labeling associated with shipment or identification of items.

“(2) The term ‘major system’ has the meaning given that term in section 506A(e).

“(3) The term ‘Milestone B’ means a decision to enter into system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

“(4) The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 305 of this Act, is further amended by inserting after the item relating to section 506B, as added by section 305(b), the following:

“Sec. 506C. Vulnerability assessments of major systems.”

(b) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a-1(e)) is amended to read as follows:

“(3) The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).”

#### SEC. 322. INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.

(a) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as

amended by sections 305 and 321 of this Act, is further amended by inserting after section 506C, as added by section 321(a), the following new section:

**“INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION**

**“SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.—**(1) After February 1, 2010, no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of \$1,000,000 unless—

“(A) the approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (2) with respect to the intelligence community business system transformation; and

“(B) the certification is approved by the appropriate authorities within the intelligence community business system transformation governance structure identified in subsection (f).

“(2) The certification described in this paragraph for an intelligence community business system transformation is a certification, made by the approval authority designated by the Director under subsection (c)(2) that the intelligence community business system transformation—

“(A) complies with the enterprise architecture under subsection (b) and other Director of National Intelligence policy and standards; or

“(B) is necessary—

“(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

“(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

**“(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—**(1) The Director of National Intelligence shall, acting through the intelligence community business system transformation governance structure identified in subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

“(2) The enterprise architecture under paragraph (1) shall include the following—

“(A) An information infrastructure that, at a minimum, will enable the intelligence community to—

“(i) comply with all Federal accounting, financial management, and reporting requirements;

“(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

“(iii) integrate budget, accounting, and program information and systems; and

“(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

“(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

**“(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANS-**

**FORMATION.—**(1) The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, to include review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

“(2) The Director shall designate one or more appropriate officials of the intelligence community to be responsible for making certifications with respect to intelligence community business system transformation under subsection (a)(2).

**“(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—**(1) The approval authority designated under subsection (c)(2) shall establish and implement, not later than February 1, 2010, an investment review process for the intelligence community business systems for which the approval authority is responsible.

“(2) The investment review process under paragraph (1) shall—

“(A) meet the requirements of section 11312 of title 40, United States Code; and

“(B) specifically set forth the responsibilities of the approval authority under such review process.

“(3) The investment review process under paragraph (1) shall include the following elements:

“(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

“(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

“(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

“(D) Procedures for making certifications in accordance with the requirements of subsection (a)(2).

**“(e) BUDGET INFORMATION.—**For each fiscal year after fiscal year 2011, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

“(1) An identification of each intelligence community business system for which funding is proposed in such budget.

“(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

“(A) funds for current services to operate and maintain such system;

“(B) funds for business systems modernization identified for each specific appropriation; and

“(C) funds for associated business process improvement or reengineering efforts.

“(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

“(4) The certification, if any, made under subsection (a)(2) with respect to each such system.

**“(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION GOVERNANCE BOARD.—**

“(1) The Director of National Intelligence shall establish a board within the intelligence community business system transformation governance structure (in this subsection referred to as the ‘Board’).

“(2) The Board shall—

“(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives under taken within the intelligence community;

“(B) review and approve any major update of—

“(i) the enterprise architecture developed under subsection (b); and

“(ii) any plans for an intelligence community business systems modernization;

“(C) manage cross-domain integration consistent with such enterprise architecture;

“(D) be responsible for coordinating initiatives for intelligence community business system transformation to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system transformation;

“(E) ensure that funds are obligated for intelligence community business system transformation in a manner consistent with subsection (a); and

“(F) carry out such other duties as the Director shall specify.

**“(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—**Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

**“(h) RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—**Nothing in this section, or the amendments made by this section, shall be construed to exempt funds authorized to be appropriated to the Department of Defense from the requirements of section 2222 of title 10, United States Code, to the extent that such requirements are otherwise applicable.

**“(i) RELATION TO CLINGER-COHEN ACT.—**(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

“(A) the Director of National Intelligence and the Chief Information Officer of the Intelligence Community; and

“(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

“(2) The Director of National Intelligence and the head of the executive agency shall enter a Memorandum of Understanding to carry out the requirements of this section in a manner that best meets the needs of the intelligence community and the executive agency.

**“(j) REPORTS.—**Not later than March 15 of each of the years 2011 through 2015, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

“(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

“(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

“(B) specific actions on the intelligence community business system transformations submitted for certification under such subsection; and

“(2) identify the number of intelligence community business system transformations

that received a certification described in subsection (a)(2)(B); and

“(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems transformation efforts.

“(k) DEFINITIONS.—In this section:

“(1) ENTERPRISE ARCHITECTURE.—The term ‘enterprise architecture’ has the meaning given that term in section 3601(4) of title 44, United States Code.

“(2) INFORMATION SYSTEM; INFORMATION TECHNOLOGY.—The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40, United States Code.

“(3) INTELLIGENCE COMMUNITY BUSINESS SYSTEM.—The term ‘intelligence community business system’ means an information system, including national security systems, that are operated by, for, or on behalf of the intelligence community or elements of the intelligence community as defined by law and Executive Order, including financial systems, mixed systems, financial data feeder systems, and the business infrastructure capabilities shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

“(4) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The term ‘intelligence community business system transformation’ means—

“(A) the acquisition or development of a new intelligence community business system; or

“(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

“(5) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given that term in section 3542 of title 44, United States Code.”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 305 and 321 of this Act, is further amended by inserting after the item relating to section 506C, as added by section 321(a)(2), the following new item:

“Sec. 506D. Intelligence community business systems transformation.”

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) complete the delegation of responsibility for the review, approval, and oversight of intelligence community business systems required by subsection (c) of section 506D of the National Security Act of 1947 (as added by subsection (a)); and

(B) designate a chairman and personnel to serve on the appropriate intelligence community business system transformation governance board established under subsection (f) of such section 506D (as so added).

(2) ENTERPRISE ARCHITECTURE.—

(A) SCHEDULE FOR DEVELOPMENT.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added) to include the initial Business Enterprise Architecture for business transformation by December 31, 2009.

(B) REQUIREMENT FOR IMPLEMENTATION PLAN.—In developing such an enterprise architecture, the Director shall develop an im-

plementation plan for such enterprise architecture that includes the following:

(i) An acquisition strategy for new systems that are expected to be needed to complete such enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(ii) An identification of the intelligence community business systems in operation or planned as of September 30, 2009, that will not be a part of such enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(iii) An identification of the intelligence community business systems in operation or planned as of September 30, 2009, that will be a part of such enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(C) SUBMISSION OF ACQUISITION STRATEGY.—Based on the results of an enterprise process management review and the availability of funds, the Director shall submit the acquisition strategy described in subparagraph (B)(i) to the congressional intelligence committees not later than December 31, 2009.

#### SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) REPORTS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 305, 321, and 322 of this Act, is further amended by inserting after section 506D, as added by section 322(a)(1), the following new section:

##### “REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

“SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1) The Director of National Intelligence shall submit to the congressional intelligence committees each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105 of title 31, United States Code, a separate report on each acquisition of a major system by an element of the intelligence community.

“(2) Each report under this section shall be known as a ‘Report on the Acquisition of Major Systems’.

“(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

“(1) The current total acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this section to the end of the fiscal year immediately preceding the submission of the report under this section.

“(2) The current development schedule for the system, including an estimate of annual development costs until development is completed.

“(3) The planned procurement schedule for the system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed.

“(4) A full life-cycle cost analysis for such system.

“(5) The result of any significant test and evaluation of such major system as of the date of the submission of such report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system.

“(6) The reasons for any change in acquisition cost, or schedule, for such system from

the previous report under this section, if applicable.

“(7) The major contracts or subcontracts related to the major system.

“(8) If there is any cost or schedule variance under a contract referred to in paragraph (7) since the previous report under this section, the reasons for such cost or schedule variance.

“(c) DETERMINATION OF INCREASE IN COSTS.—Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under this section shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such contract.

“(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘acquisition cost’, with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

“(2) The term ‘full life-cycle cost’, with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

“(3) The term ‘major contract’, with respect to a major system acquisition, means each of the 6 largest prime, associate, or government-furnished equipment contracts under the program that is in excess of \$40,000,000 and that is not a firm, fixed price contract.

“(4) The term ‘major system’ has the meaning given that term in section 506A(e).

“(5) The term ‘significant test and evaluation’ means the functional or environmental testing of a major system or of the subsystems that combine to create a major system.”

(2) APPLICABILITY DATE.—The first report required to be submitted under section 506E(a) of the National Security Act of 1947, as added by paragraph (1), shall be submitted with the budget for fiscal year 2011 submitted by the President under section 1105 of title 31, United States Code.

(3) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 305, 321, and 322 of this Act, is further amended by inserting after the item relating to section 506D, as added by section 322(a)(2), the following new item:

“Sec. 506E. Reports on the acquisition of major systems.”

(b) MAJOR DEFENSE ACQUISITION PROGRAMS.—Nothing in this section, section 324, or an amendment made by this section or section 324, shall be construed to exempt an acquisition program of the Department of Defense from the requirements of chapter 144 of title 10, United States Code or Department of Defense Directive 5000, to the extent that such requirements are otherwise applicable.

# **SEC. 324. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.**

(a) NOTIFICATION.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 305, 321, 322, and 323 of this Act, is further amended by inserting after section 506E, as added by section 323(a), the following new section:

## **“EXCESSIVE COST GROWTH OF MAJOR SYSTEMS**

**“SEC. 506F. (a) COST INCREASES OF AT LEAST 25 PERCENT.—(1)(A)** On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 25 percent as compared to the baseline cost of such major system.

**“(B)** Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

**“(2)(A)** If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 25 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

**“(B)** The notification required by subparagraph (A) shall include—

**“(i)** an updated cost estimate;

**“(ii)** the date on which the determination covered by such notification was made;

**“(iii)** contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

**“(iv)** the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

**“(v)** the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

**“(vi)** a statement of the reasons for any increases in the full life-cycle cost of such major system;

**“(vii)** the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

**“(viii)** the completion status of such major system expressed as the percentage—

**“(I)** of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

**“(II)** of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

**“(ix)** the action taken and proposed to be taken to control future cost growth of such major system; and

**“(x)** any changes made in the performance or schedule of such major system and the ex-

tent to which such changes have contributed to the increase in full life-cycle costs of such major system.

**“(C)** The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

**“(i)** the acquisition of such major system is essential to the national security;

**“(ii)** there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

**“(iii)** the new estimates of the full life-cycle cost for such major system are reasonable; and

**“(iv)** the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

**“(b) COST INCREASES OF AT LEAST 50 PERCENT.—(1)(A)** On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 50 percent as compared to the baseline cost of such major system.

**“(B)** Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

**“(2)** If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 50 percent as compared to the baseline cost of such major system, the Director shall submit to the congressional intelligence committees a written certification stating that—

**“(A)** the acquisition of such major system is essential to the national security;

**“(B)** there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

**“(C)** the new estimates of the full life-cycle cost for such major system are reasonable; and

**“(D)** the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system.

**“(3)** In addition to the certification required by paragraph (2), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

**“(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1)** If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 90 days of the notification made under subsection (a)(1)(B), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2).

**“(2)** If a written certification required under subsection (b)(2) is not submitted to the congressional intelligence committees within 90 days of the notification made under subsection (b)(1)(B), funds appropriated for the acquisition of a major system

may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(3).

**“(d) INITIAL CERTIFICATIONS.—**Notwithstanding subsection (c), for any major system for which a written certification is required under either subsection (a)(2) or (b)(2) on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010, such written certification shall be submitted to the congressional intelligence committees within 180 days of such date of enactment. If such written certification is not submitted to the congressional intelligence committees within 180 days of such date of enactment, funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2) or (b)(3).

**“(e) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—**To the extent that a submission required to be made to the congressional intelligence committees under this section addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence shall submit that portion of the submission, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

**“(f) DEFINITIONS.—**In this section:

**“(1)** The term ‘acquisition cost’ has the meaning given that term in section 506E(d).

**“(2)** The term ‘baseline cost’, with respect to a major system, means the projected acquisition cost of such system that is approved by the Director of National Intelligence at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system. The baseline cost may be in the form of an independent cost estimate.

**“(3)** The term ‘cost estimate’—

**“(A)** means an assessment and quantification of all costs and risks associated with the acquisition of a major system based upon reasonably available information at the time a written certification is required under either subsection (a)(2) or (b)(2); and

**“(B)** does not mean an ‘independent cost estimate’.

**“(4)** The term ‘full life-cycle cost’ has the meaning given that term in section 506E(d).

**“(5)** The term ‘independent cost estimate’ has the meaning given that term in section 506A(e).

**“(6)** The term ‘major system’ has the meaning given that term in section 506A(e).

**“(7)** The term ‘Milestone B’ means a decision to enter into system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

**“(8)** The term ‘program manager’, with respect to a major system, means—

**“(A)** the head of the element of the intelligence community which is responsible for the budget, cost, schedule, and performance of the major system; or

“(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 305, 321, 322, and 323 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 323(a)(3), the following new item:

“Sec. 506F. Excessive cost growth of major systems.”.

#### SEC. 325. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 305, 321, 322, 323, and 324 of this Act, is further amended by inserting after section 506F, as added by section 324(a), the following new section:

##### “FUTURE BUDGET PROJECTIONS

“SEC. 506G. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intelligence, with the concurrence of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

“(A) each expenditure center in the National Intelligence Program; and

“(B) each major system in the National Intelligence Program.

“(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year for which the Plan is submitted and not less than the 4 subsequent budget years.

“(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

“(i) the estimated total life-cycle cost of such major system; and

“(ii) any major acquisition or programmatic milestones for such major system.

“(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the National Intelligence Program acquiring a major system that includes the budget for such element for the 5-year period following the last budget year for which proposed funding was submitted under subsection (a)(2)(A).

“(2) A Long-term Budget Projection submitted under paragraph (1) shall include projections for the appropriate element of the intelligence community for—

“(A) pay and benefits of officers and employees of such element;

“(B) other operating and support costs and minor acquisitions of such element;

“(C) research and technology required by such element;

“(D) current and planned major system acquisitions for such element; and

“(E) any unplanned but necessary next-generation major system acquisitions for such element.

“(c) SUBMISSION TO CONGRESS.—Each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) shall be submitted to Congress along with the budget for a fiscal year submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

“(d) CONTENT OF LONG-TERM BUDGET PROJECTIONS.—(1) Each Long-term Budget Projection submitted under subsection (b) shall include—

“(A) a budget projection based on constrained budgets, effective cost and schedule execution of current or planned major system acquisitions, and modest or no cost-growth for undefined, next-generation systems; and

“(B) a budget projection based on constrained budgets, modest cost increases in executing current and planned programs, and more costly next-generation systems.

“(2) Each budget projection required by paragraph (1) shall include a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

“(e) NEW MAJOR SYSTEM AFFORDABILITY REPORT.—(1) Beginning on February 1, 2010, not later than 30 days prior to the date that an element of the intelligence community may proceed to Milestone A, Milestone B, or an analogous stage of system development, in the acquisition of a major system in the National Intelligence Program, the Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide a report on such major system to the congressional intelligence committees.

“(2)(A) A report submitted under paragraph (1) shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection for that element of the intelligence community.

“(B) If an increase is projected under subparagraph (A), the report required by this subsection shall include a specific finding, and the reasons therefor, by the Director of National Intelligence and the Director of the Office of Management and Budget that such increase is necessary for national security.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘major system’ has the meaning given that term in section 506A(e).

“(2) The term ‘Milestone A’ means a decision to enter into concept refinement and technology maturity demonstration pursuant to guidance issued by the Director of National Intelligence.

“(3) The term ‘Milestone B’ means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.”.

(b) APPLICABILITY DATE.—The first Future Year Intelligence Plan or Long-term Budget Projection required to be submitted under subsection (a) or (b) of section 506G of the National Security Act of 1947, as added by subsection (a), shall be submitted with the budget for fiscal year 2011 submitted by the President under section 1105 of title 31, United States Code.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 305, 321, 322, 323, and 324 of this Act, is further amended by inserting after the items relating to section 506F, as added by section 324(b), the following new item:

“Sec. 506G. Future budget projections.”.

#### SEC. 326. NATIONAL INTELLIGENCE PROGRAM FUNDED ACQUISITIONS.

Subsection (n) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following:

“(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded by the National Intelligence Program.

“(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

“(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

“(I) a description of such authority requested to be exercised;

“(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

“(III) a certification that the mission of such element would be—

“(aa) impaired if such authority is not exercised; or

“(bb) significantly and measurably enhanced if such authority is exercised; and

“(ii) the Director of National Intelligence or the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence designated by the Director or the Principal Director issues a written authorization that includes—

“(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

“(II) a justification to support the exercise of such authority.

“(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to individual acquisitions or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

“(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (ii) to exercise an authority referred to in subparagraph (A) shall be transmitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.

“(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

“(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence may authorize the use of such an authority for not more than 6 years.

“(ii) Each such authorizations may be extended for successive 3- or 6-year periods, in accordance with requirements of subparagraph (B).

“(F) The Director of National Intelligence shall submit—

“(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

“(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred

to in subparagraph (A) for an acquisition or class of acquisitions that will exceed \$50,000,000 annually.

“(G) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

“(H) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).”.

#### **Subtitle D—Congressional Oversight, Plans, and Reports**

#### **SEC. 331. GENERAL CONGRESSIONAL OVERSIGHT.**

Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by inserting at the end the following:

“(3) There shall be no exception to the requirements in this title to inform the congressional intelligence committees of all intelligence activities and covert actions.”.

#### **SEC. 332. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES.**

(a) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following:

“(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall—

“(A) be submitted in writing in a classified form;

“(B) include—

“(i) a statement of the reasons for such determination; and

“(ii) a description that provides the main features of the intelligence activities covered by such determination; and

“(C) contain no restriction on access to such notice by all members of the committee.

“(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the congressional intelligence committees of any information necessary to keep all such members fully and currently informed on all intelligence activities described in subsection (a).”.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking “subsection (b)” and inserting “subsections (b) and (c)”.

(b) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting “(1)” after “(b)”;

(C) by adding at the end the following:

“(2) Any information relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing and shall contain the following:

“(A) A concise statement of any facts pertinent to such covert action.

“(B) An explanation of the significance of such covert action.”.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following:

“(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall—

“(A) be submitted in writing in a classified form;

“(B) include—

“(i) a statement of the reasons for such determination; and

“(ii) a description that provides the main features of the covert action covered by such determination; and

“(C) contain no restriction on access to such notice by all members of the committee.”.

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking “significant” the first place that term appears.

#### **SEC. 333. REQUIREMENT TO PROVIDE LEGAL AUTHORITY FOR INTELLIGENCE ACTIVITIES.**

(a) GENERAL INTELLIGENCE ACTIVITIES.—Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)), as amended by section 331, is further amended by adding at the end the following:

“(4) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees the legal authority under which the intelligence activity is or was conducted.”.

(b) ACTIONS OTHER THAN COVERT ACTIONS.—Section 502(a)(2) of the National Security Act of 1947 (50 U.S.C. 413a(a)(2)) is amended by striking “activities,” and inserting “activities (including the legal authority under which an intelligence activity is or was conducted).”.

(c) COVERT ACTIONS.—Paragraph (1)(B) of section 503(b) of the National Security Act of 1947 (50 U.S.C. 413b(b)), as redesignated by section 332 (b)(1), is amended by inserting “(including the legal authority under which a covert action is or was conducted)” after “concerning covert actions”.

#### **SEC. 334. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.**

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “the congressional intelligence committees have been fully and currently informed of such activity and if” after “only if”;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following:

“(b) In any case in which notice to the congressional intelligence committees of an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.”.

#### **SEC. 335. AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) IN GENERAL.—Chapter 35 of title 31, United States Code, is amended by inserting after section 3523 the following:

#### **“§ 3523A. Audits of intelligence community by Government Accountability Office**

“(a) In this section, the term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(b) Congress finds that—

“(1) the authority of the Comptroller General to perform audits and evaluations of financial transactions, programs, and activities of elements of the intelligence community under sections 712, 717, 3523, and 3524, and to obtain access to records for purposes of such audits and evaluations under section 716, is reaffirmed for matters referred to in paragraph (2); and

“(2) such audits and evaluations may be requested by a congressional committee of jurisdiction (such as the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives), and may include matters relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, and information sharing.

“(c)(1) The Comptroller General may conduct an audit or evaluation involving intelligence sources and methods or covert actions only upon request of the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

“(2)(A) Whenever the Comptroller General conducts an audit or evaluation under paragraph (1), the Comptroller General shall provide the results of such audit or evaluation only to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

“(B) The Comptroller General may only provide information obtained in the course of an audit or evaluation under paragraph (1) to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

“(3)(A) Notwithstanding any other provision of law, the Comptroller General may inspect records of any element of the intelligence community relating to intelligence sources and methods, or covert actions in order to conduct audits and evaluations under paragraph (1).

“(B) If, in the conduct of an audit or evaluation under paragraph (1), an agency record is not made available to the Comptroller General in accordance with section 716, the

Comptroller General shall consult with the original requestor before filing a report under subsection (b)(1) of such section.

“(4)(A) The Comptroller General shall maintain the same level of confidentiality for a record made available for conducting an audit under paragraph (1) as is required of the head of the element of the intelligence community from which it is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the intelligence community element that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such records.

“(B) All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during an audit or evaluation under paragraph (1) shall remain in facilities provided by that element of the intelligence community. Elements of the intelligence community shall give the Comptroller General suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of audits and evaluations under paragraph (1).

“(C) After consultation with the Select Committee on Intelligence of the Senate and with the Permanent Select Committee on Intelligence of the House of Representatives, the Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an audit or evaluation under paragraph (1).

“(D) Before initiating an audit or evaluation under paragraph (1), the Comptroller General shall provide the Director of National Intelligence and the head of the relevant element with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records, and information of the element of the intelligence community shall be made available in conducting the audit or evaluation.

“(d) Elements of the intelligence community shall cooperate fully with the Comptroller General and provide timely responses to Comptroller General requests for documentation and information made pursuant to this section.

“(e) With the exception of the types of audits and evaluations specified in subsection (c)(1), nothing in this section or any other provision of law shall be construed as restricting or limiting the authority of the Comptroller General to audit, evaluate, or obtain access to the records of elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.”.

(b) **TABLE OF SECTIONS AMENDMENT.**—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3523 the following:

“3523A. Audits of intelligence community by Government Accountability Office.”.

**SEC. 336. REPORT ON COMPLIANCE WITH LAWS, INTERNATIONAL OBLIGATIONS, AND EXECUTIVE ORDERS ON THE DETENTION AND INTERROGATION ACTIVITIES OF THE INTELLIGENCE COMMUNITY.**

(a) **REPORT REQUIRED.**—Not later than December 1, 2009, the Director shall submit to

the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of applicable law, international obligations, and executive orders relating to the detention or interrogation activities, if any, of any element of the intelligence community, including the Detainee Treatment Act of 2005 (title X of division A of Public Law 109-148; 119 Stat. 2739), related provisions of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2600), common Article 3, the Convention Against Torture, Executive Order 13491 (74 Fed. Reg. 4893; relating to ensuring lawful interrogations), and Executive Order 13493 (74 Fed. Reg. 4901; relating to detention policy options).

(b) **DEFINITIONS.**—In this Act:

(1) **COMMON ARTICLE 3.**—The term “common Article 3” means Article 3 of each of the Geneva Conventions.

(2) **CONVENTION AGAINST TORTURE.**—The term “Convention Against Torture” means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(3) **DIRECTOR.**—The term “Director” means the Director of National Intelligence.

(4) **GENEVA CONVENTIONS.**—The term “Geneva Conventions” means the following:

(A) The Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114).

(B) The Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217).

(C) The Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

(D) The Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(c) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with applicable law, international obligations, and Executive orders, and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of any recommendations of a task force submitted pursuant to—

(A) section 5(g) of Executive Order 13491 (74 Fed. Reg. 4893; relating to ensuring lawful interrogations); or

(B) section 1(g) of Executive Order 13493 (74 Fed. Reg. 4901; relating to detention policy options).

(3) A description of any actions taken pursuant to Executive Order 13491 or the recommendations of a task force issued pursuant to section 5(g) of Executive Order 13491 or section 1(g) of Executive Order 13493 relating to detention or interrogation activities, if any, of any element of the intelligence community.

(4) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd-1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(5) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of applicable law, international obligations, and Executive orders relating to the detention or interrogation activities, if any, of any element of the intelligence community, including the Detainee Treatment Act of 2005 (title X of division A of Public Law 109-148; 119 Stat. 2739), related provisions of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2600), common Article 3, the Convention Against Torture, Executive Order 13491, and Executive Order 13493.

(6) An appendix containing—

(A) all guidelines for the application of applicable law, international obligations, or Executive orders to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) the legal justifications of the Department of Justice about the meaning or application of applicable law, international obligations, or Executive orders, with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(d) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) **SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.**—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(f) **SUBMISSION TO THE CONGRESSIONAL JUDICIARY COMMITTEES.**—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

**SEC. 337. REPORTS ON NATIONAL SECURITY THREAT POSED BY GUANTANAMO BAY DETAINEES.**

In addition to the reports required by section 319 of the Supplemental Appropriations Act of 2009 (Public Law 111-32) and on the schedule required for such reports, the Director of National Intelligence shall submit to the congressional intelligence committees a report outlining the Director's assessment of the suitability for release or transfer for detainees previously released or transferred, or to be released or transferred, from the Naval Detention Facility at Guantanamo Bay, Cuba to the United States or any other country. Each such report shall include—

(1) a description of any objection to the release or recommendation against the release of such an individual made by any element of the intelligence community that determined the potential threat posed by a particular individual warranted the individual's continued detention;

(2) a detailed description of the intelligence information that led to such an objection or determination;

(3) if an element of the intelligence community previously recommended against the

release of such an individual and later retracted that recommendation, a detailed explanation of the reasoning for the retraction; and

(4) an assessment of lessons learned from previous releases and transfers of individuals for whom the intelligence community objected or recommended against release.

**SEC. 338. REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.**

(a) **REQUIREMENT FOR REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) **DEFINITIONS.**—In this section:

(1) **AIR AMERICA.**—The term “Air America” means Air America, Incorporated.

(2) **ASSOCIATED COMPANY.**—The term “associated company” means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport during the period when such an entity was owned and controlled by the United States Government.

(c) **REPORT ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) The history of Air America and the associated companies prior to 1977, including a description of—

(A) the relationship between Air America and the associated companies and the Central Intelligence Agency or other elements of the United States Government;

(B) the workforce of Air America and the associated companies;

(C) the missions performed by Air America, the associated companies, and their employees for the United States; and

(D) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(2) A description of—

(A) the retirement benefits contracted for, or promised to, the employees of Air America and the associated companies prior to 1977;

(B) the contributions made by such employees for such benefits;

(C) the retirement benefits actually paid to such employees;

(D) the entitlement of such employees to the payment of future retirement benefits; and

(E) the likelihood that former employees of such companies will receive any future retirement benefits.

(3) An assessment of the difference between—

(A) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(B) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(4)(A) Any recommendations regarding the advisability of legislative action to treat

such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(B) If legislative action is considered advisable under subparagraph (A), a proposal for such action and an assessment of its costs.

(5) The opinions of the Director of the Central Intelligence Agency, if any, on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(d) **ASSISTANCE OF COMPTROLLER GENERAL.**—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(e) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 339. REPORT AND STRATEGIC PLAN ON BIOLOGICAL WEAPONS.**

(a) **REQUIREMENT FOR REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

(1) the intelligence collection efforts of the United States dedicated to assessing the threat from biological weapons from state, non-state, or rogue actors, either foreign or domestic; and

(2) efforts to protect the United States bio-defense knowledge and infrastructure.

(b) **CONTENT.**—The report required by subsection (a) shall include—

(1) an accurate assessment of the intelligence collection efforts of the United States dedicated to detecting the development or use of biological weapons by state, non-state, or rogue actors, either foreign or domestic;

(2) detailed information on fiscal, human, technical, open source, and other intelligence collection resources of the United States dedicated for use against biological weapons;

(3) an assessment of any problems that may reduce the overall effectiveness of United States intelligence collection and analysis to identify and protect biological weapons targets, including—

(A) intelligence collection gaps or inefficiencies;

(B) inadequate information sharing practices; or

(C) inadequate cooperation among agencies or departments of the United States;

(4) a strategic plan prepared by the Director of National Intelligence, in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security, that provides for actions for the appropriate elements of the intelligence community to close important intelligence gaps related to biological weapons;

(5) a description of appropriate goals, schedules, milestones, or metrics to measure the long-term effectiveness of actions implemented to carry out the plan described in paragraph (4); and

(6) any long-term resource and human capital issues related to the collection of intelligence regarding biological weapons, including any recommendations to address shortfalls of experienced and qualified staff possessing relevant scientific, language, and technical skills.

(c) **IMPLEMENTATION OF STRATEGIC PLAN.**—Not later than 30 days after the date that the Director of National Intelligence submits the report required by subsection (a), the Director shall begin implementation of the strategic plan referred to in subsection (b)(4).

**SEC. 340. CYBERSECURITY OVERSIGHT.**

(a) **DEFINITIONS.**—In this section:

(1) **CYBERSECURITY PROGRAM.**—The term “cybersecurity program” means a class or collection of similar cybersecurity operations of an agency or department of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the agency or department of the United States that was the intended recipient;

(B) transferred, for the purpose of cybersecurity, outside the agency or department of the United States that was the intended recipient; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) **NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.**—The term “National Cyber Investigative Joint Task Force” means the multi-agency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the Nation Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

(b) **NOTIFICATION OF CYBERSECURITY PROGRAMS.**—

(1) **REQUIREMENT FOR NOTIFICATION.**—

(A) **EXISTING PROGRAMS.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(B) **NEW PROGRAMS.**—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(2) **DOCUMENTATION.**—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal justification for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate agency or department;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such agency or department; and

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of the relevant department or agency of the United States, in conjunction with the appropriate inspector general.

(c) **PROGRAM REPORTS.**—

(1) **REQUIREMENT FOR REPORTS.**—The head of a department or agency of the United

States with responsibility for a cybersecurity program for which a notification was submitted under subsection (b), in conjunction with the inspector general for that department or agency, shall submit to Congress and the President, in accordance with the schedule set out in paragraph (2), a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (b)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal justification referred to in subsection (b)(2)(A); and

(II) the assessment referred to in subsection (b)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (b)(2)(C), if any; and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) **SCHEDULE FOR SUBMISSION OF REPORTS.**—The reports required by paragraph (1) shall be submitted to Congress and the President according to the following schedule:

(A) An initial report shall be submitted not later than 6 months after the date of the enactment of this Act.

(B) A second report shall be submitted not later than 1 year after the date of the enactment of this Act.

(C) Additional reports shall be submitted periodically thereafter, as necessary, as determined by the head of the relevant department or agency of the United States in conjunction with the inspector general of that department or agency.

(3) **COOPERATION AND COORDINATION.**—

(A) **COOPERATION.**—The head of each department or agency of the United States and inspector general required to submit a report under paragraph (1) shall work in conjunction, to the extent practicable, with any other such head or inspector general required to submit such a report.

(B) **COORDINATION.**—The heads of each department or agency of the United States and inspectors general required to submit reports under paragraph (1) shall designate one such head and one such inspector general to coordinate the conduct of such reports.

(d) **INFORMATION SHARING REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall, jointly, submit to Congress and the President a report on the status of the sharing of cyber threat information, including—

(1) a description of how cyber threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber threat information is distributed;

(3) an assessment of the effectiveness of such information sharing and distribution; and

(4) any other matters identified by such Inspectors General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(e) **PERSONNEL DETAILS.**—

(1) **AUTHORITY TO DETAIL.**—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) **BASIS FOR DETAIL.**—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than 3 years; and

(B) on a reimbursable or nonreimbursable basis.

(f) **SUNSET.**—The requirements and authorities of this section shall terminate on December 31, 2012.

#### **SEC. 341. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.**

(a) **ANNUAL REPORT ON INTELLIGENCE.**—

(1) **REPEAL.**—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(b) **ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.**—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) **ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.**—

(1) **REPEAL.**—Section 114A of the National Security Act of 1947 (50 U.S.C. 404i-1) is repealed.

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 114A.

(d) **ELIMINATION OF REPORTING REQUIREMENT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.**—

(1) **IN GENERAL.**—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(A) in the section heading, by striking “SEMIANNUAL REPORT ON” and inserting “EMERGENCY NOTIFICATION REGARDING”;

(B) by striking subsection (a);

(C) by redesignating subsection (b) as subsection (a);

(D) by striking subsection (c); and

(E) by redesignating subsection (d) as subsection (b).

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item related to section 118 and inserting the following:

“Sec. 118. Emergency notification regarding financial intelligence on terrorist assets.”.

(e) **ANNUAL CERTIFICATION ON COUNTER-INTELLIGENCE INITIATIVES.**—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking “(1)”;

(2) by striking paragraph (2).

(f) **REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.**—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n-2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(g) **ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.**—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(h) **BIENNIAL REPORT ON FOREIGN INDUSTRIAL ESPIONAGE.**—Subsection (b) of section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) in the heading, by striking “ANNUAL UPDATE” and inserting “BIENNIAL REPORT”;

(2) by striking paragraphs (1) and (2) and inserting the following:

“(1) **REQUIREMENT TO SUBMIT.**—Not later than February 1, 2010 and once every two years thereafter, the President shall submit to the congressional intelligence committees and congressional leadership a report updating the information referred to in subsection (a)(1)(D) not later than February 1, 2010 and every two years thereafter.”; and

(3) by redesignating paragraph (3) as paragraph (2).

(i) **CONFORMING AMENDMENTS.**—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 415b(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2), by striking subparagraph (D).

#### **Subtitle E—Other Matters**

#### **SEC. 351. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.**

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

“(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

“(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

“(C) In this paragraph, the term ‘element of the intelligence community’ means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

#### **SEC. 352. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.**

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

“(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and”.

#### **SEC. 353. LIMITATION ON REPROGRAMMING AND TRANSFERS OF FUNDS.**

(a) **IN GENERAL.**—Paragraph (3) of section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subparagraph (B), as amended by section 353, by striking “and” at the end;

(2) in subparagraph (C), by adding “and” at the end; and

(3) by adding at the end the following new subparagraph:

“(D) the making available of such funds for such activity complies with the requirements in subsection (d);”.

(b) PROCEDURES.—Such section 504 is further amended—

(1) by redesignating subsections (c), (d), (e), and (f), as redesignated by section 334(2), as subsections (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c)(1) Except as provided in paragraph (2), if following a notice of intent to make funds available for a different activity under subsection (a)(3)(C) one of the congressional intelligence committees submits to the element of the intelligence community that will carry out such activity a request for additional information on such activity, such funds may not be made available for such activity under subsection (a)(3) until such date, up to 90 days after the date of such request, as specified by such congressional intelligence committee.

“(2) The President may waive the requirements of paragraph (1) and make funds available for an element of the intelligence community to carry out a different activity under subsection (a)(3) if the President submits to the congressional intelligence committees a certification providing that—

“(A) the use of such funds for such activity is necessary to fulfill an urgent operational requirement, excluding a cost overrun on the acquisition of a major system, of an element of the intelligence community; and

“(B) such waiver is necessary so that an element of the intelligence community may carry out such activity prior to the date that funds would be made available under paragraph (1).”.

(c) DEFINITIONS.—Subsection (g) of such section 504, as redesignated by subsection (b)(1) of this section, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by redesignating paragraphs (1) and (2), respectively;

(3) by striking “and” at the end of paragraph (1), as redesignated by paragraph (2) of this subsection; and

(4) by inserting after paragraph (2), as redesignated by paragraph (2) of this subsection, the following:

“(3) the term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403); and”.

#### SEC. 354. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking “ten years” and inserting “15 years”.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking “five years” and inserting “10 years”.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting “including an assessment of the need for any modification of this title for the purpose of improving legal

protections for covert agents,” after “measures to protect the identities of covert agents.”.

#### SEC. 355. NATIONAL INTELLIGENCE PROGRAM BUDGET REQUEST.

(a) FINDING.—Congress finds that the Report of the National Commission on Terrorist Attacks Upon the United States (the “9/11 Commission”) recommended that “the overall amounts of money being appropriated for national intelligence and to its component agencies should no longer be kept secret” and that “Congress should pass a separate appropriations act for intelligence, defending the broad allocation of how these tens of billions of dollars have been assigned among the varieties of intelligence work.”.

(b) NATIONAL INTELLIGENCE PROGRAM BUDGET REQUEST.—Section 601 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c) is amended by striking subsection (b) and inserting the following:

“(b) BUDGET REQUEST.—On the date that the President submits to Congress the budget for a fiscal year required under section 1105 of title 31, United States Code, the President shall disclose to the public the aggregate amount of appropriations requested for that fiscal year for the National Intelligence Program.”.

#### SEC. 356. IMPROVING THE REVIEW AUTHORITY OF THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Paragraph (5) of section 703(b) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking “jurisdiction,” and inserting “jurisdiction or by a member of the committee of jurisdiction,”; and

(2) by inserting “, evaluate the proper classification of certain records,” after “certain records”.

#### SEC. 357. AUTHORITY TO DESIGNATE UNDERCOVER OPERATIONS TO COLLECT FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE.

Paragraph (1) of section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (Public Law 102-395; 28 U.S.C. 533 note) is amended in the flush text following subparagraph (D) by striking “(or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Assistant Attorney General for National Security)” and inserting “(or a designee of the Director who is in a position not lower than Deputy Assistant Director in the National Security Branch or a similar successor position) and the Attorney General (or a designee of the Attorney General who is in the National Security Division in a position not lower than Deputy Assistant Attorney General or a similar successor position)”.

#### SEC. 358. CORRECTING LONG-STANDING MATERIAL WEAKNESSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term “covered element of the intelligence community” means—

(A) the Central Intelligence Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office; or

(E) the National Security Agency.

(2) INDEPENDENT AUDITOR.—The term “independent auditor” means an individual who—

(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

(ii) is a public accountant who meets such independence standards; and

(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

(3) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term “long-standing, correctable material weakness” means a material weakness—

(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

(B) the correction of which is not substantially dependent on a business system that will not be implemented prior to the end of fiscal year 2010.

(4) MATERIAL WEAKNESS.—The term “material weakness” has the meaning given that term under the Office of Management and Budget Circular A-123, entitled “Management’s Responsibility for Internal Control,” revised December 21, 2004.

(5) COVERED PROGRAM.—The term “covered program” means—

(A) the Central Intelligence Agency Program;

(B) the Consolidated Cryptologic Program;

(C) the General Defense Intelligence Program;

(D) the National Geospatial-Intelligence Program; or

(E) the National Reconnaissance Program.

(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term “senior intelligence management official” means an official within a covered element of the intelligence community who holds a position—

(A)(i) for which the level of the duties and responsibilities and the rate of pay are comparable to that of a position—

(I) above grade 15 of the General Schedule (as described in section 5332 of title 5, United States Code); or

(II) at or above level IV of the Executive Level (as described in section 5315 of title 5, United States Code); or

(ii) as the head of a covered element of the intelligence community; and

(B) which is compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act.

(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act, the head of a covered element of the intelligence community shall identify each senior intelligence management official of such element who is responsible for correcting a long-standing, correctable material weakness.

(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness.

(3) REQUIREMENT TO UPDATE DESIGNATION.—In the event a senior intelligence management official identified under paragraph (1) is determined by the head of the appropriate covered element of the intelligence community to no longer be responsible for correcting a long-standing, correctable material weakness, the head of such element shall identify the successor to such official not later than 10 days after the date of such determination.

(c) NOTIFICATION.—Not later than 10 days after the date that the head of a covered element of the intelligence community has

identified a senior intelligence management official pursuant to subsection (b)(1), the head of such element shall provide written notification of such identification to the Director of National Intelligence and to such senior intelligence management official.

(d) INDEPENDENT REVIEW.—

(1) NOTIFICATION OF CORRECTION OF DEFICIENCY.—A senior intelligence management official who has received a notification under subsection (c) regarding a long-standing, correctable material weakness shall notify the head of the appropriate covered element of the intelligence community, not later than 5 days after the date that such official determines that the specified material weakness is corrected.

(2) REQUIREMENT FOR INDEPENDENT REVIEW.—

(A) IN GENERAL.—Not later than 10 days after the date a notification is provided under paragraph (1), the head of the appropriate covered element of the intelligence community shall appoint an independent auditor to conduct an independent review to determine whether the specified long-standing, correctable material weakness has been corrected.

(B) REVIEW ALREADY IN PROCESS.—If an independent review is already being conducted by an independent auditor, the head of the covered element of the intelligence community may approve the continuation of such review to comply with subparagraph (A).

(C) CONDUCT OF REVIEW.—A review conducted under subparagraph (A) or (B) shall be conducted as expeditiously as possible and in accordance with generally accepted accounting principles.

(3) NOTIFICATION OF RESULTS OF REVIEW.—Not later than 5 days after the date that a review required by paragraph (2) is completed, the independent auditor shall submit to the head of the covered element of the intelligence community, the Director of National Intelligence, and the senior intelligence management official involved a notification of the results of such review.

(e) CONGRESSIONAL OVERSIGHT.—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date of—

(1) that a senior intelligence management official is identified under subsection (b)(1) and notified under subsection (c); or

(2) the correction of a long-standing, correctable material weakness, as verified by an independent review under subsection (d)(2).

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

#### SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)—

(A) by striking “2004,” and inserting “2004 (Public Law 108-458; 50 U.S.C. 403 note),”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.”.

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

“(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

“(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

“(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director’s recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

“(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

“(D) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.”.

#### SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES FOR INTERAGENCY FUNDING.—Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(1)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

“(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458; 118 Stat. 3643)), expend funds and make funds available to other departments or agencies of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

“(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).”.

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(g)(1) of the National Security

Act of 1947 (50 U.S.C. 403-1(g)(1)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to the department or agency.

(c) REPORTS.—

(1) REQUIREMENT FOR REPORTS.—Not later than February 1 of each of the fiscal years 2011 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report detailing the distribution of funds and systems during the preceding fiscal year pursuant to subparagraph (G) or (H) of section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(1)), as added by subsection (a).

(2) CONTENT.—Each such report shall include—

(A) a listing of the agencies or departments to which such funds or systems were distributed;

(B) a description of the purpose for which such funds or systems were distributed; and

(C) a description of the expenditure of such funds, and the development, fielding, and use of such systems by the receiving agency or department.

#### SEC. 403. AUTHORITIES FOR INTERAGENCY FUNDING.

(a) IN GENERAL.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended by sections 303, 304, and 312, is further amended by adding at the end the following new subsection:

“(x) AUTHORITIES FOR INTERAGENCY FUNDING.—(1) Notwithstanding section 1346 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in subparagraph (A) or (B), upon the request of the Director of National Intelligence, any element of the intelligence community may use appropriated funds to support or participate in the interagency activities of the following:

“(A) National intelligence centers established by the Director under section 119B.

“(B) Boards, commissions, councils, committees, and similar groups that are established—

“(i) for a term of not more than 2 years; and

“(ii) by the Director.

“(2) No provision of law enacted after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 shall be construed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.”.

(b) REPORTS.—Not later than February 1 of each fiscal year 2011 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report detailing the exercise of any authority pursuant to subsection (x) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as added by subsection (a), during the preceding fiscal year.

#### SEC. 404. LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (e) of section 103 of the National Security Act of 1947 (50 U.S.C. 403-3) is amended to read as follows:

“(e) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region, as that term is defined in section 8301 of title 40, United States Code.”.

#### SEC. 405. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

(a) IN GENERAL.—Section 103E of the National Security Act of 1947 (50 U.S.C. 403-3e) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking “and” at the end; and

(C) by inserting after paragraph (4) the following:

“(5) assist the Director in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community and to be executed by elements of the intelligence community by—

“(A) systematically identifying, assessing, and prioritizing the most significant intelligence challenges that require technical solutions; and

“(B) examining options to enhance the responsiveness of research programs;

“(6) submit to Congress an annual report on the science and technology strategy of the Director; and”; and

(2) in paragraph (3) of subsection (d)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(B) in subparagraph (B), as so redesignated, by inserting “and prioritize” after “coordinate”; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

“(A) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community;”.

(b) SENSE OF CONGRESS ON SUPERVISION OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.—It is the sense of Congress that the Director of Science and Technology of the Office of the Director of National Intelligence should report only to a member of such Office who is appointed by the President, by and with the consent of the Senate.

#### SEC. 406. TITLE AND APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended—

(1) in subsection (a)—

(A) by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(B) by striking “President,” and all that follows and inserting “President.”;

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(3) in subsection (b) (as so redesignated), by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(4) in subsection (c) (as so redesignated), by inserting “of the Intelligence Community” after “Chief Information Officer” the first place it appears.

#### SEC. 407. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

##### “INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

“SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

“(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is—

“(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inves-

tigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;

“(2) to provide leadership and coordination and recommend policies for activities designed—

“(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and

“(B) to prevent and detect fraud and abuse in such programs and activities;

“(3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—

“(A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions; and

“(4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—

“(A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions.

“(c) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The nomination of an individual for appointment as Inspector General shall be made—

“(A) without regard to political affiliation;

“(B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

“(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal.

“(d) ASSISTANT INSPECTORS GENERAL.—Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall—

“(1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;

“(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and activities; and

“(3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

“(e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

“(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

“(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

“(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

“(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

“(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

“(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

“(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

“(B) The Inspector General shall have access to any employee, or any employee of contract personnel, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

“(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

“(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

“(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of contract personnel, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

“(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph,

the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(6) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade 15 of the General Schedule (as described in section 5332 of title 5, United States Code).

“(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

“(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other inspector or inspectors general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the Offices of the Inspectors General.

“(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within an agency or department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected agency or department for resolution.

“(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element or elements of the intelligence community.

“(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than 1 of its members.

“(3) The Inspector General conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit, or review to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

“(i) COUNSEL TO THE INSPECTOR GENERAL.—The Inspector General of the Intelligence Community shall—

“(1) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

“(2) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

“(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

“(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may

enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(k) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

“(B) Each report under this paragraph shall include, at a minimum, the following:

“(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

“(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

“(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particu-

larly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

“(3)(A) In the event that—

“(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

“(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

“(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

“(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review, the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

“(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of such department simultaneously with submission of the report to the congressional intelligence committees.

“(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

“(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intel-

ligence community, or an employee of contract personnel to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

“(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) In this paragraph, the term ‘urgent concern’ means any of the following:

“(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

“(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to

an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105-272; 5 U.S.C. App. 8H note).

"(I) Nothing in this section shall be construed to limit the protections afforded to an employee under the Intelligence Community Whistleblower Protection Act of 1988 (title VII of Public Law 105-272, 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(I) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.

"(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

"(A) the aggregate amount requested for the operations of the Inspector General;

"(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

"(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification of such amount.

"(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

"(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

"(B) the amount requested by the Inspector General for training;

"(C) the amounts requested to support of the Council of the Inspectors General on Integrity and Efficiency; and

"(D) the comments of the Inspector General, if any, with respect to the proposal.

"(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

"(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

"(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2);

"(C) the amount requested by the Director for training for personnel of the Office of the Inspector General;

"(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency; and

"(E) the comments of the Inspector General, if any, on the amount requested pursuant to paragraph (2), including whether such amount would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General."

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Inspector General of the Intelligence Community."

(b) PAY OF INSPECTOR GENERAL.—Subparagraph (A) of section 4(a)(3) of the Inspector General Reform Act of 2008 (Public Law 110-409; 5 U.S.C. App. note) is amended by inserting "the Inspector General of the Intelligence Community," after "basic pay of".

(c) CONSTRUCTION.—Nothing in the amendment made by subsection (a)(1) shall be construed to alter the duties and responsibilities of the General Counsel of the Office of the Director of National Intelligence. The Counsel to the Inspector General of the Intelligence Community appointed pursuant to section 103H(i) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as added by subsection (a)(1), shall perform the functions as such Inspector General may prescribe.

(d) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—

(1) IN GENERAL.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) shall be repealed on the date that the President nominates the first individual to serve as Inspector General for the Intelligence Community pursuant to section 103H of the National Security Act of 1947, as added by subsection (a).

(2) TRANSITION.—Notwithstanding the repeal of section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) pursuant to paragraph (1), the individual serving as Inspector General pursuant to such section 8K may continue such service until an individual is appointed as the Inspector General of the Intelligence Community, by and with the advice and consent of the Senate, pursuant to such section 103H and assumes the duties of that position.

#### SEC. 408. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 407 of this Act, is further amended by inserting after section 103H, as added by section 407(a)(1), the following new section:

##### "CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY

"SEC. 103I. (a) CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there shall be within the Office of the Director of National Intelligence a Chief Financial Officer of the Intelligence Community who shall be appointed by the Director.

"(b) DUTIES AND RESPONSIBILITIES.—Subject to the direction of the Director of Na-

tional Intelligence, the Chief Financial Officer of the Intelligence Community shall—

"(1) serve as the principal advisor to the Director of National Intelligence and the Principal Deputy Director of National Intelligence on the management and allocation of intelligence community budgetary resources;

"(2) establish and oversee a comprehensive and integrated strategic process for resource management within the intelligence community;

"(3) ensure that the strategic plan of the Director of National Intelligence—

"(A) is based on budgetary constraints as specified in the Future Year Intelligence Plans and Long-term Budget Projections required by this Act; and

"(B) contains specific goals and objectives to support a performance-based budget;

"(4) ensure that—

"(A) current and future major system acquisitions have validated national requirements for meeting the strategic plan of the Director; and

"(B) such requirements are prioritized based on budgetary constraints, as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required by this Act;

"(5) prior to the obligation or expenditure of funds for the acquisition of any major system pursuant to a Milestone A or Milestone B decision, determine that such acquisition complies with the requirements of paragraph (4);

"(6) ensure that the architectures of the Director are based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required by this Act;

"(7) coordinate or approve representations made to Congress by the intelligence community regarding National Intelligence Program budgetary resources;

"(8) preside, or assist in presiding, over any mission requirements, acquisition, or architectural board formed within or by the Office of the Director of National Intelligence; and

"(9) perform such other duties as may be prescribed by the Director of National Intelligence or specified by law.

"(c) OTHER LAW.—The Chief Financial Officer of the Intelligence Community shall serve as the Chief Financial Officer of the intelligence community and, to the extent applicable, shall have the duties, responsibilities, and authorities specified in the Chief Financial Officers Act of 1990 (Public Law 101-576; 104 Stat. 2823) and the amendments made by that Act.

"(d) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF FINANCIAL OFFICER.—An individual serving in the position of Chief Financial Officer of the Intelligence Community may not, while so serving, serve as the chief financial officer of any other department or agency, or component thereof, of the United States Government.

"(e) DEFINITIONS.—In this section:

"(1) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(2) The term 'Milestone A' means a decision to enter into concept refinement and technology maturity demonstration pursuant to guidance issued by the Director of National Intelligence.

"(3) The term 'Milestone B' means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence."

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 406, is further amended by inserting after the item relating to section 103H, as added by section 407(a)(2) the following new item:

“Sec. 103I. Chief Financial Officer of the Intelligence Community.”.

**SEC. 409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.**

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 4040-1(a)) is amended—

(1) by striking “(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the” and inserting the following:

“(a) IN GENERAL.—  
“(1) ESTABLISHMENT.—The”; and

(2) by adding at the end the following new paragraphs:

“(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

“(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.”.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (14); and

(2) by inserting after paragraph (8) the following new paragraphs:

“(9) The Chief Information Officer of the Intelligence Community.

“(10) The Inspector General of the Intelligence Community.

“(11) The Director of the National Counterterrorism Center.

“(12) The Director of the National Counter Proliferation Center.

“(13) The Chief Financial Officer of the Intelligence Community”.

**SEC. 410. NATIONAL SPACE INTELLIGENCE OFFICE.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

“NATIONAL SPACE INTELLIGENCE OFFICE

“SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

“(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

“(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

“(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

“(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

“(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

“(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

“(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

“(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 119B the following new item:

“Sec. 119C. National Space Intelligence Office.”.

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the 5-year period beginning on the date of the report.

**SEC. 411. PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

“PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

“SEC. 706. (a) INAPPLICABILITY OF FOIA TO EXEMPTED OPERATIONAL FILES PROVIDED TO ODNI.—(1) Subject to paragraph (2), the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record shall not apply to a record provided to the Office by an element of the intelligence community from the exempted operational files of such element.

“(2) Paragraph (1) shall not apply with respect to a record of the Office that—

“(A) contains information derived or disseminated from an exempted operational file, unless such record is created by the Office for the sole purpose of organizing such exempted operational file for use by the Office;

“(B) is disseminated by the Office to a person other than an officer, employee, or contractor of the Office; or

“(C) is no longer designated as an exempted operational file in accordance with this title.

“(b) EFFECT OF PROVIDING FILES TO ODNI.—Notwithstanding any other provision of this title, an exempted operational file that is provided to the Office by an element

of the intelligence community shall not be subject to the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record solely because such element provides such exempted operational file to the Office.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘exempted operational file’ means a file of an element of the intelligence community that, in accordance with this title, is exempted from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of such file.

“(2) Except as otherwise specifically provided, the term ‘Office’ means the Office of the Director of National Intelligence.

“(d) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a) or (b), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

“(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

“(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

“(3) The specific subject matter of an investigation for any impropriety or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity by any of the following:

“(A) The Select Committee on Intelligence of the Senate.

“(B) The Permanent Select Committee on Intelligence of the House of Representatives.

“(C) The Intelligence Oversight Board.

“(D) The Department of Justice.

“(E) The Office.

“(F) The Office of the Inspector General of the Intelligence Community.

“(e) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

“(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

“(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

“(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 or before the expiration of the 10-year period beginning on the date of the most recent review.

“(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

“(f) SUPERSEDITION OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this

section and that specifically cites and references or modifies such provisions.

“(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

“(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

“(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office, such information shall be examined *ex parte*, in camera by the court.

“(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

“(C)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted files likely to contain responsive records are records provided to the Office by an element of the intelligence community from the exempted operational files of such element.

“(ii) The court may not order the Office to review the content of any exempted file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

“(D) In proceedings under subparagraph (C), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

“(E) If the court finds under this subsection that the Office has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

“(F) If at any time following the filing of a complaint pursuant to this paragraph the Office agrees to search the appropriate exempted file or files for the requested records, the court shall dismiss the claim based upon such complaint.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

“Sec. 706. Protection of certain files of the Office of the Director of National Intelligence.”

#### SEC. 412. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

Section 1102 of the National Security Act of 1947 (50 U.S.C. 442a) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and  
(B) by striking “(1) In” and inserting “In”;

and  
(2) in subsection (c)—

(A) by striking paragraph (2); and  
(B) by striking “(1) The” and inserting “The”.

#### SEC. 413. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (j) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or”;  
(2) by redesignating paragraph (2) as paragraph (3); and  
(3) by inserting after paragraph (1) the following new paragraph:

“(2) maintained by the Office of the Director of National Intelligence; or”.

#### SEC. 414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking “or”;  
(2) in paragraph (2), by striking the period and inserting “; or”;

(3) by adding at the end the following new paragraph:

“(3) the Office of the Director of National Intelligence.”.

(b) ANNUAL REPORT.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees an annual report on advisory committees created by each such Director. Each report shall include—

(1) a description of each such advisory committee, including the subject matter of the committee; and  
(2) a list of members of each such advisory committee.

#### SEC. 415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence, or the Director's designee.”.

#### SEC. 416. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107-306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j);  
(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and  
(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “subsection (f)” each place it appears in paragraphs (1) and (2) and inserting “subsection (e)”;

(2) in subsection (e), as so redesignated—  
(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (d)(1)”;

(B) in paragraph (2), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

#### SEC. 417. MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence, or a designee of the Director, knowingly use the words “Office of the Director of National Intelligence”, the initials “ODNI”, the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

#### Subtitle B—Central Intelligence Agency

#### SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(a)(4)) is amended—

(1) by striking “and the protection” and inserting “the protection”;

(2) by inserting before the semicolon the following: “, and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate”.

#### SEC. 422. APPEALS FROM DECISIONS INVOLVING CONTRACTS OF THE CENTRAL INTELLIGENCE AGENCY.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by adding at the end the following new sentence: “Notwithstanding any other provision of this section and any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that agency may be filed with whichever of the Armed Services Board of Contract Appeals or the Civilian Board of Contract Appeals is specified in the contract as the Board to which such an appeal may be made; and the Board so specified shall have jurisdiction to decide that appeal.”

#### SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF THE POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding after section 104A the following:

#### “SEC. 104B. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

“(a) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who

shall be appointed by the President, by and with the consent of the Senate.

“(b) DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The Deputy Director of the Central Intelligence Agency shall—

“(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

“(2) act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 104A the following:

“Sec. 104B. Deputy Director of the Central Intelligence Agency.”.

(b) EXECUTIVE SCHEDULE III.—Section 5314 of Title 5, United States Code, is amended by striking the item relating to the Deputy Directors of the Central Intelligence Agency (2) and inserting the following:

“Deputy Director of the Central Intelligence Agency.”.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

#### SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COMMON CARRIER.

Subsection (b) of section 116 of the National Security Act of 1947 (50 U.S.C. 404k) is amended by striking the period at the end and inserting “, who may delegate such authority to other appropriate officials of the Central Intelligence Agency.”.

#### SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT AND QUALIFICATIONS OF THE INSPECTOR GENERAL.—Paragraph (1) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended by striking the second and third sentence and inserting “This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.”.

(b) REMOVAL OF THE INSPECTOR GENERAL.—Paragraph (6) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended—

(1) by striking “immediately”; and

(2) by striking the period at the end and inserting “not later than 30 days prior to the effective date of such removal.”.

(c) APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO REVIEW REPORTS.—Paragraph (1) of section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in the matter preceding subparagraph (A) by inserting “review,” after “investigation.”.

(d) PROTECTION AGAINST REPRISALS.—Subparagraph (B) of section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended by inserting “or providing such information” after “making such complaint”.

(e) INSPECTOR GENERAL SUBPOENA POWER.—Subparagraph (A) of section 17(e)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is amended by inserting “in any medium (including electronically stored information or any tangible thing)” after “other data”.

(f) OTHER ADMINISTRATIVE AUTHORITIES.—

(1) IN GENERAL.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(A) by redesignating paragraph (8) as subparagraph (9);

(B) in paragraph (9), as so redesignated—

(i) by striking “Subject to the concurrence of the Director, the” and inserting “The”; and

(ii) by adding at the end “Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security based determinations that are not within the authority of a head of other Central Intelligence Agency offices.”; and

(C) by inserting after paragraph (7) the following:

“(8) The Inspector General shall—

“(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

“(B) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.”.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1)(C) shall be construed to alter the duties and responsibilities of the General Counsel of the Central Intelligence Agency. The Counsel to the Inspector General of the Central Intelligence Agency appointed pursuant to section 17(e)(8) of the Central Intelligence Agency Act of 1949, as added by such paragraph, shall perform the functions as such Inspector General may prescribe.

#### SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

Subsection (f) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by inserting “(1)” before “Beginning”; and

(2) by adding at the end the following:

“(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

“(A) the aggregate amount requested for the operations of the Inspector General;

“(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification of such amount.

“(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

“(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

“(B) the amount requested for Inspector General for training;

“(C) the amounts requested to support of the Council of the Inspectors General on Integrity and Efficiency; and

“(D) the comments of the Inspector General, if any, with respect to the proposal.

“(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

“(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

“(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3);

“(C) the amount requested by the Director of National Intelligence for training for personnel of the Office;

“(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency; and

“(E) the comments of the Inspector General, if any, on the amount requested pursuant to paragraph (3), including whether such amount would substantially inhibit the Inspector General from performing the duties of the Office.”.

#### SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF CERTAIN INTELLIGENCE PRODUCTS.

The Director of the Central Intelligence Agency shall make publicly available an unclassified version of any memoranda or finished intelligence products assessing the information gained from high-value detainee reporting dated April 3, 2003, July 15, 2004, March 2, 2005, and June 1, 2005.

#### Subtitle C—Defense Intelligence Components

##### SEC. 431. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting “the Defense Intelligence Agency,” after “the Corporation for Public Broadcasting,”;

(2) by inserting “the National Geospatial Intelligence Agency,” after “the National Endowment for the Humanities.”; and

(3) by inserting “the National Reconnaissance Office, the National Security Agency,” after “the National Labor Relations Board.”.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

“(3) The Inspectors General of the Defense Intelligence Agency, the National

Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.”

(c) **POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.**—Subsection (d) of section 8G of such Act (5 U.S.C. App. 8G) is amended—

(1) by inserting “(1)” after “(d)”;

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking “The head” and inserting “Except as provided in paragraph (2), the head”;

(3) by adding at the end the following new paragraph:

“(2)(A) The Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to protect vital national security interests of the United States.

“(B) If the Secretary exercises the authority under subparagraph (A), the Secretary shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than 7 days after the exercise of the authority.

“(C) At the same time the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

“(D) The elements of the intelligence community specified in this subparagraph are as follows:

“(i) The Defense Intelligence Agency.

“(ii) The National Geospatial-Intelligence Agency.

“(iii) The National Reconnaissance Office.

“(iv) The National Security Agency.

“(E) The committees of Congress specified in this subparagraph are—

“(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

“(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.”

**SEC. 432. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.**

(a) **DIRECTOR OF NATIONAL SECURITY AGENCY.**—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

“SEC. 2. (a) There is a Director of the National Security Agency.

“(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

“(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.”

(b) **DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.**—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Director of the National Geospatial-Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.”

(c) **DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.**—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) **POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**—

(1) **DESIGNATION OF POSITIONS.**—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) **COVERED POSITIONS.**—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) **EFFECTIVE DATE AND APPLICABILITY.**—

(1) **IN GENERAL.**—The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) **POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**—Subsection (d) shall take effect on the date of the enactment of this Act.

**SEC. 433. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.**

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

“(B) The authority provided by this paragraph does not include authority for the National Geospatial-Intelligence Agency to manage tasking of handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.”; and

(3) in paragraph (3), as so redesignated, by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”.

**SEC. 434. DEFENSE INTELLIGENCE AGENCY COUNTERINTELLIGENCE AND EXPENDITURES.**

Section 105 of the National Security Act of 1947 (50 U.S.C. 403-5) is amended—

(1) in subsection (b)(5), by inserting “and counterintelligence” after “human intelligence”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) **EXPENDITURE OF FUNDS BY THE DEFENSE INTELLIGENCE AGENCY.**—(1) The amounts made available to the Director of the Defense Intelligence Agency for human intelligence and counterintelligence activities may be expended for objects of a confidential, extraordinary, or emergency nature, without regard to the provisions of law or regulation relating to the expenditure of Government funds, if accounted for by a certificate made by Director of the Defense Intelligence Agency. Each such certificate shall be deemed a sufficient voucher for the amount certified.

“(2) Not later than December 1 of each year, the Director of the Defense Intelligence Agency shall submit to the congressional intelligence committees a report on any expenditures made during the preceding fiscal year pursuant to the authority described in paragraph (1).”

**Subtitle D—Other Elements**

**SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting “the Coast Guard,” after “the Marine Corps,”; and

(B) by inserting “the Drug Enforcement Administration,” after “the Federal Bureau of Investigation,”; and

(2) in subparagraph (K), by striking “, including the Office of Intelligence of the Coast Guard”.

**SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD NATIONAL TACTICAL INTEGRATION OFFICE.**

Title 14, United States Code, is amended—

(1) in paragraph (4) of section 93(a), by striking “function” and inserting “function, including research, development, test, or evaluation related to intelligence systems and capabilities,”; and

(2) in paragraph (4) of section 662, by inserting “intelligence systems and capabilities or” after “related to”.

**SEC. 443. RETENTION AND RELOCATION BONUSES FOR THE FEDERAL BUREAU OF INVESTIGATION.**

Section 5759 of title 5 of the United States Code, is amended—

(1) in subsection (a)(2), by striking “is transferred to a different geographic area with a higher cost of living” and inserting “is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills”;

(2) in subsection (b)(2), by striking the period at the end and inserting “, including requirements for a bonus recipient’s repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.”;

(3) in subsection (c), by striking “basic pay.” and inserting “annual rate of basic pay. The bonus may be paid in a lump sum of

installments linked to completion of periods of service.”;

(4) in subsection (d), by striking “retention bonus” and inserting “bonus paid under this section”;

(5) by striking subsection (e).

**SEC. 444. EXTENDING THE AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION TO WAIVE MANDATORY RETIREMENT PROVISIONS.**

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Subsection (b) of section 8335 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(a)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108-447; 118 Stat. 2868) is amended by striking “2009” and inserting “2011”; and

(2) by striking the paragraph (2) enacted by section 2005(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3704).

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Subsection (b) of section 8425 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(b)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108-447; 118 Stat. 2868) is amended by striking “2009” and inserting “2011”; and

(2) by striking the paragraph (2) enacted by section 2005(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3704).

**SEC. 445. REPORT AND ASSESSMENTS ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.**

(a) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Director of National Intelligence, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report describing—

(A) a long-term vision for the intelligence capabilities of the Bureau’s National Security Branch;

(B) a strategic plan for the National Security Branch; and

(C) the progress made in advancing the capabilities of the National Security Branch.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of the direction, strategy, and goals for improving the intelligence capabilities of the National Security Branch;

(B) a description of the intelligence and national security capabilities of the National Security Branch that will be fully functional within the 5-year period beginning on the date the report is submitted;

(C) a description—

(i) of the internal reforms that were carried out at the National Security Branch during the 2-year period ending on the date the report is submitted; and

(ii) of the manner in which such reforms have advanced the capabilities of the National Security Branch;

(D) an assessment of the effectiveness of the National Security Branch in performing tasks that are critical to the effective functioning of the National Security Branch as an intelligence agency, including—

(i) human intelligence collection, both within and outside the parameters of an existing case file or ongoing investigation, in a manner that protects civil liberties;

(ii) intelligence analysis, including the ability of the National Security Branch to

produce, and provide policy-makers with, information on national security threats to the United States;

(iii) management, including the ability of the National Security Branch to manage and develop human capital and implement an organizational structure that supports the Branch’s objectives and strategies;

(iv) integration of the National Security Branch into the intelligence community, including an ability to robustly share intelligence and effectively communicate and operate with appropriate Federal, State, local, and tribal partners;

(v) implementation of an infrastructure that supports the national security and intelligence missions of the National Security Branch, including proper information technology and facilities; and

(vi) reformation of culture of the National Security Branch, including its integration of intelligence analysts and other professional staff into intelligence collection operations and its success in ensuring that intelligence and threat information drive its operations; and

(E) performance metrics and specific annual timetables for advancing the performance of the tasks referred to in clauses (i) through (vi) of subparagraph (D) and a description of the activities being undertaken to ensure that the National Security Branch’s performance on such tasks improves.

(b) ANNUAL ASSESSMENTS.—

(1) REQUIREMENT FOR ASSESSMENTS.—Not later than 180 days after the date on which the report required by subsection (a)(1) is submitted, and annually thereafter for each of the following 5 years, the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees an assessment of the progress of the National Security Branch in performing the tasks referred to in clauses (i) through (vi) of subsection (a)(2)(D) in comparison to its performance of such tasks during previous years.

(2) CONSIDERATIONS.—In conducting each assessment required by paragraph (1), the Director of National Intelligence—

(A) shall use the performance metrics and specific annual timetables for accomplishing such tasks referred to in subsection (a)(2)(E); and

(B) may request the assistance of any expert that the Director considers appropriate, including an inspector general of an appropriate agency or department.

**TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE**

**SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.**

(a) REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.—

(1) IN GENERAL.—Subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 22 U.S.C. 7301 et seq.) is amended by striking sections 321, 322, 323, and 324, and inserting the following:

**“SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.**

“(a) REORGANIZATION.—The Diplomatic Telecommunications Service (hereinafter in this subtitle referred to as ‘DTS’) shall be reorganized in accordance with this subtitle.

“(b) IN GENERAL.—The DTS encompasses the Diplomatic Telecommunications Service Program Office (hereinafter in this subtitle referred to as ‘DTS-PO’) and the DTS Net-

work. The DTS Network is a worldwide telecommunications network supporting all United States Government agencies and departments operating from diplomatic and consular facilities abroad.

“(c) PURPOSES.—The purpose and duties of DTS-PO is to implement a program for the establishment and maintenance of a DTS Network capable of providing multiple levels of service to meet the wide-ranging needs of all United States Government agencies and departments operating from diplomatic and consular facilities abroad, including national security needs for secure, reliable and robust communications capabilities.

**“SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE GOVERNANCE BOARD.**

“(a) GOVERNANCE BOARD.—

“(1) ESTABLISHMENT.—There is hereby established the Diplomatic Telecommunications Service Governance Board (hereinafter in this subtitle referred to as the ‘Governance Board’) for the purpose of directing and overseeing the activities and performance of the DTS Program Office. The heads of the departments and agencies, designated by the Director of the Office of Management and Budget from among the departments and agencies that use the DTS Network, shall appoint the members of the Governance Board from the personnel of those departments and agencies so designated.

“(2) DESIGNATION OF AN EXECUTIVE AGENT.—The Director of the Office of Management and Budget shall also designate, from among the departments and agencies that use the DTS Network, the department or agency which shall be the DTS-PO Executive Agent.

“(3) REQUIREMENT FOR IMPLEMENTING ARRANGEMENTS.—Subject to the requirements of this subtitle, the Governance Board shall determine the written implementing arrangements and other relevant and appropriate governance processes and procedures to manage, oversee, resource or otherwise administer DTS-PO. Such implementing arrangements may be classified if appropriate in accordance with criteria established by applicable law or Executive Orders.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—

“(A) The Governance Board shall include voting members and nonvoting members.

“(B) The voting members shall consist of a Chair, who shall be designated by the Director of the Office of Management and Budget, and four other members from the departments and agencies that use the DTS Network.

“(C) The non-voting members shall be representative of DTS customer organizations and shall act in an advisory capacity.

“(c) CHAIR DUTIES AND AUTHORITIES.—The Governance Board Chair shall preside over all meetings and deliberations of the Governance Board and provide its Secretariat functions. The Governance Board Chair shall propose bylaws governing the operation of the Governance Board.

“(d) QUORUM, DECISIONS, MEETINGS.—A quorum of the Governance Board shall consist of the presence of the Chair and four voting members. The decisions of the Governance Board shall require a three-fifths majority of the voting membership. Meetings will be convened at least four times each year to carry out its functions. The Chair or any voting member may convene a meeting of the Governance Board.

“(e) GOVERNANCE BOARD DUTIES AND AUTHORITIES.—The Governance Board shall have the following duties and authorities with respect to DTS-PO, in addition to any

other duties and authorities granted to the Board pursuant to law:

“(1) To approve and monitor DTS-PO’s plans, services, priorities, policies, and pricing methodology for bandwidth costs and customer-driven projects.

“(2) To recommend to the DTS-PO Executive Agent the Governance Board’s approval, disapproval, or modification of DTS-PO’s annual budget requests.

“(3) To review DTS-PO’s performance against approved plans, its management activities and internal controls.

“(4) To require from DTS-PO any plans, reports, documents and records the Governance Board considers necessary to perform its oversight responsibilities.

“(5) To conduct and evaluate independent audits of DTS-PO.

“(6) To approve or disapprove the Executive Agent’s nomination of the Director of DTS-PO with a three-fifths majority vote of the Governance Board.

“(7) To recommend to the Executive Agent the replacement of the Director of DTS-PO with a three-fifths majority vote of the Governance Board.

“(f) NATIONAL SECURITY INTERESTS.—The Governance Board shall ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization.

**“SEC. 323. FUNDING OF THE DIPLOMATIC TELECOMMUNICATION SERVICE.**

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the operations, maintenance, development, enhancement, modernization, and investment costs of the DTS Network and DTS-PO. Funds appropriated for allocation to DTS-PO shall be made available to DTS-PO for a period of two fiscal years.

“(b) CUSTOMER FEES.—DTS-PO shall charge customers for only those bandwidth costs attributable to the agency or department and for specific customer-driven projects, as set forth in section 322(e)(1), for which amounts have not been appropriated for allocation to DTS-PO. DTS-PO is authorized to directly receive customer payments and to invoice customers for the fees under this section either in advance of, or upon or after, providing the bandwidth or performing the specific customer-driven projects. Such funds received from DTS customers shall be made available to DTS-PO for a period of two fiscal years.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567) is amended by striking the items relating to sections 321, 322, 323, and 324 and inserting the following:

“Sec. 321. Diplomatic Telecommunications Service Program Office.

“Sec. 322. Establishment of the Diplomatic Telecommunications Service Governance Board.

“Sec. 323. Funding of the Diplomatic Telecommunication Service.”.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUSPENSION OF REORGANIZATION.—The Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107-108; 22 U.S.C. 7301 note) is amended by striking section 311.

(2) REPEAL OF REFORM.—The Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained

in appendix G of that Act; 113 Stat. 1501A-405)) is amended by striking section 305.

(3) REPEAL OF REPORTING REQUIREMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

**TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Foreign Intelligence and Information Commission Act”.

**SEC. 602. DEFINITIONS.**

In this title:

(1) 2005 NATIONAL INTELLIGENCE STRATEGY.—The term “2005 National Intelligence Strategy” means the National Intelligence Strategy of the United States of America released by the Director of National Intelligence on October 26, 2005.

(2) 2006 ANNUAL REPORT OF THE UNITED STATES INTELLIGENCE COMMUNITY AND 2006 ANNUAL REPORT.—The terms “2006 Annual Report of the United States Intelligence Community” and “2006 Annual Report” mean the 2006 Annual Report of the United States Intelligence Community released by the Director of National Intelligence in February 2007.

(3) COMMISSION.—The term “Commission” means the Foreign Intelligence and Information Commission established in section 604(a).

(4) FOREIGN INTELLIGENCE, INTELLIGENCE.—The terms “foreign intelligence” and “intelligence” have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(5) INFORMATION.—The term “information” includes information of relevance to the foreign policy of the United States collected and conveyed through diplomatic reporting and other reporting by personnel of the Government of the United States who are not employed by an element of the intelligence community, including public and open-source information.

(6) STRATEGIC PLAN OF THE DEPARTMENT OF STATE.—The term “Strategic Plan of the Department of State” means the Strategic Plan for Fiscal Years 2007-2012 of the Department of State and the United States Agency for International Development revised on May 7, 2007.

**SEC. 603. FINDINGS.**

Congress makes the following findings:

(1) Accurate, timely, and comprehensive foreign intelligence and information are critical to the national security of United States and the furtherance of the foreign policy goals of the United States.

(2) It is in the national security and foreign policy interest of the United States to ensure the global deployment of personnel of the Government of the United States who are responsible for collecting and reporting foreign intelligence and information, including personnel from the intelligence community, the Department of State, and other agencies and departments of the Government of the United States, and that adequate resources are committed to effect such collection and reporting.

(3) The 2005 National Intelligence Strategy and the 2006 Annual Report of the United States Intelligence Community identified 5 major missions of the intelligence community to support the national security requirements of the United States, the first 2 of which, defeating terrorism and preventing and countering the spread of weapons of

mass destruction, are global and transnational in nature.

(4) The third major mission identified by the 2005 National Intelligence Strategy and the 2006 Annual Report, bolstering the growth of democracy and sustaining peaceful democratic states, requires a global commitment of collection, reporting, and analytical capabilities.

(5) The 2005 National Intelligence Strategy and the 2006 Annual Report identify as a major mission the need to “anticipate developments of strategic concern and identify opportunities as well as vulnerabilities for decision makers”.

(6) The 2006 Annual Report provides the following:

(A) “In a world in which developments in distant reaches of the globe can quickly affect American citizens and interests at home and abroad, the Intelligence Community must alert policy makers to problems before they escalate and provide insights into their causes and effects. Analysis must do more than just describe what is happening and why; it must identify a range of opportunities for (and likely consequences of) diplomatic, military, law enforcement, economic, financial, or homeland security action. To support policymakers, the Intelligence Community should develop, sustain, and maintain access to expertise on every region, every transnational security issue, and every threat to the American people.”.

(B) “We still need to re-balance, integrate, and optimize collection capabilities to meet current and future customer and analytic priorities. Collection is . . . what gives the [Intelligence Community] its ‘competitive advantage’ in protecting the United States and its interests.”.

(C) “One challenge to improving the coverage of emerging and strategic issues across the Intelligence Community has been the diversion of resources to current crisis support . . .”.

(D) “Collection against terrorists in places like Iraq and Afghanistan took a substantial share of the [Intelligence Community’s] resources and efforts in FY 2006.”.

(E) “With so many [Intelligence Community] resources dedicated to the War on Terror and WMD programs in closed regimes, the [Intelligence] Community’s collection efforts still have to devote significant attention to potential or emerging threats of strategic consequence.”.

(7) On January 23, 2007, the Deputy Director of National Intelligence for Collection testified to the Select Committee on Intelligence of the Senate that there is a “need to get the Intelligence Community back to what I grew up calling global reach”, stating that “we don’t have that today”. She further testified that “our challenge is . . . with [Congress] help [to get back] to a place where we can do global reach, and pay attention to places that we are not.”.

(8) On February 14, 2008, the Director of National Intelligence testified to the Select Committee on Intelligence of the Senate that “certainly current crisis support takes a disproportionate share” of intelligence resources over emerging and strategic issues.

(9) In responses to questions posed by the Select Committee on Intelligence of the Senate in advance of the February 5, 2009 hearing on the nomination of Leon Panetta to be Director of the Central Intelligence Agency, Mr. Panetta stated that “I am also concerned that we have not devoted sufficient resources to a broader set of national intelligence challenges – such as Russia, China,

the global economic downturn, as well as unstable and weak governments in places such as Africa and Latin America.”.

(10) On February 12, 2009, the Director of National Intelligence testified to the Select Committee on Intelligence of the Senate that “I’d say the most significant gaps are the areas that are not traditional state threats, that we have not figured out the right way to collect information and we have not grown the analysts to do it. . . . We’re not as good with non-state actors.”.

(11) On March 26, 2009, the Director of National Intelligence stated that “We re-evaluate that National Intelligence Priority Framework formally ever six months and informally, as we have. And its quite remarkable, if you – you know those time-lapse pictures where things change? If you showed a time-lapse picture of that National Intelligence Priority Framework, you’d see, sort of, colors shifting over time as things came up, in terms of their threat or in terms of an opportunity that they – so I just, I think it’s a mistake to tie us down to, this is my important priority. There are enduring things we have to spend a lot of time on because you can’t instantly generate intelligence about a country that’s very good at keeping its secrets that you know is going to be a factor for a long time. And we have to work on those – we have to work on those every time. We have to keep an excellent baseline understanding of what’s going on in the world, but then we need to be able to flex.”.

(12) The National Commission on Terrorist Attacks Upon the United States (hereinafter referred to as the “9/11 Commission”) reported that “To find sanctuary, terrorist organizations have fled to some of the least governed, most lawless places in the world. The intelligence community has prepared a world map that highlights possible terrorist havens, using no secret intelligence – just indicating areas that combine rugged terrain, weak governance, room to hide or receive supplies, and low population density with a town or city near enough to allow necessary interaction with the outside world. Large areas scattered around the world meet these criteria.”.

(13) The 9/11 Commission recommended that the “U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. We should reach out, listen to, and work with other countries that can help.”.

(14) On May 6, 2008, the Acting Director of the National Counterterrorism Center testified to the Select Committee on Intelligence of the Senate that “I wish I had more resources to dedicate to longer-term threats, absolutely,” that “much of the information about the instability that can lead to safe havens or ideological radicalization comes not from covert collection but from open collection, best done by Foreign Service officers,” and that there should be ways to direct resources toward whoever is best positioned to learn about safe-haven conditions.

(15) On November 1, 2005, the Director of National Intelligence Open Source Center was established with functions that “include collection, analysis and research, training, and information technology management to facilitate government-wide access and use” of openly available information.

(16) The Strategic Plan of the Department of State provides as a strategic goal that “Our diplomatic and development activities will reduce the threat or impact of violent

conflict by developing early warning . . . capability.”.

(17) On January 22, 2009, James Steinberg, a nominee to be Deputy Secretary of State, testified to the Committee on Foreign Relations of the Senate that “if we’re going to be effective in this move towards smart power, then we have to understand how we reprioritize our resources to be able to achieve that. . . . If we only think about the crisis of the moment, then we’re not prepared as new challenges emerge. And we’ve seen this time and time again, that issues that were not immediately on the radar screen don’t get the attention they deserve. . . . So the idea of looking forward and trying to figure out over the long term where our priorities need to be, how do we anticipate some of these challenges, and then judge how we have sort of assigned resources to take care of not only those current needs but also those long-term challenges I think has to be very important and part of a strategic planning strategy. . . . although we have a very strong intelligence community, that there is a tremendous resource of people who’ve lived and worked out in the countries that we’re dealing with and that, for a variety of reasons, the intelligence community is not always the best equipped to do that. They bring their own special skills. But the Foreign Service officers, and also people from outside the government, are enormous sources of information and value. And we need to find better ways, in my judgment, to have more contact with people in the private sector, from the NGOs, from the business community, from universities and the like, as part of our being able to touch and feel what’s going on the ground.”.

(18) On January 22, 2009, Jacob Lew, a nominee to be Deputy Secretary of State, testified to the Committee on Foreign Relations of the Senate that “I believe strongly that resources have to follow priorities. The decision of where we need to be and what kinds of skills we need have to fit into a comprehensive strategy. . . . We need to work with our other Cabinet agency partners. There are 20 government agencies that have resources that work in or through our embassies. We don’t need to recreate the wheel; we need to cooperate with each other and make sure that we have enough Foreign Service, civil service and locally engaged staff so that we can effectively coordinate the efforts that the United States puts on the ground. I think that it all begins with the strategic planning process. If we don’t have a clear vision of what we need and what we want, were not going to be able to make the right resource allocation decisions. And we have to be able to look beyond this week, next week, or even next year. . . . We need to reach not just into the building but all the way into the field and make it clear that we have every intention of bringing the resources of the State Department to bear as we deal with these kinds of problems and challenges abroad, that we have knowledge in our embassies, in our consulates, about a range of issues, not just political issues — economic issues, scientific issues, cultural issues — that give us the broadest understanding of what’s going on in an increasingly global world.”.

(19) The Legal Attache offices and sub-offices of the Federal Bureau of Investigation are currently located in 75 cities around the world, providing coverage for more than 200 countries, territories, and islands.

(20) On October 4, 2007, Thomas V. Fuentes, Assistant Director of the Federal Bureau of

Investigation for Office of International Operations, testified to the Subcommittee on Border, Maritime, and Global Counterterrorism of the Committee on Homeland Security of the House of Representatives that the “core mission” of the Legal Attache offices “is to establish and maintain liaison with principal law enforcement and security services in designated foreign countries. . . . enabl[ing] the FBI to effectively and expeditiously conduct its responsibilities in combating international terrorism, organized crime, cyber crime, and general criminal matters,” and that while “they do not conduct foreign intelligence gathering,” “typical duties” include . . . “conducting investigations in coordination with the host government; sharing investigative leads and information; briefing Embassy counterparts from other agencies, including law enforcement agencies, as appropriate, and Ambassadors. . . . providing situation reports concerning cultural protocol; [and] assessing political and security climates.”.

(21) The July 2008 Preliminary Findings by the Project on National Security Reform, entitled “Enduring Security in an Unpredictable World: the Urgent Need for National Security Reform,” included the following:

(A) The lack of a national security strategy that clearly links ends, ways, and means and assigned roles and responsibilities to each department has encouraged a proliferation of department-level strategies. These department strategies are uncoordinated and do not systematically generate capabilities required for national objectives

(B) The resource allocation process is not driven by any overall national plan or strategy for achieving broad objectives, and the results or effectiveness of the budgeting process cannot be measured against such objectives.

(C) The national security system tends to overemphasize traditional security threats and under emphasize emerging challenges.

#### SEC. 604. ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch a Foreign Intelligence and Information Commission.

(b) FUNCTIONS.—The Commission shall—

(1) evaluate any current processes or systems for the strategic integration of the intelligence community, including the Open Source Center, and other elements of the United States Government, including the Department of State, with regard to the collection, reporting and analysis of foreign intelligence and information;

(2) provide recommendations to improve or develop such processes or systems to include the development of an inter-agency strategy that identifies—

(A) the collection, reporting, and analysis requirements of the United States Government;

(B) the elements of the United States Government best positioned to meet collection and reporting requirements;

(C) collection and reporting missions for the intelligence community and other elements of the United States Government based on the requirements of the United States Government, comparative institutional advantages, and other relevant factors;

(D) analytical capabilities needed to achieve the requirements of the United States Government; and

(E) inter-agency budget and resource allocations necessary to achieve such collection, reporting, and analytical requirements;

(3) evaluate the extent to which current intelligence collection, reporting, and analysis

strategies are aimed at providing global coverage and anticipating future threats, challenges, and crises;

(4) provide recommendations on how to incorporate into the inter-agency strategy the means to anticipate future threats, challenges, and crises, including by identifying and supporting collection, reporting, and analytical capabilities which are global in scope and which are directed at emerging, long-term, and strategic targets;

(5) provide recommendations on strategies for sustaining human and budgetary resources to effect the global collection and reporting missions identified in the inter-agency strategy, including the prepositioning of collection and reporting capabilities;

(6) provide recommendations for developing, clarifying, and, if necessary, bolstering current and future collection and reporting roles and capabilities of elements of the United States Government outside the intelligence community deployed overseas;

(7) provide recommendations related to the role of individual country missions in contributing to the inter-agency strategy;

(8) evaluate the extent to which the establishment of new embassies and out-of-embassy posts are able to contribute to expanded global coverage and increased collection and reporting and provide recommendations related to the establishment of new embassies and out-of-embassy posts;

(9) provide recommendations related to the establishment of any new executive branch entity, or the expansion of the authorities of any existing executive branch entity, as needed to improve the strategic integration described in paragraph (1) and develop and oversee the implementation of the inter-agency strategy;

(10) provide recommendations on any legislative changes necessary to establish any new entity or to expand the authorities of any existing entity, as described in paragraph (9);

(11) provide recommendations on processes for developing and presenting to Congress budget requests for each relevant element of the United States Government that reflect the allocations identified in the inter-agency strategy and for congressional oversight of the development and implementation of the strategy; and

(12) provide recommendations on any institutional reforms related to the collection and reporting roles of individual elements of the United States Government outside the intelligence community, as well as any budgetary, legislative, or other changes needed to achieve such reforms.

#### SEC. 605. MEMBERS AND STAFF OF THE COMMISSION.

(a) MEMBERS OF THE COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 10 members as follows:

(A) Two members appointed by the majority leader of the Senate.

(B) Two members appointed by the minority leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) Two members appointed by the minority leader of the House of Representatives.

(E) One nonvoting member appointed by the Director of National Intelligence.

(F) One nonvoting member appointed by the Secretary of State.

(2) SELECTION.—

(A) IN GENERAL.—Members of the Commission shall be individuals who—

- (i) are private citizens; and
- (ii) have—

(I) knowledge and experience in foreign information and intelligence collection, re-

porting, and analysis, including clandestine collection and classified analysis, diplomatic reporting and analysis, and collection of public and open source information;

(II) knowledge and experience in issues related to the national security and foreign policy of the United States gained by serving as a senior official of the Department of State, a member of the Foreign Service, an employee or officer of an appropriate agency or department of the United States, or an independent organization with expertise in the field of international affairs; or

(III) knowledge and experience with foreign policy decision making.

(B) DIVERSITY OF EXPERIENCE.—The individuals appointed to the Commission should be selected with a view to establishing diversity of experience with regard to various geographic regions, functions, and issues.

(3) TIME OF APPOINTMENT.—The appointments under subsection (a) shall be made not later than 60 days after the date of the enactment of this Act.

(4) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(5) VACANCIES.—Any vacancy of the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(6) CHAIR.—The members of the Commission shall designate 1 of the voting members to serve as the chair of the Commission.

(7) QUORUM.—Six members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(8) MEETINGS.—The Commission shall meet at the call of the chair and shall meet regularly, not less than once every 3 months, during the life of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and, in consultation with the executive director, appoint and terminate such other additional personnel as may be necessary to enable the Commission to perform its duties. In addition to the executive director and 1 full-time support staff for the executive director, there shall be additional staff with relevant intelligence and foreign policy experience to help support the Commission's work.

(2) SELECTION OF THE EXECUTIVE DIRECTOR.—The executive director shall be selected with the approval of a majority of the members of the Commission.

(3) COMPENSATION.—

(A) EXECUTIVE DIRECTOR.—The executive director shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) STAFF.—The chair of the Commission may fix the compensation of other staff of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title.

(C) EXPERTS AND CONSULTANTS.—This Commission is authorized to procure temporary or intermittent services of experts and consultants as necessary to the extent authorized by section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of such title.

(d) STAFF AND SERVICES OF OTHER AGENCIES OR DEPARTMENT OF THE UNITED

STATES.—Upon the request of the Commission, the head of an agency or department of the United States may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

(e) SECURITY CLEARANCE.—The appropriate agencies or departments of the United States shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

#### SEC. 606. POWERS AND DUTIES OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for the purpose of carrying out this title—

(A) hold hearings, sit and act at times and places in the United States and in countries in which the United States has a diplomatic presence, take testimony, and receive evidence as the Commission considers advisable to carry out this title; and

(B) subject to subsection (b)(1), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission considers necessary.

(b) SUBPOENAS.—

(1) ISSUANCE.—

(A) IN GENERAL.—A subpoena may be issued under this section only—

(i) by the agreement of the chair of the Commission; and

(ii) by the affirmative vote of 5 members of the Commission.

(B) SIGNATURE.—Subject to subparagraph (A), subpoenas issued under this section may be issued under the signature of the chair or any member designated by a majority of the Commission and may be served by any person designated by the chair or by a member designated by a majority of the Commission.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this section, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102, 103, or 104 of the Revised Statutes of the United States (2 U.S.C. 192, 193, and 194).

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any agency or department of the United States such information as the Commission considers necessary to carry out this

title. Upon request of the chair of the Commission, the head of such agency or department shall furnish such information to the Commission, subject to applicable law.

(d) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as an agency or department of the United States.

(e) **ADMINISTRATIVE SUPPORT.**—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out this title.

(f) **ADMINISTRATIVE PROCEDURES.**—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out this title.

(g) **TRAVEL.**—

(1) **IN GENERAL.**—The members and staff of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out this title.

(2) **EXPENSES.**—Members of the Commission shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(h) **GIFTS.**—No member of the Commission may receive a gift or benefit by reason of such member's service on the Commission.

#### **SEC. 607. REPORT OF THE COMMISSION.**

(a) **IN GENERAL.**—

(1) **INTERIM REPORT.**—Not later than 1 year after the members of the Commission are appointed under section 5(a), the Commission shall submit an interim report to the congressional intelligence committees setting forth the preliminary findings and recommendations of the Commission described in section 604(b).

(2) **FINAL REPORT.**—Not later than 4 months after the submission of the report required by paragraph (1), the Commission shall submit a final report setting forth the final findings and recommendations of the Commission described in section 604(b) to the following:

(A) The President.

(B) The Director of National Intelligence.

(C) The Secretary of State.

(D) The congressional intelligence committees.

(E) The Committee on Foreign Relations of the Senate.

(F) The Committee on Foreign Affairs of the House of Representatives.

(b) **INDIVIDUAL OR DISSENTING VIEWS.**—Each member of the Commission may include that member's dissenting views in a report required by paragraph (1) or (2) of subsection (a).

(c) **FORM OF REPORT.**—The reports required by paragraphs (1) and (2) of subsection (a), including any finding or recommendation of such report, shall be submitted in both an unclassified and a classified form.

#### **SEC. 608. TERMINATION.**

The Commission shall terminate 60 days after the submission of the report required by section 607(a)(2).

#### **SEC. 609. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

#### **SEC. 610. FUNDING.**

(a) **TRANSFER FROM THE NATIONAL INTELLIGENCE PROGRAM.**—Of the amounts available for the National Intelligence Program for fiscal year 2010, \$4,000,000 shall be available for transfer to the Commission to carry out this title.

(b) **AVAILABILITY.**—The amounts made available to the Commission pursuant to subsection (a) shall remain available until the termination of the Commission.

### **TITLE VII—TECHNICAL AMENDMENTS**

#### **SEC. 701. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) two ems to the right; and

(B) by moving subsections (b) through (p) two ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking “section 112.” and inserting “section 112.”; and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking “‘United States’” and all that follows through “‘and State’” and inserting “‘United States’, ‘person’, ‘weapon of mass destruction’, and ‘State’”;

(5) in section 304(b), by striking “subsection (a)(3)” and inserting “subsection (a)(2)”;

(6) in section 502(a), by striking “a annual” and inserting “an annual”.

#### **SEC. 702. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.**

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in paragraph (1) of section 5(a), by striking “authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)” and inserting “authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).”; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking “advise” and inserting “advice”; and

(B) by amending clause (ii) to read as follows:

“(i) holds or held the position in the Agency, including such a position held on an acting basis, of—

“(I) Deputy Director;

“(II) Associate Deputy Director;

“(III) Director of the National Clandestine Service;

“(IV) Director of Intelligence;

“(V) Director of Support; or

“(VI) Director of Science and Technology.”.

#### **SEC. 703. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.**

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking “ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS” and inserting “ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA”; and

(2) by striking “Associate Director of the Central Intelligence Agency for Military Affairs” and inserting “Associate Director of Military Affairs, Central Intelligence Agency, or any successor position”.

#### **SEC. 704. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.**

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(4)(L), by striking “other” the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budget for the Military Intelligence Program or any successor program or programs”;

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program or programs”;

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking “subparagraph (A)” and inserting “paragraph (1)(A)”;

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking “or personnel” in the matter preceding clause (i); and

(II) in subparagraph (B), by striking “or agency involved” in the second sentence and inserting “involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)”;

(C) in subsection (1)(2)(B), by striking “section” and inserting “paragraph”; and

(D) in subsection (n), by inserting “AND OTHER” after “ACQUISITION”;

(3) in section 103(b), by striking “, the National Security Act of 1947 (50 U.S.C. 401 et seq.),”;

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking “subsection (h)” and inserting “subsection (i)”;

(6) in section 701(b)(1), by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking “responsible” and inserting “responsive”; and

(8) in section 1003(h)(2) in the matter preceding subparagraph (A), by striking “subsection (i)(2)(B)” and inserting “subsection (g)(2)(B)”.

#### **SEC. 705. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.**

(a) **IN GENERAL.**—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking “FOREIGN”; and

(2) by striking “foreign” each place it appears.

(b) **RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.**—Such section 1403, as amended by subsection (a), is further amended—

(1) in subsections (a) and (c), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) in subsection (b), by inserting “of National Intelligence” after “Director”.

(c) **CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—The heading of such section 1403 is amended to read as follows:

“**SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.**”.

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in section 2 of the National

Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1485) is amended by striking the item relating to section 1403 and inserting the following:

"Sec. 1403. Multiyear National Intelligence Program."

**SEC. 706. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**

(a) AMENDMENTS TO THE NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458; 118 Stat. 3643) is amended—

(1) in subparagraph (B) of section 1016(e)(10) (6 U.S.C. 485(e)(10)), by striking "Attorney General" the second place it appears and inserting "Department of Justice";

(2) in subsection (e) of section 1071, by striking "(1)"; and

(3) in subsection (b) of section 1072, in the subsection heading by inserting "AGENCY" after "INTELLIGENCE".

(b) OTHER AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638) is amended—

(1) in section 2001 (28 U.S.C. 532 note)—

(A) in paragraph (1) of subsection (c)—

(i) by striking "shall," and inserting "shall"; and

(ii) by inserting "of" before "an institutional culture";

(B) in paragraph (2) of subsection (e), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall"; and

(2) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

**SEC. 707. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.**

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency."

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

"Deputy Director of the Central Intelligence Agency."

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence."

**SEC. 708. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.**

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a))".

**SEC. 709. TECHNICAL AMENDMENTS TO SECTION 602 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.**

Section 602 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 403-2b) is amended—

(1) in subsection (a), in paragraph (2), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(ii) in subparagraph (B), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(C) in paragraph (3), by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency".

**SEC. 710. TECHNICAL AMENDMENTS TO SECTION 403 OF THE INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992.**

(a) ROLE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 403-2) is amended by striking "The Director of Central Intelligence" and inserting the following:

"(a) IN GENERAL.—The Director of National Intelligence".

(b) DEFINITION OF INTELLIGENCE COMMUNITY.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992, as amended by subsection (a), is further amended—

(1) by striking "Intelligence Community" and insert "intelligence community"; and

(2) by striking the second sentence and inserting the following:

"(b) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))."

**DEFENSE PRODUCTION ACT  
REAUTHORIZATION OF 2009**

Mr. CASEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1677, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1677) to reauthorize the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I rise at a moment when our Nation is enduring its worst economic crisis since the Great Depression. This crisis began in the financial sector, but it has impacted every sector of our economy. And perhaps one of the hardest-hit has been our manufacturing sector, which was already reeling even before this crisis.

Over the last decade, we have lost an average of 40,000 manufacturing jobs per month. In Connecticut, we lost nearly 16,000 manufacturing jobs in the last year alone more than 8 percent of our manufacturing sector, gone.

These figures represent the loss of American livelihoods, the economic security of thousands of families.

And they represent a clear and present threat to our national security.

We rely on key domestic industries to supply critical goods and services in a timely fashion when our nation faces an emergency. In wartime and in the aftermath of natural disasters, factories in my state of Connecticut and around the country are relied upon for everything from raw metal to military vehicles and power generators. These products are essential to supporting our war efforts, maintaining critical infrastructure, and protecting our homeland.

Connecticut, although it is 29th in total population, ranks 6th in total employment in the military and aerospace sector. Tens of thousands of residents of my State work in this industry.

When this industrial base is threatened, our military and emergency preparedness suffer.

Six decades ago, President Harry Truman sought to bolster this critical bulwark of security by signing the Defense Production Act, or DPA, into law. The DPA allows the government to tap industrial resources to meet domestic energy supply, address emergency preparedness, protect infrastructure, and help civilian agencies and the military respond to crisis situations.

In the 1950s, the DPA served to address our new national security realities in the wake of the Cold War. In the ensuing decades, beginning with the Korean War, the DPA kept production lines humming, military supply lines fully stocked, and our country prepared in case of emergency.

Congress has reauthorized this Act every few years, but has only sporadically sought to update its provisions to meet changing conditions. And thus, according to independent analyses, Federal agencies' understanding and use of the tools provided by this act have become inconsistent.

Thus, we have proposed bipartisan legislation to make critical reforms to our national defense industrial policy. The Dodd-Shelby bill reflects the contributions of DPA practitioners from a variety of agencies, particularly the Departments of Defense and Homeland Security. And I would like to express my appreciation for the work of two civil servants who worked especially hard to help us develop this legislation: Larry Hall, DPA Director at FEMA, and Mark Buffler, DPA title III Program Manager at DOD.

The bill responds to the analysis of two landmark studies completed last year, as required by my amendments to the 9/11 Commission Recommendations Act and the fiscal year 2008 National Defense Authorization Act, which directed DHS and the GAO to report to Congress on how the DPA is being used.

In its report, DHS conceded that several agencies authorized to use DPA

tools don't take advantage of them. And the GAO report echoed those findings, recommending greater coordination and pro-active use of key DPA authorities.

For instance, under title I of the DPA, the President is empowered to require companies to set aside their commercial business obligations and fulfill government contracts first in order to meet national defense needs. However, although a wide range of Departments and agencies are directed to use this authority, only Defense, Homeland Security, and Energy are doing so. The Pentagon has used it to require companies to set aside other work until production of mine-resistant ambush protected vehicles was complete. FEMA, in coordination with Commerce, has used it to expedite the delivery of power generators and transfer switches needed to restore railroad operations in New Orleans after Katrina. But other agencies that could, and should, be taking advantage of title I, aren't.

Moreover, the GAO found that, unlike DOD, FEMA doesn't even prepare title I contingency plans, which means that it takes longer for DPA provisions to be implemented even after they are enacted.

Therefore, our bill, at the GAO's recommendation, requires that every authorized agency establish a priorities and allocation system similar to that in place at the Pentagon and to coordinate with other agencies in its implementation.

It also sets up a new interagency body that will elevate DPA policy discussions to Cabinet-level posts, so that administrations going forward will be able to reassess the law's provisions and applications, and never lose sight of the importance of coordinating with critical segments of our industry to meet national defense needs. The President will designate a chairperson to lead this committee, which will be composed of Cabinet officials and agency heads authorized to use DPA tools, as well as the chairman of the Council of Economic Advisers. And the President will also appoint a Deputy Assistant Secretary to coordinate high-level dialogue among relevant government agencies.

This elevated discussion will prove particularly essential in the implementation of title III of the DPA, which allows the President to provide financial incentives including direct capital purchases, loans, and loan guarantees—for U.S. firms to expand domestic production of critical industries. These authorities are critically important—and underused.

Title III is used when the U.S. is overly reliant on foreign sources for a critical product, or when there is otherwise insufficient domestic supply of the product. Unlike other Federal assistance, title III is managed by industry experts. And it is designed to assist

companies capable of meeting specific requirements: that the firms can't meet government needs on their own, and that the assistance will lead to commercial viability in the long term.

Today, we have strong evidence that defense companies all along the supply chain—particularly in the third and fourth subcontractor tier—are being denied access to credit. Machine tool and parts manufacturers in defense and dual-use industries are having a hard time getting capital—not because demand is down, but because bank lending is down. Government loan and loan guarantee authorities in title III would help—but, the government isn't using those tools.

Therefore, our bill modernizes those powers and brings them into compliance with the 1990 Federal Credit Reform Act. Accordingly, under our bill, such loans and loan guarantees are allowed only to the extent that an appropriations act provides budget authority in advance.

As frozen credit markets continue to hurt our industrial base, it is critical that we revitalize our factories. According to the Department of Commerce, manufacturing now makes up 13 percent of the U.S. economy a quarter of what it was three decades ago. And foreign-made products have risen from a tenth to a third of what we consume over that same time. We are at risk of becoming overly dependent on foreign sources of critical goods, materials, and technology and losing our manufacturing facilities and workforce.

A non-partisan think tank, the Lexington Institute, recently wrote:

If the erosion of U.S. manufacturing persists, America will become more dependent on offshore sources of goods and the nation's trade balance will weaken. That will undercut the role of the dollar as a reserve currency and diminish U.S. influence around the world. The economy will be less capable of supporting major military campaigns and less resilient in the face of market reverses. Most profoundly, America will become poorer relative to other nations, a trend that the National Intelligence Council says is already under way in its most recent assessment of global trends.

This bill isn't a silver bullet to address all of these problems. But it's an important first step towards making more effective one of our best tools to strengthen our manufacturing base. Our bill also makes these efforts more transparent, requiring notification to Congress and a 30-day waiting period for larger projects. As we look to expand DPA use, we are also working to make it more accountable to taxpayers.

As the GAO reported:

Since the DPA was last reauthorized in 2003, there has been little use of its authorities for areas other than defense. Lessons learned from catastrophic events have emphasized the importance of ensuring that needed capabilities and contracts for key items are in place in advance of a disaster.

Congress didn't intend for such inertia. And now, more than ever, we need

dynamic government action to reinvigorate our manufacturing base. It is time for the executive branch to take heed of the warning signs, repair the vulnerabilities in our industries, and restore our manufacturing capacities in the name of our national and economic security.

Mr. DODD. Mr. President, before concluding our discussion about the 2009 Defense Production Act Reauthorization, I would like to pay tribute to two of my colleagues who have worked diligently on this legislation. First, my friend and ranking member of the Banking Committee, Senator SHELBY. Nobody understands the complexities of national security policy and its nexus with economic affairs better than the senior Senator from Alabama. Given the importance of reauthorizing and updating the law prior to its expiration on September 30, I appreciated his good counsel and sincere effort to expedite approval of this important legislation today. I would also like to thank Senator BROWN for his work, particularly as chairman of the Economic Policy Subcommittee. The Senator from Ohio has proven to be both an expert on U.S. manufacturing and a skillful surveyor of how the current credit crisis is affecting America's national defense industrial base.

Mr. BROWN. Mr. President, I appreciate the kind words of the Senator from Connecticut. At a hearing of the Economic Policy Subcommittee on May 13, witnesses discussed the challenges tight credit markets pose for small and medium-sized manufacturers, as well as the economic, strategic, and security implications of a weakened manufacturing sector.

Among our witnesses were the president of the United Steelworkers, and a managing director of the Carlyle Group. It is not every day Congress sees representatives from these two institutions, but when it comes to the importance of manufacturing to this nation, the United Steelworkers and the Carlyle Group are on the same page.

The reason is simple. Manufacturing accounts for \$1.6 trillion of U.S. GDP—12 percent—and accounts for nearly three-fourths of the Nation's industrial research and development. Manufacturing jobs also pay 20 percent more on average than service jobs. Each manufacturing job supports four to five other jobs throughout the U.S. economy.

In short, manufacturing matters a great deal to our Nation's strength.

One important finding that emerged during this hearing is that reauthorization and expansion of the Defense Production Act of 1950 may provide the U.S. Government with valuable tools for maintaining critical supply lines, which would be particularly useful at a time when U.S. manufacturers are experiencing declining access to credit.

Mr. DODD. Mr. President, I could not agree more. And I appreciated the leadership that Senator BROWN demonstrated in highlighting these important facts during his hearing. In fact, I expressed a similar sentiment in a letter to Homeland Security Secretary Janet Napolitano in February, which I will ask to be made part of the RECORD.

With this legislation in place, not only do we expect the current and future administrations to apply these newly updated authorities when appropriate, but I hope that they will take care to use them in a creative and appropriate manner in response to ongoing problems that threaten the long-term health of our industrial base—namely the credit crisis' impact on U.S. manufacturing.

My colleague from Ohio has played a key role in raising awareness of these important matters and ensuring that the current administration work with Congress to address our concerns. In particular, I appreciated his ongoing contact with the administration regarding his subcommittee's findings.

Mr. BROWN. Mr. President, the key to America's long-term security and prosperity is a healthy and viable domestic manufacturing base. I am hopeful that the administration will use the tools set in place by this legislation to achieve these ends. It is for this reason that Senator DODD, Senator MERKLEY, Senator WARNER and I sent a letter—which I will ask to be printed in the RECORD—to the Office of Management and Budget urging the administration to provide their recommendations on changes to the Defense Production Act.

Mr. President, I ask unanimous consent to have the two letters which were referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 4, 2009.

Hon. JANET NAPOLITANO,  
Secretary, U.S. Department of Homeland Security,  
Washington, DC.

DEAR SECRETARY NAPOLITANO: I am writing to inquire about government efforts underway to address a potentially serious consequence of the global economic and financial crisis. Because manufacturers' access to credit is becoming increasingly limited, I am concerned about the ability of key sectors of our industrial base to meet emergency response and defense needs of the federal government.

I understand that the Federal Emergency Management Agency is leading an inter-agency process to review and reform current authorities afforded by the Defense Production Act (50 U.S.C. App. 2061, et seq.) and Executive Order 12919. I hope such an effort will help address our nation's industrial readiness to maintain our critical infrastructure and emergency preparedness.

I would like to know the current status of this initiative, which should be completed with all due care and speed. With the Bureau of Economic Analysis reporting a 27.8 percent decline in investment in equipment and software for the last quarter, some analysts are indicating that federal assistance to

banks may not be thawing credit markets adequately to maintain U.S. manufacturing capabilities. According to the Federal Reserve Board, manufacturing output fell 2.3 percent in December to a level almost 10 percent below that of 12 months earlier. For the fourth quarter of last year, manufacturing output contracted at an annual rate of more than 16 percent. In December, the factory operating rate moved down 1.7 percentage points, to 70.2 percent, a level 9.5 percentage points below its 1972 to 2007 average. The production of durable goods declined 2.6 percent in December. Output fell in virtually every major category of durable goods except for aerospace equipment and miscellaneous transportation equipment.

As the Banking Committee begins to consider legislation to re-authorize the Defense Production Act (DPA), I would appreciate your insights into how the authorities of the DPA may be used to reverse these trends and help maintain viable production capabilities for items essential for our national defense as defined by Section 702 of the DPA. Of special interest is how Title I of this Act may be better used to ensure adequate government access to critical goods during emergencies and, under Title III how provisions—including possible direct loan guarantees—might be used by key industries needing access to credit. I believe your Department's April 25, 2008, report "Use of the Defense Production Act to Reduce Interruptions in Critical Infrastructure and Key Resource Operations During Emergencies" will prove useful in revisiting key DPA authorities.

Please report to me on your progress in reviewing these authorities at your earliest convenience. I would appreciate interim reports or proposals being made available to Senate Banking Committee staff prior to the Administration's final submission of DPA legislation. Thank you for your attention to this important matter.

Sincerely,

CHRISTOPHER J. DODD,  
Chairman.

JUNE 1, 2009.

Mr. PETER ORSZAG,  
Director, Office of Management and Budget,  
Washington, DC.

DEAR DIRECTOR ORSZAG: We are writing to request your prompt recommendations to Congress on key legislative proposals currently under your office's review. This letter comes as a follow-up to a hearing of the Subcommittee on Economic Policy held May 13 entitled, "Manufacturing and the Credit Crisis."

Witnesses discussed the challenges tight credit markets pose for small and medium-sized manufacturers, as well as the economic, strategic, and security implications of a weakened manufacturing sector. Absent some mechanism for providing or spurring access to credit, witnesses testified, key government functions—ranging from defense to critical infrastructure operations—could be impaired.

One important finding that emerged during this hearing is that reauthorization and expansion of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) may provide the United States government valuable tools for maintaining critical supply lines, particularly at a time when U.S. manufacturers are experiencing declining access to credit.

Over the past five decades, the DPA has been amended beyond its original focus on military requirements, to expand industrial resources to meet energy supply, emergency preparedness, and critical infrastructure pro-

tection needs, thereby allowing civilian agencies to rapidly respond to crises such as natural disasters and terrorist attacks. Titles I, III, and VII of the Act remain in effect, which include authorities to require preferential performance on government contracts, to fund expanded production capabilities for critical security needs, and to collect information on the domestic industrial base.

At the May 13 hearing, witnesses recommended the following:

Revitalizing the Interagency Task Force that administers the DPA, with a chairman designated by the President.

Increasing the level of funding available for DPA at the Department of Homeland Security, Department of Energy, and Department of Defense.

Resuming the loan guarantee authorities under Title III of the DPA, in accordance with OMB guidance.

It is our understanding that OMB is reviewing interagency proposals. A thorough review of the DPA, and consideration of reforms, will require additional hearings. Given the urgency of manufacturers' challenges, the impending expiration of DPA authorities on September 30, and the impending Fiscal Year 2010 appropriations process, we urge you to promptly review the DPA and forward your recommendations to Congress.

Thank you for your attention to this matter.

Sincerely,

SHERROD BROWN,  
Chairman, Economic  
Policy Subcommittee.

CHRISTOPHER J. DODD,  
Chairman, Banking,  
House, & Urban Affairs.

JEFF MERKLEY,  
U.S. Senator.

MARK WARNER,  
U.S. Senator.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1677) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1677

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Defense Production Act Reauthorization of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Reauthorization of Defense Production Act of 1950.
- Sec. 3. Declaration of policy.
- Sec. 4. Priority in contracts and orders.
- Sec. 5. Designation of energy as a strategic and critical material.
- Sec. 6. Strengthening domestic capability.
- Sec. 7. Expansion of productive capacity and supply.
- Sec. 8. Definitions.
- Sec. 9. Voluntary agreements and plans of action for national defense.

Sec. 10. Employment of personnel; appointment policies; nucleus executive reserve; use of confidential information by employees; printing and distribution of reports.

Sec. 11. Defense Production Act Committee.  
Sec. 12. Annual report on impact of offsets.

## SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) TERMINATION OF ACT.—

(1) TERMINATION.—Section 717 of the Defense Production Act of 1950 (50 U.S.C. App. 2166) is amended—

(A) by striking subsections (a) and (b) and inserting the following:

“(a) Title I (except section 104), title III, and title VII (except sections 707, 708, and 721) shall terminate on September 30, 2014, except that all authority extended under title III on or after the date of enactment of the Defense Production Act Reauthorization of 2009 shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) Notwithstanding subsection (a), any agency created under a provision of law that is terminated under subsection (a) may continue in existence, for purposes of liquidation, for a period not to exceed 6 months, beginning on the date of termination of the provision authorizing the creation of such agency under subsection (a).”; and

(B) in subsection (c), by striking the second undesignated paragraph.

(2) REPEALS.—Titles II, IV, V, and VI of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq., 2101 et seq., 2121 et seq., and 2131 et seq.) are repealed.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “(including)” and all that follows through “) by” and inserting “by”; and

(B) by striking “(a) AUTHORIZATION.—Except as provided in subsection (b), there” and inserting “There”; and

(2) by striking subsection (b).

## SEC. 3. DECLARATION OF POLICY.

(a) FINDINGS.—Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

### “SEC. 2. DECLARATION OF POLICY.

“(a) FINDINGS.—Congress finds that—

“(1) the security of the United States is dependent on the ability of the domestic industrial base to supply materials and services for the national defense and to prepare for and respond to military conflicts, natural or man-caused disasters, or acts of terrorism within the United States;

“(2) to ensure the vitality of the domestic industrial base, actions are needed—

“(A) to promote industrial resources preparedness in the event of domestic or foreign threats to the security of the United States;

“(B) to support continuing improvements in industrial efficiency and responsiveness;

“(C) to provide for the protection and restoration of domestic critical infrastructure operations under emergency conditions; and

“(D) to respond to actions taken outside of the United States that could result in reduced supplies of strategic and critical materials, including energy, necessary for national defense and the general economic well-being of the United States;

“(3) in order to provide for the national security, the national defense preparedness effort of the United States Government requires—

“(A) preparedness programs to respond to both domestic emergencies and international threats to national defense;

“(B) measures to improve the domestic industrial base for national defense;

“(C) the development of domestic productive capacity to meet—

“(i) essential national defense needs that can result from emergency conditions; and

“(ii) unique technological requirements; and

“(D) the diversion of certain materials and facilities from ordinary use to national defense purposes, when national defense needs cannot otherwise be satisfied in a timely fashion;

“(4) to meet the requirements referred to in this subsection, this Act provides the President with an array of authorities to shape national defense preparedness programs and to take appropriate steps to maintain and enhance the domestic industrial base;

“(5) in order to ensure national defense preparedness, it is necessary and appropriate to assure the availability of domestic energy supplies for national defense needs;

“(6) to further assure the adequate maintenance of the domestic industrial base, to the maximum extent possible, domestic energy supplies should be augmented through reliance on renewable energy sources (including solar, geothermal, wind, and biomass sources), more efficient energy storage and distribution technologies, and energy conservation measures;

“(7) much of the industrial capacity that is relied upon by the United States Government for military production and other national defense purposes is deeply and directly influenced by—

“(A) the overall competitiveness of the industrial economy of the United States; and

“(B) the ability of industries in the United States, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve competitiveness with respect to military and civilian production; and

“(8) the inability of industries in the United States, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair the ability to sustain the Armed Forces of the United States in combat for longer than a short period.

“(b) STATEMENT OF POLICY.—It is the policy of the United States that—

“(1) to ensure the adequacy of productive capacity and supply, Federal departments and agencies that are responsible for national defense acquisition should continuously assess the capability of the domestic industrial base to satisfy production requirements under both peacetime and emergency conditions, specifically evaluating the availability of adequate production sources, including subcontractors and suppliers, materials, skilled labor, and professional and technical personnel;

“(2) every effort should be made to foster cooperation between the defense and commercial sectors for research and development and for acquisition of materials, components, and equipment;

“(3) plans and programs to carry out the purposes of this Act should be undertaken with due consideration for promoting efficiency and competition;

“(4) in providing United States Government financial assistance under this Act to correct a domestic industrial base shortfall, the President should give consideration to

the creation or maintenance of production sources that will remain economically viable after such assistance has ended;

“(5) authorities under this Act should be used to reduce the vulnerability of the United States to terrorist attacks, and to minimize the damage and assist in the recovery from terrorist attacks that occur in the United States;

“(6) in order to ensure productive capacity in the event of an attack on the United States, the United States Government should encourage the geographic dispersal of industrial facilities in the United States to discourage the concentration of such productive facilities within limited geographic areas that are vulnerable to attack by an enemy of the United States;

“(7) to ensure that essential national defense requirements are met, consideration should be given to stockpiling strategic materials, to the extent that such stockpiling is economical and feasible; and

“(8) in the construction of any industrial facility owned by the United States Government, in the rendition of any financial assistance by the United States Government for the construction, expansion, or improvement of any industrial facility, and in the production of goods and services, under this Act or any other provision of law, each department and agency of the United States Government should apply, under the coordination of the Federal Emergency Management Agency, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of geographic dispersal of such facilities in the interest of national defense.”.

## SEC. 4. PRIORITY IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended by adding at the end the following:

“(d) The head of each Federal agency to which the President delegates authority under this section shall—

“(1) not later than 270 days after the date of enactment of the Defense Production Act Reauthorization of 2009, issue final rules, in accordance with section 553 of title 5, United States Code, that establish standards and procedures by which the priorities and allocations authority under this section is used to promote the national defense, under both emergency and nonemergency conditions; and

“(2) as appropriate and to the extent practicable, consult with the heads of other Federal agencies to develop a consistent and unified Federal priorities and allocations system.”.

## SEC. 5. DESIGNATION OF ENERGY AS A STRATEGIC AND CRITICAL MATERIAL.

Section 106 of the Defense Production Act of 1950 (50 U.S.C. App. 2076) is amended—

(1) by striking “such designation” and all that follows through “(1)” and inserting “such designation”; and

(2) by striking “; or” and inserting a period; and

(3) by striking paragraph (2).

## SEC. 6. STRENGTHENING DOMESTIC CAPABILITY.

Section 107 of the Defense Production Act of 1950 (50 U.S.C. App. 2077) is amended—

(1) in subsection (a)—

(A) by inserting “restore,” after “modernize,”; and

(B) by inserting “materials,” after “items,”; and

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1), as so redesignated, by striking “or critical technology items” and

inserting “, critical technology items, essential materials, and industrial resources”.

**SEC. 7. EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY.**

Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) is amended to read as follows:

**“TITLE III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY**

**“SEC. 301. PRESIDENTIAL AUTHORIZATION FOR THE NATIONAL DEFENSE.**

“(a) EXPEDITING PRODUCTION AND DELIVERIES OR SERVICES.—

“(1) AUTHORIZED ACTIVITIES.—To reduce current or projected shortfalls of industrial resources, critical technology items, or essential materials needed for national defense purposes, subject to such regulations as the President may prescribe, the President may authorize a guaranteeing agency to provide guarantees of loans by private institutions for the purpose of financing any contractor, subcontractor, provider of critical infrastructure, or other person in support of production capabilities or supplies that are deemed by the guaranteeing agency to be necessary to create, maintain, expedite, expand, protect, or restore production and deliveries or services essential to the national defense.

“(2) PRESIDENTIAL DETERMINATIONS REQUIRED.—Except during a period of national emergency declared by Congress or the President, a loan guarantee may be entered into under this section only if the President determines that—

“(A) the loan guarantee is for an activity that supports the production or supply of an industrial resource, critical technology item, or material that is essential for national defense purposes;

“(B) without a loan guarantee, credit is not available to the loan applicant under reasonable terms or conditions sufficient to finance the activity;

“(C) the loan guarantee is the most cost effective, expedient, and practical alternative for meeting the needs of the Federal Government;

“(D) the prospective earning power of the loan applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed;

“(E) the loan to be guaranteed bears interest at a rate determined by the Secretary of the Treasury to be reasonable, taking into account the then-current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan;

“(F) the loan agreement for the loan to be guaranteed provides that no provision of the loan agreement may be amended or waived without the consent of the fiscal agent of the United States for the guarantee; and

“(G) the loan applicant has provided or will provide—

“(i) an assurance of repayment, as determined by the President; and

“(ii) security—

“(I) in the form of a performance bond, insurance, collateral, or other means acceptable to the fiscal agent of the United States; and

“(II) in an amount equal to not less than 20 percent of the amount of the loan.

“(3) LIMITATIONS ON LOANS.—Loans under this section may be—

“(A) made or guaranteed under the authority of this section only to the extent that an appropriations Act—

“(i) provides, in advance, budget authority for the cost of such guarantees, as defined in

section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

“(ii) establishes a limitation on the total loan principal that may be guaranteed; and

“(B) made without regard to the limitations of existing law, other than section 1341 of title 31, United States Code.

“(b) FISCAL AGENTS OF THE UNITED STATES.—

“(1) IN GENERAL.—Any Federal agency or any Federal reserve bank, when designated by the President, is hereby authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of this section.

“(2) FUNDS.—All such funds as may be necessary to enable any fiscal agent described in paragraph (1) to carry out any guarantee made by it on behalf of any guaranteeing agency shall be supplied and disbursed by or under authority from such guaranteeing agency.

“(3) LIMIT ON LIABILITY.—No fiscal agent described in paragraph (1) shall have any responsibility or accountability, except as agent in taking any action pursuant to or under authority of this section.

“(4) REIMBURSEMENTS.—Each fiscal agent described in paragraph (1) shall be reimbursed by each guaranteeing agency for all expenses and losses incurred by such fiscal agent in acting as agent on behalf of such guaranteeing agency, including, notwithstanding any other provision of law, attorneys’ fees and expenses of litigation.

“(c) OVERSIGHT.—

“(1) IN GENERAL.—All actions and operations of fiscal agents under authority of or pursuant to this section shall be subject to the supervision of the President, and to such regulations as the President may prescribe.

“(2) OTHER AUTHORITY.—The President is authorized to prescribe—

“(A) either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through fiscal agents under this section; and

“(B) regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

“(d) AGGREGATE GUARANTEE AMOUNTS.—

“(1) INDUSTRIAL RESOURCE AND CRITICAL TECHNOLOGY SHORTFALLS.—

“(A) IN GENERAL.—If the making of any guarantee or obligation of the Federal Government under this title relating to a domestic industrial base shortfall would cause the aggregate outstanding amount of all guarantees for such shortfall to exceed \$50,000,000, any such guarantee may be made only—

“(i) if the President has notified the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives in writing of the proposed guarantee; and

“(ii) after the 30-day period following the date on which notice under clause (i) is provided.

“(B) WAIVERS AUTHORIZED.—The requirements of subparagraph (A) may be waived—

“(i) during a period of national emergency declared by Congress or the President; or

“(ii) upon a determination by the President, on a nondelegable basis, that a specific guarantee is necessary to avert an industrial resource or critical technology item short-

fall that would severely impair national defense capability.

“(2) OTHER LIMITATIONS.—The authority conferred by this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person, unless—

“(A) the President certifies that the insolvency or bankruptcy would have a direct and substantially adverse effect upon national defense production; and

“(B) a copy of the certification under subparagraph (A), together with a detailed justification thereof, is transmitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 days prior to the exercise of that authority for such use.

**“SEC. 302. LOANS TO PRIVATE BUSINESS ENTERPRISES.**

“(a) LOAN AUTHORITY.—To reduce current or projected shortfalls of industrial resources, critical technology items, or materials essential for the national defense, the President may make provision for loans to private business enterprises (including nonprofit research corporations and providers of critical infrastructure) for the creation, maintenance, expansion, protection, or restoration of capacity, the development of technological processes, or the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals.

“(b) CONDITIONS OF LOANS.—Loans may be made under this section on such terms and conditions as the President deems necessary, except that—

“(1) financial assistance may be extended only to the extent that it is not otherwise available from private sources on reasonable terms; and

“(2) during periods of national emergency declared by the Congress or the President, no such loan may be made unless the President determines that—

“(A) the loan is for an activity that supports the production or supply of an industrial resource, critical technology item, or material that is essential to the national defense;

“(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes, or materials in a timely manner;

“(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

“(D) the prospective earning power of the loan applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan in accordance with the terms of the loan, as determined by the President; and

“(E) the loan bears interest at a rate determined by the Secretary of the Treasury to be reasonable, taking into account the then-current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

“(c) LIMITATIONS ON LOANS.—Loans under this section may be—

“(1) made or guaranteed under the authority of this section only to the extent that an appropriations Act—

“(A) provides, in advance, budget authority for the cost of such guarantees, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

“(B) establishes a limitation on the total loan principal that may be guaranteed; and

“(2) made without regard to the limitations of existing law, other than section 1341 of title 31, United States Code.

“(d) AGGREGATE LOAN AMOUNTS.—

“(1) IN GENERAL.—If the making of any loan under this section to correct a shortfall would cause the aggregate outstanding amount of all obligations of the Federal Government under this title relating to such shortfall to exceed \$50,000,000, such loan may be made only—

“(A) if the President has notified the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, in writing, of the proposed loan; and

“(B) after the 30-day period following the date on which notice under subparagraph (A) is provided.

“(2) WAIVERS AUTHORIZED.—The requirements of paragraph (1) may be waived—

“(A) during a period of national emergency declared by the Congress or the President; and

“(B) upon a determination by the President, on a nondelegable basis, that a specific loan is necessary to avert an industrial resource or critical technology shortfall that would severely impair national defense capability.

### “SEC. 303. OTHER PRESIDENTIAL ACTION AUTHORIZED.

“(a) IN GENERAL.—

“(1) IN GENERAL.—To create, maintain, protect, expand, or restore domestic industrial base capabilities essential for the national defense, the President may make provision—

“(A) for purchases of or commitments to purchase an industrial resource or a critical technology item, for Government use or resale;

“(B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials;

“(C) for the development of production capabilities; and

“(D) for the increased use of emerging technologies in security program applications and the rapid transition of emerging technologies—

“(i) from Government-sponsored research and development to commercial applications; and

“(ii) from commercial research and development to national defense applications.

“(2) TREATMENT OF CERTAIN AGRICULTURAL COMMODITIES.—A purchase for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced, except to the extent that such domestically produced supply may be purchased for resale for industrial use or stockpiling.

“(3) TERMS OF SALES.—No commodity purchased under this subsection shall be sold at less than—

“(A) the established ceiling price for such commodity, except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower; or

“(B) if no ceiling price has been established, the higher of—

“(i) the current domestic market price for such commodity; or

“(ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation, as provided in section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427).

“(4) DELIVERY DATES.—No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than 1 year after the date of termination of this section.

“(5) PRESIDENTIAL DETERMINATIONS.—Except as provided in paragraph (7), the Presi-

dent may not execute a contract under this subsection unless the President determines that—

“(A) the industrial resource, material, or critical technology item is essential to the national defense; and

“(B) without Presidential action under this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource, material, or critical technology item in a timely manner.

“(6) NOTIFICATION TO CONGRESS OF SHORTFALL.—

“(A) IN GENERAL.—Except as provided in paragraph (7), the President shall provide written notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of a domestic industrial base shortfall prior to taking action under this subsection to remedy the shortfall. The notice shall include the determinations made by the President under paragraph (5).

“(B) AGGREGATE AMOUNTS.—If the taking of any action under this subsection to correct a domestic industrial base shortfall would cause the aggregate outstanding amount of all such actions for such shortfall to exceed \$50,000,000, the action or actions may be taken only after the 30-day period following the date on which the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives have been notified in writing of the proposed action.

“(7) WAIVERS AUTHORIZED.—The requirements of paragraphs (1) through (6) may be waived—

“(A) during a period of national emergency declared by the Congress or the President; or

“(B) upon a determination by the President, on a nondelegable basis, that action is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.

“(b) EXEMPTION FOR CERTAIN LIMITATIONS.—Subject to the limitations in subsection (a), purchases and commitments to purchase and sales under subsection (a) may be made without regard to the limitations of existing law (other than section 1341 of title 31, United States Code), for such quantities, and on such terms and conditions, including advance payments, and for such periods, but not extending beyond a date that is not more than 10 years from the date on which such purchase, purchase commitment, or sale was initially made, as the President deems necessary, except that purchases or commitments to purchase involving higher than established ceiling prices (or if no such established ceiling prices exist, currently prevailing market prices) or anticipated loss on resale shall not be made, unless it is determined that supply of the materials could not be effectively increased at lower prices or on terms more favorable to the Government, or that such purchases are necessary to assure the availability to the United States of overseas supplies.

“(c) PRESIDENTIAL FINDINGS.—

“(1) IN GENERAL.—The President may take the actions described in paragraph (2), if the President finds that—

“(A) under generally fair and equitable ceiling prices, for any raw or nonprocessed material, there will result a decrease in supplies from high-cost sources of such material, and that the continuation of such supplies is necessary to carry out the objectives of this title; or

“(B) an increase in cost of transportation is temporary in character and threatens to

impair maximum production or supply in any area at stable prices of any materials.

“(2) SUBSIDY PAYMENTS AUTHORIZED.—Upon a finding under paragraph (1), the President may make provision for subsidy payments on any such domestically produced material, other than an agricultural commodity, in such amounts and in such manner (including purchases of such material and its resale at a loss), and on such terms and conditions, as the President determines to be necessary to ensure that supplies from such high-cost sources are continued, or that maximum production or supply in such area at stable prices of such materials is maintained, as the case may be.

“(d) INCIDENTAL AUTHORITY.—The procurement power granted to the President by this section shall include the power to transport and store and have processed and refined any materials procured under this section.

“(e) INSTALLATION OF EQUIPMENT IN INDUSTRIAL FACILITIES.—

“(1) INSTALLATION AUTHORIZED.—If the President determines that such action will aid the national defense, the President is authorized—

“(A) to procure and install additional equipment, facilities, processes or improvements to plants, factories, and other industrial facilities owned by the Federal Government;

“(B) to procure and install equipment owned by the Federal Government in plants, factories, and other industrial facilities owned by private persons;

“(C) to provide for the modification or expansion of privately owned facilities, including the modification or improvement of production processes, when taking actions under section 301, 302, or this section; and

“(D) to sell or otherwise transfer equipment owned by the Federal Government and installed under this subsection to the owners of such plants, factories, or other industrial facilities.

“(2) INDEMNIFICATION.—The owner of any plant, factory, or other industrial facility that receives equipment owned by the Federal Government under this section shall agree—

“(A) to waive any claim against the United States under section 107 or 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607 and 9613); and

“(B) to indemnify the United States against any claim described in paragraph (1) made by a third party that arises out of the presence or use of equipment owned by the Federal Government.

“(f) EXCESS METALS, MINERALS, AND MATERIALS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law to the contrary, metals, minerals, and materials acquired pursuant to this section which, in the judgment of the President, are excess to the needs of programs under this Act, shall be transferred to the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), when the President deems such action to be in the public interest.

“(2) TRANSFERS AT NO CHARGE.—Transfers made pursuant to this subsection shall be made without charge against or reimbursement from funds appropriated for the purposes of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), except that costs incident to such transfer, other than acquisition costs, shall be paid or reimbursed from such funds.

“(g) **SUBSTITUTES.**—When, in the judgment of the President, it will aid the national defense, the President may make provision for the development of substitutes for strategic and critical materials, critical components, critical technology items, and other industrial resources.

**“SEC. 304. DEFENSE PRODUCTION ACT FUND.**

“(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a separate fund to be known as the ‘Defense Production Act Fund’ (in this section referred to as the ‘Fund’).

“(b) **MONEYS IN FUND.**—There shall be credited to the Fund—

“(1) all moneys appropriated for the Fund, as authorized by section 711; and

“(2) all moneys received by the Fund on transactions entered into pursuant to section 303.

“(c) **USE OF FUND.**—The Fund shall be available to carry out the provisions and purposes of this title, subject to the limitations set forth in this Act and in appropriations Acts.

“(d) **DURATION OF FUND.**—Moneys in the Fund shall remain available until expended.

“(e) **FUND BALANCE.**—The Fund balance at the close of each fiscal year shall not exceed \$750,000,000, excluding any moneys appropriated to the Fund during that fiscal year or obligated funds. If, at the close of any fiscal year, the Fund balance exceeds \$750,000,000, the amount in excess of \$750,000,000 shall be paid into the general fund of the Treasury.

“(f) **FUND MANAGER.**—The President shall designate a Fund manager. The duties of the Fund manager shall include—

“(1) determining the liability of the Fund in accordance with subsection (g);

“(2) ensuring the visibility and accountability of transactions engaged in through the Fund; and

“(3) reporting to the Congress each year regarding activities of the Fund during the previous fiscal year.

“(g) **LIABILITIES AGAINST FUND.**—When any agreement entered into pursuant to this title after December 31, 1991, imposes any contingent liability upon the United States, such liability shall be considered an obligation against the Fund.”.

**SEC. 8. DEFINITIONS.**

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) in paragraph (1), by striking “military equipment identified by the Secretary of Defense” and inserting “equipment identified by the President”;

(2) by striking paragraphs (2), (4), (9), and (18);

(3) by redesignating paragraph (3) as paragraph (2);

(4) by inserting after paragraph (2), as so redesignated, the following:

“(3) **CRITICAL TECHNOLOGY.**—The term ‘critical technology’ includes any technology designated by the President to be essential to the national defense.”;

(5) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively;

(6) in paragraph (6), as so redesignated—

(A) in the paragraph heading, by striking “DEFENSE”;

(B) by striking “domestic defense” and inserting “domestic”; and

(C) by striking “graduated mobilization.”;

(7) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

(8) by inserting after paragraph (9), as so redesignated, the following:

“(10) **GUARANTEEING AGENCY.**—The term ‘guaranteeing agency’ means a department

or agency of the United States engaged in procurement for the national defense.

“(11) **HOMELAND SECURITY.**—The term ‘homeland security’ includes efforts—

“(A) to prevent terrorist attacks within the United States;

“(B) to reduce the vulnerability of the United States to terrorism;

“(C) to minimize damage from a terrorist attack in the United States; and

“(D) to recover from a terrorist attack in the United States.”;

(9) in paragraph (12), by striking “capacity” and inserting “base”;

(10) in paragraph (14), by striking “military assistance to any foreign nation” and inserting “military or critical infrastructure assistance to any foreign nation, homeland security”; and

(11) in paragraph (16)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(C) the movement of individuals and property by all modes of civil transportation; or

“(D) other national defense programs and activities.”.

**SEC. 9. VOLUNTARY AGREEMENTS AND PLANS OF ACTION FOR NATIONAL DEFENSE.**

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “defense of the United States” and all that follows through the period and inserting “national defense.”; and

(B) by adding at the end the following:

“(3) Upon a determination by the President, on a nondelegable basis, that a specific voluntary agreement or plan of action is necessary to meet national defense requirements resulting from an event that degrades or destroys critical infrastructure—

“(A) an individual that has been delegated authority under paragraph (1) with respect to such agreement or plan shall not be required to consult with the Attorney General or the Federal Trade Commission under paragraph (2)(B); and

“(B) the President shall publish a rule in accordance with subsection (e)(2)(B) and publish notice in accordance with subsection (e)(3)(B) with respect to such agreement or plan as soon as is practicable under the circumstances.”;

(2) in subsection (f)(2)—

(A) by striking “two years” each place that term appears and inserting “5 years”; and

(B) by striking “two-year” and inserting “5-year”; and

(3) by striking subsection (n) and inserting the following:

“(n) **EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.**—Notwithstanding any other provision of law, the Federal Advisory Committee Act (5 U.S.C. App.) and any other provision of Federal law relating to advisory committees shall not apply to—

“(1) the consultations referred to in subsection (c)(1); or

“(2) any activity conducted under a voluntary agreement or plan of action approved pursuant to this section that complies with the requirements of this section.”.

**SEC. 10. EMPLOYMENT OF PERSONNEL; APPOINTMENT POLICIES; NUCLEUS EXECUTIVE RESERVE; USE OF CONFIDENTIAL INFORMATION BY EMPLOYEES; PRINTING AND DISTRIBUTION OF REPORTS.**

Section 710 of the Defense Production Act of 1950 (50 U.S.C. App. 2160) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking clause (iii);

(B) by striking paragraph (4);

(C) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(D) in paragraph (6), as so redesignated, by striking “At least” and all that follows through “survey” and inserting “The Director of the Office of Personnel Management shall carry out a biennial survey of”;

(2) in subsection (c), by striking the third sentence;

(3) in subsection (d), by striking “needed,” and all that follows through the period and inserting “needed.”; and

(4) in subsection (e)—

(A) in the first sentence, by striking “emergency” and inserting “national defense emergency, as determined by the President”; and

(B) by striking the third sentence.

**SEC. 11. DEFENSE PRODUCTION ACT COMMITTEE.**

Section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171) is amended to read as follows:

**“SEC. 722. DEFENSE PRODUCTION ACT COMMITTEE.**

“(a) **COMMITTEE ESTABLISHED.**—There is established the Defense Production Act Committee (in this section referred to as the ‘Committee’), which shall advise the President on the effective use of the authority under this Act by the departments, agencies, and independent establishments of the Federal Government to which the President has delegated authority under this Act.

“(b) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—The members of the Committee shall be—

“(A) the head of each Federal agency to which the President has delegated authority under this Act; and

“(B) the Chairperson of the Council of Economic Advisors.

“(2) **CHAIRPERSON.**—The President shall designate 1 member of the Committee as the Chairperson of the Committee.

“(c) **EXECUTIVE DIRECTOR.**—

“(1) **IN GENERAL.**—The President shall appoint an Executive Director of the Defense Production Act Committee (in this section referred to as the ‘Executive Director’), who shall—

“(A) be responsible to the Chairperson of the Committee; and

“(B) carry out such activities relating to the Committee as the Chairperson may determine.

“(2) **APPOINTMENT.**—The appointment by the President shall not be subject to the advice and consent of the Senate.

“(3) **COMPENSATION.**—For pay periods beginning on or after the date on which each Chairperson is appointed, funds for the pay of the Executive Director shall be paid from appropriations to the salaries and expenses account of the department or agency of the Chairperson of the Committee. The Executive Director shall be compensated at a rate of pay equivalent to that of a Deputy Assistant Secretary (or a comparable position) of the Federal agency of the Chairperson of the Committee.

“(d) **REPORT.**—Not later than the end of the first quarter of each calendar year, the Committee shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report signed by each member of the Committee that contains—

“(1) a review of the authority under this Act of each department, agency, or independent establishment of the Federal Government to which the President has delegated authority under this Act;

“(2) recommendations for the effective use of the authority described in paragraph (1) in a manner consistent with the statement of policy under section 2(b);

“(3) recommendations for legislation, regulations, executive orders, or other action by the Federal Government necessary to improve the use of the authority described in paragraph (1); and

“(4) recommendations for improving information sharing between departments, agencies, and independent establishments of the Federal Government relating to all aspects of the authority described in paragraph (1).

“(e) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.”

#### SEC. 12. ANNUAL REPORT ON IMPACT OF OFFSETS.

(a) ANNUAL REPORT.—Title VII of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq.) is amended by adding at the end the following:

#### “SEC. 723. ANNUAL REPORT ON IMPACT OF OFFSETS.

“(a) REPORT REQUIRED.—

“(1) IN GENERAL.—The President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, a detailed annual report on the impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the United States.

“(2) DUTIES OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce (hereafter in this subsection referred to as the ‘Secretary’) shall—

“(A) prepare the report required by paragraph (1);

“(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative in connection with the preparation of such report; and

“(C) function as the President’s Executive Agent for carrying out this section.

“(b) INTERAGENCY STUDIES AND RELATED DATA.—

“(1) PURPOSE OF REPORT.—Each report required under subsection (a) shall identify the cumulative effects of offset agreements on—

“(A) the full range of domestic defense productive capability (with special attention paid to the firms serving as lower-tier subcontractors or suppliers); and

“(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

“(2) USE OF DATA.—Data developed or compiled by any agency while conducting any interagency study or other independent study or analysis shall be made available to the Secretary to facilitate the execution of the Secretary’s responsibilities with respect to trade offset and countertrade policy development.

“(c) NOTICE OF OFFSET AGREEMENTS.—

“(1) IN GENERAL.—If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding \$5,000,000 in value, such firm shall furnish to the official designated in the regulations promulgated pursuant to paragraph (2) information concerning such sale.

“(2) REGULATIONS.—The information to be furnished under paragraph (1) shall be pre-

scribed in regulations promulgated by the Secretary. Such regulations shall provide protection from public disclosure for such information, unless public disclosure is subsequently specifically authorized by the firm furnishing the information.

“(d) CONTENTS OF REPORT.—

“(1) IN GENERAL.—Each report under subsection (a) shall include—

“(A) a net assessment of the elements of the industrial base and technology base covered by the report;

“(B) recommendations for appropriate remedial action under the authority of this Act, or other law or regulations;

“(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (b);

“(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (c); and

“(E) a summary and analysis of any bilateral and multilateral negotiations relating to the use of offsets completed during the reporting period.

“(2) ALTERNATIVE FINDINGS OR RECOMMENDATIONS.—Each report required under this section shall include any alternative findings or recommendations offered by any departmental Secretary, agency head, or the United States Trade Representative to the Secretary.

“(e) UTILIZATION OF ANNUAL REPORT IN NEGOTIATIONS.—The findings and recommendations of the reports required by subsection (a), and any interagency reports and analyses shall be considered by representatives of the United States during bilateral and multilateral negotiations to minimize the adverse effects of offsets.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFENSE PRODUCTION ACT AMENDMENTS OF 1992.—Section 123(c)(1)(C) of the Defense Production Act Amendments of 1992 (50 U.S.C. App. 2099 note) is amended by striking “section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a))” and inserting “section 723(a) of the Defense Production Act of 1950”.

(2) AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000.—Section 1102(2) of the American Homeownership and Economic Opportunity Act of 2000 (31 U.S.C. 1113 note) is amended by striking “309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099)” and inserting “723 of the Defense Production Act of 1950”.

(3) DEFENSE PRODUCTION ACT AMENDMENTS OF 2003.—Section 7(a) of the Defense Production Act Amendments of 2003 (50 U.S.C. App. 2099 note) is amended by striking “section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a))” and inserting “section 723(a) of the Defense Production Act of 1950”.

#### NATIONAL AEROSPACE DAY

Mr. CASEY. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration, and the Senate now proceed to S. Res. 242.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 242) “Supporting the Goals and Ideals of National Aerospace Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 242) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 242

Whereas the missions to the moon by the National Aeronautics and Space Administration are recognized around the globe as 1 of the most outstanding achievements of humankind;

Whereas the United States is a leader in the International Space Station, the most advanced human habitation and scientific laboratory ever placed in space;

Whereas the first aircraft flight occurred in the United States, and the United States operates the largest and safest aviation system in the world;

Whereas the United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing 831,000 people and supporting more than 2,000,000 jobs in related fields;

Whereas space exploration is a source of inspiration that captures the interest of young people;

Whereas aerospace education is an important component of science, technology, engineering, and mathematics education and helps to develop the science and technology workforce in the United States;

Whereas aerospace innovation has led to the development of advanced meteorological forecasting, which has saved lives around the world;

Whereas aerospace innovation has led to the development of the Global Positioning System, which has strengthened national security and increased economic productivity;

Whereas the aerospace industry assists and protects members of the Armed Forces with military communications, unmanned aerial systems, situational awareness, and satellite-guided ordinances; and

Whereas September 16, 2009, is an appropriate date to observe “National Aerospace Day”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of “National Aerospace Day”; and

(2) recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.

#### NATIONAL HISPANIC SERVING INSTITUTIONS WEEK

Mr. CASEY. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 269 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 269) designating the week beginning September 20, 2009, as “National Hispanic Serving Institutions Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 269) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 269

Whereas Hispanic Serving Institutions play an important role in educating Hispanic students and helping them contribute to the economic vitality of this Nation;

Whereas there are approximately 268 Hispanic Serving Institutions currently in operation in the United States;

Whereas Hispanic Serving Institutions are actively involved in stabilizing and improving their local communities;

Whereas celebrating the vast contributions of Hispanic Serving Institutions adds to the strength and culture of our Nation; and

Whereas the achievements and goals of Hispanic Serving Institutions are deserving of national recognition: Now, therefore, be it Resolved, That the Senate—

(1) recognizes the achievement and goals of Hispanic Serving Institutions across this Nation;

(2) designates the week beginning September 20, 2009, as “National Hispanic Serving Institutions Week”; and

(3) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic Serving Institutions.

### CONGRATULATING THE HIGH POINT FURNITURE MARKET

Mr. CASEY. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 270 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 270) Congratulating the High Point Furniture Market on the occasion of its 100th anniversary as a leader in home furnishing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 270) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 270

Whereas, since the first home furnishings market was held in High Point, North Caro-

lina in the spring of 1909, the High Point Furniture Market has gained a worldwide reputation as the premier place to experience the newest ideas in home furnishings;

Whereas, as the home furnishings market that has more new product premieres than any other, the High Point Furniture Market has become known around the world as the launching pad for the home furnishings trends that will shape the culture and homes of the people of the United States for years to come;

Whereas, every spring and fall for 100 years, as many as 85,000 people have traveled to the small city of High Point from all parts of the United States and more than 110 countries to participate in one of the largest and most influential commercial events in the world;

Whereas the High Point Furniture Market is the intellectual and creative nerve center of the home furnishings industry in the United States, and the centerpiece of the furniture industry cluster in the region;

Whereas a study conducted by High Point University in 2007 estimated the economic impact of the furniture industry cluster in the region at \$8,250,000,000 annually and found that the furniture industry cluster was responsible for more than 69,000 jobs in the region;

Whereas an economic impact study carried out at the University of North Carolina at Greensboro found that the High Point Furniture Market contributes approximately \$1,200,000,000 each year to the economies of the City of High Point, the Piedmont Triad, and the State of North Carolina;

Whereas the High Point Furniture Market is responsible for approximately 13,516 jobs, just under 20 percent of the furniture-related jobs in the Piedmont Triad;

Whereas the High Point Furniture Market is a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986;

Whereas the Department of Commerce has awarded the High Point Furniture Market “International Buyer Program” status for 3 years;

Whereas, as a participant in the International Buyer Program, the High Point Furniture Market represents the United States and the State of North Carolina to the world, and positions the home furnishings industry in the United States front and center on the world stage; and

Whereas, as the first century of the High Point Furniture Market comes to a close in fall of 2009, the High Point Furniture Market continues to expand and improve, securing its position as the most important domestic and international event in the home furnishings industry: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the High Point Market on the occasion of its 100th anniversary as a leader in home furnishing;

(2) honors and recognizes the contributions of the High Point Furniture Market during the last 100 years; and

(3) encourages the High Point Furniture Market to continue as the world-wide premier event of the home furnishings industry.

### SUPPORT FOR IDEALS AND GOALS OF CITIZENSHIP DAY 2009

Mr. CASEY. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 271 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 271) expressing support for the ideals and goals of Citizenship Day 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 271

Whereas Constitution Day and Citizenship Day are observed each year on September 17;

Whereas, the Joint Resolution of February 29, 1952 (66 Stat. 9, chapter 49), designated September 17 of each year as “Citizenship Day”, in “commemoration of the formation and signing, on September 17, 1787, of the Constitution of the United States and in recognition of all who, by coming of age or by naturalization have attained the status of citizenship”;

Whereas section 111(c) of Division J of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3344) amended section 106 of title 36, United States Code, to designate September 17 as “Constitution Day and Citizenship Day”;

Whereas Citizenship Day is a special day for all United States citizens, including those who were born in the United States and those who chose to become citizens;

Whereas Citizenship Day is a day to take pride in being a United States citizen and to appreciate the rights, freedoms, and responsibilities inherent in United States citizenship;

Whereas, on Citizenship Day, naturalization ceremonies will be held at historic landmarks throughout the United States;

Whereas United States citizens are viewed with respect, honor, and dignity in the United States and throughout the world; and

Whereas, on September 17 of each year, “The civil and educational authorities of States, counties, cities, and towns are urged to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside”, section 106(d) of title 36, United States Code: Now, therefore, be it

Resolved, That the Senate—

(1) supports the ideals and goals of Citizenship Day 2009;

(2) recognizes that citizens from all backgrounds have made countless contributions to the strength of the United States, making the United States a symbol of success, promise, and hope;

(3) recognizes the initiative taken by immigrants to learn about the responsibilities and significance of United States citizenship and wishes immigrants well in their future efforts to contribute to the United States; and

(4) calls on the people of the United States to observe Citizenship Day with appropriate ceremonies, activities, and programs in support of all United States citizens.

#### TRANSPORTATION APPROPRIATIONS

Mr. CASEY. As a point of clarification with respect to the agreement governing consideration of H.R. 3288, if a new substitute amendment has to be offered, no amendments would be in order to that amendment.

The PRESIDING OFFICER. The record will so reflect.

Mr. CASEY. I ask unanimous consent that the previous order regarding H.R. 3288 be modified to provide that the Senate resume consideration of the bill at 2 p.m. Thursday, September 17, and then the remaining provisions of the order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR THURSDAY, SEPTEMBER 17, 2009

Mr. CASEY. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, September 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the immediate consideration of Calendar No. 98, H.R. 2996, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. CASEY. Tomorrow at 2 p.m., the Senate will suspend consideration of the Interior appropriations bill in order to complete action on the Transportation-HUD appropriations bill. At 2

p.m., the Senate will proceed to a series of up to six rollcall votes, including passage of the Transportation-HUD appropriations bill.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Thursday, September 17, 2009, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, September 16, 2009:

#### DEPARTMENT OF DEFENSE

JOHN M. MCHUGH, OF NEW YORK, TO BE SECRETARY OF THE ARMY.

JOSEPH W. WESTPHAL, OF NEW YORK, TO BE UNDER SECRETARY OF THE ARMY.

JUAN M. GARCIA III, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## HOUSE OF REPRESENTATIVES—Wednesday, September 16, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. LEE of California).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 16, 2009.

I hereby appoint the Honorable BARBARA LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Tri Robinson, Vineyard Boise Church, Boise, Idaho, offered the following prayer:

Good morning. It is a privilege to be here.

At a time like this, I didn't want to rely on my own wisdom to pray for you this morning or with you this morning, so I would like to pray the words of the Apostle Paul as he addressed the Philippians.

Dear Lord, as the Apostle Paul once prayed over the people of Philippi, today we echo not only his words, but the heart from which they were spoken.

We pray that if we have any encouragement from belonging to God, any comfort from His love, any fellowship together in His spirit, then let our hearts be tender and compassionate, agreeing wholeheartedly with each other, loving one another, and working together with one mind and one purpose.

We pray, as Paul prayed, for pure motives, for selflessness, not trying to impress others, but being humble, thinking of others as more important than ourselves. We pray that we wouldn't look out for our own interests, but represent the interests of those that we're called to serve. We pray that we might have the same attitude as that of Christ, as He willingly and purposefully became a servant, literally laying down His life for the benefit of all mankind.

We pray these things over this place, this House today, in Jesus' name. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. LANCE) come forward and lead the House in the Pledge of Allegiance.

Mr. LANCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING REVEREND TRI ROBINSON

(Mr. MINNICK asked and was given permission to address the House for 1 minute.)

Mr. MINNICK. Madam Speaker, I rise this morning to welcome to this august Chamber the Reverend Tri Robinson, the founder and leader of the Vineyard Christian Fellowship, one of the largest and most rapidly growing churches in my home town of Boise, Idaho.

Tri leads a Christian fellowship, proud of its natural, Bible-based worship, devotion to prayer, and generous service to all in need. Tri and his parishioners feed the hungry, house the homeless, engage and educate our youth, and work hard to protect the places we love in the West. He is an educator, author, and Idaho cowboy who has become a pioneer of environmental stewardship for the evangelical churches all over America.

As his Representative in Congress, I welcome Tri Robinson to this House, and I thank him for his moving spiritual guidance.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

### CONGRATULATING BROWARD COUNTY SCHOOL DISTRICT

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Madam Speaker, I rise today to congratulate the Broward County School District, one of four finalists for the Broad Prize for

Urban Education. The Broad Prize is known as the "Nobel Prize for public education" and is awarded to districts that show strong reading and math skills among low-income and minority students.

As a finalist for the second consecutive year, Broward schools have made real strides toward closing the achievement gap in public education and have set a standard of excellence for all students.

The winning school district, to be announced this week, will take home \$1 million in student scholarships, and all finalists receive \$250,000, a critical boost in these difficult economic times.

I congratulate Superintendent James Notter and School Board Chair Maureen Dinnen, as well as the students, parents, and teachers in the Broward school system for a job well done. Keep up the good work.

### A REPUBLICAN SOLUTION FOR HEALTH INSURANCE REFORM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I am humbled and grateful for the overwhelming support by the people of South Carolina.

House Republicans have been developing commonsense reforms for our health care system. The Republican Study Committee, led by Dr. TOM PRICE of Georgia, has introduced H.R. 3400, a bill to make health insurance accessible, affordable, and portable. The bill gives small businesses the tools to provide coverage for their employees, it covers preexisting conditions, and promotes wellness and a healthy lifestyle.

The Republican plan does not impose taxes on individuals and small businesses, which will cost jobs. It does not add billions more to our Nation's debt. The American people have spoken, and their voices must not be ignored. We can work together for health insurance reform.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

### TAKING PERSONAL RESPONSIBILITY

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, the great debates in this Chamber often center around the question of whether and how much government can do to address a particular problem. There is one thing, though, that we can all agree on, which is that if our families act more responsibly on just about everything—education, energy, health—we are all much better off.

Madam Speaker, September is Emergency Preparedness Month, and as a member of the Committee on Homeland Security, nowhere is this more true than when we think about our health and our security. Our families can do some simple things to make them safer and healthier: have a plan in the event of an emergency, have a place to meet, know how to contact each other.

As we think about facing the H1N1 threat this winter, there are some simple things we can do as families. We can wash our hands often. We can sneeze into a tissue. We can stay home if we feel ill. If we do these small, small things, we can take what is potentially a large problem and make it much, much smaller.

#### TENTH ANNIVERSARY OF HURRICANE FLOYD

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Madam Speaker, Wednesday and Thursday mark the 10th anniversary of Hurricane Floyd, a storm that battered the east coast from North and South Carolina to New Jersey.

The damage from Floyd was estimated at \$250 million in New Jersey, including close to \$100 million in Bound Brook and Manville in my congressional district, when more than 13 inches of rain fell and flooded rivers into homes, businesses and streets, forever changing the face of both communities.

Ten years later, Bound Brook and Manville have implemented important flood control efforts in preparation for the next Floyd. A complex flood control system of walls and levees is being built around Bound Brook. Manville police and fire personnel now have boats and sirens to alert and assist residents. Bound Brook also has an emergency management team of 25 members that communicates with the community if a flood is coming.

On Thursday, I hope to join residents of Bound Brook in celebration of the reopening of the historic Brook Theatre, a century-old venue severely damaged by the flood. The Brook Theatre reopening is a symbol of triumph and rebirth of the towns devastated by Hurricane Floyd 10 years ago.

#### SWEEPING REFORMS LEAVE NORTHERN MARIANA ISLANDS BEHIND

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Madam Speaker, last time I spoke, I pointed out that the health care reform bills currently being debated in the House and Senate do not include the United States territories. Today, I would like to discuss why these reforms are needed just as much, or more, in my district as in any other part of the United States.

There are only 80,000 people in my district in the Northern Mariana Islands, but the health care infrastructure there is struggling. There is only one surgeon for all three of the populated islands. Common equipment that is used to save lives every day across the Nation, like a hyperbaric chamber or a heart catheterization lab, is not available. Funding at the Commonwealth Health Center, the only hospital, is so strained that upfront payment is required before patients even see a doctor.

My constituents are proud Americans who honor and serve their country, so how can I explain to them that these sweeping reforms they have heard so much about will only leave them behind?

#### MEDICAL LIABILITY REFORM

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Madam Speaker, experts have predicted that meaningful liability reform can save our health care system \$126 billion annually. What does \$126 billion in annual savings mean? We would not have to cut \$500 billion from our seniors' Medicare program over the next 10 years. We would not have to levy \$800 billion in job-killing taxes on our economy. We would not have to ask every American to give up their liberty because of a government edict to purchase government insurance that they may not be able to afford.

My colleagues, meaningful liability reform is the silver bullet in this debate. It can stop the practice of defensive medicine, save our health care system over \$100 billion a year, and protect the American people from the occasional greedy lawyer seeking a windfall.

As an OB/GYN who practiced medicine for over 30 years, I know how dire the consequences are if we continue our failure to act. It is time to put partisan politics aside and stand up for the American people. Meaningful liability change cannot wait. It must be included in any health care reform bill.

#### STUDENT AID AND FISCAL RESPONSIBILITY ACT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, I rise today to give my support to the Student Aid and Fiscal Responsibility Act, a bill which will make historic investments in our Nation's higher education.

This legislation covers a broad array of initiatives to make college more affordable and accessible for everyone, and I am particularly glad to see that it does much to strengthen community colleges.

In this challenging economy, community colleges offer a crucial opportunity for students to fully prepare for the workforce. In 2007, there were over 156,000 students enrolled in Ohio's community colleges. I was pleased to see that this legislation provided the attention and funding that community colleges deserve.

This bill creates a new grant program that improves the resources and instruction at community colleges and emphasizes the partnerships between the colleges and local employers. In addition, it invests in the renovation and modernization of aging facilities.

In areas where many students can't afford a 4-year university, these community colleges provide a quality education and the training needed to succeed. These students deserve the increase in funding this legislation proposes. I urge all my colleagues to support this bill.

□ 1015

#### LIABILITY REFORM IS NECESSARY

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, as we debate health care reform, little attention has been paid to the impact that our Nation's broken medical liability system has on rising medical costs.

There are 125,000 lawsuits against physicians at any given time; 75 percent of the suits are closed without payment to the plaintiff, and in 83 percent of the cases going to trial, physicians are cleared. This means there is very little correlation between lawsuits and actual malpractice. More than that, the current system pushes doctors to overtest and overtreat to avoid being hauled into the courtroom, costing Americans billions of dollars in taxes and higher premiums. In a few cases in which there is a judgment, much of the money goes to pay lawyers, not the aggrieved patient.

Furthermore, the current system is driving physicians out of needed specialties. Recent studies show that one in seven obstetricians no longer delivers babies, and 49 percent of American

counties don't even have an OB, largely because of high malpractice costs.

If the President and Democrats are serious about controlling high health care costs, they must call on trial lawyers to share in the sacrifice and to reform the medical liability system.

#### AN INCENTIVE FOR HEALTHY LIVING

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today out of concern that the health care reform legislation this body is considering lacks an important component: an incentive for healthy living. Encouraging a healthy population is one of the best ways we can reduce our Nation's health care costs over time and can improve our country's livelihood and prosperity.

A healthy lifestyle makes workers more productive; it helps people live longer; it helps people make smart choices about diet, exercise and tobacco use; it helps prevent and not just treat chronic diseases.

Madam Speaker, successful health care reform must include an incentive for Americans to live healthy lives. It is the surest way to decrease our consumption of health care over time, thus, lowering costs.

My legislation, H.R. 3472, will do just that. My bill provides for health insurance coverage premium discounts up to 20 percent for healthy behavior and for improvements toward healthy behavior. This means that Americans would have a tangible incentive to maintain healthy cholesterol levels, heart rates and body mass indexes, which are vital indicators of a person's overall health and wellness.

Madam Speaker, it is good public policy to help Americans live well. It is good public policy to create positive incentives for wellness and to help people make healthy decisions in their everyday lives. I urge my colleagues to support H.R. 3472 and to create health care reform that actually encourages wellness.

#### CLEAR ACT

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, the Natural Resources Committee has the responsibility not only to take steps to encourage more nuclear, solar, hydropower, and wind energy but also to increase the production of domestic oil and gas. Such an all-of-the-above approach will lead to lower energy costs and to more jobs for American citizens while also serving to make our country safer.

Later today, the Natural Resources Committee will be holding a hearing on H.R. 3534, a bill which will simply erect more obstacles to job creation and energy production. This bill creates new levels of bureaucracy, which inevitably will slow new development of American sources of energy. Now is not the time to further delay the advancement of American energy.

Madam Speaker, it is simple: more roadblocks to energy development mean less energy for Americans.

#### RECOGNIZING THE STATE OF MAINE FOR ITS IMPLEMENTATION OF RECOVERY ACT FUNDING

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Madam Speaker, I rise today to recognize the State of Maine for its efficient implementation of the Recovery Act funding for transportation infrastructure projects.

We in Maine have worked together to accomplish what this bill was intended to do—to create jobs and to put Americans back to work. A recent report on the Recovery Act shows that Maine is ranked number six in the country, having put 100 percent of the highway and bridge recovery projects out to bid. According to the State of Maine, 1,926 Mainers are now working and will be put back to work because of this Recovery Act funding.

While we still have a long way to go, I would like to thank those in Maine who continue to contribute to our State's economy.

#### DEFUND ACORN

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Madam Speaker, I rise today to share my outrage about corruption at ACORN. Illegal activities at the ACORN offices in Baltimore, in Washington, D.C. and in Miami show that corruption is not isolated. Already under suspicion for disturbing activities such as voter fraud in the 2008 elections, ACORN employers encourage prostitution, tax fraud and human trafficking. This culture of corruption must stop.

Madam Speaker, I, for one, will not sit idle and allow my taxpayer constituents to be swindled by an organization that receives millions in Federal funds.

Yesterday, I signed a letter to President Obama, asking him to disclose and terminate all taxpayer funding of ACORN. In addition, I have cosponsored a bill which will stop the Federal funding of this reprehensible enterprise. I call on Speaker PELOSI to bring this legislation to the floor for a vote

so that we can stop subsidizing this outrageous and illegal activity. We owe it to our constituents.

#### ENACT REAL HEALTH CARE REFORM

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Madam Speaker, I rise today to urge my colleagues to continue our hard work in enacting real health care reform and to not bow to the powerful insurance lobby, to the loud voices of opposition, or to the claims of the misinformed.

While we're aware of the work in the other body, that is not the work of this House. We know what our choices are; and as President Obama has said, it's time to make them. If we do nothing, health care costs for employers will rise 166 percent over the next decade.

A recent Kaiser Family Foundation survey showed that an estimated 8 percent of employers will drop their coverage altogether if the current trend continues. We need real reform with a robust public option based on the existing Medicare provider network and payment system, not illusory proposals meant to appease those who have no real intention of changing the status quo or in voting for reform. Let's hold to our goals of lower cost, competition, and accountability.

#### HOW OUR INVESTMENT IN NASA HAS BENEFITED AMERICA

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, yesterday we heard from Norm Augustine, the chairman of the Review of U.S. Human Spaceflight Plans Committee on the recently released options they have provided the Obama administration regarding the future of our Nation's human spaceflight program; but as we debate the future of human spaceflight, we must not overlook the present.

Last week was a wildly successful one in America's space agency. On Friday, the space shuttle *Discovery* and the crew of STS-128 returned home after a very successful mission to the international space station. Last week, NASA released new and, frankly, stunning images from the recently serviced Hubble telescope. Finally, NASA completed a successful test of the ARES I first-stage rocket motor. This is another milestone of the Constellation program, our next-generation vehicle, to take us back to the Moon.

All of these were amazing accomplishments, but it was just another week at NASA. The American people have invested in space exploration for

over 50 years. We continue to reap the benefits of that investment.

#### HEALTH CARE

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Madam Speaker, opponents of the health care reform bill are trying to confuse and to scare the American people. They are trying to prey on fear of the unknown. Opponents claim that the average American will fare worse under this bill because health care will be rationed by some faceless bureaucrat in Washington, D.C., but they clearly have not traveled to my district in California or they would know that rationing is already happening to people of every age and background. Insurance companies are already denying coverage if you are sick, have a preexisting condition, or are not independently wealthy.

In my district, a healthy middle class father's care was rationed when he was told he could not have insurance when his wife was pregnant because he had asthma as a child. A hardworking man was told that, despite working 30 years in a factory, he wasn't wealthy enough to deserve the cancer treatment that he desperately needed.

Health care reform will prohibit the kind of rationing that my constituents struggle with every day.

#### HONORING GRAMMY WINNER AND COUNTRY MUSIC RECORDING ARTIST GRETCHEN WILSON

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, I rise today to ask my colleagues to join me in honoring Grammy winner and country music recording artist Gretchen Wilson as she receives the 2009 National Coalition for Literacy Leadership Award. This multi-platinum, acclaimed singer/songwriter was one of millions of Americans who had not finished her high school education.

Gretchen left high school to pursue her music career, and has since had three number one albums. She realized, as a mother, it was important for her to lead by example and to demonstrate to her daughter just how important it is to have an education. So last year, at the age of 34, Gretchen earned her GED. She is teaming up with the Dollar General Literacy Foundation to honor GED graduates and organizations dedicated to the achievement of literacy.

I congratulate Gretchen on her hard work, on her resilience and on her many notable achievements. I ask my colleagues to join me in recognizing her dedication and contributions to adult education and literacy awareness.

#### REBUILDING THE AMERICAN ECONOMY

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Madam Speaker, yesterday, both Warren Buffett and Fed Chairman Ben Bernanke said the recession is very likely over. While most Americans are still months away from experiencing any sign of recovery firsthand, we can take heart in the fact that, as a Nation, we have just managed to avoid the economic precipice we faced just 1 year ago.

Just 200 days since the passage of the stimulus bill, 30,000 construction projects have begun. Jobs of 5,000 police officers and nurses and of 135,000 teachers have been saved; and all across our great country, Americans are working to rebuild the economy. From veterans who are going to college on the GI Bill, to entrepreneurs who are developing innovative technologies for clean energy, to the work we're doing here in Congress to reform our financial regulations and to ensure that all Americans have access to quality medical care, our job has just begun.

It is still too early to celebrate success, but it is time to encourage those policies that work and to have the courage to change those that are in need of reform.

#### DELAY GUIDELINES FOR THE POTENTIAL RELEASE OF BTIF TERRORISTS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, the administration is preparing to establish guidelines for the review and potential release of Taliban and al Qaeda terrorists held at the Bagram Theater Internment Facility, BTIF, in Afghanistan. This facility holds over 500 of the most dangerous Taliban and al Qaeda terrorists captured on the Afghan battlefield.

According to The Washington Post and The New York Times, each detainee will be given a counselor to grant rights and to review their potential release procedures. The press reports that the new guidelines were approved with a brief and limited congressional review. We know over 50 detainees released from Guantanamo Bay resumed jihad against Americans. The release of terrorists from the Bagram facility will form a clear and present danger to Americans serving in Afghanistan.

I urge Members to sign our letter to Secretary Gates, asking him to delay the release of these guidelines until Congress holds hearings and especially until all of our soldiers in Afghanistan are briefed on this potential danger.

#### HEALTH CARE REFORM

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Madam Speaker, in America today, more than 60 percent of all bankruptcies are related to medical bills. Insurance premiums have gone up three times faster than the money people take home every year. Hundreds of thousands of Americans are denied the health care they need by insurance company bureaucrats, and millions more are holding on by the skin of their teeth to keep what insurance coverage they do have.

Yet there are still those who say that there is no problem and that nothing is wrong. I don't know who they've been listening to—maybe to the insurance company CEOs who rake in millions of dollars every year in bonuses alone or maybe to the insurance company lobbyists who have flooded Washington with millions of dollars spent on ensuring that health care reform does not happen.

Americans want progress. They want a system that delivers quality, affordable health care for them and for their families. By giving them a public option to choose from, we can keep insurance companies honest through competition, and we can provide our Nation's families with the quality health care they deserve.

□ 1030

#### PUTTING PATIENTS AND DOCTORS IN CONTROL

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Madam Speaker, last week the President and the congressional Democrats began yet another drive to enact their sweeping overhaul of American health care, H.R. 3200.

Following the President's address to Congress, I urged the President to work with Republicans to lower the cost of health care for American families and small business. Common sense solutions and common ground do exist. Let me be clear. We can lower the cost of health care. But a new government-run bureaucracy is not the answer.

The President last week suggested reducing the growing number of frivolous lawsuits against doctors as one way to lower costs. Thus far, the congressional Democrats' plan still fails to mention medical liability reform. Right now, H.R. 3200 fails to meet the President's requirements, and it fails to meet the American people's requirements too.

If the President and congressional Democrats are serious about working together, we need to start over. We

need to start over and scrap H.R. 3200. Working together, we can achieve real results to lower the cost of health care and increase access to a doctor for millions of Americans.

#### SMALL BUSINESSES PROVIDE JOB-CREATION ENGINE

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Madam Speaker, small businesses are the backbone of our country, providing the job-creation engine that we need to lift us out of this recession. And yet, today, small businesses across our country are at a disadvantage to their larger corporate competitors because of the higher costs of providing health care for their employees, because of smaller risk pools and less purchasing power.

By creating public exchanges, which this health bill proposes, as well as by preventing pricing discrimination based on preexisting conditions, we give small businesses access to low-cost options to provide health care benefits to their employees, increasing the competitiveness of American companies to help lift us out of this recession.

By helping small businesses succeed at what they do best, focusing on their businesses, on innovation, on job growth, and helping to make them more competitive by reducing the cost of their health care insurance, we can lift America out of this recession and make America's small businesses more competitive.

#### ADMINISTRATION'S PROTECTIONISM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, American dairy farmers are struggling, and expanding markets around the world could help them greatly. The President's placing of a 35 percent tariff on imports of Chinese tires last Friday is likely to start a trade war.

This time of recession is no time to shut down rural trade or spark wider trade wars. Instead, we should look for opportunities to open up new markets for American products.

We have three free trade agreements currently sitting on the table, South Korea, Colombia and Panama, which the administration has virtually ignored since the President took office. Combined, these agreements represent more than 100 million new customers for American products. New markets could go a long way in increasing demand for American products and saving family farms that have operated for generations.

I believe American agriculture and industry can compete worldwide, but we need to break down barriers, not create new ones.

#### TIME FOR HEALTH CARE REFORM IS NOW

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, now is the time for Americans to rise up and speak truth to fear on health care reform. Now is not the time for silence, now is not the time for doubt, and now is not the time for fear.

Recent Census data shows that the average American family spends over \$13,000 a year for health care coverage. And if we don't change what we are doing right now, in 10 years the average American family will be spending over \$25,000 a year on health care coverage.

That's why the time to act is now, and H.R. 3200 does that by expanding access to quality, affordable, coverage and bringing true health care reform to the American people.

#### MEDICAL LIABILITY REFORM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, the President of the United States came to this House last Wednesday night and talked about health care. At the end of his speech, he talked about how perhaps we could consider some, at least a look, at medical liability reform.

And I encouraged the President to do that. I encouraged him to look at my home State of Texas. Look what's happened in Texas since 2003. Texas has become a magnet for doctors.

Since the reforms passed in the State of Texas in 2003, charity care rendered by Texas hospitals has risen 24 percent. Texas has licensed almost 15,000 new physicians, which is a 36 percent increase from pre-reform. Thirty-three rural counties have seen a net gain in emergency room doctors, including 26 counties which previously had no emergency room doctors.

After years of decline, the ranks of medical specialists are growing in Texas. In my field of obstetrics, we had seen a loss of obstetricians in the 2 years prior to reform.

Since the reform was passed, we have had a net gain of 192 obstetricians in the State of Texas, and 26 counties have added an obstetrician, including 10 counties where none was present before.

We have a great story to tell in Texas. I encourage the President to look at the sensible types of reforms that were enacted in Texas in 2003.

#### MAJOR STEP FORWARD FOR HEALTH CARE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, health care reform in the Congress took a major step forward today with the announcement of the Senate Finance Committee proposal.

There may be differences between that proposal and the bills that we have passed in the House, but the bottom line is that we are moving forward in trying to pass crucial health care reform.

If you look at the Senate Finance proposal, it basically has the health exchange in an effort to provide choice and competition and provide affordability for those Americans who either do not have health insurance now or are afraid that they may lose their health insurance because their costs continue to go up.

The Kaiser Foundation came out yesterday with an analysis that showed that more and more employers now are passing off the cost of health insurance to their employees, either through higher costs that they have to pay or cost-sharing or deductibles or co-pays, so something has to be done. It's not just a question of those who are uninsured; it's also a question of those who have health insurance now who may lose it because their employer will not provide it or their costs continue to climb.

We need to move forward, and we are taking a major step today.

#### GOVERNMENT TAKEOVER OF HEALTH CARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, during a time of high unemployment, Democrats in Washington propose a government takeover of health care that will lead to even more job losses in a weaker economy.

For months, the American people have looked to Washington for policies that will do no harm to our economy and help put workers back to work. Unfortunately, all we have seen from the President and Democrat-led Congress are record spending, record deficits and record debt.

The American people are looking for real solutions to the challenges we face, not another excuse to spend money and increase the reach of Big Government. Republicans have real solutions, but the people in charge of Congress and the President are ignoring them. It's time for the President and the Democrat-controlled Congress to start over on health care, work to get our economy back on track and accept real solutions.

### SUPPORT THE REPUBLIC OF GEORGIA

Mr. DREIER. Madam Speaker, last week we got the troubling news that Venezuelan President Hugo Chavez was joining Russia and Nicaragua in recognizing the Abkhazia and South Ossetia territories of Georgia as independent countries. This is very troubling. The international community recognizes the territorial integrity of Georgia, and now we have to wonder, with Chavez's move, what other countries might join him in this effort.

It is absolutely essential that we stand with our ally, Georgia, in doing everything that we can to strengthen democracy, the rule of law, and the institutions that exist there.

Senator KERRY and I have joined in introducing a resolution calling for the establishment of a U.S.-Georgia free trade agreement. The actions of Chavez make that even more important today than ever. We need to do all that we can to help strengthen and bolster our economy and their economy as well.

Let's pass this resolution and ensure that the free people of Georgia are able to succeed.

### IRAN'S NUCLEAR PROGRAM

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Madam Speaker, we are just days away from President Obama's deadline to Iran that it accept his offer of meaningful talks about that country's nuclear program. Although the U.S. and other world powers will meet in Iran on October 1, Iran has said discussions of its nuclear program are finished. Any discussion that does not include Iran's nuclear program significantly dilutes any benefits of such talks.

For 8 months, Iran has had the opportunity to discuss its nuclear program. Now, moments before the deadline, it proposes talks but remains unwilling to engage on the most important issue.

The President needs to rally international support through the U.N. and G-20 summit this month for sanctions against Iran to ensure that they have great impact.

At the same time, Congress should move forward with legislation that has been introduced to put pressure on Iran. Specifically, we should pass H.R. 2194, the Iran Refined Petroleum Sanctions Act.

The longer we wait to address Iran's pursuit of nuclear weapons, the more difficult it becomes to deal with Iran, and the world becomes a more dangerous place. Hoping that Iran changes course is not a strategy we can live with.

### PROVIDING FOR CONSIDERATION OF H.R. 3221, STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 746 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 746

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Education and Labor or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

THE SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. VIRGINIA FOXX. All time yielded for consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 746 provides for a structured rule for consideration of H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009.

The rule makes in order 24 amendments, which are listed in the Rules Committee report accompanying the resolution. Each amendment is debatable for 10 minutes, except the manager's amendment and the Kline substitute, which are each debatable for 20 minutes.

The rule also provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in strong support of House Resolution 746 and the underlying bill, the Student Aid and Fiscal Responsibility Act, which was passed by the House Education and Labor Committee with bipartisan support.

I thank Chairman MILLER, as well as my colleagues on the committee on both sides of the aisle for their leadership in this historic legislation that puts America's students and their families first. Education is the key to progress and prosperity, both for individuals as well as collectively as a Nation.

Every day we hear from our constituents about their inability to afford college or their excessive student loan debt that burdens their families. Just yesterday I talked to a young woman who attends a university in my district, the University of Colorado at Boulder, and she is graduating with \$50,000 in debt.

□ 1045

This Student Aid and Fiscal Responsibility Act tackles this problem head-on by making the single largest investment in higher education in history without costing taxpayers any more.

Following the unprecedented Federal support for education in the American Recovery and Reinvestment Act, which increased Pell Grants and funding to K-12 schools through special ed and Title I, this landmark legislation will transform the way our student loan programs operate and generate \$87 billion in savings over the next 10 years that will be used to help increase Pell Grant scholarships, keep interest rates low on Federal loans, and create a more reliable and effective financial aid system for families at no cost to taxpayers. Converting all new Federal

student lending to the reliable, effective, and cost-efficient Direct Loan Program enables these critical investments to make our economy strong and competitive while reducing the deficit and bringing college in reach for countless American families.

I strongly believe in President Obama's goal that the United States become the world leader in the proportion of college graduates by 2020. But like the rest of the country, lower-income students in my home State of Colorado are too often left behind because their families can't afford to pay for college.

Over the next 10 years, this bill invests more than \$589 million in Colorado alone to increase the maximum Pell Grant scholarships to \$5,550 a year in 2010 and \$6,900 in 2019. And starting in 2011, the scholarship's value will be preserved by indexing it to inflation plus 1 percent. Under this bill, students in my district could see a dramatic increase in their Pell Grant awards over the next 10 years.

Applying for financial aid should help, not hinder, college access, yet an estimated 1.5 million college students who likely were eligible to receive Pell Grants didn't even apply for financial aid because they found the Free Application for Federal Student Aid, the FAFSA document, too confusing to fill out. This bold legislation makes it easier for families to apply for financial aid through a streamlined FAFSA form that is simpler and shorter by reducing the number of questions and allowing applicants to use the information from their tax returns.

In addition, the Student Aid and Fiscal Responsibility Act strengthens and expands the Perkins Loan Program that provides low-cost Federal loans to every U.S. college campus and keeps interest rates low on subsidized Federal student loans by making them variable beginning in 2012. These interest rates are currently set to jump from 3.4 percent to 6.8 percent in 2012. For the 5.5 million borrowers across the Nation who take out subsidized student loans every year, these changes mean real savings and offer much-needed relief, more money that can go into textbooks, living expenses, and paying additional college tuition above the student loan amount.

We also know that too many students enroll in college but drop out and don't graduate. College access should lead to college success. However, only half of students who enroll end up with a bachelor's degree. This has enormous economic implications for college dropouts and our economy as a whole because workers with bachelor's degrees earn 54 percent more on average than those who attend some college but don't finish.

This legislation invests \$3 billion to bolster college access and completion through innovative programs that

focus on financial literacy and help retain graduate and undergraduate students, as well as a \$2.5 billion investment in Historically Black Colleges and Universities and Minority-Serving Institutions to help students from disadvantaged backgrounds stay in school and complete their studies. Colorado, as an example, will receive at least \$10.5 million over the next 5 years from the increased funding for the College Access Challenge Grant Program.

In recognition of our troops' heroic service to our country, H.R. 3221 gives servicemembers more freedom to attend the college of their choice under the GI Bill and also helps our troops afford an education by providing loan forgiveness for members of the military who are called up to duty in the middle of an academic year, and we all know how disruptive that can be, and helping them complete school and get their degree is an important element that this bill provides to those who serve our Nation proudly.

As a member of the Community College Caucus, I am thrilled that this legislation recognizes the critical role that these open-door institutions play in our communities both as gateways to higher education as well as providers of a highly skilled workforce to fill the needs of our local economies and prepare kids for the growth sectors of our economy and for jobs in the ever-changing and evolving economic sectors. Community colleges are an essential component of America's workforce development, and that is recognized by this bill.

In my district in Colorado, Front Range Community College and the Colorado Mountain College are effectively addressing the needs of both students and employers and represent an essential component for our economic development as well as a source of community pride. By encouraging historic partnerships and innovative reforms and expanding access to free and high-quality online courses, this legislation helps prepare Colorado's 117,000 community college students with the real-world experiences and skills they need to be ready for 21st century jobs or to transfer to 4-year colleges or universities to complete their bachelor's degree. Enrollment in our community colleges is up 20 percent this fall compared to last year, so this funding will help our existing system and infrastructure meet that demand.

Colorado ranks third nationally in expected growth in jobs that will require post-secondary training, and we need to dramatically increase the number of degrees, certificates, and credentials awarded. These new investments will help community colleges establish articulation agreements, expand academic training programs for high-wage occupations in high-demand industries like health care, and improve student support services.

We will also build and enhance links through dual enrollment through our K-12 system to increase collegiate access as well as giving kids who might be first-generation college goers support as they attend college through the K-12 system and take their first college courses and show that, yes, they can achieve at the college level.

Through our bolstering community colleges, we can also strengthen their labor market responsiveness and competitiveness. And to ensure that community college students learn and thrive in modern updated state-of-the-art facilities, Colorado would receive \$28.7 million under capital facilities, which will leverage additional funds to help repair and construct projects for community college facilities that are primarily used for instruction, research, or student housing.

But the impact of savings realized from cutting the middleman between students and lenders goes beyond higher education. They will also help ensure that the next generation of children enters kindergarten with the skills needed to succeed in school by increasing access to birth-to-five early learning programs for children from low-income families. The Early Learning Challenge Fund would award \$1 billion each year in competitive grants to States that raise the bar of early education standards, show a State commitment to meeting the needs of birth-to-five students and practices through comprehensive reform, build an effective early childhood workforce, improve the school readiness outcomes of young children, and promote parental and family involvement. Investing in high-quality early education is not only the right thing to do, but it is the smart thing to do since it yields a high return, saving taxpayers up to \$14 for every dollar we spend.

Yesterday, I had the opportunity to meet with a group of early childhood advocates from across the country, economists, business leaders, bankers, philanthropists, child development experts, who agree that smart investment in early education is critical if we want to close the achievement gap, prevent the achievement gap from arising before kids even enter kindergarten rather than trying to play catchup after the fact through improving our public schools alone. We can close the achievement gap and ensure that children from all economic and social and ethnic backgrounds are prepared to thrive in school as well as in life.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

I want to thank my colleague from Colorado for yielding me time to discuss this bill.

During the month of August, people all over this country spoke out against the government takeover of our health

care system. They are fed up with increased spending, increased long-term deficits and debt, and want to reduce the role of government in our lives. This bill does just the opposite of that.

I complimented my colleague from California Mr. MILLER, yesterday, in a kind of a backhanded way, by saying that he has come up with very, very good titles for the bills that he has been handling in this session. The titles do just exactly the opposite of what the bills do. This bill is called Student Aid and Fiscal Responsibility Act of 2009, and to a person who hasn't spent time reading it or thinking about it, that sounds like a good thing to do. However, this bill and, of course, the rule, which we are debating today, aren't fiscally responsible and this is not the way we should be going.

As I listened to my colleague speak today, I was impressed by the paternalistic attitude that is represented by this bill and by the comments being made by our colleagues: It's going to give more freedom to people. It's going to ensure that community colleges do such and such. It's going to close the achievement gap.

Would that the government had that kind of power. Would that money alone do that kind of thing. That's not what this bill is going to do, and this rule needs to be voted down.

This bill was passed out of the House Committee on Education and Labor by a vote of 30–17. It eliminates the Federal Family Education Loan Program and shifts all student loans to a government-run system under the Direct Loan Program. In addition, the bill creates nine new programs and increases the Federal Government takeover of early education, higher education, school construction, and more. It is an insidious intrusion into education at all levels by the Federal Government, and it doesn't deserve to be passed by this House.

Madam Speaker, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Committee on Education and Labor.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I thank the Rules Committee for reporting this legislation to the floor with the amendments that have been made in order. And I want to thank the gentleman from Colorado for his strong support for this legislation not only in the Rules Committee but in our committee, the Education and Labor Committee, where he led a number of efforts to improve this legislation.

This rule will allow for the proper input and amendments from Members from both sides of the aisle on legislation that will be transformative for our students, families, and taxpayers.

The Student Aid and Fiscal Responsibility Act will allow us to invest \$87

billion to make college more affordable, to build a world-class community college system, and to improve the opportunities to help our youngest students succeed. This represents the single largest investment in Federal college aid in history. We will be able to do this at absolutely no cost to the taxpayers by undertaking long overdue student loan reforms.

The Student Aid and Fiscal Responsibility Act is a win-win. It's a win for students. They'll have dependable access to Federal college aid, and it will make these programs more effective and efficient for families and for taxpayers. It will help rebuild our economy that is cutting edge, innovative, and it will help again regain our global leadership in both competitiveness and in college graduation rates.

I would like to especially make clear that this bill is, in fact, fiscally responsible. Not only will we be able to take and substitute the subsidies that we now pay out for institutions to lend the government's money to the students for the government to buy back, we will take those subsidies and we will invest that money on behalf of students and their families and institutions to improve the education that they will receive, to improve the access, to try to improve the retention rates so that students that, in fact, take out and borrow money end up with a degree and not as a dropout with a lot of debt, and we will also return about \$10 billion to the Treasury to help reduce deficit spending.

Every aspect of this bill speaks to the future, to the future of our economy, to the future strength of our families, to the future needs of students who seek to acquire and are fully qualified to benefit from a college education.

Again I thank the Rules Committee, and I urge my colleagues to support this legislation when we debate it on the floor later today and tomorrow.

Ms. FOXX. Madam Speaker, I now yield such time as he may consume to our distinguished colleague from California (Mr. DREIER), the ranking member of the Rules Committee.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, let me say that we are here talking about the issue of education and how we're going to pay for it. And I think that there is clearly a bipartisan agreement that improving the quality of education in the United States of America is essential, not only for people to be successful right here in the United States, but as I regularly point out, if we are in this global economy going to see the kind of success that we all want, it is essential that we have the best educated, most talented young people who are ready to enter the job market.

□ 1100

That is why making sure that they can pursue higher education is a very

high priority. There is no disagreement on that whatsoever. The reason we are here right now, Madam Speaker, is to address the issue as to how we pay for it.

Now, I was just in a discussion with the very distinguished new ranking minority member of the Committee on Education and Labor, the gentleman from Minnesota (Mr. KLINE), and we were talking about the size of the Federal deficit. It is \$1.6 trillion. I reminded him that is larger than the entire Federal budget was just 10 years ago. We have a number of new plans before us that dramatically expand that. Health care is just one of them. We have the \$787 billion stimulus package. We have many, many plans that expand rather than reduce the reach of government. Unfortunately, we have before us one more of those.

Now we have sort of what I have seen as the battle within the Congressional Budget Office. We have a lot of different figures that have been thrown forward to us which create some conflict. I think one of the most interesting was a letter that I just saw sent from Doug Elmendorf, the Director of the Congressional Budget Office, to the distinguished ranking member of the Senate Budget Committee, our colleague, Mr. GREGG. In it he refers to the fact that as we go down the line, we are going to obviously see what is a tremendous increase in expenditures.

I listened to my friend, the chairman of the Education and Labor Committee, talk about the fact that we will have \$10 billion in savings. Based on what I have seen from this Congressional Budget Office number, we not only will not have savings; we will have a dramatic increase in spending.

Now we know that pursuing private markets is the right way for us to go, but we have had disruptions in the private markets over the past couple of years. Unfortunately, the measure before us prevents us from being able to rely on private credit markets in the future. One of the reasons that is so important is because private capital is what I believe we should be relying on as much as possible.

I am not saying there should be no role for government, but this measure before us usurps even a modicum of private sector involvement. Where do we as taxpayers look? As my friend and I were just discussing, the distinguished ranking member, Mr. KLINE, we will be looking to China as we continue to go further and further into debt. That is unfortunately exactly what this legislation will do. We will be paying a rate of return on that money that the taxpayer is borrowing. And, again, we will be ignoring the private markets as they reemerge.

And so, Madam Speaker, I have to say that this is just one more indication, as all of the attention is focused on health care, of another \$50 billion to

\$150 billion expansion of the burden that is imposed on our taxpayers, and I don't believe that it will do nearly as well as the private sector would in trying to look to the sources of credit so that we can ensure that the pluralism that we have in education, clearly the best higher education system on the face of the Earth, succeeds.

And so I urge my colleagues to vote "no" on this rule and to make sure that we do have the kinds of improvements that I believe the gentleman from Minnesota wants us very much to implement.

Mr. POLIS. Madam Speaker, in a brief response to the gentleman from California, I had the opportunity to talk to a student, Hailee Koehler, who goes to the University of Colorado, yesterday. She is graduating \$50,000 in debt; \$30,000 of that is privately borrowed capital and \$20,000 is her student loans. The interest rate that she pays on the money that she accessed outside of the federally backed student loans is 15 to 18 percent. That is the interest rate on \$30,000 of her debt. And this is just the cost of a college education. This is \$50,000 tuition, books, room/board. That is actually very reasonable compared to what it costs at some colleges. She is paying 10 percent less on her federally backed student loans. What a difference in her life it would make if she had access to more at the lower rate.

When we are talking about the government going out and borrowing money, government is borrowing money, 3 percent, 4 percent a year. That is what the government is paying. If we can turn that around and loan that out at 5, 6, or 7 percent, it sounds like a pretty good business for the government to be in.

Mr. DREIER. Would the gentleman yield?

Mr. POLIS. I know the gentleman has experience in business. Doesn't that sound like a pretty good business proposition?

Mr. DREIER. I thank my friend for yielding and I appreciate his question. Let me say that obviously the lowest rate is what we all want to pursue. I believe if we create an opportunity to move into the private markets, creating more competition will play a role in bringing those rates down; and that is what we should be doing.

The debt burden that is going to continue to be imposed on the U.S. taxpayer is something we also need to address as well.

Mr. POLIS. Reclaiming my time, I would simply submit it is better for students and the system, to the extent debt has to be on the books, for debt to be at 3 percent, 5 percent, 6 percent at a year rather than 15 to 18 percent a year which is onerous for anyone who has that kind of debt load.

I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman for yielding me this time.

The troubling legacy of the eight years of Bush-Cheney mismanagement includes many types of deficits. We all know of the soaring budget deficit, but every bit as real is the "opportunity deficit."

Despite our success earlier this year in creating a new higher education tax credit and expanding Pell Grants, too many young Americans find themselves unable to go to college because of financial barriers. As the gentleman from Colorado just mentioned, too many others leave college with such a mountain of debt they are unable to pursue some of the professional objectives that they would like to do.

When our youth cannot develop their full God-given potential because of financial barriers, our entire country suffers an opportunity deficit. With families struggling in this difficult economy, we bridge the opportunity gap and ensure that more students can obtain a college degree.

This bill really corrects two deficits left over from the Bush Administration by eliminating the waste and inefficiency in the operation of the federal student financial assistance program. It is truly an investment in America's future. By eliminating the unnecessary middleman role of private financial institutions, eliminating the red tape and lending directly to the students, the Federal Government will have more money for them and more resources left over to apply to reducing our national debt.

With the approval of this bill, just in my Central Texas congressional district alone, over the next decade, college students attending the University of Texas, Huston-Tillotson University, Texas State University, St. Edwards, and ACC, will receive more aid, about \$46 million more aid, with this measure. Fifteen thousand more students will apply through the simplified financial aid application form, as we cut through the red tape. And we will have \$15 million more dollars to help young people prepare to go to college to get the education that they need. Who could oppose such a winning combination of helping our students and reducing the national debt?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. POLIS. I yield the gentleman from Texas an additional 30 seconds.

Mr. DOGGETT. Who could oppose this winning combination? Well, the banks who pocketed the wasteful expenditure of taxpayer money, of course, and a few ideologues in the Republican Party who oppose all federal involvement unless it helps their budgets.

The alternative that the Republicans are offering today is little more than another corporate bailout that will provide billions more to lenders in-

stead of reducing our debt and helping our students.

Let's invest in our students and reject another corporate giveaway.

Ms. FOXX. Madam Speaker, I know that sometimes we are all given to a little hyperbole here on the floor, but the comment from my distinguished colleague from California that this would be absolutely no cost to taxpayers, if there is anybody listening to this who believes that, I am going to find some swamp land in New Mexico to sell them.

We know that the estimates are that 40,000 jobs are going to be lost in the private sector as a result of this bill. So tell me, who is going to be administering this program? Right now the Direct Loan Program covers 20 percent of the loans that are given out. So is the Department of Education going to absorb this workload? I doubt that. Are they not going to ask for more help to be able to administer the other 80 percent?

In terms of debts, we keep hearing about people who are graduating from college with so much debt. Where is the issue of personal responsibility that we keep hearing so much about from the President. Debt is a personal responsibility. There is no reason for anybody in this country to graduate from college with \$50,000 worth of debt.

And it is pretty good business for the government to be in because we can borrow money cheaper than the private sector can: that sounds like the argument that established Fannie Mae and Freddie Mac. And we do know where that has led us.

Last but not least, I guess it is going to be hundreds of years before our colleagues stop blaming every ill in this country on the Bush-Cheney administration.

I yield such time as he may consume to the gentleman from Minnesota (Mr. KLINE), the ranking member of the Education Committee.

Mr. KLINE of Minnesota. Madam Speaker, I thank the gentlelady for yielding, and I rise in opposition to this rule and the underlying bill.

Once again Members on the other side of the aisle are frantically rushing to expand the reach and cost of the Federal Government. Well, if government expansion is what you are looking for, this is the bill for you.

H.R. 3221 eliminates the private sector-based Federal Family Education Loan program and shifts every student and every school in America into the Direct Loan Program beginning July 1, 2010, less than 10 months away.

It creates or expands numerous entitlement programs, spending tens of billions of dollars on everything from pre-kindergarten programs to school renovation to online course management.

Republicans offered more than a dozen amendments to this deeply flawed legislation, amendments that

were designed to forestall the damage it is sure to cause, or at the very least, alleviate some of the most egregious spending and policy shifts. Six of those amendments were made in order, less than half. By comparison, Democrats offered a total of 32 amendments: 18 were made in order and another five were incorporated into the manager's amendment. That means in total 72 percent of the amendments offered by Democrats will receive a vote today.

A bad process often accompanies a bad bill, and H.R. 3221 is no exception. The Education and Labor Committee has a track record of working across party lines when it comes to education. In recent years, our panel has approved a comprehensive renewal of Federal higher-education programs that incorporated ideas from both Democrats and Republicans. We also acted last year to avert a shutdown of the student loan programs by enacting, with bipartisan support, the Ensuring Continued Access to Student Loans Act.

Apparently, Democrats have now decided to abandon that effort and pursue a partisan goal they have harbored for more than a decade. Bipartisanship has been cast aside, as this rule reflects.

If Democrats wanted to pursue a thoughtful, careful, bipartisan approach to stabilizing the student loan programs and reducing our deficit, they would support the Republican alternative which we plan to offer later in the debate. That's one amendment that was made in order under this rule, and I am certainly glad it was. Our amendment offers a commonsense solution that allows us to slow down and carefully consider what is best for students, schools, and taxpayers.

Shifting to 100 percent direct lending will radically alter the way students pay for college. It will cause upheaval at colleges and universities from coast to coast as schools scramble to make the personnel and infrastructure changes necessary to administer a program that is run by the Federal Government.

This is a serious issue that deserves a serious debate. And what are we doing about it? We are giving it a few hours this afternoon and tomorrow morning before casting our votes and turning our attention to the next thing.

□ 1115

Students deserve better. Families deserve better. The tens of thousands of Americans who stand to lose their jobs deserve better. And taxpayers—who ultimately foot the bill for this measure, this massive expansion of government—deserve better.

We have had discussion already this morning about the costs of this bill. And they are certainly confusing and debatable. Proponents say and have said it will save billions and reduce the deficit. Others say it will add tens of billions of dollars to the deficit, as Mr. DREIER was addressing earlier.

In fact, I was looking at a story from McClatchy Newspapers coming out of Kansas City, discussing an independent analysis of this program, and it says, "Changes in the loan program will 'save a big chunk of money,' said Marc Goldwein, the policy director for the Committee for a Responsible Federal Budget, a watchdog group. Will it be the right amount to offset the new spending? The obvious answer is we don't know."

He warned that the new system's fiscal outlook would be "particularly uncertain because it would depend on economy-related factors such as default rates, need-based aid, and other factors."

In fact, that's why the Congressional Budget Office, in looking at this bill, has amended, although not officially by the rules of this House, its estimate. The letter that Mr. DREIER talked about, addressed to Senator GREGG, they said if we had used market risk-based analysis like we did in the TARP program, this bill wouldn't "save \$87 billion, but some \$33 billion less." And if we counted the discretionary spending—over \$13 billion—it would cost more. And if we looked at the real cost of Pell Grants, it would cost another \$11.5 billion more.

So I think those that say that this is going to impact the deficit, increase the deficit, have the arguments in their favor. I understand it's debatable. But what is certainly clear, what is not confusing, is that this bill is an expansion of the government, with new programs and new spending. It is a government takeover in an industry. And it will result in a loss of jobs.

I wanted to address just a couple of comments that have already been made today in this debate. I felt the pain when my colleague from Colorado talked about the student that was paying some 15.5 percent interest. That's not a FFEL program. That interest rate is capped. We want to make sure that such a program exists and people aren't paying those kind of interest rates.

Then, I'm always struck when one of my colleagues says, Well, we're trying to eliminate waste and inefficiency by going to a government program. My colleagues, that just defies history, to find a government program that reduces waste and inefficiency. The stories are rampant. We know in every department huge amounts of waste and inefficiency, whether it's a \$500 or \$600 hammer in Defense acquisition or money wasted on trailers sitting in fields after hurricane recovery efforts. The Federal Government does not reduce waste and inefficiency. That defies history.

I urge a "no" vote on the rule and the underlying bill.

Mr. POLIS. I'd like to yield 2 minutes to my colleague on the Education and Labor Committee, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentleman for yielding. I want to make three quick points, but first I want to say that I rise in support of this rule and, more importantly, in support of the underlying legislation.

Three quick points. The ranking member of the Rules Committee spoke with great reverence for private markets and talked about how we are eliminating any private role in the student loan program. The truth is that, were it not for the intervention of the Federal Government this year, there would be virtually no private student loan market.

We passed last year a piece of legislation called the Ensuring Continued Access to Student Loans, and we did so so that students could continue to borrow because of a lack of liquidity in the student loan market. Had we not acted, the private student loan market would have been severely diminished, if not nonexistent. In fact, 60 percent of the \$85 billion that students were borrowing this year, they are borrowing as a result of the intervention of the Federal Government.

So we can't rely on the private loan market. And one of the reasons we are taking this action is because students need to have a source of funding that they can rely upon.

So it's very important that we pass this legislation to address the issue of the lack of liquidity in the student loan market and to give students a source of financing that they can rely upon.

The second point. We talk constantly in this Chamber about waste, fraud, and abuse. And the simple fact is that we are supporting a private loan program, the FFEL program, that wastes \$8 billion to \$9 billion a year in taxpayer dollars, and we are making the judgment that those taxpayer dollars would be much better spent if we took that \$8 billion or \$9 billion and used it to help students attend college, to improve community colleges, to expand other student aid programs, to help students graduate, something that's very, very important.

So we are attacking the waste, fraud, and abuse that exists.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield an additional 30 seconds to the gentleman from New York.

Mr. BISHOP of New York. We are attacking the waste, fraud, and abuse that exists, and doing so in a way that helps students.

Lastly, my friend from Minnesota, the ranking member of the Education Committee, just said that we are pursuing a partisan goal. I would take issue with that and say that what we're pursuing is a very practical goal.

The practical goal we're pursuing is to help young people go to college. We are not going to be able to compete as

a Nation in an increasingly competitive global marketplace unless we have an educated workforce. Higher education is the key to that educated workforce.

So, from a very practical perspective, not partisan perspective, we need to pass this legislation.

Ms. FOXX. I would like to share with the Members some concerns that have been shared with me by the University of North Carolina system, and I will quote: "UNC is concerned about the committee's attempt to divert Federal funding away from higher education to K-12 construction and early childhood education.

"While K-12 construction and early childhood education may be worthwhile Federal priorities, they should not be funded at the expense of higher education."

Another point that they have made is that they're very concerned about a provision in the Miller reconciliation bill that would eliminate the in-school interest exemption for graduate and professional student borrowers.

While we are talking about how we want people to continue their education and how important an education is to our country, putting graduate students in the position of having to pay interest while they're in school is not a very smart thing for us to be doing.

I want to talk a little bit about other changes that are coming to the Federal Financial Aid Program through this bill. It's going to eliminate restrictions that prevent individuals convicted of drug possession from receiving taxpayer-funded financial aid. It's going to change the need analysis formula, which is going to fail to do enough to fundamentally simplify our system of financial aid programs, and there is a move to variable interest rates for subsidized Stafford loans, which keeps the system unnecessarily complex for borrowers in an effort to cover a broken political promise to cut interest rates in half, which was made last year and which we debunked, I thought, pretty well then.

With that, Madam Speaker, I will reserve the balance of my time.

Mr. POLIS. I would like to inform the gentlelady from North Carolina I was just given this information by staff that some of the remarks that she made were with regards to a previous version of the bill. The version that is being put forth in this rule does allow graduate students to be eligible for in-school interest subsidies for subsidization through the Stafford loan.

So the changes she's referring to were in fact discussed and there was initially some discussion that it could come down a different way. But this bill being put forward does allow graduate students to participate in that.

I would like to yield 2 minutes to a former member of the Rules Committee, the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentleman from Colorado and the Rules Committee for yielding time. Madam Speaker, I rise in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act, and this rule, and I rise in support of every student who hopes to attend college but is grappling with rising costs.

For millions of students across America, we are going to make the cost of attending college more affordable. In Florida, my home State, hundreds of thousands of students and families will find the cost of attending college more affordable through significant increases in the Pell Grant and expanded student loans.

I cosponsored this landmark investment in our students and higher education because over the next 10 years we will invest over \$2.2 billion in Florida students, including over \$100 million for students in the Tampa Bay area, through increases in the Pell Grant. That means direct aid to half a million Florida students, including over 24,000 students in my district alone, at no new cost to taxpayers.

We all understand that in this economy families are being squeezed by the rising cost of tuition and living expenses. And with the price of college steadily increasing, too many students are forced to make tough choices when trying to figure out how to pay for college. But due to our efforts and support from President Obama, a college education in America will be more affordable.

A college education has always been critical. People with college degrees earn more. And a college degree today is even more valuable as the fabric of our workforce changes and we prepare students for 21st century jobs.

Thank you to Chairman GEORGE MILLER and the great Education and Labor Committee for standing up once again for students, families, and American colleges and universities. Madam Speaker, this bill provide our students with the tools they need to be successful, and I urge support.

Ms. FOXX. Madam Speaker, I want to say that I appreciate the fact that we did have several amendments made in order by the Rules Committee, and we're very grateful for that because it gives us an opportunity to debate those amendments on the floor. And we have certainly talked a lot about that in the past, especially with the appropriations process.

But I want to say that we were very disappointed that, given the financial situation in our country and the concern that people have that's being expressed every day by our constituents over the fact that we continue to have massive job losses in this country, despite the fact that the President promised with the passage of the stimulus bill that we would not go above an 8 percent unemployment rate, that ever

since the President came into office, job losses have skyrocketed, and the fact that our deficit is the largest that it's ever been in the history of this country. There were two amendments that we think we should have had made in order so that we could discuss the financial situation and the impact that this bill, the underlying bill is going to have.

One of those amendments, by Congressman TOM PRICE of Georgia, provided that the act would fail to take effect if the Secretary of Education, in consultation with the Secretaries of Labor and the Treasury—all of those positions, of course, controlled by the President—would determine that the provisions of section 201, which would end the FFEL program, will result in more than 5,000 job losses. We are very concerned that this bill is going to increase job losses.

Furthermore, the amendment by the distinguished gentleman from Illinois (Mr. ROSKAM) would have prohibited using Federal funds to carry out titles 3 through 5 of H.R. 3221 until the national deficit is under \$1 trillion.

We believe that in a time, again, when our economy is suffering tremendously from actions—wrong actions taken and appropriate actions not taken—that we should not be adding to the problems of our citizens by increasing unemployment and increasing the deficit.

□ 1130

So I want to express our concern that those amendments were not made in order, but express my appreciation for those that were made in order, including one from me.

With that, I reserve the balance of my time, Madam Speaker.

Mr. POLIS. Madam Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I appreciate the gentleman yielding time, and I rise in support of this rule. I think it's clear from the debate and the discussion that my colleagues on the other side of the aisle would rather put their support with banks, maintain banks as the middlemen in this effort—banks are making money hand over fist and enormous profits—and cast their lot with banks versus casting their lot with students and their families.

Education is the cornerstone of our republic. It is only by offering and delivering quality education for all of our citizens—from the earliest years to the college years—that we can live up to our most noble democratic principles and ensure freedom and equality, that we make opportunity real for each and every American, and that we can continue to lead the world to economic security and lasting prosperity. As President Obama said last week, and I quote, Countries that out-educate us today will out-compete us tomorrow.

But today as our economy struggles to emerge from a debilitating recession, fewer and fewer students are able to afford a college education. Although the Recovery Act we passed in the winter has helped to fill the gap, States are facing massive budget shortfalls and are thus forced to decrease the resources available to education. Meanwhile, many schools are raising tuition, cutting financial aid and closing classrooms.

That's why this bill is the right bill at the right time. By restructuring our Federal financing of student loans to enhance the Direct Loan Program, we can realize significant savings throughout the system. This money will be applied to other areas of critical education funding, including increasing Pell Grants and Perkins loans. With these and other reforms in the bill, such as keeping investment rates low and simplifying student aid forms, this legislation keeps the door of opportunity afforded by a college education open to all, without costing American taxpayers an extra dime.

Equally important to the savings realized by this bill is the creation of the State Challenge Grants which will allow States to invest in their early childhood development infrastructure. These competitive grants will mark a historic collaboration between the Department of Education and Health and Human Services, where the expertise on these programs has traditionally resided.

Each day, over 11 million children under the age of 5 spend time outside the care of their parents and in a wide variety of environments. We need to ensure that they are spending this critical social and cognitive development time in a quality setting. As with any endeavor, early investments in education yield tremendous dividends down the road for both the student and for society. Cognitive science and countless studies tell us the same thing: early childhood education helps students achieve more throughout their lives. There is arguably no better way to spend our education dollars than to fund these important programs.

In closing, I am proud of the bill that Chairman MILLER has brought to this committee, and I urge my colleagues to support this rule.

Ms. FOXX. Madam Speaker, I think I may be the only Member of Congress who has been a community college president. So I've had a good bit of experience. I was a professor and an assistant dean at a university. I served on a school board for 12 years. So I have extensive experience in the field of education.

I am a product of public education. I grew up extraordinarily poor. I doubt there is anybody in the Congress who grew up as poor as I did. And I know that much of the success that I have

had has been the result of the opportunities I had in education. I give credit to the people who taught me and who guided me throughout my educational career. It took me 7 years to get my undergraduate degree, but I graduated without a dime of debt because I worked and went to school. I know that it is possible to do that, and I know that a person does not have to borrow \$50,000 a year to get an education in this country. We are blessed that we have extraordinarily high-quality, low-cost education programs all across this country. We have excellent community colleges. We have excellent public education, higher education, and we have excellent private education. We have more choice in this country than any other place in the world.

As I said, I have extensive background in this area. As a community college president, I had the opportunity to work with the Workforce Investment Program. As a member of the State legislature, I had an opportunity to understand these programs and work with them at some length. So I am not unfamiliar with this area. What I see when I read this bill, particularly as it talks about giving money to community colleges, is basically setting up a welfare program for States and for community colleges. We already have the kind of accountability, I believe, that we need in community colleges in this country.

Yesterday, again, my distinguished colleague from California said that the bill has, for the first time ever, accountability in it. I have read this bill. There is no accountability in here. There are benchmarks established somewhere out in the future. They're not even discussed in the bill. There is talk about serving underserved groups of people. There is really no accountability in here.

And I'm wondering if our colleagues are going to consider men an underserved group. It's my understanding—and, again, I'm not up to date on the literature—that approximately 65 percent of the people now in higher education are women. So women have certainly found the opportunities there.

I have a great number of concerns about this bill, not just what it's going to do to the student loan programs but to the other areas. It's going to get into elementary education, preschool education. We just don't need the Federal Government injecting itself here. The bill is going to limit choices for parents and students seeking educational loans and I think decrease the quality of service historically provided by private lenders. In 2007–2008, the FFEL program served more than 6.4 million students and parents at 5,000 postsecondary institutions, lending a total of \$55.3 billion or 78 percent of all needed Federal student loans. In general, postsecondary institutions have preferred to provide their student loans

through the private FFEL program because of its ability to provide students high-quality customer service, education outreach, and loan default prevention.

Again, what this is, in my opinion, is another takeover by the Federal Government of a segment of our society that we don't need taken over.

I would like to quote from an article from *The Weekly Standard* entitled, *Need a Student Loan? Boy, Does Uncle Sam Have a Deal for You*:

"For whatever else the monopoly in direct lending accomplishes, it will greatly expand the number of young people who find themselves entangled with, and ultimately beholden to, the vast system of rewards and rebukes that the Federal Government has at hand. More than 65 percent of college students borrow money to go to college. That's a lot of guinea pigs.

"We already have a foreshadowing of possibilities. Congressmen are tinkers, and they have been tinkering with federally backed loans for years, hoping to push borrowers into doing things that Congressmen find pleasing. The most interesting of their ideas was signed into law by President Bush. This shouldn't be a surprise, since by his second term Bush had proved a pretty ambitious tinkerer himself. The Public Service Loan Forgiveness Program of the College Cost Reduction and Access Act of 2007—such big titles you have, grandma!—was designed to let college students know what they should do once they got out of school.

"Student borrowers can have their Federal loans forgiven after 25 years, on the condition that they make a single minimum payment every 360 days. This is already a significant inducement to acquire a Federal rather than a private loan. But the Public Service Loan Forgiveness Program goes a step further. You can have your loan forgiven after only 10 years, vastly reducing the total amount of money you pay for your college education—to below \$5,000 in some cases—on three conditions. Your loan has to be handled directly by the government, with no contamination from private lenders; you have to meet a schedule of monthly minimum payments; and upon graduation, you have to get the right kind of job.

"The right kind of job turns out to be what's loosely called "public service." In common discourse, public service is already an elastic term, used mostly as a form of self-flattery, but seldom has the euphemism been stretched quite as far as it was in Bush's bill. Work for the government, any government—whether as an actuary, a diplomat, or a teacher; a social worker, a fighter pilot, or a forklift driver—and you qualify for the loan forgiveness. You qualify, too, if you take a job with any 501(c)(3) nonprofit organization: the Wilderness Society, U.S. Public Interest Group, the Rainbow Coalition, the

Transgender Law and Policy Institute, even, theoretically, the Heritage Foundation. It doesn't matter if you're an agitator, lawyer, lobbyist, congressional aide, or pavement-pounder hectoring passersby into signing petitions for Greenpeace. The important thing is, you can't be helping anyone turn a profit."

Madam Speaker, this bill is another government takeover of parts of our lives, and this rule should be voted down along with the bill.

[From the Weekly Standard, Aug. 3, 2009]

#### NEED A STUDENT LOAN?

(By Andrew Ferguson)

The House Committee on Education and Labor is having a busy summer. (Everybody in Washington is having a busy summer!) Earlier this month, for example, one of its essential subunits—the Subcommittee on Early Childhood, Elementary and Secondary Education and Healthy Families and Communities, or SECESEHFC—held lengthy hearings to determine new ways the United States Congress might accomplish one of its many important goals: the "Prevention of Bullying."

The subcommittee chairman, a congressman named Kildee, from Michigan, pointed out that last year, fully 75 percent of schools in the United States had reported an incident of bullying or worse.

"One incident is one too many," Kildee said, thoughtfully if not originally. "We must do something immediately to address this widespread problem."

With the "prevention of bullying" safely in the solution pipeline, the committee went on to do something immediately to address another widespread problem. Apparently college students are getting private loans to fund their education. Last week the committee approved a bill that will put an end to all that.

The committee's vote accelerates a process that was begun under President Clinton. In 1994, Congress approved his idea of a Direct Lending Program for students who needed to borrow money to go to college. Before then the government had merely guaranteed student loans, which were originated and serviced by private banks selected by the government. The guarantee ensured that the "private" loans made huge profits for the banks, regardless of interest rates or default rates.

Guaranteed loans are a textbook example of crony capitalism or (if you prefer) corporate socialism: The government assumes all the risk while doling out contracts to favored businesses, who then reap the profits. With student loans, the lender gets preening rights in the bargain, marketing itself as a Merchant of Dreams, a benefactor of America's youth, a sweet-tempered Mr. Jagers to a nation of eager Pips. In truth, the only people who like the system of guaranteed loans are the student loan industry—now handling more than \$90 billion a year—and the congressmen whose districts contain large numbers of people who work in the student loan industry.

Direct lending eliminates these unctuous middlemen by encouraging students to borrow money directly from the federal government. The program semi-satisfies libertarians, who dislike cronyism, and thrills liberals, who believe the noble goal of universal college education should be uncorrupted by the yuckiness of money making. Liberal backers of direct lending believe, in effect, that there's room for only one merchant of

Dreams around here, and it better be the federal government. Moreover, direct lending saves the government money—no really, it does—by reducing fees and other handling costs, savings which can then be passed on to the poor borrowers, though they never are.

The bill that passed out of committee last week completes the triumph of Clinton's program. The grandly titled Student Aid and Fiscal Responsibility Act of 2009 does away with the federal guarantee for student loans and brings them all under the care of Congress and the federal Department of Education, saving (say the committee's accountants) nearly \$10 billion a year. The committee plans to rechannel more than half those savings to purposes other than financing higher education. But for a college student trying to make tuition, the most dramatic consequence is that federal direct lending will soon be the only kind of lending there is. Washington will be the lender of first and last resort.

Some students—or more likely, their parents—still take out private bank loans with no federal guarantees. This accounts for about 14 percent of the student loan market. But it's unclear how long that corner of the market can last, as the federal government slowly crowds out truly private lenders by offering customers lower interest rates, greater discounts, and easier eligibility rules. Most likely the private lenders will abandon the field altogether, and the last chance to build a genuinely competitive market in college loans will be lost.

Few will weep over that vanished opportunity—until, perhaps, they see what Congress does with the new power that has fallen into its lap. For whatever else the monopoly in direct lending accomplishes, it will greatly expand the number of young people who find themselves entangled with, and ultimately beholden to, the vast system of rewards and rebukes that the federal government has at hand. More than 65 percent of college students borrow money to go to college. That's a lot of guinea pigs.

We already have a foreshadowing of the possibilities. Congressmen are tinkers, and they have been tinkering with federally backed student loans for years, hoping to push borrowers into doing things that congressmen find pleasing. The most interesting of their ideas was signed into law by President Bush. This shouldn't be a surprise, since by his second term Bush had proved a pretty ambitious tinkerer himself. The Public Service Loan Forgiveness Program of the College Cost Reduction and Access Act of 2007—such big titles you have, grandma!—was designed to let college students know what they should do once they got out of school.

Student borrowers can have their federal loans forgiven after 25 years, on the condition that they make a single minimum payment every 360 days. This is already a significant inducement to acquire a federal rather than a private loan. But the Public Service Loan Forgiveness Program goes a step further: You can have your loan forgiven after only 10 years, vastly reducing the total amount of money you pay for your college education—to below \$5,000 in some cases—on three conditions. Your loan has to be handled directly by the government, with no contamination from private lenders; you have to meet a schedule of monthly minimum payments; and upon graduation you have to get the right kind of job.

The right kind of job turns out to be what's loosely called "public service." In common discourse public service is already an elastic term, used mostly as a form of

self-flattery, but seldom has the euphemism been stretched quite so far as it was in Bush's bill. Work for the government, any government—whether as an actuary, a diplomat, or a teacher; a social worker, a fighter pilot, or a forklift driver—and you qualify for the loan forgiveness. You qualify, too, if you take a job with any 501(c)(3) nonprofit organization: the Wilderness Society, U.S. Public Interest Research Group, the Rainbow Coalition, the Transgender Law and Policy Institute, even, theoretically, the Heritage Foundation. It doesn't matter if you're an agitator, lawyer, lobbyist, congressional aide, or a pavement-pounder hectoring passersby into signing petitions for Greenpeace. The important thing is, you can't be helping anyone turn a profit.

The first loans won't be forgiven till 2017, so there's no telling yet how many people are taking advantage of the program or how much it will cost. But it's clearly designed to cast a very wide net. Indeed, its definition of public service is so broad that only a certain kind of graduate would be denied this splendid perk of an almost-free education: the idiot who went to work in the world of buying, selling, inventing, making, and producing.

Though Bush couldn't have known it, his program anticipated the age that dawned this January. It fits the ambitions and tastes of the Obama era, especially as summarized on several occasions by the first lady. She and her husband are perhaps the most famous student-loan borrowers in history. She speaks often of the torment of living under the debt load they had accumulated in college (Princeton, Columbia) and law school (Harvard). In remarks first reported by Byron York in *National Review*, in February 2008, she was particularly graphic. Thanks to their student loans, the Obamas found themselves "struggling to figure out how we would save for our kids."

What placed them in this position, Mrs. Obama said, was their decision to "move out of the moneymaking industry"—both had worked in corporate law—"into the helping industry." Again, the term "helping" is loosely defined: After leaving their law firms, he went to work for the Illinois state senate, she to Chicago city government and then a nonprofit hospital. "We left corporate America, which is a lot of what we're asking young people to do," she said.

Recently she expanded on the theme. "I went from college to law school to a big old fancy law firm," she told a group of Americorps workers, "where I was making more money than both of my parents combined." But then came a revelation. "I had to ask myself whether, if I died tomorrow, would I want this to be my legacy, working in a corporate firm, working for big companies? And when I asked myself the question, the resounding answer was, absolutely not."

How great their struggles were, and to what extent the struggles were aggravated by college-loan payments, are open questions. From the time they left their moneymaking days behind, according to tax returns, the Obamas never had a combined yearly gross adjusted income of less than \$207,000. Usually it was much more. (During those years in the helping industry, the Obamas donated 0.9 percent of their income to charity, presumably because, as the old saying goes, "we gave at the office.") By 2005, Mrs. Obama alone was making \$315,000 a year as an industrial helper, directing "community affairs" at her hospital. Except for the bad timing, she could have had her loan debt scrubbed by President Bush's program.

One justification for the program is that people in the helping industry need the financial help, because of their low pay. But most people would consider the Obamas' income pretty good money. It turns out that public service, even strictly defined, doesn't necessarily require financial sacrifice. Neal McCluskey and Chris Edwards, of the libertarian Cato Institute (one of those public-serving nonprofits), have tried to show that government work, including public school teaching, compares favorably with work in the private sector, whether you count wages, benefits, or both. Using data from 2004, Edwards found that the average federal worker earned an average of 56 percent more than the average employee in the real economy.

So if public servants don't need their loans forgiven any more than do debtors in the private sector, what's the point of the Public Service Loan Forgiveness Program? Why provide an incentive for graduates to steer clear of the private workforce? Mrs. Obama's remarks capture the spirit behind the program. The implication isn't merely that non-profit jobs are admirable. It's that they're always and everywhere more admirable than jobs in the world of commerce.

The logic closes like a pincer: The only loans available to students will be from the government; and the only way to get the most favorable terms on the loans will be to do what the lender likes. Of course, you don't have to work for Greenpeace or Amnesty International or AmeriCorps. But if you don't, you'll pay every penny of your student loan, plus interest, while your friends who made the right decision won't have to do that. No one's making anyone do anything. It's not a threat, it's a nudge. It's not an ultimatum, it's a suggestion. And it's certainly not bullying. Bullying is about to be made illegal.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield 3 minutes to my colleague on the Committee on Education and Labor, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank the respected gentleman from Colorado.

I rise in full support of the Student Aid and Fiscal Responsibility Act, which would make college more affordable and accessible with a landmark investment in college aid. This will not cost taxpayers a dime by improving the way that our student loan programs operate. In fact, we can expect a \$10 billion savings for taxpayers. Our experience with the direct loan program has lasted two decades now, and it is a great success. Students like it, colleges like it, taxpayers like it. Let's expand it.

This legislation makes available \$40 billion to increase the maximum Pell Grant scholarship from its current \$5,500—a long way from the \$4,000 where it was mired for a number of years—now to \$6,900 by later in the decade. It would, in effect, double the number of students who receive Pell Grants in my home State of New Jersey. Further, by converting all new Federal loans to the stable and cost-efficient Direct Loan Program, the bill would help keep interest rates low on need-based Federal student loans.

I'm especially pleased that the bill provides billions to modernize and make our Nation's elementary and secondary schools more energy efficient, including a number of provisions that I'm pleased to have written. Finally, I strongly support the Early Learning Challenge Fund, the community college reforms, and the simplifications to the FAFSA forms that are also included in this bill. I want to thank Chairman MILLER for working with me to protect the Graduate Stafford Loan Program in this bill.

This is a good bill. Millions of students and parents support the goals of the bill. Let's answer their pleas for help and make colleges more affordable. No one can argue reasonably that now is not the time to improve accessibility and affordability of college. I urge support of this rule and the underlying bill.

Ms. FOXX. Madam Speaker, as proposed in President Obama's FY 2010 budget, H.R. 3221 eliminates the FFEL student loan program that has been the overwhelming choice of students and families for more than 40 years, replacing it with a government-run program. While Democrats continue to use government takeovers as a panacea to all economic problems, converting all student loans to government subsidized loans is just another way that Democrats are killing jobs, increasing government intrusion, and eroding the rights of the consumer. I will urge my colleagues to vote "no" on the rule and "no" on the underlying bill.

Madam Speaker, having no additional speakers on our side of the aisle, I yield back the balance of my time.

□ 1145

Mr. POLIS. Madam Speaker, overcrowded and crumbling schools threaten the safety and achievement of America's students and are an embarrassment for our education system.

Our schools are short of being in good condition by an estimated \$255 billion. In my home State of Colorado, the backlog of school construction and maintenance needs has been estimated between \$5.7 and \$10 billion. That is why this legislation assists school districts with funds for school modernization, renovation, and repair projects that will create healthier, safer, and more energy-efficient teaching and learning climates.

Colorado will receive more than \$42 million over the next 2 years under this bill. In 2006, I cochaired a successful campaign for a \$300 million bond issue for the Boulder Valley School District in my school district to address the needs of our schools. But many low-income districts in Colorado don't have the capacity to finance the necessary school upgrades. That is why I am particularly pleased that this legislation addresses income disparities by allocating funds to States and districts

based on their share of students from low-income families.

Most importantly, this legislation is fiscally responsible because it pays for itself. By ending subsidies currently given to banks and private lenders, this bill saves taxpayers \$87 billion over 10 years, according to the Congressional Budget Office.

In addition to investing in our education system, this legislation also directs \$10 million in savings back to the U.S. Treasury to help pay down the deficit and boost the fiscal health of the country our children will inherit. This legislation is yet another major step towards building a 21st century early childhood education system that will prepare the next generation of students for a lifetime of success.

In a global knowledge-based economy, our Nation cannot afford to waste talent and squander human capital. Each and every student who is ready and wants to go to college shouldn't give up because of the cost barriers that are in their way. This landmark legislation's historic investment in college scholarships provides increased educational opportunities to Americans across the board.

I talked to another student from the University of Colorado yesterday, Alexis Smith, who talked about her family's story. She grew up in a family with a small business in the Denver area. Their family earns between \$40,000 and \$60,000 a year, depending on the business. Like a lot of American families, they fall above a lot of the need-based scholarship programs and below the range that college is easily affordable. Alexis is graduating college with \$25,000 in debt, including substantial credit card debt. She would not have been able to go to college without help from Pell Grants as well as Stafford loans, and her father is currently working 10 hours a day, 7 days a week at age 63 to help afford to put her and her brother through college. These are the kinds of sacrifices that Americans are willing to make.

The Federal Government is here as a partner. By passing this bill, we will be able to improve the student loan program and create savings that we can pass back along to the students in the form of increased availability of student loans as well as grants. That is why I strongly support this rule and the underlying legislation.

Madam Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

**PROVIDING FOR CONSIDERATION OF H.R. 3246, ADVANCED VEHICLE TECHNOLOGY ACT OF 2009**

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 745 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 745**

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3246) to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

**GENERAL LEAVE**

Mr. POLIS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 745 provides for a structured rule for consideration of H.R. 3246, the Advanced Vehicle Technology Act of 2009. This rule makes in order all three of the Republican amendments submitted to the Rules Committee for consideration as part of this bipartisan bill.

The Advanced Vehicle Technology Act of 2009 is an important part of this Congress' commitment to clean energy, job creation, and reducing our country's dependence on foreign oil. It recognizes what many of us know to be true: We need a significant boost in research and development of innovative vehicle technologies in order to become energy independent, to reduce the greenhouse gas emissions that threaten our planet, and to ensure that the American automobile industry remains viable. To that end, H.R. 3246 authorizes \$2.85 billion over the next 5 years to strengthen and support advanced vehicle technology research at the Department of Energy.

While through other measures we have laid a foundation to increase the accessibility of public transportation—another critical component of reducing our emissions of global warming gases—and even in this bill we will invest in increasing the energy efficiency and reducing the costs of producing and operating these public transportation vehicles, in many parts of this country it is still necessary that the primary mode of transit is the automobile.

The expanse of rural America and suburban and exurban America simply require personal vehicles for work and for pleasure. The good news is that in this bill we will be able to capitalize on a movement that already exists. One need only look to the biodiesel co-ops of Iowa, where folks can buy clean, domestically produced fuel at costs frequently lower than the petroleum option, or companies such as Rocky Mountain Sustainable Enterprises founded and based in Boulder, Colorado, in my district. This company recycles waste vegetable oil, oil that would otherwise find its way to a land-

fill but instead has been used to power agricultural equipment and vehicles.

I am proud to say that this company will be opening a new facility in Fort Morgan, Colorado, in the district of my colleague and good friend, Representative BETSY MARKEY. This facility will enable this firm to produce enough fuel to continue providing to their agricultural clients while expanding to mass transit and passenger vehicle biodiesel.

All across the country, the biofuels industry is gearing up to provide the clean domestic fuel of America's future while providing good-paying jobs today. We need to help these companies grow, and we can do this by ensuring that vehicles made right here in America are prepared to use our domestically produced fuel.

America has had a long love affair with the automobile, and vehicles are continually becoming more efficient, more comfortable, easier to own and easier to maintain. This, by right, should continue. Through this legislation, we will make the investments required to ensure that the great tradition of the family summer road trip is available to future generations.

Madam Speaker, our domestic auto industry has had its difficulties these last few years. And I speak not only of the Big Three Detroit automakers, so iconic of the industry that grabbed many of the headlines, but also of the many companies, such as Delphi and many others, that create components for vehicles and employ hundreds of thousands of Americans. It is these smaller companies that have produced significant innovation. However, due to the economic crisis, rising operational costs, including health care for their employees, many of these companies have had to slow or shutter their research and development operations in order to afford to stay in business and keep their assembly lines running.

In order to navigate out of this recession back to manufacturing leadership, we need to have a compass of innovation. This bill before us today ensures that the best technologies, from electric drivetrains to clean diesel, are made available, and that vehicles driven in the United States are the cleanest and most efficient in the world.

We can further the technologies that are sponsored through this competitive process that will ensure that our dependence on foreign oil will be decreased and will increase demand for domestically produced renewable energy, creating jobs.

This bill is as good for the air and urban America as it is for the economy of rural America.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from Colorado (Mr. POLIS), for the time, and I yield myself such time as I may consume.

The transportation sector of our economy accounts for a considerable portion of U.S. energy use and oil consumption. Our economy is extremely dependent on foreign sources of oil. We are subject to the extreme volatility of the gasoline market, not to mention the whims of dictators like Ahmadinejad and Chavez. That is why last year Members on this side of the aisle pushed for greater energy independence by advocating for new domestic energy sources as well as investments in the clean technologies of the future. Unfortunately, our efforts were ignored or shut down by the majority.

Although the majority decided to ignore and shut down our efforts to promote domestic energy sources, I believe we have to continue to work on this important issue. Congress must continue to make investments in alternative energy and promote its development and implementation. We need to have a diverse energy portfolio to sustain our economic growth. We must encourage the development of vehicles that run on electric, natural gas, and other alternative fuels.

We can move away from our dependence on foreign oil as a primary source of energy. Doing this is in our national interest, in terms of security, as well as our environmental interests.

For over two decades, the Department of Energy has funded various clean energy research activities on passenger vehicles and heavy duty trucks. While those programs have produced mixed results, I believe that Federal vehicle technology research and development programs will only be effective through robust partnerships with a wide variety of vehicle technology developers and manufacturers.

Madam Speaker, I have met with various experts in the energy field to discuss the development of sustainable transportation in the United States. In my conversations with those experts, including this last weekend with Michael Granoff with Better Place, I was educated regarding the efforts by our friends, the Israelis, to completely replace oil as an energy source in their economy.

□ 1200

Israel's efforts to replace oil are serious and extraordinary. We have to listen to experts like Mr. Granoff. We have to implement policies immediately that will lead to the development of electric automobiles. Massively throughout our economy, it needs to be done and it needs to be done now.

Unfortunately, Communist China is well advanced in the practical application and development of electric automobile technology. We are about to be overtaken by a dangerous competitor in a major technology of the future, which may very well decide if we are able to remain an economic super-

power. This is not something that we can take lightly. It's serious, and it deserves our urgent attention.

The underlying legislation being brought to the floor today, H.R. 3246, the Advanced Vehicle Technology Act, takes a small step in the right direction. It reiterates the importance of the Federal Government's role in funding and in coordinating research activities and in disseminating research findings in order to bring clean technology to passenger vehicles and to heavy trucks to reduce our Nation's dependence on petroleum, thus reducing emissions.

The legislation authorizes approximately \$3 billion over the next 5 years for the Department of Energy to create a research program to help develop technologies that will substantially reduce or eliminate petroleum use in the Nation's vehicles. As part of this new program, the Department of Energy is required to collaborate with numerous sectors of the automotive industry.

Now, during yesterday's hearing in the Rules Committee, we heard testimony from both sides of the aisle on the underlying legislation. It was clear from the testimony that this legislation has great bipartisan support. Yet the majority in the Rules Committee felt it was necessary to offer a restrictive rule. I really don't know why. I know that the rule allows both of the minority amendments that were submitted to the Rules Committee; but, unfortunately, it forbids the consideration of three amendments submitted by Members of the majority party. I believe we should have allowed those amendments. We should have considered, in effect, this legislation under an open rule, a rule that allows for a truly free and full debate. The majority blocked our attempts to have such an open debate.

Really, I think it's a shame that the majority has, once again, blocked an open debate. Since this majority took over, Madam Speaker, in 2007, they have had one open rule on a nonappropriations bill. Unfortunately, it is standard operating procedure for this majority to block open debate on the House floor.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, again, this rule that we are proposing allows all three Republican amendments that were proposed to be made in order. I certainly appreciate the concern from the gentleman from Florida with regard to our Democratic amendments and the fact that we should have had more in the bill. We do have several that have been allowed as well.

I would like to yield 3 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman from Colorado.

Madam Speaker, I rise in strong support of this rule and the underlying bill, the Advanced Vehicle Technology Act of 2009.

This legislation, which is supported by a bipartisan majority of this body and on behalf of the American people, makes an excellent and a smart investment in research that will catapult American ingenuity into new levels of competitiveness.

Now, for years, I know many people have said, Why haven't our car companies kept up? There were a lot of decisions along the way and a lot of reasons; but I think what we're doing today is taking a very, very important step for which many of us have been advocating for many, many years. I know a lot of people have said, Well, the technology must be there. It's just not being utilized. Maybe that's the case and maybe that isn't the case, but what's happening right now is something that many of us have been advocating for.

On December 5, 2008, in the Financial Services Committee where American automakers testified before Congress on their dire financial state, I, personally, had the opportunity to ask the automakers about whether they would support a process by which we could bring the best of technology, of the engineers and of the entrepreneurs together to really leapfrog. I mean, I'm a firm believer that American ingenuity is at the top. It's one of the strengths we have in our country. Fortunately, those car leaders at that time said yes.

Well, this bill takes that moment, that effort, and the financial resources and does what the gentleman from Florida said: it allows us to have a stake and a participation in advancing research. Whether through medical science or the automobile business, I think this is a role that we can play.

The New Democrat Coalition, in which I participate, followed up with a letter to the administration, stressing the themes of allowing there to be some resource commitment to this new electric and hybrid technology. I, along with many of my colleagues and many Americans, believe that our country's researchers and engineers can and will develop the engine technology that will leapfrog automakers from all over the world and will speedily deploy an electric car of the future.

The legislation today that we are considering accomplishes these goals by investing in a program that brings together these stakeholders from across the industry to develop this vehicle technology of tomorrow right here in the United States. I am confident that this technology and this program will provide automakers with the tools they need to lead the auto industry into a new generation of innovation.

Let me point out that section 101 contains language to ensure that grants do not fund duplicative efforts. This is essential to our commitment to fiscal responsibility. It saves taxpayer money because grant recipients will

not be reinventing the wheel separately, but will be coming together efficiently.

I would like to commend my colleague, Congressman GARY PETERS, for introducing this legislation and Chairman BART GORDON for his leadership in bringing this legislation to the floor today.

I urge passage of this rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. POLIS. Madam Speaker, the question is how do we create and perfect the nonpetroleum technologies that the market wants, and the Advanced Vehicle Technology Act is part of the answer.

By jump-starting vehicle technology research, this bill puts American ingenuity to work in cleaning up our transportation sector and in protecting the planet. Electrifying vehicle systems, increasing engine durability, and developing waste-heat recovery systems are just a few of the many innovative technologies that this bill will support. At the same time, we know we need to take action today to fight global warming, to lessen our petroleum dependence, and to create jobs here in America. For that reason, this legislation before us emphasizes public-private partnerships that will help create jobs in private industry, not just in government offices.

There is a reason why this bill is supported by Ford Motor Company, Delphi, Caterpillar, GM, EcoMotors, the United Auto Workers, and the National Association of Manufacturers. H.R. 3246 means good jobs today developing and building the vehicle technologies of tomorrow.

When we can create jobs and cut our petroleum dependence at the same time, it's clear that we are making good policy, Madam Speaker. By this measure, the Advanced Vehicle Technology Act is the clearest and most straightforward kind of good policy. With this in mind, I urge my colleagues to support this very fair rule and the underlying legislation.

I would like to thank Representative PETERS, Representative BIGGERT and Chairman GORDON, as well as my colleagues on the Rules Committee and the committee staff of the Science and Technology Committee, for crafting this legislation that will increase the efficiency of our Nation's vehicle fleet while reducing our dependence on foreign oil.

I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adopting H. Res. 746 and suspending the rules and adopting H. Res. 260.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## PROVIDING FOR CONSIDERATION OF H.R. 3221, STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 746, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 241, nays 179, not voting 13, as follows:

[Roll No. 703]

YEAS—241

Abercrombie	Davis (IL)	Johnson (GA)
Ackerman	Davis (TN)	Johnson, E.B.
Adler (NJ)	DeFazio	Kagen
Altmire	Delahunt	Kanjorski
Andrews	DeLauro	Kaptur
Arcuri	Dicks	Kennedy
Baca	Dingell	Kildee
Baird	Doggett	Kilpatrick (MI)
Baldwin	Donnelly (IN)	Kilroy
Barrow	Doyle	Kind
Bean	Driehaus	Kirkpatrick (AZ)
Becerra	Edwards (MD)	Kissell
Berkley	Edwards (TX)	Klein (FL)
Berman	Ellison	Kosmas
Berry	Ellsworth	Kucinich
Bishop (NY)	Engel	Langevin
Blumenauer	Eshoo	Larsen (WA)
Boccieri	Farr	Larson (CT)
Boren	Fattah	Lee (CA)
Boswell	Filner	Levin
Boucher	Foster	Lewis (GA)
Brady (PA)	Frank (MA)	Lipinski
Braley (IA)	Fudge	Loebach
Bright	Giffords	Lofgren, Zoe
Brown, Corrine	Gonzalez	Lowey
Butterfield	Gordon (TN)	Lujan
Capps	Grayson	Lynch
Capuano	Green, Al	Maffei
Cardoza	Green, Gene	Maloney
Carnahan	Grijalva	Markey (CO)
Carney	Gutierrez	Markey (MA)
Carson (IN)	Hall (NY)	Marshall
Castor (FL)	Halvorson	Massa
Chandler	Hare	Matheson
Childers	Harman	Matsui
Chu	Hastings (FL)	McCarthy (NY)
Clarke	Heinrich	McCollum
Clay	Herseth Sandlin	McDermott
Cleaver	Himes	McGovern
Clyburn	Hinchee	McIntyre
Cohen	Hinojosa	McMahon
Connolly (VA)	Hirono	McNerney
Cooper	Hodes	Meek (FL)
Costa	Holden	Meeks (NY)
Costello	Holt	Melancon
Courtney	Honda	Michaud
Crowley	Hoyer	Miller (NC)
Cuellar	Inslee	Miller, George
Cummings	Israel	Minnick
Dahlkemper	Jackson (IL)	Mitchell
Davis (AL)	Jackson-Lee	Mollohan
Davis (CA)	(TX)	Moore (WI)

Moran (VA)	Richardson	Spratt
Murphy (CT)	Rodriguez	Stark
Murphy (NY)	Ross	Stupak
Murphy, Patrick	Rothman (NJ)	Sutton
Murtha	Roybal-Allard	Taylor
Nadler (NY)	Ruppersberger	Teague
Napolitano	Rush	Thompson (CA)
Neal (MA)	Ryan (OH)	Thompson (MS)
Nye	Salazar	Tierney
Oberstar	Sanchez, Loretta	Titus
Obey	Sarbanes	Tonko
Oliver	Schakowsky	Towns
Ortiz	Schauer	Tsongas
Pallone	Schiff	Van Hollen
Pascarella	Schrader	Velázquez
Pastor (AZ)	Schwartz	Visclosky
Payne	Scott (GA)	Walz
Perlmutter	Scott (VA)	Wasserman
Perriello	Serrano	Schultz
Peters	Shea-Porter	Waters
Peterson	Sherman	Watson
Pingree (ME)	Shuler	Watt
Polis (CO)	Sires	Waxman
Pomeroy	Skelton	Weiner
Price (NC)	Slaughter	Welch
Quigley	Smith (WA)	Wexler
Rahall	Snyder	Woolsey
Rangel	Space	Wu
Reyes	Speier	Yarmuth

NAYS—179

Aderholt	Gallegly	Moore (KS)
Akin	Garrett (NJ)	Moran (KS)
Alexander	Gerlach	Murphy, Tim
Austria	Gingrey (GA)	Myrick
Bachmann	Gohmert	Neugebauer
Bachus	Goodlatte	Nunes
Bartlett	Granger	Olson
Barton (TX)	Graves	Paul
Biggert	Griffith	Paulsen
Bilbray	Guthrie	Pence
Bilirakis	Hall (TX)	Petri
Bishop (UT)	Harper	Pitts
Blackburn	Hastings (WA)	Platts
Blunt	Heller	Poe (TX)
Boehner	Hensarling	Posey
Bono Mack	Herger	Price (GA)
Boozman	Hill	Putnam
Boustany	Hoekstra	Radanovich
Boyd	Hunter	Rehberg
Brady (TX)	Inglis	Reichert
Broun (GA)	Issa	Roe (TN)
Brown (SC)	Jenkins	Rogers (AL)
Brown-Waite,	Johnson (IL)	Rogers (KY)
Ginny	Johnson, Sam	Rogers (MI)
Buchanan	Jones	Rohrabacher
Burgess	Jordan (OH)	Rooney
Burton (IN)	King (IA)	Ros-Lehtinen
Buyer	King (NY)	Roskam
Calvert	Kingston	Royce
Camp	Kirk	Ryan (WI)
Campbell	Kline (MN)	Scalise
Cantor	Kratovil	Schock
Cao	Lamborn	Sensenbrenner
Capito	Lance	Sessions
Carter	Latham	Shadegg
Cassidy	LaTourette	Shimkus
Castle	Latta	Shuster
Chaffetz	Lee (NY)	Simpson
Coble	Lewis (CA)	Smith (NE)
Coffman (CO)	Linder	Smith (NJ)
Cole	LoBiondo	Smith (TX)
Conaway	Lucas	Souder
Crenshaw	Luetkemeyer	Stearns
Davis (KY)	Lummis	Sullivan
Deal (GA)	Lungren, Daniel	Terry
Dent	E.	Thompson (PA)
Diaz-Balart, L.	Mack	Thornberry
Diaz-Balart, M.	Manzullo	Tiahrt
Dreier	Marchant	Tiberi
Duncan	McCarthy (CA)	Turner
Ehlers	McCauley	Upton
Emerson	McClintock	Walden
Etheridge	McCotter	Wamp
Fallin	McHenry	Westmoreland
Flake	McKeon	Whitfield
Fleming	McMorris	Wilson (SC)
Forbes	Rodgers	Wittman
Fortenberry	Mica	Wolf
Fox	Miller (FL)	Young (AK)
Franks (AZ)	Miller (MI)	Young (FL)
Frelinghuysen	Miller, Gary	

## NOT VOTING—13

Barrett (SC)	DeGette	Schmidt
Bishop (GA)	Higgins	Sestak
Bonner	McHugh	Tanner
Conyers	Sánchez, Linda	Wilson (OH)
Culberson	T.	

□ 1234

Messrs. WITTMAN, PETRI, MOORE of Kansas, and MACK changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SUPPORTING EFFORTS TO REDUCE INFANT MORTALITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 260, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 260, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 704]

YEAS—415

Abercrombie	Broun (GA)	Cummings
Ackerman	Brown (SC)	Dahlkemper
Aderholt	Brown, Corrine	Davis (AL)
Adler (NJ)	Brown-Waite,	Davis (CA)
Akin	Ginny	Davis (IL)
Alexander	Buchanan	Davis (KY)
Altmire	Burgess	Davis (TN)
Andrews	Burton (IN)	Deal (GA)
Arcuri	Butterfield	DeFazio
Austria	Buyer	DeGette
Baca	Calvert	Delahunt
Bachmann	Camp	DeLauro
Bachus	Campbell	Dent
Baird	Cantor	Diaz-Balart, L.
Baldwin	Cao	Diaz-Balart, M.
Barrow	Capito	Dicks
Bartlett	Capuano	Dingell
Barton (TX)	Carnahan	Doggett
Bean	Carney	Donnelly (IN)
Becerra	Carson (IN)	Doyle
Berkley	Carter	Dreier
Berman	Cassidy	Driehaus
Berry	Castle	Duncan
Biggert	Castor (FL)	Edwards (MD)
Bilbray	Chaffetz	Edwards (TX)
Bilirakis	Chandler	Ehlers
Bishop (NY)	Childers	Ellison
Bishop (UT)	Chu	Ellsworth
Blackburn	Clarke	Emerson
Blumenauer	Clay	Engel
Blunt	Cleaver	Eshoo
Boccieri	Clyburn	Etheridge
Boehner	Coble	Fallin
Bono Mack	Coffman (CO)	Farr
Boozman	Cohen	Fattah
Boren	Cole	Filner
Boswell	Conaway	Flake
Boucher	Connolly (VA)	Fleming
Boustany	Cooper	Forbes
Boyd	Costello	Fortenberry
Brady (PA)	Courtney	Foster
Brady (TX)	Crenshaw	Fox
Braley (IA)	Crowley	Frank (MA)
Bright	Cuellar	Franks (AZ)

Frelinghuysen	Lucas	Roe (TN)
Fudge	Luetkemeyer	Rogers (AL)
Gallegly	Luján	Rogers (KY)
Garrett (NJ)	Lummis	Rogers (MI)
Gerlach	Lungren, Daniel	Rohrabacher
Giffords	E.	Rooney
Gingrey (GA)	Lynch	Ros-Lehtinen
Gohmert	Mack	Roskam
Gonzalez	Maffei	Ross
Goodlatte	Maloney	Rothman (NJ)
Gordon (TN)	Manzullo	Roybal-Allard
Granger	Marchant	Royce
Graves	Markey (CO)	Ruppersberger
Grayson	Markey (MA)	Rush
Green, Al	Marshall	Ryan (OH)
Green, Gene	Massa	Ryan (WI)
Griffith	Matheson	Salazar
Grijalva	Matsui	Sanchez, Loretta
Guthrie	McCarthy (CA)	Sarbanes
Gutierrez	McCarthy (NY)	Scalise
Hall (NY)	McCaul	Schakowsky
Hall (TX)	McClintock	Schauer
Halvorson	McCollum	Schiff
Hare	McCotter	Schock
Harman	McDermott	Schrader
Harper	McGovern	Schwartz
Hastings (FL)	McHenry	Scott (GA)
Hastings (WA)	McIntyre	Scott (VA)
Heinrich	McKeon	Sensenbrenner
Heller	McMahon	Serrano
Hensarling	McMorris	Sessions
Herger	Rodgers	Shadegg
Herseeth Sandlin	McNerney	Shea-Porter
Hill	Meek (FL)	Sherman
Himes	Meeks (NY)	Shimkus
Hinche	Melancon	Shuler
Hinojosa	Mica	Shuster
Hirono	Michaud	Simpson
Hodes	Miller (FL)	Sires
Hoekstra	Miller (MI)	Skelton
Holden	Miller (NC)	Slaughter
Holt	Miller, Gary	Smith (NE)
Honda	Miller, George	Smith (NJ)
Hoyer	Minnick	Smith (TX)
Hunter	Mitchell	Smith (WA)
Inglis	Mollohan	Snyder
Inslee	Moore (KS)	Souder
Israel	Moore (WI)	Space
Issa	Moran (KS)	Speier
Jackson (IL)	Moran (VA)	Spratt
Jackson-Lee	Murphy (CT)	Stark
(TX)	Murphy (NY)	Stupak
Jenkins	Murphy, Patrick	Sullivan
Johnson (GA)	Murphy, Tim	Sutton
Johnson (IL)	Murtha	Taylor
Johnson, E.B.	Myrick	Teague
Johnson, Sam	Nadler (NY)	Terry
Jones	Napolitano	Thompson (CA)
Jordan (OH)	Neugebauer	Thompson (MS)
Kagen	Nunes	Thompson (PA)
Kanjorski	Nye	Thornberry
Kaptur	Oberstar	Tiahrt
Kennedy	Obey	Tiberi
Kildee	Olson	Tierney
Kilpatrick (MI)	Olver	Titus
Kilroy	Ortiz	Tonko
Kind	Pallone	Towns
King (IA)	Pascarella	Tsongas
King (NY)	Pastor (AZ)	Turner
Kingston	Paul	Upton
Kirk	Paulsen	Van Hollen
Kirkpatrick (AZ)	Payne	Velázquez
Kissell	Pence	Visclosky
Klein (FL)	Perlmutter	Walden
Kline (MN)	Perriello	Walz
Kosmas	Peters	Wamp
Kraut	Peterson	Wasserman
Kucinich	Petri	Schultz
Lamborn	Pingree (ME)	Waters
Lance	Pitts	Watson
Langevin	Platts	Watt
Larsen (WA)	Poe (TX)	Waxman
Larson (CT)	Polis (CO)	Weiner
Latham	Pomeroy	Welch
LaTourette	Posey	Westmoreland
Latta	Price (NC)	Wexler
Lee (CA)	Putnam	Whitfield
Lee (NY)	Quigley	Wilson (OH)
Levin	Radanovich	Wilson (SC)
Lewis (CA)	Rahall	Wittman
Lewin (GA)	Rangel	Wolf
Linder	Rehberg	Woolsey
Lipinski	Reichert	Wu
LoBiondo	Reyes	Yarmuth
Loeb	Richardson	Young (AK)
Loeb	Rodriguez	Young (FL)

## NOT VOTING—18

Barrett (SC)	Culberson	Sánchez, Linda
Bishop (GA)	Higgins	T.
Bonner	Loftgren, Zoe	Schmidt
Capps	McHugh	Sestak
Cardoza	Neal (MA)	Stearns
Conyers	Price (GA)	Tanner
Costa		

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1243

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3251

Ms. FALLIN. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor for H.R. 3251.

The SPEAKER pro tempore (Ms. BALDWIN). Is there objection to the request of the gentlewoman from Oklahoma?

There was no objection.

□ 1245

## GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3246.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## ADVANCED VEHICLE TECHNOLOGY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 745 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3246.

□ 1245

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3246) to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy, with Mr. PIERLUISI in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

H.R. 3246, the Advanced Vehicle Technology Act of 2009, is authored by the gentleman from Michigan (Mr. PETERS) and co-sponsored by our colleague from Illinois (Mrs. BIGGERT). This legislation provides a comprehensive authorization for long-term, sustained funding of public-private vehicle research, development, demonstration and commercial application activities in the Department of Energy Vehicle Technologies Program.

From passenger cars to heavy duty long-haul trucks, we are all aware of the economic, environmental, and strategic importance of diversifying our Nation's vehicle sector through innovation in cleaner and more efficient technologies.

However, the current economic situation has made it all the more difficult for companies to invest in the research and technology development to get us there. Department of Energy programs play an invaluable role in filling this critical gap.

This bill provides a critical foundation of support to ensure U.S. leadership in developing and producing the next generation of advanced vehicle technologies. The bill instructs the Secretary to continue support for longer-term higher-risk technologies such as hydrogen, while recognizing the importance of research in areas that can deliver significant improvements in the near term, such as vehicle electrification.

It also makes important investments in areas such as vehicle manufacturing and medium- to heavy-duty vehicles research. It accomplishes this goal through continued partnership with industry and strengthened DOE coordination with other Federal research agencies.

This is a bipartisan bill reported from the Science and Technology Committee which incorporated a number of our Republican colleagues' suggestions. It follows on recommendations of the National Academies of Science and a diverse group of stakeholders and is endorsed by the likes of the Alliance of Automobile Manufacturers, GM, Ford, Chrysler, the UAW, Motor and Equipment Manufacturers Association, the National Association of Manufacturers, and the U.S. Chamber of Commerce, among many others.

After a very productive and bipartisan process in the committee, I am looking forward to a constructive floor debate and passage of this very important bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 3246, the Advanced Vehicle Technology Act of 2009. It has the stated objective to develop technologies that improve efficiency and emissions of vehicles, reduces reliance on petroleum, and supports vehicle manufacturing in the United States. Among other things, it develops cost-effective vehicle technologies for wide-scale utilization, enhanced commercial and passenger vehicle performance, allows for greater consumer choice, shortens technology penetration times, ensures balance and diversity in Federal R&D investment, strengthens public-private R&D partnerships, and probably many other things.

I would like to thank Congressman PETERS for the good job he did working with us and working with the Science Committee on this bill, and for incorporating our suggestions and the suggestions of our chairman into his manager's amendment for ways to improve the bill during the full committee markup, including a provision in Title I that requires the Secretary to ensure that activities do not duplicate those of other programs within the Department of Energy or other relevant research agencies. In our country's tough financial situation, we want to ensure that taxpayer dollars are being used efficiently and responsibly and not being wasted or mismanaged as well.

The manager's amendment, agreed to in the full committee, included bipartisan language supportive of applied and basic research and development of hydrogen and natural gas vehicle technologies.

Congressman TEAGUE offered an amendment that seemed to reiterate the spirit of comity, but it was unfortunately not made in order by a party-line vote at the Rules Committee hearing yesterday.

As I said during the full committee markup, the cost of the bill gives me some pause; but I understand the costs associated with the level, degree, and scope of the bill that deals with research, development, and commercial application activities on materials, technologies, and processes of not only passenger vehicles, but also medium- to heavy-duty commercial and transit vehicles, including long-haul class 8 truck and trailer platforms.

With that said, I plan to vote for an amendment that will be offered by Representative BROUN of Georgia to reduce the authorization amount in the bill by \$650 million.

The transportation sector uses 67.9 percent of the petroleum that is used in our country. If we want to reduce or wean our dependence on foreign sources of oil, we are going to need technological advances in the vehicles that Americans drive to help us reach that goal. The bill before us today will certainly help to achieve these advances.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the author of this excellent piece of legislation, Mr. GARY PETERS from Michigan, and concur with Mr. HALL in saying that he did a terrific job in reaching out to all parties to make this a bipartisan bill that has great support both here in Congress, as well as throughout industry.

Mr. PETERS. Mr. Chairman, I thank Chairman GORDON for those kind words.

It is no secret that the global economic crisis has had an absolutely devastating impact on the automobile industry. Automobile and truck manufacturers and parts suppliers around the globe are struggling to deal with substantially decreased demand in vehicle sales.

At the same time, we are in the midst of a transformation to a more energy-independent economy which will require the production of new vehicle technologies that will increase fuel efficiency and reduce harmful emissions. Development of advanced technologies for both heavy duty trucks and passenger vehicles is of vital national interest and requires a coordinated effort at the Federal level.

That is why I am proud to have worked with Chairman GORDON to introduce the Advanced Vehicle Technology Act of 2009. This legislation will build upon the current research efforts of the Department of Energy and the private sector by providing an increased Federal investment in passenger and heavy duty vehicle research and development.

By directing the Department of Energy to partner with industry stakeholders and agencies across the Federal Government, the bill will ensure that our investment leverages the maximum amount of talent and innovation and leads to faster development of new technologies that will help us meet our energy challenges and promote American innovation in the advanced vehicle technologies field.

There is intense global competition right now to determine which countries will produce the cars and trucks of the future. There is no doubt that in the years ahead more Americans will be driving hybrids, plug-in hybrids, battery electric vehicles, and cars and trucks powered by hydrogen fuel cells. The only question is whether these new technologies will be researched, developed, and manufactured here in United States, creating American jobs, or whether this technology will be built overseas. The Advanced Vehicle Technology Act will help ensure that the American automobile industry will continue to be globally competitive and that we as a Nation will not trade our dependence on foreign oil for a dependence on foreign batteries and other emerging technology.

This legislation has strong support from industry. It has been endorsed by the United States Chamber of Commerce and by the National Association of Manufacturers, who understand how important it is for our Nation to maintain its competitiveness in research and development and emerging technology in order to preserve our manufacturing base.

H.R. 3246 has been endorsed by the Alliance of Automobile Manufacturers and by individual automakers like Chrysler, General Motors, Ford, and Daimler. It is strongly supported by the Motor and Equipment Manufacturers Association, which is the industry trade group representing auto parts suppliers, as well as key suppliers based in my congressional district like ArvinMeritor, Magna International, Delphi and Bosch.

I am also proud to report that this bill has the support of organized labor, including my good friends at the United Auto Workers, and from the environmental community as well, including such organizations as the League of Conservation Voters, the Natural Resources Defense Council, and the Sierra Club.

The CHAIR. The gentleman's time has expired.

Mr. GORDON of Tennessee. I yield the gentleman an additional 30 seconds.

Mr. PETERS. This bill's broad support includes the steel industry, which is excited by the opportunities this legislation will create for them to partner with the Federal Government on research projects that will continue to make steel lighter and stronger. High-mileage cars will need to reduce weight while keeping passengers safe, and the steel industry can and must play an important role in helping us achieve that goal.

I thank Chairman GORDON and his staff for leadership on this legislation and for their helpfulness to both me and to my staff. And I would also like to thank my Republican colleagues on the Science Committee, especially Mrs. BIGGERT, for working with me to improve this important bill. And I would also like to thank the Democratic leadership, and in particular Majority Leader HOYER, for working on this bill.

The Advanced Vehicle Technology Act will help reduce our Nation's dependence on foreign oil and preserve and create manufacturing jobs in Michigan and across the country. I encourage my colleagues to support H.R. 3246.

Mr. HALL of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I want to thank my friend from Texas.

I strongly support this bill, but I do so with some reservations. I would like to discuss some of the pressures that the government has put on a region

like mine. My district is number one in manufacturing jobs and number one in percent in manufacturing, and actually gained slightly over number two last year because we lost fewer jobs than other areas of the country in manufacturing.

Without core value-added industries, our country is in deep trouble. I grew up in retailing. Retailing and service industry and so on circulate the money among themselves. To add value to our country, it can be in software, it can be in manufacturing or agriculture, but it has to be something that has a value-added addition to the economy.

Now, the challenge we have in our country, for a variety of reasons, to improve our environment, to improve the safety of our workers, to make sure we have pensions and health care, our costs have soared compared to our international competition because government has put additional pressures because we as a society felt they should be there.

But that means as the companies in my district go to make a product, they start with costs that are higher than other countries start in their costs. We then watch China cheat on the currency, anywhere from 20 to 80 percent, and we expect our manufacturers who are already disadvantaged in price competition to compete with countries that don't even play fair in international currency that further artificially lower their prices.

□ 1300

Now the challenge we have is that when we make a car or a pickup, we start with a huge disadvantage in price, and then compound that with currency changes, and then we wind up trying to sell more value-added units. In other words, just like a house gets most of the profits from adding a bigger kitchen, a bigger bedroom, we get value from making bigger cars, making bigger trucks, making SUVs and vans, in order to pay pensions and health care.

Then, all of a sudden, the world shifts. We start to mandate that you're going to have to get higher mileage. And where are we to get R&D dollars to do that? How are we to reduce the cost to be able to compete; that as we look at the cap-and-tax bill in my area, the number one manufacturing area, we're 85 percent coal and 15 percent nuclear. We don't have a lot of wind and solar that's going to be able to employ many of these people who had a middle class lifestyle, the American Dream, because they worked at these different factories, they worked to upgrade them. They're doing every lean management technique they can possibly do in these companies. How are they supposed to keep their jobs if we raise the energy costs in the manufacturing area of the United States?

It's not an accident that the four districts hardest hit are my district, Con-

gressman DONNELLY's in the South Bend area, Congressman LATTA, just over to the other side of Ohio, and Congressman JORDAN's, because of the energy use we have, combined with the heavy manufacturing.

Then we look at additional health care costs on these companies. The question becomes how to survive. They have no dollars for the R&D to meet these new demands. A bill like this, then, becomes essential. We don't really have money right now to spend. In case anybody hasn't figured out, we have incredible deficits.

I don't believe that this is really the role predominantly for the Federal Government to do. But I'm now left representing a district that, unless the Federal Government does this, and having piled on the mandates and having allowed China to cheat in international trade, unless we do this, I don't know how we survive. I don't know how the people in my district survive.

This program authorizes \$2.85 billion to conduct vehicle research and development. It has \$1.75 billion to create a new demonstration program to find commercial applications to reduce or eliminate petroleum use and emissions in passenger and commercial vehicles. There's \$1.1 billion to implement a similar program that applies to medium- and heavy-duty commercial vehicles.

I first want to thank my neighbor, friend, and colleague—it shows that you can do things in a bipartisan way—Congressman JOE DONNELLY, along with Congressman DEFAZIO, for making sure that RVs were included in this. Between us, we have 58 percent—between JOE and I, and then Congressman DEFAZIO has another chunk—of the RV industry in America.

This is a huge challenge. Guess what? Not only do you have these motor homes, of which 12 percent, I believe, of American people own either a towable or a mobile home, but you have to have a big vehicle to tow them. You can't tow them with a little, tiny car. We've got to figure out how we're going to deal with the mileage in that.

I also have the largest pickup plant in the United States, a Silverado and Sierra pickup plant that's actually getting a plus-up that is heavily robotics. But they need the technology, even though they're some of the most efficient pickups sold by any company. If they're going to compete with the mileage standards and GM is going to survive, they need to find new breakthroughs.

Navistar has just contracted to build electric delivery trucks in an abandoned RV plant in Elkhart County in Wakarusa, in my district. Alcoa, in Auburn, in my district, is working with aluminum to try to reduce the weight of the vehicles.

The CHAIR. The time of the gentleman has expired.

Mr. HALL of Texas. Mr. Chairman, I'm glad to yield 3 more minutes to the gentleman, knowing of his interest in the RV industry, and his support.

Mr. SOUDER. As we heard in steel, in my area I have two massive SDI, Steel Dynamics plants, as well as a whole bunch of supplementary facilities from OmniSource and others who provide recycled steel to them.

I have five Nucor facilities in my district, that if our steel is going to compete and get the weight down and get different methods, we're going to have to have more innovation and research.

Navistar also at this point has around 1,350 to 1,500 jobs in my area doing engineering and designing big trucks, military vehicles. We have a challenge in this in the military area, too, because the Humvee is done in Congressman DONNELLY's district, but the engine blocks and the hood and a lot of those parts that we're constantly struggling with on weight, are in my district as well.

I rise in support of this bill, even though I'm reluctant to have the government take over big parts of the R&D industry. We're in fact seeing other countries do this around the world. I don't know how we're going to achieve our goals to become greener, to get more efficient vehicles to help save our industrial base in the United States, if we don't do this.

So I rise in support of this. It's why the manufacturing groups support it, why the Chamber supports it, it's why the unions support it, because without some assistance it is not clear how in the world we're going to save the manufacturing jobs in America that are so critical to the industrial base.

And one last point. The industrial base that does the trucks, that does the RVs, that does the pickups, also does our military. And if we don't have the basic core manufacturing, it is not clear how we stay an independent Nation.

Mr. GORDON of Tennessee. Mr. Chairman, I yield such time as he may consume to the dean of the United States House of Representatives, and my mentor, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I rise to thank my dear friend, the gentleman from Tennessee, for his courtesy to me and for the expeditious way in which he has handled this bill. The Nation owes him a debt for this and for many other things. And I thank him.

I also rise in strong support of H.R. 3246, the Advanced Vehicle Technology Act of 2009. I want to commend my colleague from Michigan, Mr. PETERS, for the superb work that he and his staff have done on this important piece of legislation. And I want to also thank my colleagues on the Republican side, including the Republican coauthors and my good friend, the ranking minority member of the committee, the gentleman from Texas (Mr. HALL).

The bill that we consider today is going to help America to grasp the new technology in automobile manufacturing and save jobs and opportunities for our people in the future.

It will augment the Department of Energy's ability to research and to develop advanced technologies, which are necessary for the fuel-efficient vehicles of tomorrow. I take no small degree of personal interest in this subject, as several of the companies, such as A123 Systems, are located in my district, and they will produce new types of technologies under H.R. 3246 which will help them to foster these efforts, which are so much in our national interest.

Not only do these technologies have the potential to reduce vehicle fleet emissions and national fuel consumption, freeing us from dependence on foreign oil, but also their production represents a growth industry, something of which my home State, Michigan, and which the entire country is in great need. H.R. 3246 is therefore both an environmental and an economic blessing.

I urge my colleagues to vote in support of H.R. 3246, and I commend, again, my dear friend from Tennessee and my friend from Michigan for their authorship and for their leadership of this important matter.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Thank you, Mr. Chairman. I rise in strong support of H.R. 3246, the Advanced Vehicle Technology Act, and I want to especially applaud Congressman PETERS and Chairman GORDON, who I have had the honor to serve with on the Science Committee, and the distinguished ranking member, Mr. HALL, for his continued and outstanding commitment to science and technology and innovation. That's what moves the Nation forward. It's where his political career has been invested, in making sure that we continue to see America be the preeminent military, social, cultural, and economic leader in the world, and largely because of the embrace of technology and innovation like fuel cell technology.

We know, for example, that every time we replace a gasoline-powered bus with a fuel cell bus, it's equal to removing 77 cars from our roadways.

Hydrogen and fuel cell industries support in Connecticut some 2,100 jobs. With the vision that the chairman has laid out, that will only increase and expand across this country.

We had a young visionary President in the sixties who said that we could put a man on the moon within 10 years. We actually did it in nine. With this technology embracing the most abun-

dant element in the universe, you can't tell me that we can't heat and cool our buildings and get people back and forth to their jobs if we make the appropriate investment.

When you look at the certification from NASA of our ability to utilize fuel cell technology in flight and also in our space station, you understand the great potential that it has. But unless you have the backing of a visionary leader like BART GORDON, it will not come to fruition.

The CHAIR. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman an additional 30 seconds.

Mr. LARSON of Connecticut. So, again, Mr. Chairman, I would like to thank you and the committee for your commitment to this very important technology that seeks to advance our country and wean ourselves from dependency on foreign nations and help bring our troops home.

Mr. HALL of Texas. May I ask how much time I have? I continue to reserve, and I want to see if I might let the chairman have some of my time, if he needs it. He apparently has half a dozen or so other speakers over there.

The CHAIR. The gentleman from Texas has 21½ minutes.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. GORDON of Tennessee. Thank you, Mr. HALL. Mr. Chairman, I yield 2 minutes to a member of our committee, the gentleman from New York (Mr. TONKO).

Mr. TONKO. I rise today in support of H.R. 3246, the Advanced Vehicle Technology Act. H.R. 3246 supports the key public policy goals of improving our Nation's energy security and our environment. Specifically, this legislation encourages research and development for a diverse range of near-term and long-term vehicle electrification technologies that will improve vehicle fuel efficiency, reduce emissions, and support the United States manufacturing and American workers.

We must address our energy problems as we continue to address our economic problems. By doing so, I believe we can ensure that while our economy recovers, we will be competitive and secure in the energy sector as well. The passage of H.R. 3246 is indeed vital to addressing both of these concerns.

As Congress moves through this session, we must continue to pass policies that will promote energy efficiency—policies which drill and mine efficiencies as we previously drilled for oil and mined for coal.

Finally, we must continue to invest in research and development to ensure that our United States are at the forefront of the energy revolution: Creating jobs, embracing intellectual capacity, and promoting clean domestic energy.

I urge my colleagues to join me today and vote in favor of H.R. 3246. I commend the sponsor for his vision.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding, Mr. Chairman. I rise in support of H.R. 3246, the Advanced Vehicle Technology Act, and I'd like to thank the chairman of the committee, Mr. GORDON, and the ranking member, Mr. HALL, and my colleague particularly, Mr. PETERS, for bringing to the floor such a good bill.

H.R. 3246 will advance technologies of the future by reauthorizing the Department of Energy's vehicle technology program and build on an existing energy infrastructure to demonstrate and deploy more fuel-efficient automobiles and heavy equipment.

Over the years, the Department of Energy has worked with the industry to develop, demonstrate, and deploy vehicle technologies for automobiles and heavy-duty vehicles. Some of those research needs have been addressed through public-private research programs like the 21st Century Truck Partnership, the FreedomCAR, and Hydrogen Fuel Initiatives.

Unfortunately, in the past, our research priorities have shifted inconsistently between passenger and heavy-duty vehicles. As a result, many long-term goals remain unfulfilled.

□ 1315

H.R. 3246 offers the research parity and focus to advance technologies all across transportation sectors by including medium- to heavy-duty trucks and nonroad equipment. While the total number of heavy trucks is small compared to passenger vehicles, their fuel consumption and emissions justify a consistent investment in basic research and development of hybrid models and other advanced truck technologies. There is no one-size-fits-all approach that will address the unique needs and demands on construction, industrial and agricultural equipment. Therefore, we must examine the full range of components within nonroad equipment systems to produce the greatest overall efficiency benefits at the least cost.

I know everyone here recognizes the essential role nonroad equipment plays in improving our infrastructure. Fuel remains a primary driver in the cost of major construction and infrastructure projects. With advances in nonroad equipment technologies, we will further our drive for efficiency and fuel savings beyond the engine alone so that we can see tremendous benefits in project productivity and energy efficiency.

For these reasons, Mr. Chair, I support H.R. 3246 and urge my colleagues to do the same.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the

champion for Cash for Clunkers, the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the chairman for yielding the time, and I thank him for his strong leadership on this issue and on so many initiatives that are leading our country forward. I would like to commend my friend Congressman GARY PETERS for his great work on this bill, which I am delighted to rise in support of.

The Advanced Vehicle Technology Act provides this Congress with a great opportunity to help create green automotive jobs for American workers. Currently, almost all of the major components for advanced technology vehicles sold in the United States are imported. That needs to change. We must ensure that our workers are assembling the vehicles of tomorrow and producing the components and next-generation technologies right here at home.

The Advanced Vehicle Technology Act invests in a diverse and comprehensive range of technologies and programs that will improve fuel efficiency and reduce harmful emissions. In my district, a startup company has been working on a process to recover engine waste heat to convert into electricity to power the very same vehicle. Under this bill, they could partner with the Department of Energy and other industry partners to further develop and commercialize this energy-producing and saving technology.

I'm also pleased that this bill has a provision for the research, development, demonstration and commercialization of lightweight materials. Mr. Chair, Akron, Ohio, is the polymer capital of the world. There is a strong interest for research and commercialization of polymers and plastics by companies across the country. In addition, our steelworkers in the domestic steel industry can produce advanced high-strength steel which makes vehicles considerably stronger while requiring less mass and increasing fuel economy.

Recently, with the overwhelming success of the CARS program, Americans demonstrated their desire to trade in their less efficient clunker for a more fuel-efficient vehicle. Thanks to the CARS program, nearly 700,000 clunkers were taken off the road and replaced with vehicles that had on average 58 percent increased fuel economy. The CARS program brought thousands of workers back to work, making autos and parts for more fuel-efficient vehicles. With this bill before us, we will take another step to help our environment and grow jobs. That's why this bill has earned the support of the UAW as well as Ford, GM, Chrysler and other industry and business groups.

Mr. Chair, I'm also proud that we worked on an amendment that was added to this bill, working with Representative CHELLIE PINGREE and Chairman GORDON, which is also sup-

ported by the UAW, requiring an annual report on the technologies developed from the Advanced Vehicle Technology Program. The report must disclose whether these technologies were successfully adopted for commercial applications; and if they were, whether these technologies are manufactured in the United States. With taxpayer dollars invested, we want them to be manufactured right here in the United States. I commend the gentlemen for their great work.

Mr. HALL of Texas. Mr. Chair, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. Thank you very much, to the distinguished chairman of the Science and Technology Committee, BART GORDON. I also want to thank my colleague on the Financial Services Committee, a very distinguished new Member of the House, GARY PETERS, the sponsor of this bill.

By increasing the power of alternative and renewable energy, we have the opportunity to break our addiction to foreign oil, reduce global warming and create millions of new jobs in the process, ones that cannot be shipped overseas. In my own region, we are doing research in alternative fuels such as butanol at the School of Environmental Science and Forestry in Syracuse, and we have hydrogen fuel cell technology in Rochester institutions of higher education, as well as at a Delphi plant there. We're already using these new fuel vehicles, the ones that have already come out.

On Monday I stood at an old train station in downtown Syracuse which had been abandoned for years, creating an eyesore. But using stimulus money, the Clean Communities Group will turn this building into a charging station for electric cars as well as an alternative fueling hub for CuseCar, an alternative fuel car sharing company in Syracuse. Under this bill, it can become a center for research on the practical use of these advanced technology vehicles.

Our energy policy, Mr. Chairman, is heading in the right direction, and the Advanced Vehicle Technology Act ensures that we are charting the right course for our new energy future.

Mr. HALL of Texas. Mr. Chair, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank the chairman for his work and his committee's great work on this bill.

Mr. Chair, I rise today in support of H.R. 3246. This bill is another example of Congress' commitment to reducing our dependence on foreign oil, creating green jobs to revitalize our economy,

and reestablishing America as a global innovation leader.

I have seen firsthand how our investments are paying off for my hometown of Louisville, Kentucky. There, 400 new jobs are being created thanks to Recovery Act funding that incentivized General Electric to move the production of an energy-efficient water heater from China back to the United States in Louisville.

H.R. 3246 represents another step forward—this time, by ensuring our Nation's auto industry will drive innovation by developing clean and efficient technologies for every type of vehicle. This important legislation establishes research and development programs that will lower petroleum usage and emissions in heavy-duty vehicles that are key to commerce but are often recognized as some of the least efficient in operation.

At the Kentucky truck plant, also in my hometown, hardworking employees produce the F-Series heavy-duty truck. By developing new technologies to make heavy-duty trucks more energy efficient, more fuel efficient and, therefore, more in demand, Ford will be able to expand operations and create new jobs.

That's what this legislation is all about, investing in green technology to create good-paying U.S. jobs and to stimulate economic growth while continuing our efforts to ensure that America leads the world in the industry that will dominate the global economy for decades to come. We cannot afford to pass up this opportunity.

I, therefore, urge all my colleagues to join me in supporting the Advanced Vehicle Technology Act.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Advanced Vehicle Technology Act. I am proud to be an original co-sponsor of this important bill introduced by my colleague from Michigan, Mr. PETERS.

This legislation builds on the success of the Department of Energy's vehicle technology programs in collaborating with industry to develop the cars and trucks of the future. Hybrids, plug-in hybrids, pure electric cars, fuel cell vehicles, alternative fuel vehicles: these technologies all require enormous and sustained investments in R&D. Through vehicle technology programs like FutureCar and the 21st Century Truck Partnership, DOE is partnering with industry to make this R&D more feasible and more fruitful.

The bill before us would rationalize the authorization for DOE's varied vehicle technology programs and substantially increase the authorized funding levels. In total this bill authorizes \$2.9 billion over the next 5 years to invest in vehicle technology. It will be essential for Congress to follow through and fully fund this authorization in the annual appropriations process.

I am particularly pleased that this bill recognizes the enormous fuel savings potential in the medium and heavy duty market and specifies that up to \$200 million per year be devoted to developing advanced technology me-

dium and heavy duty trucks. This complements legislation I've introduced to extend the tax credits for the purchase of medium and heavy duty trucks for 5 years and double the amount of the credits.

These vehicles move 80 percent of the goods transported in the U.S., serve as utility maintenance vehicles, and perform refuse collection services in our communities. It is estimated that the fuel consumption of the 90,000 refuse collection trucks in the U.S. is equivalent to 2.5 million passenger vehicles. Putting as few as 10,000 hybrid electric trucks on the road would reduce diesel fuel use by 7.2 million gallons per year and reduce carbon dioxide emissions by 83,000 tons.

In a word Mr. Chair, this bill is vital. It is a vital step toward a full partnership between the Federal Government and the domestic auto industry in developing the cars and trucks of the future and building them here in the United States. I urge all my colleagues to support it.

Mr. AL GREEN of Texas. Mr. Chair, I wish to express my strong support for H.R. 3246, the Advanced Vehicle Technology Act of 2009.

The global competition for producing the cars and trucks of the future is happening now. There is no question that in the years ahead, people will be driving hybrids, plug-in hybrids, battery electric vehicles, and cars and trucks powered by hydrogen fuel cells. The question is whether these technologies will be imported from abroad, or produced right here in the United States by a sustainable, cutting-edge American automobile industry.

The global economic downturn and credit crisis have limited the resources that automakers and vehicle manufacturers can draw on to support their research and development activities. As American automakers struggle to become globally competitive and we race to make the best and most fuel-efficient vehicles, we have a chance to accelerate their development through the Advanced Vehicle Technology Act of 2009.

The Advanced Vehicle Technology Act will reauthorize the Department of Energy's Vehicle Technologies Program, through which the Department partners with industry to provide research, development, demonstration, and commercial application of advanced vehicle technologies in the U.S. These programs have led to numerous successes, including a dual-mode hybrid transmission system used in transit buses and trucks manufactured in the U.S.

Through supporting advanced vehicle technologies, this legislation also reaffirms our commitment to reducing energy use to combat global warming and increase America's energy independence by reducing the need for imported oil.

Recognizing the importance of this legislation, H.R. 3246 has been endorsed by General Motors, Ford Motor Company, Chrysler, the UAW, Nissan, the Motor and Equipment Manufacturers Association, Daimler, Magna International, Delphi, ArvinMeritor, Robert Bosch LLC, Caterpillar, Dueco Odyne, Achates Power, and the Engine Manufacturers Association.

Let us invest in American energy independence, American jobs, a cleaner environment and cleaner communities by voting in favor of the Advanced Vehicle Technology Act of

2009. I urge my colleagues to support H.R. 3246.

Mr. LARSON of Connecticut. Mr. Chair, I rise in support of H.R. 3246, the Advanced Vehicle Technology Act, and applaud the efforts of Congressman PETERS, Chairman GORDON, and his colleagues on the Science and Technology Committee for their contributions to the future of advanced automobile technologies in the U.S. As long as we are exporting our dollars overseas in exchange for oil, our economic and national security are at risk. The future of the American auto industry and thousands of American jobs rest on the ability of domestic car companies to research, develop, and commercialize new, clean, efficient technologies, including hydrogen and fuel cell technologies, that will be the backbone of a new U.S. vehicle market and economy.

Hydrogen fuel cells can provide power for a wide array of transportation applications. Fuel Cells are a proven technology and already in use today. In Hartford, CT, the transit department is using a fuel cell powered bus that emits no pollution. Every time we replace a gasoline powered bus with a fuel cell bus it is equal to removing 77 cars from our roadways. The hydrogen and fuel cell industry already supports 2,100 jobs in Connecticut alone and with this bill is poised to add many others.

Hydrogen fuel cells are clean and efficient and will allow us to become more energy independent while reducing carbon emissions. Supporting this bill will give us more options to create jobs in Connecticut, keep America competitive, and reduce pollution. I encourage a "yes" vote on this bill.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the Advanced Vehicle Technology Act of 2009.

This bipartisan bill will provide long term, sustained funding for a comprehensive research and development program across a spectrum of vehicle sizes and advanced vehicle technologies. It will focus and better coordinate the ongoing work of our federal agencies, research institutions and private industry on this important task. And it will benefit all Americans by strengthening our energy security, reducing harmful emissions, providing consumers with more vehicle choice, boosting our manufacturing sector and enhancing our international competitiveness.

I commend Representatives PETERS and BIGGETT for crafting this forward-looking legislation. I urge my colleagues' support.

Ms. MCCOLLUM. Mr. Chair, I rise today to express my support for the Advanced Vehicle Technology Act (H.R. 3246). I thank Chairman GORDON and the members of the Science and Technology Committee for their work on this important legislation, which will fuel innovation in the American automobile sector and capitalize on America's manufacturing infrastructure to spur the creation of millions of well-paying American jobs and reduce our greenhouse gas emissions.

Our country's approach to developing advanced technology vehicles must be comprehensive and coordinated to ensure innovation and advancement in our entire vehicle fleet. Historically, the Vehicle Technologies program at the U.S. Department of Energy

has lacked a comprehensive approach to research and development, with various technologies competing for funding and imbalanced investment in between passenger and heavy duty vehicles research. The Advanced Vehicle Technology Act addresses these issues through authorization of long-term, sustained funding for a new comprehensive research and development program at the Department of Energy. H.R. 3246 invests in a diverse range of near-term and long-range vehicle technologies that will improve fuel efficiency, support domestic research and manufacturing, and reduce our country's dependence on petroleum that pollutes our planet and keeps us dependent on foreign energy sources. Such a comprehensive approach will fuel American innovation now and into the future.

Innovation is America's greatest strength. As our country recovers from a serious recession, funding for research and development is one of the best investments we can make to restore our American leadership in the global economy. America excels at high tech manufacturing, and investing in the development of a new generation of advanced technology vehicles will drive the creation of millions of new, well paying manufacturing jobs here at home. Innovation in vehicle technologies is also an important component in addressing the pressing challenge of global climate change. America's passenger and commercial transport sector produces one third of our country's total carbon dioxide emissions. Meeting the challenge of global climate change will require the development of a new generation of vehicles powered with clean energy.

Modernizing our nation's vehicle fleet through American innovation is critical for our economic prosperity, energy security, and responsible stewardship of our planet. I urge my colleagues to support H.R. 3246.

Mr. HARE. Mr. Chair, I rise today in strong support of H.R. 3246, the Advanced Vehicle Technology Act of 2009. I commend our colleague from Michigan, Representative GARY PETERS, for authoring this important legislation, which will create the most comprehensive national vehicle research and development program to date. I would also like to acknowledge my colleague from the Illinois delegation, Representative JUDY BIGGERT, for her efforts in working with Representative PETERS to bring this bill to the floor.

Today, our nation faces many serious challenges such as rising unemployment, energy demands that continue to increase exponentially, fierce global competition in technology innovation and the threat of a warming planet, yet the Advanced Vehicle Technology Act provides hope in many of these areas. As one of the largest and busiest bases of manufacturing in the U.S., my home state of Illinois stands to greatly benefit from H.R. 3246. New opportunities are created for Illinois engine and equipment manufacturers, such as John Deere, to build and use products that excel in terms of efficiency and productivity, and contribute to our sustainability. The bill also ensures that American manufacturers remain competitive worldwide by allowing for the collaboration between the Department of Energy and American automakers and commercial, transit, and non-road vehicle manufacturers to

develop cutting edge, environmentally friendly technologies.

Additionally, I strongly urge the passage of Chairman GORDON's amendment to H.R. 3246, that includes a small—but important—change to this measure that I authored, which broadens the playing field for those wanting to collaborate with the Department of Energy under this program to include non-road mobile equipment manufacturers. I believe this change in language is critical as many states have petitioned the Environmental Protection Agency with their concerns over greenhouse gas emissions from non-road vehicles and have stated that these vehicles and pieces of equipment are worthy of consideration for partnership with the Department of Energy. Put simply, this amendment makes a great bill even better by allowing manufacturers of non-road mobile equipment in the fields of agriculture, construction and mining and forestry a chance to work with the Department of Energy to find innovative ways to reduce America's dependence on foreign oil and the harmful emissions that cause global warming.

The Gordon amendment and the overall bill both help keep American innovation within U.S. borders, and importantly do the same for the research, development and manufacturing jobs that come with those innovations. Furthermore, this bill has the support of a broad range of groups such as Deere & Company, Caterpillar, the U.S. Chamber of Commerce, the Natural Resources Defense Council, and the Sierra Club. The wide array of support this bill has drawn from both ends of the spectrum is evidence of the need for this legislation to become law.

The Advanced Vehicle Technology Act creates and preserves American jobs while having the potential to greatly impact our environment. Again, I applaud and thank my friends GARY PETERS and JUDY BIGGERT, who serve on the Science and Technology Committee for leading the charge on this important legislation. I would also like to thank Chairman GORDON and Ranking Member HALL for their support of this bill. Mr. Chair, I urge the House to adopt both the Gordon amendment and H.R. 3246, the Advanced Vehicle Technology Act of 2009.

Mr. HALL of Texas. I yield back the balance of my time. Thank you, Mr. Chair.

Mr. GORDON of Tennessee. Having no additional speakers, Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3246

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Advanced Vehicle Technology Act of 2009".*

#### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) According to the Energy Information Administration, the transportation sector accounts for approximately 28 percent of the United States primary energy demand and greenhouse gas emissions, and 24 percent of global oil demand.

(2) The United States transportation sector is over 95 percent dependent on petroleum, and over 60 percent of petroleum demand is met by imported supplies.

(3) United States heavy truck fuel consumption will increase 23 percent by 2030, while overall transportation energy use will decline by 1 percent.

(4) The domestic automotive and commercial vehicle manufacturing sectors have increasingly limited resources for research and development of advanced technologies.

(5) Vehicle, engine, and component manufacturers are playing a more important role in vehicle technology development, and should be better integrated into Federal research efforts.

(6) Priorities for the Department of Energy's vehicle technologies research have shifted drastically in recent years among diesel hybrids, hydrogen fuel cell vehicles, and plug-in electric hybrids, with little continuity among them.

(7) The integration of vehicle, communication, and infrastructure technologies has great potential for efficiency gains through better management of the total transportation system.

(8) The Federal Government should balance its role in researching longer-term exploratory concepts and developing nearer-term transformational technologies for vehicles.

#### SEC. 3. OBJECTIVES.

*The objectives of this Act are to—*

*(1) develop technologies and practices that—*

*(A) improve the fuel efficiency and emissions of all vehicles produced in the United States; and*

*(B) reduce vehicle reliance on petroleum-based fuels;*

*(2) support domestic research, development, demonstration, and commercial application and manufacturing of advanced vehicles, engines, and components;*

*(3) enable vehicles to move larger volumes of goods and more passengers with less energy and emissions;*

*(4) develop cost-effective advanced technologies for wide-scale utilization throughout the passenger, commercial, government, and transit vehicle sectors;*

*(5) allow for greater consumer choice of vehicle technologies and fuels;*

*(6) shorten technology development and integration cycles in the vehicle industry;*

*(7) ensure a proper balance and diversity of Federal investment in vehicle technologies; and*

*(8) strengthen partnerships between Federal and State governmental agencies and the private and academic sectors.*

#### SEC. 4. DEFINITIONS.

*For the purposes of this Act:*

*(1) DEPARTMENT.—The term "Department" means the Department of Energy.*

*(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.*

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

*(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application of vehicles and related technologies, including activities authorized under this Act:*

*(1) \$550,000,000 for fiscal year 2010.*

*(2) \$560,000,000 for fiscal year 2011.*

*(3) \$570,000,000 for fiscal year 2012.*

*(4) \$580,000,000 for fiscal year 2013.*

*(5) \$590,000,000 for fiscal year 2014.*

*(b) MEDIUM AND HEAVY DUTY COMMERCIAL VEHICLES.—From the amounts authorized under subsection (a), there are authorized to be appropriated for carrying out title II—*

- (1) \$200,000,000 for fiscal year 2010;
- (2) \$210,000,000 for fiscal year 2011;
- (3) \$220,000,000 for fiscal year 2012;
- (4) \$230,000,000 for fiscal year 2013; and
- (5) \$240,000,000 for fiscal year 2014.

(c) **USER FACILITIES.**—From the amounts authorized under subsection (a), there are authorized to be appropriated for carrying out section 104—

- (1) \$35,000,000 for fiscal year 2010;
- (2) \$30,000,000 for fiscal year 2011;
- (3) \$20,000,000 for fiscal year 2012;
- (4) \$15,000,000 for fiscal year 2013; and
- (5) \$15,000,000 for fiscal year 2014.

(d) **NON-ROAD PILOT PROGRAM.**—From the amounts authorized under subsection (a), there are authorized to be appropriated for carrying out section 204—

- (1) \$20,000,000 for fiscal year 2010;
- (2) \$20,000,000 for fiscal year 2011; and
- (3) \$20,000,000 for fiscal year 2012.

### **TITLE I—VEHICLE RESEARCH AND DEVELOPMENT**

#### **SEC. 101. PROGRAM.**

(a) **ACTIVITIES.**—The Secretary shall conduct a program of basic and applied research, development, demonstration, and commercial application activities on materials, technologies, and processes with the potential to substantially reduce or eliminate petroleum use and the emissions of the Nation's passenger and commercial vehicles, including activities in the areas of—

- (1) hybridization or full electrification of vehicle systems;
- (2) batteries and other energy storage devices;
- (3) power electronics;
- (4) vehicle, component, and subsystem manufacturing technologies and processes;
- (5) engine efficiency and combustion optimization;
- (6) waste heat recovery;
- (7) transmission and drivetrains;
- (8) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure;
- (9) aerodynamics, rolling resistance, and accessory power loads of vehicles and associated equipment;
- (10) vehicle weight reduction;
- (11) friction and wear reduction;
- (12) engine and component durability;
- (13) innovative propulsion systems;
- (14) advanced boosting systems;
- (15) hydraulic hybrid technologies;
- (16) engine compatibility with and optimization for a variety of transportation fuels including liquid and gaseous fuels;
- (17) predictive engineering, modeling, and simulation of vehicle and transportation systems;
- (18) refueling and charging infrastructure for alternative fueled and electric or plug-in electric hybrid vehicles;
- (19) gaseous fuels storage system integration and optimization;
- (20) sensing, communications, and actuation technologies for vehicle, electrical grid, and infrastructure;
- (21) efficient use and recycling of rare earth materials, and reduction of precious metals and other high-cost materials in vehicles;
- (22) aftertreatment technologies;
- (23) thermal management of battery systems;
- (24) development of common standards, specifications, and architectures for both transportation and stationary battery applications; and
- (25) other research areas as determined by the Secretary.

(b) **TRANSFORMATIONAL TECHNOLOGY.**—The Secretary shall ensure that the Department continues to support activities and maintains competency in mid- to long-term transformational vehicle technologies with potential to achieve deep reductions in petroleum use and emissions, including activities in the areas of—

(1) hydrogen vehicle technologies, including fuel cells, internal combustion engines, hydrogen storage, infrastructure, and activities in hydrogen technology validation and safety codes and standards;

(2) multiple battery chemistries and novel energy storage devices, including electromechanical batteries and other nonchemical batteries;

(3) communication and connectivity among vehicles, infrastructure, and the electrical grid; and

(4) other innovative technologies research and development, as determined by the Secretary.

(c) **INDUSTRY PARTICIPATION.**—To the maximum extent practicable, activities under this Act shall be carried out in partnership or collaboration with automotive manufacturers, heavy commercial and transit vehicle manufacturers, vehicle and engine equipment and component manufacturers, manufacturing equipment manufacturers, advanced vehicle service providers, fuel producers and energy suppliers, electric utilities, universities, national laboratories, and independent research laboratories. In carrying out this Act the Secretary shall—

(1) determine whether a wide range of companies that manufacture or assemble vehicles or components in the United States are represented in ongoing public private partnership activities, including firms that have not traditionally participated in federally-sponsored research and development activities, and where possible, partner with such firms that conduct significant and relevant research and development activities in the United States;

(2) leverage the capabilities and resources of, and formalize partnerships with, industry-led stakeholder organizations, nonprofit organizations, industry consortia, and trade associations with expertise in the research and development of, and education and outreach activities in, advanced automotive and commercial vehicle technologies;

(3) develop more efficient processes for transferring research findings and technologies to industry;

(4) give consideration to conversion of existing or former vehicle technology manufacturing facilities for the purposes of this Act; and

(5) promote efforts to ensure that technologies developed under this Act are produced in the United States.

(d) **INTERAGENCY AND INTRAAGENCY COORDINATION.**—To the maximum extent practicable, the Secretary shall coordinate research, development, demonstration, and commercial application activities among—

(1) relevant programs within the Department, including—

(A) the Office of Energy Efficiency and Renewable Energy;

(B) the Office of Science;

(C) the Office of Electricity Delivery and Energy Reliability;

(D) the Office of Fossil Energy;

(E) the Advanced Research Projects Agency—Energy; and

(F) other offices as determined by the Secretary; and

(2) relevant technology research and development programs within other Federal agencies, as determined by the Secretary.

(e) **COORDINATION AND NONDUPLICATION.**—In coordinating activities the Secretary shall ensure, to the maximum extent practicable, that activities do not duplicate those of other programs within the Department or other relevant research agencies.

(f) **FEDERAL DEMONSTRATION OF TECHNOLOGIES.**—The Secretary shall make information available to procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through programs under this Act.

(g) **INTERGOVERNMENTAL COORDINATION.**—The Secretary shall seek opportunities to leverage resources and support initiatives of State and local governments in developing and promoting advanced vehicle technologies, manufacturing, and infrastructure.

#### **SEC. 102. SENSING AND COMMUNICATIONS TECHNOLOGIES.**

The Secretary, in coordination with the relevant research programs of other Federal agencies, shall conduct research, development, and demonstration activities on connectivity of vehicle and transportation systems, including on sensing, computation, communication, and actuation technologies that allow for reduced fuel use, optimized traffic flow, and vehicle electrification, including technologies for—

(1) onboard vehicle, engine, and component sensing and actuation;

(2) vehicle-to-vehicle sensing and communication;

(3) vehicle-to-infrastructure sensing and communication; and

(4) vehicle integration with the electrical grid.

#### **SEC. 103. MANUFACTURING.**

The Secretary shall carry out a research, development, demonstration, and commercial application program of advanced vehicle manufacturing technologies and practices, including innovative processes to—

(1) increase the production rate and decrease the cost of advanced battery manufacturing;

(2) vary the capability of individual manufacturing facilities to accommodate different battery chemistries and configurations;

(3) reduce waste streams, emissions, and energy-intensity of vehicle, engine, and component manufacturing processes;

(4) recycle and remanufacture used batteries and other vehicle components for reuse in vehicles or stationary applications;

(5) produce cost-effective lightweight materials such as advanced metal alloys, polymeric composites, and carbon fiber;

(6) produce lightweight high pressure storage systems for gaseous fuels;

(7) design and manufacture purpose-built hydrogen and fuel cell vehicles and components; and

(8) produce permanent magnets for advanced vehicles.

#### **SEC. 104. USER TESTING FACILITIES.**

Activities under this Act may include construction, expansion, or modification of new and existing vehicle, engine, and component research and testing facilities for—

(1) testing or simulating interoperability of a variety of vehicle components and systems;

(2) subjecting whole or partial vehicle platforms to fully representative duty cycles and operating conditions;

(3) developing and demonstrating a range of chemistries and configurations for advanced vehicle battery manufacturing; and

(4) developing and demonstrating test cycles for new and alternative fuels, and other advanced vehicle technologies.

### **TITLE II—MEDIUM AND HEAVY DUTY COMMERCIAL AND TRANSIT VEHICLES**

#### **SEC. 201. PROGRAM.**

(a) **IN GENERAL.**—The Secretary, in partnership with relevant research and development programs in other Federal agencies, and a range of appropriate industry stakeholders, shall carry out a program of cooperative research, development, demonstration, and commercial application activities on advanced technologies for medium- to heavy-duty commercial and transit vehicles, including activities in the areas of—

(1) engine efficiency and combustion research;

(2) on board storage technologies for compressed and liquefied natural gas;

(3) development and integration of engine technologies designed for natural gas operation of a variety of vehicle platforms;

- (4) waste heat recovery and conversion;
  - (5) improved aerodynamics and tire rolling resistance;
  - (6) energy and space-efficient emissions control systems;
  - (7) heavy hybrid, hybrid hydraulic, plug-in hybrid, and electric platforms, and energy storage technologies;
  - (8) drivetrain optimization;
  - (9) friction and wear reduction;
  - (10) engine idle and parasitic energy loss reduction;
  - (11) electrification of accessory loads;
  - (12) onboard sensing and communications technologies;
  - (13) advanced lightweighting materials and vehicle designs;
  - (14) increasing load capacity per vehicle;
  - (15) thermal management of battery systems;
  - (16) recharging infrastructure;
  - (17) complete vehicle modeling and simulation;
  - (18) hydrogen vehicle technologies, including fuel cells and internal combustion engines, and hydrogen infrastructure;
  - (19) retrofitting advanced technologies onto existing truck fleets; and
  - (20) integration of these and other advanced systems onto a single truck and trailer platform.
- (b) **LEADERSHIP.**—The Secretary shall appoint a full-time Director to coordinate research, development, demonstration, and commercial application activities in medium- to heavy-duty commercial and transit vehicle technologies. Responsibilities of the Director shall be to—
- (1) improve coordination and develop consensus between government agency and industry partners, and propose new processes for program management and priority setting to better align activities and budgets among partners;
  - (2) regularly convene workshops, site visits, demonstrations, conferences, investor forums, and other events in which information and research findings are shared among program participants and interested stakeholders;
  - (3) develop a budget for the Department's activities with regard to the interagency program, and provide consultation and guidance on vehicle technology funding priorities across agencies;
  - (4) determine a process for reviewing program technical goals, targets, and timetables and, where applicable, aided by life-cycle impact and cost analysis, propose revisions or elimination based on program progress, available funding, and rate of technology adoption;
  - (5) evaluate ongoing activities of the program and recommend project modifications, including the termination of projects, where applicable;
  - (6) recruit new industry participants to the interagency program, including truck, trailer, and component manufacturers who have not traditionally participated in federally sponsored research and technology development activities; and
  - (7) other responsibilities as determined by the Secretary, in consultation with interagency and industry partners.

(c) **REPORTING.**—At the end of each fiscal year the partnership shall submit to the Secretary and relevant Congressional committees of jurisdiction an annual report describing activities undertaken in the previous year, active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

#### **SEC. 202. CLASS 8 TRUCK AND TRAILER SYSTEMS DEMONSTRATION.**

The Secretary shall conduct a competitive grant program to demonstrate the integration of multiple advanced technologies on Class 8 truck and trailer platforms with a goal of improving overall freight efficiency, as measured in tons and volume of freight hauled or other work per-

formance-based metrics, by 50 percent, including a combination of technologies listed in section 201(a). Applicant teams may be comprised of truck and trailer manufacturers, engine and component manufacturers, fleet customers, university researchers, and other applicants as appropriate for the development and demonstration of integrated Class 8 truck and trailer systems.

#### **SEC. 203. TECHNOLOGY TESTING AND METRICS.**

The Secretary, in coordination with the partners of the interagency research program described in section 201(a)—

(1) shall develop standard testing procedures and technologies for evaluating the performance of advanced heavy vehicle technologies under a range of representative duty cycles and operating conditions, including for heavy hybrid propulsion systems;

(2) shall evaluate heavy vehicle performance using work performance-based metrics other than those based on miles per gallon, including those based on units of volume and weight transported for freight applications, and appropriate metrics based on the work performed by nonroad systems; and

(3) may construct heavy duty truck and bus testing facilities.

#### **SEC. 204. NONROAD SYSTEMS PILOT PROGRAM.**

The Secretary shall undertake a pilot program of research, development, demonstration, and commercial applications of technologies to improve total machine or system efficiency for heavy duty nonroad equipment, and shall seek opportunities to transfer relevant research findings and technologies between the nonroad and on-highway equipment and vehicle sectors.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–255. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–255.

Mr. GORDON of Tennessee. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 15, after line 9, insert the following new section:

#### **SEC. 105. REPORTING.**

Not later than 18 months after the date of enactment of this Act and annually thereafter through 2015, the Secretary of Energy shall transmit to Congress a report regarding the technologies developed as a result of the activities authorized by this title, with a particular emphasis on whether the technologies were successfully adopted for commercial applications, and if so, whether those technologies are manufactured in the United States.

Page 18, line 20, through page 19, line 2, amend subsection (c) to read as follows:

(c) **REPORTING.**—At the end of each fiscal year, the Secretary shall submit to the Congress an annual report describing activities undertaken in the previous year, active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

Page 20, line 13, strike “heavy duty”.

Page 20, line 13, insert “mobile” after “nonroad”.

The CHAIR. Pursuant to House Resolution 745, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself as much time as I may consume.

The amendment I have offered has three parts. First, it makes a small technical change at the request of the Department of Justice to clarify that the Secretary shall report to Congress on the medium- to heavy-duty vehicle program; second, it incorporates an amendment from my colleague from Maine (Ms. PINGREE) to require a report on commercialized technologies from the overall vehicle technology program; and third, it incorporates the amendment offered by Mr. HARE of Illinois to ensure that a range of nonroad mobile equipment is eligible for the pilot program in section 204.

This is a simple amendment which incorporates a few small changes suggested by my colleagues to make the bill even better. I urge its adoption.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chair, I rise to claim the time on the Gordon amendment.

The CHAIR. The gentleman is recognized for 10 minutes.

Mr. HALL of Texas. I yield myself as much time as I may consume.

I support the Gordon amendment with a caveat. I support the title II reporting requirement classification that the Secretary shall submit the annual report to Congress. In regards to the report requirement for title I, I would prefer the reporting language that is in Representative BROUN's amendment as it's more comprehensive and mirrors the report language requirement in title II. Perhaps in conference, the two authors of the reporting amendments could agree to merge that language so that all bases are covered.

The third part of Mr. GORDON's amendment deals with striking “heavy duty” from the Nonroad Systems Pilot Program in section 204 in the bill and adding the word “mobile” so that we are now referring to nonroad mobile equipment. I understand that there is some concern that the term heavy duty has a different meaning in the nonroad world than it does in the on-road world. So I appreciate the addition of “mobile” in the section as well as Mr. HOLT's upcoming amendment that would further clarify that the pilot

program is intended to include agricultural and construction nonroad equipment.

With that, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, let me say to Mr. HALL, I understand his concern about the additional accountability with Mr. BROUN, and he has an amendment that we will be supporting later. So hopefully those will be complementary, and we will have additional accountability and transparency.

If the gentleman from Texas has nothing more to say, I don't either.

Mr. HALL of Texas. I have a speaker on the way. I don't believe he's here yet.

I would like to reserve my time. If you could take another 2 or 3 minutes to do whatever you want to do or say.

Mr. GORDON of Tennessee. Well, if you would like to compliment me for a couple of minutes, I would be happy to accept that while we wait.

Mr. HALL of Texas. Well, first I appreciate your trip to Texas Monday, up and back. And I appreciate Mr. BROUN's position on this. You know, we had amendments, and Mr. BROUN's amendment, I believe, was voted down by a party vote when we had the hearing. I may be wrong on that. But he's here to support the position that he's taken. I'd like to have some time for him to at least talk about how the two could fit together when we head to conference or any of the conference committees.

□ 1330

Mr. GORDON of Tennessee. Well, I would say to Mr. HALL, certainly I think Mr. BROUN is a constructive force, certainly in our committee as well as here. I think he has two amendments today. I would suggest this potentially to my friend; if whomever you have coming to speak, we could allow them to speak during another amendment if that would be consistent.

Mr. HALL of Texas. I would ask unanimous consent that that be granted.

Mr. GORDON of Tennessee. If that's the case, then I think we can complete this amendment now.

The CHAIR. The gentleman's request is not in order in the Committee of the Whole.

Mr. GORDON of Tennessee. Well, we don't really need a UC. Mr. HALL and I know that we can trust each other, and so if he has someone that wants to speak later, we will certainly make that available at any time they come in on whatever amendment it might be.

Mr. Chairman, I reserve my time.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HALL OF TEXAS

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-255.

Mr. HALL of Texas. Mr. Chairman, I rise as the designee for the amendment by the gentleman of Georgia (Mr. BROUN).

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HALL of Texas:

Page 6, line 8, strike "\$560,000,000" and insert "\$550,000,000".

Page 6, line 9, strike "\$570,000,000" and insert "\$550,000,000".

Page 6, line 10, strike "\$580,000,000" and insert "\$550,000,000".

Page 6, line 11, strike paragraph (5).

Page 6, line 17, strike "\$210,000,000" and insert "\$200,000,000".

Page 6, line 18, strike "\$220,000,000" and insert "\$200,000,000".

Page 6, line 19, strike "\$230,000,000" and insert "\$200,000,000".

Page 6, line 20, strike paragraph (5).

Page 7, line 2, strike paragraph (5).

The CHAIR. Pursuant to House Resolution 745, the gentleman from Texas (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia, Dr. BROUN, for his amendment.

Mr. BROUN of Georgia. Thank you, Mr. HALL.

Mr. Chairman, I rise to support my amendment.

Mr. Chairman, my amendment is very straightforward. To be blunt, I'm asking this body to show the tiniest sliver of fiscal restraint to freeze the authorization levels that this bill outlines at next year's levels.

As the bill is currently written, next year this body will authorize \$550 million for advanced vehicle technology. This is money in addition to the billions of dollars in funding already authorized and made available to the auto industry in the Energy Independence and Security Act of 2007, and the millions more made available to them just this year in the nonstimulus bill.

Starting in 2011, and for the next 3 years, this authorization calls for \$10 million in increases for each ensuing year. Surely, Mr. Chairman, we can all agree that with all of the money out there already and with the massive increases authorized in this bill, saving \$30 million is more than reasonable. Additionally, because of all the money that is already available to this program and similar programs, my amendment asks that we end this legislation's funding authorization after 2013.

Mr. Chairman, we are spending money at record rates. And with a pro-

posed health care reform bill, a potential highway bill, cap-and-trade, and a whole slew of other bills that will be considered in the near future, there does not seem to be any end in sight. Surely we can all agree that showing just a tiny bit of fiscal responsibility is in all of our best interests.

The American taxpayers and future generations are on the hook for trillions of dollars in spending, borrowing, and interest payments over the coming decades. I'm simply asking for us to show a modicum of restraint. For simply put, isn't \$550 million a year for a program that already has multiple funding sources enough? I think so.

Mr. GORDON of Tennessee. Mr. Chairman, I rise in opposition to the amendment and claim the time.

The CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I'd like to speak about the merits of this bill, the Advanced Vehicle Technology Act, which is an important step forward for revitalizing the auto industry in my district, in Michigan, and across our Nation.

This legislation will authorize \$550 million in essential research funding, with the emphasis on medium and heavy duty commercial trucks and trailers that have previously been overlooked. Through federally directed research and development, the auto industry can move toward better, more fuel-efficient vehicles through applied research and development of materials and technologies. This will directly benefit a number of existing companies in their transition toward new parts and technologies for the domestic auto industry, and encourages entrepreneurs with an innovative idea to enter the market. This includes a number of existing and potential auto part suppliers and manufacturers in my district and throughout Michigan.

I would like to thank Chairman GORDON for yielding me the time, and I would also like to thank Congressman PETERS and Congresswoman BIGGERT for introducing this important legislation. I would encourage all my colleagues to support this bill and support the chairman on the amendments.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the Broun amendment to reduce the authorization level in H.R. 3246. As I mentioned during the full committee markup, I have concerns over the amount of money being authorized in this bill; \$2.43 billion over the 2010-2014 period, and \$423 million after 2014, according to the Congressional Budget Office.

The Broun amendment would reduce the multiyear authorization by \$650

million. Where the bill authorizes an increase of \$10 million over the previous fiscal year for sections 5(a) and 5(b), the Broun amendment keeps each fiscal year's authorization constant and removes the authorization for fiscal year 2014 in sections 5(a), (b) and (c).

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I reserve the balance of my time to close.

Mr. HALL of Texas. Mr. Chairman, I yield Dr. BROUN an additional 2 minutes.

Mr. BROUN of Georgia. I thank my friend, Mr. HALL, from Texas for yielding me more time.

Mr. Chairman, this legislation has support from both sides of the aisle, but as was made perfectly clear in our committee markup back in July, there are some serious concerns with the amount of money being authorized and where exactly it will go. In recent bills, such as the Wall Street bailout and the stimulus bill from earlier this year, we have provided a lack of appropriate oversight for the money being spent. I do not want to see us make the same mistake with this legislation.

Most of us can agree that developing alternative fuel cell technology is a necessary precursor to taking control of our energy consumption needs, and all of us on both sides of the aisle have that philosophy and believe in that, but simply throwing money at a problem is never a solution, and my amendment is just a good, commonsense improvement, however minor, to this otherwise very noble legislation. So I ask my colleagues to support this amendment, and I thank Mr. HALL.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, while my colleague from Georgia has another amendment which we will gladly support, I am afraid I must reluctantly oppose this amendment on the grounds that it freezes funding for the bill at the 2010 levels and cuts the final year of funding.

I appreciate the gentleman's effort to keep costs down. He has been a champion, both in our committee and on this floor, for trying to make the government live in a more frugal way. However, in this situation, I need to point out that the funds that are authorized in this particular program do not duplicate any funds that are in the energy bill or the Recovery Act for this particular purpose.

I also want to point out that the amounts authorized in this bill fall upon recommendations from the National Academies of Science review of the program, as well as testimony in the committee and historic trends in the programs. The annual increases provided for in this bill are very modest and necessary for it to fulfill its

goals, and I think for that reason we have an unusual situation where this amendment is opposed by both the National Association of Manufacturers and the UAW.

Again, Mr. BROUN is doing nothing but trying to make us justify, I think, our spending, as he should. He has been a champion for that. In this situation, I think that we have made that case, and his amendment should be opposed and our good bill should move forward.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

#### AMENDMENT NO. 3 OFFERED BY MR. BROUN OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-255.

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BROUN of Georgia:

Page 15, after line 9, insert the following new section:

#### SEC. 105. REPORTING.

At the end of each fiscal year the Secretary shall submit to the relevant Congressional committees of jurisdiction an annual report describing activities undertaken in the previous year under this title, active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for funding of activities across agencies.

The CHAIR. Pursuant to House Resolution 745, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I yield myself such time as I may consume and rise in support of my amendment.

Mr. Chairman, this amendment is very straightforward. In fact, it's just a small technical correction to the bill. As the bill is written, there are two titles. The first is specific to commercial and passenger vehicles, and the second is to medium-size and heavy duty vehicles. Both sections obviously deal with advanced vehicle technologies, but only one has a reporting requirement, title II. My amendment adds a reporting requirement to title I as well.

If enacted, the Secretary of Energy will have to submit an annual report to the relevant congressional committees

on the implementation, progress, and long-term goals of this program.

This legislation authorizes a large amount of taxpayer dollars to a program that, like every other government program, is susceptible to waste, fraud, and abuse. The easiest way to combat that is through diligence and a certain amount of oversight and transparency. My amendment fits both of these requirements.

Mr. Chairman, we need to exercise more caution with where taxpayer dollars are being spent. That entails both doing more research about the programs that we are funding before we write and pass legislation as well as exercising our oversight responsibilities after the money has been authorized. This amendment is very simple. The simple technical corrections go directly towards fulfilling the latter objective.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I claim time in opposition to the amendment, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. Mr. Chairman, I want to thank Dr. BROUN for bringing this constructive amendment to our attention. I think the additional transparency and accountability will make this good bill an even better bill, and for that reason I urge adoption of Dr. BROUN's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BROUN of Georgia. I thank the chairman. He has been a great chairman for us, and I enjoyed working with Chairman GORDON on this issue. My dear friend from Texas, our ranking member, Mr. HALL, would like to speak, so I yield him 2 minutes. And I just very much appreciate the Chairman's acceptance of my amendment.

□ 1345

Mr. HALL of Texas. Mr. Chairman, I rise in support of the Broun amendment. This amendment would require the Secretary to report to Congress on a yearly basis on the activities undertaken in the previous year under title I, such as active industry participants, efforts to recruit new participants, progress of the program in meeting goals and timelines, and a strategic plan for the funding of activities across agencies. This amendment allows the Congress and the public to monitor the success of activities in title I and to ensure that the money that is ultimately appropriated is being well spent.

Now, while I realize the Gordon amendment added a title I report, as I stated earlier, I would prefer the reporting language that is in Representative BROUN's amendment, as it is more

comprehensive and mirrors the report language requirement in title II.

I would again express my hope that, in conference, the two authors of the reporting amendments could agree to merge their language so that all bases are covered.

Mr. BROWN of Georgia. Mr. Chairman, again, I thank Chairman GORDON for accepting my amendment. I greatly appreciate it. I think this is a common-sense amendment. It will offer more transparency and more accountability, which I think we ought to do in all legislation we pass. Unfortunately, there is not a lot of that around here with multiple branches of the Federal Government. I thank the chairman for accepting my amendment.

I urge a "yes" vote for everybody.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-255.

Mr. PETERS. Mr. Chairman, I rise as the designee for Mr. POLIS, and I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PETERS:

Page 9, lines 11 and 14, redesignate paragraphs (24) and (25) as paragraphs (25) and (26), respectively.

Page 9, after line 10, insert the following new paragraph:

(24) retrofitting advanced vehicle technologies to existing vehicles;

The CHAIR. Pursuant to House Resolution 745, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Mr. Chairman, my colleague's amendment, which has been read, recognizes that it takes many years for a technology to be fully integrated into the Nation's vehicle fleet and that some technologies may actually be appropriate for the retrofitting of existing vehicles. Automakers have expressed some very strong concerns about how these aftermarket conversions are going to affect vehicles that are under warranty, and I share these concerns.

However, I support Mr. POLIS in the work that he is attempting to do with this amendment. I support the amendment, and I look forward to working with the gentleman to perfect the language in conference.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, though not opposed, I rise to claim the time on the Polis amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I support the Polis amendment. The amendment would enable our constituents to continue driving the vehicles they currently own while taking advantage of technology that would enable them to reduce their petroleum use perhaps faster than if they were to wait for a new vehicle to make its way from concept to showroom.

Mr. POLIS. Mr. Chair, I rise in support of my amendment to H.R. 3246, The Advanced Vehicle Technology Act of 2009, which was offered by Mr. PETERS, and the underlying bill. I would first like to thank Representative GARY PETERS, Representative JUDY BIGGERT, Science and Technology Committee Chairman GORDON, my colleagues on the committee, and the committee staff for crafting this legislation that will increase the efficiency of our nation's vehicle fleet while reducing our dependence on foreign oil.

Mr. Chair, at a time when manufacturers are struggling with rising costs and foreign competition, all too often companies are forced to choose between research and the development of new clean technologies or keeping their factory doors open. No manufacturer can be blamed for choosing to not turn their employees' families loose into the winter of unemployment.

America's talented workforce is our greatest resource and our manufacturing companies understand that preserving their workforce wherever possible is essential to weathering the storm of this recession. However, to best achieve economic recovery, we must not stop at merely creating jobs. We must restore America's role as a manufacturing leader. And this cannot be done without investing in innovation. H.R. 3246 will provide the research and design dollars essential to supporting innovation, and it will do so in a competitive process to ensure that the best technologies are supported and that America's transportation fleet is the most modern and efficient in the world.

This bill's economic impact—increased production, reduced operational costs, and ease of both private and commercial transportation—is matched in its environmental benefits. The investments we will make in biofuels and electric drivetrains, as well as refinements to reduce the consumption of combustion engines—including clean diesel—will clear our skies of smog while reducing our dependence on foreign oil. America's love affair with the automobile by right should continue; however, it is imperative that we take the initiative today to make vehicles cleaner and greener for tomorrow. Future generations should be able to take part in the tradition of the summer family road trip with a vehicle that not only meets the needs of a family, but is also powered by clean energy to preserve the pristine lands such as Rocky Mountain National Park in my home State of Colorado.

These innovations, however, do not come without costs nor do they help us by sitting on a shelf. Our environment does not have time to wait for our nation's entire fleet of vehicles to cycle through their useful lives. Our economy cannot afford for these advancements to be available only to the wealthy. This legisla-

tion wisely recognizes this issue as it pertains to costly heavy duty vehicles used by industry and mass transit by investing in technologies that can be retrofitted to existing fleets.

Mr. Chair, my amendment simply adds that we must invest in retrofitting passenger cars. Retrofit technology is essential to reducing our environmental impact, and it is so an issue of social equity. The financial relief from reduced fuel costs and the ability to choose clean domestic fuel over polluting foreign oil should be made available to all Americans, not only those who have the resources to buy a new car. My amendment ensures that the millions of Americans who are unable or uninterested in a new vehicle will benefit from this investment. Whether it is a beloved '69 Mustang or the family minivan, it is vital to our national economy and security to encourage private investment in our nascent biofuels industry, and most importantly, it is vital to our planet that every vehicle on the road is capable of being powered by clean, domestic energy.

Mr. Chair, the Advanced Vehicle Technology Act will be the jumpstart our nation's manufacturers, large and small, need to make our nation's transportation network clean, green, and powered by energy made in America. I congratulate Chairman GORDON, Representative PETERS, Representative BIGGERT and the Committee on Science and Technology on crafting this legislation and ask that my colleagues support my amendment and pass the underlying bill.

Mr. HALL of Texas. I yield back the balance of my time.

Mr. PETERS. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. POSEY

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-255.

Mr. POSEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. POSEY:

Page 15, after line 9, insert the following new section:

**SEC. 105. INNOVATIVE AUTOMOTIVE DEMONSTRATION PROGRAM.**

The Secretary shall establish an Innovative Automotive Demonstration Program, within the existing Vehicle Technologies Program, to encourage the introduction of new vehicles into the marketplace that are designed in their entirety to achieve very high energy efficiency but still provide the capabilities required by the American consumer. This program shall encourage introduction of new light duty vehicles into the marketplace capable of achieving energy efficiencies significantly greater than required under current and pending Federal Corporate Average Fuel Economy (CAFE) standards. This program shall also encourage the use of materials and manufacturing techniques that minimize environmental impacts. Awards under this section shall be made on a competitive basis for demonstration of vehicles that—

- (1) carry at least four passengers;
- (2) meet all Federal safety requirements;
- (3) achieve at least 70 miles per gallon or the equivalent on the Environmental Protection Agency drive cycle;
- (4) provide vehicle performance that is judged acceptable to the United States consumer;
- (5) be affordable to the American consumer;
- (6) use materials and manufacturing processes that minimize environmental impacts;
- (7) meet all Federal and State emission requirements; and
- (8) provide new high technology engineering and production employment opportunities.

The CHAIR. Pursuant to House Resolution 745, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Mr. Chairman, I yield myself such time as may be necessary.

I thank the chairman and the ranking member for their work on this bill. Creating advanced vehicles is important if we are to reduce our dependence on foreign oil and to reduce emissions.

I am pleased to be joined by my colleague from Florida (Ms. KOSMAS) in offering this amendment. Our amendment makes sure that we explore all near-term options for increasing vehicle fuel efficiency. There are very near-term technologies that can be applied to develop and produce very high-mileage vehicles. Unfortunately, the possibility has not been a priority for the Department of Energy, and it has not been incorporated into the vehicle technologies program. The Department has been doing some very good work, but that work is focused on longer-term possibilities.

I think we need nearer-term solutions and interim advances. Our amendment would ask the Department to give full consideration to these nearer-term advances.

I am aware of companies that are close to demonstrating very high-mileage passenger vehicles. A partnership with the Department of Energy could be enough to make this a reality in a relatively short period. Our amendment asks the Department of Energy, within existing funds, to create a competitive program for demonstrating very high-mileage vehicles. These would be four-person vehicles that are affordable to the average family. We're talking about vehicles that would get 70, 80, 90, maybe 100 miles per gallon or more, which is clearly in excess of three times the current CAFE standards.

If there is a vehicle that could get that kind of performance and it could be made in America and could be on the market within 3 years, I think we definitely should explore that, and our amendment makes sure that the Department does explore that possibility.

I urge you to support the Posey-Kosmas amendment, and I reserve the balance of my time.

Ms. KOSMAS. Mr. Chairman, I rise to claim the time in opposition, although I do not oppose the amendment.

The CHAIR. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. KOSMAS. I rise in support of the Posey-Kosmas amendment and of this bill, H.R. 3246, the Advanced Vehicle Technology Act.

Our amendment would direct the Department of Energy to establish an Innovative Automotive Demonstration Program to award competitive grants for the purpose of demonstrating and for bringing to the market very high energy-efficient vehicles, achieving at least 70 miles per gallon in the near term.

Creating opportunities such as this ensures that we are utilizing the expertise of both the Department of Energy and of those in the industry who have real-world experience. This program will help to ensure that our Nation remains competitive in the world automotive market. Here at home, it will not only help us to meet new mileage and emissions requirements but to far exceed them.

Right now, companies across the Nation, including in central Florida, are researching and developing vehicles that will use lightweight materials and highly efficient engines, enabling them to potentially reach 100 miles per gallon. This program will help ensure that these companies are able to move past the R&D stage to demonstration and to full-scale manufacturing in the near term. Our Nation can lead the world in innovation and in technology achievements if we are willing to make the investment.

I would like to thank my friend and colleague, Congressman POSEY, for working with me on this important program which, I think, will be beneficial to consumers, which will help us to reduce our emissions and dependence on foreign oil, and which will lead to new jobs in central Florida and across the Nation.

I urge my colleagues to support the bipartisan Posey-Kosmas amendment and the underlying bill.

I reserve the balance of my time.

Mr. POSEY. Mr. Chairman, I yield to my colleague, the ranking member, the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of the Posey amendment.

Mr. POSEY's goal is to direct the Department of Energy to give the same consideration to demonstrating vehicles using fossil fuels that can achieve 70 miles per gallon or more as they are to alternatively fueled vehicles and hybrids. I support that.

Mr. POSEY. Mr. Chairman, I yield back the balance of my time.

Ms. KOSMAS. Mr. Chairman, I yield to Chairman BART GORDON.

Mr. GORDON of Tennessee. Thank you, Ms. KOSMAS.

I appreciate your hard work on this amendment as well as Mr. POSEY's. You've brought us an amendment that is consistent with the overall goals of the bill but which requires some fine-tuning as we move through the conference process. With that understanding, we would still like to work with the gentleman and gentlewoman on perfecting the language as we move forward, and I support the amendment and urge its adoption.

Ms. KOSMAS. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. POSEY).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-255.

Mr. GORDON of Tennessee. Mr. Chairman, I rise as the designee for Mr. KENNEDY, and I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. GORDON of Tennessee:

Page 10, line 12, insert "qualified plug-in electric vehicle manufacturers," after "transit vehicle manufacturers,".

The CHAIR. Pursuant to House Resolution 745, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, Mr. KENNEDY's amendment seeks to recognize that the Nation's vehicle fleet encompasses more than just 4-wheel passenger cars and large commercial trucks and that the ultra-efficient 2-wheel and 3-wheel vehicles should also be considered eligible for Federal research activities. I support my colleague's amendment and urge its adoption.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim time in opposition to the Kennedy amendment even though I am not necessarily opposed to the amendment.

The CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I just have a question of the designee, Mr. GORDON.

I am not sure that this amendment is necessary as I believe that a qualified plug-in electric vehicle manufacturer is considered an automotive manufacturer.

Do you think that there definitely needs to be something written into the amendment saying that a qualified

plug-in electric vehicle manufacturer is considered an automotive manufacturer?

Mr. GORDON of Tennessee. I will yield to Mr. KENNEDY.

Mr. KENNEDY. Yes. To answer the gentlewoman's question, obviously, with advanced technology and energy-efficient vehicles, we're looking at all sorts of modes of transportation. Of course, in Europe, these modes of transportation, for the most part, are these small motor scooters. In fact, if we're looking to become energy independent and efficient and if we're trying to incentivize in this country the production and manufacturing of vehicles that are going to reduce our dependence on foreign oil and are going to promote energy efficiency, we cannot do this and miss a large part of the market that the rest of the world is utilizing in order for them to become more energy independent and more energy efficient.

That's why it is important that we actually put this in the language of the bill, because, otherwise, they will not be eligible for the incentives that we make available for 4-wheel vehicles. In fact, if the idea is to promote all of these kinds of vehicles, we ought to make sure that it says that distinctly in the language.

□ 1400

Mrs. BIGGERT. Reclaiming my time, as I said, I am not necessarily opposed. I just wanted clarification whether you thought that these vehicles would not be included in this bill, if they were not addressed.

Mr. KENNEDY. We have found already that these vehicles have not been able to garner the loan assistance that has been already available in other pieces of legislation and in the stimulus bill and previous legislation because they don't come under the strict definition of a 4-wheel vehicle.

We have tried to make the regulations flexible enough to say that they are two and can be retrofitted to become four, but, of course, that's kind of a stretch in the fact that the manufacturing process can be expanded to make 4-wheel vehicles out of these 2-wheel kinds of systems, but it's not the intended purpose of these manufacturing facilities. That's why we want to put it in specifically to mention 2- or 3-wheel vehicles.

Mrs. BIGGERT. Reclaiming my time, I would not oppose the amendment.

I yield back the balance of my time.

Mr. GORDON of Tennessee. First let me thank Mrs. BIGGERT for the work she has done in bringing this bill to us, as well as the work for those legitimate questions that I think need to be answered, and I think Mr. KENNEDY did answer.

I yield the balance of my time to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I appreciate the gentletelady, and thank the gentleman from Tennessee for yielding me this time.

I won't go on any further than I have already explained except to say that obviously there are good green jobs. We talk about good green jobs in this bill. This is about good green jobs.

These vehicles are already being sold to police departments as public safety vehicles all across America. These Vectrix vehicles that are made in my State are electrical vehicles that have enormous capacity in the metropolitan areas. And, frankly, they are obviously great for the environment, but they are also fuel efficient, and they provide a great alternative to vehicles that we have since relied on that create such pollution in our air.

So I think this is good. It's creating good jobs here domestically.

And if we provide the loans, then we can keep these manufacturing jobs here at home. Roughly, 16,000 jobs are anticipated, conservatively, within the next 5 years as a result of just loans that can be made through the Department of Energy as a result of this amendment.

So I would ask that my colleagues favorably support this amendment.

Mr. Chair, I rise in support of my amendment, offered by Mr. GORDON, an amendment to ensure that this valuable legislation includes all manufacturers of qualified plug-in electric vehicles.

Right now, there are a dozen companies in our country that are designing and manufacturing 2- and 3-wheeled electric vehicles. They have not been able to participate in Department of Energy funding opportunities, not because they lack merit, but because they simply don't have 4 wheels.

If these companies had access to Department of Energy loans on the same basis as the rest of their industry, they could create 900 green jobs in the next year and 16,000 jobs in the next 5 years. With our current unemployment, we cannot afford to leave one job on the table.

My amendment is simple. It ensures that all manufacturers producing qualified plug-in electric vehicles are eligible under this legislation. In the past, innovative vehicles like electric motorcycles were left out simply because they did not conform to outdated definitions.

My amendment clarifies that these groundbreaking vehicles and their manufacturers are eligible under the program using a definition from existing law.

The electric vehicle industry has an opportunity to profoundly influence our nation's future. It can help to preserve our environment, revitalize our manufacturing base and help free us from our dependence on fossil fuels.

I urge my colleagues in the House to join me in support of all plug-in electric vehicles and adopt this amendment.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR (Mr. SABLON). It is now in order to consider amendment No. 7 printed in House Report 111-255.

Mr. GORDON of Tennessee. Mr. Chairman, I rise as the designee for Mr. HOLT, and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GORDON of Tennessee:

Page 20, line 13, insert "including agricultural and construction equipment," after "nonroad equipment,".

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, Mr. HOLT's amendment would further clarify the pilot program for nonroad equipment. It is meant to include large mobile equipment as found in sectors such as agriculture and construction. The technologies used in these sectors are analogous to those found in on-road medium to heavy-duty trucks, and greater transfer of technology between sectors would benefit all.

This is a good amendment, and I urge the adoption.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Holt amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I support the Holt amendment. I think that this amendment makes clear that the pilot program was intended to include agricultural and construction nonroad equipment.

Therefore, I do support the amendment.

I yield back the balance of my time.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. MARSHALL

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-255.

Mr. MARSHALL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. MARSHALL:

Page 8, line 24, insert “, including the unique challenges facing rural areas” after “electric hybrid vehicles”.

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from Georgia (Mr. MARSHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. MARSHALL. Mr. Chairman, the bill provides that the Secretary shall conduct research. It actually mandates that the Secretary conduct research that's designed to improve the efficiency of vehicles that are used in transportation and the infrastructure that refuels or recharges those vehicles.

Mr. Chairman, it does not specifically, as it now stands, direct the Secretary to consider the unique challenges that face rural areas with regard to these issues. The population is not as dense. It can be more expensive to develop the infrastructure.

The distances typically that have to be covered by those who are using vehicles are greater. The infrastructure is probably going to have to be a little denser to take that into account, relatively speaking.

In rural areas you will find that many people use larger vehicles. Pickup trucks are very common, and it's not simply because folks like pickup trucks, it's because folks have heavy things to carry, large loads fairly regularly.

These are unique challenges that face rural America. And rural America is also that portion of America that really doesn't have a lot of extra money in its pocket to meet transportation costs.

So I think it's particularly appropriate that we specifically direct the Secretary to take into account the unique challenges facing rural America when it comes to transportation issues generally, and when it comes to our attempts to improve, make more efficient, make more cost efficient, make cleaner our use of transportation across the country.

I think the amendment should be noncontroversial. I certainly hope so.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Marshall amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I am supportive of the Marshall amendment. As the amendment states, there are unique challenges facing rural areas, especially in regards to refueling and infrastructure for alternative-fuel vehicles, such as those that run on natural gas and hydrogen or electric or plug-in electric hybrid vehicles that require an electrical outlet.

I thank Mr. MARSHALL for trying to ensure that rural Americans have the same benefits in this area as their urban counterparts.

With that, I would support this amendment.

I yield back the balance of my time.

Mr. MARSHALL. I thank the gentlelady for her support. I think all rural Americans thank the gentlelady for her support.

What I would like to do right now, Mr. Chairman, if I could ask, is yield some time to the gentleman from New Jersey (Mr. HOLT) whose amendment was just considered and adopted. Mr. HOLT couldn't be here at the time the amendment was considered, and I know he wants to speak a little bit about his amendment.

Mr. HOLT. Mr. Chairman, I thank my respected friend from Georgia and also the chairman for their support of my legislation, this amendment that is really quite simple, and I appreciate their support of it.

There is nothing in the bill that would prohibit the use of funds for advanced agriculture vehicles. My amendment, as adopted, simply underscores the importance of research and development in this arena.

Rising food costs have been one of the greatest burdens of America's struggling families, and the cost of fuel in transporting agricultural products has been a major factor in these costs increases.

According to the U.S. Department of Agriculture, prices for what the department calls “food at home,” which includes grocery stores, convenience stores and food at farmers markets, will rise 2 to 3 percent this year following an increase of 6.4 percent last year, they say the highest jump in nearly two decades. Increasing food prices are expected to outpace increases in the Consumer Price Index.

Granted, the cost of fuel is only one factor in these increases. But everything we can do to ease the burden of high fuel costs of agricultural products certainly will help. Coming from the Garden State, which has a long agricultural tradition, I feel that this is as important an issue for my constituents as for those in the other 49 States.

I will continue to work to find ways to make agricultural production less costly, more sustainable.

Mr. Chair, I rise today in support of my amendment to the Advanced Vehicle Technology Act (H.R. 3246 which was offered by Mr. GORDON of Tennessee), to ensure that funding for the pilot program will be applied towards the development of more fuel efficient agricultural vehicles.

There is nothing in the bill that would have prohibited the use of funds for advanced agriculture vehicles; my amendment simply underscores the importance of research and development in this arena.

Rising food costs have been one of the greatest burdens on our struggling families,

and the cost of fuel in producing and transporting agricultural products has been a major factor in these cost increases. According to experts from the U.S. Department of Agriculture, prices for what the Department calls “food at home,” which includes purchases at grocery stores, convenience stores and farmers' markets, will rise 2 to 3 percent this year, following an increase of 6.4 percent last year, “the highest jump in nearly two decades.” Increasing food prices are expected to outpace increases in the Consumer Price Index.

Granted, the cost of fuel is not the only factor behind the increasing price of food. But everything we can do to ease the burden of high fuel costs on agricultural production will help. Coming from the Garden State which has a long agricultural tradition, this is an important issue to my constituents.

I will continue to work to find ways to make agricultural production less costly and more sustainable, because I believe it is critical to our food security. I urge my colleagues to support this amendment.

Mr. MARSHALL. Mr. Chairman, I would like to yield 30 seconds to the chairman of the committee, who continues to regularly beat me in every running race we have, the gentleman from Tennessee.

Mr. GORDON of Tennessee. More importantly, I want to thank you for this very excellent, constructive amendment. It seeks to recognize the unique challenges faced by rural communities as we move toward greater electrification of the transportation sector.

I too share the concern for my constituents in Middleton, Tennessee. This is an excellent amendment, an improvement to a good bill, and I urge its adoption.

Mr. MARSHALL. If I could just wrap up, you know, I am no expert in this area, but I do know rural areas. And with the distances, the weights of vehicles, it seems to me that natural gas and natural gas distribution facilities and hybrid engines probably are what we are going to need in rural areas more than anything else, and that pure electric isn't going to work very well.

But that's for the experts to figure out. What this amendment does is essentially direct the Secretary to make sure that the experts do focus on questions like that.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. MARSHALL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-255.

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. COHEN:

Page 10, lines 1 through 3, amend paragraph (2) to read as follows:

(2) multiple battery chemistries and novel energy storage devices, including nonchemical batteries and electromechanical storage technologies such as hydraulics, flywheels, and compressed air storage;

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. I yield myself such time as I may consume.

I would first like to commend Representative PETERS and the Science and Technology Committee for sponsoring this forward-looking piece of legislation and, of course, Chairman GORDON for his outstanding work in bringing this to the floor.

For more than a century the United States has been the home to automobile innovation. This innovation made the U.S.A. the world leader in automobile production and automobile design. Cars and the United States were almost synonymous.

However in recent years the United States has fallen far behind Asian and European automakers and countries there with regard to vehicle innovation, especially when it comes to fuel efficiency. As gas prices continue to rise and American citizens become more concerned about global warming and energy security, they have responded by purchasing more fuel-efficient vehicles.

So the American car manufacturer must meet that demand to stay active and viable. Finding a safe, affordable and clean alternative to oil will not be cheap nor easy. Public and private entities will have to work cooperatively to solve this technological problem. Old-fashioned American entrepreneurship will need to be working on the cutting edge of technological advancements to keep our automobile industry alive.

From hydrogen fuel cells to electric cars, these innovators are leaving no stone unturned when it comes to finding energy solutions. So with such an array of technologies holding so much promise, we cannot afford to ignore any promising technology. With this in mind, Amendment No. 9 assures electromechanical storage technologies such as hydraulics, flywheels and compressed air storage are also allowed to be researched under this Department of Energy program.

These technologies hold tremendous promise and need to be explored as energy alternatives. For example, existing compressed air cars average more than 115 gas-equivalent miles per gallon and can reach speeds of up to 90 miles an hour. Most importantly, these cars emit almost zero carbon dioxide and only cost \$2 to \$3 to fill up.

□ 1415

Technologies such as compressed air are not yet perfect; however, with the

passage of the Advanced Vehicles Technology Act, these innovative technologies can receive the funding they need to transform a novel fuel source into an energy solution of the future. Doing so will spur development throughout the country in small scientific laboratories, and one in Memphis, Bioworks, in my district might be one that engages in this, as well as in the massive grounds of General Motors, Ford, and other American manufacturing plants.

The economic competitiveness and safety of the United States depends upon the ability of American entrepreneurs to develop viable alternatives to oil. In order to ensure our future security, we must make a down payment on the future of our country by seriously investing in alternative energy research.

For these reasons, I strongly urge the passage of this amendment to the Advanced Vehicles Technology Act, which simply gives another alternative to the Department of Energy to move us into the future in a progressive and sound way.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Cohen amendment even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I do support the amendment. I think it simply lays out examples of electromechanical storage technologies to make sure that they are included in this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. COHEN. Mr. Chairman, I yield to the gentleman from Murfreesboro, Tennessee (Mr. GORDON), the chairman of the committee.

Mr. GORDON of Tennessee. I thank Mr. COHEN for yielding.

I also thank him for presenting this good amendment to us. It seeks to recognize the full range of energy storage devices that can be incorporated into vehicles, including beyond batteries. We have worked with Mr. COHEN in perfecting the language. It's a good amendment, and I urge adoption.

Mr. COHEN. Mr. Chairman, I urge a positive vote on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY DONNELLY OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-255.

Mr. DONNELLY of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. DONNELLY of Indiana:

Page 15, line 20, insert “, recreational,” after “heavy-duty commercial”.

Page 17, line 11, insert “, recreational,” after “heavy-duty commercial”.

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from Indiana (Mr. DONNELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. DONNELLY of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Americans across the country have, for decades, taken their families and recreational vehicles to national parks, historic battlefields, and other tourist sites and towns that are uniquely American. Despite the recent economic downturn and increase in gas prices, thousands more RVs will continue to be sold each year.

My amendment is simple: Include RVs as eligible for vehicle technologies research at the Department of Energy under section 201 of the bill dealing with medium and heavy duty and transit vehicles.

The RV industry has been moving in the right direction with fuel efficiency research; however, just as with other medium and heavy duty vehicles, the costs of such research for RVs are high. High costs in a tough economic climate slow progress by making it difficult for companies to set sufficient research funding aside.

Including RVs among medium and heavy duty vehicles makes sense because of their similar size, weight, and power train. H.R. 3246 prioritizes making our vehicle fleet in the United States as fuel efficient as possible by developing and promoting new technologies, and our amendment clarifies that recreational vehicles should be part of these efforts, ensuring that the thousands of new RVs that drive onto America's roads each year are using the least amount of fuel possible.

I strongly support H.R. 3246 and believe this amendment to include RVs will make the program more successful in ensuring medium and heavy duty vehicles are more efficient energy users.

Mr. Chairman, I strongly support this bill, and I thank Chairman GORDON and Mr. PETERS for their work on this legislation to help make the vehicles on our roads more fuel efficient and our auto industry more competitive for the future. I would also like to thank my good friends and colleagues Mr. SOUDER and Mr. DEFazio for their support of this amendment.

I urge the House to support my amendment and also to support the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim time in opposition to the Donnelly amendment.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Chairman, I have some real concerns with this amendment. I just wonder if this bill is really the proper place for this amendment that includes recreational vehicles in a title of the bill that is intended to provide research, development, demonstration, and commercial application on medium to heavy duty commercial and transit vehicles, and I'm afraid that this amendment would divert funds from an area of research that would be more beneficial to the population at large. And I would have a question to ask of the sponsor for clarification.

There is a definition of the recreational vehicle. Would this include not just a commercial truck or bus type of vehicle, but does this include all RVs that could be a pickup or a van that they would be attached to?

Mr. DONNELLY of Indiana. If the gentlewoman will yield, this includes bus-like vehicles. This does not include towables or pickups.

Mrs. BIGGERT. Reclaiming my time, so in other words, this would be the same kind of chassis that would be in one of the commercial trucks?

Mr. DONNELLY of Indiana. It would be very similar to those chassis, yes, to fit in with the spirit of this section.

Mrs. BIGGERT. Another concern is that this is for recreational vehicles and this is limited taxpayer money. Do you think that the American people would like to see this included as the type of research and development that we would be asking to designate—

Mr. DONNELLY of Indiana. Will the gentlewoman yield?

Mrs. BIGGERT. I yield.

Mr. DONNELLY of Indiana. I absolutely think the American taxpayers would be in support of this because it creates jobs and it creates opportunity. So, yes, I do.

Mrs. BIGGERT. Mr. Chairman, the RV is an optional purchase for a consumer, usually used for vacation purposes. We've been talking about recreational. And, again, I really have some concerns of spending taxpayer funds on research and development. If the gentleman could convince me that this would lower the fuel consumption so much that it would save—

Do you have any idea how many recreational vehicles there are that would benefit from this research?

Mr. DONNELLY of Indiana. Will the gentlewoman yield?

Mrs. BIGGERT. Yes, I yield to the gentleman.

Mr. DONNELLY of Indiana. We would have a lot more sold if we had better mileage. That's the attempt on this. We are trying to save millions of

gallons of gasoline and of diesel each year and to create thousands and thousands of additional jobs and strengthen our economy, very much the same type of goals that we have had in the other programs that are part of this.

Mrs. BIGGERT. I thank the gentleman. And I'm afraid I must still stand in opposition to this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DONNELLY of Indiana. Mr. Chairman, I yield 30 seconds to the chairman, the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON of Tennessee. I thank Mr. DONNELLY for yielding.

In this bipartisan amendment, my colleagues seek to recognize the unique requirements of the types of vehicles commonly known as recreational vehicles. They highlight an important industry within the medium to heavy duty truck sector, and I would point out that these are heavy users of fuel. If we can make them more fuel efficient, we certainly are going to make our country less dependent on foreign oil. I think that this is an excellent use of these research dollars, and I support the amendment.

Mr. DONNELLY of Indiana. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. DONNELLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mrs. BIGGERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. ALTMIRE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-255.

Mr. ALTMIRE. Mr. Chairman, I rise as the designee of Congressman SESTAK, the author of amendment No. 11.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. ALTMIRE:  
Page 14, line 5, insert "advanced battery" after "vehicle, engine,".

Page 14, line 16, strike "; and" and insert a semicolon.

Page 14, line 17, redesignate paragraph (8) as paragraph (9).

Page 14, after line 16, insert the following new paragraph:

(8) improve the calendar life and cycle life of advanced batteries; and

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from Pennsylvania (Mr. ALTMIRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Chairman, the legislation before us would reauthorize the Department of Energy's Vehicle Technologies Program, which invests in advanced vehicle research and development. This program taps American ingenuity to create good-paying American jobs and, importantly, reduce our dependence on foreign oil.

The Advanced Vehicle Technology Act requires the Energy Secretary to research and develop advanced automobile battery manufacturing. Automotive batteries for plug-in hybrids and electric vehicles are promising, but they are not yet fully competitive in the market.

Congressman SESTAK's amendment would require the Secretary to consider two additional factors in bringing advanced batteries for plug-in vehicles and electric cars to market.

First, electric vehicle batteries are limited by the number of times they can be charged and depleted before the battery fails entirely. To extend battery life cycles, vehicle manufacturers oversize the batteries, often extending battery life but then sacrificing cost and efficiency in the process. The gentleman's amendment would require research and development of technology to efficiently increase battery life.

Second, vehicle battery manufacturing is an energy- and emissions-intensive process, which ultimately contributes to an electric vehicle's carbon footprint. Congressman SESTAK's amendment would require the Energy Secretary to research and develop new technologies to increase efficiency in the battery manufacturing process.

I thank Chairman GORDON, and I urge support for Mr. SESTAK's amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Sestak amendment even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I rise in support of the Sestak amendment.

As we conduct research and development and produce and manufacture advanced batteries, it makes sense to, at the same time, look into ways to not only reduce waste streams, emissions, and energy intensity, but also to improve the calendar life and cycle life of these advanced batteries.

Mr. Chairman, I yield back the balance of my time.

Mr. ALTMIRE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. MASSA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-255.

Mr. MASSA. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. MASSA:  
Page 11, lines 12 through 14, amend paragraph (4) to read as follows:

(4) give consideration to conversion of existing or former vehicle technology development or manufacturing facilities for the purposes of this Act, and support public-private partnerships dedicated to overcoming barriers in commercial application of transformational vehicle technologies that utilize such industry-led facilities; and

The Acting CHAIR. Pursuant to House Resolution 745, the gentleman from New York (Mr. MASSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

□ 1430

Mr. MASSA. Mr. Chairman, I yield myself such time as I may consume.

The importance of this bill and the support for critical new vehicle technologies in the United States simply cannot be overstated. The future of the American automobile industry and its accompanying tens of thousands of American jobs rest on the ability of domestic car companies to research, develop and commercialize new, clean, efficient technologies that will be the backbone of a new U.S. vehicle market in the future and for future generations.

We have achieved many breakthroughs in advanced vehicle technologies; and I am certain with the continued support from Congress and the American people, this progress will continue. Taking these breakthroughs from research to reality, however, has been an ongoing challenge for American innovators. Facing many barriers that prevent breaking new technologies getting to the marketplace, automobile companies have always had challenges commercializing advanced vehicles to help reduce our Nation's dangerous, if not critically dangerous, dependence on foreign oil, should I say hostile foreign oil.

Much of the focus of the past efforts by the Federal Government has been on the research side. With this amendment, the equally important commercialization part will now receive attention.

My amendment will help change this emphasizing the importance of those barriers to commercialization and by supporting new ways to help our domestic car companies bring advanced vehicle technologies online. Beyond support for research and development, we must follow through completely on our obligations to the American people to develop real solutions to our growing energy crisis. We cannot be satis-

fied with abandoning new technologies every time they leave the laboratory. We must help our automobile makers carry these technologies across the finish line or face the alternative as we have in the past and seen time and time again where U.S. innovation and research is picked up and developed by foreign competitors. Thus, we lose our market share and advantage in the marketplace.

To support true, real change and to bring about a serious new change for new generations of advanced technology vehicles in the United States, we must focus on basic research and on public-private partnerships that utilize the expertise of industry to conquer the many impediments to commercializing these promising new technologies.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I claim the time in opposition to the Massa amendment, and I am not necessarily in opposition to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I do have some concerns about the gentleman's amendment. As I read the amendment, I note that Mr. MASSA is adding language that would support public-private partnerships dedicated to overcoming barriers in commercial application of transformational vehicle technologies that utilize such industry-led facilities.

Perhaps the gentleman could explain in a little more detail who would be able to take advantage of this change and what types of activities it would allow.

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield to the gentleman.

Mr. MASSA. I think your question cuts to the core of what public-private partnerships can do to help American industry. First, this is targeted at the domestic American automobile industry. As we have seen over and over again as our competitors around the world do everything they can to lower barriers to business competition and business commercialization, I seek to give that opportunity to our industries as well.

You know, having spent some time in business running a factory line, I understand what it means to get to the finish line, have a great product and then face barrier upon barrier of unnecessary regulation when all I need is an open line of communication to be able to overcome these. This is the spirit in which this amendment is offered, to offer the maximum amount of opportunity to our domestic industry. I think that not only the American people but my colleagues and good friends

across the aisle can join me in that spirit.

Mrs. BIGGERT. Reclaiming my time, can you give me an example of a barrier?

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield.

Mr. MASSA. As a specific opportunity, we all know that State and Federal governments have a tremendous amount of data capability to be able to do market research and understand how the marketplace operates. And yet many times, because a corporation or a company or a private manufacturer is private, they cannot readily access that information. That is a key example of the kinds of barriers to commercialization that we must remove. These are lessons that our good friends and allies across the world, who frankly are our economic competitors, have already realized and moved forward on. I seek to give our domestic manufacturers the exact same advantages.

Mrs. BIGGERT. Reclaiming my time, you said it would help the American manufacturers. Is it one specific manufacturer, or who would this benefit? I want to make sure that it is not just a specific manufacturer.

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield.

Mr. MASSA. Certainly the context of this amendment is offered with the specific focus of assisting domestic automobile manufacturers. But as I am sure the gentlelady would agree with me, automobile manufacturing is such a large and encompassing industrial activity, that this will not only go from the factory floor in Detroit but may in fact help the small mom-and-pop manufacturers that support that activity. So this will have a very broad benefit across a wide spectrum of economic activities, ultimately focused on helping advanced vehicle technologies.

Mrs. BIGGERT. Reclaiming my time, I just want to make sure that we all understand the intent so we can make an informed decision as to whether it is appropriate to this bill.

Could you give me a little more on who benefits from this and the barriers?

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield to the gentleman.

Mr. MASSA. I can certainly do that, perhaps with your concurrence, by offering a specific example.

As we face new technologies, be they hybrid, be they new fuel sources like second-generation ethanol or hydrogen, those technologies as they mature across a pilot production line will ultimately produce a vehicle that will be offered to the American people. The business model of going from the laboratory to the actual showroom floor is

as complex as the research and development.

This amendment seeks to recognize that and lower those barriers. Visualize, if I might offer this: as the vehicle rolls out of the laboratory, and we have all raised children, I have a teenager. I know how to get that teenager through college. And by golly, that is what this concept does. It helps that vehicle stand on its own so it can be proudly purchased by Americans.

Mrs. BIGGERT. Reclaiming my time, I know you are talking about the commercialization, which is what we sometimes call the "valley of death" for companies to get out beyond the demonstration to the marketplace which is probably the hardest for so many companies. And you think that this will help a lot of different companies be able to do that?

Mr. MASSA. Would the gentlelady yield?

Mrs. BIGGERT. I yield.

Mr. MASSA. Based on my personal experience of having run production lines in factories, I am certain that this will help in the commercialization of American-made products and thus help the American manufacturing sector.

Mrs. BIGGERT. With that, I yield back the balance of my time.

Mr. MASSA. Mr. Chairman, I yield 1 minute to the Chair and the individual who is responsible for allowing me the honor of presenting this amendment, the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON of Tennessee. Let me thank Mr. MASSA for bringing this excellent amendment to our attention. It makes a good bill better. I support it.

Let me conclude by saying that this bill moved relatively smoothly today. This is a very important bill, but it didn't happen by accident. I want to thank Mrs. BIGGERT and Mr. HALL for working with Mr. PETERS in really a collegial way to bring this important bill before us.

But as all Members of Congress know, if it wasn't for diligent, dedicated staff, we could not bring this type of important legislation before us. So I want to thank Chris King, who is the staff director for the Energy Subcommittee on the Science and Technology Committee, and for leading a good team of John Piazza, Hillary Cain, Elizabeth Chapel, and for working with Jonathan Smith from Mr. PETERS' office. Without your work, we could not have brought this bill, and I thank you for it.

Mr. MASSA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MASSA).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MASSA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-255 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HALL of Texas,

Amendment No. 10 by Mr. DONNELLY of Indiana,

Amendment No. 12 by Mr. MASSA of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 2 OFFERED BY MR. HALL OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 253, not voting 7, as follows:

[Roll No. 705]

AYES—179

Aderholt	Childers	Hunter
Adler (NJ)	Coble	Inglis
Akin	Coffman (CO)	Issa
Alexander	Cole	Jenkins
Altmire	Conaway	Johnson (IL)
Bachmann	Crenshaw	Johnson, Sam
Bachus	Culberson	Jones
Barton (TX)	Davis (KY)	Jordan (OH)
Berry	Deal (GA)	King (IA)
Biggert	Dent	King (NY)
Bilbray	Diaz-Balart, L.	Kingston
Billakis	Diaz-Balart, M.	Kirkpatrick (AZ)
Bishop (UT)	Doggett	Kline (MN)
Blackburn	Dreier	Kratovil
Blunt	Duncan	Lamborn
Boehner	Emerson	Lance
Bono Mack	Fallin	Latham
Boozman	Flake	LaTourette
Boustany	Fleming	Latta
Brady (TX)	Forbes	Lee (NY)
Bright	Fortenberry	Lewis (CA)
Broun (GA)	Fox	Linder
Brown (SC)	Franks (AZ)	LoBiondo
Brown-Waite,	Frelinghuysen	Lucas
Ginny	Gallegly	Luetkemeyer
Buchanan	Garrett (NJ)	Lummis
Burgess	Gerlach	Lungren, Daniel
Burton (IN)	Gingrey (GA)	E.
Buyer	Goodlatte	Mack
Calvert	Granger	Maloney
Campbell	Graves	Manzullo
Cantor	Guthrie	Marchant
Cao	Hall (TX)	McCarthy (CA)
Capito	Harper	McCaul
Carney	Hastings (WA)	McClintock
Carter	Heller	McHenry
Cassidy	Hensarling	McKeon
Castle	Herger	McMahon
Chaffetz	Himes	

McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)  
Murphy (NY)  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)

Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Skelton

Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Taylor  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberti  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

#### NOES—253

Abercrombie  
Ackerman  
Andrews  
Arcuri  
Austria  
Baca  
Baird  
Baldwin  
Barrow  
Bartlett  
Bean  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocieri  
Bonner  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Camp  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chandler  
Christensen  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Engel

Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E.B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirk  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Markey (CO)  
Markey (MA)

Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McIntyre  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perrillo  
Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sablan  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader

Schwartz	Stupak	Wasserman
Scott (GA)	Sutton	Schultz
Scott (VA)	Thompson (CA)	Waters
Serrano	Thompson (MS)	Watson
Shea-Porter	Tierney	Watt
Sherman	Titus	Waxman
Shuler	Tonko	Weiner
Sires	Towns	Welch
Slaughter	Tsongas	Wexler
Smith (WA)	Turner	Wilson (OH)
Snyder	Upton	Woolsey
Space	Van Hollen	Wu
Speier	Velázquez	Yarmuth
Spratt	Visclosky	
Stark	Walz	

## NOT VOTING—7

Barrett (SC)	McHugh	Tanner
Capps	Schmidt	
Gohmert	Sestak	

□ 1507

Messrs. WALZ, ROTHMAN of New Jersey, SALAZAR, DICKS, POLIS of Colorado, Ms. WOOLSEY, Messrs. BRALEY of Iowa, McCOTTER, HOEKSTRA, McDERMOTT, DAVIS of Tennessee, CAPUANO, Mrs. MCCARTHY of New York, Messrs. BONNER, LYNCH, FALEOMAVAEGA, MOLLOHAN, and Ms. TSONGAS changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BACA was allowed to speak out of order.)

## ROLL CALL CUP

Mr. BACA. Mr. Chair, on Monday we had a match, which is the Roll Call Cup, between the Democrats and the Republicans, our Ryder Cup, and we've had a series of matches. In the past, the Republicans have won it 4 years in a row. This year the Democrats won it to make it 4 years in a row by winning the series 12–5.

I want to thank both of the team captains who have worked so hard on the Ryder Cup, and that's ZACH WAMP on the Republican side for doing a good job and JOHN TANNER, who has been the representative for us.

But the real winners here are First Tee and Roll Call because this really goes out to help many underprivileged kids here in Washington, D.C., with the ability to play golf.

So again, on behalf of the Democrats who retain the cup for the fourth year in a row, thank you very much.

At this time I would like to yield some time to ZACH WAMP.

Mr. WAMP. Mr. Chairman, I just would like to add that we want to thank Dan Tate, Sr. with the PGA. We want to thank the First Tee program, which is much more than golf, ladies and gentlemen. It is a leadership, development and training program for young people. They now have First Tee facilities compliments of, frankly, the Congress at military bases all across the country and in 19 foreign countries.

The only highlight of this year's loss was that our three freshmen, Mr. ROE of Tennessee, Mr. ROONEY of Florida and Mr. HUNTER of California, performed admirably. So there is hope for

next year and for the future. With that, congratulations to the Democrats. It is now 4–4. We look forward to raising money for First Tee in the future. From this year and in previous years, this event in 7 years has raised well over \$1 million for the First Tee program, and for that, we should all be grateful.

I yield back to the gentleman from California.

Mr. BACA. Thank you very much.

Mr. Chair, if I may thank the Democrats who participated, and that is JOHN YARMUTH, JOHN TANNER, CHET EDWARDS, JIM CLYBURN, ALBIO SIRE, JIM COOPER, MIKE DOYLE, BART STUPAK, CHRIS CARNEY and ED PERLMUTTER. I want to thank the Ryder Cup team for their participation.

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

## AMENDMENT NO. 10 OFFERED BY MR. DONNELLY OF INDIANA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. DONNELLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 369, noes 62, not voting 8, as follows:

[Roll No. 706]

AYES—369

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blackburn  
Blumenauer  
Blunt  
Bocchieri  
Bonner  
Bono Mack  
Boozman

Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cao  
Capito  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castor (FL)  
Chandler  
Childers  
Christensen

Chu  
Clay  
Cleaver  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
DeLaunt  
DeLauro  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell

Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Fallin  
Farr  
Fattah  
Filner  
Forbes  
Foster  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)

Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McClintock  
McColum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg

Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schock  
Schroder  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiberi  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOES—62

Bartlett	Gohmert	Moran (KS)
Barton (TX)	Granger	Murphy, Tim
Biggert	Graves	Neugebauer
Bishop (UT)	Hall (TX)	Nunes
Boehner	Hastings (WA)	Paul
Boustany	Heinrich	Petri
Brown (GA)	Heller	Poe (TX)
Burgess	Hensarling	Pomeroy
Cantor	Inglis	Radanovich
Carter	Issa	Rohrabacher
Castle	Johnson, Sam	Rooney
Chaffetz	Kingston	Royce
Coble	Lamborn	Ryan (WI)
Conaway	Linder	Sensenbrenner
Dent	Lummis	Sessions
Doggett	Lungren, Daniel	Shadegg
Flake	E.	Stark
Fleming	Marchant	Sullivan
Fortenberry	McCarthy (CA)	Thornberry
Fox	McCaul	Tiahrt
Gallely	Miller, Gary	Tierney

## NOT VOTING—8

Barrett (SC)	Davis (IL)	Sestak
Capps	McHugh	Tanner
Clarke	Schmidt	

□ 1520

Messrs. ROHRABACHER, ISSA and MCCARTHY of California changed their vote from “aye” to “no.”

Ms. ZOE LOFGREN of California changed her vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. SHIMKUS was allowed to speak out of order.)

## HOOPS FOR HOPE

Mr. SHIMKUS. I will be brief, my colleagues and friends.

You see the trophy here, it's in the middle of the Chamber because this is one of the events where it's a bipartisan game. Last night, the Members of Congress defeated a team from the American League of Lobbyists in the 11th annual Hoops for Hope charity basketball game.

After being pummeled last year, we came roaring back with a surprising 52-39 win. This could not have been possible without the assistance of my co-captain, BRAD ELLSWORTH, and Members JEFF FLAKE, FRANK KRATOVIL, TODD TIAHRT, MIKE ARCURI, JOHN BOCCIERI, and Member emeritus KENNY HULSHOF.

I want to thank Visitation High School in Georgetown for their support, winning coach John Thompson from Georgetown, Coach Karl Hobbs from George Washington, Dave Johnson, who is a radio play-by-play announcer from WTOP, and the American League of Lobbyists, especially Paul Miller and Dave Weingold.

Over the 11 years of this charity event, we have raised over \$400,000 in money going to Horton's Kids, Servant Christian Community Foundation, St. Anthony's Scholarship Fund, Washington Jesuit Academy, and the Luke Tiahrt Foundation.

I want to thank my colleagues for their support.

## LOBBYIST TEAM 1

Coach: Keith Urgo, Asst. Head Coach, Villanova University

Jess Peterson, Western Skies Strategies  
 Jack Kelly, American Trucking Assn.  
 Josh Brown, CBS  
 Paul Kanitra, Carfax  
 Stephanie Holland, Squadra Films  
 Antonio Payne, IOPFDA  
 Casey Dinges, ASCE  
 Ray Bucheger, Friedman, Beaubien,  
 Bucheger Federal Relations  
 Brian Wagner, ATK  
 Chaka Burgess, Amgen  
 Jesse Kerns, Amgen  
 Melissa Shannon, Kountoupes Consulting

## LOBBYIST TEAM 2

Jim Martin, 60 Plus  
 Brad Knox, AFLAC  
 Bill Johnson, ATK  
 Booth Jameson, HP  
 Dan Cohen, ?  
 Danny Leonard, The Leonard Group  
 Monte Ward, Advanced Capitol Consulting  
 Brian Pallasch, ASCE  
 Paxton Baker, BET J  
 Michael Meehan, Blue Line Strategic Communications

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

## AMENDMENT NO. 12 OFFERED BY MR. MASSA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. MASSA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 14, not voting 9, as follows:

[Roll No. 707]

AYES—416

Abercrombie	Blunt	Carnahan
Ackerman	Bocchieri	Carney
Aderholt	Bonner	Carson (IN)
Adler (NJ)	Bono Mack	Carter
Akin	Boozman	Cassidy
Alexander	Bordallo	Castle
Altmire	Boren	Castor (FL)
Andrews	Boswell	Chaffetz
Arcuri	Boucher	Chandler
Austria	Boustany	Childers
Baca	Boyd	Christensen
Bachmann	Brady (PA)	Chu
Bachus	Brady (TX)	Clarke
Baird	Braley (IA)	Clay
Baldwin	Bright	Cleaver
Barrow	Brown (SC)	Clyburn
Bartlett	Brown, Corrine	Coble
Barton (TX)	Brown-Waite,	Coffman (CO)
Bean	Ginny	Cohen
Becerra	Buchanan	Cole
Berkley	Burton (IN)	Conaway
Berman	Butterfield	Connolly (VA)
Berry	Buyer	Conyers
Biggert	Calvert	Cooper
Bilbray	Camp	Costa
Bilirakis	Campbell	Costello
Bishop (GA)	Cao	Courtney
Bishop (NY)	Capito	Crenshaw
Bishop (UT)	Capuano	Crowley
Blumenauer	Cardoza	Cuellar
Culberson		
Cummings		
Dahlkemper		
Davis (AL)		
Davis (CA)		
Davis (IL)		
Davis (KY)		
Davis (TN)		
Deal (GA)		
DeFazio		
DeGette		
Delahunt		
DeLauro		
Dent		
Diaz-Balart, L.		
Diaz-Balart, M.		
Dicks		
Dingell		
Doggett		
Donnelly (IN)		
Doyle		
Dreier		
Driehaus		
Duncan		
Edwards (MD)		
Edwards (TX)		
Ehlers		
Ellison		
Ellsworth		
Emerson		
Engel		
Eshoo		
Etheridge		
Faleomavaega		
Fallin		
Farr		
Fattah		
Filner		
Fleming		
Forbes		
Fortenberry		
Foster		
Fox		
Frank (MA)		
Frelinghuysen		
Fudge		
Gallely		
Garrett (NJ)		
Gerlach		
Giffords		
Gingrey (GA)		
Gohmert		
Gonzalez		
Goodlatte		
Gordon (TN)		
Granger		
Graves		
Grayson		
Green, Al		
Green, Gene		
Griffith		
Grijalva		
Guthrie		
Gutierrez		
Hall (NY)		
Hall (TX)		
Halvorson		
Hare		
Harman		
Harper		
Hastings (FL)		
Hastings (WA)		
Heinrich		
Heller		
Hensarling		
Herger		
Herseth Sandlin		
Higgins		
Hill		
Himes		
Hinchey		
Hinojosa		
Hirono		
Hodes		
Hoekstra		
Holden		
Holt		
Honda		
Hoyer		
Hunter		
Inglis		
Inslee		
Israel		
Issa		
Jackson (IL)		
Jackson-Lee		
(TX)		
Jenkins		
Johnson (GA)		
Johnson (IL)		
Johnson, E. B.		
Jones		
Jordan (OH)		
Kagen		
Kanjorski		
Kaptur		
Kennedy		
Kildee		
Kilpatrick (MI)		
Kilroy		
Kind		
King (NY)		
Kingston		
Kirk		
Kirkpatrick (AZ)		
Kissell		
Klein (FL)		
Kline (MN)		
Kosmas		
Kratovil		
Kucinich		
Lamborn		
Lance		
Langevin		
Larsen (WA)		
Larson (CT)		
Latham		
LaTourette		
Latta		
Lee (CA)		
Lee (NY)		
Levin		
Lewis (CA)		
Lewis (GA)		
Linder		
Lipinski		
LoBiondo		
Loebsock		
Loftgren, Zoe		
Lowey		
Lucas		
Luetkemeyer		
Lujan		
Lungren, Daniel		
E.		
Lynch		
Maffei		
Maloney		
Manzullo		
Marchant		
Markey (CO)		
Markey (MA)		
Marshall		
Massa		
Matheson		
Matsui		
McCarthy (CA)		
McCarthy (NY)		
McCaul		
McCollum		
McCotter		
McDermott		
McGovern		
McHenry		
McIntyre		
McKeon		
McMahon		
McMorris		
Rodgers		
McNerney		
Meek (FL)		
Meeks (NY)		
Melancon		
Mica		
Michaud		
Miller (FL)		
Miller (MI)		
Miller (NC)		
Miller, Gary		
Miller, George		
Minnick		
Mitchell		
Mollohan		
Moore (KS)		
Moore (WI)		
Moran (KS)		
Moran (VA)		
Murphy (CT)		
Murphy (NY)		
Murphy, Patrick		
Murphy, Tim		
Murtha		
Myrick		
Nadler (NY)		
Napolitano		
Neal (MA)		
Neugebauer		
Norton		
Nunes		
Nye		
Oberstar		
Obey		
Olson		
Olver		
Ortiz		
Pallone		
Pascarella		
Pastor (AZ)		
Paulsen		
Pence		
Perlmutter		
Perriello		
Peters		
Peterson		
Petri		
Pierluisi		
Pingree (ME)		
Pitts		
Platts		
Polis (CO)		
Pomeroy		
Posey		
Price (GA)		
Price (NC)		
Putnam		
Quigley		
Radanovich		
Rahall		
Rangel		
Rehberg		
Reichert		
Reyes		
Richardson		
Rodriguez		
Roe (TN)		
Rogers (AL)		
Rogers (KY)		
Rogers (MI)		
Rohrabacher		
Ros-Lehtinen		
Roskam		
Ross		
Rothman (NJ)		
Roybal-Allard		
Royce		
Ruppersberger		
Rush		
Ryan (OH)		
Sablan		
Salazar		
Sánchez, Linda		
T.		
Sanchez, Loretta		
Sarbanes		
Scalise		
Schakowsky		
Schauer		
Schiff		
Schock		
Schrader		
Schwartz		
Scott (GA)		
Scott (VA)		
Sensenbrenner		
Serrano		
Sessions		
Shea-Porter		
Sherman		
Shimkus		
Shuler		
Shuster		
Simpson		
Sires		
Skelton		
Slaughter		
Smith (NE)		
Smith (NJ)		
Smith (TX)		
Smith (WA)		
Snyder		
Souder		
Space		
Speier		
Spratt		
Stark		
Stearns		

Stupak	Towns	Waxman
Sullivan	Tsongas	Weiner
Sutton	Turner	Welch
Taylor	Upton	Westmoreland
Teague	Van Hollen	Wexler
Terry	Velázquez	Whitfield
Thompson (CA)	Visclosky	Wilson (OH)
Thompson (MS)	Walden	Wilson (SC)
Thompson (PA)	Walz	Wittman
Thornberry	Wamp	Wolf
Tiahrt	Wasserman	Woolsey
Tiberi	Schultz	Wu
Tierney	Waters	Yarmuth
Titus	Watson	Young (AK)
Tonko	Watt	Young (FL)

## NOES—14

Blackburn	Johnson, Sam	Poe (TX)
Boehner	King (IA)	Rooney
Broun (GA)	Lummis	Ryan (WI)
Flake	McClintock	Shadegg
Franks (AZ)	Paul	

## NOT VOTING—9

Barrett (SC)	Capps	Schmidt
Burgess	Mack	Sestak
Cantor	McHugh	Tanner

□ 1531

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. SABLAN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3246) to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy, pursuant to House Resolution 745, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. BROUN of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BROUN of Georgia. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROUN of Georgia moves to recommit the bill H.R. 3246 to the Committee on

Science and Technology with instructions to report the same back to the House forthwith, with the following amendment:

Page 7, after line 8, insert the following new subsection:

(e) LIMITATION.—Notwithstanding subsections (a) through (d), this section shall take effect in the first fiscal year—

(1) with respect to which no other funding is authorized by law for the Department of Energy vehicle technologies research, development, demonstration, and commercial application purposes of this Act; and

(2) that follows any fiscal year in which the actual annual Federal budget deficit did not exceed \$500,000,000,000.

Mr. BROUN of Georgia (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. BROUN of Georgia. Mr. Speaker, my motion would seek to improve this legislation by allowing it to take effect at a time when our fiscal house is more in order and at a time when no other taxpayer dollars are being spent on the same activities that are authorized by this bill.

The motion specifies that no money may be spent for the activities authorized under this bill until such time as the funds which are already being spent for these same types of activities under authorizations, such as funds from the Energy Independence and Security Act and the American Recovery and Reinvestment Act, are expended.

Additionally, the legislation specifies that \$2.83 billion authorized under this act is only authorized to be appropriated if we are able to reduce the current deficit to \$500 billion.

Mr. Speaker, it is time to get our fiscal house in order. The American people deserve that. There are at least five major funding programs related to advanced vehicle technologies that the Department of Energy has announced just in the past 9 months. The Energy Independence and Security Act alone has three specific authorized programs that allocate taxpayer dollars in the form of grants or loans for advanced vehicle technologies.

Additionally, the stimulus bill passed earlier this year allocated to the Department of Energy hundreds of millions of dollars for fuel cell production as well as for the production of high-efficiency passenger vehicles and trucks.

Clearly, there is a lot of money out there for programs like this already. Maybe we should look now to take a step backward and remember that we really cannot afford to keep up this level of spending. The consequences for spending without heeding the consequences are staring us right in the face. By adopting this provision I've just laid out for this body, we will fi-

nally start to act seriously about bringing down our deficits and about addressing this country's long-term debt.

Mr. Speaker, everybody in this body agrees that energy independence is a key economic and strategic goal, but of even more vital interest to our economic and strategic prospects as a Nation is our ability to show fiscal discipline and to be the stewards of the people's money that they elected us to be. These commonsense changes to this bill will allow us to exercise some fiscal constraint at a time when we have been literally mortgaging our children's and grandchildren's futures. Their futures depend upon our being fiscally responsible.

My motion to recommit will help move us in that direction. I urge my colleagues to support this commonsense motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Speaker, I share my friend Dr. BROUN's concerns about the deficit. That's the reason that I voted for a pay-as-you-go amendment, and we passed that here in this Congress. Dr. BROUN wasn't here back in the early 1990s.

To remind him, at that time, we had the world's largest deficit. In 1993, we passed a pay-as-you-go amendment, which helped turn that deficit into a surplus where we were actually paying down the deficit. So I hope when that pay-as-you-go bill comes back from the Senate that Dr. BROUN will help us pass that. I will do something about our deficit. Let me address a couple of specific issues.

Again, I share Dr. BROUN's concerns about duplicate programs, and that's the reason, in this bill, we make sure that would not occur.

Title I, section 101(e)—Coordination and Non-Duplication: "In coordinating activities the Secretary shall ensure, to the maximum extent practicable, that activities do not duplicate those of other programs within the Department or other relevant research agencies." This was further laid out on page 17 of the report language. So, duplication, you don't have to worry about it.

This bill is an investment in our energy independence because another threat that this country faces is that of foreign energy cartels. Let me point out just a couple of things: for every 1 percent efficiency gain in the Nation's vehicle fleet, it translates into more than 2 billion gallons of fuel saved annually.

For that reason, this bill is supported and scored by the U.S. Chamber of Commerce and by the National Association of Manufacturers. It is also supported by General Motors, Ford Motor

Company, Chrysler, the United Auto Workers, the Motor and Equipment Manufacturers Association, Daimler, Delphi, Caterpillar, the Engine Manufacturers Association, the Alliance of Automobile Manufacturers, the Natural Resources Defense Council, and the Sierra Club because this is a good bill.

Let me give you just one example of what we're trying to do here. There really isn't much research at all in heavy duty vehicles. This is an area in which we can make enormous savings. Again, one example: there are approximately 900 garbage trucks in the country, but their fuel consumption is equivalent to, roughly, 2.5 million passenger vehicles—90,000 garbage trucks to 2.5 million passenger vehicles. It's estimated that, if we can just put as little as 100 hybrid electric garbage trucks on the road, it will reduce diesel fuel consumption by 7.2 million gallons, which amounts to 1 billion barrels of oil.

So this bill is a bill for investment and energy independence, which is a threat to this country, and we have made sure that there are no efforts to duplicate research any other way.

With that, Mr. Speaker, I yield back my time, and I suggest that we vote down this motion to recommit and stand with the Chamber of Commerce, with the National Association of Manufacturers and with so many other companies in this town.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. BROUN of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 180, noes 245, not voting 8, as follows:

[Roll No. 708]

#### AYES—180

Aderholt	Boozman	Capito
Adler (NJ)	Boustany	Carter
Akin	Brady (TX)	Cassidy
Alexander	Bright	Castle
Bachmann	Broun (GA)	Chaffetz
Bachus	Brown (SC)	Childers
Bartlett	Brown-Waite,	Coble
Barton (TX)	Ginny	Coffman (CO)
Bilbray	Buchanan	Cole
Bilirakis	Burgess	Conaway
Bishop (UT)	Burton (IN)	Crenshaw
Blackburn	Buyer	Culberson
Blunt	Calvert	Davis (KY)
Boccieri	Camp	Deal (GA)
Boehner	Campbell	Dent
Bonner	Cantor	Diaz-Balart, L.
Bono Mack	Cao	Diaz-Balart, M.

Dreier	LaTourette	Putnam
Duncan	Latta	Radanovich
Emerson	Lee (NY)	Rehberg
Fallin	Lewis (CA)	Reichert
Flake	Linder	Roe (TN)
Fleming	LoBiondo	Rogers (AL)
Forbes	Lucas	Rogers (KY)
Fortenberry	Luetkemeyer	Rogers (MI)
Fox	Lummis	Rohrabacher
Franks (AZ)	Lungren, Daniel	Ros-Lehtinen
Frelinghuysen	E.	Roskam
Galleghy	Mack	Royce
Garrett (NJ)	Manzullo	Ryan (WI)
Gerlach	Marchant	Scalise
Gingrey (GA)	McCarthy (CA)	Schock
Gohmert	McCaull	Sensenbrenner
Goodlatte	McClintock	Sessions
Granger	McHenry	Shadegg
Graves	McKeon	Shimkus
Griffith	McMahon	Shuster
Guthrie	McMorris	Simpson
Hall (TX)	Rodgers	Smith (NE)
Harper	Melancon	Smith (NJ)
Hastings (WA)	Mica	Smith (TX)
Heller	Miller (FL)	Stearns
Hensarling	Miller, Gary	Sullivan
Herger	Minnick	Taylor
Hoekstra	Mitchell	Teague
Hunter	Moran (KS)	Terry
Inglis	Myrick	Thompson (PA)
Issa	Neugebauer	Thornberry
Jenkins	Nunes	Tiahrt
Johnson (IL)	Nye	Tiberi
Johnson, Sam	Olson	Turner
Jones	Paul	Walden
Jordan (OH)	Paulsen	Wamp
King (IA)	Pence	Westmoreland
King (NY)	Perriello	Whitfield
Kingston	Petri	Wilson (SC)
Kline (MN)	Pitts	Wittman
Kratovil	Platts	Wolf
Lamborn	Poe (TX)	Young (AK)
Lance	Posey	Young (FL)
Latham	Price (GA)	

#### NOES—245

Abercrombie	Davis (AL)	Holden
Ackerman	Davis (CA)	Holt
Altmire	Davis (IL)	Honda
Andrews	Davis (TN)	Hoyer
Arcuri	DeFazio	Inlee
Austria	DeGette	Israel
Baca	Delahunt	Jackson (IL)
Baird	DeLauro	Jackson-Lee
Baldwin	Dicks	(TX)
Barrow	Dingell	Johnson (GA)
Bean	Doggett	Johnson, E. B.
Becerra	Donnelly (IN)	Kagen
Berkley	Doyle	Kanjorski
Berman	Driehaus	Kaptur
Berry	Edwards (MD)	Kennedy
Biggart	Edwards (TX)	Kildee
Bishop (GA)	Ehlers	Kilpatrick (MI)
Bishop (NY)	Ellsworth	Kilroy
Blumenauer	Engel	Kind
Boren	Eshoo	Kirk
Boswell	Etheridge	Kirkpatrick (AZ)
Boucher	Farr	Kissell
Boyd	Fattah	Klein (FL)
Brady (PA)	Filner	Kosmas
Braley (IA)	Foster	Kucinich
Brown, Corrine	Frank (MA)	Langevin
Butterfield	Fudge	Larsen (WA)
Capuano	Giffords	Larson (CT)
Cardoza	Gonzalez	Lee (CA)
Carnahan	Gordon (TN)	Levin
Carney	Grayson	Lewis (GA)
Carson (IN)	Green, Al	Lipinski
Castor (FL)	Green, Gene	Loeb
Chandler	Grijalva	Loeb
Chu	Gutierrez	Lofgren, Zoe
Clarke	Hall (NY)	Lowey
Clay	Halvorson	Lujan
Cleaver	Hare	Lynch
Cohen	Harman	Maffei
Connolly (VA)	Hastings (FL)	Maloney
Conyers	Heinrich	Markey (CO)
Cooper	Hereth Sandlin	Markey (MA)
Costa	Higgins	Marshall
Costello	Hill	Massa
Courtney	Himes	Matheson
Crowley	Hinchey	Matsui
Cuellar	Hinojosa	McCarthy (NY)
Cummings	Hirono	McCollum
Dahlkemper	Hodes	McCotter
		McDermott

McGovern	Pomeroy	Snyder
McIntyre	Price (NC)	Souder
McNerney	Quigley	Space
Meek (FL)	Rahall	Speier
Meeks (NY)	Rangel	Spratt
Michaud	Reyes	Stark
Miller (MI)	Richardson	Stupak
Miller (NC)	Rodriguez	Sutton
Miller, George	Ross	Thompson (CA)
Mollohan	Rothman (NJ)	Thompson (MS)
Moore (KS)	Roybal-Allard	Tierney
Moore (WI)	Ruppersberger	Titus
Moran (VA)	Rush	Tonko
Murphy (CT)	Ryan (OH)	Towns
Murphy (NY)	Salazar	Tsongas
Murphy, Patrick	Sánchez, Linda	Upton
Murphy, Tim	T.	Van Hollen
Murtha	Sanchez, Loretta	Velázquez
Nadler (NY)	Sarbanes	Visclosky
Napolitano	Schakowsky	Walz
Neal (MA)	Schauer	Wasserman
Oberstar	Schiff	Schultz
Obey	Schrader	Waters
Olver	Schwartz	Watson
Ortiz	Scott (GA)	Watt
Pallone	Scott (VA)	Waxman
Pascarella	Serrano	Weiner
Pastor (AZ)	Shea-Porter	Welch
Payne	Sherman	Wexler
Perlmutter	Shuler	Wilson (OH)
Peters	Sires	Woolsey
Peterson	Skelton	Wu
Pingree (ME)	Slaughter	Yarmuth
Polis (CO)	Smith (WA)	

#### NOT VOTING—8

Barrett (SC)	Ellison	Sestak
Capps	McHugh	Tanner
Clyburn	Schmidt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes left in this vote.

□ 1559

Mr. PAYNE changed his vote from “aye” to “no.”

Mr. NYE changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 312, nays 114, not voting 7, as follows:

[Roll No. 709]

#### YEAS—312

Abercrombie	Berman	Butterfield
Ackerman	Berry	Buyer
Aderholt	Biggart	Calvert
Adler (NJ)	Bilbray	Camp
Altmire	Bishop (GA)	Cao
Andrews	Bishop (NY)	Capito
Arcuri	Blumenauer	Capuano
Austria	Boccieri	Cardoza
Baca	Bonner	Carnahan
Bachus	Boren	Carney
Baird	Boswell	Carson (IN)
Baldwin	Boucher	Castle
Barrow	Boyd	Castor (FL)
Bartlett	Brady (PA)	Childers
Bean	Braley (IA)	Chu
Becerra	Bright	Clarke
Berkley	Brown, Corrine	Clay

Cleaver  
Clyburn  
Coble  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gerlach  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Inglis  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.

Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeback  
Lofgren, Zoe  
Lowey  
Lucas  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Pitts

Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Sires  
Skeltan  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Taylor  
Terry  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)

## NAYS—114

Akin  
Alexander  
Bachmann  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)

Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Campbell  
Cantor  
Carter  
Cassidy  
Chaffetz  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Deal (GA)  
Dreier  
Duncan  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Harper  
Hastings (WA)

Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Campbell  
Cantor  
Carter  
Cassidy  
Chaffetz  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Deal (GA)  
Dreier  
Duncan  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Harper  
Hastings (WA)

Heller  
Hensarling  
Herger  
Hunter  
Issa  
Johnson, Sam  
Jordan (OH)  
King (IA)  
Kingston  
Kline (MN)  
Lamborn  
Latham  
Latta  
Lewis (CA)  
Linder  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Moran (KS)  
Myrick  
Neugebauer  
Nunes

Olson  
Paul  
Pence  
Petri  
Poe (TX)  
Price (GA)  
Radanovich  
Rehberg  
Roe (TN)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Simpson  
Smith (TX)  
Stearns  
Sullivan  
Teague  
Thompson (PA)  
Thornberry  
Tiahrt  
Walden  
Westmoreland  
Wilson (SC)  
Wittman  
Young (FL)

## NOT VOTING—7

Barrett (SC)  
Barton (TX)  
Capps  
Chandler  
McHugh  
Sestak  
Tanner

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1606

Mrs. BONO MACK and Mr. COLE changed their vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BARTON of Texas. Mr. Speaker, on roll-call No. 709, I inadvertently missed the last vote. Had I been present, I would have voted “yea.”

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. WESTMORELAND. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 648.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Is there objection to the request of the gentleman from Georgia?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## WES WATKINS AGRICULTURAL RESEARCH LAB AND POST OFFICE

Mr. ELLSWORTH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1713) to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley “Wes” Watkins.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1713

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. REDESIGNATION OF SOUTH CENTRAL AGRICULTURAL RESEARCH LABORATORY, LANE, OKLAHOMA.

(a) REDESIGNATION.—The South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, shall be known and redesignated as the “Wes Watkins Agricultural Research Laboratory”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the South Central Agricultural Research Laboratory shall be deemed to be a reference to the “Wes Watkins Agricultural Research Laboratory”.

## SEC. 2. DESIGNATION OF WES WATKINS POST OFFICE, BENNINGTON, OKLAHOMA.

(a) DESIGNATION.—The facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, shall be known and designated as the “Wes Watkins Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Wes Watkins Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. ELLSWORTH) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

## GENERAL LEAVE

Mr. ELLSWORTH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLSWORTH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1713 would name the U.S. Department of Agriculture's South Central Agricultural Research Laboratory in Lane, Oklahoma, as the facility of the U.S. Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley Watkins.

After graduating with two degrees from Oklahoma State University in Stillwater, Congressman Watkins worked for the Agriculture Department and as an administrator at his alma mater before entering political life, first as a State senator and then as a Member of Congress. Mr. Watkins represented Oklahoma's Third Congressional District for a total of 20 years, both as a Democrat and as a Republican.

I am pleased the name of Congressman Watkins will be part of his former district's role in the important mission of scientific research in agricultural issues that affect all Americans every day, from the fields to our dinner tables.

This bill has the support of the Oklahoma delegation, and I encourage the rest of my House colleagues to support it here today.

Madam Speaker, I reserve the balance of my time.

Mr. LUCAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to take a moment to discuss H.R. 1713, which would name the South Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the United States Post Office facility in Bennington, Oklahoma, in honor of my friend and predecessor, Wes Watkins.

Wes has enjoyed a long and distinguished career in public service, first as a member of the Oklahoma State Senate and then as a United States Congressman from Oklahoma's Third District for 20 years. During his tenure, Wes had the honor of serving on three of the House's most prestigious committees, including Appropriations, Budget, and Ways and Means. Before Wes, no other Congressperson had ever served on all three of the House's major committees during their career.

Beyond his committee work, Wes was intimately attuned to the financial needs of the constituents back home in Oklahoma. Recognizing the hardships Oklahoma families had to endure on a daily basis, Wes used his committee assignments to steer resources back to the Third District of Oklahoma. As a part of his efforts to restore financial security to his constituents, Wes took a particularly strong interest in economic development issues, which no doubt changed the economic landscape of Oklahoma's Third District for the better.

Let there be no doubt, had it not been for Wes's dedication and strong leadership, Oklahoma's Third District would not have been what it is today.

On behalf of Wes Watkins and my constituents back home in Oklahoma, I urge all of my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. ELLSWORTH. Madam Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Madam Speaker, I rise today to honor one of Oklahoma's most distinguished public servants and a former Member of this legislative body, Congressman Wes Watkins.

Madam Speaker, the legislation that we have before us today, H.R. 1713, would name the USDA Lane Agricultural Research Laboratory in Lane, Oklahoma, and the United States Post Office in Bennington, Oklahoma, in honor of Congressman Wesley "Wes" Watkins.

Congressman Watkins' story is uniquely American. Born in De Queen, Arkansas, and raised and schooled in a working class Oklahoma agricultural family, Wes Watkins would grow and develop into one of Oklahoma's most prominent political figures.

Following his graduation from Bennington High School in the spring of 1956, a young Watkins would move to Stillwater, Oklahoma, and enroll in Oklahoma State University. Five years later, Watkins would earn a bachelor's and master's degree with honor and distinction.

After graduating from college, Wes Watkins did what many Oklahomans have done. He decided to serve his State and country by joining the Oklahoma Air National Guard. But in the summer of 1975, Wes Watkins felt he had a higher calling, and that was public service. That fall, he would successfully run for a seat in the Oklahoma State Senate, representing the same "Little Dixie" region that the former Speaker Carl Albert called home.

Two years later when Speaker Albert announced his retirement, State Senator Watkins decided he would run for the Speaker's former seat. After winning a competitive primary against the Speaker's former Chief of Staff, Wes went on to win the general election with more than 80 percent of the vote, and for the better part of four decades, Congressman Wes Watkins would represent eastern Oklahoma in the United States House of Representatives. As a Member of the House of Representatives, Congressman Watkins would go on to become the only Oklahoma Congressman to serve on all three major House financial committees.

Madam Speaker, I was fortunate enough to not only be represented by Wes Watkins in Congress, I was lucky to have the opportunity to serve on both his D.C. staff and his district staff, first as an intern in his Washington, D.C. office and then as a field representative in his eastern Oklahoma district. Without Congressman Watkins' guidance and his inspiration, I probably wouldn't be here today representing Oklahoma's Second Congressional District.

Wes Watkins' record serving the State of Oklahoma is one filled with leadership, compassion, and selfless service. The Lane Agricultural Research Laboratory and the United

States Post Office that this legislation will name in his honor will serve as a permanent reminder of all that he has given to Oklahoma.

I ask that all my colleagues support this bill.

□ 1615

Mr. LUCAS. Madam Speaker, I yield such time as he may consume to a fellow member of the Oklahoma delegation, Congressman COLE.

Mr. COLE. Madam Speaker, it is a great privilege to be here with my colleagues and participate in honoring our former colleague in this Chamber, Wes Watkins. Usually when you come down to the floor on an occasion like this, you are armed with all sorts of wonderful prepared remarks, and you lay them out.

But I would rather talk about my friend, Wes Watkins, spontaneously and, frankly, from a rather unique perspective because I have run races against him, and I have run races for him. And I have to tell you, I never beat him when I ran a race against him, but I was a lot more successful working for him.

He is really an extraordinary political figure in his own right. As my friend, Congressman BOREN mentioned, he served as a State senator. He was a Congressman. He ran for governor twice, frankly, nearly getting the Democratic nomination in 1990. Had he gotten that, he undoubtedly would have won the election and have been the Governor of our State. He ran again in 1994 as an Independent. Very unusual. By the way, his congressional district voted for him as a Democrat, voted for him as an Independent, and then later voted for him as a Republican. I have never seen a loyalty directed toward an individual that way.

In the course of his 1990 campaign, he got to be pretty good friends with my client, Frank Keating, who later went on to be Governor. Frank Keating thought so much of Wes Watkins, his opponent, that he offered him a job in his Cabinet as a Secretary for international trade because Wes was so passionate about bringing jobs and opportunity to the people of Oklahoma. That says a lot about you as an individual that one of your opponents thinks so highly of you that they want to move you over into their administration.

Unfortunately, some of Wes's colleagues in the State senate in Oklahoma decided that having run as an Independent instead of a Democrat, they were not inclined to do that. But a number of years later, an opportunity came up when the seat that he won came open again. Our good friend, Bill Brewster, decided to retire. And I remember, Wes was still registered as an Independent, and there was 17 days before the cutoff when you had to choose your party. The minute that Frank Keating, then Governor Keating,

saw that congressional seat was open, he literally within 20 minutes called Wes Watkins and said, Wes, I want you to run for Congress. I don't care if you run as an Independent; I don't care if you run as a Democrat. I'm a Republican. I would like you to run as that. That doesn't matter. We are going to do everything we can. We need you back in the Congress of the United States. We need your passion and your commitment for economic development and to help the people of this State.

Wes honestly made, I would say, a tough political call because he would have won as a Democrat. He would have won as an Independent. He chose to become a Republican for a lot of reasons, but I think partly because he thought we were in the majority then, he thought he would be very effective in that role, and he was. He was an extraordinarily effective Congressman for his State.

Now, when I think about Wes, you can't think about Wes and not think about Lou Watkins, his partner, his only real political consultant and, quite frankly, now a regent at Oklahoma State University, one of the really fine public figures and one of the best classroom teachers I ever saw in my life. As a college political science professor, I used to occasionally go and deal with her students. And incredibly fair. Together, they have done so much good for our State. They are deep in the hearts of the people that they manage to serve.

I do want to tell one polling story and one media story about my friend, Wes Watkins. When he first decided to run as a Republican, the district was literally registered over 80 percent Democrat at that time. We did a survey. In the survey you ask what are called open-ended questions: What do you like most, what do you like least about this individual.

I never saw this before, 97 percent of the people could tell you something specific about Wes Watkins, all of it positive: he helped my father get a job; he helped bring this business to our community. It was the most incredibly impressive testimony for an individual's good deeds and using public office in an appropriate way to help people that I have ever seen in my life.

We sent the media consultant to travel with him around the district for 3 days. She came back and I asked, What did you think?

She said, In 3 days I only met one person who didn't call him Wes in every little town. She said it was actually a young lady, probably 16 or 17 years. She came up to say, Mr. Watkins, could I please shake your hand. Thank you for something you have done for my family. The consultant said he just threw his arms around her and said, Honey, just call me Wes.

He is just a remarkable human being. I want to thank both of my colleagues

for this recognition, particularly my good friend, DAN BOREN, who worked with him. Wes Watkins has done as much for our State as anybody I have seen in my political lifetime. And continues to do it. And so does Lou. This is such a fitting and appropriate honor. I am happy to join my friends as a cosponsor and look forward to voting for this particular piece of legislation with a great deal of pleasure.

Mr. ELLSWORTH. Madam Speaker, we have no further speakers, but I will reserve the balance of my time.

Mr. LUCAS. Madam Speaker, we have no further speakers, and I yield myself the balance of my time.

Madam Speaker, as you've heard my colleagues in the Oklahoma delegation address today, Wes is a unique individual. He is a self-made man. In a world where the American ideal is coming from nothing to becoming something, which is the ideal goal, I think, of all of us, Wes represents that. Remember, he was born just across the line in Arkansas in 1938. He lived his life in Oklahoma. He was born in the Great Depression period, a time of economic challenges for all Oklahomans and all people in rural America. He came from a family that had tremendous challenges. But he and his mother and his brother overcame those. He put himself through university at Oklahoma State. He was southeast district FFA vice president. He was State president of what was then the Future Farmers of America. He made himself a homebuilder. He got himself elected to the State senate over tremendous opposition. He got himself elected to the United States Congress.

This individual that we know as Wes, and many Americans on the floor remember as our colleague, Congressman Watkins, is an amazing fellow from the absolute, most humble beginnings in a great little community called Bennington to accomplish for his friends and neighbors back home, because everyone was his friend and everyone was his neighbor, what he did is a testament. That is why I am so pleased and we are so pleased on this side of the aisle to name these two important facilities in the old 3rd Congressional District in his honor because he worked incredibly hard for the good folks of the 3rd District of Oklahoma and, by the actions he took, improved everything for all of us across America.

Madam Speaker, I yield back the balance of my time.

Mr. ELLSWORTH. Madam Speaker, if there is no objection, I yield 1 additional minute to Mr. BOREN from Oklahoma.

Mr. BOREN. Madam Speaker, I wanted to add a couple of things as a former staffer to Congressman Watkins—and Congressman COLE was very eloquent in his remarks, and so was my good friend, FRANK LUCAS.

There are so many of us, not just myself but there are many of us in con-

gressional offices across Washington, D.C., people in State government in Oklahoma, a lot of folks involved in agriculture, who can trace back their start to Wes Watkins.

I can tell you when I was starting out and I was looking for a job, he is the first person who gave me an opportunity. There are so many countless people that could say the same thing. So his legacy isn't necessarily just his name on a building. It is also all of the people and all of the families that he has touched. And also I wanted to say, and TOM COLE brought this up, Lou Watkins. She has been his partner for so many years. She has been a State regent at Oklahoma State University and a constant mentor to all of us.

With that, I hope my colleagues would support this legislation.

Ms. FALLIN. Madam Speaker, Wesley Watkins spent a lifetime in service to Oklahoma and the United States. From his time serving in the Oklahoma Air National Guard to his 20 years in the United States House of Representatives, Wes continually displayed his love for his state and country. He proved to be a great asset to our state during his time as an administrator at Oklahoma State University along with his years as a member of the Oklahoma state senate.

Naming the Agricultural Research Laboratory and the Postal Service facility in honor of Wesley Watkins is the sign of the gratitude the state of Oklahoma and our nation owe the former Congressman from Oklahoma's 3rd Congressional District. Due to his dedication to public service no Oklahoman has proven more deserving of such an honor than Congressman Wesley Watkins.

Mr. SULLIVAN. Madam Speaker, it is with great pleasure that I rise today to honor my friend and former colleague, Wesley "Wes" Watkins. H.R. 1713 would name the United States Department of Agriculture's South Central Research Laboratory in Lane, Oklahoma, and the facility of the U.S. Postal Service in Bennington, Oklahoma, in honor of the former Congressman Wes Watkins, who represented Oklahoma for 20 years.

Throughout Congressman Watkins's career, he devoted his life to the people of Oklahoma. He began his career of public service in 1974 when he was elected to serve in the Oklahoma State Senate. After U.S. House Speaker Carl Albert announced his retirement after 30 years in office, Congressman Watkins was elected to Congress in 1976. During his time in office, Wes would become the only Oklahoma Congressman to serve on all three major House financial committees, including Appropriations, Budget, and Ways and Means, where he used his influence to increase funding for rural economic development and education programs in the Third District of Oklahoma.

Wes is a man of principle. I am honored to know him and to have worked with him in Congress. He served the great state of Oklahoma and America proudly. I ask that you all join me in supporting H.R. 1713 which recognizes and honors a great public servant to Oklahoma and our Nation.

Mr. ELLSWORTH. Madam Speaker, I did not know Congressman Watkins,

but after this moving testimony, I would encourage all of our colleagues to pass H.R. 1713.

I yield back the balance of my time. The SPEAKER pro tempore (Ms. CLARKE). The question is on the motion offered by the gentleman from Indiana (Mr. ELLSWORTH) that the House suspend the rules and pass the bill, H.R. 1713.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3221.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 746 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3221.

□ 1626

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes, with Ms. JACKSON-LEE of Texas in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chair, I yield 4 minutes to the gentleman from Texas (Mr. HINOJOSA), the Chair of the Subcommittee on Higher Education.

Mr. HINOJOSA. Madam Chair, as chairman of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness, I rise in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act.

I congratulate Chairman GEORGE MILLER for his great leadership in bringing this historic legislation to the House floor. I also want to thank my colleagues from the Education and Labor Committee on both sides of the

aisle for supporting the largest investment ever in higher education.

The bill embraces President Obama's educational priorities by helping us to reach the goal of producing the most college graduates in the world by 2020 and makes our workforce strong and competitive. This bill will provide much-needed relief to families who are struggling to pay tuition, as well as students and workers who seek to access high-skilled and family-sustaining jobs.

The legislation will increase affordability, accessibility, and college completion rates, particularly for first-generation college, low-income, minority, and middle class students.

H.R. 3221 invests \$40 billion to increase the maximum annual Pell Grant scholarship to \$5,550 in 2010, and by 2019 increase it to \$6,900.

It also provides low-income and middle class families with reliable, affordable, high-quality direct Federal student loans, and simplifies the application process for financial aid.

H.R. 3221 strengthens our Nation's minority-serving institutions, MSIs, particularly in the STEM areas so students can stay in school, graduate and succeed in our global economy. It does this by investing \$2.55 billion in our Nation's minority-serving institutions over a 10-year period. We estimate that this funding will reach at least 500 institutions of higher learning. These investments will expand educational opportunities in the STEM fields and support students in staying in school and graduating at our Nation's Historically Black Colleges and Universities; Hispanic-serving institutions; tribally controlled colleges and universities; predominantly black institutions; and Asian American and Native Pacific Islander-serving institutions.

These investments will create a new generation of minority workers in STEM fields, professionals that our country desperately needs to remain competitive in our world.

□ 1630

For decades, MSIs have provided educational opportunities for tens of thousands of minority, low-income, and first-generation college students due to their accessibility, affordability, and close proximity to the communities they serve. If we hope to reach President Obama's goals, we must make sure that more minority students are completing advanced college degrees.

This bill invests \$10 billion in our Nation's community colleges to support President Obama's American Graduation Initiative and expands educational opportunities to millions of students who attend our Nation's community colleges.

These institutions serve young people who are just beginning their careers but need flexible schedules to work to pay their tuition and living ex-

penses. They serve displaced workers who must upgrade their skills to pursue a new career and enter high-growth sectors of our economy.

They serve older students and adult learners who seek specialized training and are attending their local community college for the very first time. They serve veterans who are pursuing postsecondary education after having served in the military.

This bill includes \$8 billion in investments in early childhood education to increase access to high-quality early education programs. And we know that children who have an early start by the time they enter kindergarten are more likely to go to college and succeed. There is proof that early reading and writing, from cradle to 5 years of age, equals success in school.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. This legislation is fiscally responsible and helps reduce the deficit. It complies with pay-as-you-go and directs \$8 billion in savings back to the U.S. Treasury to help pay down the deficit.

Our competitiveness and innovation in the world depends on our ability to invest in human capital and train a workforce for the 21st century. I urge my colleagues to support this historic investment in higher education.

Mr. KLINE of Minnesota. Madam Chair, I rise in opposition to H.R. 3221, and yield myself such time as I may consume.

Government takeover. We have seen and heard a lot of those two words lately—in the credit markets, the banking sector, the automotive industry, and even the building of schools. Then there's health care—an industry that assumes one-sixth of America's gross domestic product. We're not talking about health care today, but perhaps we should be.

The vote we will take on student lending is a culmination of a plan set in motion more than a decade and a half ago—and one that bears an eerily strong resemblance to the health care debate that rages on today.

In 1993, Congress created a so-called government option for college loans. The idea of this Direct Loan Program was to introduce competition and hold down costs. Sound familiar? Just 16 years later, we're about to vote on a plan that would completely and permanently eliminate the private sector's role in originating and raising capital for Federal student loans. In its place will be a one-size-fits-all Federal loan model that requires the U.S. Treasury to directly lend tens of billions of dollars each year—tens of billions of dollars we don't have, and will be forced to borrow.

So why is Congress intervening to declare one program the winner? If it's

truly about competition, the best program ought to win in the marketplace. In fact, one program has won—the public-private partnership of the Federal Family Education Loan Program, which is the choice of three-quarters of colleges and universities today.

By eliminating the FFEL program, we will lose the choice, the competition, and innovation of the private sector. That includes everything from technological innovations to loan discounts and borrower services. We will also lose jobs—an estimated 30,000 or more in congressional districts from coast to coast.

And what are we getting in return? My colleagues on the other side of the aisle tout this legislation as being fiscally responsible. Respectfully, I beg to differ.

The bill is awash with new entitlement programs, including a new early childhood program to develop and fund programs at the State level; a new program to build and renovate schools; and a new program to bolster community colleges and involve the Federal Government in developing online curriculum.

Add to these new programs the cost of expanding Pell Grants, funding for Minority Serving Institutions and the Perkins Loan Program, and we have on our hands a massive entitlement spending spree. This spending is allegedly paid for by \$87 billion in so-called savings from elimination of the FFEL program. Unfortunately, the numbers just don't add up.

CBO tells us the bill will require \$13.5 billion in new discretionary spending—real money that simply isn't counted in the mandatory score. CBO also tells us that, using current figures, the Pell Grant expansion will cost \$11.4 billion more than scorekeepers originally predicted—again, a cost not counted for in the “official” score. That means this bill will cost closer to \$15 billion over the next 10 years—and when market risk is factored in, the cost spikes to nearly \$50 billion more.

Madam Chair, there's a better way. Later in the debate, I will join the ranking member on the Higher Education Subcommittee, Mr. GUTHRIE, in offering an amendment to stabilize student lending by extending programs approved on a bipartisan basis last year.

With this plan, we can put \$13 billion towards deficit reduction and, most importantly, we can convene a non-partisan commission to study long-term structural changes to our student lending systems. In short, it's a thoughtful, reasonable approach to determine what's best for students, schools, and taxpayers alike.

I urge my colleagues to slow down, take a breath, and ask yourself whether another government takeover is what we need right now. I think the answer is a clear “no.”

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself 30 seconds. I appreciate that the gentleman wants to make this comparison between a public option and the private sector. Let's run down what happened over the last 10 years.

The private sector took \$100 billion in subsidies, and as they became the most profitable sector of the American economy, they couldn't give back any of those subsidies. While they were getting the \$100 billion in subsidies, they were engaged in price-fixing, anti-competitive practices, bribes, conflicts of interest, improper disclosure. And, at the end of that, they needed a bailout.

Sound familiar? Want to invest again?

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield myself an additional 30 seconds. Or, you can look at the public option here. The public option offered a product of equal value, very low cost, easy to administer, attractive to the people who used it. Major universities have used it for years with any problems, very complimentary about it, and it is in fact saving the loan industry at this very time because the private system has collapsed.

I yield 4 minutes to a member of the committee, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding, and I thank him for his leadership in bringing this very important piece of legislation to the floor. I want to amplify what the chairman just said because I think it's important for all of us to understand how the FFEL program works right now.

The way it works right now is that the Federal Government is providing approximately 60 percent of the capital that the private lenders provide to needy students. We do so because of the lack of liquidity in private credit markets.

So what we are doing is, we are paying private lenders a subsidy so that they will have the privilege of lending federally-originated money to their borrowers. We guarantee repayment of that money to the tune of 97 percent of the amount outstanding and the private lenders reap whatever interest payments are paid by the borrowers.

This is a really, really good deal for private lenders. It is a deal that costs the American taxpayer approximately \$8 billion to \$9 billion a year that we don't need to spend in that fashion. We can provide—we, the Federal Government—can provide the loan capital that students need. In fact, we now provide approximately 30 percent of the schools in the country that participate in the Guaranteed Student Loan Program, participate in the Direct Loan Program.

I used to work at a school that participated in the Direct Loan Program.

We made the transition from private lending to direct lending early on, and it was an absolutely seamless transition. We did not have to add a single staff person. Our students felt very advantaged by the change that we made. And we are now asking that all schools make that change, and we are doing so so that we can redirect that \$8 billion or \$9 billion that right now goes to pad the profit margins of the private lenders and direct that money primarily to needy students.

Let me put that in context. We right now rank sixth in the world in terms of the college-going rate for our population. We used to be first. Approximately only one out of every two students that enter college ever graduates. Those are two pretty daunting statistics if we are going to remain competitive in a very difficult global marketplace.

We need to have an educated workforce. We need to have a workforce that can be competitive. And the pathway to that is access to college—and not just access to college, but degree attainment.

This bill provides at least the financial mechanism for students to be able to achieve that goal. We dramatically expand the availability of the Pell Grant and increase the Pell Grant maximum in a way that it keeps pace with inflation so that it maintains its buying power.

We guarantee access to capital in the Guaranteed Student Loan Program, a subject I just talked about. We dramatically expand the availability of Perkins loans. Right now, students borrow \$1.5 billion in Perkins loans. We would increase that amount to \$6 billion a year, dramatically expanding both the number of students that can benefit and the number of schools that participate.

We also simplify the financial aid process. This is a process that has proven very daunting to many, many students. I used to administer that process. I recognize firsthand how difficult it can be. We simplify the financial aid process, particularly the administration of the so-called FAFSA form, and we remove that barrier, that roadblock that has prevented many students from pursuing their dreams. And we do all of this by not adding a dime to the bill that the taxpayers will be asked to carry. We redirect money, as I say, from the banks. And we do so in a fashion that helps needy students.

Mr. KLINE of Minnesota. At this time I'd like to yield 3 minutes to the ranking member on the Higher Education Subcommittee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I rise in opposition to H.R. 3221 because I believe there's a better way to protect students, colleges, and taxpayers. The authors of this legislation will argue that the purpose of H.R. 3221 is to simply stabilize

student lending. They claim the Federal Family Education Loan program, or the FFEL, is on "life support" and must be replaced with the government-run Direct Loan Program.

The FFEL program has been a stable, reliable source of private capital for student loans for more than 40 years. It provides a choice of loan providers—from large, national lenders to small, local nonprofits—and an array of benefits and services.

Colleges and universities overwhelmingly prefer the FFEL, with 70 to 80 percent of schools consistently opting for the public-private option.

Dr. Gary Ransdell, president of Western Kentucky University, has told me that the end of the FFEL program would, "mean the loss of financial literacy programs, college access programs, default aversion programs, borrowing benefits, and other support services."

Further, Dr. William Huston, president of St. Catharine College, a small, independent private college in my district, has shared his concerns about the impact the policy shift will have on schools of his size. He said the shift, "would mean investing staff time and money to change systems and processes at a time where budgets have been cut to the core."

Clearly, the rush to the Direct Loan Program will have a major impact on schools and students.

Now, it is true that the FFEL program was hit by the global market collapse that rocked our economy last year—and when that happened, student loan capital dried up, along with the capital across all sectors. And when stability was needed, Congress stepped in.

□ 1645

Last year, Congress passed the Ensuring Continued Access to Student Loans Act, or ECASLA, which provided a temporary Federal backstop to protect borrowers from loan disruption. This program has worked exceedingly well, and to my knowledge, not a single borrower has been left without a loan. The program is still in place today, and if our goal is simply to stabilize student lending, there is a simple solution: we should extend programs under ECASLA to retain the Federal backstop until the economy rebounds.

These programs are working today, which means there would be no confusion for schools and no uncertainty for borrowers if we were to simply extend this program while the market remains turbulent. In fact, Republicans had offered a plan that would exactly do that.

Later today I will join Ranking Member KLINE to offer an alternative to H.R. 3221. Our plan extends ECASLA through 2014, aligning it with other programs under the Higher Education Act. In the meantime, we are calling

for a commission to study student loan programs and propose alternatives that will protect borrowers and taxpayers alike. Simply put, our plan is a way to slow down and take a more thoughtful, reasonable approach to long-term student loan reform. Instead, we're going to vote on a plan that will reshape the way students pay for college in this country and radically expand the Federal Government in the process. Proponents of this bill claim it saves \$87 billion for taxpayers.

The CHAIR. The time of the gentleman from Kentucky has expired.

Mr. KLINE of Minnesota. I yield the gentleman 1 additional minute.

Mr. GUTHRIE. In reality, that \$87 billion is a combination of savings and government earnings that come because the Federal Government charges students a higher interest rate than it costs to borrow, turning student loans into a profit-making venture for the government. And what do we do with this \$87 billion? We are taking student money and spending much of it on an array of new government programs.

Students and schools will lose the value of choice, competition and innovation. Meanwhile, taxpayers will be on the hook for massive new entitlement spending and a huge expansion in government borrowing to finance loans that now need to be made directly from the Federal Treasury.

I urge my colleagues to join me in voting "no."

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO) who has put an awful lot of work into the early childhood education section of this legislation.

Ms. HIRONO. Madam Chair, as a member of the House Education and Labor Committee and as an original cosponsor of this bill, I rise in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. I thank Chairman MILLER for his leadership on this, as well as on so many other important measures.

While this bill includes many significant provisions, the part of the bill that I am especially excited about is the creation of the Early Learning Challenge Fund. Like the PRE-K Act I introduced in 2007 and again earlier this year, the Early Learning Challenge Fund would establish a competitive grant program to support, not supplant, States' efforts to improve the quality of their early education programs. Evidence shows that quality early education is the best foundational investment we can make in our children.

Last night I had the opportunity to meet with members of the philanthropic community who came together in recognition and support of quality early education. To quote these people, quality early education is "the most powerful investment America can

make." They not only understand the value of quality early learning, but they support successful programs all across the country, including in Hawaii. And they are not alone. Educators, economists, brain development researchers, police chiefs, Chambers of Commerce, retired military personnel all have emphasized the critical need for quality early education to prepare our children for success at school and in life. This bill is an important step in preparing our children for such success. I urge my colleagues to support this measure, a bill that makes important investments in education for all of our keiki—that's Hawaiian for children—from birth through college.

Mr. KLINE of Minnesota. Madam Chair, at this time I am pleased to yield 3 minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank our ranking member.

The loud sound you hear is the big gulp of the public option swallowing the private option. We hear all kinds of excuses why it's not the same, but here are some of the key business points to remember here: There has already been confusion in the quotes here on the floor about this 7 percent that the private sector has between revenues, which is the loan income that the banks receive, and their profits. There's also confusion between the net profit and the gross profit. The gross profit has all the expenses coming out, whereas the net profit is the bottom line, which is a relatively small number.

The reason this is important is that government, if they take this over and swallow the whole public sector into the public option, will have basically the same costs. Only when you compare cost to cost, the government can't deliver at the same price as the private sector. It never has, it never will in any category in the history of the United States.

Now in this expense question—and we've argued about this for years—one of the things that's clear is that the Federal Government doesn't depreciate. So fixed expenses, like buildings, aren't counted in their expenses that come off of the net profit, because that's a different budget. We do buildings in one appropriations bill, in one lump sum. It is not something that you would amortize over time.

Mixed expenses—for example, the expenses at the Department of Education, such as lighting in the building, even in many cases staff—aren't assigned to the student loans. They're assigned to the Department of Education. But even then when you ask the private sector to compete, even paying in that profit, 80 percent of the colleges chose the private sector because the service delivery was better. In fact, hopefully, the government is going to be wise enough here that they're going

to contract out with the private sector at the end of the day to deliver much of these services because there is no capability in the Federal Government to deliver this.

Now the proposal, on the face of it, isn't even plausible that we're hearing about all these new funding programs when the net profit out of the private sector is minimal compared to the new program. So where does this money come from? The best I've been able to determine is it's a different method of borrowing. Banks have to use the LIBOR rate, the interbank lending rate, whereas we are apparently going straight to the Fed and Treasury. That's merely a transfer of government funds that are off budget onto budget but still reduces the liquidity in the banking system, and it's being used to subsidize the new programs in the student loans.

Now why does this become important? Why won't the same grounds apply to SBA? Because if SBA goes directly into this same fund, there's no reason to use a bank. On what grounds do we use banks for farmers' loans? If they're going to borrow the money directly from the Treasury and the Fed, they can borrow it cheaper than any bank, and that we should eliminate any loans that are going through anywhere in the private sector where there is a government alternative.

The CHAIR. The time of the gentleman from Indiana has expired.

Mr. KLINE of Minnesota. I yield the gentleman an additional 30 seconds.

Mr. SOUDER. Thank you.

The key question here is, the constitutional authority of the Federal Government is to regulate interstate commerce. Then we have the Federal Reserve System that was set up to provide a balance and stability in the funding of the United States. What we did not create is a national bank.

This bill is the beginning of the creation of a national bank, and that there is no logical reason why every other lending category won't become a national bank, too. That's the big gulp we are hearing here and in many other areas, a massive government takeover in category after category.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Thank you, Mr. Chairman.

I rise today in strong support of H.R. 3221. Nevada has been particularly hard hit by the economic downturn. We're facing record unemployment. The investments in this bill will help Nevada's students and dislocated workers obtain the education and training they need to compete in the workforce, and it will do so in a fiscally responsible way.

Specifically, this bill invests more than \$60 million in Pell Grants for Nevada's Third Congressional District,

making more than 13,000 students eligible for aid. It also provides \$1 million a year for the next 5 years to bolster colleges' access and completion support programs for students in Nevada. It strengthens our community colleges by ensuring that Nevada receives nearly \$19 million to help finance projects to renovate and construct state-of-the-art facilities; and finally, it invests in 21st century green high-performing public schools by providing Nevada's school districts with more than \$25 million over the next 2 years for school modernization, renovation and repairs to create healthier, safer and more energy-efficient teaching and learning climates, the implementation of which will put Nevadans to work.

I am also pleased that this bill includes an amendment that I offered to establish an advisory council to the Secretary of Education on green high-performing schools. Quality education is the key to prosperity for individuals and for our country. I urge your support.

Mr. KLINE of Minnesota. Madam Chair, at this time I am very pleased to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

I rise in opposition to this bill. Sixty years ago, the only student loans available were private loans. Unfortunately, the system left out many students with either limited financial resources or poor or nonexistent credit. So in 1965, Congress created the Federal Family Education Loan Program which has successfully administered and regulated federally backed private student loans for the past 44 years.

But President Clinton decided that we could save money by creating a new federally run program to provide student loans at public option. At present, just under one-third of colleges have chosen the public option, also known as the Direct Loan Program. However, Democrats have decided that by leveraging the borrowing power of the Federal Government, which Congress has more aptly demonstrated, they can save money, as scored by CBO.

We all know that because of the Federal Government's size and ability to raise taxes at any time to pay off its debts, it can borrow money at a cheaper rate than private banks. By requiring all students that use Federal loans to borrow directly from the government, this bill allows the government to make a greater profit off students, count it as a "cost savings," and then spend it on other educational priorities.

It is interesting that after the government's student loan "public option" failed to gain widespread acceptance, the other side of the aisle now proposes to eliminate all other choices so that students are forced into the public option. Even more interesting is that the

other side of the aisle has proposed another "public option" that will supposedly save money by using the government's size to underpay doctors and hospitals, which forces private plan owners to make up the difference. I fear that in a few years, the public plan may soon be the only affordable option available to most Americans.

I don't want a single-payer health care system, and I don't want a single-payer student loan program. Just as 83 percent of Americans are satisfied with their current health care, over two-thirds of all colleges have elected to go with the privately administered FFEL program. We should let colleges continue to select the student loan program that works best for their students, not the one chosen by bureaucrats in Washington.

I urge all of my colleagues to join me in voting "no" on this bill to make sure that the student loan "public option" is not the only option.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. CHU), the newest member of our committee.

Ms. CHU. Thank you, Chairman MILLER.

As a professor for over 20 years in the L.A. Community College District, I know firsthand how important community colleges are to helping hard-working Americans achieve their dreams. About one out of every two college students attends a community college, and they are some of the hardest workers I have ever met. My students came from all walks of life. They were immigrants, single moms and laid-off workers, and many of these students were the first in their families to go to college.

Community colleges are the backbone of our Nation's workforce, providing students with technical training to fill our Nation's most critical fields. They excel at meeting the needs of students from all backgrounds and circumstances. The investments in this bill truly reflect the role community colleges play in our economy. Seven billion dollars is provided to reinvigorate the community college experience, to improve instruction, initiate job placement counseling, and create non-traditional programs for students on the weekends, evenings or even online.

There is \$2.5 billion in grants provided to renovate community college facilities. It will allow them to accommodate their growing enrollment and provide students with modern equipment and facilities so they are better prepared when they graduate.

In an increasingly competitive world economy, America's economic strength depends upon the education and skill of its workers. This bill will help us to meet that challenge.

Mr. KLINE of Minnesota. Madam Chair, could I inquire how much time is remaining, please?

The CHAIR. The gentleman from Minnesota has 16½ minutes, and the gentleman from California has 15½ minutes remaining.

□ 1700

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield 3 minutes to the distinguished gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman from Minnesota.

Madam Chairman, this really is a case study in how a public option ultimately becomes a public monopoly in a span of just a few years.

The gentleman from Minnesota is absolutely right, this Direct Loan Program was established in 1993 as a public option. It was designed to increase consumer choice; that's what we were told at the time. It had only one problem. The consumers never warmed to it.

At its peak, the government Direct Loan Program only attracted 34 percent of loan volume. Today, even with all of the financial difficulties in the private sector, it has earned only 27 percent of the market. The rest of that market is ably administered by 1,500 active lenders and servicers and guarantee agencies that employ more than 30,000 private sector workers. This bill literally shuts down 40 years of successful private sector involvement with student loans and hands the government monopoly control. As the bumper sticker warns, the government hates competition.

We're told this is going to save money. Well, pardon my skepticism, but I seriously doubt that the same government that runs FEMA is going to bring efficiency to the student loan program. In fact, it's precisely the fierce competition among loan providers that has produced lower prices for students and universities and that produces innovations in loan delivery and processing and servicing, not to mention broader benefits such as college planning services, financial literacy education, default aversion, and FAFSA assistance.

One of those providers is the California EdFund, near my district. Last year alone, the EdFund helped nearly 420,000 borrowers to avoid default. They saved taxpayers \$4.2 billion in default claims; that's one provider, \$4.2 billion in savings for American taxpayers.

Before the government took over our automobile manufacturers, Will and Ariel Durant asked this question: What makes Ford a good car? Chevrolet. Competition. That creative and innovative force is snuffed out by this bill for the student loan industry. And mark my words, if this bill becomes law, we are going to be back here in a few years to address growing cost overruns and inefficiencies in yet another failed government monopoly program.

Mr. GEORGE MILLER of California. I just want 10 seconds to say that I'm

glad the gentleman mentioned the California EdFund. The EdFund supports this legislation.

I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK), who was very involved in writing this legislation.

Mr. LOEBSACK. Madam Chair, I rise today in strong support of the Student Aid and Fiscal Responsibility Act. In particular, I want to thank Chairman MILLER and all of my committee colleagues for their great work on this legislation.

I am particularly pleased this bill contains legislation I worked on with Chairman MILLER, Congressman KILDEE and Congressman CHANDLER to help modernize, renovate, and repair our crumbling public schools with energy efficient and renewable resources.

Schools across America in every State are deteriorating. In my State alone, the GAO has found that 79 percent of all schools needed to repair or upgrade their buildings and facilities. Providing schools with funds to help leverage local dollars to modernize their schools in need of repair will also create good-paying local jobs in every State and will help improve the safety and the health of our students.

This legislation will provide much needed funds for school facility modernization projects over the next two fiscal years to help ensure our students have world-class, safe, healthy and energy-efficient environments in which to learn.

Given the increasingly global nature of our economy and the workplaces our students will be entering, it is more important than ever that we dedicate the resources necessary to ensure children will be able to compete. With the passage of this historic Student Aid and Fiscal Responsibility Act, we will indeed be making a historic commitment to the next generation through significantly improved educational opportunities, and I urge my colleagues to vote for this bill.

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. If a government program is so great, why is it that the colleges and universities around the country—70 to 80 percent of them—are going with the Federal Family Education Loan Program? It's because it's better, it works better. They don't want to mess with the government bureaucracy.

You know, in 1993, and I think it's been stated already, and I don't want to be redundant, but the Clinton administration resurrected the idea of the Direct Lending Program and they pushed it through Congress. It didn't take long for the program's reputation to become synonymous with slow, inefficient, government bureaucracy service. And the Minority Views section of

this bill, H.R. 3221, reminds us that in 1997 the program completely collapsed, as it probably will again, and was unable to make consolidation loans to borrowers. And in 1998, the Congress passed the Higher Education Amendments of 1998, which specifically blocked the Clinton administration from phasing out the FFEL Program because it did not make for sound public policy then, and it doesn't now.

And I think it's extremely important. We have unemployment right now that's at 9.7 percent. I'm sure it's going to go over 10 percent. More than 30,000 private sector jobs are directly affected by what you're going to do today. In the State of Indiana, it's 2,356 jobs. And right in the Fifth District, it's 1,500 jobs. And our unemployment rate in that State is 10.4 percent. I don't understand, at a time of economic difficulty, you want to do something that's going to put more people out of work, especially when you're talking about a program that didn't work before, it was junked, and now you're going to resurrect it.

I know you'll come up with a million ideas of why we ought to do this, but it's more government control, more government bureaucracy, something that hasn't worked, and the American people simply don't want it. We just passed the stimulus bill, and the stimulus bill obviously hasn't done a great deal to solve the problem.

The CHAIR. The time of the gentleman has expired.

Mr. KLINE of Minnesota. I yield the gentleman an additional 30 seconds.

Mr. BURTON of Indiana. Let me just say to my colleagues that we don't need more government right now; we need less government. We need competition in the private sector. We don't need to take over education like we did the automobile industry, the finance industry, and you're trying to do with the health industry. It doesn't work. Socialism doesn't work. Government control doesn't work.

So I urge my colleagues to reconsider and think. It didn't work before. It won't work now.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair reminds Members that they must address their remarks to the Chair.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the committee.

Mr. TIERNEY. You know, to listen to this debate, Madam Chairwoman, you would think that we were disallowing banks and private lenders from lending. That's not the case at all. If they want to make private student loans, they can. The fact of the matter is that without a subsidy and without a guarantee, they probably won't find themselves very competitive. Right now, the government is providing 60 percent of

all the capital that goes in because that market didn't have the liquidity it required in order to keep up those loans.

What we are seeing is the option here for the taxpayers—the same people who are trying to send their kids to school—transferring their money over to private lenders, guaranteeing the loans, giving them subsidies so they can make a profit that will be money that can't be used for Pell Grant scholarships and for low-interest loans.

The people in my district, 100,000 residents in Massachusetts will get more Pell Grant scholarships because we take that money and, instead of giving it to the lenders, we give it to the families. One hundred thousand people in Massachusetts will get lower interest rate loans because we don't take that money and transfer their tax money to private lenders; we, in fact, keep it in the system. So when all that is said and done and we've improved education, as the President has called on us to do, we will put \$10 billion back in to pay down our debt.

This is a sad tale when they think that the only way they can keep private lenders in business is if we give them subsidies and then we guarantee their loans. If they want to compete, let them compete. They can make their loans. They can go out any time they want.

But I think the American families are saying they're hard-pressed. Some of them are out of work. Some of them are making less. All of them have more bills to pay for college for their students. They want to be able to have access to those Pell Grant scholarships. They want to have lower interest rate loans so that their children have the opportunity to move forward. Better the opportunity for them than for the private lenders to pad their Wall Street investors' pockets. And that's why we have to move forward on this. That's what is going to improve this country and make us competitive as we move forward.

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield 2½ minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from Minnesota.

Madam Chair, I rise in support of the Student Aid and Fiscal Responsibility Act, which eliminates the Federal Family Education Loan Program and moves origination of all Federal student loans to the Direct Loan Program.

For over two decades, I have championed direct loans as the most cost-effective way to provide student loans, but the defenders of the archaic FFEL guarantee loan program remain confused, so let me be clear.

Currently, we have two Federal student loan programs which provide the exact same loans to students. FFEL is a Federal program, not a private loan

program. Private lenders make the loans with two separate subsidies from the Federal Government: a guaranteed interest rate that's determined through the political process, not the markets, and a guarantee against default losses. Thus, if a student defaults, the taxpayers are on the hook, not the private lender. The profits are private, but the losses are socialized. FFEL is not a free enterprise.

Over the years, FFEL has proven to be fraught with scandal and an unreliable source of funds, and it costs billions of dollars more for the taxpayers. A writer for a conservative columnist Bill Kristol's Weekly Standard Magazine aptly described the FFEL Program as "a textbook example of crony capitalism." In contrast, the Direct Loan Program eliminates the middleman, lending directly from the Treasury, and all servicing and bill collection is handled by private companies operating through performance-based contracts.

Over the years, there has been unanimous agreement by budget experts under both the Clinton and Bush administrations on the excessive costs of FFEL. Earlier this year, an estimate by the CBO once again reiterated this conclusion when it reported that switching to 100 percent direct lending would result in nearly \$87 billion in savings.

At this point, I would like to engage in a colloquy with Chairman MILLER.

Chairman MILLER, I support the grant program included in this bill that aims to strengthen community colleges. It's my understanding that public 2-year liberal arts colleges that offer associate degrees and certificate programs, such as the University of Wisconsin Colleges, will be eligible to compete for these funds.

Do you agree with that interpretation?

Mr. GEORGE MILLER of California. If the gentleman would yield, yes, I do agree with the intent of that language.

Mr. PETRI. I thank the gentleman for his assurance. And I thank my colleague for the time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentleman from Illinois (Mr. HARE), a vigorous member of the committee.

Mr. HARE. Madam Chair, I rise in strong support of the Student Aid and Fiscal Responsibility Act. I am particularly pleased with the investment that this bill makes in the Pell Grant, early childhood education, and our Nation's community colleges.

H.R. 3221 provides \$76.1 million to increase the maximum Pell Grant in my congressional district to \$6,900 by the year 2019. Additionally, over 16,700 Illinois students will now be eligible for Pell scholarships.

The legislation also includes my amendments to remove barriers to expanding access to early learning pro-

grams to disadvantaged children, and to encourage States to implement positive behavioral supports in their early childhood education system.

Finally, I added provisions to make west central Illinois's community colleges more competitive for college completion grants and to direct the Institute of Education Sciences to collect data on the location of grant recipients, ensuring that the most remote American communities are accessing funding opportunities.

Again, H.R. 3221 takes bold steps towards improving the accessibility of higher education, invests in our children, and focuses on the important role community colleges play in economic development.

I commend my chairman, Chairman MILLER, and President Obama for this visionary initiative, and I urge all my colleagues to support it.

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield 4 minutes to the distinguished ranking member on the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

□ 1715

Mr. RYAN of Wisconsin. I thank the chairman.

Madam Chairman, I rise in opposition to this bill. Let me be clear: I support education. It's an indispensable component of America's prosperity. I don't find fault with Pell Grants or student loans. What I find fault with is the way that the math doesn't add up in this bill.

This bill includes a sleight of hand in so many ways that it either raises the deficit by \$5.7 billion or by as much as \$39 billion. It creates 10 new entitlement programs that will dramatically increase spending over the next 10 years, and it adds to our already alarming levels of borrowing. Let me try and explain what's going on with respect to how the budget gimmicks are employed here.

First off, the bill claims to reduce mandatory spending by \$7.8 billion and dedicates that savings to deficit reduction; but through this budget gimmick, the bill shifts \$13.5 billion in necessary program administrative costs over to the discretionary category where it cannot be counted by the Congressional Budget Office. With this gimmick removed, the bill actually increases the deficit by \$5.7 billion. That's the smallest budget gimmick in this bill.

The second largest budget gimmick in this bill is the way that it is scored, not using the kind of scoring that we use for such things like when we scored Fannie and Freddie or the TARP, where we used risk-adjustment scoring under the credit reform rules. If you actually score it under the accurate rules that the CBO says it ought to be scored under, this bill would raise the deficit by \$32 billion.

Beyond that, these 10 new entitlement programs that are being created have artificial sunset dates in the law. The most permanent thing in Washington is a temporary government program; and if you repeal these artificial sunset dates, that's \$39 billion added to the deficit, which is according to the Congressional Budget Office.

This bill does not save money. This bill raises the deficit. This bill crowds out the private sector; it deprives students of choices; it uses enormous budget gimmicks, and it exploits the budget reconciliation system to try and say that it's saving money and reducing the deficit when, in actuality, using honest budgeting and honest accounting, it does nothing like that.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Madam Chair, I rise to engage in a colloquy with Mr. MILLER, the distinguished chairman of the Education and Labor Committee.

Chairman MILLER, I rise to discuss an issue that is of critical importance to my district.

We have a unique situation in North Dakota. As you know, the Bank of North Dakota was created by statute in 1919 to meet the needs of North Dakota citizens, and it is the only State-owned bank in the country.

By State statute, the Bank of North Dakota has administered both lending and loan guarantee functions to assist families, schools, and lenders in providing reliable student loans for over 42 years. It is the only bank in the country to perform the guaranteed lending and servicing functions for the Federal student loan program. Mr. Chairman, this important institution has served more than 150,000 borrowers at 20 post-secondary institutions in my State.

The Bank of North Dakota has provided one-to-one counseling and default prevention workshops for schools and lenders, providing techniques to use when counseling borrowers on their student loan debt. The result has been an extremely low default rate under the FFEL loans administered by the Bank of North Dakota.

For all of these reasons, I've been a huge supporter of this Bank of North Dakota student lending program. I commend the work that its 55 State employees have done to make college accessible for North Dakota students. I have received concerns about altering the Bank of North Dakota's role in student lending programs, and I would like to address that issue.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. POMEROY. I yield to the gentleman.

Mr. GEORGE MILLER of California. I thank the gentleman for his attention to this issue. I recognize that the Bank of North Dakota is an important institution in North Dakota and is dif-

ferent from any other lending institution in the country.

Mr. POMEROY. I acknowledge that this legislation ensures a role for private lenders in the servicing of loans. Particularly, I thank the chairman for his inclusion of a provision that ensures nonprofit entities, such as the Bank of North Dakota, will be able to service student loans in their States.

Will you work with me, Mr. Chairman, as this legislation moves to conference, to ensure that the Bank of North Dakota can continue to participate in the Federal lending program?

Mr. GEORGE MILLER of California. If the gentleman will yield, yes, I will work with you, as this legislation moves to conference, to ensure that State banks have a continued role in the Federal student lending program.

Mr. POMEROY. I thank the Chair.

Mr. KLINE of Minnesota. Madam Chair, at this time, I am pleased to yield 2 minutes to the distinguished gentleman from Georgia, Dr. PRICE, a member of the committee.

Mr. PRICE of Georgia. Madam Chairman, here we are again—growing government. The Student Aid and Fiscal Responsibility Act, an Orwellian title to say the least, marks the culmination of a 44-year journey to finally end the private student lending system, but is doing so in the midst of the worst economic downturn in generations.

Now, perhaps my friends on the other side didn't notice this fact, but they must be ignoring that there are more than 14 million Americans unemployed on their watch. This legislation has real consequences for the economy, specifically in regard to job losses.

Based on an employment survey of private lending loan participants, conducted jointly by the Consumer Bankers Association, the Education Finance Council and the National Council of Higher Education Loan Programs, this plan targets and may eliminate up to 30,000 private-sector jobs. So nearly every State could expect to see job losses when the Democrats "invest in education."

Remember, this is in the midst of the worst economic downturn in generations. It really has reached a point where the question has got to be asked: Is there any sector of the economy that the Democrats aren't planning to have the government control and dominate? Taking over the entire student lending system is just the latest example after health care, the national energy tax, financial institutions, and auto bailouts. Madam Chair, you could go on and on and on.

The other side is clearly more committed to creating more bureaucracy than in preserving jobs, and more bureaucracy is exactly what happens when you have a public option in this or in any other arena.

The finances, as my friend from Wisconsin talked about, would be laugh-

able if they weren't so serious. Ten new entitlement programs convert the Perkins Loan Program from a discretionary program to a mandatory program. They create a new college access and completion fund with four new programs, costing \$3 billion.

The CHAIR. The time of the gentleman has expired.

Mr. KLINE of Minnesota. I yield the gentleman an additional 30 seconds.

Mr. PRICE of Georgia. It creates a new \$4.9 billion mandatory fund program to modernize, renovate, and repair public elementary and secondary schools. That's right, Madam Chair. It's Federal money for building local schools. They create the 70th—get that, Madam Chair—the 70th program for early learning programs in this Nation at a cost of \$8 billion. You'd think we could have relied on the previous 69. It's a bad idea, even after 44 years, whose time has not come.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Oregon (Mr. WU), a member of the committee.

Mr. WU. Thank you, Mr. Chairman.

Madam Chair, what is truly Orwellian is the distortion of argument presented by the other side in this debate because—do you know what?—any bank that wants to make a student loan can continue to make a student loan. What will not happen anymore is making those student loans with a taxpayer subsidy, a subsidy where not only is there a guaranteed interest rate but where the deal is that the taxpayer keeps the bad loans and the private sector, the bank, gets to keep the good loans. That's not going to happen anymore. Who is going to benefit? Students.

I want to rise in support of this bill, not only because of the tremendous advances in student financial aid—in Pell Grants and in working toward a better loan rate for students—but also because of the assistance to local schools to build safer, more energy-efficient schools, which would be better learning environments. Also, it will return jobs, and it will be more energy efficient for local communities.

So many of our communities are in urgent need of renovated schools, and recent estimates show that America's schools need billions of dollars in retrofitting and repair just to have safe and healthy learning environments for our kids. The funds in this bill will also help our schools return money to our communities by saving energy and creating jobs.

I want to especially thank Chairman MILLER for working with me to add seismic retrofitting, better storm water runoff systems and additional clean energy sources as permissible uses under this bill for our local schools. In a place like Oregon, where better, sound science has found that we have a much higher earthquake risk

than we originally thought—and that science has just come out in the last 10 or 15 years—we urgently need the seismic retrofits and other safety measures. So I want to commend the Chair for working with me on this.

I urge support for this legislation with all of its important components to create healthy and safe schools and also to financially assist college students through school.

Mr. KLINE of Minnesota. Madam Chair, may I inquire again as to the time remaining.

The CHAIR. The gentleman from Minnesota has 4 minutes. The gentleman from California has 6½ minutes.

Mr. KLINE of Minnesota. Madam Chair, at this time, I am pleased to yield 3 minutes to the gentleman from East Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Chair, I rise in opposition to H.R. 3221. What we are doing here today is using our country's financial crisis as an excuse to eliminate an industry that has proven to be more popular and at least as well run, if not more so, than its government counterpart. I might add that my son just used this program for his own education.

A unified Democratic majority of the House, Senate and White House created the Direct Loan Program in 1993. Back then, many Republicans were skeptical that the Democrats' intention was to simply "introduce competition and keep private lenders honest." In what is literally their first opportunity since then with a unified majority, they are proving Republicans' suspicions correct. The comparisons to our health care debate are obvious and too strong to ignore.

In the debate we are having on health care, our friends on the other side of the aisle are making the case that we need the government and private industry to compete to provide consumers the best choice. So it's astonishing that we're considering a bill that eliminates the Federal Family Education Loan program, which consumers are choosing by a nearly 3-1 margin over its government-run Direct Loan Program alternative. So much for competition.

What's worse is this legislation may increase the deficit even more. If we use CBO's generous assumptions, this bill will save \$13 billion over the first 5 years, but only \$7 billion over the next 10 years. That means in the second 5 years of the bill's scope, the bill will actually cost taxpayers \$6 billion in new funding. This does not even begin to address what happens in the second 10 years when the spending doesn't have to be offset. It's just so disingenuous to pass more debt on to future generations while calling our actions "fiscally responsible." That's only if the assumptions are correct. The CBO

has estimated that, if the default rates run higher than their estimates, this bill could cost taxpayers \$33 billion more in 10 years.

The spending would be less troubling if it weren't mandatory spending, which means it goes on autopilot and is never reviewed by Congress for effectiveness, and it never has to comply with annual budgets.

The most disappointing aspect of this whole debate is that there is an obvious bipartisan alternative that achieved 388 votes in the last Congress. The Ensuring Continued Access to Student Loans Act, which ensures that private lenders can make it through a tough credit crisis, should be what we're considering today instead of this partisan approach.

Since passing in the last Congress, we should all be commending Chairman MILLER and members of the committee who were here last year for a job well done. Instead, the Democrats are, once again, trying to have the government take over private industry, which is providing a service the American people like.

Here is the bottom line in this debate: if you like multibillion dollar programs that have zero oversight from Congress and are on autopilot, vote for this bill. If you like to increase unemployment, you should vote for this bill. If you believe Washington bureaucrats will improve their performance and will find ways to become more efficient by eliminating their competition, you should definitely support this bill.

If you feel like we should be seeking common, bipartisan ground on the future of our children's education, please join me in voting "no" on this program and in voting "yes" on the Kline amendment.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I thank Chairman MILLER for yielding me time and for his leadership on this bill.

Madam Chair, as a member of the Committee on Education and Labor, I rise to express my support for the Student Aid and Fiscal Responsibility Act.

With this legislation, we are investing in our students. We are providing needed dollars to improve our early education programs and to rebuild our schools. We simplify the student aid application, the dreaded FAFSA. We invest \$40 billion in Pell Grants. We do this, and we produce a savings of \$10 billion over the next 10 years. I am pleased that we also recognize the important work done by the local nonprofits in our communities by ensuring them a continued role in the servicing of student loans.

In my home State of New Hampshire, we have one of these local nonprofits, the New Hampshire Higher Education

Assistance Foundation. NHHEAF is a well-respected member of our community, and it provides many jobs. I am proud that, through our working committee, we were able to ensure that NHHEAF continues to provide services to our students and to their families through both loan servicing and new grant programs provided for in this legislation.

I am proud to be an original cosponsor, and I urge a "yes" vote so we can help American students and their families.

Mr. KLINE of Minnesota. Madam Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from California (Ms. PELOSI), our Speaker.

□ 1730

Ms. PELOSI. Thank you to the chairman for giving me this opportunity to come to the floor in strong support of the Student Aid and Fiscal Responsibility Act. I do so because education is the best investment individuals can make in themselves, parents can make in their children, and a Nation can make in its citizens and in its future.

Today is possible because of the leadership of the distinguished chairman of the Education and Labor Committee, Congressman GEORGE MILLER. Students across America have no better advocate for affordable and accessible higher education. Thank you, Mr. MILLER.

I would also like to acknowledge the chairman of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness—I love that trio of jurisdiction—and a national leader on college affordability, Congressman RUBEN HINOJOSA. To them and all of the members of the Education and Labor Committee, we are all in your debt.

We all know that for every additional year of higher education, an individual's earnings increase about 10 percent. We know that education is key to the prosperity of our Nation, the prosperity of the individual, the prosperity of the Nation.

But for far too many, a quality higher education has been simply unaffordable. I have heard of cases where parents have been hesitant to encourage their children to strive for college because they can't afford to send them. What sadder testimony could there be for prospects for that person.

Expanding access to higher education is essential to building America's way out of recession and keeping our Nation competitive. Innovation begins in the classroom. It is essential that we prepare our students for 21st century jobs by providing all Americans with the skills they need to compete.

When Democrats came to the majority in 2007, we passed in a bipartisan

way the College Cost Reduction and Access Act. That was the single largest investment in education since the GI Bill in 1944, until today.

Today we will make the largest investment in making college more affordable in the history of our Nation. On the 100th day of President Obama's presidency, in the House and in the Senate, we passed the budget. The President had three pillars for turning the economy around, for creating jobs in that budget, to create jobs to give tax breaks to the middle class and to reduce the deficit. The three pillars for turning the economy around and creating jobs were investments in education, in health care, and in a new energy policy for good, green jobs for the future.

Today, we are passing legislation to support the education pillar of that budget. Again, education is essential to the fulfillment of individuals, the competitiveness of our Nation, and it is the foundation of our democracy.

This bill is a great bill, and I want to again reiterate what others have said. It invests \$40 billion in Pell Grants and increases the maximum grant that can be awarded. That makes a big difference to our students. It invests more than \$2.5 billion in Historically Black Colleges and Universities and Minority-Serving Institutions, a big issue for Mr. HINOJOSA and for many of us here. It strengthens the Perkins Loan Program that provides low-cost loans to students. It keeps interest rates low for those who have Federal student loans. This is very important.

This means that more students will enter college, that they will graduate with less debt, and that the Federal loan initiatives that they and their families depend upon are strengthened for decades to come. On top of all of that, taxpayers will save money.

Under Mr. MILLER's leadership, we are investing in our children without heaping mountains of debt upon them. This legislation is fiscally responsible, following the strict standards of the pay-as-you-go spending and saving for the taxpayer.

You heard all the things I said about Pell Grants and college investments and Perkins loans and low interest rates. With the \$87 billion in taxpayer savings that this bill achieves, we are able to do all of that by switching to a Direct Loan Program. So it invests \$77 billion back into the education of our people while reducing the Federal entitlement spending by \$10 billion. That's billion with a "B."

This legislation seizes the opportunity to strengthen our Nation by making an historic commitment to our students and a landmark investment in our future. I urge my colleagues to join the distinguished chairman and members of the committee in a bipartisan way and vote "aye."

Mr. KLINE of Minnesota. Madam Chair, I will continue to reserve.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Madam Chair, I thank our chairman for yielding, and I rise in strong support of this bill.

The issues before the House, tonight, Madam Chair, are these: Do you agree or disagree that the time has come to make college more affordable for men and women around this country, by making Pell Grant scholarships more available, student loans less expensive, more available. I think most people would say, Yes, we do agree with that.

The issue before the House tonight is, is it time for the country to make an investment in the youngest Americans, 3- and 4- and 5-year-olds who have yet to go to formal school so they get the highest level of achievement early in their lives. I think most people would say yes, the answer is yes.

The question before the House tonight is that at a time when many of our schools are inefficient, falling apart, badly in need of repair or replacement, is it time to put Americans back to work in repairing and rebuilding some of those schools? I think, Madam Chair, most people would say, yes, it is time to do that.

But they are worried about the fiscal crisis that this administration and this Congress inherited. So maybe we shouldn't do those things.

But if there is a way to reduce the deficit and achieve the things I just talked about, wouldn't it make sense to do that? And I think most would say, yes, it most certainly would, and that is precisely what the bill before us tonight does.

The Congressional Budget Office, a fair, nonpartisan arbiter of the facts, said the following: The status quo student loan program that takes taxpayer money and gives it to private lenders and then rewards them to take a risk, not with their money, but with ours, doesn't make any sense.

Let me say that again. The way the present program works is that private lenders get money from the taxpayers, take a risk with the taxpayers' money, and get paid a reward for taking that risk.

Now, it is fine to take a risk with your own money—and we should encourage that in this country. But when you are taking a risk with the taxpayers' money, you shouldn't be rewarded for it. This bill stops that practice, and the Congressional Budget Office says that yields \$87 billion in savings over the next few years.

Here's what we do. We invest \$77 billion of that in the education of the people in this country, the strongest engine of economic growth known to this country, educating men and women to be scientists and teachers and engineers and craftsmen and craftswomen, educate our young children, repair our schools that are in need of repair.

But then, the bill also takes \$10 billion and reduces the deficit that we inherited. This is a chance to vote "yes" for college scholarships and loans. It's a chance to vote "yes" for educating the youngest Americans. It's a chance to vote "yes" to rebuild our crumbling schools and vote "yes" for deficit reduction.

I urge a "yes" vote.

Mr. KLINE of Minnesota. Madam Chair, can I inquire of the Chair the remaining time?

The CHAIR. The gentleman from California has 1 minute remaining and the gentleman from Minnesota has 1 minute remaining.

Mr. KLINE of Minnesota. Madam Chair, I yield myself the remainder of my time.

It is clear, Madam Chair, that there is some dispute over what this does to the deficit. But I would argue that looking at the latest information from, as my friend from New Jersey says, the fair, nonpartisan arbiter of the facts, the Congressional Budget Office, this legislation will add to the deficit somewhere between \$15 billion and \$50 billion, subject to debate.

What is absolutely clear is that forcing the public option is a government takeover. It does grow a government with more new programs, and it does force job losses. I think that's indisputable.

Madam Chair, this is bad policy, it's a bad bill, and I urge a "no" vote.

Madam Chair, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I believe that many of those facts just cited are in dispute but I just want to say this: We got off to a rather fast start this afternoon, and I want to take a moment just to thank all of the members of the committee who worked so hard on this legislation, and I want to thank the Rules Committee for making the rule in order.

I want to thank the minority. I know they don't agree with this legislation, but I appreciate the work that they have done with us on facilitating the markup of this legislation and bringing it to the floor. I just wanted to acknowledge that. We kind of just got right into the bill.

But I wanted to say that on behalf of all of the staffs that have worked together. Again, they don't agree on the outcome or the bill in this fashion, but we still have to work together to meet our obligations as a committee to this House, and I wanted to take time to thank everybody.

Mr. PLATTS. Madam Chair, today, we will be considering as part of the Manager's Amendment, an opportunity to provide financial assistance for higher education to the children of police officers, firefighters, and other first responders who made the ultimate sacrifice in the line of duty. Based on the Children of Fallen Heroes Scholarship Act that Representative PATRICK MURPHY introduced—with

myself as a lead cosponsor—a child of one of these fallen service men and women would become automatically eligible for the maximum Pell Grant amount. This benefit already exists for the children of military servicemembers who are killed in action.

This legislation is aimed at ensuring we do right by police officers, firefighters and other first responders who put their own lives at risk everyday to keep us safe. Making a college education more accessible to the children of these fallen heroes is an important expression of our Nation's gratitude. This legislation is a justified price for our Nation to pay to ensure that those serving on the front lines in our communities know that a higher education will be within their children's reach should the unthinkable happen.

Mr. MCKEON. Madam Chair, the Federal Family Education Loan Program has been in place since the 1960's and has successfully allowed millions of students to further their education. And yet the Majority, today, seeks to eliminate this program that works so well. It is innovative, creative, adaptive, and flexible, none of which the federally-run Direct Loan program can match.

In contrast, the federally-run Direct Loan program began in 1992. It was supposed to "compete" with the private option. Included in the program was a subsidy to schools that participated in the new program; an incentive. It didn't work. The highest percentage of the student loan market that Direct Loans ever commanded was 34 percent.

Despite the limitations of the federally-run Direct Loans, the Majority will vote today to shut the more successful FFEL program down and consolidate the entire federal student loan program into the Direct Loan program.

In the Federal Family Education Loan program, which features a public-private partnership, there are more than 4,000 participating institutions. Students attending these institutions have received approximately \$66 billion this year.

In comparison, in the federally-run Direct Loan program, where the loans come directly from the government, there are roughly 1,700 institutions. Students attending these institutions have received approximately \$22 billion this year.

This is clearly a case of schools "voting with their feet."

The Administration has argued that the FFEL program is "on life support," and does not provide a stable source of capital. With all due respect, this is like arguing that the federal government should directly manufacture and sell cars because the Administration is now assisting Chrysler and GM.

For some reason, Democrats believe that with all of the different types of lenders out there—from mortgage lenders, to small business lenders, to consumer lenders—it is student lenders that are ripe for a federal monopoly.

So to those who claim the FFEL program does not work, I would only ask you to look back on the last 40+ years before the credit crisis that crippled our entire financial system. The private sector is and has been a stable source of capital—it's one that has served millions of students and families for decades. Instead of trying to keep private capital and in-

novation out of student lending permanently, perhaps we should be looking for ways to bring it back.

The Federal Government has its hands in the financial services industry, the insurance industry, the auto industry, and now wants to get its hands on the energy industry, medical industry, and the student loan industry. Not to mention a plethora of new Czars with no accountability to the American people. Saddling taxpayers with close to \$50 billion in additional risk and stripping them of their freedom to choose how to best fund their education is completely irresponsible.

And I find it truly remarkable that at a time when the federal government should be helping create a climate conducive to job growth that they would choose to eliminate an entire private industry that helps students, employs over 35,000 people, and is much more effective than a government run program.

I urge a strong "no" vote on this bill.

Ms. JACKSON-LEE of Texas. Madam Chair, I stand here today to express my support for H.R. 3221, The Student Aid and Fiscal Responsibility Act. With an emphasis on improving access to financial support for higher education, increasing educational opportunities and preparing students for 21st century jobs by providing the resources they need to compete, H.R. 3221 ensures that we will be able to effectively rise up out of the ashes of what has been categorized as the longest and deepest economic downturn since the Great Depression. The national economic crisis has begun to infiltrate every corner of this country, and my home state of Texas is no exception.

In the midst of this very difficult economic climate, there has never been a more important and relevant time for the passage of H.R. 3221, the Student Aid and Fiscal Responsibility Act, which provides access to affordable quality education opportunities. In accordance with President Obama's statement that the best investment in our economic future is an investment in our children's education, this important legislation helps to make college and post secondary education more affordable, and subsequently takes the necessary steps to invest in our country's economic future, all at no new cost to taxpayers.

By making college more affordable, H.R. 3221 will enable more American students to not only matriculate on to higher education, but it will enable them to have the financial capability to graduate. This legislation provides all federal student loan borrowers with upgraded and modernized customer service, by providing them access to a public-private partnership that will serve as a resource for loan support. H.R. 3221 prepares students and graduates for 21st century jobs by providing Americans with the requisite skills and cutting edge resources they need to compete in today's job market.

#### EARLY EDUCATION

This vital legislation ensures that the next generation of students enters kindergarten with the skills they need to succeed in school, by reforming state standards and practices for birth-to-five early learning programs. This will have an immediate and direct impact on low income children entering kindergarten with the school readiness skills needed to succeed at this critical stage in learning development.

It is important to note that H.R. 3221 creates an Early Learning Challenge Fund, which would award competitive grants to states that implement overall standards-based reform, thereby incentivizing each state to transform their early education standards and practices, to build an effective early childhood workforce, and improve the school readiness outcomes of young children from every demographic and every socio-economic background.

#### DIRECT LOAN PROGRAM

H.R. 3221 provides reliable, affordable high-quality Federal student loans for all families. By strengthening the Pell Grant System, and by converting all new federal student lending funds to the stable, effective and cost-efficient Direct Loan program, the proper lending infrastructure to ensure a solid lending program removed from the fluctuations of the economy will be in place. Beginning in July 2010, new federal student loans will be originated through the Direct Loan program, rather than through lenders who are subsidized by taxpayers in the federally-guaranteed student loan program. One of the major benefits of the Direct Loan program is that unlike lender-based programs, the Direct Loan program is insulated from market swings, will enable students to have access to low-cost federal college loans irrespective of the current state of the economy.

#### FISCAL RESPONSIBILITY AND FINANCIAL LITERACY

My concern for the importance of instilling a sense of fiscal responsibility in our youth runs deep. Recent studies have indicated that young people do not even know basic financial topics such as the impact of student loans on one's credit, how to balance a checkbook, and the impact of automobile loans on one's credit. Because of my concern that young people are not sufficiently informed about financial literacy, this year I introduced H.R. 1325, to require financial literacy counseling for borrowers, and for other purposes. H.R. 1325 is relevant in the discussion of financial aid and fiscal responsibility, because approximately two-thirds of students borrow to pay for college according to the Center for Economic and Policy Research. Moreover, one in ten of student borrowers have loans more than \$35,000. This legislation was designed to ensure that our nation's college students will be more prepared when incurring student loan debt and help them to avoid default as student loans severely impact one's credit score.

Currently there is about \$60 billion in defaulted student loan debt. Many students do not understand the reality of repaying student debt while taking out these loans. While most Americans have debt of some kind, student loan repayment is especially scary, as one cannot just declare bankruptcy and have their loans discharged. Due to the lack of financial literacy counseling for borrowers, student loan payments are often higher than expected. Recent graduates are unable to afford the monthly payments resulting in them living paycheck to paycheck, acquiring credit card debt and in extreme cases, grads leaving the country in order to avoid repayment and debt collectors.

Students and parents are not currently receiving the proper or any information of the burden that their student loans will have once they graduate. This is possibly a result of the relationship between student loan companies

and universities, as some lenders offer universities incentives to steer borrowers their way.

College campuses are one place that young Americans are introduced to credit and the possibility of living beyond their means. With proper loan and credit counseling the burden of debt incurred in college could be greatly reduced. Especially in this time of recession, financial literacy is one of the most important tools that we can give to our students in order to ensure their success in the future.

My resolution was crafted to provide financial literacy training to students taking out Federal Student Loans and will require a minimum of 4 hours of counseling including entrance and exit counseling. Counseling will include the fundamentals of basic checking and savings accounts, budgeting, types of credit and their appropriate uses, the different forms of student financial aid, repayment options, credit scores and ratings, as well as investing.

#### INCREASING FUNDING FOR EDUCATION

Madam Chair, I also would like to address the relevance of this measure to our nation's Historically Black Colleges and Universities (HBCUs), and minority serving institutions, and to thank Chairman MILLER, other members of the Committee and the staff for taking bold and necessary steps to ensure the long-term and robust engagement of these institutions for many years to come. I have always been a proponent of increasing educational opportunities for students of every level, from every socioeconomic background throughout our nation will yield the greatest return on our investment. Providing access to educational opportunities is critical to the nation's long term prosperity. Most recently I advocated on behalf of the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act of 2010, H.R. 329, which sought to make the necessary investments to provide children with a 21st century education, will provide the resources to modernize our schools and colleges, and will provide funding to make college more affordable.

Just as I supported past legislation like H.R. 3081, the American Recovery and Reinvestment Act of 2009, which placed a premium on providing funding for and lending institutional support to our Historical Black Colleges and Universities (HBCUs) and Predominantly Black Institutions (PBIs), the Student Aid and Fiscal Responsibility Act invests \$2.55 billion in HBCUs and Minority-Serving Institutions to provide students with the support they need to stay in school and graduate.

HBCUs and PBIs as defined in the Higher Education Act of 1965, as amended (HEA) as the following: A historically Black college or university is an institution of higher education established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation. Historically Black colleges or universities also include any branch campus of a southern institution of higher education that prior to September 30, 1986, received a grant as an institution with special needs under HEA

Section 321 and was formally recognized by the National Center for Education Statistics as a Historically Black College or University.

Predominantly Black Institutions are defined in HEA Section 318. These institutions meet basic eligibility under Title III, Section 312(b) and serve at least 40 percent Black American students. Basic eligibility under Title III, Section 312(b) of the HEA is met by institutions that:

- have low educational and general expenditures (E&G) or seek a waiver by submitting evidence that is both persuasive and compelling to have this requirement waived;

- have a requisite enrollment of needy students;

- are legally authorized within their respective state to award bachelors degrees or are a community college; and

- are accredited by a nationally or state recognized accrediting agency.

An institution is considered to have met the enrollment of needy students criterion if (1) at least 50 percent of its degree-seeking students receive financial assistance under one or more of the following programs: Federal Pell Grant Program, Federal Supplemental Educational Opportunity Grant Program, Federal Work-Study Program and/or the Federal Perkins Loan Program or (2) the percentage of its undergraduate degree-seeking students who were enrolled at least half-time and received a Federal Pell Grant met or exceeded the average for similar institutions.

We must invest in our nation's Historically Black Colleges and Universities (HBCUs) and other Minority Serving Institutions. A digital disparity between HBCU campuses and their counterparts currently exists. There is a significant need among HBCUs to update technological equipment and to develop advanced and cutting edge educational and technological opportunities for students. In the face of the adversity that outdated technology poses, HBCUs continue to generate thousands of African-American graduates who are prepared to compete in and contribute to our global economy. HBCUs represent nine of the top ten colleges that graduate the most African-Americans who go on to earn Ph.D.s. HBCUs and PBIs continue to provide opportunity and advancement to African-American students, and therefore are worthy of federal support.

Accordingly, my past legislative efforts have supported efforts to provide \$653 million to strengthen the capacity of HBCUs and PBIs, Hispanic-serving Institutions, Tribal Colleges and Universities and Native American-serving Institutions, Asian Pacific Islander, and Native American Institutions. In the state of Texas, we have Tribal, Hispanic and African American populations that will benefit greatly from provisions that provide mandatory funding for the next 10 years. As the nation meets the demands associated with global competitiveness and changing demographics, resources provided in this measure very much are need to ensure our nation's long-term viability. The \$85 million designated annually for HBCUs is particularly noteworthy, and will contribute greatly to helping these historic institutions in equipping students with the skills and exposure needed to drive globally relevant innovations and nationally relevant achievement.

Additionally, the measure provides unprecedented increases in student aid—particularly for the Pell Grant and Perkins Loan programs. Most notably, by ensuring that all new federal student loans will be processed through the Direct Student Loan program, the bill is expected to generate \$87 billion in savings over the next ten years. These savings will be reinvested in other worthy projects benefiting community colleges and expanding the number of students who enroll and graduate from college.

As a Representative from the 18th Congressional District of Texas, I know firsthand that this will enable HBCUs like Texas Southern University in my district and Prairie View A&M University just outside of my district to thrive.

My past support of bills such as H.R. 3293 have advocated on behalf of an investment of \$15.9 billion for Title I Education for the Disadvantaged Children Account, which will provide much needed support to underprivileged children in Grades K through 12, and will give hope to the low income families in my district in Houston, that their children will receive quality education. There is no greater investment in our country than an investment in our children's opportunity to obtain a quality education. I urge my colleagues today to pass this critical piece of legislation, as our nation's long-term prosperity hangs in the balance. Madam Chair, I support this legislation. I urge my colleagues to do the same.

Mr. SABLON. Madam Chair, I rise today in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. I wish to thank Chairman MILLER for his leadership on this bill, and express my thanks to the staff as well.

Madam Chair, the financial resources of local governments and college and university scholarship funds are quickly dwindling. I am encouraged that this Congress is working to ensure access to student grants and loans at a time when many families, including those in my district in the Northern Mariana Islands, are struggling to make ends meet. The changes made by H.R. 3221 will mean that even more students will get the opportunity to pursue higher education.

This legislation will raise the annual maximum Pell grant to unprecedented levels and ensure that these grants will continue to increase with the cost of tuition. It will open up an additional \$4 million for Pell grants in the Northern Marianas alone. It will make investments in financial aid that will benefit students from every district, no matter where they go to college. Increased funding to minority-serving institutions, including those with large populations of Pacific Islanders, will ensure that our students from the Northern Marianas are cared for and supported, both socially and academically, when they are so far away from their home.

Three quarters of a million dollars will be available in the Northern Marianas for programs that encourage students to stay in school and make sure they succeed. And money will also be dedicated to community colleges, like Northern Marianas College, to help them finance new projects and cover existing needs.

Higher education is truly the investment of a lifetime—it creates opportunities and opens

doors that will benefit our students and families far into the future. I applaud this legislation.

Mr. ROSKAM. Madam Chair, I rise in strong opposition to H.R. 3221, the Student Aid and Financial Responsibility Act, which abolishes a historically successful private-public partnership in the student lending market in favor of a newer government-run program. In an unwise grab for total government control over the student lending market, this Majority is going to destroy a program that has provided need-based financial assistance to thousands of graduate students that have attended Midwestern University in my Congressional District.

Created in 1966, the Federal Family Education Loan program has distributed more than 200 million loans to college students totaling nearly \$800 billion. In 1993, the Direct Loan program—the government “option” in the student lending program—was established to promote competition. Now, this Majority wants to consolidate all federally supported student lending under the Direct Loan Program. Let me be clear about the consequences of this ploy: millions of dollars in financial aid for thousands of students across the country will be lost. Doing away with the Federal Family Education Loan program will also do away with the School as Lender program.

H.R. 3221 ignores the needs of graduate students. School as Lender is a vital need-based aid program for financially struggling graduate student education. Opponents of the School as Lender program have characterized these schools as profit-hungry proxies for commercial lenders. To the contrary, these schools obtain credit to make loans and use the proceeds from their origination to support financial aid. School as Lender institutions are prohibited by law from making money from the program—all proceeds from the sale of loans must be returned to graduate students in the form of need-based grants. School lenders have low default rates, indicating that schools are not irresponsibly encouraging students to assume more loan burden than they can afford. Without School as Lender, many students will now be forced to take out more loans and student debt.

Within my Congressional District, one of the pioneers of the School as Lender program, Midwestern University, uses its School as Lender program to provide need-based grants to students who would otherwise not be able to pursue the University's graduate programs in osteopathic medicine, pharmacy, dental medicine and other health sciences. Decreasing access to education for low-income students would further inflame the shortage of the healthcare workforce as Congress considers a massive expansion of health insurance coverage. Over the past three academic years, Midwestern University has paid out over four million dollars in School as Lender scholarship monies to more than 1,500 students. Midwestern lacks profit motives to continue the program—they simply desire to maintain an affordable option to attract graduate students.

Midwestern University offers flexible and innovative student loan options. Through the School as Lender program, Midwestern is able to break down cost barriers that keep many

low-income students from seeking graduate degrees. I urge my colleagues to stand on the side of students in need and reject this government grab for control of student lending that will rob many graduate students of the assistance needed to pursue advanced education.

Ms. LEE of California. Madam Chair, I rise in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. As a member of the Appropriations Subcommittee on Labor, HHS, and Education, with the responsibility for funding these programs, I want to thank Chairman MILLER for crafting this important bill and bringing it to the floor.

Education is the key to ensuring that our future leaders, scientists, teachers, doctors and others are well prepared to be globally competitive. This legislation will help countless students realize the dream of going to college by: (1) Improving college access and completion; (2) Increasing Pell Grant awards and expanding the low-cost Perkins Loans; (3) Investing in Historically Black Colleges and Universities and Minority-Serving Institutions; (4) Strengthening our community colleges; (5) Establishing an Early Learning Challenge Fund; (6) Streamlining student aid applications; and (7) Reforming students loans to help students not banks.

That means more of our youth will go to college and acquire the skills they need to compete in the global economy while graduating with less college debt. Now that's something we should all support.

Mr. KUCINICH. Madam Chair, I rise in support of the Student Aid and Fiscal Responsibility Act and thank Congressman MILLER for his leadership on this bill. I am proud to be an original cosponsor of this historic legislation. In a time of economic crisis and increased hardship across the United States, the Student Aid and Fiscal Responsibility Act ensures that students and families are supported in realizing their education goals.

Access to quality education is a key factor in securing a successful and bright future. This legislation makes historical investments to expand access to education by investing in high-quality early childhood education and increasing college affordability. It invests in community colleges and partnerships with businesses and job training programs to ensure that our nation has the most qualified workforce.

The bill ensures that the success of the students, not the private loan companies, is at the center of the student loan system by converting all federal student lending to a Direct Loan program. In addition, it increases access to federal loans by simplifying the Free Application for Federal Student Aid (FAFSA) form. I am also pleased that the bill provides for the removal of the question regarding first-time, minor drug offenses on the FAFSA form. According to the American Civil Liberties Union, lower-income communities and communities of color are disproportionately denied access to critical federal loans due to the inclusion of this question on the FAFSA form. We have a responsibility to ensure that students wishing to improve themselves and contribute positively to our society are given the chance to do so.

As a strong proponent of early childhood education and the sponsor of H.R. 555, the

Universal Prekindergarten Act, I strongly support the establishment of the Early Learning Challenge Fund in this bill. The Early Learning Challenge Fund invests \$8 billion dollars over the next eight years for increasing access to high-quality early childhood education for children of diverse economic and social backgrounds.

I am particularly pleased that two of my amendments are included in this bill. I worked with Congressman Hare on our amendment to expand reporting requirements to include reporting on barriers to high-quality early childhood education programs. Investment in developing and expanding access to high-quality early learning programs is critical in addressing the achievement gap for low-income children.

The other amendment in this bill was taken up as part of the 21st Century Green High-Performing Public School Facilities Act, which provides schools access to funds for modernization, renovation and repair projects that are safer and more energy efficient. My amendment ensures that those school funds can be used to remove sources of lead in drinking water such as pipes, solder and pipe fittings. Childhood exposure to lead has been associated with (see health effects from the press release)

I believe that access to quality education is a universal right. This legislation takes important steps to ensure that students of all social and economic backgrounds are afforded the opportunity to attend high-quality educational institutions. I strongly urge passage of this bill.

Mr. BLUMENAUER. Madam Chair, I am proud today to support House Resolution 3221, the Student Aid and Fiscal Responsibility Act. This is long-overdue legislation that will provide funding directly to students, rather than to bankers. In addition, this bill expands a successful, much needed program to help more students go to college, supports job training at a time when millions of Americans are searching for ways to survive in a tough and changing economy, simplifies the financial aid process to make it easier for families to apply, and supports early childhood education so that more children graduate from high school and proceed to higher education. At the same time, this bill streamlines government programs to put an additional \$87 billion back into the federal budget over ten years.

I've heard from individuals in my home state about how this bill would impact their lives. It will mean that 20,594 students will be eligible for Pell Grants next year and the 107,677 Oregon students who applied for subsidized loans last year will be guaranteed low interest rates. An additional \$1.6 million per year will go towards Oregon's College Access Challenge Grant program, which will have a huge impact on the 25,000 students who use it to help prepare for and make undergraduate and graduate work affordable. I am also pleased that the bill reinvests in our community colleges. I am impressed by the work that the two community colleges in my district, Portland Community College and Mt. Hood Community College, have done to help individuals struggling to prepare themselves for a changing economy. I am pleased that President Obama has recognized the importance of

higher education and the need to make it accessible and affordable in today's changing economy.

I urge my colleagues to join me in supporting the Student Aid and Fiscal Responsibility Act.

Mr. SPRATT. Madam Chair, I rise in support of the Student Aid and Fiscal Responsibility Act. In one fell swoop, this legislation helps millions of students afford to go to college, and it reduces the deficit by making the student loan program more efficient. Rarely are we given the chance to help students, improve government services, and reduce the deficit all at the same time; today we should embrace that opportunity.

By making the student loan program more efficient, the bill reinvests some of those savings into increasing the maximum Pell Grant award next year and in the future, benefitting the six million low-income students who rely on Pell Grants to help pay for college. The legislation provides for the maximum Pell grant to increase from \$5,550 in 2010 to \$6,900 in 2019. The bill also revamps the Perkins loan program, expanding it to every college in the country—currently, fewer than 500,000 students receive Perkins Loans. The bill also simplifies the process for applying for federal student financial aid, and offers new services to help students both attend and complete college.

In addition to making college more accessible, this bill also invests in education for preschool and school-aged children. It expands and improves early learning systems through competitive grants for states to offer high-quality services for children age zero to five, and will support more and better training for early childhood educators. The bill also provides funding to help modernize and repair schools—elementary and secondary schools as well as community colleges across the country. The funding is targeted for projects that are energy efficient and that create healthier and safer learning environments for our children.

To help strengthen our economy, the Congressional budget resolution that we passed earlier this year called for significant investments in education—including in Pell Grants—within a framework of fiscal responsibility. Today we have before us a bill that fulfills the challenge. It makes the student loan program run more efficiently, and thus reduces the deficit, while making dramatic improvements in our education system that will help students of all ages. I urge my colleagues to join me in supporting this bill.

Mr. BURGESS. Madam Chair, regrettably, today we voted on yet another expansion of our federal government at a severe cost to the American taxpayer. \$100 billion dollars of stimulus money has already been given to the U.S. Department of Education in the "American Recovery and Reinvestment Act"—the so-called stimulus bill. With money borrowed from our children's future, the full appropriations of the stimulus bill have yet to be spent—and we have yet to be given an accounting of who exactly is getting and spending the American taxpayer's money. I can not support the duplicative spending in H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009, until there is full accountability from

the U.S. Department of Education of how they are spending this stimulus money.

Furthermore, while I cast a no vote on H.R. 3221, I will note there are several good things in this bill. For instance, one of the proposed nine new federal programs at the U.S. Department of Education is one focused on our veterans. Members of our Armed Services should be given loan forgiveness when they valiantly serve to protect our freedoms, and they should be allowed to transfer general education credits from one school to another while they are serving. I wish this portion of this bill was given to Members for individual consideration; however, it wasn't.

Instead, this bill primarily sought to get rid of the Federal Family Education Loan Program (FFELP) and replace it with the U.S. Department of Education's Direct Loan Program. FFELP has been around for 40 years and served our constituents in allowing them access to higher education. To replace it in its entirety with the direct Loan program would be fiscal malfeasance. The U.S. Department of Education does not have the funds to give loans to students who are eligible for college loans and, in fact, has lost money in this program. From 1995 to 2003 the Direct Loan program borrowed \$137 billion to float this program and has posted a loss in the amount repaid and the amount borrowed.

I am also troubled by particular attention in this bill in Title III directed at giving grants to Louisiana, Mississippi and Alabama for losses suffered during their Hurricane Katrina and Hurricane Rita, but no similar funding will be given to Texas for the losses they suffered during Hurricane Ike. Texas students deserve as much sound infrastructure as a result of hurricane destruction as Louisiana, Mississippi and Alabama.

Furthermore, we should not have to use an education bill to address the voter fraud and tax evasion activity by the organization known as ACORN. I voted yes on the Motion to Recommit this bill to address the ACORN issues, but considering ACORN could have access to \$1 billion—as compared to the \$50 billion the American taxpayer could lose as a result of H.R. 3221—I will continue to vote no on H.R. 3221.

This bill is just another example of the federal government getting rid of choice and mandating only a public option. Just as I have fought the battle with regards to our healthcare, I am equally concerned that our education program remains vibrant and competitive.

Ms. MATSUI. Madam Chair, I rise today in support of the legislation before us today, H.R. 3221.

A college degree is now deeply intertwined with the promise of the American dream, and it is our responsibility to provide equal opportunities to America's students. As the skill requirements of jobs continue to increase, so too should access to postsecondary education for all of our nation's students.

The Student Aid and Fiscal Responsibility Act directs the government to originate all student loans and it also ensures that there is a role for private industry, guarantee agencies, and non-profits in providing their services. This truly is a public-private partnership.

Moving all loans to the Direct Lending program will save the federal government and

taxpayers almost \$100 billion over the next 10 years as it eliminates tax-payer funded subsidies private lenders have been receiving to make student loans. Students in Sacramento will see a dramatic increase in their Pell grant awards over the next 10 years with total amounts going from \$44 million to over \$110 million in our community alone.

The savings found through this proposal will help strengthen the Pell grant program, keep interest rates on student loans low, improve community colleges, and expand early childhood education.

Given the recent economic downturn, more and more students are seeking aid, and additional Pell funds will allow them to achieve their goals.

Elisa Piña is a fourth year student at California State University, Sacramento, which is located in my district. She is receiving the Cal Grant and the Pell Grant, and is also a participant in the Federal Work-Study Program. With the recent state budget cuts to the Cal Grant, the Pell Grant is crucial to her ability to stay in school.

Elisa comes from a low-income family. Without the financial aid afforded to her through these programs, she would have never been able to afford college.

Elisa's story, thanks to the federal loan program this Congress has supported, is one of millions in communities all across the country. The bill before us today will make her dream of going to college a reality for millions more.

Madam Chair, for all of these reasons, I urge my colleagues to support the underlying bill.

Mr. BROUN of Georgia. Madam Chair, I rise today in opposition to H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. I oppose this bill because, as the nonpartisan CBO has reported, it will cost taxpayers more than \$15 billion over 10 years. And it could also eliminate as many as 30,000 private-sector jobs.

In fact, H.R. 3221 will eliminate choice, competition, and innovation, while growing government and increasing the deficit. This bill will eliminate choice and competition by ending the Federal Family Education Loan Program and giving the Federal Government a monopoly over student aid financing.

This bill will also reduce innovation and grow the government by expanding mandatory and entitlement spending by billions of dollars.

When will the massive spending and Federal takeover end?

Congress should not be growing government and increasing the debt burden on taxpayers. It has no business putting taxpayers on the hook for defaulted student loans when the private sector would gladly bear this risk.

As Herbert Hoover once said, "blessed are the young, for they shall inherit the national debt." That is a sad truth. We should be working to lessen that burden, not take away their choices and reduce their chances to succeed.

Parents, college presidents, and financial aid professionals are against this takeover. They are the experts on this issue because they are the ones that have to foot the bill. I urge my colleagues to hear them and vote no on this legislation.

Mr. TIAHRT. Madam Chair, I rise in opposition to H.R. 3221, the Student Aid and Fiscal

Responsibility Act because it will increase our deficit, but not help Americans with the expense of college. This bill is just one more area where the President and his party's leadership in the House are seeking to take over private industry. This is yet another one-size-fits-all government program intended to cripple the private sector and force additional financial risk on the American taxpayer.

In the last few months, we have watched the national debt level grow at an unprecedented rate. We spent billions of dollars bailing out the automobile industry. We have thrown good money after bad to prop up portions of the financial sector that we are told are "too big to fail." We've bailed out Fannie Mae and Freddie Mac, only to watch the housing industry continue to flounder. We have spent more than \$780 billion on a stimulus package that has left us with higher unemployment than we had before the bill. And in the next few weeks, we will need to raise the debt ceiling again.

Claims that this bill will save the nation billions of dollars look like a budget gimmick to pay for new government programs. Government has grown enough in recent years. We need to be looking for ways to save money and reduce our deficit, not spend "projected savings" on new, duplicative programs.

Furthermore, the money that supporters claim will be made available by these budget gimmicks is only expected to cover the first five years of these new programs. After that, Congress will be forced to find alternative sources of funding for them, or eliminate them. This is as productive as a credit card offering no payments for six months. This is a very poor way to manage the finances of the nation.

A second big problem I see with H.R. 3221 is the federalization of the student loan industry. If we run out of money for this program in the future, what happens to the students? With no private lenders, the students are left without any other source of funding for their education.

Fifteen years ago, when the federal government first got involved in the business of providing student loans, Congress was told that this was not an attempt for the federal government to take over the student loan industry, but simply a way to improve the system, and provide "competition" to the private sector. Yet, fifteen years later, here we are, debating a bill that would force private lenders out of the industry.

Does this argument sound familiar? It should. These are the same explanations being offered today by the President and by Democrat leaders in the House and Senate on health care. We are told that the bill will not lead to a government takeover of health care. Proponents say that a "government option" will simply compete, not replace, private health insurance plans. But I wonder, if the health care bill were to pass, how long would it be before this body is having a similar vote to eliminate private health insurance plans.

I urge my colleagues to join me in voting against this bill. This is a big government takeover of a private industry that will saddle taxpayers with the risk of billions in additional debt, while shrinking access to resources for future generations of students. In short, Madam Chair, if it ain't broke, don't fix it.

Mr. VAN HOLLEN. Madam Chair, I rise today in strong support of the Student Aid and Fiscal Responsibility Act. Today's bill provides access to education and builds a strong 21st Century workforce.

It provides access to college by ensuring that students have a reliable source of affordable federal loans. It simplifies the FAFSA to make it easier to apply for assistance. And it guarantees the Pell grant as a key to college affordability by indexing the maximum award to the Consumer Price Index plus one percent.

SAFRA will also help students stay in college with a new federal emphasis on college completion. As increasing numbers of Americans turn to community college for job training, this bill invests \$3 billion to fund programs to retain and graduate students.

SAFRA provides access to quality early childhood education by making new investments in innovative birth through five programs. The bill ensures that every child enters kindergarten ready to succeed by transforming early education standards and building our early childhood workforce.

And finally, it provides access to safe places to learn with funds to repair crumbling schools and make energy-efficiency improvements to save money over the long term.

Importantly, SAFRA makes these vital investments without adding a single penny to the federal deficit. In fact, it would return \$10 billion in savings to the Treasury.

I urge my colleagues to support this bill and ensure that every child has access to a high quality education, from birth to graduation day.

Mr. DINGELL. Madam Chair, I rise today in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. For far too long private lenders have saddled our students with thousands of dollars of debt, all so they could make a profit. Today Congress puts an end to this ensuring that all students who desire a higher education can do so in an affordable manner.

When I was growing up I was told that in order to have a good job you must graduate from grade school, and then it was high school and now it is college. Unfortunately the reality is that all too often, many of our brightest and best are not pursuing college because they cannot afford to do so. I hear time and time again from my young constituents who are working two or three part-time jobs all so they can take a class or two a semester. We cannot allow our brightest minds to burn out before they can complete their degree. Higher education should be an opportunity and not a burden.

H.R. 3221 will change this by ensuring that the students are the focus of our higher education system once again. This legislation will change the way the student loan system functions by ensuring all new loans are operated through the Direct Loan program, saving the taxpayers \$87 billion and guaranteeing our students have access to low-cost, reliable federal loans.

The savings from this change will be directed towards increasing government grant loan assistance for tuition payments. Pell grants, which serve nearly seven million students, will be increased to \$5,550 in 2010 and to \$6,900 by 2019. To ensure that these grants continue to keep up with the rising

costs of tuition, beginning in 2011 the grants will be linked to the Consumer Price Index.

In my district more than 13,000 students rely on the Pell grant to help pay for their schooling. This increase of funding would be critical for each one of these students and would increase the total amount of Pell grant awards in the 15th District from \$34 million to over \$85 million.

This legislation will also simplify the FAFSA, making it easier for families to apply for financial aid. By permitting families to use information from their tax returns, the FAFSA process will be more streamlined and effective for our students. This is critical for families in the 15th District who submitted nearly 38,000 applications last year and are anticipated to submit 56,000 in the 2012 school year.

H.R. 3221 also lowers the interest rates on government-subsidized loans helping to lower college debt after graduation, which will be critical to the nearly 334,000 students in Michigan who rely on these loans.

Increased funding will also be directed to our community colleges, many of whom in Michigan are overwhelmed with trying to serve the thousands of dislocated workers who are looking to start their second career. I have always believed that our community colleges and universities deserve equal treatment; however, this recession has made demonstrated the many different types of students our community colleges serve. This legislation will help these colleges to work more closely with our business community, the state and job training programs and adult education programs to ensure our adult learners have access to the support they need to complete their degree or certificate. And for the over 177,000 students currently enrolled in Michigan community colleges, we must ensure that they have safe, quality facilities in which to learn. Under H.R. 3221 Michigan will receive nearly \$88 million to help finance projects to repair or construct new community college facilities.

Overall this legislation makes unprecedented and much-needed reforms to our student aid system, however, we must also ensure that our colleges and universities have the resources and the support they need to implement this bill. I know for the colleges and universities in my district, they are already struggling with reduced financial assistance from the state, therefore, we must ensure that the consideration of any financial match is weighed against the current situation in our economy, and what our schools are already committed to doing to assist needy students.

Madam Chair, I am pleased to rise in support of this legislation and I urge strongly that my colleagues do the same. We have all watched the tuition at public and private colleges double, then triple as time has passed, creating a burdensome gap for our students to overcome. The students of this country are our greatest hope—they are our future doctors, our future lawyers, our future teachers and our future public servants. To not ensure that they have an affordable, quality education would be to shortchange their success and the success of our country.

Ms. WATERS. Madam Chair, I rise to support H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. I'd also like to

commend my colleague from California, Chairman GEORGE MILLER for his hard work to bring this bill to the floor today.

Now more than ever, Americans need affordable and quality educational opportunities that will help make our economy stronger and more competitive. This bill embraces President Obama's challenge to produce more college graduates by the year 2020 by making higher education more accessible. This legislation achieves that goal by transforming the way student loan programs operate.

The Student Aid and Fiscal Responsibility Act is the single largest investment in aid to help students and families pay for college in history—and it does so at no cost to taxpayers. The bill reforms the system of federal student loans to save taxpayers \$87 billion—and then invests \$77 billion of those savings back into education, particularly by making college more affordable, and directs \$10 billion back to the Treasury to reduce entitlement spending. Among its many provisions, I am especially pleased that the maximum Pell Grant is increased from \$5,350 in 2009 to \$5,550 in 2010 and to \$6,900 in 2019 and that interest rates are kept low on subsidized federal student loans. This will help more students graduate with less debt. Unfortunately, too many students are graduating with record debt, partly because grant aid doesn't cover nearly as large a share of college costs as it used to. This legislation will allow us to invest \$40 billion in the Pell Grant scholarship, to keep interest rates affordable on need-based federal student loans, to simplify the federal student aid application process, and to invest in other forms of aid that will help low-income, middle class and minority students pay for and complete college.

H.R. 3221 will also stabilize and safeguard the federal student loan program that students and families depend on to pay for college. The intertwined economic and credit crises have exposed serious vulnerabilities in the structure of the federally-guaranteed student loan program—putting it on life support. Families shouldn't have to worry about whether the roller coaster fluctuations of the financial markets will hurt their access to low-cost student loans. By originating all new federal loans through the cheaper Direct Loan program, students and parents will be able to receive the same loans with the added assurance that these loans are entirely reliable, no matter what happens in the economy. This simple change will save taxpayers \$87 billion over 10 years.

H.R. 3221 also builds on the best of what works in the private sector to provide borrowers with top-notch customer service. The legislation will allow state non-profit lenders and private industry to continue doing what they do best—servicing loans. It will allow private entities to compete for contracts to service these loans—ensuring that students get the best services available and maintaining jobs in communities across the country. This bill also eliminates waste and creates a streamlined, cost-effective program for families and taxpayers. Each year, billions of taxpayers' dollars are being sent into a program that no longer works—and that the Department of Education can administer for a much lower cost. This is exactly the kind of waste we need to eliminate in tough fiscal times. By

cutting out the middleman, this legislation will save taxpayers \$87 billion over 10 years, according to the Congressional Budget Office. It's a smarter business decision for taxpayers and families.

One of the most exciting provisions of this bill is that it makes an unprecedented \$10 billion investment to make community colleges part of our economy's recovery. For years, business leaders have told us there weren't enough workers with the knowledge and the expertise for their specific industries. H.R. 3221 will change that. It will help us build a 21st century workforce by strengthening partnerships among community colleges, businesses and job training programs that will align community college curricula with the needs of high-wage, high-demand industries. It will provide community colleges with the tools to replicate programs that are successfully educating and training students and workers for these fields.

As a former Head Start volunteer coordinator, I know first-hand that creating better educational opportunities demands that we invest in our students long before they reach college. To ensure that the next generation of students enters kindergarten with the skills they need to succeed in school, the legislation creates an Early Learning Challenge Fund to increase high-quality early learning opportunities for low-income children. It also will help provide every child with access to a world-class learning environment by investing in school modernization, renovation, and repair projects that will create healthier, safer, and more energy-efficient environments—a measure the House is already on record supporting.

However there is one provision that was added to HR 3221 in the Education and Labor Committee that I am very concerned about. I'm sure it was included with the best of intentions, but for the record, I would like to share with my colleagues what I believe will be the real impact of this provision. Under current law, for-profit postsecondary schools are required to maintain a certain formula for how they receive federal funding, commonly known as 90–10. This means that a school must, at a minimum, acquire 10 percent of its funding from sources other than federal money. The original 90–10 provisions were added because too many for-profit schools were receiving large amounts of federal funding from students who indebted themselves without receiving the training they signed up for. I worked with a number of my colleagues here to help put those 90–10 provisions in place. This formula was enacted after years of students being ripped off and schools raking in record profits. If the schools violate 90–10, they are assessed a financial penalty.

The provision added in Committee would weaken the current standards and basically kick the can down the road by extending the violation period from two to three years. This is completely unnecessary. What is the point of having the formula if we'll allow for-profit schools to continue to violate it?

I am looking forward to work with Chairman MILLER and other Members to make sure that the final bill does not include another victory for an industry that does not have students' best interests in mind. Moving forward, it is my recommendation that we revisit the rules that

govern these for-profit schools and allow them to continue accessing federal funds but that also ensure that they fully report graduation and dropout rates, default rates, and job placement rates.

In closing, this is not a perfect bill, but it is a tremendous investment in education for American families and I urge my colleagues to vote for passage on H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009.

Ms. HERSETH SANDLIN. Madam Chair, the House is considering H.R. 3221, the Student Aid and Fiscal Responsibility Act. I support many of the goals of this legislation, including finding savings in the current student loan program and directing these funds toward expanding student grant aid that will help make higher education a reality for more South Dakotans. However, I have heard from constituents who work in the Federal Family Education Loan Program, FFELP, in my State, and in particular from The Student Loan Corporation in Sioux Falls, that the enactment of this bill could result in the loss of hundreds if not thousands of jobs in South Dakota during this period of continuing higher unemployment, as the country works its way out of economic recession. I also have concerns about completely eliminating a role for the private sector in providing student loans and about the potential disruptions in access to loans for students that could occur during the proposed transition to the new system over the next months.

I have helped to lead the effort in the House of Representatives with my colleague and fellow Blue Dog, ALLEN BOYD of Florida, and we've been joined by a number of our colleagues in the House of Representatives in sharing our concerns on this subject with U.S. Department of Education Secretary Arne Duncan and with the House Education and Labor Committee. I urged the Secretary and the Committee to more fully consider all possible alternatives that would substantially increase funding for Pell Grants and other important sources of financial access to higher education, while maintaining jobs in our districts and ensuring continued access to loans for students. Over the course of the FFELP's decades of existence, it has proven that private competition in the student loan system provides benefits to students. I believe that the FFELP has been a cost effective alternative to "direct lending" for many students in South Dakota. In addition, I am concerned that the Department of Education may not have the resources adequate to handle the origination, administration and servicing of all student loans beginning in July 2010.

The assumption of complete responsibility for providing federally-backed loans to students by the Department of Education Direct Loan, DL, program presents very real risks of job losses and ends the reliable administration and servicing of student loans at the more than 4,000 schools that are not currently enrolled in the DL program, including most colleges and universities in South Dakota. While a number of these schools have begun exploring a transition to DL with the Department of Education, the risks of a possible disruption in students' ability to access student loans is very real during the rapid transition of these 4,000 schools to DL by July 10, 2010. Further,

we do not want to put undue resource burdens on schools and States that are already facing increased budgetary pressures during this economic downturn.

While the bill does present potential opportunities for some lenders in South Dakota, overall, the possible downsides of the bill for South Dakota are substantial, and what's more, I believe they could be addressed in this legislation while preserving the goal of increasing financial assistance for higher education. Thus, while I fully support the goal of finding savings within the current student loan program to provide students with much-needed increases in federal financial aid for higher education, I cannot support today's bill, which I believe should be improved before being passed by the House.

As the legislative process moves forward in the Senate, I will continue to work towards a bill that achieves significant increase in financial assistance for students seeking higher education, that preserves jobs for South Dakotans, and ensures our students receive the specialized attention and information needed to make the best choices for funding their higher education.

Mr. GENE GREEN of Texas. Madam Chair, I rise today to show my support for H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009.

This legislation will make a college education more accessible to young Americans. Through initiatives such as a \$40 billion investment in Pell Grants, the number of people eligible for a Pell Grant award greatly increases as does the monetary allotment associated with the award. Under this legislation over \$85.4 million will be invested in our district to increase the maximum annual Pell Grant scholarship to \$5,550 in 2010 and to \$6,900 by 2019. In the 2010–2011 academic year 18,184 students in our district will be eligible for a Pell Grant award.

This bill will also help make a college education more accessible and affordable to Americans by streamlining the FAFSA student aid application. The simplification of the FAFSA form will help provide needed support to the growing number of families applying for student aid by allowing them to use the information on their tax returns to verify their eligibility.

The Student Aid and Fiscal Responsibility Act also sets in motion a five-year initiative aimed at improving college access and completion support programs through the College Access and Completion Fund, resulting in at least \$14.1 million a year for the next five years in Texas. The increased funding is to be used towards providing students, particularly those from disadvantaged backgrounds, with the support they need to stay in school and graduate despite obstacles, particularly those of a financial nature.

For students who need further financial assistance, this legislation increases the availability of Perkins Loans, and increases the reliability and affordability of federal student loans through the Direct Loan program.

In addition to making education more affordable, The Student Aid and Fiscal Responsibility Act of 2009 aims to improve the quality of higher education in the United States. One of the main components of the bill I am ex-

cited about is the major investment in our local community colleges. In 2007, over 497,500 students were enrolled in Texas community colleges, and this bill will help to increase the effectiveness and impact of community colleges in our area by continuing to develop first-rate affordable education right here in our district, which, in turn, will help build our workforce and community.

H.R. 3221 not only focuses on higher learning, but also childhood education by establishing an Early Learning Challenge Fund. Over the next two years, Texas will receive more than \$359.4 million to develop schools that equip every child with access to a world-class learning environment.

I strongly believe in the power of education, and am proud to support this legislation that increases individuals access to higher education, improves the quality of that education, and helps to develop a skilled workforce, while reducing the deficit.

Mr. BOYD. Madam Chair, I rise to express my concern with H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. This legislation was crafted in the Committee on Education and Labor after President Obama's Fiscal Year 2010 Budget proposed reforming the federal student loan system. Although I support the President's goal of ensuring our affordable and accessible educational opportunities for our nation's children, I have some serious reservations with this bill.

H.R. 3221 calls for the transition of all federal student lending to the Direct Loan Program by July 1st 2010. Not only will this move end the reliable administration and servicing of student loans at more than 4,000 schools across the country, this transition will risk job losses at a time when unemployment is threatening to hit 10 percent nationwide. This industry represents over 30,000 jobs throughout our country, and 700 Sallie Mae employees in my district alone.

These employees have a history with the program, the college administrators and the students that they serve, given the over 40 years of the program's existence. During that time the private industry has continued to evolve to better help students with their financial responsibilities through quality customer service and product innovation. It is evident that as the Direct Loan and Federal Family Education Loan (FFEL) programs have competed over the years the quality of the student experience has been changed for the better. I am not comfortable taking this dynamic out of the equation via the provisions in H.R. 3221. Furthermore, I am concerned that the quick transition required by this bill could prove burdensome to many of the schools that are currently using the FFEL program despite the efforts of the Department of Education to prepare for it.

I believe that the country and students would be better served if the private industry framework of the current system was enhanced instead of proceeding with H.R. 3221 as written and I would therefore urge my colleagues to vote no.

Mr. KIND. Madam Chair, I rise today in support of H.R. 3221, The Student Aid and Fiscal Responsibility Act.

With the struggling economy, rising cost of tuition, and decrease in the availability of stu-

dent aid, working families are finding it increasingly difficult to send their children to college. In order to ensure that America is able to compete in the global economy and remain a leader in the innovative industries of the future, this historic legislation invests in our economic future by making college more affordable and accessible. By reforming our student loan system, simplifying the student loan application process, investing in community colleges to create a highly skilled workforce, and strengthening early childhood education programs we will guarantee that the next generation is equipped with the necessary skills to compete worldwide.

In a fiscally responsible way, the Student Aid and Fiscal Responsibility Act will make college more affordable and accessible by transforming our student aid system. The reforms will make student loans more reliable and accessible for a greater number of students. Pell Grant Scholarships will receive an additional \$40 billion over the next 10 years, \$500 million of that will go to students in Wisconsin. In 2019, it is estimated that 20,000 western Wisconsin students will be awarded \$75 million in Pell Grants. The bill also simplifies the Free Application for Federal Student Aid (FAFSA) form by allowing families to fill out the application with information from just a tax return to prove eligibility.

This legislation also invests heavily in community colleges to cultivate a highly skilled workforce to compete in the global economy. It will encourage and support relationships between community colleges, businesses, states and adult education programs. These partnerships are already occurring in western Wisconsin and with additional grants and investment, our community colleges will be able to strengthen and build upon these partnerships, creating additional jobs and economic development.

Not only will the Student Aid and Fiscal Responsibility Act do a better job getting kids to college, it will also provide assistance to ensure that they make it to graduation. Investing in college access and completion support programs will ensure that students receive guidance to ensure they make it to graduation. Further, secondary schools in western Wisconsin will receive \$57 million for school renovation to improve the classroom experience and enhance learning for students.

Ensuring that children are put on a path toward academic success begins at an early age. I have always believed that we must place an emphasis on early childhood education in order to prepare students to excel once they begin in school. I have long supported and advocated for legislation that would strengthen early childhood education by providing states with grant opportunities, increased funding, and better training for educators. In previous years, I have introduced legislation that would have accomplished many of the same goals of this bill by creating an Early Learning Challenge Fund to award competitive grants to states that implement early education reforms. This provision is crucial as we work to provide learning and development opportunities to children at an early age, ensuring that kids are ready for success once they enter the school system.

As the country continues to work through some of the most difficult economic conditions

in a generation, it is imperative that we increase our investment in education. Innovation and a highly skilled workforce are keys to unlocking the future potential of America. If we are truly going to compete against emerging nations like China and India, we must continue to invest in our education system.

I am proud to represent western Wisconsin, which is home to six universities and dozens of community and technical colleges. With such an emphasis on higher education, we have long been working to become a leader in producing workers for the 21st Century's global economy. This historic legislation will build on the infrastructure already available in western Wisconsin and make higher education more affordable and accessible for everyone.

Mr. INSLEE. Madam Chair, I rise to express my support for H.R. 3221, and to express my gratitude to Chairman MILLER for including in this bill a very important section to close gaps in college degree attainment and completion.

Section 783 of the bill, which provides for innovation in college access and completion national activities, authorizes the Secretary of Education to award grants to innovative programs that improve student outcomes for college bound students.

In 2007, only 27.8 percent of college freshmen, or roughly one-fourth, went on to complete their degrees. In the highly competitive 21st century, America can little afford to fall behind in the technology curve; today, China graduates eight times as many engineering students as us, and India five times more.

We have an abundance of bright students in this country, and by increasing the number of individuals with postsecondary degrees, any expenditure we make towards that end will be returned many times over as these graduates enter the work force and start contributing to what is already the world's largest and most advanced economy.

In June, I introduced H.R. 3259, to establish grants for college success and completion. My bill, coauthored with Representative REICHERT, would encourage and help students from low-income and disadvantaged families attend college. This group of Americans represents the last great untapped source of American brainpower, as only 6 percent of them are expected to earn a bachelor's degree by age 24—seven and a half times smaller than the expected graduation rates of students from wealthy backgrounds.

I urge passage of H.R. 3221, and encourage my colleagues to continue investing in America's future by cosponsoring H.R. 3259.

Mr. STARK. Madam Chair, I rise today in support of creating education opportunity for millions of students. The Student Aid and Fiscal Responsibility Act (H.R. 3221) is the single largest investment in college affordability in our nation's history. In addition, the legislation will provide much-needed resources for states to develop and improve early childhood education programs.

The ideal behind this bill is simple: stop providing taxpayer subsidies to banks to act as the middlemen in student lending, save billions, and reinvest most of those savings into our beleaguered education system.

By moving all student loans into the Department of Education's Direct Lending Program, this legislation saves \$87 billion that would

otherwise be siphoned off by private lenders. These savings allow for historic investments in the Pell Grant and Perkins Loan programs for low- and moderate-income students. Over 16,000 students in my Congressional District rely on Pell Grants each year. These students will see the maximum grant rise to \$5,500 in 2010 and automatically increase each year thereafter to keep up with inflation. By 2019, the maximum grant is expected to be \$6,900. Similarly, the Perkins Loan program will receive a \$6 billion boost, providing assistance for thousands of new students.

The bill also invests in another vital resource: Our community colleges. H.R. 3221 invests \$10 billion in community colleges to modernize facilities, implement reforms, and work with local employers to create curricula to ensure that students are graduating able to fulfill local workforce needs.

Finally, the legislation before us will help to make sure that every child enters school ready to learn and achieve by creating the "Early Learning Challenge Fund." This fund will provide resources to states to expand and improve their "Birth to Five" early childhood education programs by improving licensing standards, developing high quality curricula aimed at cognitive, emotional, and social development, and building a highly qualified workforce.

The Student Aid and Fiscal Responsibility Act is an example of reform that this Congress can achieve when we are willing to put aside the narrow concerns of special interests and support common sense policies that will provide greater educational opportunity. I urge all of my colleagues to support the bill.

Mr. FORBES. Madam Chair, I oppose H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009, because I cannot support legislation that amounts to a government takeover of student loans, and at the expense of private industry. The same legislation does continue several efforts I have championed throughout my time as a Member of Congress, and it is regretful that these initiatives were not taken up separately to make it easier for students to get the financial aid they need to get a college degree.

I support increasing the amount of aid available to college students through Pell Grants awards and voted to do so twice in the 110th Congress (H.R. 4137 and H.R. 2669). This program is vital to ensuring the accessibility of higher education for all Americans and I'm pleased this bill continues this increase in Pell Grants.

In addition, I supported efforts to cut interest rates on federal student loans in half (H.R. 5) and to expand eligibility for parents to qualify for education loans for their children (H.R. 5715). I have also been a strong supporter of funding for Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions, which received valuable support in this bill as well.

I was a proud supporter and original sponsor of legislation that would help bridge economic opportunity and the digital divide between minority institutions and their counterparts (H.R. 4137 in the 110th). I will continue to fight for these critical initiatives and others to improve access and quality in American education.

Pell Grants awards, HBCUs, community college funding, and pre-K programs are too important to include them in the same bill alongside reckless provisions that restrict the student loan market and place the fate of student access to financial aid under the care and supervision of the federal government.

Mr. POMEROY. Madam Chair, I rise today in support of H.R. 3221, important legislation that will provide critical resources for community colleges and expand access to higher education for our nation's students. While I have some remaining concerns with this bill that need to be addressed before enactment, I am voting to move this measure forward in the process because it strengthens our student aid programs while decreasing our federal deficit by \$10 billion.

H.R. 3221 provides an historic investment in Pell Grants and ensures that interest rates remain low on need-based federal student loans. I am a strong supporter of making college more accessible for everyone, and am pleased that the bill invests \$90 million in North Dakota for the Pell Grant program. This increased level of funding means that 17,143 student will be eligible for a Pell Grant award in the 2010–2011 academic year, an increase of 37 percent over the 12,467 North Dakota students eligible in the 2007–2008 school year. And by 2019, the number of students receiving Pell Grants will nearly double from 2007–2008 levels to 21,410. Under this legislation, the maximum Pell Grant scholarship will ultimately reach \$6,900 by 2019, representing over a 45 percent increase in the maximum Pell Grant Award over the next 10 years from today's maximum Pell Grant level of \$4,731. This is good news for students.

However, there are a few issues of remaining concern with H.R. 3221. First, I strongly believe that student loans should be affordable. I have heard concerns from several North Dakota institutions that under the new Direct Perkins loans program, students are required to pay interest accrued on Direct Perkins loans while they are in school. The final proposal of this bill must weigh these concerns with the number of new students who will enter the Perkins loan program as a result of increasing the loan authority of this program.

Second, it is important to ensure that rural and rural-serving community colleges receive their fair share of funding from the new Higher Education Federal Assistance for Community College Modernization and Construction program. Rural and rural-serving colleges face unique challenges in providing critical educational opportunities for our nation's rural students, and should receive an appropriate portion of the funding provided under this program. I also believe that the Veterans Resource Officer Grant program should be modified to better ensure that rural and small schools have access to this program.

Third, as the only state-owned bank in the country, the Bank of North Dakota should continue to be allowed to provide student loans. The Bank of North Dakota currently serves about 75 percent of North Dakota students and has been a wonderful partner for students and their families. The Bank of North Dakota's service should not be disrupted. This is why I led an amendment that was made in order

that ensures that non-profit entities like the Bank of North Dakota can continue to provide valuable student borrower services, including delinquency prevention, default aversion, and loan counseling. In addition, I appreciate Chairman MILLER'S commitment on the floor to work with me in conference to ensure that this important institution will continue to have a role in federal student lending programs.

Having received the Chairman's assurances to work together on these issues in conference, I am going to vote to move this bill forward. I hope by furthering this bill, we can build on its historic investments in the Pell Grant program and strengthen its provisions for North Dakota schools and students.

Mr. LANGEVIN. Madam Chair, I rise in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. This legislation makes urgently-needed investments in our education system by helping students and their families pay for college, modernizing schools and curricula, and training our future workforce for the 21st Century.

H.R. 3221 will provide reliable, affordable, high-quality federal student loans for all families. Beginning July 1, 2010, all new federal student loans will be originated through the Direct Loan Program, which is insulated from market swings and can guarantee students access to low-cost federal loans in any economy.

I am also pleased that \$40 billion of the money saved from switching all loans to the Direct Loan Program will go to boosting Pell Grants. Over the next ten years, this measure will invest more than \$154.6 million in Rhode Island to increase the maximum annual Pell Grant scholarships to \$5,550 in 2010 and to \$6,900 by 2019. In the 2010–2011 academic school year, this will help nearly 12,000 eligible students in my congressional district.

Far too many students face unnecessary barriers when it comes to pursuing a college degree. This measure will make it easier to apply for financial aid by simplifying the FAFSA form, which many families find confusing and overly burdensome, and allowing applicants to use the information on their tax returns. Meanwhile, under this bill, Rhode Island will receive \$3.8 million over the next five years for the College Access Challenge Grant program, which will bolster college access and completion support programs, increase financial literacy education, and help retain and graduate students.

H.R. 3221 also strengthens our state's seven community colleges that teach more than 15,000 students each year. Community colleges excel at meeting the needs of students from all backgrounds and work with businesses to ensure students have the skills they need to fulfill local workforce needs. This measure will establish a competitive grant program for community colleges to raise graduation rates, modernize facilities, and create new online learning opportunities.

This legislation not only invests in our college students, but also focuses on the next generation of students by ensuring that all children have the preparation and skills they need on their very first day of school. By creating the Early Learning Challenge Fund, competitive grants will be awarded to states that implement comprehensive reform of birth-to-

five early learning programs. H.R. 3221 also provides more than \$13.7 million over the next two years to Rhode Island school districts for school modernization, renovation and repair projects that will create healthier, safer and more energy-efficient teaching and learning climates.

Madam Chair, this measure will have long-term benefits for our economy. Going forward, we must continue to build upon these advances so the next generation is encouraged to pursue their dreams.

Mr. ETHERIDGE. Madam Chair, I rise in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. As the first member of my family to graduate from college, I know that the opportunity to go to college was the key to any success that I have had in life. I understand firsthand that pursuing education after high school can be a challenging financial decision. Working families struggle to enable their children to go to college, and individuals who wish to pursue a second degree must weigh the costs carefully. This bill takes significant steps to make college more affordable and to ease the burden of debt for those who take out loans to pay for higher education.

H.R. 3221 continues our work to increase Pell Grants to keep up with increasing educational costs, raising the maximum grant to \$6,900 over the next ten years. It invests \$3 billion in efforts that improve access to college and support students throughout their education, like the successful initiatives of the College Foundation of North Carolina and the North Carolina Educational Assistance Authority in my state. The legislation also strengthens Perkins Loans by making more students eligible and keeping interest rates low.

H.R. 3221 makes critical investments in our historically black colleges and universities and minority-serving institutions, and strengthens community colleges and training programs to ensure every student has the opportunity to succeed in school and gain the skills they need for success in our 21st century technological economy. It also invests in quality early education opportunities that plant the seeds of success for the next generation of college graduates. Finally, it makes all of these investments in a fiscally-responsible manner, even devoting \$10 billion in savings to pay down the deficit.

I am pleased that Chairman MILLER worked with me to ensure that non-profits and state agencies, like the North Carolina College Foundation and the North Carolina Educational Assistance Authority, continue to have a role in providing services to college-bound students. Millions of North Carolina families turn to these institutions for help with college counseling, loan support, and default prevention. It would be a tragedy to lose the local knowledge and expertise they provide. Student loan reform must preserve a role for these valuable loan guarantors and affiliated non-profits, and I am pleased that an amendment I offered which explicitly authorizes support for their services was included in the final bill.

As the former superintendent of North Carolina's schools, I know firsthand the needs of our school districts for modernization and renovation funding. I am pleased H.R. 3221 con-

tains \$2 billion in each of the next two years to help schools maintain high-quality facilities that help students learn. I appreciate Chairman MILLER'S commitment to work with me to ensure that we use some of this funding in support of our federal responsibility for federally-connected children. In my district, the schools in Harnett County and Cumberland County, as well as those in the rest of the state, are proud to be able to educate the sons and daughters of those who serve and protect our nation. However, the growth at Fort Bragg and Pope Air Force Base under the Base Realignment and Closure (BRAC) process, threatens to overwhelm the school districts' already strained budgets as they work to make room for these students. We have a responsibility to help these schools, and I look forward to working with the chairman to support our military families.

Madam Chair, H.R. 3221 represents a significant investment in the future of our nation, and a historic commitment to our students and working families. I urge my colleagues in joining me in support of this legislation.

Mr. LARSON of Connecticut. Madam Chair, I rise today in support of H.R. 3221—the Student Aid and Fiscal Responsibility Act of 2009. This bill makes the single-largest investment in student aid in our nation's history and will increase opportunities for our workforce to expand their skills through community colleges. I would like to thank Chairman MILLER for working with me to include in the bill legislation that I offered to expand the mission of community college computer labs as a hub for training our nation's workers. Specifically the addition of Section 503 (f)(8) allows funds for community college reform to be used for the purpose of “providing information technology training for students and members of the public seeking to improve their computer literacy and information technology skills through public accessibility to community college computer labs and information technology training providing on weeknights and weekends by an employee of a community college who is capable of basic computer instruction.”

I am a strong supporter of our nation's community colleges and believe they represent an invaluable and untapped information hub within our communities. By participating in the program set forth by the bill and simply keeping their computer labs open to the public for 20 hours a week on weeknights and 10 hours a week on weekends, our community colleges would provide individuals the ability to gain the skills they need to move into a new job or advance in their current job. Further, to ensure that the time spent in the computer labs will help build those information technology skills, the community colleges should be required to have an instructor from the college present to provide basic computer instruction during those hours. Access to this instruction should also be free of charge and accessible to students and members of the public.

In order to provide this access to the computer labs my intent when drafting this language was to allow community colleges to access funds for the maintenance, administration and improvement of computer labs, which includes: staffing facilities; purchasing computer equipment, which includes hardware and software; maintaining, repairing, and replacing

technology equipment; maintaining and securing facilities; and providing utilities for the facilities and computer equipment.

Once again, I thank Chairman MILLER for his hard work on this legislation and urge its passage.

Mr. GRAYSON. Madam Chair, the U.S. House of Representatives has passed a bill including prohibitions on federal funds and other activities with respect to certain organizations. The intent of Congress with respect to those provisions is as follows:

The purpose of this bill is to cleanse federal contracting and grant-making, completely and permanently. The purpose is to put an end to the invidious practice of rewarding those who steal taxpayer money by giving them more taxpayer money. The bill imposes, and is intended to impose, a corporate death penalty on contractors who fall within the scope of its prohibitions. This is remedial legislation. The primary intention is not merely to penalize such organization, since other laws perform that function. Rather, the intention is to protect the Government and the taxpayers from losses in the future, and to deter misconduct on the part of federal fund recipients. The intention of deterrence, in particular, requires that these prohibitions be construed broadly, and enforced strictly.

By this bill, Congress intends to exercise the full extent of its Constitutional authority, both express and implied. This includes, but is not limited to, Congress's express authority under the Appropriations Clause of the Constitution.

Notwithstanding the heading on the part of the bill containing these provisions, it is not Congress's intent that these prohibitions apply only to organizations that have been indicted. Rather, Congress intends that the prohibitions apply to all "covered organizations," as defined in the bill.

With respect to the prohibitions set forth in paragraph (a), Congress intends that these prohibitions be automatic and permanent. In this context, "automatic" means not subject to alleviation by administrative action. Regarding such prohibitions, Congress intends to substitute a "per se" rule in place of any rule requiring a balancing of factors, or exercise of discretion or judgment, to the full extent permitted for Congress by the U.S. Constitution. "Permanent" means lasting for the entire time that the organization remains in existence. If a principal, or principals, of a covered organization form(s) or attempt(s) to form a new organization, then that new organization may be deemed, through administrative action, to be a covered organization. "Principal" means an officer, a director, or an owner of at least five percent of the shares of a covered organization.

It is the intent of Congress that any organization seeking or receiving a federal contract, grant, cooperative agreement, any other form of agreement, federal funds, or promotion by a Federal employee or contractor shall certify, both when seeking and when receiving such a benefit, that the organization is not a covered organization as that term is defined in this bill. Any organization falsely making such a certification shall be deemed a covered organization (and, in fact, already is one), and shall be subject to prosecution under 18 U.S.C. 1001 or any similar provision in the Criminal Code. Any individual making such a false certification on behalf of a covered organization shall be similarly liable. Congress strongly recommends to federal prosecutors that they

execute their prosecutorial discretion in a manner that holds such organizations and individuals accountable, to the fullest extent permitted by law.

Congress intends that all covered organizations be added to the "Excluded Parties" list maintained by the Federal Government, with a prescribed duration on that list of "permanent." Whenever the U.S. Department of Justice (DOJ) learns or has reason to believe that an organization is a covered organization, it shall be the duty of DOJ to apprise the debarring officials of all relevant federal agencies of such information. Congress intends that any person or organization shall have standing to request that any debarring official shall identify an organization as a covered organization, and add that organization to the "Excluded Parties" list. Congress also intends that the contention that any federal offeror or contractor is a covered organization is a contention that is a valid basis for a bid protest. Such a contention may be asserted at the Government Accountability Office, the U.S. Court of Federal Claims, and any other tribunal with bid protest authority.

The term "covered organization" includes parent companies, subsidiaries and subsidiaries of parent companies of a covered organization. Such affiliation is to be determined by legal ownership of at least 50%.

The term "organization" in paragraph (a) means only a covered organization. The enumerated prohibitions apply to covered organizations only.

In subparagraph (a)(1), the term "other form of agreement" includes, but is not limited to, the execution of contract options, the award of task orders, and any other form of action that establishes or increases the legal rights of any federal contractor or grantee.

In subparagraph (a)(2), the term "[n]o Federal funds in any other form may be provided" shall mean that all contracts and grants that have been awarded to a covered organization with a remaining duration of more than one year on the date of enactment shall, within that one-year period, be terminated for the convenience of the Government.

In subparagraph (b)(1) of the prohibitions, Congress recognizes that the denial of liberty or property on the basis of an indictment, without conviction, raises Constitutional due process issues. If it is determined that such denial is unconstitutional, or otherwise contrary to law, then it is the intent of Congress that subparagraph (b)(1) be held void, but that the remainder of the prohibitions remain intact and enforceable.

In subparagraph (b)(3) of the prohibitions, it is the intent of Congress that this subparagraph be construed expansively. The term "Federal or State regulatory agency" shall include any agency authorized by law to issue regulations, whether or not such regulations have been issued. For instance, the term includes, but is not limited to, the U.S. Departments of Defense, Health and Human Services, and Labor. The term "filed a fraudulent form" includes, but is not limited to, actions that would establish liability under 18 U.S.C. 1001 or 31 U.S.C. 3729. A conviction or judgment under these laws, or any similar law, is sufficient per se to establish that an organization is a covered organization.

The term "filed a fraudulent form" is derived in part from a report dated July 23, 2009 and issued by the Ranking Member of the Committee on Oversight and Government Reform. Page five of that report discusses allegations, not resulting in a conviction or

judgment, that "ACORN has submitted false filings to the Internal Revenue Service and the Department of Labor." The report states that: "All of these fraudulent acts would constitute a violation of 18 U.S.C. 1001 by presenting false documents to the United States government." A fortiori, any acts that actually do (not merely "would") constitute such a violation, or a violation of similar provisions such as those appearing in 31 U.S.C. 3729, as determined by a conviction or judgment, shall per se constitute the "fil[ing] of a fraudulent form" within the meaning of these prohibitions. As the Ranking Member's report describes, however, the term "filed a fraudulent form" extends to all organizations that have filed such a form, whether or not such a filing has resulted in a conviction or judgment. The Ranking Member issued a statement yesterday, which said: "For far too long, recipients of federal dollars have been given free reign [sic] and some have acted in a reckless and cavalier way and whether it be ACORN or anyone else—abuse and fraud will not be tolerated." He added, "frankly, I don't know how anyone can successfully argue [that] those who actually perpetrate fraud and misuse taxpayer dollars should not be" subject to these prohibitions.

The term "form" is to be construed broadly. It includes all communications, in any form or format, which include any information required by law. For instance, a request for payment under a cost reimbursement contract that includes a statement of incurred costs is a "form" within the meaning of subparagraph (b)(3), because (among other reasons) such a statement is required by law. Whenever the Government finds that such a request is excessive, and reduces it, then this means that the form that was filed was fraudulent, unless the contractor possessed no information whatsoever that did allow or should have allowed the contractor to know that the form was excessive. No proof of specific intent to defraud is required. It is the intent of Congress that the term "form" include, but not be limited to, the term "claim" under 18 U.S.C. 287, the terms "claim," "record" and "statement" in 31 U.S.C. 3729, and the terms "statement," "representation" and "entry" under 10 U.S.C. 1001.

In all administrative or judicial proceedings regarding whether a party has "filed a fraudulent form," in cases based on a conviction or judgment, the inquiry shall be limited to whether there is any evidence in the record on which the finder of fact could have determined that the organization filed a fraudulent form. Under no circumstances shall the burden of proof be anything beyond "adequate evidence" in administrative proceedings, or "support by any evidence in the record" in judicial proceedings, when such judicial review of such administrative action is allowable at all.

It is the intent of Congress that administrative action to add an organization to the "Excluded Parties" list is ministerial. For that reason, and otherwise, such administrative action is committed to agency discretion under 5 U.S.C. 702(a)(1). In all judicial proceedings, it is the intent of Congress that the prohibitions apply to an organization that has been found to be a covered organization unless and until a final judgment has been entered in favor of the organization. Specifically, it is the intent of Congress that in determining whether the organization should be granted interim relief in such proceedings, the greatest weight be the public interest in having the Government issue contracts and grants only to organizations with unquestioned integrity.

It is the intention of Congress that the term "covered organization" apply to all organizations qualifying within the definitions of subparagraphs (b)(1) through (b)(4), without regard to when the acts establishing such qualification occurred. Specifically, it is not the intent of Congress that such acts be limited to acts following enactment of these prohibitions. If, for instance, an organization filed a fraudulent form with any Federal or State regulatory agency in 2006, that organization is a covered organization as of the date of enactment, and subject to all prohibitions from the date of enactment onward.

Regarding paragraph c, if it shall be ruled or held that this provision, or any other provision in these prohibitions, is a bill of attainder, or constitutionally infirm for any other reason, it is the intent of Congress that these prohibitions nevertheless apply to all covered organizations for which these prohibitions are not a bill of attainder, or constitutionally infirm.

Regarding paragraph (d) of the prohibitions, the revision of the Federal Acquisition Regulation (FAR) shall include the revisions set forth above, including but not limited to revision of Parts 3, 9, 15 and 33 of the FAR.

Mr. GEORGE MILLER of California. Madam Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3221

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Student Aid and Fiscal Responsibility Act of 2009".

#### **SEC. 2. TABLE OF CONTENTS.**

The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

#### **TITLE I—INVESTING IN STUDENTS AND FAMILIES**

##### **Subtitle A—Increasing College Access and Completion**

- Sec. 101. Federal Pell Grants.
- Sec. 102. College Access and Completion Innovation Fund.
- Sec. 103. Investment in historically Black colleges and universities and other minority-serving institutions.
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##### **Subtitle B—Student Financial Aid Form Simplification**

- Sec. 121. General effective date.
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#### **TITLE II—STUDENT LOAN REFORM**

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- Sec. 203. Applicable interest rates.

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- Sec. 205. Federal PLUS Loans.

- Sec. 206. Federal Consolidation Loan.

- Sec. 207. Unsubsidized Stafford loans for middle-income borrowers.

- Sec. 208. Loan repayment for civil legal assistance attorneys.

- Sec. 209. Special allowances.

- Sec. 210. Revised special allowance calculation.

- Sec. 211. Origination of Direct Loans at institutions located outside the United States.

- Sec. 212. Agreements with institutions.

- Sec. 213. Terms and conditions of loans.

- Sec. 214. Contracts.

- Sec. 215. Interest rates.

##### **Subtitle B—Perkins Loan Reform**

- Sec. 221. Federal Direct Perkins Loans terms and conditions.

- Sec. 222. Authorization of appropriations.

- Sec. 223. Allocation of funds.

- Sec. 224. Federal Direct Perkins Loan allocation.

- Sec. 225. Agreements with institutions of higher education.

- Sec. 226. Student loan information by eligible institutions.

- Sec. 227. Terms of loans.

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- Sec. 229. Implementation of non-title IV revenue requirement.

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#### **TITLE III—MODERNIZATION, RENOVATION, AND REPAIR**

##### **Subtitle A—Elementary and Secondary Education**

- Sec. 301. Definitions.

##### **CHAPTER 1—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES**

- Sec. 311. Purpose.
- Sec. 312. Allocation of funds.
- Sec. 313. Allowable uses of funds.
- Sec. 314. Priority projects.

##### **CHAPTER 2—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA**

- Sec. 321. Purpose.
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##### **CHAPTER 3—GENERAL PROVISIONS**

- Sec. 331. Impermissible uses of funds.
- Sec. 332. Supplement, not supplant.
- Sec. 333. Prohibition regarding State aid.
- Sec. 334. Maintenance of effort.
- Sec. 335. Special rule on contracting.
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- Sec. 337. Labor standards.
- Sec. 338. Charter schools.
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- Sec. 340. Reporting.
- Sec. 341. Special rules.
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- Sec. 343. Advisory Council on Green, High-Performing Public School Facilities.
- Sec. 344. Education regarding projects.
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##### **Subtitle B—Higher Education**

- Sec. 351. Federal assistance for community college modernization and construction.

#### **TITLE IV—EARLY LEARNING CHALLENGE FUND**

- Sec. 401. Purpose.
- Sec. 402. Programs authorized.

- Sec. 403. Quality pathways grants.
- Sec. 404. Development grants.
- Sec. 405. Research and evaluation.
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- Sec. 407. Construction.
- Sec. 408. Definitions.
- Sec. 409. Availability of funds.

#### **TITLE V—AMERICAN GRADUATION INITIATIVE**

- Sec. 501. Authorization and appropriation.
- Sec. 502. Definitions; grant priority.
- Sec. 503. Grants to eligible entities for community college reform.
- Sec. 504. Grants to eligible States for community college programs.
- Sec. 505. National activities.

#### **SEC. 3. REFERENCES.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

#### **TITLE I—INVESTING IN STUDENTS AND FAMILIES**

##### **Subtitle A—Increasing College Access and Completion**

#### **SEC. 101. FEDERAL PELL GRANTS.**

(a) AMOUNT OF GRANTS.—Section 401(b) (20 U.S.C. 1070a(b)) is amended—  
(1) by amending paragraph (2)(A) to read as follows:

“(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

“(i) the maximum Federal Pell Grant, as specified in the last enacted appropriation Act applicable to that award year, plus

“(ii) the amount of the increase calculated under paragraph (8)(B) for that year, less

“(iii) an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.”; and

(2) by amending paragraph (8), as amended by the Higher Education Opportunity Act (Public Law 110–315), to read as follows:

“(8) ADDITIONAL FUNDS.—

“(A) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts—

“(i) \$2,030,000,000 for fiscal year 2008;

“(ii) \$2,733,000,000 for fiscal year 2009; and

“(iii) such sums as may be necessary for fiscal year 2010 and each subsequent fiscal year to provide the amount of increase of the maximum Federal Pell Grant required by clauses (ii) and (iii) of subparagraph (B).

“(B) INCREASE IN FEDERAL PELL GRANTS.—The amounts made available pursuant to subparagraph (A) shall be used to increase the amount of the maximum Federal Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

“(i) \$490 for each of the award years 2008–2009 and 2009–2010;

“(ii) \$690 for the award year 2010–2011; and

“(iii) the amount determined under subparagraph (C) for each succeeding award year.

“(C) INFLATION-ADJUSTED AMOUNTS.—

“(i) AWARD YEAR 2011–2012.—For award year 2011–2012, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

“(I) \$5,550 or the total maximum Federal Pell Grant for the preceding award year (as determined under clause (iv)(II)), whichever is greater, increased by a percentage equal to the annual adjustment percentage for award year 2011–2012; reduced by

“(II) \$4,860 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater; and

“(III) rounded to the nearest \$5.

“(ii) **SUBSEQUENT AWARD YEARS.**—For award year 2012–2013 and each of the subsequent award years, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

“(I) the total maximum Federal Pell Grant for the preceding award year (as determined under clause (iv)(II)), increased by a percentage equal to the annual adjustment percentage for the award year for which the amount under this subparagraph is being determined; reduced by

“(II) \$4,860 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater; and

“(III) rounded to the nearest \$5.

“(iii) **LIMITATION ON DECREASES.**—Notwithstanding clauses (i) and (ii), if the amount determined under clause (i) or (ii) for an award year is less than the amount determined under this paragraph for the preceding award year, the amount determined under such clause for such award year shall be the amount determined under this paragraph for the preceding award year.

“(iv) **DEFINITIONS.**—For purposes of this subparagraph—

“(I) the term ‘annual adjustment percentage’ as it applies to an award year is equal to the sum of—

“(aa) the estimated percentage change in the Consumer Price Index (as determined by the Secretary, using the definition in section 478(f)) for the most recent calendar year ending prior to the beginning of that award year; and

“(bb) one percentage point; and

“(II) the term ‘total maximum Federal Pell Grant’ as it applies to a preceding award year is equal to the sum of—

“(aa) the maximum Federal Pell Grant for which a student is eligible during an award year, as specified in the last enacted appropriation Act applicable to that preceding award year; and

“(bb) the amount of the increase in the maximum Federal Pell Grant required by this paragraph for that preceding award year.

“(D) **PROGRAM REQUIREMENTS AND OPERATIONS OTHERWISE UNAFFECTED.**—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements and operations of the Federal Pell Grant Program as authorized under this section, or to authorize the imposition of additional requirements or operations for the determination and allocation of Federal Pell Grants under this section.

“(E) **AVAILABILITY OF FUNDS.**—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.”.

(b) **CONFORMING AMENDMENTS.**—Title IV (20 U.S.C. 1070 et seq.) is further amended—

(1) in section 401(b)(6), as amended by the Higher Education Opportunity Act (Public Law 110–315), by striking “the grant level specified in the appropriate Appropriation Act for this subpart for such year” and inserting “the Federal Pell Grant amount, determined under paragraph (2)(A), for which a student is eligible during such award year”;

(2) in section 402D(d)(1), by striking “exceed the maximum appropriated Pell Grant” and inserting “exceed the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student is eligible”;

(3) in section 435(a)(5)(A)(i)(I), by striking “one-half the maximum Federal Pell Grant award for which a student would be eligible” and inserting “one-half the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student would be eligible”;

(4) in section 483(e)(3)(ii), by striking “based on the maximum Federal Pell Grant award at the time of application” and inserting “based on the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student is eligible at the time of application”;

(5) in section 485E(b)(1)(A), by striking “of such students’ potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A” and inserting “of such students’ potential eligibility for the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which the student would be eligible”;

(6) in section 894(f)(2)(C)(ii)(I), by striking “the maximum Federal Pell Grant for each award year” and inserting “the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student may be eligible for each award year”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) of this section shall take effect on July 1, 2010.

#### **SEC. 102. COLLEGE ACCESS AND COMPLETION INNOVATION FUND.**

(a) **HEADER.**—Part E of title VII (20 U.S.C. 1141 et seq.) is amended by striking the header of such part and inserting the following:

##### **“PART E—COLLEGE ACCESS AND COMPLETION INNOVATION FUND”.**

(b) **PURPOSE.**—Part E of title VII (20 U.S.C. 1141 et seq.) is further amended by inserting before section 781 the following:

##### **“SEC. 780. PURPOSES.**

“The purposes of this part are—

“(1) to promote innovation in postsecondary education practices and policies by institutions of higher education, States, and nonprofit organizations to improve student success, completion, and post-completion employment, particularly for students from groups that are underrepresented in postsecondary education; and

“(2) to assist States in developing longitudinal data systems, common metrics, and reporting systems to enhance the quality and availability of information about student success, completion, and post-completion employment.”.

(c) **AUTHORIZATION AND APPROPRIATION.**—Section 781(a) (20 U.S.C. 1141(a)) is amended to read as follows:

“(a) **AUTHORIZATION AND APPROPRIATION.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated, and there are appropriated, to carry out this part (in addition to any other amounts appropriated to carry out this part and out of any money in the Treasury not otherwise appropriated), \$600,000,000 for each of the fiscal years 2010 through 2014.

“(2) **ALLOCATIONS.**—Of the amount appropriated for any fiscal year under paragraph (1)—

“(A) 25 percent shall be made available to carry out section 781;

“(B) 50 percent shall be made available to carry out section 782;

“(C) 23 percent shall be made available to carry out section 783; and

“(D) 2 percent shall be made available to carry out section 784.”.

(d) **STATE GRANTS AND GRANTS TO ELIGIBLE ENTITIES.**—Part E of title VII (20 U.S.C. 1141 et seq.) is further amended by adding at the end the following:

##### **“SEC. 782. STATE INNOVATION COMPLETION GRANTS.**

“(a) **PROGRAM AUTHORIZATION.**—From the amount appropriated under section 781(a)(2)(B) to carry out this section, the Secretary shall

award grants to States on a competitive basis to promote student persistence in, and completion of, postsecondary education.

“(b) **FEDERAL SHARE; NON-FEDERAL SHARE.**—

“(1) **FEDERAL SHARE.**—The amount of the Federal share under this section for a fiscal year shall be equal to ⅔ of the costs of the activities and services described in subsection (d)(1) that are carried out under the grant.

“(2) **NON-FEDERAL SHARE.**—The amount of the non-Federal share under this section shall be equal to ⅓ of the costs of the activities and services described in subsection (d)(1). The non-Federal share may be in cash or in kind, and may be provided from State resources, contributions from private organizations, or both.

“(3) **SUPPLEMENT, NOT SUPPLANT.**—The Federal and non-Federal shares required by this paragraph shall be used to supplement, and not supplant, State and private resources that would otherwise be expended to carry out activities and services to promote student persistence in and completion of postsecondary education.

“(c) **APPLICATION AND SELECTION.**—

“(1) **APPLICATION REQUIREMENTS.**—For each fiscal year for which a State desires to receive a grant under this section, the State agency with jurisdiction over higher education, or another agency designated by the Governor or chief executive of the State to administer the grant program under this section, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

“(A) a description of the State’s capacity to administer the grant under this section;

“(B) a description of the State’s plans for using the grant funds for activities described in subsection (d)(1), including plans for how the State will make special efforts to provide benefits to students in the State who are from groups that are underrepresented in postsecondary education;

“(C) a description of how the State will provide for the non-Federal share from State resources, private contributions, or both;

“(D) a description of—

“(i) the administrative system that the State has in place to administer the activities and services described in subsection (d)(1); or

“(ii) the plan to develop such administrative system;

“(E) a description of the data system the State has or will have in place to measure the performance and progress toward the State’s goals included in the Access and Completion Plan submitted, or that will be submitted, under paragraph (2)(A); and

“(F) the assurances under paragraph (2).

“(2) **STATE ASSURANCES.**—The assurances required in paragraph (1)(F) shall include an assurance of each of the following:

“(A) That the State will submit, not later than July 1, 2011, an Access and Completion Plan to increase the State’s rate of persistence in and completion of postsecondary education. Such plan shall include—

“(i) the State’s annual and long-term quantifiable goals with respect to—

“(I) the rates of postsecondary enrollment, persistence, and completion, disaggregated by income, race, ethnicity, sex, disability, and age of students;

“(II) closing gaps in enrollment, persistence, and completion rates for students from groups that are underrepresented in postsecondary education;

“(III) targeting education and training programs to address labor market needs in the State, as such needs are determined by the State, or the State in coordination with the State public employment service, the State workforce investment board, or industry or sector partnerships in the State; and

“(IV) improving coordination between two-year and four-year institutions of higher education in the State, including supporting comprehensive articulation agreements between such institutions; and

“(ii) the State’s plan to develop an interoperable statewide longitudinal data system that—

“(I) can be linked to other data systems, as applicable, including elementary and secondary education and workforce data systems;

“(II) will collect, maintain, disaggregate (by institution, income, race, ethnicity, sex, disability, and age of students), and analyze postsecondary education and workforce information, including—

“(aa) postsecondary education enrollment, persistence, and completion information;

“(bb) post-completion employment outcomes of students who enrolled in postsecondary programs and training programs offered by eligible training providers under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(cc) postsecondary education and employment outcomes of students who move out of the State; and

“(dd) postsecondary instructional workforce information; and

“(III) makes the information described in subclause (I) available to the general public in a manner that is transparent and user-friendly.

“(B) That the State has a comprehensive planning or policy formulation process with respect to increasing postsecondary enrollment, persistence, and completion that—

“(i) encourages coordination between the State administration of grants under this section and similar State programs;

“(ii) encourages State policies that are designed to improve rates of enrollment and persistence in, and completion of, postsecondary education for all categories of institutions of higher education described in section 132(d) in the State;

“(iii) considers the postsecondary education needs of students from groups that are underrepresented in postsecondary education;

“(iv) considers the resources of public and private institutions of higher education, organizations, and agencies within the State that are capable of providing access to postsecondary education opportunities within the State; and

“(v) provides for direct, equitable, and active participation in the comprehensive planning or policy formulation process or processes, through membership on State planning commissions, State advisory councils, or other State entities established by the State and consistent with State law, by representatives of—

“(I) institutions of higher education, including at least one member from a junior or community college (as defined in section 312(f));

“(II) students;

“(III) other providers of postsecondary education services (including organizations providing access to such services);

“(IV) the general public in the State; and

“(V) postsecondary education faculty members, including at least one faculty member whose primary responsibilities are teaching and scholarship.

“(C) That the State will incorporate policies and practices that, through the activities funded under this section, are determined to be effective in improving rates of postsecondary education enrollment, persistence, and completion into the future postsecondary education policies and practices of the State to ensure that the benefits achieved through the activities funded under this section continue beyond the period of the grant.

“(D) That the State will participate in the evaluation required under section 784.

“(3) SUBGRANTS TO NONPROFIT ORGANIZATIONS.—A State receiving a payment under this

section may elect to make a subgrant to one or more nonprofit organizations in the State, including agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009, or a partnership of such organizations, to carry out activities and services described in subsection (d)(1), if the nonprofit organization or partnership—

“(A) was in existence on the day before the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009; and

“(B) as of such day, was participating in activities and services related to promoting persistence in, and completion of, postsecondary education, such as the activities and services described in subsection (d)(1).

“(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that enter into a partnership with one of the following entities to carry out the activities and services described in subsection (d)(1):

“(A) A philanthropic organization, as such term is defined in section 781(i)(1).

“(B) An agency with an agreement with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of Student Aid and Fiscal Responsibility Act of 2009.

“(d) USES OF FUNDS.—

“(1) AUTHORIZED USES.—A State receiving a grant under this section shall use the grant funds to—

“(A) provide programs in such State that increase persistence in, and completion of, postsecondary education, which may include—

“(i) assisting institutions of higher education in providing financial literacy, education, and counseling to enrolled students;

“(ii) assisting students enrolled in an institution of higher education to reduce the amount of loan debt incurred by such students;

“(iii) providing grants to students described in section 415A(a)(1), in accordance with the terms of that section; and

“(iv) carrying out the activities described in section 415E(a); and

“(B) support the development and implementation of a statewide longitudinal data system, as described in subsection (c)(2)(A)(ii).

“(2) PROHIBITED USES.—Funds made available under this section shall not be used to promote any lender’s loans.

“(3) RESTRICTIONS ON USE OF FUNDS.—A State—

“(A) shall use not less than  $\frac{1}{3}$  of the sum of the Federal and non-Federal share used for paragraph (1)(A) on activities that benefit students enrolled in junior or community colleges (as defined in section 312(f)), two-year public institutions, or two-year programs of instruction at four-year public institutions;

“(B) may use not more than 10 percent of the sum of the Federal and non-Federal share under this section for activities described in paragraph (1)(B); and

“(C) may use not more than 6 percent of the sum of the Federal and non-Federal share under this section for administrative purposes relating to the grant under this section.

“(e) ANNUAL REPORT.—Each State receiving a grant under this section shall submit to the Secretary an annual report on—

“(1) the activities and services described in subsection (d)(1) that are carried out with such grant;

“(2) the effectiveness of such activities and services in increasing postsecondary persistence and completion, as determined by measurable progress in achieving the State’s goals for persistence and completion described in the Access and Completion Plan submitted by the State under subsection (c)(2)(A), if such plan has been submitted; and

“(3) any other information or assessments the Secretary may require.

“(f) DEFINITIONS.—In this section:

“(1) INDUSTRY OR SECTOR PARTNERSHIP.—The term ‘industry or sector partnership’ means a workforce collaborative that organizes key stakeholders in a targeted industry cluster into a working group that focuses on the human capital needs of a targeted industry cluster and that includes, at the appropriate stage of development of the partnership—

“(A) representatives of multiple firms or employers (including workers) in a targeted industry cluster, including small- and medium-sized employers when practicable;

“(B) 1 or more representatives of State labor organizations, central labor coalitions, or other labor organizations;

“(C) 1 or more representatives of local workforce investment boards;

“(D) 1 or more representatives of postsecondary educational institutions or other training providers; and

“(E) 1 or more representatives of State workforce agencies or other entities providing employment services.

“(2) STATE PUBLIC EMPLOYMENT SERVICE.—The term ‘State public employment service’ has the meaning given such term in section 502(a)(9) of the Student Aid and Fiscal Responsibility Act of 2009.

“(3) STATE WORKFORCE INVESTMENT BOARD; LOCAL WORKFORCE INVESTMENT BOARD.—The terms ‘State workforce investment board’ and ‘local workforce investment board’ have the meanings given such terms in section 502(a)(10) of the Student Aid and Fiscal Responsibility Act of 2009.

#### “SEC. 783. INNOVATION IN COLLEGE ACCESS AND COMPLETION NATIONAL ACTIVITIES.

“(a) PROGRAMS AUTHORIZED.—From the amount appropriated under section 781(a)(2)(C) to carry out this section, the Secretary shall award grants, on a competitive basis, to eligible entities in accordance with this section to conduct innovative programs that advance knowledge about, and adoption of, policies and practices that increase the number of individuals with postsecondary degrees or certificates.

“(b) ELIGIBLE ENTITIES.—The Secretary is authorized to award grants under subsection (a) to—

“(1) institutions of higher education;

“(2) States;

“(3) nonprofit organizations with demonstrated experience in the operation of programs to increase postsecondary completion;

“(4) philanthropic organizations (as such term is defined in section 781(i)(1));

“(5) entities receiving a grant under chapter 1 of subpart 2 of part A of title IV; and

“(6) consortia of any of the entities described in paragraphs (1) through (5).

“(c) INNOVATION GRANTS.—

“(1) MINIMUM AWARD.—A grant awarded under subsection (a) shall be not less than \$1,000,000.

“(2) GRANTS USES.—The Secretary’s authority to award grants under subsection (a) includes—

“(A) the authority to award to an eligible entity a grant in an amount equal to all or part of the amount of funds received by such entity from philanthropic organizations (as such term is defined in section 781(i)(1)) to conduct innovative programs that advance knowledge about, and adoption of, policies and practices that increase the number of individuals with postsecondary degrees or certificates; and

“(B) the authority to award an eligible entity a grant to develop 2-year programs that provide supplemental grant or loan benefits to students that—

“(i) are designed to improve student outcomes, including degree completion, graduation without student loan debt, and post-completion employment;

“(ii) are in addition to the student financial aid available under title IV of this Act; and

“(iii) do not result in the reduction of the amount of that aid or any other student financial aid for which a student is otherwise eligible under Federal law.

“(3) APPLICATION.—To be eligible to receive a grant under subsection (a), an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary shall require.

“(4) PRIORITIES.—In awarding grants under subsection (a), the Secretary shall give priority to applications that—

“(A) are from an eligible entity with demonstrated experience in serving students from groups that are underrepresented in postsecondary education, including institutions of higher education that are eligible for assistance under title III or V, or are from a consortium that includes an eligible entity with such experience;

“(B) are from an eligible entity that is a public institution of higher education that does not predominantly provide an educational program for which it awards a bachelor's degree (or an equivalent degree), or from a consortium that includes at least one such institution;

“(C) include activities to increase degree or certificate completion in the fields of science, technology, engineering, and mathematics, including preparation for, or entry into, postbaccalaureate study, especially for women and other groups of students who are underrepresented in such fields;

“(D) are from an eligible entity that is a philanthropic organization with the primary purpose of providing scholarships and support services to students from groups that are underrepresented in postsecondary education, or are from a consortium that includes such an organization; or

“(E) are from an eligible entity that encourages partnerships between institutions of higher education with high degree-completion rates and institutions of higher education with low degree-completion rates from the same category of institutions described in section 132(d) to facilitate the sharing of information relating to, and the implementation of, best practices for increasing postsecondary completion.

“(5) TECHNICAL ASSISTANCE.—The Secretary may reserve up to \$5,000,000 per year to award grants and contracts to provide technical assistance to eligible entities receiving a grant under subsection (a), including technical assistance on the evaluation conducted in accordance with section 784 and establishing networks of eligible entities receiving grants under such subsection.

“(d) REPORTS.—

“(1) ANNUAL REPORTS BY ENTITIES.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary an annual report on—

“(A) the effectiveness of the program carried out with such grant in increasing postsecondary completion, as determined by measurable progress in achieving the goals of the program, as described in the application for such grant; and

“(B) any other information or assessments the Secretary may require.

“(2) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to the authorizing committees an annual report on grants awarded under subsection (a), including—

“(A) the amount awarded to each eligible entity receiving a grant under such subsection; and

“(B) a description of the activities conducted by each such eligible entity.

#### “SEC. 784. EVALUATION.

“From the amount appropriated under section 781(a)(2)(D), the Director of the Institute of

Education Sciences shall evaluate the programs funded under this part. Not later than January 30, 2016, the Director shall issue a final report on such evaluation to the authorizing committees and the Secretary, and shall make such report available to the public.

#### “SEC. 785. VETERANS RESOURCE OFFICER GRANTS.

“(a) PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible institutions of higher education to hire a Veterans Resource Officer to increase the college completion rates for veterans enrolled at such institutions.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term ‘eligible institution of higher education’ means an institution of higher education that has an enrollment of at least 100 full-time equivalent students who are veterans.

“(2) FULL-TIME EQUIVALENT STUDENTS.—The term ‘full-time equivalent students’ has the meaning given such term in section 312(e).

“(3) VETERAN.—The term ‘veteran’ has the meaning give such term in section 480(c).

“(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible institution of higher education shall submit an application at such time, in such manner, and containing such information as the Secretary shall require.

“(d) USES OF FUNDS.—

“(1) IN GENERAL.—An eligible institution of higher education receiving a grant under this section shall use such grant to hire 1 or 2 Veterans Resource Officers (in the case of an institution that has an enrollment of at least 200 full-time equivalent students who are veterans) to serve in the office of campus programs, or a similar office, at such institution and carry out the activities described in paragraph (2).

“(2) ACTIVITIES.—A Veterans Resource Officer shall carry out activities at an eligible institution of higher education to help increase the completion rates for veterans enrolled at such institution, which shall include the following activities:

“(A) Serving as a link between student veterans and the staff of the institution.

“(B) Serving as a link between student veterans and local facilities of the Department of Veterans Affairs.

“(C) Organizing and advising student veterans organization.

“(D) Organizing veterans oriented group functions and events.

“(E) Maintaining newsletters and listserves to distribute news and information to all student veterans.

“(F) Organizing new student veterans campus orientation.

“(G) Ensuring that the Department of Veterans Affairs certifying official at such institution is properly trained.

“(3) PRIORITY.—To the extent practicable, each institution described in paragraph (1) shall give priority to hiring a veteran to serve as a Veterans Resource Officer.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and each succeeding fiscal year.”

#### SEC. 103. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS.

Section 371 (20 U.S.C. 1067q) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “section 502” and inserting “section 502(a)”;

(B) in paragraph (3), by striking “section 316” and inserting “section 316(b)”;

(C) in paragraph (5), by striking “in subsection (c)” and inserting “in section 318(b)”;

(D) in paragraph (6), by striking “in subsection (c)” and inserting “in section 320(b)”;

and

(E) in paragraph (7), by striking “in subsection (c)” and inserting “in section 319(b)”;

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking “\$255,000,000” and all that follows and inserting “\$255,000,000 for each of the fiscal years 2008 through 2019.”; and

(B) by amending paragraph (2)(B) to read as follows:

“(B) STEM AND ARTICULATION PROGRAMS.—From the amount made available for allocation under this subparagraph by subparagraph (A)(i) for any fiscal year—

“(i) 90 percent shall be available for Hispanic-serving institutions for activities described in sections 503 and 513, with a priority given to applications that propose—

“(I) to increase the number of Hispanic and other low-income students attaining degrees in the fields of science, technology, engineering, or mathematics; and

“(II) to develop model transfer and articulation agreements between 2-year Hispanic-serving institutions and 4-year institutions in such fields; and

“(ii) 10 percent shall be available for grants under section 355.”;

(C) in paragraph (2)(C)(ii), by striking “and shall be available for a competitive” and all that follows and inserting “and shall be made available as grants under section 318 and allotted among such institutions under section 318(e), treating such amount, plus the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out section 318, as the amount appropriated to carry out section 318 for purposes of allotments under section 318(e)”;

(D) in paragraph (2)(D)—

(i) in clause (iii), by striking “for activities described in section 311(c)” and inserting “and shall be made available as grants under section 320, treating such \$5,000,000 as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section and using such \$5,000,000 for purposes described in subsection (c) of such section”; and

(ii) in clause (iv), by striking “described in subsection (a)(7)—” and all that follows and inserting “and shall be made available as grants under section 319, treating such \$5,000,000 as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section and using such \$5,000,000 for purposes described in subsection (c) of such section”; and

(3) by striking subsection (c).

#### SEC. 104. INVESTMENT IN COOPERATIVE EDUCATION.

There are authorized to be appropriated, and there are appropriated, to carry out part N of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161n) (in addition to any other amounts appropriated to carry out such part and out of any money in the Treasury not otherwise appropriated), \$10,000,000 for fiscal year 2010.

#### SEC. 105. LOAN FORGIVENESS FOR SERVICEMEMBERS ACTIVATED FOR DUTY.

(a) IN GENERAL.—Section 484B(b)(2) (20 U.S.C. 1091b(b)(2)) is amended by adding at the end the following:

“(F) TUITION RELIEF FOR STUDENTS CALLED TO MILITARY SERVICE.—

“(i) WAIVER OF REPAYMENT BY STUDENTS CALLED TO MILITARY SERVICE.—In addition to the waivers authorized by subparagraphs (D) and (E), the Secretary shall waive the amounts that students are required to return under this section if the withdrawals on which the returns

are based are withdrawals necessitated by reason of service in the uniformed services.

“(ii) LOAN FORGIVENESS AUTHORIZED.—Whenever a student’s withdrawal from an institution of higher education is necessitated by reason of service in the uniformed services, the Secretary shall, with respect to the payment period or period of enrollment for which such student did not receive academic credit as a result of such withdrawal, carry out a program—

“(I) through the holder of the loan, to assume the obligation to repay—

“(aa) the outstanding principal and accrued interest on any loan assistance awarded to the student under part B (including to a parent on behalf of the student under section 428B) for such payment period or period of enrollment; minus

“(bb) any amount of such loan assistance returned by the institution in accordance with paragraph (1) of this subsection for such payment period or period of enrollment; and

“(II) to cancel—

“(aa) the outstanding principal and accrued interest on the loan assistance awarded to the student under part D or E (including a Federal Direct PLUS loan awarded to a parent on behalf of the student) for such payment period or period of enrollment; minus

“(bb) any amount of such loan assistance returned by the institution in accordance with paragraph (1) of this subsection for such payment period or period of enrollment.

“(iii) REIMBURSEMENT FOR CANCELLATION OF PERKINS LOANS.—The Secretary shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of Federal Perkins loans in such institutions’ student loan fund which are cancelled pursuant to clause (iii)(II) for such fiscal year, minus an amount equal to the aggregate of the amounts of any such loans so canceled which were made from Federal capital contributions to its student loan fund provided by the Secretary under section 468. None of the funds appropriated pursuant to section 461(b) shall be available for payments pursuant to this paragraph. To the extent feasible, the Secretary shall pay the amounts for which any institution qualifies under this paragraph not later than 3 months after the institution files an institutional application for campus-based funds.

“(iv) LOAN ELIGIBILITY AND LIMITS FOR STUDENTS.—Any amounts that are returned by an institution in accordance with paragraph (1), or forgiven or waived by the Secretary under this subparagraph, with respect to a payment period or period of enrollment for which a student did not receive academic credit as a result of withdrawal necessitated by reason of service in the uniformed services, shall not be included in the calculation of the student’s annual or aggregate loan limits for assistance under this title, or otherwise affect the student’s eligibility for grants or loans under this title.

“(v) DEFINITION.—In this subparagraph, the term ‘service in the uniformed services’ has the meaning given such term in section 484C(a).”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect for periods of service in the uniformed services beginning after the date of the enactment of this Act.

(2) DEFINITION.—In this paragraph, the term “period of service in the uniformed services” means the period beginning 30 days prior to the date a student is required to report to service in the uniformed services (as defined in section 484C(a) of the Higher Education Act of 1965 (20 U.S.C. 1091c(a)) and ending when such student returns from such service.

#### SEC. 106. VETERANS EDUCATIONAL EQUITY SUPPLEMENTAL GRANT PROGRAM.

(a) VETERANS EDUCATIONAL EQUITY SUPPLEMENTAL GRANT PROGRAM.—Subpart 1 of part A

of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following:

#### “SEC. 401B. VETERANS EDUCATIONAL EQUITY SUPPLEMENTAL GRANT PROGRAM.

“(a) VETERANS EDUCATIONAL EQUITY SUPPLEMENTAL GRANTS AUTHORIZED.—The Secretary shall award a grant to each eligible student, in an amount determined in accordance with subsection (c), to assist such student with paying the cost of tuition incurred by the student for a program of education at an institution of higher education.

“(b) DEFINITIONS.—In this section—

“(1) ELIGIBLE STUDENT.—The term ‘eligible student’ means a student who—

“(A) is a covered individual, as such term is defined in section 3311(b) of title 38, United States Code;

“(B) is enrolled at an institution of higher education that—

“(i) is not a public institution of higher education; and

“(ii) is located in a State with a zero, or very low, maximum tuition charge per credit hour compared to the maximum tuition charge per credit hour in all other States, as determined by the Secretary of Veterans Affairs (based on the determinations of maximum tuition charged per credit hour in each State for the purposes of chapter 33 of title 38, United States Code); and

“(C) is eligible for educational assistance for an academic year, and will receive an amount of such assistance for such year for fees charged the individual that is less than the maximum amount of such assistance available for fees charged for such year in such State.

“(2) EDUCATIONAL ASSISTANCE.—The term ‘educational assistance’ means the amount of educational assistance from the Secretary of Veterans Affairs an eligible student receives or will receive under section 3313(c)(1)(A) of title 38, United States Code, or a similar amount of such assistance under paragraphs (2) through (7) of such section 3313(c).

“(c) GRANT AMOUNT.—A grant to an eligible student under this section be equal to an amount that is—

“(1) the maximum amount of educational assistance for fees charged that the eligible student would receive, in accordance with section 3313(c) of title 38, United States Code, if such student attended the public institution of higher education in the State in which the eligible student is enrolled that has the highest fees charged to an individual for a year in such State (as determined by the Secretary of Veterans Affairs for the purposes of chapter 33 of such title 38), less

“(2) the educational assistance the eligible student will receive, in accordance with such section, for fees charged to the student for such year at the institution of higher education at which the student is enrolled.

“(d) USES OF FUNDS.—An eligible student who receives a grant under this section shall use such grant to pay tuition incurred by the student for a program of education at an institution of higher education.

“(e) NOTIFICATION.—The Secretary, in coordination with Secretary of Veterans Affairs, shall establish a system of notification to ensure the timely delivery to each eligible student of—

“(1) educational assistance received by the student; and

“(2) grants awarded to the student under this section.

“(f) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and there are appropriated, such sums as may be necessary to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated).”.

(b) CONFORMING AMENDMENT.—The header for subpart 1 of part A of title IV (20 U.S.C.

1070a et seq.) is amended by inserting “; Veterans Educational Equity Supplemental Grants” after “Pell Grants”.

#### Subtitle B—Student Financial Aid Form Simplification

#### SEC. 121. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this subtitle, amendments made by this subtitle shall be effective with respect to determinations of need for assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for award years beginning on or after July 1, 2011.

#### SEC. 122. TREATMENT OF ASSETS IN NEED ANALYSIS.

(a) AMOUNT OF NEED.—Section 471 (20 U.S.C. 1087kk) is amended—

(1) by striking “Except” and inserting the following:

“(a) IN GENERAL.—Except”;

(2) by inserting “and subject to subsection (b)” after “therein”; and

(3) by adding at the end the following:

“(b) ASSET CAP FOR NEED-BASED AID.—Notwithstanding any other provision of this title, a student shall not be eligible to receive a Federal Pell Grant, a Federal Direct Stafford Loan, or work assistance under this title if—

“(1) in the case of a dependent student, the combined net assets of the student and the student’s parents are equal to an amount greater than \$150,000 (or a successor amount prescribed by the Secretary under section 478(c)); or

“(2) in the case of an independent student, the net assets of the student (and the student’s spouse, if applicable) are equal to an amount greater than \$150,000 (or a successor amount prescribed by the Secretary under section 478(c)).”.

(b) DATA ELEMENTS.—Section 474(b) (20 U.S.C. 1087nn(b)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(c) DEPENDENT STUDENTS.—Section 475 (20 U.S.C. 1087oo) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “adjusted”; and

(ii) by inserting “and” after the semicolon;

(B) in paragraph (2), by striking “; and” and inserting a period; and

(C) by striking paragraph (3);

(2) in subsection (b)—

(A) in the header, by striking “ADJUSTED”;

(B) in the matter preceding paragraph (1), by striking “adjusted”;

(C) by striking paragraph (1);

(D) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(E) in paragraph (1) (as redesignated by subparagraph (D) of this paragraph), by striking “adjusted”; and

(F) in paragraph (2) (as redesignated by subparagraph (D) of this paragraph), by striking “paragraph (2)” and inserting “paragraph (1)”;

(3) by repealing subsection (d);

(4) in subsection (e)—

(A) by striking “The adjusted available” and inserting “The available”;

(B) by striking “to as ‘AAI’” and inserting “to as ‘AI’”;

(C) by striking “From Adjusted Available Income (AAI)” and inserting “From Available Income (AI)”;

(D) in the table—

(i) by striking “If AAI” and inserting “If AI”; and

(ii) by striking “of AAI” each place it appears and inserting “of AI”;

(5) in subsection (f)—

(A) by striking “and assets” each place it appears;

(B) in paragraph (2)(B), by striking “or assets”; and

(C) in paragraph (3)—  
(i) by striking “are taken into” and inserting “is taken into”; and

(ii) by striking “adjusted”;

(6) in subsection (g)(6), by striking “exceeds the sum of” and all that follows and inserting “exceeds the parents’ total income (as defined in section 480)”;

(7) by repealing subsection (h); and

(8) in subsection (i), by striking “adjusted” each place it appears.

(d) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476 (20 U.S.C. 1087pp) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(C) in paragraph (1) (as redesignated by subparagraph (B)), by striking “the sum resulting under paragraph (1)” and inserting “the family’s contribution from available income (determined in accordance with subsection (b))”; and

(D) in paragraph (2)(A) (as redesignated by subparagraph (B)), by striking “paragraph (2)” and inserting “paragraph (1)”;

(2) by repealing subsection (c); and

(3) in subsection (d)—

(A) by striking “and assets”; and

(B) by striking “or assets”.

(e) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477 (20 U.S.C. 1087qq) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(C) in paragraph (1) (as redesignated by subparagraph (B)), by striking “such adjusted available income” and inserting “the family’s available income (determined in accordance with subsection (b))”;

(D) in paragraph (2) (as redesignated by subparagraph (B)), by striking “paragraph (2)” and inserting “paragraph (1)”;

(E) in paragraph (3)(A) (as redesignated by subparagraph (B)), by striking “paragraph (3)” and inserting “paragraph (2)”;

(2) by repealing subsection (c); and

(3) in subsection (d)—

(A) by striking “The adjusted available” and inserting “The available”;

(B) by striking “to as ‘AAI’” and inserting “to as ‘AI’”;

(C) by striking “From Adjusted Available Income (AAI)” and inserting “From Available Income (AI)”;

(D) in the table—

(i) by striking “If AAI” and inserting “If AI”;

(ii) by striking “of AAI” each place it appears and inserting “of AI”; and

(E) in subsection (e)—

(i) by striking “and assets”; and

(ii) by striking “or assets”.

(f) REGULATIONS; UPDATED TABLES.—Section 478 (20 U.S.C. 1087rr) is amended—

(1) in subsection (a), by inserting “or amounts, as the case may be,” after “tables” each place the term appears;

(2) by amending subsection (c) to read as follows:

“(c) ASSET CAP FOR NEED-BASED AID.—For each award year after award year 2011–2012, the Secretary shall publish in the Federal Register a revised net asset cap for the purposes of section 471(b). Such revised cap shall be determined by increasing the dollar amount in such section by a percentage equal to the estimated percentage change in the Consumer Price Index (as determined by the Secretary) between December 2010 and the December preceding the beginning of

such award year, and rounding the result to the nearest \$5.”;

(3) by repealing subsection (d); and

(4) in subsection (e), by striking “adjusted” both places it appears.

## SEC. 123. CHANGES TO TOTAL INCOME; AID ELIGIBILITY.

(a) DEFINITION OF UNTAXED INCOME AND BENEFITS.—Section 480(b)(1) (20 U.S.C. 1087vv(b)(1)), as amended by the Higher Education Opportunity Act (Public Law 110–315), is amended—

(1) by striking subparagraphs (A), (B), (C), (E), (F), and (I);

(2) by redesignating subparagraphs (D), (G), and (H) as subparagraphs (A), (B), and (C), respectively;

(3) in subparagraph (B) (as redesignated by paragraph (2)), by inserting “and” after the semicolon; and

(4) in subparagraph (C) (as redesignated by paragraph (2)), by striking “; and” and inserting a period.

(b) DEFINITION OF ASSETS.—Section 480(f)(2) (20 U.S.C. 1087vv(f)(2)) is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(3) by adding at the end the following:

“(D) an employee pension benefit plan (as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2))).”

(c) FINANCIAL ADMINISTRATOR DISCRETION.—Section 479A(b) (20 U.S.C. 1087tt) is amended in the subsection heading, by striking “TO ASSETS”.

(d) SUSPENSION OF ELIGIBILITY FOR DRUG-RELATED OFFENSES.—Section 484(r)(1) (20 U.S.C. 1091(r)(1)) is amended to read as follows:

“(1) IN GENERAL.—A student who is convicted of any offense under any Federal or State law involving the sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this title shall not be eligible to receive any grant, loan, or work assistance under this title from the date of that conviction for the period of time specified in the following subparagraphs:

“(A) For a first offense, the period of ineligibility shall be 2 years.

“(B) For a second offense, the period of ineligibility shall be indefinite.”.

## TITLE II—STUDENT LOAN REFORM

### Subtitle A—Stafford Loan Reform

## SEC. 201. FEDERAL FAMILY EDUCATION LOAN APPROPRIATIONS.

Section 421 (20 U.S.C. 1071) is amended—

(1) in subsection (b), in the matter following paragraph (6), by inserting “, except that no sums may be expended after June 30, 2010, with respect to loans under this part for which the first disbursement would be made after such date” after “expended”; and

(2) by adding at the end the following new subsection:

“(d) TERMINATION OF AUTHORITY TO MAKE OR INSURE NEW LOANS.—Notwithstanding paragraphs (1) through (6) of subsection (b) or any other provision of law—

“(1) no new loans (including consolidation loans) may be made or insured under this part after June 30, 2010; and

“(2) no funds are authorized to be appropriated, or may be expended, under this Act or any other Act to make or insure loans under this part (including consolidation loans) for which the first disbursement would be made after June 30, 2010,

except as expressly authorized by an Act of Congress enacted after the date of enactment of Student Aid and Fiscal Responsibility Act of 2009.”.

## SEC. 202. SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM.

Section 424(a) (20 U.S.C. 1074(a)) is amended by striking “September 30, 1976,” and all that follows and inserting “September 30, 1976, for each of the succeeding fiscal years ending prior to October 1, 2009, and for the period from October 1, 2009, to June 30, 2010, for loans first disbursed on or before June 30, 2010.”.

## SEC. 203. APPLICABLE INTEREST RATES.

Section 427A(l) (20 U.S.C. 1077a(l)) is amended—

(1) in paragraph (1), by inserting “and before July 1, 2010,” after “July 1, 2006,”;

(2) in paragraph (2), by inserting “and before July 1, 2010,” after “July 1, 2006,”;

(3) in paragraph (3), by inserting “and that was disbursed before July 1, 2010,” after “July 1, 2006,”; and

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking “July 1, 2012” and inserting “July 1, 2010”; and

(B) by repealing subparagraphs (D) and (E).

## SEC. 204. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 428 (20 U.S.C. 1078) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “for which the first disbursement is made before July 1, 2010, and” after “eligible institution”; and

(B) in paragraph (5), by striking “September 30, 2014,” and all that follows through the period and inserting “June 30, 2010.”;

(2) in subsection (b)(1)—

(A) in subparagraph (G)(ii), by inserting “and before July 1, 2010,” after “July 1, 2006,”; and

(B) in subparagraph (H)(ii), by inserting “and that are first disbursed before July 1, 2010,” after “July 1, 2006,”;

(3) in subsection (f)(1)(A)(ii)—

(A) by striking “during fiscal years beginning”; and

(B) by inserting “and first disbursed before July 1, 2010,” after “October 1, 2003,”; and

(4) in subsection (j)(1), by inserting “, before July 1, 2010,” after “section 435(d)(1)(D) of this Act shall”.

(b) COLLEGE COST REDUCTION AND ACCESS ACT.—Section 303 of the College Cost Reduction and Access Act (Public Law 110–84) is repealed.

## SEC. 205. FEDERAL PLUS LOANS.

Section 428B(a)(1) (20 U.S.C. 1078–2(a)(1)) is amended by striking “A graduate” and inserting “Prior to July 1, 2010, a graduate”.

## SEC. 206. FEDERAL CONSOLIDATION LOAN.

(a) AMENDMENTS.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)—

(A) by amending paragraph (3)(B)(i)(V) to read as follows:

“(V) an individual who has a consolidation loan under this section and does not have a consolidation loan under section 455(g) may obtain a subsequent consolidation loan under section 455(g).”; and

(B) in paragraph (4)(A), by inserting “, and first disbursed before July 1, 2010” after “under this part”;

(2) in subsection (b)—

(A) in paragraph (1)(E), by inserting before the semicolon “, and before July 1, 2010”; and

(B) in paragraph (5), by striking “In the event that” and inserting “If, before July 1, 2010,”;

(3) in subsection (c)(1)—

(A) in subparagraph (A)(ii), by inserting “and that is disbursed before July 1, 2010,” after “2006,”; and

(B) in subparagraph (C), by inserting “and first disbursed before July 1, 2010,” after “1994,”; and

(4) in subsection (e), by striking “September 30, 2014,” and inserting “June 30, 2010. No loan

may be made under this section for which the first disbursement would be on or after July 1, 2010.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a)(1)(A) shall be effective at the close of June 30, 2010.

#### **SEC. 207. UNSUBSIDIZED STAFFORD LOANS FOR MIDDLE-INCOME BORROWERS.**

Section 428H (20 U.S.C. 1078-8) is amended—

(1) in subsection (a), by inserting “that are first disbursed before July 1, 2010,” after “under this part”;

(2) in subsection (b)—

(A) by striking “Any student” and inserting “Prior to July 1, 2010, any student”; and

(B) by inserting “for which the first disbursement is made before such date” after “unsubsidized Federal Stafford Loan”; and

(3) in subsection (h), by inserting “and that are first disbursed before July 1, 2010,” after “July 1, 2006.”.

#### **SEC. 208. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.**

Section 428L(b)(2)(A) (20 U.S.C. 1078-12(b)(2)(A)) is amended—

(1) by amending clause (i) to read as follows:

“(i) subject to clause (ii)—

“(I) a loan made, insured, or guaranteed under this part, and that is first disbursed before July 1, 2010; or

“(II) a loan made under part D or part E; and”;

(2) in clause (ii)—

(A) by striking “428C or 455(g)” and inserting “428C, that is disbursed before July 1, 2010, or section 455(g)”; and

(B) in subclause (II), by inserting “for which the first disbursement is made before July 1, 2010,” after “or 428H”.

#### **SEC. 209. SPECIAL ALLOWANCES.**

Section 438 (20 U.S.C. 1087-1) is amended—

(1) in subsection (b)(2)(I)—

(A) in the header, by inserting “, AND BEFORE JULY 1, 2010” after “2000”;

(B) in clause (i), by inserting “and before July 1, 2010,” after “2000,”;

(C) in clause (ii)(II), by inserting “and before July 1, 2010,” after “2006,”;

(D) in clause (iii), by inserting “and before July 1, 2010,” after “2000,”;

(E) in clause (iv), by inserting “and that is disbursed before July 1, 2010,” after “2000,”;

(F) in clause (v)(I), by inserting “and before July 1, 2010,” after “2006,”; and

(G) in clause (vi)—

(i) in the header, by inserting “, AND BEFORE JULY 1, 2010” after “2007”; and

(ii) in the matter preceding subclause (I), by inserting “and before July 1, 2010,” after “2007,”;

(2) in subsection (c)—

(A) in paragraph (2)(B)—

(i) in clause (iii), by inserting “and” after the semicolon;

(ii) in clause (iv), by striking “; and” and inserting a period; and

(iii) by striking clause (v); and

(B) in paragraph (6), by inserting “and first disbursed before July 1, 2010,” after “1992,”; and

(3) in subsection (d)(2)(B), by inserting “, and before July 1, 2010” after “2007”.

#### **SEC. 210. REVISED SPECIAL ALLOWANCE CALCULATION.**

(a) **REVISED CALCULATION RULE.**—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)(I)) is amended by adding at the end the following new clause:

“(vii) **REVISED CALCULATION RULE TO REFLECT FINANCIAL MARKET CONDITIONS.**—

“(I) **CALCULATION BASED ON LIBOR.**—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, in computing the special allowance paid pursuant to

this subsection with respect to loans described in subclause (II), clause (i)(I) of this subparagraph shall be applied by substituting ‘of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association’ for ‘of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H-15 (or its successor) for such 3-month period’.

“(II) **LOANS ELIGIBLE FOR LIBOR-BASED CALCULATION.**—The special allowance paid pursuant to this subsection shall be calculated as described in subclause (I) with respect to special allowance payments for the 3-month period ending December 31, 2009, and each succeeding 3-month period, on loans for which the first disbursement is made—

“(aa) on or after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, and before July 1, 2010; and

“(bb) on or after January 1, 2000, and before the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, if, not later than the last day of the second full fiscal quarter after the date of enactment of such Act, the holder of the loan affirmatively and permanently waives all contractual, statutory or other legal rights to a special allowance paid pursuant to this subsection that is calculated using the formula in effect at the time the loans were first disbursed.

“(III) **TERMS OF WAIVER.**—A waiver pursuant to subclause (II)(bb) shall—

“(aa) be applicable to all loans described in such subclause that are held under any lender identification number associated with the holder (pursuant to section 487B); and

“(bb) apply with respect to all future calculations of the special allowance on loans described in such subclause that are held on the date of such waiver or that are acquired by the holder after such date.

“(IV) **PARTICIPANT’S YIELD.**—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, the Secretary’s participant yield in any loan for which the first disbursement is made on or after January 1, 2000, and before October 1, 2009, and that is held by a lender that has sold any participation interest in such loan to the Secretary shall be determined by using the LIBOR-based rate described in subclause (I) as the substitute rate (for the commercial paper rate) referred to in the participation agreement between the Secretary and such lender.”;

(b) **CONFORMING AMENDMENT.**—Section 438(b)(2)(I) (20 U.S.C. 1087-1(b)(2)(I)) is further amended—

(1) in clause (i)(II), by striking “such average bond equivalent rate” and inserting “the rate determined under subclause (I)”;

(2) in clause (v)(III) by striking “(iv), and (vi)” and inserting “(iv), (vi), and (vii)”.

#### **SEC. 211. ORIGINATION OF DIRECT LOANS AT INSTITUTIONS LOCATED OUTSIDE THE UNITED STATES.**

(a) **LOANS FOR STUDENTS ATTENDING INSTITUTIONS LOCATED OUTSIDE THE UNITED STATES.**—Section 452 (20 U.S.C. 1087b) is amended by adding at the end the following:

“(d) **INSTITUTIONS LOCATED OUTSIDE THE UNITED STATES.**—Loan funds for students (and parents of students) attending institutions located outside the United States shall be disbursed through a financial institution located in the United States and designated by the Secretary to serve as the agent of such institutions with respect to the receipt of the disbursements of such loan funds and the transfer of such funds to such institutions. To be eligible to receive funds under this part, an otherwise eligi-

ble institution located outside the United States shall make arrangements, subject to regulations by the Secretary, with the agent designated by the Secretary under this subsection to receive funds under this part.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **AMENDMENTS.**—Section 102 (20 U.S.C. 1002), as amended by section 102 of the Higher Education Opportunity Act (Public Law 110-315) and section 101 of Public Law 111-39, is amended—

(A) by striking “part B” each place it appears and inserting “part D”;

(B) in subsection (a)(1)(C), by inserting “, consistent with the requirements of section 452(d)” before the period at the end; and

(C) in subsection (a)(2)(A)—

(i) in the matter preceding clause (i), by striking “made, insured, or guaranteed” and inserting “made”; and

(ii) in clause (iii)—

(I) in subclause (III), by striking “only Federal Stafford” and all that follows through “section 428B” and inserting “only Federal Direct Stafford Loans under section 455(a)(2)(A), Federal Direct Unsubsidized Stafford Loans under section 455(a)(2)(D), or Federal Direct PLUS Loans under section 455(a)(2)(B)”;

(II) in subclause (V), by striking “a Federal Stafford” and all that follows through “section 428B” and inserting “a Federal Direct Stafford Loan under section 455(a)(2)(A), a Federal Direct Unsubsidized Stafford Loan under section 455(a)(2)(D), or a Federal Direct PLUS Loan under section 455(a)(2)(B)”.

(2) **EFFECTIVE DATE.**—The amendments made by subparagraph (C) of paragraph (1) shall be effective on July 1, 2010, as if enacted as part of section 102(a)(1) of the Higher Education Opportunity Act (Public Law 110-315).

#### **SEC. 212. AGREEMENTS WITH INSTITUTIONS.**

Section 454 (20 U.S.C. 1087d) is amended—

(1) in subsection (a), by striking paragraph (4) and redesignating the succeeding paragraphs accordingly; and

(2) in subsection (b)(2), by striking “(5), (6), and (7)” and inserting “(5), and (6)”.

#### **SEC. 213. TERMS AND CONDITIONS OF LOANS.**

(a) **AMENDMENTS.**—Section 455 (20 U.S.C. 1087e) is amended—

(1) in subsection (a)(1), by inserting “, and first disbursed on June 30, 2010,” before “under sections 428”; and

(2) in subsection (g)—

(A) by inserting “, including any loan made under part B and first disbursed before July 1, 2010” after “section 428C(a)(4)”;

(B) by striking the third sentence.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a)(1) shall apply with respect to loans first disbursed under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) on or after July 1, 2010.

#### **SEC. 214. CONTRACTS.**

Section 456 (20 U.S.C. 1087f) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the header, by striking “IN GENERAL” and inserting “AWARDING OF CONTRACTS”;

(ii) by striking “The Secretary” and inserting the following:

“(A) **IN GENERAL.**—The Secretary”; and

(iii) by adding at the end the following:

“(B) **AWARDING CONTRACTS FOR SERVICING LOANS.**—The Secretary shall, if practicable, award multiple contracts, through a competitive bidding process, to entities, including eligible not-for-profit servicers, to service loans originated under this part. The competitive bidding process shall take into account price, servicing capacity, and capability, and may take into account the capacity and capability to provide default aversion activities and outreach services.

“(C) **JOB RETENTION INCENTIVE PAYMENT.**—(i) In a contract with an entity under subparagraph (B) for the servicing of loans, the Secretary shall provide a job retention incentive

payment, in an amount and manner determined by the Secretary, if such entity agrees to give priority for hiring for positions created as a result of such a contract to those geographical locations at which the entity performed student loan origination or servicing activities under the Federal Family Education Loan Program as of the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009.

“(ii) In determining the allocation of loans to be serviced by an entity awarded such a contract, the Secretary shall consider the retention of highly qualified employees of such entity a positive factor in determining such allocation.”;

(B) in paragraph (2)—

(i) in the first sentence, by inserting “, including eligible not-for-profit servicers,” after “The entities”;

(ii) by amending the third sentence to read as follows: “The entities with which the Secretary may enter into such contracts shall include, where practicable, agencies with agreements with the Secretary under sections 428(b) and (c) on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009, and eligible not-for-profit servicers, if such agencies or servicers meet the qualifications as determined by the Secretary under this subsection and if those agencies or servicers have such experience and demonstrated effectiveness.”; and

(iii) by striking the last sentence and inserting the following: “In awarding contracts to such State agencies, and such eligible not-for-profit servicers, the Secretary shall, to the extent practicable and consistent with the purposes of this part, give special consideration to State agencies and such servicers with a history of high quality performance and demonstrated integrity in conducting operations with institutions of higher education and the Secretary.”;

(C) by redesignating paragraph (3) as paragraph (4), and by inserting in such paragraph “, or of any eligible not-for-profit servicer to enter into an agreement for the purposes of this section as a member of a consortium of such entities” before the period at the end; and

(D) by inserting after paragraph (2) the following new paragraph:

“(3) **SERVICING BY ELIGIBLE NOT-FOR-PROFIT SERVICERS.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of this section, in each State where one or more eligible not-for-profit servicer has its principal place of business, the Secretary shall contract with each such servicer to service loans originated under this part on behalf of borrowers attending institutions located within such State, provided that the servicer demonstrates that it meets the standards for servicing Federal assets and providing quality service and agrees to service the loans at a competitive market rate, as determined by the Secretary. In determining such a competitive market rate, the Secretary may take into account the volume of loans serviced by the servicer. Contracts awarded under this paragraph shall be subject to the same requirements for quality, performance, and accountability as contracts awarded under paragraph (2) for similar activities.

“(B) **ALLOCATIONS.**—(i) **ONE SERVICER.**—In the case of a State with only one eligible not-for-profit servicer with a contract described in subparagraph (A), the Secretary shall, at a minimum, allocate to such servicer, on an annual basis and subject to such contract, the servicing rights for the lesser of—

“(I) the loans of 100,000 borrowers (including borrowers who borrowed loans in a prior year that were serviced by the servicer) attending institutions located within the State; or

“(II) the loans of all the borrowers attending institutions located within the State.

“(ii) **MULTIPLE SERVICERS.**—In the case of a State with more than one eligible not-for-profit

servicer with a contract described in subparagraph (A), the Secretary shall, at a minimum, allocate to each such servicer, on an annual basis and subject to such contract, the servicing rights for the lesser of—

“(I) the loans of 100,000 borrowers (including borrowers who borrowed loans in a prior year that were serviced by the servicer) attending institutions located within the State; or

“(II) an equal share of the loans of all borrowers attending institutions located within the State, except the Secretary shall adjust such shares as necessary to ensure that the loans of any single borrower remain with a single servicer.

“(iii) **ADDITIONAL ALLOCATION.**—The Secretary may allocate additional servicing rights to an eligible not-for-profit servicer based on the performance of such servicer, as determined by the Secretary, including performance in the areas of customer service and default aversion.

“(C) **MULTIPLE LOANS.**—Notwithstanding the allocations required by subparagraph (B), the Secretary may transfer loans among servicers who are awarded contracts to service loans pursuant to this section to ensure that the loans of any single borrower remain with a single servicer.”; and

(2) by adding at the end the following:

“(c) **REPORT TO CONGRESS.**—Not later than 3 years after the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009, the Secretary shall prepare and submit to the authorizing committees, a report evaluating the performance of all eligible not-for-profit servicers awarded a contract under this section to service loans originated under this part. Such report shall give consideration to—

“(1) customer satisfaction of borrowers and institutions with respect to the loan servicing provided by the servicers;

“(2) compliance with applicable regulations by the servicers; and

“(3) the effectiveness of default aversion activities, and outreach services (if any), provided by the servicers.

“(d) **DEFINITIONS.**—In this section:

“(1) **DEFAULT AVERSION ACTIVITIES.**—The term ‘default aversion activities’ means activities that are directly related to providing collection assistance to the Secretary on a delinquent loan, prior to the loan being legally in a default status, including due diligence activities required pursuant to regulations.

“(2) **ELIGIBLE NOT-FOR-PROFIT SERVICER.**—

“(A) **IN GENERAL.**—The term ‘eligible not-for-profit servicer’ means an entity that, on the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009—

“(i) meets the definition of an eligible not-for-profit holder under section 435(p), except that such term does not include eligible lenders described in paragraph (1)(D) of such section;

“(ii) notwithstanding clause (i), is the sole beneficial owner of a loan for which the special allowance rate is calculated under section 438(b)(2)(I)(vi)(II) because the loan is held by an eligible lender trustee that is an eligible not-for-profit holder as defined under section 435(p)(1)(D); or

“(iii) is an affiliated entity of an eligible not-for-profit servicer described in clause (i) or (ii) that—

“(I) directly employs, or will directly employ (on or before the date the entity begins servicing loans under a contract awarded by the Secretary pursuant to subsection (a)(3)(A)), the majority of individuals who perform student loan servicing functions; and

“(II) on such date of enactment, was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title.

“(B) **AFFILIATED ENTITY.**—For the purposes of subparagraph (A), the term ‘affiliated entity’ means an entity contracted to perform services for an eligible not-for-profit servicer that—

“(i) is a nonprofit entity or is wholly owned by a nonprofit entity; and

“(ii) is not owned or controlled, in whole or in part, by—

“(I) a for-profit entity; or

“(II) an entity having its principal place of business in another State.

“(3) **OUTREACH SERVICES.**—The term ‘outreach services’ means programs offered to students and families, including programs delivered in coordination with institutions of higher education that—

“(A) encourage—

“(i) students to attend and complete a degree or certification program at an institution of higher education; and

“(ii) students and families to obtain financial aid, but minimize the borrowing of education loans; and

“(B) deliver financial literacy and counseling tools.”.

#### SEC. 215. INTEREST RATES.

Section 455(b)(7) (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following new subparagraph:

“(E) **REDUCED RATES FOR UNDERGRADUATE FDSL ON AND AFTER JULY 1, 2012.**—Notwithstanding the preceding paragraphs of this subsection and subparagraph (A) of this paragraph, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2012, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

“(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

“(ii) 2.5 percent,

except that such rate shall not exceed 6.8 percent.”.

#### Subtitle B—Perkins Loan Reform

#### SEC. 221. FEDERAL DIRECT PERKINS LOANS TERMS AND CONDITIONS.

Part D of title IV (20 U.S.C. 1087a et seq.) is amended by inserting after section 455 the following new section:

#### “SEC. 455A. FEDERAL DIRECT PERKINS LOANS.

“(a) **DESIGNATION OF LOANS.**—Loans made to borrowers under this section shall be known as ‘Federal Direct Perkins Loans’.

“(b) **IN GENERAL.**—It is the purpose of this section to authorize loans to be awarded by institutions of higher education through agreements established under section 463(f). Unless otherwise specified in this section, all terms and conditions and other requirements applicable to Federal Direct Unsubsidized Stafford loans established under section 455(a)(2)(D) shall apply to loans made pursuant to this section.

“(c) **ELIGIBLE BORROWERS.**—Any student meeting the requirements for student eligibility under section 464(b) (including graduate and professional students as defined in regulations promulgated by the Secretary) shall be eligible to borrow a Federal Direct Perkins Loan, provided the student attends an eligible institution with an agreement with the Secretary under section 463(f), and the institution uses its authority under that agreement to award the student a loan.

“(d) **LOAN LIMITS.**—The annual and aggregate limits for loans under this section shall be the same as those established under section 464, and aggregate limits shall include loans made by institutions under agreements under section 463(a).

“(e) APPLICABLE RATES OF INTEREST.—Loans made pursuant to this section shall bear interest, on the unpaid balance of the loan, at the rate of 5 percent per year.”.

#### SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

Section 461 (20 U.S.C. 1087aa) is amended—

(1) in subsection (a), by inserting “, before July 1, 2010,” after “The Secretary shall”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “(1) For the purpose” and inserting “For the purpose”; and

(ii) by striking “and for each of the five succeeding fiscal years”; and

(B) by striking paragraph (2); and

(3) by striking subsection (c).

#### SEC. 223. ALLOCATION OF FUNDS.

Section 462 (20 U.S.C. 1087bb) is amended—

(1) in subsection (a)(1), by striking “From” and inserting “For any fiscal year before fiscal year 2010, from”; and

(2) in subsection (i)(1), by striking “for any fiscal year,” and inserting “for any fiscal year before fiscal year 2010.”.

#### SEC. 224. FEDERAL DIRECT PERKINS LOAN ALLOCATION.

Part E of title IV is further amended by inserting after section 462 (20 U.S.C. 1087bb) the following:

##### “SEC. 462A. FEDERAL DIRECT PERKINS LOAN ALLOCATION.

“(a) PURPOSES.—The purposes of this section are—

“(1) to allocate, among eligible and participating institutions (as such terms are defined in this section), the authority to make Federal Direct Perkins Loans under section 455A with a portion of the annual loan authority described in subsection (b); and

“(2) to make funds available, in accordance with section 452, to each participating institution from a portion of the annual loan authority described in subsection (b), in an amount not to exceed the sum of an institution's allocation of funds under subparagraphs (A), (B), and (C) of subsection (b)(1) to enable each such institution to make Federal Direct Perkins Loans to eligible students at the institution.

“(b) AVAILABLE DIRECT PERKINS ANNUAL LOAN AUTHORITY.—

“(1) AVAILABILITY AND ALLOCATIONS.—There are hereby made available, from funds made available for loans made under part D, not to exceed \$6,000,000,000 of annual loan authority for award year 2010–2011 and each succeeding award year, to be allocated as follows:

“(A) The Secretary shall allocate not more than ½ of such funds for each award year by allocating to each participating institution an amount equal to the adjusted self-help need amount of the institution, as determined in accordance with subsection (c) for such award year.

“(B) The Secretary shall allocate not more than ¼ of such funds for each award year by allocating to each participating institution an amount equal to the low tuition incentive amount of the institution, as determined in accordance with subsection (d).

“(C) The Secretary shall allocate not more than ¼ of such funds for each award year by allocating to each participating institution an amount which bears the same ratio to the funds allocated under this subparagraph as the ratio determined in accordance with subsection (e) for the calculation of the Federal Pell Grant and degree recipient amount of the institution.

“(2) NO FUNDS TO NON-PARTICIPATING INSTITUTIONS.—The Secretary shall not make funds available under this subsection to any eligible institution that is not a participating institution. The adjusted self-help need amount (determined in accordance with subsection (c)) of an eligible institution that is not a participating in-

stitution shall not be made available to any other institution.

“(c) ADJUSTED SELF-HELP NEED AMOUNT.—For the purposes of subsection (b)(1)(A), the Secretary shall calculate the adjusted self-help need amount of each eligible institution for an award year as follows:

“(1) USE OF BASE SELF-HELP NEED AMOUNTS.—“(A) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the adjusted self-help need amount of each eligible institution shall be the institution's base self-help need amount, which is the sum of—

“(i) the self-help need of the institution's eligible undergraduate students for such award year; and

“(ii) the self-help need of the institution's eligible graduate and professional students for such award year.

“(B) UNDERGRADUATE STUDENT SELF-HELP NEED.—To determine the self-help need of an institution's eligible undergraduate students, the Secretary shall determine the sum of each eligible undergraduate student's average cost of attendance for the second preceding award year less each such student's expected family contribution (computed in accordance with part F) for the second preceding award year, except that, for each such eligible undergraduate student, the amount computed by such subtraction shall not be less than zero or more than the lesser of—

“(i) 25 percent of the average cost of attendance with respect to such eligible student; or

“(ii) \$5,500.

“(C) GRADUATE AND PROFESSIONAL STUDENT SELF-HELP NEED.—To determine the self-help need of an institution's eligible graduate and professional students, the Secretary shall determine the sum of each eligible graduate and professional student's average cost of attendance for the second preceding award year less each such student's expected family contribution (computed in accordance with part F) for such second preceding award year, except that, for each such eligible graduate and professional student, the amount computed by such subtraction shall not be less than zero or more than \$8,000.

“(2) RATABLE REDUCTION ADJUSTMENTS.—If the sum of the base self-help need amounts of all eligible institutions for an award year as determined under paragraph (1) exceeds ½ of the annual loan authority under subsection (b) for such award year, the Secretary shall ratably reduce the base self-help need amounts of all eligible institutions until the sum of such amounts is equal to the amount that is ½ of the annual loan authority under subsection (b).

“(3) REQUIRED MINIMUM AMOUNT.—Notwithstanding paragraph (2), the adjusted self-help need amount of each eligible institution shall not be less than the average of the institution's total principal amount of loans made under this part for each of the 5 most recent award years.

“(4) ADDITIONAL ADJUSTMENTS.—If the Secretary determines that a ratable reduction under paragraph (2) results in the adjusted self-help need amount of any eligible institution being reduced below the minimum amount required under paragraph (3), the Secretary shall—

“(A) for each institution for which the minimum amount under paragraph (3) is not satisfied, increase the adjusted self-help need amount to the amount of the required minimum under such subparagraph; and

“(B) ratably reduce the adjusted self-help need amounts of all eligible institutions not described in subparagraph (A) until the sum of the adjusted self-help need amounts of all eligible institutions is equal to the amount that is ½ of the annual loan authority under subsection (b).

“(d) LOW TUITION INCENTIVE AMOUNT.—

“(1) IN GENERAL.—For purposes of subsection (b)(1)(B), the Secretary shall determine the low

tuition incentive amount for each participating institution for each award year, by calculating for each such institution the sum of—

“(A) the total amount, if any (but not less than zero), by which—

“(i) the average tuition and required fees for the institution's sector for the second preceding award year; exceeds

“(ii) the tuition and required fees for the second preceding award year for each undergraduate and graduate student attending the institution who had financial need (as determined under part F); plus

“(B) the total amount, if any (but not less than zero), by which—

“(i) the total amount for the second preceding award year of non-Federal grant aid provided to meet the financial need of all undergraduate students attending the institution (as determined without regard to financial aid not received under this title); exceeds

“(ii) the total amount for the second preceding award year, if any, by which—

“(I) the tuition and required fees of each such student with such financial need; exceeds

“(II) the average tuition and required fees for the institution's sector.

“(2) RATABLE REDUCTION.—If the sum of the low tuition incentive amounts of all participating institutions for an award year as determined under paragraph (1) exceeds ¼ of the annual loan authority under subsection (b) for such award year, the Secretary shall ratably reduce the low tuition incentive amounts of all participating institutions until the sum of such amounts is equal to the amount that is ¼ of the annual loan authority under subsection (b).

“(e) FEDERAL PELL GRANT AND DEGREE RECIPIENT AMOUNT.—For purposes of subsection (b)(1)(C), the Secretary shall determine the Federal Pell Grant and degree recipient amount for each participating institution for each award year, by calculating for each such institution the ratio of—

“(1) the number of students who, during the most recent year for which data are available, obtained an associate's degree or other postsecondary degree from such participating institution and, prior to obtaining such degree, received a Federal Pell Grant for attendance at any institution of higher education; to

“(2) the sum of the number of students who, during the most recent year for which data are available, obtained an associate's degree or other postsecondary degree from each participating institution and, prior to obtaining such degree, received a Federal Pell Grant for attendance at any institution of higher education.

“(f) DEFINITIONS.—As used in this section:

“(1) ANNUAL LOAN AUTHORITY.—The term ‘annual loan authority’ means the total original principal amount of loans that may be allocated and made available for an award year to make Federal Direct Perkins Loans under section 455A.

“(2) AVERAGE COST OF ATTENDANCE.—

“(A) IN GENERAL.—The term ‘average cost of attendance’ means the average of the attendance costs for undergraduate students and for graduate and professional students, respectively, for the second preceding award year which shall include—

“(i) tuition and required fees determined in accordance with subparagraph (B);

“(ii) standard living expenses determined in accordance with subparagraph (C); and

“(iii) books and supplies determined in accordance with subparagraph (D).

“(B) TUITION AND REQUIRED FEES.—The average undergraduate and graduate and professional tuition and required fees described in subparagraph (A)(i) shall be computed on the basis of information reported by the institution to the Secretary, which shall include—

“(i) total revenue received by the institution from undergraduate and graduate and professional students, respectively, for tuition and required fees for the second preceding award year; and

“(ii) the institution’s full-time equivalent enrollment of undergraduate and graduate and professional students, respectively, for such second preceding award year.

“(C) STANDARD LIVING EXPENSES.—The standard living expense described in subparagraph (A)(ii) is equal to the allowance, determined by an institution, for room and board costs incurred by a student, as computed in accordance with part F for the second preceding award year.

“(D) BOOKS AND SUPPLIES.—The allowance for books and supplies described in subparagraph (A)(iii) is equal to the allowance, determined by an institution, for books, supplies, transportation, and miscellaneous personal expenses, including a reasonable allowance for the documented rental or purchase of a personal computer, as computed in accordance with part F for the second preceding award year.

“(3) AVERAGE TUITION AND REQUIRED FEES FOR THE INSTITUTION’S SECTOR.—The term ‘average tuition and required fees for the institution’s sector’ shall be determined by the Secretary for each of the categories described in section 132(d).

“(4) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution of higher education that participates in the Federal Direct Stafford Loan Program.

“(5) PARTICIPATING INSTITUTION.—The term ‘participating institution’ means an institution of higher education that has an agreement under section 463(f).

“(6) SECTOR.—The term ‘sector’ means each of the categories described in section 132(d).”.

#### SEC. 225. AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS.—Section 463 (20 U.S.C. 1087cc) is amended—

(1) in subsection (a)—

(A) in the heading, by inserting “FOR LOANS MADE BEFORE JULY 1, 2010” after “AGREEMENTS”;

(B) in paragraph (3)(A), by inserting “before July 1, 2010” after “students”;

(C) in paragraph (4), by striking “thereon—” and all that follows and inserting “thereon, if the institution has failed to maintain an acceptable collection record with respect to such loan, as determined by the Secretary in accordance with criteria established by regulation, the Secretary may require the institution to assign such note or agreement to the Secretary, without recompense.”; and

(D) in paragraph (5), by striking “and the Secretary shall apportion” and all that follows through “in accordance with section 462” and inserting “and the Secretary shall return a portion of funds from loan repayments to the institution as specified in section 466(b)”;

(2) by amending subsection (b) to read as follows:

“(b) ADMINISTRATIVE EXPENSES.—An institution that has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it services student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in servicing student loans made before July 1, 2010. Such payment shall be equal to 0.50 percent of the outstanding principal and interest balance of such loans being serviced by the institution as of September 30 of each fiscal year.”; and

(3) by adding at the end the following:

“(f) CONTENTS OF AGREEMENTS FOR LOANS MADE ON OR AFTER JULY 1, 2010.—An agreement with any institution of higher education that

elects to participate in the Federal Direct Perkins Loan program under section 455A shall provide—

“(1) for the establishment and maintenance of a Direct Perkins Loan program at the institution under which the institution shall use loan authority allocated under section 462A to make loans to eligible students attending the institution;

“(2) that the institution, unless otherwise specified in this subsection, shall operate the program consistent with the requirements of agreements established under section 454;

“(3) that the institution will pay matching funds, quarterly, in an amount agreed to by the institution and the Secretary, to an escrow account approved by the Secretary, for the purpose of providing loan benefits to borrowers;

“(4) that if the institution fails to meet the requirements of paragraph (3), the Secretary shall suspend or terminate the institution’s eligibility to make Federal Direct Perkins Loans under section 455A until such time as the Secretary determines, in accordance with section 498, that the institution has met the requirements of such paragraph; and

“(5) that if the institution ceases to be an eligible institution within the meaning of section 435(a) by reason of having a cohort default rate that exceeds the threshold percentage specified in paragraph (2) of such section, the Secretary shall suspend or terminate the institution’s eligibility to make Federal Direct Perkins Loans under section 455A unless and until the institution would qualify for a resumption of eligible institution status under such section.”.

(b) EFFECTIVE DATE.—The amendments made by paragraph (2) of subsection (a) shall take effect on October 1, 2010.

#### SEC. 226. STUDENT LOAN INFORMATION BY ELIGIBLE INSTITUTIONS.

Section 463A (20 U.S.C. 1087cc–1) is amended—

(1) in subsection (a), by striking “Each institution” and inserting “For loans made before July 1, 2010, each institution”; and

(2) in subsection (b), by striking “Each institution” and inserting “For loans made before July 1, 2010, each institution”.

#### SEC. 227. TERMS OF LOANS.

(a) Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (a)(1), by striking “section 463” and inserting “section 463(a)”;

(2) in subsection (b)(1), by inserting “made before July 1, 2010,” after “A loan”;

(3) in subsection (c)—

(A) in paragraph (1), by inserting “made before July 1, 2010,” after “a loan”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “made before July 1, 2010,” after “any loan”; and

(ii) in subparagraph (B), by inserting “made before July 1, 2010,” after “any loan”;

(C) in paragraph (3)(B), by inserting “for a loan made before July 1, 2010,” after “during the repayment period”;

(D) in paragraph (4), by inserting “before July 1, 2010,” after “for a loan made”;

(E) in paragraph (5), by striking “The institution” and inserting “For loans made before July 1, 2010, the institution”; and

(F) in paragraph (6), by inserting “made before July 1, 2010,” after “of loans”;

(4) in subsection (d), by inserting “made before July 1, 2010,” before “from the student loan fund”;

(5) in subsection (e), by inserting “with respect to loans made before July 1, 2010, and” before “as documented in accordance with paragraph (2).”;

(6) by repealing subsection (f);

(7) in subsection (g)(1), by inserting “and before July 1, 2010,” after “January 1, 1986.”;

(8) in subsection (h)—

(A) in paragraph (1)(A) by inserting “before July 1, 2010,” after “made under this part”; and

(B) in paragraph (2), by inserting “before July 1, 2010,” after “under this part”; and

(9) in subsection (j)(1), by inserting “before July 1, 2010,” after “under this part”.

#### SEC. 228. DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS.

(a) Section 465 (20 U.S.C. 1087ee) is amended—

(1) in subsection (a), by inserting “and before July 1, 2010,” after “June 30, 1972.”; and

(2) by amending subsection (b) to read as follows:

“(b) REIMBURSEMENT FOR CANCELLATIONS.—

“(1) ASSIGNED LOANS.—In the case of loans made under this part before July 1, 2010, and that are assigned to the Secretary, the Secretary shall, from amounts repaid each quarter on assigned Perkins Loans made before July 1, 2010, pay to each institution for each quarter an amount equal to—

“(A) the aggregate of the amounts of loans from its student loan fund that are canceled pursuant to this section for such quarter, minus

“(B) an amount equal to the aggregate of the amounts of any such loans so canceled that were made from Federal capital contributions to its student loan fund.

“(2) RETAINED LOANS.—In the case of loans made under this part before July 1, 2010, and that are retained by the institution for servicing, the institution shall deduct from loan repayments owed to the Secretary under section 466, an amount equal to—

“(A) the aggregate of the amounts of loans from its student loan fund that are canceled pursuant to this section for such quarter, minus

“(B) an amount equal to the aggregate of the amounts of any such loans so canceled that were made from Federal capital contributions to its student loan fund.”.

(b) Section 466 (20 U.S.C. 1087ff) is amended to read as follows:

#### “SEC. 466. DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS.

“(a) CAPITAL DISTRIBUTION.—Beginning July 1, 2010, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

“(1) For the quarter beginning July 1, 2010, the Secretary shall first be paid, no later than September 30, 2010, an amount that bears the same ratio to the cash balance in such fund at the close of June 30, 2010, as the total amount of the Federal capital contributions to such fund by the Secretary under this part bears to—

“(A) the sum of such Federal contributions and the institution’s capital contributions to such fund, less

“(B) an amount equal to—

“(i) the institution’s outstanding administrative costs as calculated under section 463(b),

“(ii) outstanding charges assessed under section 464(c)(1)(H), and

“(iii) outstanding loan cancellation costs incurred under section 465.

“(2) At the end of each quarter subsequent to the quarter ending September 30, 2010, the Secretary shall first be paid an amount that bears the same ratio to the cash balance in such fund at the close of the preceding quarter, as the total amount of the Federal capital contributions to such fund by the Secretary under this part bears to—

“(A) the sum of such Federal contributions and the institution’s capital contributions to such fund, less

“(B) an amount equal to—

“(i) the institution’s administrative costs incurred for that quarter as calculated under section 463(b),

“(ii) charges assessed for that quarter under section 464(c)(1)(H), and

“(iii) loan cancellation costs incurred for that quarter under section 465.

“(3)(A) The Secretary shall calculate the amounts due to the Secretary under paragraph (1) (adjusted in accordance with subparagraph (B), as appropriate) and paragraph (2) and shall promptly inform the institution of such calculated amounts.

“(B) In the event that, prior to the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, an institution made a short-term, interest-free loan to the institution’s student loan fund established under this part in anticipation of collections or receipt of Federal capital contributions, and the institution demonstrates to the Secretary, on or before June 30, 2010, that such loan will still be outstanding after June 30, 2010, the Secretary shall subtract the amount of such outstanding loan from the cash balance of the institution’s student loan fund that is used to calculate the amount due to the Secretary under paragraph (1). An adjustment of an amount due to the Secretary under this subparagraph shall be made by the Secretary on a case-by-case basis.

“(4) Any remaining balance at the end of a quarter after a payment under paragraph (1) or (2) shall be retained by the institution for use at its discretion. Any balance so retained shall be withdrawn from the student loan fund and shall not be counted in calculating amounts owed to the Secretary for subsequent quarters.

“(5) Each institution shall make the quarterly payments to the Secretary described in paragraph (2) until all outstanding Federal Perkins Loans at that institution have been assigned to the Secretary and there are no funds remaining in the institution’s student loan fund.

“(6) In the event that the institution’s administrative costs, charges, and cancellation costs described in paragraph (2) for a quarter exceed the amount owed to the Secretary under paragraphs (1) and (2) for that quarter, no payment shall be due to the Secretary from the institution for that quarter and the Secretary shall pay the institution, from funds realized from the collection of assigned Federal Perkins Loans made before July 1, 2010, an amount that, when combined with the amount retained by the institution under paragraphs (1) and (2), equals the full amount of such administrative costs, charges, and cancellation costs.

“(b) ASSIGNMENT OF OUTSTANDING LOANS.—Beginning July 1, 2010, an institution of higher education may assign all outstanding loans made under this part before July 1, 2010, to the Secretary, consistent with the requirements of section 463(a)(5). In collecting loans so assigned, the Secretary shall pay an institution an amount that constitutes the same fraction of such collections as the fraction of the cash balance that the institution retains under subsection (a)(2), but determining such fraction without regard to subparagraph (B)(i) of such subsection.”.

#### SEC. 229. IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.

(a) AMENDMENTS.—Section 487(d) (20 U.S.C. 1094(d)) is amended—

(1) in paragraph (1)(E), by striking “July 1, 2011” and inserting “July 1, 2012”;

(2) in paragraph (1)(F)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively; and

(B) by inserting after clause (ii) the following new clause:

“(iii) for the period beginning July 1, 2010, and ending July 1, 2012, the amount of funds the institution received from loans disbursed under section 455A;”.

(3) in paragraph (2)(A), by striking “two consecutive” and inserting “three consecutive”; and

(4) in paragraph (2)(B)—

(A) by striking “any institutional fiscal year” and inserting “two consecutive institutional fiscal years”;

(B) by striking “the two institutional fiscal years after the institutional fiscal year” and inserting “the institutional fiscal year after the second consecutive institutional fiscal year”; and

(C) by striking “two consecutive” in clause (ii) of such paragraph and inserting “three consecutive”.

(b) TEMPORARY EFFECT.—The amendments made by paragraphs (3) and (4) of subsection (a)—

(1) shall take effect on the date of enactment of this Act; and

(2) shall cease to be effective on July 1, 2012.

#### SEC. 230. ADMINISTRATIVE EXPENSES.

Section 489(a) (20 U.S.C. 1096(a)) is amended—

(1) in the second sentence, by striking “or under part E of this title”; and

(2) in the third sentence—

(A) by inserting “and” after “subpart 3 of part A,”; and

(B) by striking “compensation of students,” and all that follows through the period and inserting “compensation of students.”.

### TITLE III—MODERNIZATION, RENOVATION, AND REPAIR

#### Subtitle A—Elementary and Secondary Education

##### SEC. 301. DEFINITIONS.

In this subtitle:

(1) The term “Bureau-funded school” has the meaning given such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term “charter school” has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

(3) The term “CHPS Criteria” means the green building rating program developed by the Collaborative for High Performance Schools.

(4) The term “Energy Star” means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(5) The term “Green Globes” means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(6) The term “LEED Green Building Rating System” means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term “local educational agency”—

(A) has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(B) includes any public charter school that constitutes a local educational agency under State law; and

(C) includes the Recovery School District of Louisiana.

(8) The term “outlying area”—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the Republic of Palau.

(9) The term “public school facilities” means existing public elementary or secondary school facilities, including public charter school facilities and other existing facilities planned for adaptive reuse as public charter school facilities.

(10) The term “Secretary” means the Secretary of Education.

(11) The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

### CHAPTER 1—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

#### SEC. 311. PURPOSE.

Grants under this chapter shall be for the purpose of modernizing, renovating, or repairing public school facilities (including early learning facilities, as appropriate), based on the need of the facilities for such improvements, to ensure that public school facilities are safe, healthy, high-performing, and technologically up-to-date.

#### SEC. 312. ALLOCATION OF FUNDS.

(a) RESERVATION.—

(1) IN GENERAL.—From the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(a), the Secretary shall reserve 2 percent of such amount, consistent with the purpose described in section 311—

(A) to provide assistance to the outlying areas; and

(B) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) USE OF RESERVED FUNDS.—In each fiscal year, the amount reserved under paragraph (1) shall be divided between the uses described in subparagraphs (A) and (B) of such paragraph in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) in such fiscal year.

(3) DISTRESSED AREAS AND NATURAL DISASTERS.—From the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(a), the Secretary shall reserve 5 percent of such amount for grants to—

(A) local educational agencies serving geographic areas with significant economic distress, to be used consistent with the purpose described in section 311 and the allowable uses of funds described in section 313; and

(B) local educational agencies serving geographic areas recovering from a natural disaster, to be used consistent with the purpose described in section 321 and the allowable uses of funds described in section 323.

(b) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) STATE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this chapter, which include—

(A) providing technical assistance to local educational agencies;

(B) developing an online, publicly searchable database that includes an inventory of public school facilities in the State, including for each such facility, its design, condition, modernization, renovation and repair needs, utilization, energy use, and carbon footprint; and

(C) creating voluntary guidelines for high-performing school buildings, including guidelines concerning the following:

(i) Site location, storm water management, outdoor surfaces, outdoor lighting, and transportation, including public transit and pedestrian and bicycle accessibility.

(ii) Outdoor water systems, landscaping to minimize water use, including elimination of irrigation systems for landscaping, and indoor water use reduction.

(iii) Energy efficiency (including minimum and superior standards, such as for heating, ventilation, and air conditioning systems), use of alternative energy sources, commissioning, and training.

(iv) Use of durable, sustainable materials and waste reduction.

(v) Indoor environmental quality, such as day lighting in classrooms, lighting quality, indoor air quality (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses), acoustics, and thermal comfort.

(vi) Operations and management, such as use of energy-efficient equipment, indoor environmental management plan, maintenance plan, and pest management.

(3) **GRANTS TO LOCAL EDUCATIONAL AGENCIES.**—From the amount allocated to a State under paragraph (1), each eligible local educational agency in the State shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under such part for such fiscal year shall receive a grant of less than \$5,000 in any fiscal year under this chapter.

(4) **SPECIAL RULE.**—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph (1) or (3).

(c) **SPECIAL RULES.**—

(1) **DISTRIBUTIONS BY SECRETARY.**—The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 120 days after an appropriation of funds for this chapter is made.

(2) **DISTRIBUTIONS BY STATES.**—A State shall make and distribute the allocations described in subsection (b)(3) within 90 days of receiving such funds from the Secretary.

#### **SEC. 313. ALLOWABLE USES OF FUNDS.**

A local educational agency receiving a grant under this chapter shall use the grant for modernization, renovation, or repair of public school facilities (including early learning facilities, as appropriate), including—

(1) repair, replacement, or installation of roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems, building envelope, windows, ceilings, flooring, or doors, including security doors;

(2) repair, replacement, or installation of heating, ventilation, or air conditioning systems, including insulation, and conducting indoor air quality assessments;

(3) compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that schools are able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters;

(4) retrofitting necessary to increase the energy efficiency and water efficiency of public school facilities;

(5) modifications necessary to make facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(6) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen;

(7) measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution;

(8) modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(9) installation or upgrading of educational technology infrastructure;

(10) modernization, renovation, or repair of science and engineering laboratories, libraries, and career and technical education facilities, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

(11) installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, and solar-thermal and geothermal systems, and for energy audits;

(12) measures designed to reduce or eliminate human exposure to airborne particles such as dust, sand, and pollens;

(13) creating greenhouses, gardens (including trees), and other facilities for environmental, scientific, or other educational purposes, or to produce energy savings;

(14) modernizing, renovating, or repairing physical education facilities for students, including upgrading or installing recreational structures made from post-consumer recovered materials in accordance with the comprehensive procurement guidelines prepared by the Administrator of the Environmental Protection Agency under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e));

(15) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff;

(C) make them more energy efficient; or

(D) reduce class size; and

(16) required environmental remediation related to modernization, renovation, or repair described in paragraphs (1) through (15).

#### **SEC. 314. PRIORITY PROJECTS.**

In selecting a project under section 313, a local educational agency may give priority to projects involving the abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen.

### **CHAPTER 2—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA**

#### **SEC. 321. PURPOSE.**

Grants under this chapter shall be for the purpose of modernizing, renovating, repairing, or constructing public school facilities, including, where applicable, early learning facilities, based on the need for such improvements or construction, to ensure that public school facilities are safe, healthy, high-performing, and technologically up-to-date.

#### **SEC. 322. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.**

(a) **IN GENERAL.**—Of the amount appropriated to carry out this chapter for each fiscal year pursuant to section 345(b), the Secretary shall allocate to local educational agencies in Louisiana, Mississippi, and Alabama an amount equal to the infrastructure damage inflicted on public school facilities in each such district by Hurricane Katrina or Hurricane Rita in 2005 relative to the total of such infrastructure damage so inflicted in all such districts, combined.

(b) **DISTRIBUTION BY SECRETARY.**—The Secretary shall determine and distribute the allocations described in subsection (a) not later than 120 days after an appropriation of funds for this chapter is made.

#### **SEC. 323. ALLOWABLE USES OF FUNDS.**

A local educational agency receiving a grant under this chapter shall use the grant for one or more of the activities described in section 313, except that an agency receiving a grant under this chapter also may use the grant for the construction of new public school facilities.

### **CHAPTER 3—GENERAL PROVISIONS**

#### **SEC. 331. IMPERMISSIBLE USES OF FUNDS.**

No funds received under this subtitle may be used for—

(1) payment of maintenance costs, including routine repairs classified as current expenditures under State or local law;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

#### **SEC. 332. SUPPLEMENT, NOT SUPPLANT.**

A local educational agency receiving a grant under this subtitle shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, repair, and construction of public school facilities.

#### **SEC. 333. PROHIBITION REGARDING STATE AID.**

A State shall not take into consideration payments under this subtitle in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

#### **SEC. 334. MAINTENANCE OF EFFORT.**

(a) **IN GENERAL.**—A local educational agency may receive a grant under this subtitle for any fiscal year only if either the combined fiscal effort per student or the aggregate expenditures of the agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(b) **REDUCTION IN CASE OF FAILURE TO MEET MAINTENANCE OF EFFORT REQUIREMENT.**—

(1) **IN GENERAL.**—The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) **SPECIAL RULE.**—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) **WAIVER.**—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

#### **SEC. 335. SPECIAL RULE ON CONTRACTING.**

Each local educational agency receiving a grant under this subtitle shall ensure that, if the agency carries out modernization, renovation, repair, or construction through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

**SEC. 336. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.**

(a) *IN GENERAL.*—None of the funds appropriated or otherwise made available by this subtitle may be used for a project for the modernization, renovation, repair, or construction of a public school facility unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) *EXCEPTIONS.*—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) *PUBLICATION OF JUSTIFICATION.*—If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification of the determination.

(d) *CONSTRUCTION.*—This section shall be applied in a manner consistent with United States obligations under international agreements.

**SEC. 337. LABOR STANDARDS.**

The grant programs under this subtitle are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

**SEC. 338. CHARTER SCHOOLS.**

(a) *IN GENERAL.*—A local educational agency receiving an allocation under this subtitle shall reserve an amount of that allocation for charter schools within its jurisdiction for modernization, renovation, repair, and construction of charter school facilities.

(b) *DETERMINATION OF RESERVED AMOUNT.*—The amount to be reserved by a local educational agency under subsection (a) shall be determined based on the combined percentage of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)) in the schools of the agency who—

(1) are enrolled in charter schools; and

(2) the local educational agency, in consultation with the authorized public chartering agency, expects to be enrolled, during the year with respect to which the reservation is made, in charter schools that are scheduled to commence operation during such year.

(c) *SCHOOL SHARE.*—Individual charter schools shall receive a share of the amount reserved under subsection (a) based on the need of each school for modernization, renovation, repair, or construction, as determined by the local educational agency in consultation with charter school administrators.

(d) *EXCESS FUNDS.*—After the consultation described in subsection (c), if the local educational agency determines that the amount of funds reserved under subsection (a) exceeds the modernization, renovation, repair, and construction needs of charter schools within the local educational agency's jurisdiction, the agency may use the excess funds for other public school facility modernization, renovation, repair, or construction consistent with this subtitle and is not required to carry over such funds to the following fiscal year for use for charter schools.

**SEC. 339. GREEN SCHOOLS.**

(a) *IN GENERAL.*—Of the funds appropriated for a given fiscal year and made available to a local educational agency to carry out this subtitle, the local educational agency shall use not less than the applicable percentage (described in

subsection (b)) of such funds for public school modernization, renovation, repair, or construction that are certified, verified, or consistent with any applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria;

(4) Green Globes; or

(5) an equivalent program adopted by the State, or another jurisdiction with authority over the local educational agency, that includes a verifiable method to demonstrate compliance with such program.

(b) *APPLICABLE PERCENTAGES.*—The applicable percentage described in subsection (a) is—

(1) for funds appropriated in fiscal year 2010, 50 percent; and

(2) for funds appropriated in fiscal year 2011, 75 percent.

(c) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber as ascertained through the forest inventory and analysis program of the Forest Service of the Department of Agriculture under the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) for public school modernization, renovation, repairs, or construction.

(d) *TECHNICAL ASSISTANCE.*—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and local educational agencies concerning the best practices in school modernization, renovation, repair, and construction, including those related to student academic achievement, student and staff health, energy efficiency, and environmental protection.

**SEC. 340. REPORTING.**

(a) *REPORTS BY LOCAL EDUCATIONAL AGENCIES.*—Local educational agencies receiving a grant under this subtitle shall annually compile a report describing the projects for which such funds were used, including—

(1) the number and identity of public schools in the agency, including the number of charter schools, and for each school, the total number of students, and the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5));

(2) the total amount of funds received by the local educational agency under this subtitle, and for each public school in the agency, including each charter school, the amount of such funds expended, and the types of modernization, renovation, repair, or construction projects for which such funds were used;

(3) the number of students impacted by such projects, including the number of students so impacted who are counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5));

(4) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under chapter 1 or chapter 2 of this subtitle that were used for projects at such schools;

(5) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and the percentage of funds received by the agency under chapter 1 or chapter 2 of this subtitle that were used for projects at such schools;

(6) for each project—

(A) the cost;

(B) the standard described in section 339(a) with which the use of the funds complied or, if the use of funds did not comply with a standard described in section 339(a), the reason such

funds were not able to be used in compliance with such standards and the agency's efforts to use such funds in an environmentally sound manner; and

(C) any demonstrable or expected benefits as a result of the project (such as energy savings, improved indoor environmental quality, student and staff health, including the reduction of the incidence and effects of asthma and other respiratory illnesses, and improved climate for teaching and learning); and

(7) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

(b) *AVAILABILITY OF REPORTS.*—A local educational agency shall—

(1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and

(2) make the report described in subsection (a) publicly available, including on the agency's website.

(c) *REPORTS BY SECRETARY.*—Not later than March 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and make available on the Department of Education's website, a report on grants made under this subtitle, including the information from the reports described in subsection (b)(1).

**SEC. 341. SPECIAL RULES.**

Notwithstanding any other provision of this subtitle, none of the funds authorized by this subtitle may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

**SEC. 342. PROMOTION OF EMPLOYMENT EXPERIENCES.**

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this subtitle to promote appropriate opportunities to gain employment experience working on modernization, renovation, repair, and construction projects funded under this subtitle for—

(1) participants in a YouthBuild program (as defined in section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a));

(2) individuals enrolled in the Job Corps program carried out under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.);

(3) individuals enrolled in a junior or community college (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1088(f))) certificate or degree program relating to projects described in section 339(a); and

(4) participants in preapprenticeship programs that have direct linkages with apprenticeship programs that are registered with the Department of Labor or a State Apprenticeship Agency under the National Apprenticeship Act of 1937 (29 U.S.C. 50 et seq.).

**SEC. 343. ADVISORY COUNCIL ON GREEN, HIGH-PERFORMING PUBLIC SCHOOL FACILITIES.**

(a) *ESTABLISHMENT OF ADVISORY COUNCIL.*—The Secretary shall establish an advisory council to be known as the "Advisory Council on Green, High-Performing Public School Facilities" (in this section referred to as the "Advisory Council") which shall be composed of—

(1) appropriate officials from the Department of Education;

(2) representatives of the academic, architectural, business, education, engineering, environmental, labor, and scientific communities; and

(3) such other representatives as the Secretary deems appropriate.

**(b) DUTIES OF ADVISORY COUNCIL.—**

(1) **ADVISORY DUTIES.**—The Advisory Council shall advise the Secretary on the impact of green, high-performing schools, on—

(A) teaching and learning;

(B) health;

(C) energy costs;

(D) environmental impact; and

(E) other areas that the Secretary and the Advisory Council deem appropriate.

(2) **OTHER DUTIES.**—The Advisory Council shall assist the Secretary in—

(A) making recommendations on Federal policies to increase the number of green, high-performing schools;

(B) identifying Federal policies that are barriers to helping States and local educational agencies make green, high-performing schools;

(C) providing technical assistance and outreach to States and local educational agencies under section 339(d); and

(D) providing the Secretary such other assistance as the Secretary deems appropriate.

(c) **CONSULTATION.**—In carrying out its duties under subsection (b), the Advisory Council shall consult with the Chair of the Council on Environmental Quality and the heads of appropriate Federal agencies, including the Secretary of Commerce, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Administrator of the General Services Administration (through the Office of Federal High-Performance Green Buildings).

**SEC. 344. EDUCATION REGARDING PROJECTS.**

A local educational agency receiving funds under this subtitle may encourage schools at which projects are undertaken with such funds to educate students about the project, including, as appropriate, the functioning of the project and its environmental, energy, sustainability, and other benefits.

**SEC. 345. AVAILABILITY OF FUNDS.**

(a) **CHAPTER 1.**—There are authorized to be appropriated, and there are appropriated, to carry out chapter 1 of this subtitle (in addition to any other amounts appropriated to carry out such chapter and out of any money in the Treasury not otherwise appropriated), \$2,020,000,000 for each of fiscal years 2010 and 2011.

(b) **CHAPTER 2.**—There are authorized to be appropriated, and there are appropriated, to carry out chapter 2 of this subtitle (in addition to any other amounts appropriated to carry out such chapter and out of any money in the Treasury not otherwise appropriated), \$30,000,000 for each of fiscal years 2010 and 2011.

(c) **PROHIBITION ON EARMARKS.**—None of the funds appropriated under this section may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

**Subtitle B—Higher Education**

**SEC. 351. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE MODERNIZATION AND CONSTRUCTION.**

**(a) IN GENERAL.—**

(1) **GRANT PROGRAM.**—From the amounts made available under subsection (i), the Secretary shall award grants to States for the purposes of constructing new community college facilities and modernizing, renovating, and repairing existing community college facilities. Grants awarded under this section shall be used by a State for one or more of the following:

(A) To reduce financing costs of loans for new construction, modernization, renovation, or repair projects at community colleges (such as paying interest or points on such loans).

(B) To provide matching funds for a community college capital campaign to attract private

donations of funds for new construction, modernization, renovation, or repair projects at the community college.

(C) To capitalize a revolving loan fund to finance new construction, modernization, renovation, and repair projects at community colleges.

**(2) ALLOCATION.—**

(A) **DETERMINATION OF AVAILABLE AMOUNT.**—The Secretary shall determine the amount available for allocation to each State by determining the amount equal to the total number of students in the State who are enrolled in community colleges and who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree, relative to the total number of such students in all States, combined.

(B) **ALLOCATION.**—The Secretary shall allocate to each State selected by the Secretary to receive a grant under this section an amount equal to the amount determined to be available for allocation to such State under subparagraph (A), less any portion of that amount that is subject to a limitation under paragraph (3).

(C) **REALLOCATION.**—Amounts not allocated under this section to a State because—

(i) the State did not submit an application under subsection (b);

(ii) the State submitted an application that the Secretary determined did not meet the requirements of such subsection; or

(iii) the State is subject to a limitation under paragraph (3) that prevents the State from using a portion of the allocation, shall be proportionately reallocated under this paragraph to the States that are not described in clause (i), (ii), or (iii) of this subparagraph.

(3) **GRANT AMOUNT LIMITATIONS.**—A grant awarded to a State under this section—

(A) to reduce financing costs of loans for new construction, modernization, renovation, or repair projects at community colleges under paragraph (1)(A) shall be for an amount that is not more than 25 percent of the total principal amount of the loans for which financing costs are being reduced; and

(B) to provide matching funds for a community college capital campaign under paragraph (1)(B) shall be for an amount that is not more than 25 percent of the total amount of the private donations of funds raised through such campaign over the duration of such campaign, as such duration is determined by the State in the application submitted under subsection (b).

(4) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to construct new community college facilities or modernize, renovate, or repair existing community college facilities.

(b) **APPLICATION.**—A State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall include a certification by the State that the funds provided under this section for the construction of new community college facilities and the modernization, renovation, and repair of existing community college facilities will improve instruction at such colleges and will improve the ability of such colleges to educate and train students to meet the workforce needs of employers in the State.

**(c) USE OF FUNDS BY COMMUNITY COLLEGES.—**

(1) **PERMISSIBLE USES OF FUNDS.**—Funds made available to community colleges through a loan described in subsection (a)(1)(A), a capital campaign described in subsection (a)(1)(B), or a loan from a revolving loan fund described in subsection (a)(1)(C) shall be used only for the construction, modernization, renovation, or repair of community college facilities that are pri-

marily used for instruction, research, or student housing, which may include any of the following:

(A) Repair, replacement, or installation of roofs, including extensive, intensive, or semi-intensive green roofs, electrical wiring, water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems, building envelope, windows, ceilings, flooring, or doors, including security doors.

(B) Repair, replacement, or installation of heating, ventilation, or air conditioning systems, including insulation, and conducting indoor air quality assessments.

(C) Compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that the community college's facilities are prepared for emergencies, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that the community college is able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters.

(D) Retrofitting necessary to increase the energy efficiency of the community college's facilities.

(E) Modifications necessary to make facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(F) Abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards from the community college's facilities.

(G) Modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water.

(H) Modernization, renovation, and repair relating to improving science and engineering laboratories, libraries, or instructional facilities.

(I) Installation or upgrading of educational technology infrastructure.

(J) Installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, solar-thermal and geothermal systems, and energy audits.

(K) Other modernization, renovation, or repair projects that are primarily for instruction, research, or student housing.

(L) Required environmental remediation related to modernization, renovation, or repair described in subparagraphs (A) through (K).

(2) **GREEN SCHOOL REQUIREMENT.**—A community college receiving assistance through a loan described in subsection (a)(1)(A), a capital campaign described in subsection (a)(1)(B), or a loan from a revolving loan fund described in subsection (a)(1)(C) shall use not less than 50 percent of such assistance to carry out projects for construction, modernization, renovation, or repair that are certified, verified, or consistent with the applicable provisions of—

(A) the LEED Green Building Rating System;

(B) Energy Star;

(C) the CHPS Criteria, as applicable;

(D) Green Globes; or

(E) an equivalent program adopted by the State or the State higher education agency that includes a verifiable method to demonstrate compliance with such program.

**(3) PROHIBITED USES OF FUNDS.—**

(A) **IN GENERAL.**—No funds awarded under this section may be used for—

(i) payment of maintenance costs;

(ii) construction, modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(iii) construction, modernization, renovation, or repair of facilities—

(I) used for sectarian instruction, religious worship, or a school or department of divinity; or

(II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

(B) **FOUR-YEAR INSTITUTIONS.**—No funds awarded to a four-year public institution of higher education under this section may be used for any facility, service, or program of the institution that is not available to students who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree.

(d) **APPLICATION OF GEPA.**—The grant program authorized in this section is an applicable program (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b). The Secretary shall, notwithstanding section 437 of such Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, establish such program rules as may be necessary to implement such grant program by notice in the Federal Register.

(e) **CONCURRENT FUNDING.**—Funds made available under this section shall not be used to assist any community college that receives funding for the construction, modernization, renovation, and repair of facilities under any other program under this Act, the Higher Education Act of 1965, or the American Recovery and Reinvestment Act of 2009.

(f) **REPORTS BY THE STATES.**—Each State that receives a grant under this section shall, not later than September 30, 2012, and annually thereafter for each fiscal year in which the State expends funds received under this section, submit to the Secretary a report that includes—

(1) a description of the projects for which the grant funding was, or will be, used;

(2) a list of the community colleges that have received, or will receive, assistance from the grant through a loan described in subsection (a)(1)(A), a capital campaign described in subsection (a)(1)(B), or a loan from a revolving loan fund described in subsection (a)(1)(C); and

(3) a description of the amount and nature of the assistance provided to each such college.

(g) **REPORT BY THE SECRETARY.**—The Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965) an annual report on the grants made under this section, including the information described in subsection (f).

(h) **DEFINITIONS.**—

(1) **COMMUNITY COLLEGE.**—As used in this section, the term “community college” means—

(A) a junior or community college, as such term is defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1085(f)); or

(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965) that awards a significant number of degrees and certificates that are not—

(i) bachelor's degrees (or an equivalent); or

(ii) master's, professional, or other advanced degrees.

(2) **CHPS CRITERIA.**—The term “CHPS Criteria” means the green building rating program developed by the Collaborative for High Performance Schools.

(3) **ENERGY STAR.**—The term “Energy Star” means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(4) **GREEN GLOBES.**—The term “Green Globes” means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(5) **LEED GREEN BUILDING RATING SYSTEM.**—The term “LEED Green Building Rating Sys-

tem” means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(7) **STATE.**—The term “State” has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(i) **AVAILABILITY OF FUNDS.**—There are authorized to be appropriated, and there are appropriated, to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated), \$2,500,000,000 for fiscal year 2011, which shall remain available until expended.

#### **TITLE IV—EARLY LEARNING CHALLENGE FUND**

##### **SEC. 401. PURPOSE.**

The purpose of this title is to provide grants on a competitive basis to States for the following:

(1) To promote standards reform of State early learning programs serving children from birth through age 5 in order to support the healthy development and improve the school readiness outcomes of young children.

(2) To establish a high standard of quality in early learning programs that integrates appropriate early learning and development standards across early learning settings.

(3) To fund and implement quality initiatives that improve the skills and effectiveness of early learning providers, and improve the quality of existing early learning programs, in order to increase the number of disadvantaged children who participate in comprehensive and high-quality early learning programs.

(4) To ensure that a greater number of disadvantaged children enter kindergarten with the cognitive, social, emotional, and physical skills and abilities needed to be successful in school.

(5) To increase parents' abilities to access comprehensive and high quality early learning programs across settings for their children.

##### **SEC. 402. PROGRAMS AUTHORIZED.**

(a) **QUALITY PATHWAYS GRANTS.**—The Secretary shall use funds made available to carry out this title for a fiscal year to award grants on a competitive basis to States in accordance with section 403.

(b) **DEVELOPMENT GRANTS.**—The Secretary shall use funds made available to carry out this title for a fiscal year to award grants in accordance with section 404 on a competitive basis to States that demonstrate a commitment to establishing a system of early learning that will include the components described in section 403(c)(3) but are not—

(1) eligible to be awarded a grant under subsection (a); or

(2) are not awarded such a grant after application.

(c) **RESERVATIONS OF FEDERAL FUNDS.**—

(1) **RESEARCH, EVALUATION, AND ADMINISTRATION.**—From the amount made available to carry out this title for a fiscal year, the Secretary—

(A) shall reserve up to 2 percent jointly to administer this title with the Secretary of Health and Human Services; and

(B) shall reserve up to 3 percent to carry out activities under section 405.

(2) **TRIBAL SCHOOL READINESS PLANNING DEMONSTRATION.**—After making the reservations under paragraph (1), the Secretary shall reserve 0.25 percent for a competitive grant program for Indian tribes to develop and implement school readiness plans that—

(A) are coordinated with local educational agencies serving children who are members of the tribe; and

(B) include American Indian and Alaska Native Head Start and Early Head Start programs, tribal child care programs, Indian Health Service programs, and other tribal programs serving children.

(3) **QUALITY PATHWAYS GRANTS.**—

(A) **IN GENERAL.**—From the amount made available to carry out this title for a fiscal year and not reserved under paragraph (1) or (2), the Secretary shall reserve a percent (which shall be not greater than 65 percent for fiscal years 2010 through 2012 and not greater than 85 percent for fiscal year 2013 and each succeeding fiscal year) determined under subparagraph (B) to carry out subsection (a).

(B) **DETERMINATION OF AMOUNT.**—In determining the amount to reserve under subparagraph (A), the Secretary, consistent with section 403(e), shall take into account the following:

(i) The total number of States determined by the Secretary to qualify for receipt of a grant under this title for the year.

(ii) The number of children under age 5 from low-income families in each State with an approved application under section 403 for the year.

(C) **REALLOCATION.**—For fiscal year 2013 and subsequent fiscal years, the Secretary may reallocate funds allocated for development grants under subsection (b) for the purpose of providing additional grants under subsection (a), if the Secretary determines that there is an insufficient number of applications that meet the requirements for a grant under subsection (b).

(d) **STATE APPLICATIONS.**—In applying for a grant under this title, a State—

(1) shall designate a State-level entity for administration of the grant;

(2) shall coordinate proposed activities with the State Advisory Council on Early Childhood Education and Care (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))) and shall incorporate plans and recommendations from such Council in the application, where applicable; and

(3) otherwise shall submit the application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(e) **PRIORITY IN AWARDING GRANTS.**—In awarding grants under this title, the Secretary shall give priority to States—

(1) whose applications contain assurances that the State will use, in part, funds reserved under section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) for activities described in section 403(f);

(2) that will commit to dedicating a significant increase, in comparison to recent fiscal years, in State expenditures on early learning programs and services; and

(3) that demonstrate efforts to build public-private partnerships designed to accomplish the purposes of this title.

(f) **MAINTENANCE OF EFFORT.**—

(1) **IN GENERAL.**—With respect to each period for which a State is awarded a grant under this title, the aggregate expenditures by the State and its political subdivisions on early learning programs and services shall be not less than the level of the expenditures for such programs and services by the State and its political subdivisions for fiscal year 2006.

(2) **STATE EXPENDITURES.**—For purposes of paragraph (1), expenditures by the State on early learning programs and services shall include, at a minimum, the following:

(A) State matching and maintenance of effort funds for the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(B) State matching funds for the State Advisory Council on Early Childhood Education and Care (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))).

(C) State expenditures on public pre-kindergarten, Head Start (including Early Head Start), and other State early learning programs and services dedicated to children (including State expenditures under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.)).

(g) **PROHIBITIONS ON USE OF FUNDS.**—Funds under this title may not be used for any of the following:

(1) Assessments that provide rewards or sanctions for individual children or teachers.

(2) A single assessment used as the primary or sole method for assessing program effectiveness.

(3) Evaluating children other than for—

(A) improving instruction or classroom environment;

(B) targeting professional development;

(C) determining the need for health, mental health, disability, or family support services;

(D) informing the quality improvement process at the State level;

(E) program evaluation for the purposes of program improvement and parent information; or

(F) research conducted as part of the national evaluation required by section 405(2).

(h) **FEDERAL ADMINISTRATION.**—

(1) **IN GENERAL.**—With respect to this title, the Secretary shall bear responsibility for obligating and disbursing funds and ensuring compliance with applicable laws and administrative requirements, subject to paragraph (2).

(2) **INTERAGENCY AGREEMENT.**—The Secretary of Education and the Secretary of Health and Human Services shall jointly administer this title on such terms as such secretaries shall set forth in an interagency agreement.

#### **SEC. 403. QUALITY PATHWAYS GRANTS.**

(a) **GRANT PERIOD.**—Grants under section 402(a)—

(1) may be awarded for a period not to exceed 5 years; and

(2) may be renewed, subject to approval by the Secretary, and based on the State's progress in—

(A) increasing the percentage of disadvantaged children in each age group (infants, toddlers, and preschoolers) who participate in high-quality early learning programs;

(B) increasing the number of high-quality early learning programs in low-income communities;

(C) implementing an early learning system that includes the components described in subsection (c)(3); and

(D) incorporating the findings and recommendations reported by the commission established under section 405(1) into the State system of early learning.

(b) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—Subject to subsection (g), to be eligible to receive a grant under section 402(a), a State shall contribute to the activities assisted under the grant non-Federal matching funds in an amount equal to not less than the applicable percent of the amount of the grant.

(2) **APPLICABLE PERCENT.**—For purposes of paragraph (1), the applicable percent means—

(A) 10 percent in the first fiscal year of the grant;

(B) 10 percent in the second fiscal year of the grant;

(C) 15 percent in the third fiscal year of the grant; and

(D) 20 percent in the fourth fiscal year of the grant and subsequent fiscal years.

(3) **NON-FEDERAL FUNDS.**—A State may use the following to satisfy the requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(4) **PRIVATE CONTRIBUTIONS.**—Private contributions made as part of public-private partnerships to increase the number of low-income children in high-quality early learning programs in a State may be used by the State to satisfy the requirement of paragraph (1).

(5) **FINANCIAL HARDSHIP WAIVER.**—The Secretary may waive or reduce the non-Federal share of a State that has submitted an application for a grant under section 402(a) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(c) **STATE APPLICATIONS.**—In order to be considered for a grant under section 402(a), a State's application under section 402(d) shall include the following:

(1) A description of how the State will use the grant to implement quality initiatives to improve early learning programs serving disadvantaged children from birth to age 5 to lead to a greater percentage of such children participating in high-quality early learning programs.

(2) A description of the goals and benchmarks the State will establish to lead to a greater percentage of disadvantaged children participating in higher quality early learning programs to improve school readiness outcomes, including an established baseline of the number of disadvantaged children in high-quality early learning programs.

(3) A description of how the State will implement a governance structure and a system of early learning programs and services that includes the following components:

(A) Not later than 12 months after receiving notice of an award of the grant, complete State early learning and development standards that include social and emotional, cognitive, and physical development domains, and approaches to learning that are developmentally appropriate (including culturally and linguistically appropriate) for all children.

(B) A process to ensure that State early learning and development standards are integrated into the instructional and programmatic practices of early learning programs and services, including services provided to children under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).

(C) A program rating system that builds on licensing requirements, as appropriate, and other State regulatory standards and that—

(i) is designed to improve quality and effectiveness across different types of early learning settings;

(ii) integrates evidence-based program quality standards that reflect standard levels of quality and has progressively higher levels of program quality;

(iii) integrates the State's early learning and development standards for the purpose of improving instructional and programmatic practices;

(iv) addresses quality and effective inclusion of children with disabilities or developmental delays across different types of early learning settings;

(v) addresses staff qualifications and professional development;

(vi) provides financial incentives and other supports to help programs meet and sustain higher levels of quality;

(vii) includes mechanisms for evaluating how programs are meeting those standards and progressively higher levels of quality; and

(viii) includes a mechanism for public awareness and understanding of the program rating system, including rating levels of individual programs.

(D) A system of program review and monitoring that is designed to rate providers using

the system described in subparagraph (C) and to assess and improve programmatic practices, instructional practices, and classroom environment.

(E) A process to support early learning programs integrating instructional and programmatic practices that—

(i) include developmentally appropriate (including culturally and linguistically appropriate), ongoing, classroom-based instructional assessments for each domain of child development and learning (including social and emotional, cognitive, and physical development domains and approaches to learning) to guide and improve instructional practice, professional development of staff, and services; and

(ii) are aligned with the curricula used in the early learning program and with the State early learning and development standards or the Head Start Child Outcomes Framework (as described in the Head Start Act), as applicable.

(F) Minimum preservice early childhood development and education training requirements for providers in early learning programs.

(G) A comprehensive plan for supporting the professional preparation and the ongoing professional development of an effective, well-compensated early learning workforce, which plan includes training and education that is sustained, intensive, and classroom-focused and leads toward a credential or degree and is tied to improved compensation.

(H) An outreach strategy to promote understanding by parents and families of—

(i) how to support their child's early development and learning;

(ii) the State's program rating system, as described in subparagraph (C); and

(iii) the rating of the program in which their child is enrolled.

(I) A coordinated system to facilitate screening, referral, and provision of services related to health, mental health, disability, and family support for children participating in early learning programs.

(J) A process for evaluating school readiness in children that reflects all of the major domains of development, and that is used to guide practice and improve early learning programs.

(K) A coordinated data infrastructure that facilitates—

(i) uniform data collection about the quality of early learning programs, essential information about the children and families that participate in such programs, and the qualifications and compensation of the early learning workforce in such programs; and

(ii) alignment and interoperability between the data system for early learning programs for children and data systems for elementary and secondary education.

(4) A description of how the funds provided under the grant will be targeted to prioritize increasing the number and percentage of low-income children in high-quality early learning programs, including children—

(A) in each age group (infants, toddlers, and preschoolers);

(B) with developmental delays and disabilities;

(C) with limited English proficiency; and

(D) living in rural areas.

(5) An assurance that the grant will be used to improve the quality of early learning programs across a range of types of settings and providers of such programs.

(6) A description of the steps the State will take to make progress toward including all center-based child care programs, family child care programs, State-funded prekindergarten, Head Start programs, and other early learning programs, such as those funded under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or receiving funds

under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.) in the State program rating system described in paragraph (3)(C).

(7) An assurance that the State, not later than 18 months after receiving notice of an award of the grant, will conduct an analysis of the alignment of the State's early learning and development standards with—

(A) appropriate academic content standards for grades kindergarten through 3; and

(B) elements of program quality standards for early learning programs.

(8) An assurance that the grant will be used only to supplement, and not to supplant, Federal, State, and local funds otherwise available to support existing early learning programs and services.

(9) A description of any disparity by age group (infants, toddlers, and preschoolers) of available high-quality early learning programs in low-income communities and the steps the State will take to decrease such disparity, if applicable.

(10) A description of how the State early learning and development standards will address the needs of children with limited English proficiency, including by incorporating benchmarks related to English language development.

(11) A description of how the State's professional development plan will prepare the early learning workforce to support the early learning needs of children with limited English proficiency.

(12) A description of how the State will improve interagency collaboration and coordinate the purposes of this title with the activities funded under—

(A) section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e);

(B) section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

(C) title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(D) State-funded pre-kindergarten programs (where applicable);

(E) Head Start programs; and

(F) other early childhood programs and services.

(13) A description of how the State's early learning policies, including child care policies, facilitate access to high-quality early learning programs for children from low-income families.

(14) An assurance that the State will continue to participate in part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) for the duration of the grant.

(d) **CRITERIA USED IN AWARDED GRANTS.**—In awarding grants under section 402(a), the Secretary shall evaluate the applications, and award grants under such section on a competitive basis, based on—

(1) the quality of the application submitted pursuant to section 402(d);

(2) the priority factors described in section 402(e);

(3) evidence of significant progress in establishing a system of early learning for children that includes the components described in subsection (c)(3); and

(4) the State's capacity to fully complete implementation of such a system.

(e) **CRITERION USED IN DETERMINING AMOUNT OF AWARD.**—In determining the amount to award a State under section 402(a), the Secretary shall take into account—

(1) the proportion of children under age 5 from low-income families in the State relative to such proportion in other States; and

(2) the State plan and capacity to implement the criteria described in paragraphs (3) and (4) of subsection (d).

(f) **STATE USES OF FUNDS.**—

(1) **IN GENERAL.**—A State receiving a grant under section 402(a) shall use the grant as follows:

(A) Not less than 65 percent of the grant amount shall be used for two or more of the following activities to improve the quality of early learning programs serving disadvantaged children:

(i) Initiatives that improve the credentials of early learning providers and are tied to increased compensation.

(ii) Initiatives that help early learning programs meet and sustain higher program quality standards, such as—

(I) improving the ratio of early learning provider to children in early learning settings;

(II) reducing group size;

(III) improving the qualifications of early learning providers; and

(IV) supporting effective education and training for early learning providers.

(iii) Implementing classroom observation assessments and data-driven decisions (which may include implementation of a research-based prevention and intervention framework designed to build social competence and prevent challenging behaviors) tied to activities that improve instructional practices, programmatic practices, or classroom environment and promote school readiness.

(iv) Providing financial incentives to early learning programs—

(I) for undertaking quality improvements that promote healthy development and school readiness; and

(II) maintaining quality improvements that promote healthy development and school readiness.

(v) Integrating State early learning and development standards into instructional and programmatic practices in early learning programs.

(vi) Providing high-quality, sustained, intensive, and classroom-focused professional development that improves the knowledge and skills of early learning providers, including professional development related to meeting the needs of diverse populations.

(vii) Building the capacity of early learning programs and communities to promote the understanding of parents and families of the State's early learning system and the rating of the program in which their child is enrolled and to encourage the active involvement and engagement of parents and families in the learning and development of their children.

(viii) Building the capacity of early learning programs and communities to facilitate screening, referral, and provision of services related to health, mental health, disability, and family support for children participating in early learning programs.

(ix) Other innovative activities, proposed by the State and approved in advance by the Secretary that are—

(I) based on successful practices;

(II) designed to improve the quality of early learning programs and services; and

(III) advance the system components described in subsection (c)(3).

(B) The remainder of the grant amount may be used for one or more of the following:

(i) Implementation or enhancement of the State's data system described in subsection (c)(3)(K), including interoperability across agencies serving children, and unique child and program identifiers.

(ii) Enhancement of the State's oversight system for early learning programs, including the implementation of a program rating system.

(iii) The development and implementation of measures of school readiness of children that reflect all of the major domains of child development and that inform the quality improvement process.

(2) **PRIORITY.**—A State receiving a grant under section 402(a) shall use the grant so as to prioritize improving the quality of early learning programs serving children from low-income families.

(g) **SPECIAL RULE.**—

(1) **IN GENERAL.**—Beginning with the second fiscal year of a grant under section 402(a), a State with respect to which the Secretary certifies that the State has made sufficient progress in implementing the requirements of the grant may apply to the Secretary to reserve up to 25 percent of the amount of the grant to expand access for children from low-income families to the highest quality early learning programs that offer full-day services, except that the State must agree to contribute for such purpose non-Federal matching funds in an amount equal to not less than 20 percent of the amount reserved under this subsection. One-half of such non-Federal matching funds may be provided by a private entity.

(2) **NON-FEDERAL FUNDS.**—A State may use the following to satisfy the matching requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(3) **FINANCIAL HARDSHIP WAIVER.**—The Secretary may waive or reduce the non-Federal share of a State under paragraph (1) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(h) **IMPROVEMENT PLAN.**—If the Secretary determines that a State receiving a grant under section 402(a) is encountering barriers to reaching goals described in subsection (c)(2), the State shall develop a plan for improvement in consultation with, and subject to approval by, the Secretary.

#### SEC. 404. DEVELOPMENT GRANTS.

(a) **GRANT PERIOD.**—Grants under section 402(b) may be awarded for a period not to exceed 3 years, and may not be renewed.

(b) **STATE USES OF FUNDS.**—

(1) **IN GENERAL.**—A State receiving a grant under section 402(b) shall use the grant to undertake activities to develop the early learning system components described in section 403(c)(3) and that will allow a State to become eligible and competitive for a grant described in section 402(a).

(2) **PRIORITY.**—A State receiving a grant under section 402(b) shall use the grant so as to prioritize improving the quality of early learning programs serving low-income children.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under section 402(b), a State shall contribute to the activities assisted under the grant non-Federal matching funds in an amount equal to not less than the applicable percent of the amount of the grant.

(2) **APPLICABLE PERCENT.**—For purposes of paragraph (1), the applicable percent means—

(A) 20 percent in the first fiscal year of the grant;

(B) 25 percent in the second fiscal year of the grant; and

(C) 30 percent in the third fiscal year of the grant.

(3) **NON-FEDERAL FUNDS.**—A State may use the following to satisfy the requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(4) **PRIVATE CONTRIBUTIONS.**—Private contributions made as part of public-private partnerships to increase the number of low-income children in high-quality early learning programs in a State may be used by the State to satisfy the requirement of paragraph (1).

(5) **FINANCIAL HARDSHIP WAIVER.**—The Secretary may waive or reduce the non-Federal share of a State that has submitted an application for a grant under section 402(b) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

#### **SEC. 405. RESEARCH AND EVALUATION.**

From funds reserved under section 402(c)(1), the Secretary of Education and the Secretary of Health and Human Services, acting jointly, shall carry out the following activities:

(1) Establishing a national commission whose duties shall include—

(A) reviewing the status of State and Federal early learning program quality standards and early learning and development standards;

(B) recommending benchmarks for program quality standards and early learning and development standards, including taking into consideration the school readiness needs of children with limited English proficiency; and

(C) reporting to the Secretaries of Education and Health and Human Services not later than 2 years after the date of the enactment of this Act on the commission's findings and recommendations.

(2) Conducting a national evaluation of the grants made under this title through the Institute of Education Science in collaboration with the appropriate research divisions within the Department of Health and Human Services.

(3) Supporting a research collaborative among the Institute of Education Sciences, the National Institute of Child Health and Human Development, the Office of Planning, Research, and Evaluation within the Administration for Children and Families in the Department of Health and Human Services, and, as appropriate, other Federal entities to support research on early learning that can inform improved State and other standards and licensing requirements and improved child outcomes, which collaborative shall—

(A) biennially prepare and publish for public comment a detailed research plan;

(B) support early learning research activities that could include determining—

(i) the characteristics of early learning programs that produce positive developmental outcomes for children;

(ii) the effects of program quality standards on child outcomes;

(iii) the relationships between specific interventions and types of child and family outcomes;

(iv) the effectiveness of early learning provider training in raising program quality and improving child outcomes;

(v) the effectiveness of professional development strategies in raising program quality and improving child outcomes; and

(vi) how to improve the school readiness outcomes of children with limited English proficiency, special needs, and homeless children, including evaluation of professional development programs for working with such children; and

(C) disseminate relevant research findings and best practices.

(4) Evaluating barriers to improving the quality of early learning programs serving low-income children, including evaluating barriers to successful interagency collaboration and coordination, by conducting a review of the statewide strategic reports developed by the State Advi-

sory Councils on Early Care and Education and other relevant reports, reporting the findings of such review to Congress, and disseminating relevant research findings and best practices.

#### **SEC. 406. REPORTING REQUIREMENTS.**

(a) **REPORTS TO CONGRESS.**—For each year in which funding is provided under this title, the Secretary shall submit an annual report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the activities carried out under this title, including, at a minimum, information on the following:

(1) The activities undertaken by States to increase the availability of high-quality early learning programs.

(2) The number of children in high-quality early learning programs, and the change from the prior year, disaggregated by State, age, and race.

(3) The number of early learning providers enrolled, with assistance from funds under this title, in a program to obtain a credential or degree in early childhood education and the settings in which such providers work.

(4) A summary of State progress in implementing a system of early learning with the components described in section 403(c)(3).

(5) A summary of the research activities being conducted under section 405 and the findings of such research.

(b) **REPORTS TO SECRETARY.**—Each State that receives a grant under this title shall submit to the Secretary an annual report that includes, at a minimum, information on the activities carried out by the State under this title, including the following:

(1) The progress on fully implementing and integrating into a system of early learning each of the components described in section 403(c)(3).

(2) The State's progress in meeting its goals for increasing the number of disadvantaged children participating in high-quality early learning programs, disaggregated by child age.

(3) The number and percentage of disadvantaged children participating in early learning programs at each level of quality, disaggregated by race, family income, child age, disability, and limited English proficiency status.

(4) The number of providers participating in the State quality rating system, disaggregated by setting, rating, and the number of high-quality providers available in low-income communities.

(5) Information on how the funds provided under this title were used to increase the availability of high-quality early learning programs for each age group, disaggregated by race and limited English proficient status, to the maximum extent practicable.

(6) Information on professional development and training expenditures, including—

(A) the number of early learning providers engaged in such activities; and

(B) the number of early learning providers enrolled in programs to obtain a credential or degree in early childhood education, disaggregated by the type of credential and degree.

(7) The change in the number and percentage of early learning providers with appropriate credentials or degrees in early childhood education, including the change in compensation given to such providers, in comparison to the prior fiscal year, disaggregated by early learning setting and the type of credential or degree.

(8) In the case of a State receiving a grant under section 402(a), the percentage of children receiving assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) who participate in the highest quality early learning programs, disaggregated by program setting and child age.

(9) Barriers to expanding access to high-quality early learning programs for disadvantaged children.

#### **SEC. 407. CONSTRUCTION.**

Nothing in this title—

(1) shall be construed to require a child to participate in an early learning program; or

(2) shall be used to deny entry to kindergarten for any individual if the individual is legally eligible, as defined by State or local law.

#### **SEC. 408. DEFINITIONS.**

For purposes of this title:

(1) **CHILD.**—The term “child” refers to an individual from birth through the day the individual enters kindergarten.

(2) **DISADVANTAGED.**—The term “disadvantaged”, when used with respect to a child, means a child whose family income is described in section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(B)).

(3) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given such term in section 637 of the Head Start Act (42 U.S.C. 9832).

(4) **LIMITED ENGLISH PROFICIENT.**—The term “limited English proficient” has the meaning given such term in section 637 of the Head Start Act (42 U.S.C. 9832).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(6) **STATE.**—The term “State” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

#### **SEC. 409. AVAILABILITY OF FUNDS.**

There are authorized to be appropriated, and there are appropriated, to carry out this title (in addition to any other amounts appropriated to carry out this title and out of any money in the Treasury not otherwise appropriated) \$1,000,000,000 for each of fiscal years 2010 through 2017.

### **TITLE V—AMERICAN GRADUATION INITIATIVE**

#### **SEC. 501. AUTHORIZATION AND APPROPRIATION.**

(a) **AUTHORIZATION AND APPROPRIATION.**—There are authorized to be appropriated, and there are appropriated, to carry out this title (in addition to any other amounts appropriated to carry out this title and out of any money in the Treasury not otherwise appropriated), \$730,000,000 for each of the fiscal years 2010 through 2013, and \$680,000,000 for each of the fiscal years 2014 through 2019.

(b) **ALLOCATIONS.**—Of the amount appropriated under subsection (a)—

(1) \$630,000,000 shall be made available for each of the fiscal years 2010 through 2013 to carry out section 503;

(2) \$630,000,000 shall be made available for each of the fiscal years 2014 through 2019 to carry out section 504;

(3) \$50,000,000 shall be made available for each of the fiscal years 2010 through 2019 to carry out subsection (a) of section 505; and

(4) \$50,000,000 shall be made available for each of the fiscal years 2010 through 2013 to carry out subsections (b) and (c) of section 505.

(c) **RESPONSIBILITY.**—

(1) **IN GENERAL.**—With respect to sections 503 and 504, the Secretary of Education shall bear the responsibility for obligating and disbursing funds under such sections and ensuring compliance with applicable law and administrative requirements, subject to paragraph (2).

(2) **INTERAGENCY AGREEMENT.**—The Secretary of Education and the Secretary of Labor shall jointly administer sections 503 and 504 on such terms as such Secretaries shall set forth in an interagency agreement.

#### **SEC. 502. DEFINITIONS; GRANT PRIORITY.**

(a) **DEFINITIONS.**—In this title:

(1) **AREA CAREER AND TECHNICAL EDUCATION SCHOOL.**—The term “area career and technical

education school" has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) **COMMUNITY COLLEGE.**—The term "community college" means a public institution of higher education at which the highest degree that is predominantly awarded to students is an associate's degree.

(3) **ELIGIBLE ENTITY.**—The term "eligible entity" means—

(A) a community college or community college district;

(B) an area career and technical education school;

(C) a public four-year institution of higher education that—

(i) offers two-year degrees;

(ii) will use funds provided under this section for activities at the certificate and associate degree levels; and

(iii) is not reasonably close, as determined by the Secretary, to a community college;

(D) a public four-year institution of higher education that is in partnership with an eligible entity described in subparagraph (A), (B), or (C);

(E) a State that—

(i) is in compliance with section 137 of the Higher Education Act of 1965 (20 U.S.C. 1015f);

(ii) has an articulation agreement pursuant to section 486A of such Act (20 U.S.C. 1093a); and

(iii) is in partnership with an eligible entity described in subparagraph (A), (B), (C), or (D); or

(F) a consortium of at least 2 entities described in subparagraphs (A) through (E).

(4) **INDUSTRY OR SECTOR PARTNERSHIP.**—The term "industry or sector partnership" has the meaning given such term in section 782(f) of the Higher Education Act of 1965.

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) **PHILANTHROPIC ORGANIZATION.**—The term "philanthropic organization" has the meaning given such term in section 781(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)).

(7) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

(8) **STATE.**—The term "State" has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(9) **STATE PUBLIC EMPLOYMENT SERVICE.**—The term "State public employment service" refers to a State public employment service established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(10) **STATE WORKFORCE INVESTMENT BOARD; LOCAL WORKFORCE INVESTMENT BOARD.**—The terms "State workforce investment board" and "local workforce investment board" refer to a State workforce investment board established under section 111 of the Workforce Investment Act (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively.

(11) **SUPPORTIVE SERVICES.**—The term "supportive services" has the meaning given such term in section 101(46) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(46)).

(b) **GRANT PRIORITY.**—In addition to any grant priorities established under any other provision of this title, the Secretary, in awarding grants under this title, shall give priority to applications focused on serving low-income, non-traditional students who do not have a bachelor's degree, and who have one or more of the following characteristics:

(1) Are the first generation in their family to attend college.

(2) Have delayed enrollment in college.

(3) Have dependents.

(4) Are independent students.

(5) Work at least 25 hours per week.

(6) Are out-of-school youth without a high school diploma.

#### **SEC. 503. GRANTS TO ELIGIBLE ENTITIES FOR COMMUNITY COLLEGE REFORM.**

(a) **PROGRAM AUTHORIZATION.**—

(1) **GRANTS AUTHORIZED.**—

(A) **IN GENERAL.**—Subject to paragraph (2), from the amount appropriated to carry out this section, the Secretary, in coordination with the Secretary of Labor, shall award grants to eligible entities, on a competitive basis, to establish and support programs described in subparagraph (B) at eligible entities described in subparagraphs (A) through (D) of section 502(a)(3).

(B) **PROGRAMS.**—The programs to be established and supported with grants under subparagraph (A) (and carried out through activities described in subsection (f)) shall be programs—

(i) that are—

(1) innovative programs; or

(II) programs of demonstrated effectiveness, based on the evaluations of similar programs funded by the Department of Education or the Department of Labor, or other research of similar programs; and

(ii) that lead to the completion of a postsecondary degree, certificate, or industry-recognized credential leading to a skilled occupation in a high-demand industry.

(2) **LIMITATION.**—For each fiscal year for which funds are appropriated to carry out this section, the aggregate amount of the grants awarded to eligible entities that are States, or consortia that include a State, shall be not more than 50 percent of the total amount appropriated under section 501(b)(1) for such fiscal year.

(3) **PROHIBITION.**—The Secretary shall not award a grant to an eligible entity for the same activities that are being supported by other Federal funds.

(b) **GRANT DURATION AND AMOUNT.**—

(1) **DURATION.**—A grant under this section shall be awarded to an eligible entity for a 4-year period, except that if the Secretary determines that the eligible entity has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (g) by the end of the third year of such grant period, no further grant funds shall be made available to the entity after the date of such determination.

(2) **AMOUNT.**—The minimum amount of a total grant award under this section over the 4-year period of the award shall be \$750,000.

(c) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) enter into partnerships with—

(A) philanthropic or research organizations with expertise in meeting the goals of this section;

(B) businesses or industry or sector partnerships that—

(i) design and implement programs described in subsection (a)(1)(B);

(ii) pay a portion of the costs of such programs; and

(iii) agree to collaborate with one or more eligible entities to hire individuals who have completed a particular postsecondary degree, certificate, or credential program; or

(C) labor organizations that provide technical expertise for occupationally specific education necessary for an industry-recognized credential leading to a skilled occupation in a high-demand industry; or

(2) are institutions of higher education eligible for assistance under title III or V of the Higher Education Act of 1965, or consortia that include such an institution.

(d) **FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.**—

(1) **FEDERAL SHARE.**—The amount of the Federal share under this section for a fiscal year shall be not greater than ½ of the costs of the programs, services, and policies described in subsection (f) that are carried out under the grant.

(2) **NON-FEDERAL SHARE.**—

(A) **IN GENERAL.**—The amount of the non-Federal share under this section for a fiscal year shall be not less than ½ of the costs of the programs, services, and policies described in subsection (f) that are carried out under the grant. The non-Federal share may be in cash or in kind, and may be provided from State resources, local resources, contributions from private organizations, or a combination thereof.

(B) **FINANCIAL HARDSHIP WAIVER.**—The Secretary may waive or reduce the non-Federal share of an eligible entity that has submitted an application under this section if the entity demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(3) **SUPPLEMENT, NOT SUPPLANT.**—The Federal and non-Federal shares required by this section shall be used to supplement, and not supplant, State and private resources that would otherwise be expended to establish and support programs described in subsection (a)(1)(B) at eligible entities.

(e) **APPLICATION.**—An eligible entity seeking to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall describe the programs under subsection (a)(1)(B) that the eligible entity will carry out using the grant funds, (including the programs, services, and policies under subsection (f)), including—

(1) the goals of such programs, services, and policies;

(2) how the eligible entity will allocate grant funds for such programs, services, and policies;

(3) how such programs, services, and policies, and the resources of the eligible entity, will enable the eligible entity to meet the benchmarks developed pursuant to subsection (g), and how the eligible entity will track and report the entity's progress in reaching such benchmarks;

(4) how the eligible entity will use such programs, services, and policies to establish quantifiable targets for improving graduation rates and employment-related outcomes;

(5) how the eligible entity will serve high-need populations through such programs, services, and policies;

(6) how the eligible entity will partner with industry or sector partnerships in the State, the State public employment service, and State or local workforce investment boards in carrying out such programs, services, and policies;

(7) an assurance that the eligible entity will share information with the Learning and Earning Research Center established under section 505(b), once such Center is established;

(8) an assurance that the eligible entity will participate in the evaluation of such programs, services, and policies under subsection (i); and

(9) the potential for such programs, services, and policies to be replicated at other institutions of higher education.

(f) **USES OF FUNDS.**—An eligible entity receiving a grant under this section shall use the grant funds to carry out the programs described in subsection (a)(1)(B), which shall include at least 2 of the following activities:

(1) Developing and implementing policies and programs to expand opportunities for students at eligible entities described in subparagraphs (A) through (D) of section 502(a)(3) to earn bachelor's degrees by—

(A) facilitating the transfer of academic credits between institutions of higher education, including the transfer of academic credits for courses in the same field of study; and

(B) expanding articulation agreements and guaranteed transfer agreements between such institutions, including through common course numbering and general core curriculum.

(2) Expanding, enhancing, or creating academic programs or training programs, which shall be carried out with industry or sector partnerships or in partnership with employers and may include other relevant partners, that provide relevant job-skill training (including apprenticeships and worksite learning and training opportunities) for skilled occupations in high-demand industries.

(3) Providing student support services, including—

(A) intensive career and academic advising;

(B) labor market information and job counseling; and

(C) transitional job support, supportive services, or assistance in connecting students with community resources.

(4) Creating workforce programs that provide a sequence of education and occupational training that leads to industry-recognized credentials, including programs that—

(A) blend basic skills and occupational training that lead to industry-recognized credentials;

(B) integrate developmental education curricula and instruction with for-credit coursework toward degree or certificate pathways; or

(C) advance individuals on a career path toward high-wage occupations in high-demand industries.

(5) Building or enhancing linkages, including the development of dual enrollment programs and early college high schools, between—

(A) secondary education or adult education programs (including programs established under the Carl D. Perkins Career and Technical Education Act of 2006 and title II of the Workforce Investment Act of 1998 (29 U.S.C. 9201 et seq.)); and

(B) eligible entities described in subparagraphs (A) through (D) of section 502(a)(3).

(6) Implementing other innovative programs, services, and policies designed to—

(A) increase postsecondary degree, certificate, and industry-recognized credential completion rates, particularly with respect to groups underrepresented in higher education, at eligible entities described in subparagraphs (A) through (D) of section 502(a)(3); and

(B) increase the provision of training for students to enter skilled occupations in high-demand industries.

(7) Improving the timeliness of the process for creating degree, certificate, and industry-recognized credential programs at eligible entities described in subparagraphs (A) through (D) of section 502(a)(3) that—

(A) reflect and respond to regional labor market developments and trends;

(B) effectively address the workforce needs of employers in the State; and

(C) are designed in consultation with such employers.

(g) BENCHMARKS.—

(1) IN GENERAL.—Each eligible entity receiving a grant under this section shall develop quantifiable benchmarks on the following indicators (where applicable), to be approved by the Secretary:

(A) Closing gaps in enrollment and completion rates for—

(i) groups underrepresented in higher education; and

(ii) groups of students enrolled at the eligible entity (or at an institution of higher education under the jurisdiction of the eligible entity, in

the case of an entity that is not an institution) who have the lowest enrollment and completion rates.

(B) Addressing local and regional workforce needs.

(C) Establishing articulation agreements between two-year and four-year public institutions of higher education within a State.

(D) Improving comprehensive employment and educational outcomes for postsecondary education and training programs, including—

(i) student persistence from one academic year to the following academic year;

(ii) the number of credits students earn toward a certificate or an associate's degree;

(iii) the number of students in developmental education courses who subsequently enroll in credit bearing coursework;

(iv) transfer of general education credits between institutions of higher education, as applicable;

(v) completion of industry-recognized credentials or associate's degrees to work in skilled occupations in high-demand industries;

(vi) transfers to four-year institutions of higher education; and

(vii) job placement related to skills training or associate's degree completion.

(2) REPORT.—The eligible entity receiving such a grant shall annually measure and report to the Secretary the progress of the entity in achieving the benchmarks developed pursuant to paragraph (1).

(h) PROVISION OF TRANSFER OF CREDIT INFORMATION IN COMMUNITY COLLEGE COURSE SCHEDULES.—To the maximum extent practicable, each community college receiving a grant under this section shall include in each electronic and printed publication of the college's course schedule, in a manner of the college's choosing, for each course listed in the college's course schedule, whether such course is transferable for credit toward the completion of a 4-year baccalaureate degree at a public institution of higher education in the State in which the college is located.

(i) EVALUATION.—The Secretary shall allocate not more than two percent of the funds appropriated under section 501(b)(1) to the Institute of Education Sciences to conduct evaluations, ending not later than January 30, 2014, that—

(1) assess the effectiveness of the grant programs carried out by each eligible entity receiving such a grant in—

(A) improving postsecondary education completion rates (disaggregated by age, race, ethnicity, sex, income, and disability);

(B) improving employment-related outcomes for students served by such programs;

(C) serving high-need populations; and

(D) building or enhancing working partnerships with the State public employment service or State or local workforce investment boards; and

(2) include any other information or assessments the Secretary may require.

(j) REPORT.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives an annual report on grants awarded under this section, including—

(1) the amount awarded to each eligible entity under this section;

(2) a description of the activities conducted by each eligible entity receiving a grant under this section; and

(3) a summary of the results of the evaluations submitted to the Secretary under subsection (i) and the progress each eligible entity made toward achieving the benchmarks developed under subsection (g).

#### SEC. 504. GRANTS TO ELIGIBLE STATES FOR COMMUNITY COLLEGE PROGRAMS.

(a) PROGRAM AUTHORIZATION.—From the amount appropriated to carry out this section,

the Secretary, in coordination with the Secretary of Labor, shall award grants to eligible States, on a competitive basis, to implement the systematic reform of community colleges located in the State by carrying out programs, services, and policies that demonstrated effectiveness under the evaluation described in section 503(i).

(b) ELIGIBLE STATE.—In this section, the term “eligible State” means a State that demonstrates to the Secretary in the application submitted pursuant to subsection (e) that the State—

(1) has a plan under section 782 of the Higher Education Act of 1965 to increase the State's rate of persistence in and completion of postsecondary education that takes into consideration and involves community colleges located in such State;

(2) has a statewide longitudinal data system that includes data with respect to community colleges;

(3) has an articulation agreement pursuant to section 486A of the Higher Education Act of 1965 (20 U.S.C. 1093a);

(4) is in compliance with section 137 of such Act (20 U.S.C. 1015f); and

(5) meets any other requirements the Secretary may require.

(c) GRANT DURATION; RENEWAL.—A grant awarded under this section shall be awarded to an eligible State for a 6-year period, except that if the Secretary determines that the eligible State has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (g) by the end of the third year of the grant period, no further grant funds shall be made available to the entity after the date of such determination.

(d) FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.—

(1) FEDERAL SHARE.—The amount of the Federal share under this section for a fiscal year shall be not greater than ½ of the costs of the reform described in subsection (f) that is carried out with the grant.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The amount of the Non-Federal share under this section for a fiscal year shall be not less than ½ of the costs of the reform described in subsection (f) that is carried out with the grant. The non-Federal share may be in cash or in kind, and may be provided from State resources, local resources, contributions from private organizations, or a combination thereof.

(B) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce the non-Federal share of an eligible State that has submitted an application under this section if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(3) SUPPLEMENT, NOT SUPPLANT.—The Federal and non-Federal share required by this section shall be used to supplement, and not supplant, State and private resources that would otherwise be expended to carry out the systematic reform of community colleges in a State.

(e) APPLICATION.—An eligible State desiring to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall describe the programs, service, and policies to be used by the State to achieve the systematic reform described in subsection (f), including—

(1) the goals of such programs, services, and policies;

(2) how the State will allocate grant funds to carry out such programs, services, and policies, including identifying any State or private entity that will administer such programs, services, and policies;

(3) how such programs, services, and policies will enable the State to—

(A) meet the benchmarks developed pursuant to subsection (g), and how the State will track and report the State's progress in reaching such benchmarks; and

(B) benefit students attending all community colleges within the State;

(4) how the State will use such programs, services, and policies to establish quantifiable targets for improving graduation rates and employment-related outcomes;

(5) how the State will serve high-need populations through such programs, services, and policies;

(6) how the State will partner with the State public employment service and State or local workforce investment boards in carrying out such programs, services, and policies;

(7) how the State will evaluate such programs, services, and policies, which may include participation in national evaluations; and

(8) how the State will involve community colleges and community college faculty in the planning, implementation, and evaluation of such programs, services, and policies.

(f) **USES OF FUNDS.**—An eligible State receiving a grant under this section shall use the grant funds to implement the systematic reform of community colleges located in the State by carrying out programs, services, and policies that the Secretary has determined to have demonstrated effectiveness based on the results of the evaluation described in section 503(i). States shall allocate not less than 90 percent of such grant funds to community colleges within the State.

(g) **BENCHMARKS.**—

(1) **IN GENERAL.**—Each eligible State receiving a grant under this section shall, in consultation with the Secretary, develop quantifiable benchmarks on the indicators identified in section 503(f)(1).

(2) **PROGRESS.**—An eligible State receiving such a grant shall annually measure and report to the Secretary progress in achieving the benchmarks developed pursuant to paragraph (1).

(h) **REPORT.**—

(1) **REPORTS TO THE SECRETARY.**—Each eligible State receiving a grant under this section shall annually submit to the Secretary and the Secretary of Labor a report on such grant, including—

(A) a description of the systematic reform carried out by the State using such grant; and

(B) the outcome of such reform, including the State's progress in achieving the benchmarks developed under subsection (g).

(2) **REPORTS TO CONGRESS.**—Not later than 6 months after the end of the grant period, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a summary of the reports submitted under paragraph (1) with respect to such grant period.

(i) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) community colleges play an important role in preparing and training students seeking to enter the workforce;

(2) it is vital that all States have access to the resources and assistance needed to compete for grants authorized under this section; and

(3) in executing the grant program authorized under this section, the Secretary will make available any and all assistance, guidance, and support to States seeking to compete for grants authorized under this section and will work to ensure that such grants are distributed in a fair and equitable manner.

#### **SEC. 505. NATIONAL ACTIVITIES.**

(a) **OPEN ONLINE EDUCATION.**—From the amount appropriated to carry out this section, the Secretary is authorized to make competitive

grants to, or enter into contracts with, institutions of higher education, philanthropic organizations, and other appropriate entities to develop, evaluate, and disseminate freely-available high-quality online training, high school courses, and postsecondary education courses. Entities receiving funds under this subsection shall ensure that electronic and information technology activities meet the access standards established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(b) **LEARNING AND EARNING RESEARCH CENTER.**—

(1) **IN GENERAL.**—From the amount appropriated to carry out this section, the Director of the Institute of Education Sciences is authorized to award a grant to, or enter into a contract with, an organization with demonstrated expertise in the research and evaluation of community colleges to establish and operate the Learning and Earning Research Center (in this section referred to as the "Center").

(2) **GRANT TERM.**—The grant or contract awarded under this section shall be awarded for a period of not more than 4 years.

(3) **BOARD.**—The Center shall have an independent advisory board of 9 individuals who—

(A) are appointed by the Secretary, based on recommendations from the organization receiving the grant or contract under this section; and

(B) who have demonstrated expertise in—

- (i) data collection;
- (ii) data analysis; and
- (iii) econometrics, postsecondary education, and workforce development research.

(4) **CENTER ACTIVITIES.**—The Center shall—

(A) develop—

(i) peer-reviewed metrics to help consumers make sound education and training choices, and to help students, workers, schools, businesses, researchers, and policymakers assess the effectiveness of community colleges, and courses of study at such colleges, in meeting education and employment objectives and serving groups that are underrepresented in postsecondary education;

(ii) common metrics and data elements to measure the education and employment outcomes of students attending community colleges;

(B) coordinate with the Institute of Education Sciences and States receiving a grant under subsection (c) to develop—

(i) standardized data elements, definitions, and data-sharing protocols to make it possible for data systems related to postsecondary education to be linked and interoperable, and for best practices to be shared among States;

(ii) standards and processes for facilitating sharing of data in a manner that safeguards student privacy; and

(C) develop and make widely available materials analyzing best practices and research on successful postsecondary education and training efforts;

(D) make the data and metrics developed pursuant to subparagraph (A) available to the public in a transparent, user-friendly format that is accessible to individuals with disabilities; and

(E) consult with representatives from States with respect to the activities of the Center.

(c) **STATE SYSTEMS.**—

(1) **IN GENERAL.**—From the amount appropriated to carry out this section, the Secretary is authorized to award grants to States or consortia of States to establish cooperative agreements to develop, implement, and expand interoperable statewide longitudinal data systems that—

(A) collect, maintain, disaggregate (by institution, income, race, ethnicity, sex, disability, and age), and analyze student data from community colleges, including data on the programs of study and education and employment outcomes for particular students, tracked over time; and

(B) can be linked to other data systems, as applicable, including elementary and secondary education and workforce data systems.

(2) **SUPPLEMENT, NOT SUPPLANT.**—Funds appropriated to carry out this subsection shall be used to supplement, and not supplant, other Federal and State resources that would otherwise be expended to carry out statewide longitudinal data systems, including funding appropriated for State Longitudinal Data Systems in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

(3) **PRIVACY AND ACCESS TO DATA.**—

(A) **IN GENERAL.**—Each State or consortia that receives a grant under this subsection or any other provision of this Act shall implement measures to—

(i) ensure that the statewide longitudinal data system under this subsection and any other data system the State or consortia is operating for the purposes of this Act meet the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the "Family Educational Rights and Privacy Act of 1974");

(ii) limit the use of information in any such data system by governmental agencies in the State, including State agencies, State educational authorities, local educational agencies, community colleges, and institutions of higher education, to education and workforce related activities under this Act or education and workforce related activities otherwise permitted by Federal or State law;

(iii) prohibit the disclosure of personally identifiable information except as permitted under section 444 of the General Education Provisions Act and any additional limitations set forth in State law;

(iv) keep an accurate accounting of the date, nature, and purpose of each disclosure of personally identifiable information in any such data system, a description of the information disclosed, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(v) notwithstanding section 444 of the General Education Provisions Act, require any non-governmental party obtaining personally identifiable information to sign a data use agreement prior to disclosure that—

(I) prohibits the party from further disclosing the information;

(II) prohibits the party from using the information for any purpose other than the purpose specified in the agreement; and

(III) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(vi) maintain adequate security measures to ensure the confidentiality and integrity of any such data system, such as protecting a student record from identification by a unique identifier;

(vii) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(viii) ensure adequate enforcement of the requirements of this paragraph.

(B) **USE OF UNIQUE IDENTIFIERS.**—It shall be unlawful for any Federal, State, or local governmental agency to—

(i) use the unique identifiers employed in such data systems for any purpose other than as authorized by Federal or State law; or

(ii) deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(d) **REPORT.**—The Secretary shall submit to the Committee on Health, Education, Labor,

*and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives an annual report on the amounts awarded to entities receiving grants or contracts under this section, and the activities carried out by such entities under such grants and contracts.*

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-256. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-256.

Mr. GEORGE MILLER of California. I have a manager's amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

Page 11, after line 21, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(b) MULTIPLE PELL GRANT AWARDS.—Section 401(b)(5) (20 U.S.C. 1070a(b)(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting “who is making satisfactory academic progress according to the institution's standards” after “award a student”; and

(B) by striking “to permit such student to accelerate the student's progress toward a degree or certificate” and inserting “to permit such student to accelerate the student's graduation date, whether making full- or part-time progress toward a degree or certificate.”; and

(2) by adding at the end the following new subparagraph:

“(C) A student may not receive a combination of first and second scheduled award funds under this paragraph that exceeds the amount the student would otherwise be eligible to receive for the payment period.”.

Page 11, line 22, redesignate subsection (b) as subsection (c).

Page 13, line 10, redesignate subsection (c) as subsection (d).

Page 13, line 11, strike “(a) and (b)” and insert “(a) and (c)”.

Page 12, line 17, strike “483(e)(3)(ii)” and insert “483(e)(3)(A)(ii)”.

Page 15, line 8, strike the quotation marks and the second period.

Page 15, after line 8, insert the following:

“(3) EXPIRATION OF AUTHORITY.—The authority to award grants under this part shall expire at the end of fiscal year 2014.”.

Page 19, line 6, strike “two-year and four-year” and insert “public two-year and public four-year”.

Page 19, line 10, insert “in consultation with faculty from participating institutions” after “institutions”.

Page 21, line 4, strike “polices” and insert “practices”.

Page 21, lines 7 through 9, strike “for all categories” and all that follows through “in the State”.

Page 21, line 13, insert “and” after the semicolon.

Page 21, beginning on line 14, strike clause (iv).

Page 21, line 20, strike “(v)” and insert “(iv)”.

Page 23, beginning on line 5, strike paragraph (3) and insert the following:

“(3) SUBGRANTS TO NONPROFIT ORGANIZATIONS.—

“(A) IN GENERAL.—A State receiving a payment under this section may elect to make a subgrant to one or more nonprofit organizations in the State, or a partnership of such organizations, to carry out activities and services described in subsection (d)(1), if the nonprofit organization or partnership—

“(i) was in existence on the day before the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009; and

“(ii) as of such day, was participating in activities and services related to promoting persistence in, and completion of, postsecondary education, such as the activities and services described in subsection (d)(1).

“(B) NONPROFIT ORGANIZATIONS.—For the purposes of this section, nonprofit organizations in a State include—

“(i) agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009;

“(ii) nonprofit subsidiaries of agencies described in clause (i), if such subsidiaries were established, pursuant to the law of such State, on or before January 1, 1998; and

“(iii) eligible not-for-profit servicers, as defined in section 456(d), with an agreement with the Secretary under subsection (a)(3) of section 456, except that such a servicer shall only be eligible for a subgrant from the State for which the servicer is receiving an allocation under such agreement.

Page 24, after line 9, insert the following:

“(C) A nonprofit subsidiary of agencies described in subparagraph (B), if such subsidiary was established, pursuant to the law of such State, on or before January 1, 1998.

Page 25, line 3, strike “and”.

Page 25, after line 5, insert the following:

“(vi) assisting institutions of higher education institute programs of persistence focused on students at risk of not completing; and

Page 25, line 5, before the semicolon insert “, in accordance with such section”.

Page 27, beginning on line 1, strike “, at the appropriate stage of development of the partnership”.

Page 27, line 8, strike “central labor coalitions” and insert “trade unions or consortia of trade unions”.

Page 28, beginning on line 17, strike paragraph (3) and insert the following:

“(3) nonprofit organizations with demonstrated experience in the support, improvement, or operation of programs to increase postsecondary completion, including—

“(A) agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of the enactment of the Student Aid and Fiscal Responsibility Act of 2009;

“(B) nonprofit subsidiaries of agencies described in subparagraph (A), if such subsidiaries were established, pursuant to State law, on or before January 1, 1998; and

“(C) eligible not-for-profit servicers, as defined in section 456(d), with an agreement

with the Secretary under subsection (a)(3) of section 456, except that such a servicer shall only be eligible for a subgrant from the State for which the servicer is receiving an allocation under such agreement;

Page 33, beginning on line 14, strike section 785 and insert the following:

**“SEC. 785. PARTICIPATION OF PRIVATE, NON-PROFIT INSTITUTIONS OF HIGHER EDUCATION.**

“(a) VOLUNTARY PARTICIPATION.—A private, nonprofit institution of higher education may voluntarily elect to participate in a State's efforts under this part to increase postsecondary enrollment, persistence, and completion. A State—

“(1) shall not require any private, nonprofit institution to participate in such efforts; and

“(2) may require such an institution that voluntarily elects to participate in such efforts to provide appropriate information to allow the State to assess the institution's progress towards the goals described in subclauses (I) and (II) of section 782(c)(2)(A)(i).

“(b) RULE OF CONSTRUCTION.—Nothing in this part, including voluntary participation described in subsection (a), shall be construed to—

“(1) authorize the Secretary, a State, or an officer or employee of the Department or of a State to exercise any direction, supervision, or control other than that is currently granted over a private, nonprofit institution of higher education, including control over curriculum, program of instruction, administration, governance, personnel, articulation, the awarding of credit, graduation or degree requirements, or admissions;

“(2) authorize the Secretary, a State, or an officer or employee of the Department or of a State to require a private, nonprofit institution of higher education to participate in a longitudinal data system; or

“(3) limit the application of the General Education Provisions Act.

“(c) ENFORCEMENT.—If any State fails or refuses to comply with any provision of this section, the State shall no longer be eligible for assistance under this part.”.

Page 36, line 21, strike “2019.” and insert “2019. The authority to award grants under this section shall expire at the end of fiscal year 2019.”.

Page 38, line 4, insert a period after “318(e)”.

Page 38, line 25, insert a period after “such section”.

Page 39, line 8, after the period insert “The authority to award grants under part N of title VIII of such Act shall expire at the end of fiscal year 2010.”.

Page 40, beginning on line 13, strike “awarded to the student under” and insert “first disbursed to the student before July 1, 2010, under”.

Page 41, line 3, strike “awarded” and insert “disbursed”.

Page 41, strike lines 4 through 9 and insert “student under part D (including a Federal Direct PLUS loan disbursed to a parent on behalf of the student), or first disbursed to the student under part E before July 1, 2010, for such payment period or period of enrollment; minus”.

Page 43, line 16, strike “when such student returns from such service” and insert “upon termination of the deployment of such student for such service”.

Page 43, beginning on line 17, amend section 106 to read as follows:

**SEC. 106. VETERANS RESOURCE OFFICER GRANTS.**

Section 873 (20 U.S.C. 1161t) is amended—

(1) by amending the header to read as follows: **“MODEL PROGRAMS FOR CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS; VETERANS RESOURCE OFFICERS”**;

(2) in subsection (a), by inserting “, or the hiring of Veterans Resource Officers,” after “model programs”;

(3) by amending subsection (b) to read as follows:

“(b) GRANT AUTHORIZED.—

“(1) IN GENERAL.—Subject to the availability of appropriations under subsection (f), the Secretary shall award grants to institutions of higher education to—

“(A) develop model programs to support veteran student success in postsecondary education; or

“(B) hire a Veterans Resource Officer to increase the college completion rates for veteran students enrolled at such institutions of higher education.

“(2) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 3 years.”; and

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by amending the header to read as follows: **“MODEL PROGRAM REQUIRED ACTIVITIES”**; and

(ii) in the matter preceding subparagraph (A), by striking “under this section” and inserting “for the purpose described in subsection (b)(1)(A)”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) VETERANS RESOURCE OFFICER REQUIRED ACTIVITIES.—An institution of higher education receiving a grant for the purpose described in subsection (b)(1)(B) shall use such grant to hire a Veterans Resource Officer whose duties shall include—

“(A) serving as a liaison between—

“(i) veteran students;

“(ii) the faculty and staff of the institution; and

“(iii) local facilities of the Department of Veterans Affairs;

“(B) organizing and advising veteran student organizations and hosting veterans-oriented group functions on campus;

“(C) distributing news and information to all veteran students, including through maintaining newsletters and listserves; and

“(D) assisting in the training of Department of Veterans Affairs certifying officials, when applicable.”.

Page 47, after line 6, insert the following new sections:

**SEC. 107. OFFICER DANIEL FAULKNER CHILDREN OF FALLEN HEROES SCHOLARSHIP.**

(a) SHORT TITLE.—This section may be cited as the “Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2009”.

(b) CALCULATION OF ELIGIBILITY.—Section 473(b) (20 U.S.C. 1087mm(b)(2)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “(in the case of a student who meets the requirement of subparagraph (B)(i)), or academic year 2010-2011 (in the case of a student who meets the requirement of subparagraph (B)(ii)),” after “academic year 2009-2010”; and

(B) by amending subparagraph (B) to read as follows:

“(B) whose parent or guardian was—

“(i) a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; or

“(ii) was actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and”;

(2) in paragraph (3)—

(A) by striking “Notwithstanding” and inserting the following:

“(A) ARMED FORCES.—Notwithstanding”;

(B) by striking “paragraph (2)” and inserting “subparagraphs (A), (B)(i), and (C) of paragraph (2)”;

(C) by adding at the end the following:

“(B) PUBLIC SAFETY OFFICERS.—Notwithstanding any other provision of law, unless the Secretary establishes an alternate method to adjust the expected family contribution, a financial aid administrator shall adjust the expected family contribution in accordance with this subsection for each student who meets the requirements of subparagraphs (A), (B)(ii), and (C) of paragraph (2).”; and

(3) by adding at the end the following:

“(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968, in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under subparagraph (A), shall not be considered in calculating that student’s educational assistance benefits under the Public Safety Officer’s Benefits program.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘public safety officer’ means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

“(B) the term ‘law enforcement officer’ means an individual who—

“(i) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; and

“(ii) has statutory powers of arrest or apprehension;

“(C) the term ‘firefighter’ means an individual who is trained in the suppression of fire or hazardous-materials response and has the legal authority to engage in these duties;

“(D) the term ‘member of a rescue squad or ambulance crew’ means an individual who is an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

“(E) the term ‘public agency’ means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing, and the Amtrak Police and Federal Reserve Police departments.”.

**SEC. 108. TEACHER EXCELLENCE.**

(a) ESTABLISHMENT.—The Secretary of Education may make grants to local educational agencies for the purpose of improving teacher excellence in public elementary and secondary schools.

(b) USE OF FUNDS.—Grants under this section shall be used for the establishment, expansion, or improvement of—

(1) professional development activities that are aligned to the curriculum and student academic needs;

(2) mentoring and induction programs for new teachers and principals; or

(3) career ladders that allow teachers to take on new professional roles, such as career teachers, mentor teachers, and master teachers.

(c) APPLICATION.—A local educational agency desiring a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and each of the 5 succeeding fiscal years.

Page 48, lines 1 and 2, strike “Grant, a Federal Direct Stafford Loan, or work assistance under” and insert “Grant or a Federal Direct Stafford Loan under”.

Page 50, line 20, insert a period after “section 480”.

Page 57, line 2, insert “the” after “enactment of”.

Page 59, line 16, through page 60, line 3, strike paragraph (1) and insert the following:

(1) in subsection (a)(4)(A), by inserting “, and first disbursed before July 1, 2010” after “under this part”;

Page 62, line 7, strike the comma after “2010”.

Page 62, line 3, strike the comma after “428C”.

Page 65, line 7, strike “; and” and insert “; or”.

Page 65, line 15, after “loan” insert “(or, if the holder acts as eligible lender trustee for the beneficial owner of the loan, the beneficial owner of the loan).”.

Page 65, line 23, through page 66, line 13, strike subclause (III) and insert the following:

“(III) TERMS OF WAIVER.—

“(aa) IN GENERAL.—A waiver pursuant to subclause (II)(bb) shall be in a form (printed or electronic) prescribed by the Secretary, and shall be applicable to—

“(AA) all loans described in such subclause that the lender holds solely in its own right under any lender identification number associated with the holder (pursuant to section 487B);

“(BB) all loans described in such subclause for which the beneficial owner has the authority to make an election of a waiver under such subclause, regardless of the lender identification number associated with the loan or the lender that holds the loan as eligible lender trustee on behalf of such beneficial owner; and

“(CC) all future calculations of the special allowance on loans that, on the date of such waiver, are loans described in subitem (AA) or (BB), or that, after such date, become loans described in subitem (AA) or (BB).

“(bb) EXCEPTIONS.—Any waiver pursuant to subclause (II)(bb) that is elected for loans described in subitem (AA) or (BB) of item (aa) shall not apply to any loan described in such subitem for which the lender or beneficial owner of the loan demonstrates to the satisfaction of the Secretary that—

“(AA) in accordance with an agreement entered into before the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009 by which such lender or owner is governed and that applies to such loans, such lender or owner is not legally permitted to make an election of such waiver with respect to such loans without the approval of one or more third parties with an interest in the loans, and that the lender or owner followed all available options under such agreement to obtain such approval, and was unable to do so; or

“(BB) such lender or beneficial owner presented the proposal of electing such a waiver applicable to such loans associated with an obligation rated by a nationally recognized statistical rating organization (as defined in section 3(a)(62) of the Securities Exchange Act of 1934), and such rating organization provided a written opinion that the agency would downgrade the rating applicable to such obligation if the lender or owner elected such a waiver.”.

Page 66, line 18, after “any loan” insert “in which the Secretary has purchased a participation interest and”.

Page 66, beginning on line 21, strike “and that is held” and all that follows through “the Secretary” on line 23.

Page 69, beginning on line 15, strike paragraph (2) and insert the following:

(2) **EFFECTIVE DATE.**—The amendments made by subparagraph (C) of paragraph (1) shall be effective as if enacted as part of section 102(a)(1) of the Higher Education Opportunity Act, in accordance with section 102(e) of such Act, as amended by section 101(a)(2) of Public Law 111–39.

Page 71, line 24, insert “located in the United States” before “at which”.

Page 72, line 7, insert “(employed in the United States)” after “employees”.

Page 72, line 20, after “2009,” insert “non-profit subsidiaries of such an agency.”.

Page 72, line 21, after “agencies” insert “, subsidiaries.”.

Page 72, line 24, after “agencies” insert “, subsidiaries.”.

Page 73, line 5, strike “State agencies, and” and insert “agencies, subsidiaries, and”.

Page 73, line 9, strike “State agencies and” and insert “such agencies, subsidiaries, and”.

Page 73, line 10, strike “such”.

Page 74, line 1, strike “one or more” and insert “at least one”.

Page 74, strike “may take” on line 12 through “the servicer.” on line 13, and insert “shall set such rate so that (i) the rate is commercially reasonable in relation to the volume of loans being serviced by the eligible not-for-profit servicers, and (ii) in the Secretary’s judgment, the eligible not-for-profit servicers can reasonably provide any additional services, such as default aversion or outreach, provided for in the contracts awarded under this paragraph.”.

Page 74, beginning on line 22, strike “on an annual basis” and insert “each year”.

Page 75, line 13, strike “on an annual basis” and insert “each year”.

Page 76, beginning on line 9, strike subparagraph (C) and insert the following:

“(C) **LOAN SERVICING RETENTION.**—

“(i) **IN GENERAL.**—In addition to any new loans allocated to a servicers under subparagraph (B)(ii), an eligible not-for-profit servicer shall retain the servicing of loans allocated to such servicer in previous years, except as provided in clause (ii), or as otherwise provided for in accordance with the terms of a contract under this paragraph.

“(ii) **TRANSFERS FOR MULTIPLE LOANS.**—Notwithstanding clause (i) and the allocations required by subparagraph (B), the Secretary may transfer loans among servicers who are awarded contracts to service loans pursuant to this section to ensure that the loans of any single borrower remain with a single servicer.

Page 76, line 17, strike “3 years” and insert “5 years”.

Page 77, beginning on line 14, strike “, including due diligence activities required pursuant to regulations”.

Page 77, beginning on line 16, strike paragraph (2) and insert the following:

“(2) **ELIGIBLE NOT-FOR-PROFIT SERVICER.**—

“(A) **IN GENERAL.**—The term ‘eligible not-for-profit servicer’ means an entity—

“(i) that is not owned or controlled in whole or in part by—

“(I) a for profit entity; or

“(II) a nonprofit entity having its principal place of business in another State; and

“(ii) that—

“(I) as of July 1, 2009—

“(aa) meets the definition of an eligible not-for-profit holder under section 435(p), except that such term does not include eligible lenders described in paragraph (1)(D) of such section; and

“(bb) was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title;

“(II) notwithstanding subclause (I), as of July 1, 2009—

“(aa) is the sole beneficial owner of a loan for which the special allowance rate is calculated under section 438(b)(2)(I)(vi)(II) because the loan is held by an eligible lender trustee that is an eligible not-for-profit holder as defined under section 435(p)(1)(D); and

“(bb) was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title; or

“(III) is an affiliated entity of an eligible not-for-profit servicer described in subclause (I) or (II) that—

“(aa) directly employs, or will directly employ (on or before the date the entity begins servicing loans under a contract awarded by the Secretary pursuant to subsection (a)(3)(A)), the majority of individuals who perform borrower-specific student loan servicing functions; and

“(bb) as of July 1, 2009, was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title.

“(B) **AFFILIATED ENTITY.**—For the purposes of subparagraph (A), the term ‘affiliated entity’—

“(i) means an entity contracted to perform services for an eligible not-for-profit servicer that—

“(I) is a nonprofit entity or is wholly owned by a nonprofit entity; and

“(II) is not owned or controlled, in whole or in part, by—

“(aa) a for-profit entity; or

“(bb) an entity having its principal place of business in another State; and

“(ii) may include an affiliated entity that is established by an eligible not-for-profit servicer after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, if such affiliated entity is otherwise described in subparagraph (A)(ii)(III) and clause (i) of this subparagraph.

Page 80, after line 22, insert the following new section:

#### **SEC. 216. TECHNICAL ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.**

Section 458(a) (20 U.S.C. 1087h(a)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

“(5) **TECHNICAL ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.**—

“(A) **PROVISION OF ASSISTANCE.**—The Secretary shall provide institutions of higher

education participating, or seeking to participate, in the loan programs under this part with technical assistance in establishing and administering such programs, including assistance for an institution of higher education during such institution’s transition into such programs. Such assistance may include technical support, training for personnel, customized assistance to individual institutions of higher education, development of informational materials, and other services the Secretary determines to be appropriate.

“(B) **FUNDS.**—There are—

“(i) authorized to be appropriated, and there are appropriated, to carry out this paragraph (in addition to any other amounts appropriated to carry out this subparagraph and out of any money in the Treasury not otherwise appropriated), \$50,000,000 for fiscal year 2010; and

“(ii) authorized to be appropriated such sums as may be necessary to carry out this paragraph for fiscal years 2011 through 2014.”.

Page 84, line 8, insert “(except as provided in paragraphs (3) and (4))” after “as follows”.

Page 85, after line 12, insert the following new paragraphs:

“(3) **REQUIRED MINIMUM AMOUNT.**—Notwithstanding paragraph (1), in no case shall the sum of a participating institution’s allocation of loan authority computed under subsections (c), (d), and (e) be less than the average of the institution’s total principal amount of loans made under this part for each of the academic years 2003–2004 through 2007–2008.

“(4) **ADDITIONAL ADJUSTMENTS.**—If the Secretary determines that the sum of a participating institution’s allocation of loan authority under subsections (c), (d), and (e) is below the minimum amount required under paragraph (3), the Secretary shall—

“(A) for each institution for which the minimum amount under paragraph (3) is not satisfied, increase the amount of such sum to the amount of the required minimum under such paragraph; and

“(B) ratably reduce the amount of the sum of such loan authority of all participating institutions not described in subparagraph (A).

Page 87, beginning on line 20, strike paragraph (3).

Page 88, beginning on line 1, strike paragraph (4).

Page 96, line 14, insert “in” after “specified”.

Page 97, line 8, strike “(a)”.

Page 105, line 2, strike the period after the second semicolon and insert “and”.

Page 105, strike lines 3 through 20, and insert the following:

(3) in paragraph (2), by adding at the end the following new subparagraph:

“(C) **EXCEPTION.**—Notwithstanding subparagraphs (A) and (B), an institution that fails to meet the requirements of subsection (a)(24) for two consecutive institutional fiscal years, and the second such institutional fiscal year ends after July 1, 2008, and before July 1, 2011, shall not be determined ineligible in accordance with subparagraph (A) unless the institution fails to meet the requirements of subsection (a)(24) for a third consecutive institutional fiscal year.”.

Page 111, line 22, insert “, including life-cycle cost effectiveness,” before “and waste”.

Page 117, beginning on line 7 strike “including, where applicable, early learning facilities, based” and insert “(including early learning facilities, as appropriate), based”.

Page 122, line 11, insert “(including early learning facilities, as appropriate)” after “facilities”.

Page 131, after line 7, insert the following:  
(d) **TERMINATION.**—The authority to establish and maintain the Advisory Council under this section shall expire at the close of September 30, 2011.

Page 132, after line 6, insert the following:  
(d) **SUNSET.**—The authority to award grants under this subtitle shall expire at the end of fiscal year 2011.

Page 138, after line 8, insert the following:  
“(K) Expansion or building of computer lab facilities, including facilities used to provide information technology training to students and members of the public.”.

Page 138, line 9, redesignate subparagraph (K) as subparagraph (L).

Page 138, line 12, redesignate subparagraph (L) as subparagraph (M).

Page 141, line 1, strike “(f)” and insert “(e)”.

Page 141, line 16, strike “(g)” and insert “(f)”.

Page 141, line 21, strike “(h)” and insert “(g)”.

Page 143, line 10, strike “(i)” and insert “(h)”.

Page 143, strike line 15, and insert the following: “year 2010, which shall remain available until expended. The authority to award grants under this section shall expire at the end of fiscal year 2010.”.

Page 144, line 7, strike “, and improve” and insert “and”.

Page 146, line 8, after “children” insert “, including programs receiving funds under section 611(h)(4) and 643(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(h)(4); 1443(b))”.

Page 146, beginning on line 23, strike “determined by the Secretary to qualify for receipt of” and insert “with an approved application for”.

Page 148, line 10, after the semicolon, insert “and”.

Page 148, strike lines 11 through 14.

Page 148, line 15, strike “(3)” and insert “(2)”.

Page 151, line 18, strike “and” at the end.

Page 151, line 22, strike the period at the end and insert “; and”.

Page 151, after line 22, insert the following:  
(E) committing State resources for supporting early learning programs and services.

Page 154, line 24, strike “, as appropriate,”.

Page 154, line 25, after “standards” insert “, as appropriate,”.

Page 156, line 3, after “including” insert “the”.

Page 156, line 6, strike “providers” and insert “early learning programs”.

Page 157, line 22, before “program” insert “early learning”.

Page 158, line 1, before “disability,” insert “dental, developmental delay and”.

Page 161, after line 20, insert the following:  
(14) A description of how the State will implement a process for improving the quality of early learning services to better meet the needs of children who have experienced abuse or neglect, been exposed to violence, toxic stress, parental substance abuse, mental illness, or homelessness, or have had early behavioral and peer relationship problems, including addressing appropriate professional development, programmatic practices, classroom environment, and outreach and support to meet the needs of such children.

Page 161, line 21, redesignate paragraph (14) as paragraph (15).

Page 165, line 5, insert “early learning” before “program”.

Page 165, line 13, before “disability,” insert “dental, developmental delay and”.

Page 167, line 5, strike “services,” and insert “services (or, if the State can demonstrate that it is already meeting the needs of such children in such manner, the State may apply to expand access for disadvantaged children in such manner and the State’s application may not be adversely treated due to such request).”.

Page 168, line 16, strike “to” and insert “that”.

Page 168, line 18, strike “allow a State to become eligible and competitive” and insert “improve a State’s competitiveness”.

Page 171, line 24, strike “could include determining” and insert “may include”.

Page 172, line 1, after “(i)” insert “examining”.

Page 172, line 4, after “(ii)” insert “examining”.

Page 172, line 6, after “(iii)” insert “examining”.

Page 172, line 9, after “(iv)” insert “examining”.

Page 172, line 12, after “(v)” insert “examining”.

Page 172, line 14, strike “and” at the end.

Page 172, line 15, after “(vi)” insert “examining”.

Page 172, after line 20, insert the following:  
(vii) Supporting the development of valid and reliable assessments of young children and program quality, including in domains including language, literacy, mathematics, science, social and emotional development, and approaches to learning, with particular attention to development of assessments of domains for which there are few appropriate assessments, that are—

(I) developmentally, linguistically, and culturally appropriate for the population served, including children with disabilities and children with limited English proficiency;

(II) consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children;

(III) consistent with the guidelines on assessment for improved practice and for accountability in the National Research Council Committee on Developmental Outcomes and Assessments for Young Children; and

Beginning on page 172, strike line 23 through page 173, line 6, and insert the following:

(4) Not later than 18 months after the date of the enactment of this Act, conducting a review of the statewide strategic reports developed by the State Advisory Councils on Early Care and Education (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))) and other relevant information (including information reported by States under section 406(b)(9)) to evaluate barriers to increasing access to high-quality early learning programs for low-income children, reporting on the findings of such review, and disseminating relevant findings and best practices.

Page 174, line 12, before “progress” insert “State’s”.

Page 174, line 24, strike “providers” and insert “early learning programs”.

Page 175, line 1, strike “providers” and insert “early learning programs”.

Page 175, line 7, strike “proficient” and insert “proficiency”.

Page 175, line 10, after “providers” insert “and early learning programs”.

Page 175, line 18, strike “appropriate”.

Page 177, line 19, after “2017,” insert “The authority to award grants under this title shall expire at the end of fiscal year 2017.”.

Page 178, line 4, after “2019,” insert “The authority to award grants under this title shall expire at the end of fiscal year 2019.”.

Page 179, strike line 7, and insert “In this title:”.

Page 179, line 20, insert “that has at least one articulation agreement with a 4-year institution of higher education” after “district”.

Page 179, line 22, insert “that has at least one articulation agreement with an institution of higher education” after “school”.

Page 180, after line 6, insert the following:  
(D) a Tribal College or University;

Page 180, line 7, strike “(D)” and insert “(E)”.

Page 180, lines 9 and 10, strike “or (C)” and insert “(C), or (D)”.

Page 180, line 11, strike “(E)” and insert “(F)”.

Page 180, beginning on line 15, strike clause (ii) and insert the following:

(ii) has established and implemented a comprehensive articulation agreement between or among public institutions of higher education in the State that includes outlining the acceptability of community college courses in transfer for credit at public 4-year institutions in the State; and

Page 180, line 20, strike “or (D); or” and insert “(D), or (E);”.

Page 180, line 21, strike “(F)” and insert “(G)”.

Page 180, line 22, strike “(E).” and insert “(F); or”.

Page 180, after line 22, insert the following:

(H) at the discretion of the Secretary, a private, not-for-profit, 2-year institution of higher education in Puerto Rico, the District of Columbia, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

Page 182, after line 6, insert the following:

(12) **TRIBAL COLLEGE OR UNIVERSITY.**—The term “Tribal College or University” has the meaning given such term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

Page 182, beginning on line 7, strike subsection (b).

Page 183, line 8, strike “(D)” and insert “(E)”.

Page 184, line 9, after “same” insert “specific”.

Page 184, line 10, after “Federal” insert “grant”.

Page 185, line 20, strike “or”.

Page 185, line 24, strike the period and insert “; or”.

Page 185, after line 24, insert the following:  
(3) are focused on serving low-income, non-traditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), who do not have a bachelor’s degree.

Page 187, after line 6, insert the following:  
(4) **EXCEPTION.**—This subsection shall not apply to Tribal Colleges and Universities.

Page 188, line 19, strike “and” after the semicolon.

Page 188, line 22, strike the period and insert “; and”.

Page 188, after line 22, insert the following:  
(10) how the eligible entity will incorporate and support faculty and staff of the institution in meeting the goals of such programs, services, and policies.

Page 189, line 6, strike “(D)” and insert “(E)”.

Page 190, line 3, strike “and”.

Page 190, line 6, strike the period and insert “; and”.

Page 190, after line 6, insert the following:  
(D) library services, including information literacy activities, to—

(i) help increase postsecondary degree, certificate, and industry-recognized credential completion rates, particularly with respect to groups underrepresented in higher education; and

(ii) assist individuals with obtaining and retaining employment.

Page 190, line 11, insert “, information literacy,” after “skills”.

Page 191, line 5, strike “(D)” and insert “(E)”.

Page 191, line 13, strike “(D)” and insert “(E)”.

Page 191, beginning on line 17, strike “Improving the timeliness of the process for creating,” and insert “Creating, in a timely and efficient manner,”.

Page 191, line 20, strike “(D)” and insert “(E)”.

Page 192, after line 2, insert the following:  
 “(8) Providing information technology training for students and members of the public seeking to improve their computer literacy and information technology skills through public accessibility to—

“(A) community college computer labs; and

“(B) information technology training provided on weeknights and weekends by an employee of a community college who is capable of basic computer instruction.”.

Page 192, lines 6 and 7, strike “applicable” and insert “applicable to the institution’s use of funds provided under this section”.

Page 196, line 5, strike “subsection (e)” and insert “subsection (f)”.

Page 196, beginning on line 25, strike “subsection (g)” and insert “subsection (h)”.

Page 197, after line 3, insert the following:  
 (d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), who do not have a bachelor’s degree.

Page 197, line 4, redesignate subsection (d) as subsection (e).

Page 197, line 9, strike “subsection (f)” and insert “subsection (g)”.

Page 197, line 14, strike “subsection (f)” and insert “subsection (g)”.

Page 198, line 7, redesignate subsection (e) as subsection (f).

Page 198, line 13, strike “subsection (f)” and insert “subsection (g)”.

Page 198, line 23, strike “subsection (g)” and insert “subsection (h)”.

Page 199, line 20, redesignate subsection (f) as subsection (g).

Page 200, line 4, redesignate subsection (g) as subsection (h).

Page 200, line 8, strike “section 503(f)(1)” and insert “section 503(g)(1)”.

Page 200, line 13, redesignate subsection (h) as subsection (i).

Page 200, line 22, strike “subsection (g)” and insert “subsection (h)”.

Page 201, line 6, redesignate subsection (i) as subsection (k).

Page 201, line 15, strike “will” and insert “should”.

Page 201, line 18, strike “will” and insert “should”.

Page 202, beginning on line 2, strike “training, high school courses, and postsecondary education courses” and insert “courses, including instructional materials, for training and postsecondary education readiness and success”.

Page 203, line 9, insert “faculty,” after “students,”.

Page 209, after line 2, insert the following:

(d) EVALUATION.—From the amounts appropriated to carry out this section, the Sec-

retary shall, not later than 30 days after the date of the enactment of this Act, allocate not less than \$1,000,000 for the contract with, and report by, the National Research Council required under section 1107(c)(2) of the Higher Education Opportunity Act (Public Law 110-315).

(e) MODEL TO DETERMINE CREDIT TRANSFERABILITY.—From the amounts appropriated to carry out this section, the Secretary may develop a model, which leverages existing technologies if appropriate, of a service that enables students to determine the transferability of credits between institutions of higher education voluntarily participating in such service.

Page 209, line 3, redesignate subsection (d) as subsection (f).

Conform the Table of Contents accordingly.

The CHAIR. Pursuant to House Resolution 746, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Chair, I rise today in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. I especially want to thank Chairman MILLER; the ranking member, Mr. KLINE; and members of the House Education and Labor Committee for producing this important bill to reform the student loan program, provide modernization, renovation and repair of public school facilities, enhance early learning and strengthen our Nation’s community colleges.

I also want to commend the chairman of the Higher Education Subcommittee, the gentleman from Texas, Mr. RUBEN HINOJOSA, for his leadership and efforts in bringing this legislation to the floor.

Madam Chair, this bill provides many benefits to our schools and families across the United States. Especially in these dire economic times, H.R. 3221 provides much-needed assistance, not only to make education more affordable and accessible, but also assist us to increase the number of degrees and certificate completion rates.

Madam Chair, I want to thank the authors and sponsors, especially for recognizing the value of community colleges throughout our Nation. This legislation gives authorization to the Secretary of Education to award grants to States and territories for the construction of new community college facilities and for the modernization, renovation and improvement of existing facilities.

This is a fantastic bill, and I urge my colleagues to support this legislation.

Mr. KLINE of Minnesota. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from Minnesota is recognized for 10 minutes.

Mr. KLINE of Minnesota. Madam Chair, I have got to admit that this manager’s amendment does make some helpful changes, and I appreciate that. However, it fails to address the fundamental flaws with the underlying bill, and for that reason I must oppose it.

I do appreciate Chairman MILLER’s willingness to incorporate some modest bipartisan changes. For example, Mr. PLATTS’ amendment to assist the children of fallen public safety officers.

And despite these improvements, the bill still imposes a heavy cost on Americans today and in the future. It will cost students and schools the benefits of choice, competition and innovation. It will cost our workforce tens of thousands of jobs, including over 600 jobs in my home State of Minnesota and over 1,000 jobs in Chairman MILLER’s home State of California.

□ 1745

It could cost taxpayers billions of dollars and increased deficit spending.

So, despite the important improvements that the manager’s amendment makes, I am still unable to support this amendment.

Madam Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON), the distinguished Caucus Chair.

Mr. LARSON of Connecticut. I thank Chairman MILLER for yielding.

Madam Chair, expanding access to an affordable college education and job training is one of the surest ways we can build a stronger and more competitive American economy for years to come.

The Student Aid and Fiscal Responsibility Act of 2009 is the single largest investment, the single largest investment, in aid to help students and families to pay for college in the history of this country.

I commend Chairman MILLER, the ranking member, and the entire committee, especially in these severe and dire economic times and when there’s so much stress on working families, to provide this opportunity to have America resume the preeminent position that it occupies economically, socially, culturally, and militarily in society. This means for Connecticut, as JOE COURTNEY, a member of the committee, reminds us, over 277 million additional dollars in funding for Pell Grants to thousands of Connecticut students.

This bill also includes legislation that I’ve worked on, and I thank the chairman and the members for including it, the notion of expanding opportunity to our community colleges, to expand their mission, an opportunity to reach out in these economic times for people who seek to retrain themselves and utilize the opportunities that our community colleges represent.

Community colleges reach every corner of this country with over 1,100 in

urban, rural, and suburban settings. This is vitally important in this economy and as we face additional global challenges that we are able to retrain our workforce in a manner that allows them to matriculate into the job networks that will be created from the community college effort combining with the entrepreneurial and private sector to create the jobs that we need.

I commend Chairman MILLER for this effort and urge support of this bill.

Mr. KLINE of Minnesota. Madam Chair, at this time, I yield such time as he may consume to the ranking member on the Higher Education Subcommittee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Madam Chairman, this amendment may do a number of positive things to improve the bill, but at its heart I still have significant concerns.

Specifically, I have concerns about the impact of this bill on the deficit and jobs all across the country. We have heard from the Congressional Budget Office since the introduction of this bill, since the bill was originally scored, that there are a number of hidden costs included. No matter how we look at it, this bill will not save \$10 billion over 10 years. In fact, we believe that the cost of this bill is at least \$15 billion, a \$15 billion cost that will go towards the deficit, not towards deficit reduction.

Finally, I am very concerned about the implication on the unemployment rate in my State. We are federalizing one more private sector program and eliminating all the good work being done throughout the country by the private sector. This could mean as many as 30,000 jobs being lost nationwide, approximately 500 in my State, the Commonwealth of Kentucky, all because we decided to kill this program rather than figure out a viable solution.

The services being provided by guarantee agencies and lenders will not be continued at nearly the same level when these entities are required to enter into contracts with the Federal Government. We have already seen the impact of these contracts. Earlier this year, the Department of Education contracted out the servicing function of the Direct Loan Program for four servicers. The low contract price ensured that most of these servicers will only be able to provide bare-bones compliance with the law, not the robust services that were previously provided by the private sector.

In short, I am very concerned about the true impact of this bill. Unfortunately, we will not recognize the impact until this bill has been implemented, and then it may be too late.

I urge my colleagues to oppose the amendment.

Mr. GEORGE MILLER of California. Madam Chair, I yield 1 minute to the

gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Madam Chair, as we know from legislation that this committee worked on many years ago called the Foundations for Learning program as part of the Elementary and Secondary Education Act, social and emotional development are as important as anything in the early part of a child's life. Importantly, in this piece of legislation, we recognize these same important facts, and in this legislation we reflect these findings by acknowledging the importance of intervening early in a child's life who has had domestic violence exposure, has had homelessness exposure, has had their parents exposed to mental illness. Intervention in these children's lives makes an enormous difference in their social/emotional development and in their educational abilities later on in life. For these reasons, I think this is an important piece of legislation that needs to be adopted.

I appreciate the chairman for acknowledging these facts and incorporating this legislation into the body of his bill.

Mr. KLINE of Minnesota. Madam Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Madam Chair, I rise in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009, because it invests in the future of our Nation, making college a reality for more students by investing in Pell Grants and programs that will ensure improved graduation rates and the renewed investment of our Nation's future.

Creating the American Graduation Initiative was one of the most important parts because it will help community colleges find innovative ways to improve the developmental education and job skills training that so many students and workers need.

In the end, we are investing in our future. Twenty-five percent of our population are the young people of this Nation. One hundred percent of our future is made up of those individuals. With H.R. 3221, we are ensuring that we will have a better future because they will have a better future.

I request that every Member of this Congress vote for our kids and our future.

Mr. KLINE of Minnesota. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Madam Chair, I rise in strong support of the Student Aid and Fiscal Responsibility Act, and I want to commend my friend, the chairman, GEORGE MILLER, for his great work and leadership on this and so many issues.

Investing in education is one of the most important things we can do to grow and strengthen our workforce and secure our well-being as a Nation. This bill makes historic investments in our economic future by improving early education opportunities and making college more affordable and all at no taxpayer expense.

The economic downturn has made a growing college affordability crisis worse for America's students and families, but this bill will help our neediest students and their families by increasing the maximum annual Pell Grant scholarship, and it targets \$6.8 billion to community colleges, like Lorain County Community College in my district. And this bill transforms the way our student loan programs operate, guaranteeing our students access to low-cost loans irrespective of market fluctuations.

By cutting out the middleman, this legislation will save taxpayers \$87 billion over 10 years. It pays for itself with \$77 billion and returns \$10 billion to deficit reduction.

Mr. KLINE of Minnesota. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield myself the balance of my time.

Madam Chair, just to quickly run through the manager's amendment, in addition to the technical changes, my amendment would also refine provisions regarding grants authorized under title I of the bill. It ensures that services for veterans are coordinated with those existing under current law, and it provides educational financial assistance for children of public safety officers and other first responders killed in the line of duty. It creates a program to promote teacher excellence, and it requires the Secretary to consider a State's financial commitment to early learning when evaluating certain grant renewals and specifies that Tribal Colleges and Universities are eligible to receive American Graduation Initiative grants.

I would urge all the Members to support the manager's amendment.

I would also like to draw attention to one part of this legislation, and that is really the unprecedented \$10 billion investment to make community colleges part of our economy's recovery.

For years, business leaders have told us that there weren't enough workers with the knowledge and the expertise for their specific industries. Community colleges do and can play an even more significant role in addressing this shortage. This bill will help us build a 21st century workforce by strengthening partnerships among community colleges, businesses, and job training programs that will align community college curricula with the needs of high-wage, high-demand industries.

It will help provide community colleges with the tools to replicate programs that are successfully educating

and training students and workers for these skilled jobs. And it will fulfill an important priority for the business community, which has continually understood the value community colleges have in training highly skilled workers and meeting local employment needs as economies change and move from one kind of economy to another. That's why this historic initiative has strong support from the business community, including the Business Roundtable.

The Business Roundtable recently wrote to me and to the members of the committee, "On behalf of the Business Roundtable, I want to commend you for inclusion of the Community College Initiative in H.R. 3221. This Community College Initiative and the President's American Graduation Initiative reflect the fact that community colleges have emerged as important institutions where acquiring skills for new jobs and new careers will take place . . . That is why the Community College Initiative is so important. For community colleges to reach their potential and become more effective, they need to increase graduation rates, adopt innovations to help them better serve their customers, and develop partnerships and closer cooperation with the private sector."

For that reason, they support that provision of the bill, and I'm delighted we worked long and hard on both sides of this committee with the business community to try to develop a program to strengthen our community colleges.

Madam Chair, I yield back the balance of my time.

Mr. BARROW. Madam Chair, I rise today to express my gratitude to the Chairman of the Committee on Education and Labor, Chairman MILLER, and Ranking Member KLINE, for working with me to include an amendment I offered in the Manager's Amendment of this bill.

I believe The Student Aid and Fiscal Responsibility Act will make college education more affordable for more American students than ever before, transform early education opportunities, and ultimately help build a stronger, more competitive American economy for the future, while saving taxpayers money.

For the reforms in this bill to be effective, it's critical that our colleges and universities have the right tools to make these reforms as successful as possible. My amendment requires the Secretary of Education to provide funding and technical assistance to institutions of higher education in operating the Direct Loan program, including assisting institutions with the transition into the program.

Right now, college costs more than ever, while families are struggling more than ever. Allowing our students to graduate with a better education and less debt is the best way to make sure that American workers remain competitive long into the future.

Mr. KLINE of Minnesota. Madam Chair, I want to thank Chairman MILLER for the improvements that his manager's amendment has made to the bill.

As I stated earlier, the fundamental flaws with this legislation still remain, even though there are parts, which as he correctly stated, that some members of the community certainly support, some members of the business community. Many of us support, for example, Mr. PLATTS' amendment to assist the children of fallen public safety officers, and I'm glad those are included in the manager's amendment. But it doesn't change the fact that the underlying bill is still flawed public policy.

We have heard again and again from speakers tonight that this is going to put money back into the Treasury and reduce the deficit, and yet we have provided information from the Congressional Budget Office that shows that's not the case. This is going to increase the deficit; it's going to increase the debt.

I was staggered the other day, Madam Chair, to look and see that we are now projecting, with the latest numbers from the White House, that within the next 10 years, the national debt will have grown to \$21 trillion. And this bill, the underlying bill, adds new programs, programs that will be chronically underfunded, will nevertheless compete for money, will grow that deficit spending. So while I appreciate the improvements that the manager's amendment has made, I still must oppose this.

Madam Chair, I yield back the balance of my time.

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The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-256.

Mr. HOEKSTRA. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

Strike title III of the Bill, and redesignate titles IV and V as titles III and IV, respectively.

Redesignate sections 401 through 409 as sections 301 through 309, respectively.

Redesignate sections 501 through 505 as sections 401 through 405, respectively.

Page 144, line 23, strike "section 403" and insert "section 303".

Page 145, line 1, strike "section 404" and insert "section 304".

Page 145, line 4, and page 174, lines 3 and 14, strike "section 403(c)(3)" and insert "section 303(c)(3)".

Page 145, line 17, and page 174, line 5, strike "section 405" and insert "section 305".

Page 147, line 4, strike "404" and insert "304".

Page 148, line 10, strike "section 403(f)" and insert "section 303(f)".

Page 150, line 15, strike "section 405(2)" and insert "section 305(f)".

Page 151, lines 4 and 25, page 153, lines 8 and 12, page 162, lines 2 and 17, page 163, line 1, page 166, lines 18 and 23, page 168, lines 4 and 19, and page 175, line 25, strike "section 402(a)" and insert "section 302(a)".

Page 151, line 21, strike "section 405(1)" and insert "section 305(1)".

Page 153, line 13, and page 162, line 6, strike "section 402(d)" and insert "section 302(d)".

Page 168, lines 10, 15, and 21, page 169, line 2, and page 170, line 7, strike "section 402(b)" and insert "section 302(b)".

Page 168, line 17, strike "section 402(c)(3)" and insert "section 302(c)(3)".

Page 170, line 11, strike "section 402(c)(1)" and insert "section 302(c)(1)".

Page 178, line 9, strike "503" and insert "403".

Page 178, line 12, strike "504" and insert "404".

Page 178, lines 15 and 18, strike "section 505" and insert "section 405".

Page 178, beginning on line 20, strike "sections 503 and 504" and insert "sections 403 and 404".

Page 179, line 3, strike "sections 503 and 504" and insert "sections 403 and 404".

Page 183, line 8, strike "section 502(a)(3)" and insert "section 402(a)(3)".

Page 184, line 6, and page 194, line 10, strike "section 501(b)(1)" and insert "section 401(b)(1)".

Page 188, line 15, strike "section 505(b)" and insert "section 405(b)".

Page 189, line 6, and page 191, lines 5, 13, and 20, strike "section 502(a)(3)" and insert "section 402(a)(3)".

Page 196, line 2, and page 200, line 1, strike "503(i)" and insert "403(i)".

Page 200, line 8, strike "section 503(f)(1)" and insert "section 403(f)(1)".

Conform the table of contents accordingly.

The CHAIR. Pursuant to House Resolution 746, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chair, the Student Aid Fiscal Responsibility Act that is in front of us today will authorize \$6.6 billion in new mandatory taxpayer dollars to create three Federal school construction programs for elementary and secondary schools.

What my amendment will do is strike these new government programs that would nationalize the school construction industry and direct the savings toward deficit reduction.

You know, in the years I have been in Congress, one of the things that we continue to see over the years is the continued expansion of the role of the Federal Government in K-12 education. We saw the most massive expansion in 2001, the passage of No Child Left Behind. No Child Left Behind has left a tremendous number of mandates, increased costs, and little improvement in schools, in children's performance around the country.

Now, rather than giving back and yielding control for our kids' education back to parents, back to local schools and back to States, again, we are having another massive expansion of the Federal Government's involvement in

K-12 education, this time in school construction.

I am sure the arguments will be: but we need to help the schools. We need to help the States. We need to build them and give them the money to build new schools.

Excuse me, where does this money come from? Well, some of this money, if not all of it, will be deficit spending which States can't do. But in reality, if it is deficit spending, it is our kids and grandkids that will be paying for it. And if it is money that we collect in taxes, it is going to be money that comes from the States, comes from individuals in our local communities, comes to Washington, and then we will tell them how they can spend it. There are 27, at last count 27, directives as to how States and local school districts will be able to spend their own money.

School districts must ensure that a certain percentage of the school construction materials meet green standards. School districts must compile a report describing the projects funded under the bill and seven other reporting requirements. School districts should educate students about the school construction being constructed at their school. I am assuming if they are going to have to be required to teach their students, there is going to have to be some reporting requirement saying I educated my kids at my school about what this project is about, and they are going to fill it out and send it to the State and send it to Washington.

Meaning that for every construction dollar that we spend, maybe 60-65 cents of it will actually be spent on construction. The other 35 to 40 cents of that dollar will be spent on reporting requirements, applying for it, meeting Federal requirements, and those types of things

This is a bad idea. We will not end up building more schools. We will not end up having more construction; we will have less construction because Federal bureaucracy and Federal bureaucrats will end up siphoning a lot of this money for their purposes to make sure that the local school districts do what Washington bureaucrats want them to do and not what needs to be done in their local school districts.

This is a bad idea. I encourage my colleagues to support this amendment and reduce the deficit, take some of the burden off our kids and grandkids in the future.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I rise in opposition to the amendment.

The Acting CHAIR (Mr. KISSELL). The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield myself 2 minutes.

What this amendment would do, while the author has talked about a lot of other things he doesn't like in the bill, this amendment would strike the

school construction money that is in this legislation for elementary, secondary, and for the community colleges. I think this is a very important part of this legislation. Many, many Members have supported the efforts that we have had before to try to have the Federal Government help local communities address school construction needs.

When we see now that the community colleges are under tremendous pressure because of the economic dislocation from the recession that has taken place and continues to take place in so many communities and so many families, as people are going back to the schools, we recognize the shortage of facilities that are there and what we are saying is this time we will lend a hand to those community colleges and to those K-12, elementary and secondary school districts so that they can modernize their school facilities and make the investments that will save them money.

As we see reports of schools making investments in solar and insulation and energy-efficient buildings, what we see is a dramatic drop in the ongoing operating costs of those schools in terms of the utility bills that are really quite dramatic. We ought to do what we can to facilitate. We have the opportunity with this legislation to help facilitate local school districts meeting that demand.

This also comes at an important time for these local school districts because, as you know, they are under siege from the loss of revenues in many local districts because of the economic downturn. In some cases they have had to postpone these projects even though they are desperately needed. They have had to postpone these modernizations that are desperately needed. And we know the fact that when children have the availability of a clean, well-lit place, modern facilities, they in fact do better in school. It is a statement of values and also a statement about their community and their children. I would hope we would vote against this amendment.

I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Washington has helped enough. My local school districts are saying: Stop, we don't need more of Washington's help. You gave us No Child Left Behind with great fanfare, promises of all of this money, and all we got were rules and regulations which are taking valuable time and resources away from educating our kids and putting it into bureaucracy and trying to follow ill-advised guidelines, mandates, and directives from Washington, D.C.

They say: Stop, we don't need any more of this Washington help where you come into our school districts,

where you come into our communities. And if you are going to pay for these bills, which most likely will not be paid for, but if they were, you come into our communities and you extract \$6 billion out, and then you force us to apply to get that money back knowing that the money will be appropriated or allocated by who has power in Washington, D.C. and who has the quote/unquote "most influence" and it will be distributed unfairly.

They don't need that kind of help anymore where we take their money, allocate it back to them after they have applied for it, tie all sorts of mandates and restrictions to it so we shrink the purchasing power of that dollar. And then we have the Federal Government come in, this wonderful Department of Education come in, and they will audit us to make sure that we spend the money exactly the way they told us to spend it.

That kind of help is no longer helping our kids. It never did help our kids. We are failing our kids with this legislation. We are shrinking the purchasing power of education dollars, not enhancing it. This kind of Washington help needs to stop.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 15 seconds.

We should not punish local school districts or schoolchildren because a Republican President, George Bush, broke his promise to this country, to families, and to students and teachers when he failed to deliver on his promise of 77 billion additional dollars that school districts had to make up while living under No Child Left Behind. Let's not punish our kids today because a President could not keep his promise.

I yield the balance of my time to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I rise in opposition to the amendment. Let me make a couple of points.

First, the section that the amendment seeks to strike is essentially a bill passed by the House earlier this year with broad bipartisan support, the 21st Century Green High-Performing Public Schools Facilities Act. It passed with very good bipartisan support. We are seeking simply to fund that bill in part.

It is estimated that the backlog of unmet needs for K-12 educational facilities amounts to some \$255 billion. This is a very modest effort on the part of the Federal Government to help local school districts deal with that need.

I was frankly surprised to hear the gentleman from Michigan say that his school districts and his school superintendents are saying enough. I have had the exact opposite experience. I would say that rarely does a week go by that some school superintendent or

some school board members do not come to my office seeking Federal help with their facility's needs. Their budgets are strained, particularly in these tough economic times. They have real bricks-and-mortar needs. They are unable to address them without hurting their academic programs, and they are seeking the help of the Federal Government, quite the contrary to the experience that the gentleman from Michigan has had.

So I urge we reject this amendment, and I would urge that we support the facilities needs of K-12 education as well as our community colleges.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CARDOZA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-256.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CARDOZA:

Page 185, line 20, strike "or"; on line 24, strike the period and insert "; or"; and after line 24, insert the following new paragraph:

(3) are community colleges located in areas with high unemployment rates.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume.

California community colleges recently announced that their enrollment for the 2008-2009 academic year increased at the system's 110 colleges in California by more than 135,000 students. Extremely high unemployment rates and restrictive admissions at the State's 4-year college systems have led to record numbers of students seeking degrees and certificates. This trend in increasing enrollments is being mirrored across our Nation during these tough economic times. While increased enrollments in higher education programs is to be applauded, there is also some concern about our State's ability to manage the impact of enrolling so many new students.

California's community colleges are dealing with nearly \$1 billion in cuts as a result of the State's budget crisis

this year. The shortfall in funding is placing stress on a system that is already stretched to capacity. H.R. 3221 will provide critical funding opportunities for those very community colleges to better serve their students, filling a funding gap most States are currently unable to meet.

Providing access to affordable higher education, especially at the community college level, is going to be essential to the recovery of congressional districts like mine that have extremely high unemployment rates. As I have said many times, this economic crisis has hit my district particularly hard. In July, the Bureau of Labor Statistics ranked the metropolitan area of Merced, California, with the fourth highest unemployment rate in the Nation at 17.6 percent. Two other metropolitan areas in my district, Modesto and Stockton, had unemployment rates of 16.3 and 16.0 respectively. All three areas are well over the national average unemployment rate of 9.7.

My amendment to H.R. 3221 simply provides community colleges serving in areas with high unemployment rates, higher than the national average like my district, have priority consideration when applying for this grant money. Investing in our community college system, especially the ones in high unemployment areas above the national average, is a critical part of any economic recovery plan; and it will allow our Nation to emerge from this downturn empowered with both the education and workforce skills needed to succeed in the 21st century.

I ask my colleagues on both sides of the aisle to support this commonsense amendment.

□ 1815

I yield to the chairman.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding. I rise in support of his amendment. I think he makes a very important point in terms of the priority that we have to give to those areas that have really received very harsh treatment in this economic dislocation.

We know and we believe and the President has made it clear that community colleges are one of the engines to change those outcomes and to reinvigorate those local economies.

So I strongly support the gentleman's amendment and thank him for offering it.

Mr. CARDOZA. Resuming, Mr. Chair, I would thank the chairman for his work on this bill. It's a fine piece of legislation, and I thank him for supporting my amendment.

Mr. Chairman, as Merced College, Modesto Junior College, and San Joaquin Delta College work hard to retain our workforce and educate the next generation of Americans, they're building a new foundation for hope and prosperity across the country. Investing in

these schools and other institutions in these areas suffering from high unemployment rates is critical to the future success of our country. Again, I urge the adoption of my amendment.

I yield back the balance of my time.

Mr. KLINE of Minnesota. Mr. Chairman, I claim time in opposition to the amendment, although I don't oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. Thank you, Mr. Chairman. I just wanted to take a moment, reflecting on the debate that we just had with Mr. HOEKSTRA's amendment, because it strikes to the underlying bill. And that's the problem here: Not this amendment—the underlying bill.

The chairman of the committee, the distinguished chairman, pointed out that there was a broken promise. And I'm sad to say it was entirely predictable that President Bush would be blamed for breaking a promise. But I would point out that we have had Presidents going back for years and Congresses going back for years and this Congress today that is failing to live up to a promise made many years ago, and that's to provide its share, its full funding of special education under IDEA.

And so whether we're talking about green, high-performing schools as a new program or many of the new programs introduced in this legislation, it seems to me we ought to fulfill that promise first rather than starting new programs which will be chronically underfunded and will be competing for that essential funding under IDEA.

So, again, the problem here is not this amendment. I'm going to support this amendment. It's the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MRS. McMORRIS RODGERS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-256.

Mrs. McMORRIS RODGERS. I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. McMORRIS RODGERS:

Page 118, beginning on line 8, strike section 331 and insert the following:

**SEC. 331. IMPERMISSIBLE USES OF FUNDS AND CONCURRENT FUNDING.**

(a) IN GENERAL.—No funds received under this subtitle may be used for—

(1) payment of maintenance costs, including routine repairs classified as current expenditures under State or local law;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

(b) **FUNDING UNDER OTHER ACTS.**—Funds made available under this title shall not be used to assist any local educational agency that receives funding for the construction, modernization, renovation, and repair of facilities under the American Recovery and Reinvestment Act of 2009.

Conform the table of contents accordingly.

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from Washington (Mrs. McMORRIS RODGERS) and a Member opposed each will each control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Mrs. McMORRIS RODGERS. I yield myself such time as I may consume. The amendment that I'm offering today is all about good, responsible government practices—it ensures that Federal resources, limited as they are, are directed to those areas that have the greatest need for construction funds.

This last February, we approved the stimulus package, \$787 billion. More than \$53 billion went to the State Fiscal Stabilization Fund, which funds States and localities to use the funds for any activity under ESEA, IDEA, the Carl Perkins Career and Technical Education Act, the Adult and Family Literacy Act, or for modernization, renovation, or repair of public school facilities.

I was one of a number of Members concerned about the prospect of creating a nationalized school construction fund, particularly in light of reports indicating the lack of academic achievement made over the last decade by our middle and high school students. For example, the 2006 Program for International Assessment puts United States 15-year-olds in the bottom quarter of participating OCED nations in math literacy and in the bottom third in science literacy.

This is unacceptable. These reports demonstrate that there's more to be done to improve and strengthen the education that our students are receiving, especially as it relates to the Nation's future competitiveness in the global market.

I do not believe that a federalized school construction program, one with limited transparency and accountability, is the solution to the problem.

Let me be clear. There's no doubt that certain schools are in dire need of renovation and repair. We can assist them in making the necessary repairs in order to create safe and secure learning environments. However, once secure funds have been directed to one area for construction and repair, re-

sponsible governance tells us that any remaining funds should go to those areas that have not yet received the funding but have a demonstrated need.

My amendment accomplishes this by restricting areas that have already received construction funds through the stimulus package from receiving funds authorized by this bill for construction. H.R. 3221 already provides a limitation on construction funding for community colleges that have received the stimulus dollars. It should be no different for elementary and secondary schools—sending a much needed message that learning should be a priority, especially in the formative years of a child's education.

I urge my colleagues to recognize the need for responsible governance by supporting this amendment.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield myself 1 minute.

This is really sort of a redo of where we were with the previous amendment to strike the construction funds that would be available—in this case, the K-12. The gentlewoman's amendment, as it's drafted, would, if they receive those funds under the Recovery Act, of which one of the allowable costs originally started out with the line item for construction, it became an allowable cost—if they received any of those funds, they would be ineligible to receive these construction funds.

The fact of the matter is the record is starting to develop that very few if any of the school districts were able to use those funds for construction because of the fact of the cuts that took place in almost every State across the country where those funds have been used to try to mitigate the firing of teachers, to continue to try to develop a reasonable class size, and all of the other costs that were going as local school districts were really very hard hit in this economic recovery from the downturn in local revenues, in State revenues. And that's why this amendment is necessary.

The opposition to this amendment is important so that these school districts can receive these funds to build clean, modern, and energy-efficient facilities.

I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman and I thank him for his stellar leadership and an overwhelming change in the way we think about education.

I rise to oppose the present amendment, but support the underlying bill. This is a response to the competitiveness of the world. Each and every district that is represented here in this

body, rural and urban, large and small, clamors for more education, particularly secondary education, higher education.

In my own district alone, as it relates to Pell Grants, 23,084 students will be impacted, with as much as \$110 million in new Pell dollars that will help not only the Nation's colleges but, in my instance, the 18th Congressional District.

I happen to have a district that has any number of colleges, both private and public, large and small, research and nonresearch, students coming from all economic backgrounds, and I can assure you the importance of Pell Grants is without comparison.

Then I also represent an area that was hit by Hurricane Ike 1 year to the date last week, still suffering from the lack of infrastructure, schools that have been destroyed. And the \$359 million that will come in construction dollars to Texas, K-12, is going to be a remarkable change for the people of Galveston or the people on the gulf who are impacted by this devastating hurricane.

In addition, I think it's important to note a full \$87 billion in savings. Competition in place. Anyone who wants to provide a student loan—private bank, State bank—can provide it. But we are providing for the hardworking, tax-paying families additional dollars and a fair, even playing field. That's something to celebrate.

We're investing \$3 billion to bolster college access and completion support. Crucial issues. I happen to have a very large community college system. I'm gratified that language is in here specifically to enhance community college.

Our community college system is growing with 60,000 students-plus. This is the first step. Go to a community college, be you someone who is working, someone who is raising children, someone who is going back to school, a military person who is retired or has just gotten out of the service, working with the GI Bill—you now have an opportunity to be able to go to a college that has reinforced dollars.

This is a bill that cuts at America's competitiveness. The world is getting smaller. People know science and math. They are looking to be inventive. And that means in order to create an economic engine for this country, we have got to educate our population.

People are clamoring for education. As I indicated, all walks of life, retirees, people who are changing jobs, people who have been laid off and fired. This is a new step.

So let me just say I want to applaud what we are doing here today, not because Members are doing it, but because we're changing lives. I ask my colleagues to support this legislation.

Mrs. McMORRIS RODGERS. This amendment is about responsibility and

recognizing that we have limited dollars. We just passed \$53 billion in the stimulus package that includes funding made available for school construction.

There are a lot of priorities within our education system. I, too, am very concerned about competitiveness—about America's competitiveness, about our future, what's happening in our schools. And in Congress we need to make sure that we're getting the resources where they are needed so that our kids can compete, so that our students can succeed. That's not happening. Our students are not competing effectively in the world, in the global environment right now, in the global economy, and we're falling behind. I quoted the numbers for math and science.

What this is doing is just saying that the money that will be made available will be made available to school districts that didn't receive the school construction money in the stimulus package. In my mind, it prevents double dipping. It will allow more schools to possibly access the school construction dollars, and it will protect other dollars to be used for other priority projects within our education system.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

It's a very clever amendment. What it says is, if you got money from the stimulus package, you cannot get money for school construction. Mind you, the money in the stimulus package did not provide for school construction. It provided it as an allowable expense. But whether you used it or didn't, under this legislation you wouldn't get it because it was an allowable expense under that legislation.

The fact of the matter is that we have far too many children in this country and every region of this country going to antiquated, outdated, unsafe schools. And the backlog for school modernization, for energy modernization, for trying to clean schools up and repair them and renovate them is as long as the road from here to the West Coast.

And the fact of the matter is that this government has the ability to help those schools to do that. So that those children that you're worried about learning, we know that they learn better if they're in a clean, well lit, warm place to learn, as opposed to a place where the rain is coming through, the lavatories don't work, the windows are broken. That sounds like that's extreme. No, that's the case in far too many schools all across this country in all different settings.

We should reject this amendment. I would urge my colleagues to vote "no."

□ 1830

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Mrs. McMORRIS RODGERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KLINE of Minnesota. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Washington will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-256.

Ms. PINGREE of Maine. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. PINGREE of Maine:

Page 109, line 24, strike "and".

Page 110, line 5, strike the period at the end and insert "; and".

Page 110, after line 5, insert the following:

"(C) local educational agencies serving geographic areas that contain a military installation selected for closure under the base closure and realignment process pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)."

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maine.

Ms. PINGREE of Maine. Thank you very much, Mr. Chair.

In addition to making landmark investments in higher education and student financial aid, H.R. 3221 provides over \$4 billion in funding for K-12 public schools. This funding is critical to ensure that students grow up and learn in healthy, safe environments that maximize their chances to receive a quality education and graduate from high school. This is particularly challenging for areas that are facing extraordinary economic hardship. Public schools in these areas need additional attention and support to make sure these students have every opportunity to succeed.

H.R. 3221 currently sets aside \$200 million in reserve funding for K-12 schools that are located in areas suffering from a natural disaster or severe economic distress. However, it does not recognize areas affected by the closure of a military base due to Base Realignment and Closure, the BRAC process, as eligible for this emergency educational funding. A base closure, such as the closure of the Brunswick Naval Air Station in my district, is a devastating event in a community. Schools in these communities need special attention, because unlike areas hit by economic recession, the closure of a base means the overnight disruption of

the local economy. With a dramatic loss of taxpayers and Federal Impact Aid funding, which disappears 1 year after the students leave, BRAC communities are left without a dependable source of funding for critical school repairs.

In Brunswick, Maine, in my district, the closure of the once vibrant Brunswick Naval Air Station will result in an estimated 7,000 total jobs lost, a reduction in 10 percent of the public school population, and millions of dollars in lost economic activity, including \$1 million in school funding that will be lost.

And my district is not alone. The closure of the Naval Air Station in Corpus Christi, Texas, will result in over 7,000 military and civilian jobs lost from that area. In fact, the 2005 BRAC resulted in the closure of major Army, Navy and Air Force bases in States across the country, including Maine, Georgia, New Jersey, New York, Virginia, Pennsylvania and Texas. Mr. Chair, schools in communities affected by these closures would all be eligible to benefit from much-needed funding under this amendment. We need to help communities like Brunswick recover from the loss of a military base, and we need to give them the resources they need to maintain a high-quality school system.

These investments in education are critical to putting these communities on a path to economic growth and redevelopment. The need for emergency educational funding in areas affected by the base closures is clear. My amendment helps public schools in BRAC communities recover from the devastating impact of losing hundreds of students and millions of dollars in taxpayer support.

I urge you to support the schools, teachers and students in BRAC communities by voting "yes" on this amendment.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chair, I rise to claim the time in opposition even though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Kentucky is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. Mr. Chairman, supporting our men and women in uniform is important, and so too is it important to support the communities where the military has left an imprint. I think this is a reasonable way of targeting funding, and I will not oppose the amendment.

As we try to do what's best for communities, including those impacted by a base closure, we should consider job losses that would come as a result of this underlying bill.

I reserve my time.

Ms. PINGREE of Maine. I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I want to thank the gentlewoman for offering this amendment. I know how hard she has worked on this problem and the impact that a BRAC closure can bring to all of our communities. Many of us have experienced that in the past and even again currently. I want to thank her for this amendment, and I would hope that we would accept it. We plan to accept the amendment on this side, and apparently the Republicans will accept it on their side. Thank you so much for offering this.

Ms. PINGREE of Maine. Thank you for your thoughts. I just want to, once again, urge my colleagues to support this amendment, the schools and the teachers in those communities that are affected by the BRAC.

I yield back the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I do think it is a good way to target this funding to assist communities that are affected by Federal decisions in the Base Realignment and Closure, be they positive or negative for those communities.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maine (Ms. PINGREE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-256.

Ms. PINGREE of Maine. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. PINGREE of Maine:

Page 140, beginning on line 18, strike subsection (e) and insert the following:

“(e) CONCURRENT FUNDING.—Funds made available under this section shall not be used to assist any community college that receives funding for the construction, modernization, renovation, and repair of facilities under any other program under this Act”.

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maine.

Ms. PINGREE of Maine. Thank you, Mr. Chair.

H.R. 3221 makes a remarkable investment in higher education at a time when our country needs it the most. But during these tough economic times, students need to be able to access an affordable education.

In my home State of Maine, we have one of the highest high school graduation rates in the country but one of the lowest rates for entry into college. Far too often, qualified, hardworking students in my State don't go to college

because their families just can't afford it.

President Obama set a goal that by 2020, America will once again have the highest proportion of college graduates in the world. Investment in our community colleges is essential to achieving this goal in Maine and across the country. Community colleges are a critical resource for new and returning students who want to further their education and enhance their job skills. They provide a wide variety of innovative educational programs at affordable rates, and American families recognize the value of community colleges. In my State and many others, there are waiting lists because the community colleges can't handle the demand. That is why we must ensure that these schools have the funding they need to construct new facilities as well as the ability to renovate and repair existing facilities to create safe, energy-efficient, effective learning environments.

The need is high. The American Association of Community Colleges estimates that it would take roughly \$100 billion to fully fund the construction and renovation of community colleges across the country. This far exceeds the \$2.5 billion that we have set aside under this bill. Unfortunately, when this bill was originally drafted, it included a provision to prohibit any community college that received Recovery Act funding from receiving grants for construction or repair. That's why I'm offering this critically important amendment.

The intent of the recovery package was to provide a temporary injection of money into our economy and to create jobs and support our States, schools and local communities who were struggling during an economic downturn. States were encouraged to use this money for facility improvements and modernization. In Maine, every community college except one accepted this funding. They had no way of knowing that using these funds would interfere with their ability to access additional support. These schools should not be penalized for accepting this help.

It is also important to note that this amendment would also permit Historically Black Colleges and Universities to receive assistance under this bill, even if they also received assistance under the Higher Education Act of 1965. These institutions play an important role in our educational system and should not be excluded from the benefits provided by this bill. As President Obama declared, It's time to reform our community colleges so that they provide Americans of all ages a chance to learn the skills and knowledge necessary to compete for the jobs of the future. This amendment and the underlying bill will help do just that.

I urge a “yes” vote on this amendment, and I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Chair, I rise to claim time in opposition.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. McMORRIS RODGERS. Mr. Chair, I rise in opposition to this amendment. My opposition is an attempt to put this Congress on a path to fiscal responsibility. I'm a big supporter of the community colleges and the important opportunities that they offer students across this country. But as I described just a few minutes ago, last February this body approved \$53 billion in spending for schools, including higher education facilities, for activities including construction. I expressed concern then, as I am now, that this federalized school construction fund is not the answer to improving our Nation's education system. In fact, the Higher Education Act already includes a program by which community colleges can receive funding for construction and repairs.

If this amendment passes, there will be three Federal construction funding sources for community colleges to choose from—the stimulus package, the Higher Education Act and H.R. 3221, the underlying bill.

When I talk to community colleges, and when I talk to schools in my district, what they want is more flexibility, more local control, not more programs with more strings attached to them, particularly at a time when this Nation is running record deficits, we're losing thousands of jobs, and families are struggling to make ends meet. It seems to me that once funds have been obtained by a community college for construction, any remaining funds should be directed toward job training or teaching displaced workers new job skills.

To me, this amendment makes the statement that we are not concerned about the Nation's fiscal status. Well, I am concerned, and I urge my colleagues to be concerned as well by opposing this amendment.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Chair, I rise again to support the amendment and to talk about the importance of community college modernization, about the ability for our community colleges to rebuild and restructure these important institutions. In this time of such dire economic need, I find that so many of my constituents are contacting me and saying, You know, at this moment in time, I plan to go back to college and get an education; I want to do everything I can to make sure that as the economy improves, I am ready and prepared with the skills for this new century.

People want to have green jobs. They want to be prepared for the new technology. They want an education. And

as young people grow up in my State—particularly my State, 38th in per capita income—many, many families struggling in this economy, the one thing we hear over and over again is that those young people in our State who graduate from high school at such high rates want to go on to college, they want to make sure they can get a college education. But over and over I hear from young people, You know, we couldn't afford it; I had to take a year off. And we hear from the community colleges, We can't expand fast enough; we can't make sure that we have the space available for the young people who want to attend college in our State.

In this time of dire economic need, when our State is turning to the Federal Government and saying, Do what you can to help us with education, I can't imagine any reason not to support our community colleges, not to make sure that they are able to take advantage of every possible opportunity for educational funding.

I come from a State that has really struggled to balance the budget, like so many other States across the country. Our State has made cuts everywhere they could to local education, places that we never wanted to go in the State Government to make those cuts. And you know what I hear all the time from my State legislators, from my former colleagues in the State legislature? They say, Please make sure that the Federal Government puts all the money it can into education, particularly higher education.

That's what this amendment does. It makes sure that no community college is penalized for taking advantage earlier. It makes sure that every community college is available to be there for our young people. I continue to support this amendment. I think it's so important in my State and so many other States. I encourage my colleagues to vote "yes" on this amendment.

I yield back the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Chair, it is really about fiscal responsibility. And instead of starting a new program with the limited dollars that we have, let's direct those dollars to our community colleges, but let's direct it to the programs that will actually offer job retraining, job skills and offer more programs that we need all across this country rather than another school construction program to complement two funding sources that already exist.

With that, I stand in opposition.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maine (Ms. PINGREE).

The amendment was agreed to.

□ 1845

AMENDMENT NO. 7 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-256.

Ms. FOXX. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. FOXX:

Page 27, beginning on line 20, strike "has the meaning given" and all that follows through "2009" and insert "refers to a State public employment service established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)."

Page 27, line 25, strike "have the meanings given" and all that follows through page 28, line 2, and insert "refer to a State workforce investment board established under section 111 of the Workforce Investment Act (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively."

Amend title V of the Bill to read as follows:

**TITLE V—PRIVACY AND ACCESS TO DATA**  
**SEC. 501. PRIVACY AND ACCESS TO DATA.**

(a) IN GENERAL.—Each State or consortia that receives a grant under any provision of this Act shall implement measures to—

(1) ensure that the statewide longitudinal data system under this subsection and any other data system the State or consortia is operating for the purposes of this Act meet the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the "Family Educational Rights and Privacy Act of 1974");

(2) limit the use of information in any such data system by governmental agencies in the State, including State agencies, State educational authorities, local educational agencies, community colleges, and institutions of higher education, to education and workforce related activities under this Act or education and workforce related activities otherwise permitted by Federal or State law;

(3) prohibit the disclosure of personally identifiable information except as permitted under section 444 of the General Education Provisions Act and any additional limitations set forth in State law;

(4) keep an accurate accounting of the date, nature, and purpose of each disclosure of personally identifiable information in any such data system, a description of the information disclosed, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(5) notwithstanding section 444 of the General Education Provisions Act, require any non-governmental party obtaining personally identifiable information to sign a data use agreement prior to disclosure that—

(A) prohibits the party from further disclosing the information;

(B) prohibits the party from using the information for any purpose other than the purpose specified in the agreement; and

(C) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(6) maintain adequate security measures to ensure the confidentiality and integrity of any such data system, such as protecting a student record from identification by a unique identifier;

(7) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(8) ensure adequate enforcement of the requirements of this paragraph.

(b) USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to—

(1) use the unique identifiers employed in such data systems for any purpose other than as authorized by Federal or State law; or

(2) deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

Conform the table of contents accordingly.

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Chairman, I want to thank the Rules Committee for making my amendment in order and am glad to be here to speak on this bill.

First I want to say that my whole life was spent in education. I was president of a community college. I spent 12 years on a school board. I taught and was an assistant dean at Appalachian State University, so I was an administrator there. I was the director of a TRIO program at Appalachian. So I have been very much involved with education all my life. I am the product of a public school system and give credit to the success that I've had in life to the fact that I had great teachers and administrators who cared a lot about me and gave me some direction, although I came from extreme poverty and from a family where no one had ever graduated from high school.

I'm a very strong supporter of community colleges because I believe community colleges have been terrific in our country, particularly in North Carolina. I think we have an excellent system of community colleges, and so I am very proud of having been associated with them. They were created to be able to serve the community in which they are located, and they're able to pivot very quickly to offer the kinds of programs that the community needs, particularly in the area of workforce development.

So I want to say that while I'm here to strike a part of this bill that would be spending money on new educational programs, it isn't because I have any animus toward education programs at all—and I have great experience in that area. But my amendment strikes the entire American Graduation Initiative created by title V of the bill while maintaining the privacy provisions that apply to the whole act. These privacy provisions are very important because they ensure that student information is protected from individuals not authorized to view it and that students can't be identified by any unique identifier. This is also an area that I have been very much concerned about.

Title V authorizes and appropriates a total of \$730 million between FY 2010

and FY 2030 and \$680 million between FY 2014 and 2019. The savings from my amendment would be put towards deficit reduction.

My objections to this section come from several different areas. Number one, this is duplicative of programs already authorized under the Higher Education Act and the Workforce Investment Act. The new open online education provision gives authorization grants from the Federal Government to develop curricula that will be used in online courses. In my opinion, this is a step towards Federal curriculum for schools and colleges. It also severely interferes with the authority of States and localities to determine the curriculum that schools provide. This provision also wastes taxpayer money to federally fund an online course initiative that's already being provided by 1,000 colleges and universities across the country.

I am also concerned about a provision in that section which says, "The Secretary is authorized to make grants to other appropriate entities." Is it possible that ACORN could receive funding through this broad statement? Can the majority promise me on the record that \$1 is not now nor will it go to ACORN after passage of this bill? Again, the way this section reads, it can go to other appropriate entities. And we have seen how the folks on the other side have found every excuse in the world to fund that program.

We also aren't getting any sense of responsibility from the kind of legislation that's being passed here that we're hearing so much about from the President and my colleagues on the other side. We've heard so much about how the States don't have the money to do what they need to do. This is then a welfare program for the States and the community colleges within the States.

The community colleges already have programs where they evaluate what they're doing. They have to justify their programs, and the State should be setting priorities and funding those things that are most needed in the State. With unemployment as high as it is, I know that all the community colleges in North Carolina are setting priorities to work with people who need to get the education they need to get jobs, but there is so much taxpayer money wasted here on administration and bureaucracy and very little lack of accountability, despite what my colleagues have said.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to this amendment.

This amendment does not pose a choice between those who support bureaucracy and those who support education. It poses a choice between those who wish to see economic growth by investing in the most important aspect of economic growth, our workforce, and those who would prevent such a thing.

I would not rely on this argument on, frankly, my colleagues here in the House, although I commend them for putting this in the bill. I would rely instead upon this statement from the Business Roundtable, which is the association of chief executive officers of leading U.S. companies with more than \$5 trillion in annual revenues and 10 million employees. So this is not the community colleges speaking. This is not those of us on the majority side speaking. It is the CEOs of the leading companies in America, and here is what they said:

"On behalf of the Business Roundtable, I want to commend you"—it's addressed to Chairman MILLER—"for inclusion of the Community College Initiative in H.R. 3221. This Community College Initiative and the President's American Graduation Initiative reflect the fact that community colleges have emerged as important institutions where acquiring skills for new jobs and new careers will take place."

The United States cannot compete without the most highly skilled and motivated workers in the world, and I dare say that our odds of achieving that goal in the workforce are severely compromised if our community college sector is not strengthened.

The community colleges that I represent are overwhelmed with new applicants. They're overwhelmed attempting to find facilities and resources to deal with the education of those new applicants. That's why my colleges would agree with the CEOs of the biggest companies in this country who say that the Community College Initiative is so important for community colleges to reach their potential.

Let us not unduly constrict these fine institutions. Let us not listen to Republicans or Democrats. Let's listen to the leaders of corporate America who say, vote "yes" and oppose this amendment.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, it's astonishing that when unemployment in many parts of North Carolina is more than 13 percent that I have to defend an investment in community colleges.

Community colleges give students a chance to learn the skills that they will need to support themselves and support their families, and community college students move heaven and

Earth to take advantage of that chance. Community college students often work full time, go to school full time, and for many, you can put on top of that, taking care of their children.

In North Carolina, about one adult in six is enrolled in the community college each year. All manner of workers depend on our community colleges for the skills they need for their livelihood: construction workers, law enforcement and other first responders, biotech workers, all manner of health care workers, and on and on. Talk to community college students and you will learn what industries are laying off and what industries are hiring.

North Carolina, like much of the Nation, was already going through a tough economic transition even before the recession, and millions of families depend on a community college education to make it through. And tough economic times have only made community colleges more important. Enrollment in North Carolina's community colleges increased by 8 percent just last year, and preliminary data shows that enrollment is increasing even more this year.

I welcome the Obama administration's recognition of the importance of community colleges to working families, to breadwinners willing to work hard to learn new skills. It is long overdue. And North Carolina's community college leaders welcome that, too, and strongly support this program.

I have a letter dated just yesterday from the President of North Carolina's Community Colleges strongly supporting this program. Help parents who will make any sacrifice to support their families. Vote for working families. Defeat this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman and Members of the House, this amendment should be overwhelmingly rejected. Not only does it destroy the Obama administration's initiative on community colleges, but it destroys what almost every Member knows, that as much as the community colleges are doing today, as many students as they help, they're being asked to do even more. And the fact of the matter is we need them to do more, and we need them to do a better job.

We still have too many students who are starting community colleges but are not successfully completing it, either with a certificate for a career or an AA degree or transition to a 4-year school, whatever path they take. We have got to strengthen those pathways that those students take. We have got to strengthen the ability of the community colleges to make sure that they can provide that kind of opportunity. They are becoming the catalyst for economic innovation, economic change, economic revitalization and flexibility in all of our communities.

And what the Obama administration is suggesting with this initiative is

that we should help them do that because we're vitally in need of their success so that people can change the careers as we move from one economy to another. As energy becomes modern and innovative and new, we need a different type of energy worker.

We must defeat this Foxx amendment. We must stick by this initiative and support the community colleges.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. Foxx).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

Mr. GEORGE MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ANDREWS) having assumed the chair, Mr. KISSELL, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes, had come to no resolution thereon.

□ 1900

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KISSELL). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### IN MEMORY OF 1ST LT. MICHAEL E. JOHNSON, USMC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. NYE) is recognized for 5 minutes.

Mr. NYE. Mr. Speaker, I rise today to honor the service and sacrifice but, most importantly, the life of First Lieutenant Michael E. Johnson of the United States Marine Corps, who gave his life to defend our Nation.

Mike Johnson grew up in the sand and surf of Virginia Beach, along with his twin brother Dan and his younger brother Steve. At Hickory High School in Chesapeake, he was an accomplished athlete and a member of the crew team. From an early age, he always talked of following in his grandfather's footsteps and becoming a marine.

Mike loved the outdoors, and after visiting relatives in Oregon, he decided

to attend college at Oregon State. In college, he met his soul mate, Durinda, and in 2007 they were married in her hometown of Keizer, Oregon.

Mike told his friends that, one day, he hoped to become a park ranger, bringing together his love of the outdoors with his commitment to public service; but for Mike, duty came first, and with our country at war, Mike decided that his own dreams would have to wait.

He joined the Marines. After training at Quantico, Mike and Durinda moved to Okinawa, Japan where, First Lieutenant Johnson was assigned to the Seventh Communications Battalion, Third Marine Headquarters Group, III Marine Expeditionary Force.

Two months ago, Mike was deployed to Afghanistan where he was assigned as part of an embedded team that was training the Afghan Army. On September 8, his unit was attacked by insurgent fighters as they approached a village in eastern Afghanistan. In a firefight that lasted over 8 hours, Mike and three other Americans were killed.

As a husband, a son, a brother, and a friend, Mike was a positive influence on everyone around him. He loved his family and his friends, and he cherished every moment he had with them.

Mr. Speaker, across Virginia today, flags are flying at half-staff in honor of Lieutenant Johnson and his memory; but for those lucky enough to have known him, he will always be remembered for the smile that never left his face and by the words he lived by: *carpe diem* and *Semper Fi*.

#### TORT REFORM

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, the President's mention of a tort reform demonstration project in his speech to Congress last week was a red herring. By putting Secretary Sebelius in charge of evaluating a tort reform demonstration project, the President has left tort reform to the former executive director and chief lobbyist for the Kansas Trial Lawyers Association. The President may have well just said, "We need to protect the hen house, so I'm appointing the fox to evaluate security."

Democrats deride the status quo in health care, waving their fingers and blaming special interests, but their rhetoric fails to meet reality. In a moment of extreme candor, Howard Dean, the former DNC chairman, said, The reason why tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers, and that is the plain and simple truth.

Talk about beholding the special interests.

Mr. Speaker, if Democrats were serious about reducing costs and about making health care more affordable without bankrupting our country, they would embrace tort reform. The fact is they just aren't.

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it's a treat to be able to join you, Members of Congress, and those listening in tonight on a topic that has absorbed the attentions of our country, the topic of health care.

This week, the President delivered a major address to the House, to the Senate and to the public about his health care plans. It was really a big debate. There was a lot of discussion, actually some heated kinds of words, some concerns about facts, and what was opinion and what was fact. All of these things have probably been inescapably in the news for many of us to observe. The big debate on the facts calls forth that old quip that everybody is entitled to their opinions, but there's one set of facts.

What we're going to try to take a look at this evening are some of these different controversial areas and how you straighten this thing out and why there is controversy and why there is debate over what the facts are, even though people have their own opinions.

So when we take a look at this—I apologize. Being an engineer, I may tend to make things a little complicated here. This is a chart of the Democrats' health care plan. If it seems like it's a little complicated, it's because it is a little bit complicated; and something as complicated as this, obviously, is going to make it a little difficult for people to sort out.

What exactly are the facts? That's what we're going to be working on.

I'm hoping to be joined by some of my colleagues who are experts in certain areas here of the health care plan, but I think just to start with: sometimes a picture is worth 1,000 words. This is a fairly complicated proposal by the House Democrats in their bill. Essentially, it is going to try to take over 18 percent of the U.S. economy, which is the entire health care sector, and put it under government management. Now, it doesn't do that immediately, but that's its net effect over a period of time. So, if there are some debates over facts and questions, it may not be surprising.

Now, perhaps, when you take a look at a big government takeover of something in any particular area of our government, one of the things that you worry about is that it may become expensive and that your quality may go

downhill. There have been complaints sometimes about the Federal Emergency Act and about the FEMA people. There were concerns about their performance during Katrina. There were concerns about the performance of the post office relative to how much it cost. There were concerns about the CIA, about the kinds of numbers they gave us on Iraq before Gulf War I and Gulf War II. They got it wrong both times.

I do yield to my good friend from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding, and I very much appreciate his leadership and his taking the time to do this.

I wonder if the gentleman would mind putting up that first chart, because it strikes me that it's a pretty complicated chart, as the gentleman said. I found that, when I was back in my home State of Minnesota and when I was traveling around, talking to groups, I used that chart a number of times.

I want to point out that it was, indeed, prepared by the Republican staff, but there is nothing on that chart that isn't in the bill. That is a best-effort depiction to describe what this bill does.

Mr. AKIN. If the gentleman would yield, if you're talking about a 1,000-plus-page bill and if you're trying to put it on one chart, it's going to look a little complicated.

I yield.

Mr. KLINE of Minnesota. Exactly. Exactly. It is over a 1,000-page bill, and it is complicated. The reason I asked the gentleman to put it back up is that I've been struck by a number of proponents, the supporters of this bill, including, frankly, the President of the United States, who've said, Well, the public option is just a little slice. It's not everything. It's a little slice of this reform.

So, one time, I tried to look at that and ask, Well, where is that little slice? Can I take the public option out of this, off that chart? Can I find that little slice?

It turns out that you cannot find that. It is interwoven. There is a Bureau of Health Information; there is a Health Choices Administration and a Health Choices Commissioner. You can't just go and remove one of those little squares and say, Well, that's the public option, and we're left with a simpler bill of reform without this government-run option. It's an integral, woven part of that whole 1,100-page package.

Mr. AKIN. It's like, if you had a rug and you took out all the threads going one way, the whole thing wouldn't make any sense almost.

Mr. KLINE of Minnesota. Well said.

Let me make one more point before you move on. I think you made another very important point.

You said this is the Democrats' health plan.

Mr. AKIN. Yes.

Mr. KLINE of Minnesota. That's really too bad. There is not a drop of Republican ink on the 1,100-page bill. That bill moved through three committees in this body, in this House, and Republicans tried repeatedly to make amendments but without success. The amendments failed largely on a party-line vote. So we have a Democrats' bill.

Mr. AKIN. Gentleman, I can't help but interrupt you there for a minute because I've heard it said repeatedly, and particularly by the President, that the Republicans don't have any alternatives or options. The fact is there are dozens of Republican bills, and none of them were put into any of this.

Mr. KLINE of Minnesota. I thank the gentleman. That's an excellent point.

It seems to me that we should not be at a point where we are competing the Democrats' 1,100-page bill with, presumably, the Republicans' 800-page bill, 900-page bill or 1,000-page bill. What we should do to get a bipartisan solution is take that whole 1,100 pages and push it off. We should set aside the bills that have been introduced, and we should sit down and see where Republicans and Democrats could actually agree on something.

A Republican proposal we've discussed many times is allowing young people to stay on their parents' insurance until they're 25 years old. If you just did that one thing, if we sat down, Republicans and Democrats, and said we're going to push all this aside and we're going to push a reset button and we're going to agree on this one thing, you would take 7 million of the uninsured and they'd be insured. There are many things we could agree on, but not dealing with that.

□ 1915

Mr. AKIN. What you are suggesting, Gentleman, it's almost too common-sense for us to do. One of the ways that when we do create good legislation, usually there is a good consensus, and the minority and majority parties work together, they put stuff together and say, Well, this is the stuff we can agree to, this is the stuff other people can agree to, but together let's take a piece of the problem and solve it.

Instead, what this is is an attempt to take—what is it, one-fifth of our economy—and federalize it. And that's a pretty ambitious step, even if everybody agreed, this will be an ambitious step. And in this case, not one Republican agrees and agrees in the House or Senate, from what I know. Even if they did, this would be very ambitious to try to rewrite 18 percent of the U.S. economy and federalize the whole thing. That's a pretty ambitious thing to do.

Mr. KLINE of Minnesota. Well, let me pick up on this point of a bipartisan effort.

I serve also on the Armed Services Committee, as the gentleman knows. You will recall that earlier this year, the chairman of the Armed Services Committee, the distinguished gentleman from Missouri (Mr. SKELTON) and the then-ranking Republican member, the gentleman from New York (Mr. McHUGH) said we ought to see if we can do something about the defense acquisitions system.

Everybody knows that it is a mess. Hundreds of dollars for hammers, huge cost overruns. We need to fix that system.

And, if you will recall, the approach was to get some Republicans and some Democrats to sit down. And our friend from New Jersey, ROB ANDREWS, was chosen to represent the Democrats and our friend, MIKE CONAWAY, from Texas was chosen. They sat down together and they wrote legislation.

Mr. AKIN. Actually solved some problems.

Mr. KLINE of Minnesota. It actually solved some problems. You will recall when they finished they had a pretty good bill, experts agreed it would help, and it passed that committee unanimously.

Mr. AKIN. Ran right through.

Mr. KLINE of Minnesota. And it should, because that's the way to solve the problem. You cannot take behind closed doors, one party, go write a bill, an 1,100-page bill, at a cost that, oh, it depends on what given moment you are looking at it, but it's somewhere well over a trillion dollars, and present it and say, frankly, as the President did, Well, I am open to suggestions.

Well, the best suggestion I would offer to the President and to my colleagues, the majority party here is, let's set that aside and sit down and see if there is something we can't agree on here.

And don't do as the lady did, a wonderful lady when I was back in Minnesota said, Congressman, is there some piece of this that if you took it out, it would be okay. And it's back to your wonderful example of pulling the strings on a rug. Pretty soon it doesn't function at all. You can't reach in there and take out one little piece and say, Well, yes, I could support that if we just took out the Health Choices Administration.

If you take the Health Choices Administration out, it collapses. That's important.

Mr. AKIN. Gentleman, I would like to get to some of these questions that have come up, questions the President has raised, other people have raised, and take a look at them a little bit more carefully now that we have a little bit of time to say, What is the story? What are the real facts? Because you are entitled to your own opinion, but not to your own facts.

So one of the first things you are going to think about is in our environment, is this health care proposal expensive or is it too expensive? Somebody once quipped that if you think health care is expensive now, just wait till it's free.

So how do we take a look to assess how expensive it would be? You know, the President started his speech last week by saying, Hey, I inherited a trillion-dollar debt.

And immediately, as a member of the other party, I thought, well, you inherited a trillion-dollar debt, but you are not doing too shabby yourself. Because if you look at the Wall Street bailout, half of that was under his leadership, that's \$350 billion. You have got another \$787 billion for this supposedly stimulus bill.

You have got SCHIP, and then you have got, what was it, the appropriations bill. And then the huge bill that was passed, the cap-and-tax bill in this House, that all adds up to \$3.6 trillion.

So I think it's reasonable to ask the question is this thing where the government takes over 18 percent of the economy going to be expensive? And he said it's going to be so efficient that we are not going to have any debt, and it's going to be fantastic and will hardly cost anything because we will take the money out of Medicare.

And so with a bill that's sort of plastic, I mean, you have got a 1,000-page bill, and people want to change it all the time. No one really—hasn't been finalized, all we have is the 1,000-page draft. How much do you assess how much it's going to cost?

Well, one way to do it is, here is Medicare and here is Social Security and Medicaid, the three biggest entitlements we have got, and they are growing out of control. So what we are claiming is that this socialized medicine bill is not going to do what these other socialized medicine things did or particularly Medicare and Social Security.

Now the liberals agree to these numbers. They are saying Yes, these things are growing out of control, but this proposal is not supposed to.

Mr. KLINE of Minnesota. Well, if the gentleman would yield one more time, I hate to interrupt, but you have got a depiction there of the unfunded liabilities, how much more we expect to spend on those programs than we expect to bring in.

And that goes out for a number of years, I see out there, 2008, 2052 and so forth. And we do need to look out there, we do need to recognize those unfunded liabilities. We do need to address that.

But you don't need to look that far. Right now, with the latest projections that have come out of the White House, taking the projected deficit spending, how much more we are going to spend than we are going to take in over the

next 10 years, increasing that from \$7 trillion to \$9 trillion. Trillion dollars. It used to be hard to say that. But now, we just talk about trillions.

Mr. AKIN. It was billions, now trillions.

Mr. KLINE of Minnesota. Trillions now. If you just take the next 10 years, the current debt, which is a staggering number in itself, it is approaching \$12 trillion right now. The Secretary of the Treasury is asking us to lift the cap, the statutory cap on the debt, and you add the \$9 trillion of projected deficits—I ask the gentleman, what does the number \$21 trillion of national debt in the next 10 years do?

And that's without counting the cap-and-trade bill which passed so early in the House and shouldn't have passed at all. It doesn't count this health care bill, which already we know, the Congressional Budget Office projected that the bill that's in front of us, H.R. 3200, almost \$240 billion of deficit spending, and it doesn't count for the out years where the deficit runs over \$60 billion. Yes, it's a staggering amount of money.

Mr. AKIN. So there is a good reason for people to be saying "hold on" in terms of these Big Government solutions. We are just absolutely not spending our kids, but our grandchildren, into debt with these things.

And I guess the question is, when you go from George Washington to George Bush, and you are running at, whatever it is, \$5 trillion, and then you are going to add another 8 just under the Obama administration, doesn't that suggest that perhaps we need to kind of get off the accelerator of spending government money?

Mr. KLINE of Minnesota. Absolutely, it does. And speaking of grandchildren, my wife and I are planning to travel down and spend a little time here in a week or two with the grandchildren. I have four wonderful grandchildren. I always say best grandchildren, but then I run up against somebody like the gentleman who actually thinks his grandchildren are the best.

We are going down to visit them. I am thinking I should just get down on my knees and thank them, because they are going to pay all these bills, and it's just not right.

Those numbers and that chart, I would say to the gentleman, are terrifying. And as I mentioned, when you bring it down much, much closer, 2019 on that chart is way over there towards—

Mr. AKIN. That's something we will live to see, and our grandchildren will just be growing up enough.

I would just like to stop on that point because I notice that the gentleman is probably a little younger than I am, but not too far distant. And you don't get to be a colonel by just being a—you can be a chicken, but not just a spring chicken.

As we grew up our parents, sometimes called the Greatest Generation, they had it in their heart that they wanted to hand a better future to their children and to America than what they had been blessed with. And it seemed like it was one of these, just sort of a national virtue that that generation had the desire to personally sacrifice so you and I could do things like go to college or graduate school or do things that they had not had a chance to do.

And somehow or other, this breaks my heart that we, in our generation that had been blessed by a selfless set of parents in that great generation are, instead, wanting to leave our children and grandchildren in a much worse fix than we found ourselves. Something about that seems almost un-American and intolerable to me.

Gentleman, would you want to comment on that?

Mr. KLINE of Minnesota. Well, I take your point. I am, of course, very proud of my parents, part of that Greatest Generation. My father landed in Normandy, fought his way across Europe and part of that world.

Mr. AKIN. Dad, my father, was with Patton.

Mr. KLINE of Minnesota. Well, they may have been together. My father was, as I said, he landed on Normandy, fought in the Battle of the Bulge. But they came back, and they did make sacrifices. But it has been, as the gentleman suggested, the American way for all generations before us that the next generation has been in better shape, if you will, been left in better condition.

And it's not that certainly you and I and people in this room don't want things to be worse for our grandchildren, but if we are not careful about how we build this public policy, things are going to be worse. And I would argue, we have not been careful, that we are running a deficit this year alone that was unthinkable 6 months ago, unthinkable.

And that national debt I mentioned, unimaginable that we could possibly consider the mess our grandchildren are going to be in.

Mr. AKIN. The experience of other countries with nationalizing their health care, has that been an inexpensive experience? My understanding is it's about broke the budget of people that have tried to do this thing.

I do know that Massachusetts tried it and Tennessee tried it. And the experience that they had was, it was expensive. Massachusetts' health care costs have gone up like a skyrocket and Tennessee, the doctors just about left the State. The Democrat governor that tried it as a trial project was followed by another Democrat governor who called it an unmitigated disaster.

The head of Canada just declared their socialized medical system a complete mess and a disaster also and very expensive.

Mr. KLINE of Minnesota. Minnesota—our neighbor to the north is, indeed, Canada. And I am very proud to say that Minnesota is a destination State for health care. We have one of the most famous hospitals, clinics in the world, the Mayo Clinic, in Rochester, Minnesota. And the thing about Canada is, if they can't get care in Canada, if they get tired of waiting in line, which they do wait in lines, and they are denied care, they come see us in Minnesota.

So it's expensive in Canada. The gentleman's point is, it is, indeed, expensive. But I am arguing, worse than that, it doesn't work for many, many of our Canadian neighbors. They cannot afford to wait in those lines.

Mr. AKIN. I was told by some Canadians it's the best health care system in the world as long as you are healthy.

Mr. KLINE of Minnesota. And then if you are not, you come to Minnesota. So I take the gentleman's point.

Mr. AKIN. Well, thank you very much, the gentleman from Minnesota, Congressman KLINE. I appreciate your staying extra on the floor and helping us with it, a close look, try to take a look at some of the questions.

The first thing that the President raised was the fact that he had inherited debt. And he also said that his health care plan was going to get rid of debt and was going to save money and would work really well financially.

And the question then becomes, well, if that's the case, how come Medicare and Medicaid seem to be costing so much? If the government can't run those without running a huge deficit, what makes you think we could go further?

Well that's one question, how much it costs, a lot of discussion on that. Another question is the question of bureaucratic rationing. I think a lot of Americans that do have health insurance have been frustrated by the fact that insurance companies sometimes tell you that you can or you can't get treatment. And we don't want people rationing health care who are in the insurance business. We want that to be a doctor-patient kind of question.

And so one of the big concerns about when the government takes something over, the government will tell you what you can and can't get for a treatment.

And so because there was concern on this issue, one of the ways to probe and to test a bill is, when it's in committee for people to be able to make amendments to the bill. This particular amendment, here, was offered by Congressman GINGREY from Georgia, who was a medical doctor.

And the thing that I like about it, it's a very simple and straightforward statement of policy, and it says this: Nothing in this section, this is being added to the Democrats' health care bill, Nothing in this section shall be

construed to allow any Federal employee or political appointee to dictate how a medical provider practices medicine.

In other words, what this language is saying is the doctor-patient relationship is sacred. We want the doctor and the patient to make the medical decisions, and that's what this particular sentence was trying to enshrine into law in the middle of this bill.

And so this amendment was offered in a way to kind of determine, really, where are we going with this health care debate. And this amendment was defeated on an almost straight party-line vote. The Democrats, with the exception of only one Democrat, voted that this language should not be in the bill. The Republicans, 100 percent said, the doctor-patient relationship should be sacrosanct.

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So this is a place where, through an amendment in committee, we know what the plan for this bill is, and that is that there will be federally paid employees or bureaucrats telling you what kind of medical treatment that you can get. And this of course is what happens in Canada and England and all, so it's not a big surprise. But this amendment makes it very clear the difference in policy between the Democrat plan, which is that bureaucrats are going to determine what's a reasonable procedure for you to get, and it's not going to be based on the doctor and the patient. As a Republican, I don't like insurance companies butting in there. Even more so, I don't like the Federal Government.

I am joined by a good congressional friend of mine, Congressman BISHOP, and I would yield to him and ask his advice on this point also.

Mr. BISHOP of Utah. I appreciate the gentleman from Missouri for yielding.

Actually, if you would maybe get that next one, the chart you have on the back there about abortion, because I think it relates to the same issue.

We oftentimes have a great deal of debate and discussion over what is or what is not in the bill. That's probably because there is not one bill. There are several bills floating out. What is in some places are there and what is not in some places are there. But I think one of the things to remember, because this is basically the same issue, the language the gentleman from Missouri just gave on Medicare and what it does as far as the practicing of medicine is something that was supposed to be in the Medicare bill when that was first produced 40 years ago. It doesn't quite work that way because when you start down a road, you often find out you end up in a different situation than when you started down that path.

When I was still teaching school, I often showed my students about the construction of the Berlin Wall. I was

so amazed at the Berlin Wall as to, in fact, why the United States did nothing to stop the construction of the Berlin Wall. They had a great interview of Dean Rusk, who was Secretary of State at that time, who said that if you know at the end of the day you're not going to go down that path, you don't take the first step down that path.

Many of the issues like the issue of will this actually fund abortion or not, will this actually deal with illegal immigrants or not—

Mr. AKIN. If I could interrupt a second, what you're talking about is precisely what I wanted to get to tonight because what we've got is a debate over what the facts are, and you're bringing up the question of abortion, which is one of the debates. Here is the direct quote from our President. It says: "And one more misunderstanding I want to clear up—under our plan, no Federal dollars will be used to fund abortions and Federal conscience laws will remain in place." This is what the President says. And now you've made the point that in committee an amendment was offered; is that right, gentleman? I just wanted to lay that groundwork because this is his statement. This is what the President says. Now, what's actually going on in committee, please?

Mr. BISHOP of Utah. Well, this, unfortunately, was in my committee as well in which amendments were made to try to put a limitation on the abortion funding, as you can see the language that is up there. And once again, that was defeated. What it tells us is that what is in the bill is not necessarily the same thing as what will happen 5 and 10 and 20 years down the road, because oftentimes what we're doing is not necessarily starting a program now but we are opening up the door. I'm mixing metaphors here. You're opening up a door that's going to take us down a path, and the question is where will that path end. Not today but where will it end in the future? And that's why sometimes people can have a difference of opinion, on not necessarily what is in the bill but what this bill provides the opportunity to do in the future. That is not in the status quo.

We have, in this bill, many kinds of provisions in there that may not necessarily start a program now, but it gives the opportunity. We may have a program that right now is voluntary and it's established, but it easily could become fully funded and then mandatory.

Mr. AKIN. What you're saying is something that you and I, gentleman, take for granted. We live in this world day in and day out, God help us, and in the political world we realize that when a bill is passed, there are armies of people that write the rules and regulations that flesh out what the bill will be. So the question then becomes does

this bill make it clear that we won't be using Federal taxpayer money to provide free abortions to people.

Now, to me, this is a different question because I have always been pro-life, but to me, it's a different question than the question of abortion. It's a question of the fact that I have constituents who are violently pro-life, violently pro-choice, and they disagree on that point. But the question is are we going to compel all citizens to use their taxpayer dollars to fund abortions. And that's something very upsetting to many people. So the question is does this bill do that.

Well, the bill doesn't specifically say anything, does it? So one of the ways to determine whether or not that's a future intent, that that's a little thing you're going to put in later, is to offer an amendment to make it clear just so that nobody will get upset about this issue, make the bill so that people can be more comfortable that there won't be any of this Federal money used for abortions. So when this amendment is put up, what happens? It gets voted down by a great majority of Democrats, right? So that leads you to the conclusion, well, they want to leave the door open for Federal funding for abortions with this bill. You can come to no other conclusion.

Mr. BISHOP of Utah. If I could make just one more statement to the gentleman from Missouri because I know we are joined here by one of the most creative thinkers I think we have here on the floor, the gentleman from Arizona. And I think if I could add a segue here in some particular way, I agree with you. This presents all the warning clouds out there if we insist that the only solution is a government-controlled, government-mandated solution.

And what I think I would like to do in the few moments that I have is to make it very clear that this is not the only plan that is out there. There are other bills. The gentleman from Arizona has a bill. The gentleman from California (Mr. ISSA) has a bill. The gentleman from Georgia (Mr. PRICE) has a bill. The gentleman from Wisconsin (Mr. RYAN) has a bill.

Mr. AKIN. And the gentleman from Texas will shoot you if you don't mention his bill.

Mr. BISHOP of Utah. He has one. Mr. GOHMERT has a bill. And all of them are based on a different premise, and the premise is that what government should be doing is not telling people what they do and telling people what their choices may be but to try to open up the system so that people have options so that they can choose what they wish. And I think that's one of the things that is a fundamental difference in what we are talking about. And if we really want a bipartisan bill, those bills must be brought to the floor and allowed to be debated and voted on so

we have a discussion on the philosophy of how we're going to solve this problem and if we truly desire to empower people or truly desire to empower the government.

I yield back.

Mr. AKIN. Reclaiming my time, I appreciate your joining us.

Congressman BISHOP is just a regular powerhouse here in Congress.

We are very thankful for your district's sending you up here. Your background in teaching and making ideas straightforward and clear and being precise, that scholarly discipline is dreadfully needed at this hour, particularly when we start talking about these very nebulous kinds of nail-JELL-O-to-the-wall health care bills.

I am also joined by a gentleman that I respect greatly. He has been a leader here in Congress and an innovative thinker, Congressman SHADEGG from Arizona. I appreciate yielding to you.

Let me just say, as we're getting started, though, because you have just come on the floor, what I have tried to do is to say, look, earlier last week when we talked about health care, the President came on this floor, debated and discussed, talked about what he wanted to do with health care, there was quite a lot of concern about what really the facts were. The President made a number of assertions, and what I was trying to do was to go back and forth and say here's the assertion and here's what we know about what the facts are and try to lay that out to make it clear.

The President said, first of all, that the bill isn't going to cost hardly anything. It's going to save money. It won't put us in debt or anything. And yet we don't have too much to be confident about other than his tremendous optimism.

The next thing that he was saying is that—one of the things he said was there are no abortions in this bill, and yet when an amendment was offered to make it so that there couldn't be any, that was voted down on this great party-line vote.

So that is what we are trying to do is to say let's try to get to the heart of what some of these questions were, the costs, the abortion, the immigration, some of these different issues.

I yield to my good friend from Arizona.

Mr. SHADEGG. I thank the gentleman for yielding.

I watched the gentlemen engage in this hour earlier and felt I ought to come down and try to add to it, perhaps bring a different perspective, articulate some of our concerns in a new way. I want to thank my colleague from Missouri for his efforts. I want to thank my colleague from Utah for both his compliment and his hard work on the issues we confront.

I really want to hit two parts. Most importantly, I want to hit the final

point that the gentleman from Utah hit, which is what should be the process for passing legislation of this significance to the Nation. And I think the gentleman from Utah had it right. It needs to be an open process. It needs to be an opportunity where everyone can surface their ideas, and there needs to be a dialogue. And, quite frankly, that has not happened. It just has not happened.

The gentleman led off in his discussion on this point by listing all of the different bills. PAUL RYAN of Wisconsin has a bill. TOM PRICE of Georgia has a bill. I have a bill. There are many, many Republican bills out there. And, shockingly, the media doesn't tell the American people that there are any Republican ideas out there, and yet there are. And I think the gentleman from Utah said it well. There really is a great philosophical divide on a part of this issue, but it's really just a part of this issue. There are subsets on which there's agreement.

When we talk about where the divide is, I think the gentleman from Utah said it well, that the divide is between the notion which the President is advancing that the only way to fix the problems we have in health care today, and Republicans agree there are deep problems in the delivery of health care services today, but the Democrats and the President say the way to fix that is massive government intervention in and, quite frankly, taking control of the entire health care system and the entire health insurance industry.

Mr. AKIN. Reclaiming my time for just a minute, if Lyndon Johnson, who noticed there were people who were hungry in America, took the same approach, he would have had the government take over all the farms and the grocery stores, wouldn't he?

Mr. SHADEGG. And the grocery stores. No question about it. All the farms, all the grocery stores, you name it.

Mr. AKIN. We would have considered that a little bit radical, wouldn't we?

Mr. SHADEGG. I would have been offended, and I don't think it would have solved the problem.

I want to make the point that the Republicans are being portrayed as being allies of the health insurance industry in this fight. Bunk. The President in his remarks the other evening talked about special interests. Some of the biggest special interests in this Nation have thrown in behind the President and are pushing this bill. The big insurance companies, they have signed on in support of this bill. There's one piece of it they don't like. They don't like the public plan. But by gosh, they like the idea of an individual mandate, which is an issue I think we ought to be discussing. And the big drug companies, the big drug companies are in this hook, line, and sinker, so much so that they spent \$100 million or maybe more

over the August break advertising their support for the President's plan.

But let's go back to the basics here. The President and the Democrats say the solution is massive government intervention. Republicans say, well, now, wait a minute. What is driving costs and what will bring costs down? And the gentleman from Utah said it correctly. The reality is cost is being driven, I would argue and most Republicans argue, because you and I don't have patient choice. We can't make the kind of decisions like we could in any other market to drive costs down by buying a product that is less expensive and provides better service.

Mr. AKIN. In fact, we don't even know what the costs are.

Mr. SHADEGG. We don't because the costs are hidden. Now, why are the costs hidden? The costs are hidden because the current structure says, if you get your health insurance from your employer, it's tax free. If you buy it yourself, then it's taxed. So the insurance industry never runs an advertisement trying to get the gentleman from Utah or the gentleman from Missouri or the gentleman from Arizona to buy an insurance policy from them. They don't have to advertise for our business. They know our employer picks our plan and the plan picks our doctor, and they don't much care about us.

Compare that with the auto insurance industry. In the auto insurance industry, you leave this room right now or anybody watching this at this moment flips from this channel to a commercial channel and within seconds they will see an ad for GEICO or Allstate. I saw an ad for Allstate not 3 minutes before I walked over here. Or State Farm. Now, why?

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Mr. AKIN. Because they are selling the auto insurance to the consumer in a free market. And people who have the most basic, fundamental understanding of what the job of government should be, which is justice, which means people are equal before the law. And yet how can it be equal before the law when one guy gets insurance with pretax dollars, and the other poor guy has to pay with dollars after he has been taxed.

Mr. SHADEGG. One of the biggest outrages, and I think it is immoral, is that this government says that the least among us, those in this society just barely getting by, working for an employer who can't afford to give them insurance, we say it would be responsible for you to buy health insurance, and we are so concerned about your well-being that we are going to smack you down and make you buy it with aftertax dollars, making it at least one-third more expensive.

That is immoral and it is a policy of this Congress, and I don't see the Democrats proposing to equalize that tax treatment.

Mr. AKIN. I yield to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I just wanted to give a simple illustration of what the gentleman is talking about in today's medical market.

If you still want to get a nose job, plastic surgery, the cost is decreasing every year. Because there is no middleman and no insurance, you go and negotiate with the doctor. Lasik surgery does the same thing.

That is why I would like the gentleman to talk about what could happen. There is a large pool of people who have a difficult time getting insurance. They are the so-called uninsurable. But what would happen to that pool of individuals out there who can't get insurance right now if, indeed, you allowed them to buy insurance with pretax dollars, not post-tax dollars, you allowed them to go across State lines to look for insurance, and you allowed them pooling opportunities to do that. What would happen to that pool of uninsurables which might then be able to be handled by 50 different States with coming up with programs to meet the demographics of those States. And once again we try to do this thing of simply empowering people to meet their own needs and solve their own problems. What would be the result of that?

Mr. AKIN. I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I think the gentleman knows well that I have been arguing for a freer market, a free market for health insurance for a long time. I have proposed allowing people to buy policies offered in other States and to make those policies available in the State where they live.

The President stood before us and said it is clear we need health care reform, and it is clear we need a government plan because, and he cited, I believe it was Mississippi, he said 75 percent of the insurance plans sold in Mississippi are sold by just five companies. His answer is one new government plan.

My answer is let's let dozens of private insurance plans come into Mississippi and bring about real competition.

Let me point out that just today there was development on that issue. Senator BAUCUS released his plan. Senator BAUCUS, I don't think he is a true friend of free markets, but Senator BAUCUS in a nod to this idea that has been out there, he included in his bill the notion of allowing cross-state health insurance sales, increasing competition so that somebody who lived in Utah might have 30 plans to pick from rather than five. Or somebody who lived in Arizona might have 100 plans to pick from rather than eight.

Mr. AKIN. Reclaiming my time for a minute, the gentleman raised an interesting point. And I think the President

made a stronger case, he said there is one State where there is one insurance player in the market. So his solution is what, so we are going to give you one insurance plan for the whole United States. Now that is an interesting way of looking at the problem.

What you are suggesting, gentlemen, is that you take your insurance and sell it across State lines and what you are trying to address what I believe is a problem, that in some markets an insurance company can kind of corner the market and run the prices up.

And so what you are talking about is free market competition so you can buy an insurance policy across State lines.

Mr. SHADEGG. I wrote a number of years ago a bill that is loosely described as allowing people to buy an insurance policy across State lines. It really doesn't do that, but it does increase competition and make more policies available in a similar way.

The idea came to us because some people living in New Jersey were discovering from friends and family members who lived just down the street in Pennsylvania that the cost for health insurance for a family in Pennsylvania was a fraction of the cost of that same policy in New Jersey. Same four-member family, four times, five times, even eight times as expensive.

Mr. AKIN. So you have to move to a different house.

Mr. SHADEGG. You have to move to a different house, so people were shopping with their feet, literally defrauding the insurance industry, perhaps understandably so, by saying their address was their brother-in-law's address over in Pennsylvania.

What I did was I wrote a bill that said you have to meet a financial standard for financial solvency and for appeals, and then you meet the standards of one State in terms of what you provide in the policy, and you can file that policy in all 50 States. And by the way, if you sell it in Missouri, then you are subjecting yourself to regulation by the Missouri insurance commissioner to protect the people in Missouri, and the Missouri courts to protect the people in Missouri.

If you sell that policy in Utah, you do the same. But you write one policy and sell it in 50 States.

Mr. AKIN. So you are maintaining the principle of federalism, the State insurance commissioner still controls and regulates the insurance in their State, but you allow that competition to take place.

I suspect, practically speaking, if it were passed, your bill would have its most dramatic effect right near the border areas of the States because there you have a network of providers that people could go to, and I would think that is where the bill would be most effective.

I yield to Congressman BISHOP.

Mr. BISHOP of Utah. If I could just add one philosophical problem, and once again this is one of the reasons why I think this debate is becoming so partisan and bitter, is because it is philosophical. That has happened repeatedly in the history of this country.

Progressive era, great growth in the size of government. In the twenties, there was retrenchment on the side of individuals.

New Deal: Government. Eisenhower, Kennedy: Individuals.

Great society: Big Government.

Reagan: Individuals.

We are now in that time where this administration wants to move us to again grow the size of government. It is a philosophical debate more than just taking the original chart you had and moving this agency here and trying to do kind of those practical things that lend themselves to bipartisanship. It is a structure on whether we try to help people make choices for themselves or have government come up with a government plan, government standard that comes in here.

This is once again where I believe the Founding Fathers, who had the idea of federalism, play a significant role.

My State has a plan recently instituted for those who are truly uninsurable, but it is dedicated and devoted to the demographics of my State. Once we do what you are talking about of giving people options so they can form their own pools, buy across State lines, buy their own products pretax, you will shrink the number down so it can be affordable.

The advantage of federalism is simply this: you can have greater creativity and greater justice applying to circumstances. And more importantly if a State fails, a program fails, you don't screw up the entire Nation, which will happen. That is what we need to do if we really are going to find better solutions.

So I appreciate that, and I appreciate once again bringing to the floor that the idea presented by the Speaker and the President is not the only idea out there. There are other ideas and other options that have a different purpose, and that purpose is to empower and ennoble the individual.

Mr. AKIN. I appreciate the gentleman from Utah getting perhaps philosophically to the heart of this debate. Really, the question is are we going to go down the path. And if you take a look, there was a nation that we knew very well back just a few years ago, and the nation had this basic operating philosophy: the government will provide you with an education. The government will provide you with a job. The government will provide you with a house. The government will provide you with health care. And we see our own country. And that nation was called the Soviet Union which is now in the dust bin of history.

Now we see our Nation providing housing, providing food, providing education, and now we are talking about health care. Now, this is a little different speed, though, because before when someone was hungry, the proposal was give them a food stamp, which I am not sure was very efficient, but it wasn't to federalize every grocery store and every farm in America.

This proposal that we are talking about is different. This is saying that we are going to step right in and the government is going to take over one-fifth of the U.S. economy, and that is a pretty tall step to take.

Mr. SHADEGG. If the gentleman will yield, first of all, it is a tall step given the track record of the Nation. The track record is that the government does not do these functions very well.

We had a vote here to bail out the pension fund for postal workers just a few days ago because we are in trouble there. We had a lot of demonstrated history of the ineptitude of the government in solving problems having to do with the hurricane that destroyed much of the southern portion of the country. The government didn't do it well.

Mr. AKIN. So you have postal service and FEMA. Keep going.

Mr. SHADEGG. The next one is we just did Cash for Clunkers, and we flat failed at that miserably. So the track record of government doing these things isn't very good.

Mr. AKIN. Let's stay on the subject just a little more. Somebody talked about the compassion of the IRS. Do you want the compassion of the IRS in the health care system, or the efficiency of the post office?

Mr. SHADEGG. How about the efficiency of Cash for Clunkers?

Mr. AKIN. Here is one that really frosts me, and nobody has made a big deal about this.

In Gulf War I, the CIA came to us and said the Iraqis are 10 or 15 years away from building a nuclear device. We get in there, and they are a year and a half away. So they got it completely wrong.

Then we go to Gulf War II and they say they are a year and a half away from building one, and we get in there and they are not even close to it. They have completely missed it both ways. And then you want to trust your body to these guys?

Then let's talk about the efficiency of the Energy Department. Do you know why the Department of Energy was created?

Mr. SHADEGG. To ensure energy independence.

Mr. AKIN. To reduce our dependence on foreign oil, to ensure energy independence. And ever since they have been created, which way has the graph been going?

Mr. SHADEGG. The other way.

Mr. AKIN. We are joined by the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Thank you for letting me join in and contribute to this discussion tonight.

If I remember right, President Obama in this very Chamber said we have problems with Medicaid and Medicare, and we have waste and abuse and fraud. That all may be true, but I don't think the solution is let's start a new trillion-dollar government health care program because we have problems in Medicare and Medicaid. I mean, if we have problems in Medicare and Medicaid, I don't see that is any excuse to start a new trillion-dollar health care program. So I have real problems with that.

Representative AKIN, let me back up and tell you what I observed in my town hall meetings in Colorado on health care. Just a few weeks ago, I had some interesting meetings where hundreds of people showed up. People were turned away by the hundreds. It was a really good exercise in democracy. I enjoyed hearing from both sides. In fact, admittedly, I heard more from those against the program, but I would ask those for the program to come forward and say what they had to say because I wanted to hear both sides and I wanted the audience to hear both sides and those watching in the media to hear both sides.

Mr. AKIN. You were courageous to do that because there were a lot of people who tried to have town hall meetings and their constituents were not very happy about what has gone on down here in the last 6 months. You had at least a sense that you wanted to hear both people's opinion, both sides.

Mr. LAMBORN. That's right. There was give and take, high passions on both sides. It was a little unruly at times. But overall it was very positive. I hear that a few of our colleagues, unfortunately, were sort of AWOL. They evaded having some of these meetings. They only did telephone meetings, which is good in and of itself but doesn't go far enough compared to a personal meeting. So some of our colleagues around the country, Representative AKIN, maybe went as far as they could have.

Mr. AKIN. We did a town hall, a lot on health care, and it was very interesting.

Mr. LAMBORN. What I am seeing with the passion of those who are concerned about what this is going to do is not just that health care is an intensely personal issue for their mother or grandmother, their loved ones, their child. It is an intensely personal issue, but it goes beyond that. I know you know this, but I will just remind you, it also has to do with the recent takeovers we have had in the government. We have been taking over financial institutions and we have been taking over auto companies.

Mr. AKIN. We fired the president of General Motors. I still can't get my

brain around that. The President of the United States fired the president of General Motors. I never thought I would see that.

Mr. LAMBORN. Me neither in my wildest dreams. So it calls into question is this just another takeover.

Mr. AKIN. Today we are taking over college loans. We are going to basically chase the privates out of that business.

Mr. LAMBORN. That's exactly right. That is the wrong thing. Those who say they trust the government and yet here we are taking over these things, these huge areas of industry, they have a right to be concerned.

But the third thing, Representative AKIN, is the huge spending that is involved. We get estimates anywhere from \$1.2 trillion to \$3.5 trillion. I think President Obama said \$900 billion, which is just under a trillion. We have huge amounts that are going to be spent on this program, so we have big spending, without a doubt. We have takeover by the government within the last 7 months happening in area after area of our industry and society.

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You add to that the personal involvement that we all have in our health care. You put all those together, it's a very combustible, volatile mix. And people around our country have every right to be concerned.

Mr. AKIN. Reclaiming my time, Congressman LAMBORN. I just hit 62, and I have become even more and more painfully aware of the fact that I have to live inside this body. And I think Americans feel that way.

When you start talking about, Well, I got some government that's going to take over all of this and there's going to be somebody determining what kind of health care you get, that gets people's attention. Maybe they like the idea. But they want to know how is this going to work.

I yield time.

Mr. LAMBORN. That's a great point. So I think you probably observed what I saw—and tell me if you did or didn't. But people around this country have every right to be concerned. It's the big spending, it's the fact that government's taking over all these sectors of our economy, plus it's health care—the most intensely personal things that we work on.

So we have a proposal before us—actually, several proposals. So I don't know what the President really means when he talks about “my” plan, because there's four or five different proposals floating around.

Mr. AKIN. Except there is something that has been proposed by the Speaker of the House. It's her committees. And we have a bill number on it, and there have been amendments made to it. It's been dealt with in committee. He apparently wants the Democrats to vote for that Pelosi plan.

So I think, you know, at least a reasonable person is thinking that the President wants the Democrats to advance the plan, which is the 1,000-page bill which is being offered by the Speaker and the committees that are under her authority. That's what we were talking about tonight, because the President makes these assertions, and yet when you take a look at what's in the Pelosi plan, you start to see this disconnect between the two.

I think a lot of Americans have gotten that personally involved in this that they have copies of the plan. They're starting to read it, and saying, The President is saying this, the plan is saying this, the President is saying this, the plan is saying that, and that's what I was trying to get at tonight.

Here's an example. There are those who claim that our reform effort will insure illegal immigrants. This, too, is false. The reforms I'm proposing would not apply to those who are here illegally. So this is what the President says.

If you go to the bill, the bill says this bill is not for illegal immigrants. Okay, that squares with what the President says. But, then, when you look more closely, you find out that in the enforcement section it says, basically, anybody can sign up for the deal.

So there's no enforcement to put any teeth at all in this, which then makes you think, Wait a minute. What's the smoke and mirrors?

And so there's different ways to test this. One is to offer an amendment. So the Republicans offered this amendment. In order to utilize the public health insurance option, an individual must have his or her eligibility determined and proved under the income and eligibility verification system. This is fancy language of saying you've got to be a U.S. citizen. You have to be here legally. And this, of course, is voted down on a straight party line vote. There were Republicans—15 voted yes. A total of 15. Twenty-six Democrats voted “no.”

Now this basically would say that not only are we going to say, No, illegal immigrants can't get this, but we're also going to say, Before you get it, you've got to prove your eligibility, and they said “no.”

Now that leaves some level of confusion, but it clearly leaves the point that the Democrats did not want this amendment in their bill. So this is that disconnect where the President says one thing. And yet, when you start to look at the facts, you go, Oh, my goodness. What other way can you look at this?

One of the things we did, there's a Congressional Research Service. We asked them, When you take a look at this bill, will illegal immigrants be able to take advantage of the bill? Now this is a body that's not Republican, not Democrat. They're just a bunch of scholars.

Here's the quote from the Congressional Research Service, August 25, 2009, just a couple of weeks ago. Under House Resolution 3200—that is NANCY PELOSI's health care bill—a health insurance exchange would begin operation in 2013 and would offer private plans alongside of a public option. H.R. 3200 does not contain any restrictions on noncitizens whether legally or illegally present or in the United States temporarily or permanently participating in the exchange. So these people are saying the same things.

When our constituents read the bill—bless their heart to wade through all of this stuff—they're saying, It says there's no illegal immigrants. But in fact there's an amendment we offer to make it clear. The amendment is turned down on a party line vote, and there are no teeth in it at all.

So there's this disconnect. And I think that's creating a lot of stress out there.

I yield to my friend.

Mr. LAMBORN. You've raised a really good point, Representative AKIN, and I think you're right on that. And it's unfortunate that the President didn't really understand the ins and outs of the bill or hopefully he wouldn't have said that. So I think maybe he wasn't as familiar with the ins and outs and details as what you're explaining right now.

Let me back up and point out another problem that a lot of people in my district are having with this plan. Eighty-five percent of Americans do have health insurance, and by and large it's not a perfect system, but they're largely satisfied with the health care that they have.

And so we have a relatively small number—not just 15 percent. It's actually smaller than that. Because of that 15 percent, some of these people can't afford insurance. They're just paying bills as they go. They're self-insuring. Also, there are those who are qualified for existing programs so they don't really need a new program for them. So it may be 5 percent or less of Americans that actually need health care.

So why are we revamping one-sixth of our Nation's economy, the entire health care system, for a small percentage—5 percent or less—of our population? The people in my district can't understand that.

Mr. AKIN. I just have to stop you there, gentleman. I think you put your finger on probably one of the biggest question marks going here. This is such a straightforward question, but I think it needs to be repeated.

What we're saying is that 80 percent, at least, of Americans have some kind of health insurance. Most of them are reasonably pleased with the health insurance and the doctors they have and the delivery systems. So you've got 80 percent of the people that are okay with it, and yet you're going to basically take all of that and change it in

order to take care of what, 5 or 10, depending whether you count illegals or whatever.

Mr. LAMBORN. Will the gentleman yield?

Mr. AKIN. Yes.

Mr. LAMBORN. What it boils down to, if the problem is really those who are uninsured who cannot afford it, we have a lot more targeted and focused ways of meeting that small percentage rather than revamping our entire health care system.

Mr. AKIN. I think you have brought an exceptionally important point. Unfortunately, our hour has just flown by. I would just like to thank my good friend, Congressman LAMBORN, for his expertise and great leadership you've shown here on the floor. I thank my other colleagues for taking part in trying to get through some of these details.

#### FREE ENTERPRISE AND THE INVISIBLE HAND

The SPEAKER pro tempore (Mr. FOSTER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, as always, it's an honor to address you on the floor of the House of Representatives. Having listened to some of the dialogue of my colleagues that have been here just prior and hopefully will join me in the next hour, I think it's important that the American people return their focus again to the values that made this a great Nation.

We're a country that needs to be cognizant of our history. And that's why we teach it in our public and our private and parochial schools. It's why we teach it in our families. We pass the lore of the American Dream and history of the United States of America on down to our children, and we ask our children to pass it to their children, and on and on. And to make sure that there is a consistent continuity, we teach the history of the United States in the context of the world.

And so something that seems to be missing from the awareness of the people on this side of the aisle that are advocating a national health care act, a socialized medicine plan, is the foundation of the greatness of America. And I could go off into a lot of different tangents about the pillars of American exceptionalism, but central to those pillars is the idea of freedom—the freedom and the free markets and the freedom of the markets to make a decision on what they want to provide to the consumers.

And so this is Adam Smith. This is Adam Smith that laid this out. Even though you can read through all 1,057 pages of *The Wealth of Nations*, you'll not find him use the expression "the invisible hand." But it's the invisible

hand, indeed, that best describes the vision of Adam Smith in 1776, having printed and published his book *The Wealth of Nations*.

It's the very foundation of free enterprise. And centuries later we come up with Keynesian economics. The idea that there is no basis for the economy. That the economy is just a great big huge national or global chain letter. And that if the government would just print a lot of money and spend the money a lot of ways and maybe go drill some holes in an abandoned coal mine—this is according to Keynes—and bury that money in those holes and then fill the abandoned coal mine up with garbage and turn the entrepreneurs loose to go dig up the money, he said he could solve all of the unemployment in America.

I know, it sounds bizarre, Mr. Speaker. I am not making this up. This is the characterization of John Maynard Keynes and the difference between the Keynesian approach, President Obama's approach to economics, and this approach from the free market side of this, where the consumer makes the demand by pulling with its invisible hand the loaf of bread off the shelf.

Let's just say there's a good loaf of bread for a buck. And the invisible hand will pull that good loaf of bread for \$1 off that shelf over and over again and the shelves will be bare. And somebody else comes in and they say, Here's a loaf of bread that's not quite as good for a buck and a quarter.

Well, they might just pass up that purchase, even though they need the bread, and wait until the fresh ones come from the bakery that provides the good bread for a dollar. And so the bakery that provides the good bread for a dollar is filling the shelves up with their product and selling a lot of volume. And the bakery that sells the not quite so good bread for a buck and a quarter doesn't sell very much bread, if at all. And, over time, the company that's being out-competed with the higher-priced, lower-quality bread either learns how to make good bread for a competitive price or they give up the market to the company that makes the good bread for the competitive price. And it isn't the end of the world if we end up with one company producing bread in that fashion.

What if we get down to where only one company is baking bread, and it's for a dollar and it's a good price and it's high quality and it's a value to the consumer. Not so bad. But if that company realizes that they are running a monopoly and they decide to jack the price of their good loaf of bread up to a buck and quarter, buck and a half, \$1.75, maybe lower the quality, pull a little wheat out, put a little something else back in there, then what happens? The consumer gets dissatisfied. And the dissatisfied consumer then either bakes their bread at home to get the

quality and the cost that they want, or they open up their own little bakery.

Maybe they bake that bread at home and they decide, I'm going to provide a little bit for my family. Then it's so popular that you provide a little for your neighbors. And then the family and the neighbors decide, I want mom to keep baking bread. So they want to pay her so she keeps baking that bread.

Now, high-quality bread that was now a buck and a half because you had a monopoly. The price of that is competitive because the homegrown business begins to compete into that volume and quantity and the cost of the marketplace and pull the cost back down.

That's the difference between the free enterprise system and central command, central planning, the 5-year planning, the Federal Government deciding what's going to be made and what the price will be. And if it doesn't work, you subsidize the people making. And if that doesn't work, you subsidize the people buying it. Sound like the car industry? Yes, it is, Mr. Speaker.

This is the difference between the philosophy on this side of the aisle. They think that they are smart enough to make all of these calls for all of the consumers, except for perhaps the butcher, the baker and the candlestick maker.

Mr. AKIN. Wait a minute. Would the gentleman yield?

Mr. KING of Iowa. A moment here before I yield. On this side of the aisle are the people that believe in free enterprise, the invisible hand, Adam Smith's vision, Adam Smith's dream, and the idea that you cannot manage an economy. You have got to let the supply and demand manage the economy. That's the difference. We believe in free enterprise. You folks do not. And if you disagree, I will certainly yield to you, but not one of you is going to stand and take this argument on.

I yield to the gentleman from Missouri.

Mr. AKIN. I can't help but jump in when somebody is defending the cause of free enterprise. I guess there's different ways to describe or explain the phenomena that you're talking about. And one of them is that one side of the aisle tends to be much more in favor of free enterprise and the other one is much more in favor of having the government do things.

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I guess what we start to get to is a question that's kind of a fundamental question, really the biggest thing that we divide and talk about and argue and debate about on this floor is, what is the proper function of the civil government, particularly the Federal Government? What should the Federal Government be doing? Should it be baking bread or should it not be baking bread?

Should baking bread be left to citizens out on the street? Should it be the job of the Federal Government to be giving food away to people? Should it be the job of the Federal Government, according to Joe the Plumber, to take money from one person and give it to another person? Is the job of the Federal Government to be the big sugar daddy, dispensing favors? Is it the job of the Federal Government basically to be Big Mama, taking care of everybody? Or is there a different purpose for government, which is simply justice, simply creating a level playing field so that everybody can go out and use their God-given potential as they're directed to do it? And it seems to me, gentleman, that you can make the case of Federal control of everything versus free enterprise, or you could just say, What's really the legitimate job of the Federal Government?

Now we had some liberals in this Chamber some years ago, and they discovered there were people in America who were hungry. Of course there have been people in America who have been hungry for a long time. But they came up with a bright idea that we're going to socialize a little bit, we're going to steal money from some other people through taxes, print food stamps, and give food stamps to people who are hungry to take care of the problem of hunger. In fact, they declared war on hunger, and hunger won, of course. That was their approach.

What's being proposed here today, gentleman, is an entirely more radical agenda. This would be the equivalent of somebody discovering that there is hunger in America and the government taking over the farms, the grocery stores and the distribution houses in between, taking over the entire food industry. That's what's being proposed with this socialized medicine. It's not a matter of just giving somebody Medicare or Medicaid who can't afford to pay for medical care. It's about the government taking over one-fifth of the economy. This is a whole radical step more in the direction of a challenge to freedom and free enterprise. It is fundamentally un-American is what we're dealing with.

Mr. KING of Iowa. Reclaiming my time, the statement that was made on the floor of the House the night before last by the gentlelady from Minnesota, MICHELLE BACHMANN, the analysis of a lead economist in the country that had done the analysis, what is the percentage of the private sector profits that now have been nationalized by the Federal Government? If you add that up, if you add up the three large investment banks that have been nationalized, if you add up Fannie Mae and Freddie Mac, AIG, General Motors and Chrysler, look at the profits that come from that, roll that up, and compare that to the net profits of the private sector overall, this Federal Government—

most of it under the administration of President Obama—has nationalized 30 percent of the private sector profits in the United States.

Mr. AKIN. Gentleman, just a minute. I can't help but interrupt. Thirty percent has been nationalized if you just add up those big corporations?

Mr. KING of Iowa. Thirty percent of the private sector profits have been nationalized, most of it by this administration, of those corporations that I have mentioned, those eight entities.

Mr. AKIN. Thirty percent of the profits. And that's not even counting health care yet.

Mr. KING of Iowa. When you add health care to it, that's 17½ percent of our overall economy, round it up to 18 because I can do the math—30 plus 18 is 48 percent. If they succeed in passing socialized medicine, 48 percent of the private sector profits in the United States will have been nationalized, most of it by this administration. This free country, this country that has built upon free enterprise, in part—and one of the pillars of American exceptionalism is free enterprise—will have had almost half of it swallowed up by an aggressive appetite of the White House without justification but only because we are in a time of an economic crisis. Magically, the solutions that have been advocated by the President and the hard-core, left-wing, jump-off-the-cliff liberals in this Congress and across the country, those solutions that they've been advocating for 20 years magically become the solution for the economic crisis that we have been in over the last year.

Mr. AKIN. If you would yield, gentleman, one of the things somebody once said—and I was not a whiz on taking history in high school—but if you don't learn from history, you are bound to repeat mistakes. And I do recall a very threatening and ominous nation that we saw taking over country after country called the Soviet Union. If you were to try to just simplify their philosophy, it was that government was going to take care of food, clothing and shelter. They were going to pay for your education, set you up with a job, and take care of your health care. We laughed when that country collapsed, a little bit with a sense of anxiety because they had nuclear weapons aimed at us and all. We said, you know that Communist/Socialist stuff won't work. Their economy was a mess. They couldn't keep up with us in the arms race because their economy was a disaster. The government can't run all that stuff efficiently. People starved to death over there. Their medical care was so abysmal, people that went into their hospitals would shudder. There was no anaesthetic, no clean bandages. It was a disaster.

And when the whole thing went down the drain, we said, Everybody knows Communism/Socialism won't work. So

what are we proposing now? The government's going to provide food. The government's going to provide housing. The government's going to provide your education. We just decided to nationalize a whole lot more of that. No more private loans. We're going to have the government take care of all that. And now we're talking about the government—not only the insurance and the automotive, but now the government wants to take over one-fifth of the economy in terms of health care.

Now, it seems to me we should learn something from history, don't you think, gentleman?

Mr. KING of Iowa. Well, in reclaiming from the gentleman from Missouri, I will go further, Mr. Speaker; and that is, I recall those years when they had collective farming in the Soviet Union. They had a 5-year plan for the production of the entire nation. They would sit down and decide, Okay, here's what we're going to do. We are going to set up our factories and hire our workers and provide—to the extent that they can manage it—the raw materials necessary to run all that out. And here's where we're going to go in 5 years, doing that with farming, for example.

Can you imagine, we have farmers that are making crop decisions right up to the moment that they plant, and then they are cutting-edge on fertilizer and herbicide, et cetera, and equipment to get efficiency out of a GPS control of our equipment so that they can apply fertilizer according to the soil types and yields that they get back out of it. All of these things are going on in realtime.

Mr. AKIN. I can tell the gentleman is from Iowa. He has got this farming technology down. Isn't that incredible, GPS in your tractor, telling you how much fertilizer to put in a section of a field? It's amazing what free enterprise can do.

Mr. KING of Iowa. I actually have seen the corn planter parked—not in Iowa, but the State south of me—when people went fishing, but it's pretty rare. So what we saw instead in the Soviet Union was that farm workers, when it was time to harvest the crop, their 8-hour shift would end. They would park the tractor, park the combine, and a crop could rot in the field or be hailed out or rained out or frozen out. Because they were hourly employees, they didn't have an interest in the actual product result. They just had an interest in—remember, the old saying was that the workers in the Soviet Union will pretend to work, and the Soviet Union will pretend to pay the workers. That's what happened, that's where they went, and it is a big difference.

By the way, this would be the 16th of September. We're 3 days away from the 1-year anniversary of the first time that I had heard Members of Congress say to me in the years I've been here,

See, this proves capitalism doesn't work. They said that on the day that Henry Paulson came to this Capitol and demanded \$700 billion to try to stop what he predicted was a free-fall in the financial industry; and they said, Well, see, free enterprise is the cause of this, it's the problem, it doesn't work, and it's proven. They said so September 19, almost a year ago today.

Mr. AKIN. You know, the thing that just amazed me about that comment, Free enterprise doesn't work because we've got this big economic crisis. And you go, Well, let's see. What's the economic crisis caused by?

Oh, it's a real estate problem. Oh, real estate. In what regard? Well, it seems like a whole lot of people have mortgages that they can't pay in real estate. Well, how did that happen? Oh, well, we've got Freddie and Fannie. And what sort of agencies are those? Quasi-governmental agencies. And what have they been doing? They've been instructed by the U.S. Congress to make loans to people who can't afford to pay their loans.

Now guess what's happening, the people can't afford to pay their loans, and all this stuff is sliding down the wall in a big mess. So we've sold this stuff all over the world, and now the economy is in a mess. Let's see, how did this economy get in a mess? Oh, the Congress created an agency who distributed lots and lots of loot to Congressmen in the form of PAC checks. They created an agency to sell stocks and bonds, packaged up in a nice clever way by Wall Street that weren't worth anything because the people couldn't pay their mortgages, and we say this is a failure of free enterprise? It's a failure of socialized government trying to impose itself on the free market and in the idea of trying to be charitable, saddling somebody with a loan they can't afford to pay so they have got to go into bankruptcy. What a compassionate solution.

Mr. KING of Iowa. The gentleman from Missouri is referring to, I believe, the Community Reinvestment Act that passed this Congress in 1978, signed into law by Jimmy Carter. It was brought about because of the allegation—and there's a basis of it in truth—that there were large lending agencies that were doing home mortgages in particular but writing real estate mortgages that drew red lines around districts, usually in inner cities, because the real estate values were declining because of crime and other activities in those areas. The real estate wasn't being kept up, so nobody wanted to buy real estate in those neighborhoods. They drew a red line around them and said, We're not going to loan money into these neighborhoods.

They passed the Community Reinvestment Act as a means to try to ad-

dress that, and that planted the seed. Even though the motive was probably pretty good, that planted the seed for organizations like ACORN to come in and seek to intimidate, let me say, intimidate them into making bad loans in bad neighborhoods to people that didn't have the means to pay the loan.

Mr. AKIN. Gentleman, you just jumped out of the realm of free enterprise, didn't you? You jumped into the realm of government planning.

Mr. KING of Iowa. You jumped into government-managed regulations of lending institutions that were trying to comply with the letter and intent of the law.

Mr. AKIN. So there's no failure of free enterprise at all. It wasn't a failure of free enterprise, was it?

Mr. KING of Iowa. It was not a failure of free enterprise.

Mr. AKIN. It was a failure of another government socialized scheme is what it was.

Mr. KING of Iowa. I think I can't embellish that a lot more and be more accurate than the statement the gentleman has made.

Mr. AKIN. What I was getting at even more so was Freddie and Fannie, because you had the Reinvestment Act. But parallel to it was Freddie and Fannie. And Freddie and Fannie were encouraged to make all of these loans to people who couldn't pay. But then the bankers got smart, and they cut the loans up in lots of little pieces and packaged them up and sold them all over the place. The thing that is interesting was, people were really getting down on Bush for making such a bad economy and it was free enterprise's fault, it was George Bush's fault.

In reality, you go in *The New York Times* and you see President Bush in 2003—I remember because it was September 11, 2003, *New York Times*, not exactly a conservative document. And this is Bush saying, Hey, I've got to have more authority to control Freddie and Fannie. They're out of control. They're making loans that are going to become a huge disaster.

And at the same time you have a quote in that article of BARNEY FRANK from the floor of this House, who is now the chairman of the committee that runs all of that saying, Freddie and Fannie are fine. You can read the quote.

Mr. KING of Iowa. Would the gentleman repeat that date again?

Mr. AKIN. It was September 11, 2003, *New York Times*.

Mr. KING of Iowa. Why does the gentleman remember that?

Mr. AKIN. Of course, obviously, September 11, 2001.

Mr. KING of Iowa. So 2 years from the date you had the now chairman of the Financial Services Committee coming to the floor, resisting regulation and increased capitalization on Fannie and Freddie—they're a govern-

ment-sponsored enterprise that had the implicit guarantee of the full faith and credit of the Federal Government behind them in 2003, September 11.

Now there is another date that sticks in my mind. Two years and a little more than a month later, October 26, 2005, an amendment was brought to the floor of the House of Representatives that would require Fannie Mae, Freddie Mac to be capitalized, comparable to that of other lending and competing institutions and to require them to be regulated in a similar fashion. That amendment was vigorously resisted by the now chairman of the Financial Services Committee, BARNEY FRANK, and yet BARNEY FRANK came to the well on the Thursday before we broke for the Easter vacation this year and set up a 60-minute period of time to explain to Americans in that little lull—everybody else was going home but me and a couple others—that none of that was his fault. That it went outside of him, that the regulations were not necessary, the capitalization was not necessary.

Well, we know the answer. The implicit guarantee—and by the way, the gentleman from Massachusetts said on the floor of the House of Representatives on that day of October 26, If anybody thinks I'm going to vote to support a capitalized guarantee of Fannie Mae and Freddie Mac, they're wrong. I won't do that.

Mr. AKIN. They learned from his mistake.

Mr. KING of Iowa. We ended up with a nationalization.

I yield to the gentleman.

Mr. AKIN. The interesting thing was, he was not in the majority party at the time. I think he opposed legislation, but we passed it here in the House. Republicans were in charge at that time. We passed legislation in the House to regulate and to require that capitalization of Freddie and Fannie. It went to the Senate. But because of Senate rules, Democrats in the Senate were able to kill that legislation. And yet they want to blame President Bush, they want to blame free enterprise for what was another one of these socialized schemes where the big government is going to step in and try and repeal the laws of economics.

□ 2030

Mr. KING of Iowa. Reclaiming briefly from the gentlemen, I would point out that October 26, 2005, went the other way. The gentleman from Massachusetts, now the chairman of the Financial Services Committee, succeeded in convincing this body that Fannie and Freddie didn't need to be capitalized and regulated. And that amendment failed here on the floor of the House of Representatives in 2005, and it has gone in that direction since more support for Fannie and Freddie, who spent tens of thousands—in fact hundreds of thousands of dollars lobbying this Congress

so that they would be exempt from the standards that were required of other lending institutions.

And that is part of this package, the Community Reinvestment Act, Fannie Mae and Freddie Mac, ACORN asserting themselves as a broker in the middle of this and brokering bad loans in bad neighborhoods, intimidating bankers to give those loans, and then passing those along in the secondary market to Fannie Mae and Freddie Mac and getting blocks of loans from the lending institutions for them to underwrite themselves and give the authority on loans that would be approved.

Mr. AKIN. And of course we are going to use Federal money to pay ACORN to do all of these activities, which has become an interesting topic lately, as well, as we've seen some enterprising young people going in and checking out exactly what the story was in these different ACORN locations.

Mr. KING of Iowa. And as you mentioned an ACORN location, the gentleman from Missouri, I happen to have an ACORN location here. This little picture is taken not off the Internet, not by somebody that slipped in surreptitiously. This is a picture I personally took the weekend before the 4th of July, I'm going to guess the 2nd or so of July, 2009.

I went down to ACORN headquarters, Mr. Speaker. This is at 2609 Canal Street, New Orleans, and this building is ACORN's national headquarters—for all I know, the international headquarters of ACORN. It is the most fortified building in the neighborhood. The door, itself, is mostly bars and so is the ground floor, the second floor. And you can see through these bars it's a four- or five-story building. And if you look, Mr. Speaker, you can see this huge Obama picture right inside the window at the national headquarters of ACORN.

Mr. AKIN. Now, that's getting millions of dollars of Federal money. So we're using taxpayer money—

Mr. KING of Iowa. Fifty-three million at least, and I think significantly more, actually.

Mr. AKIN. Fifty-three million of taxpayer dollars to advertise for a political candidate.

Mr. KING of Iowa. Well, I don't know that it all goes for advertisement, but the law says not one dollar can go for advertisement, that they cannot be involved in partisan political activity.

Now, I am an objective observer here. I know a little bit about partisan activity. When you put a poster in your office window—in my construction office, for example, if I put a poster in my office that says Bush for President in 2004, if I were a 501(c)(3) corporation, I would be in direct violation of the not-for-profit, nonpartisan requirements of the IRS. I would be in violation of the tax laws. If I put a poster in my window, I am also in violation of some of

my customers that are of a different political persuasion. So I'm a little sensitive to this, although I've been fairly bold. I follow the law. This cannot be following the law.

ACORN should have its not-for-profit status removed immediately for them and every one of their affiliates. They should be taxed. The IRS should go in and audit every dollar that's coming in to ACORN and their affiliates. There should be a Justice Department investigation. There should be a congressional series of investigations done by a number of committees, including the committee chaired by the gentleman from Massachusetts (Mr. FRANK). Financial services should investigate. Judiciary should investigate. Government Reform should investigate. Ways and Means should investigate. If I could find a way to get the Ag Committee investigating, that's what we need to do with ACORN.

Mr. AKIN. Well, it almost makes you wonder about the Attorney General investigating. I suppose, perhaps, the gentleman has seen some of the various tapes that were cut with hidden cameras as people went into various ACORN locations.

It was kind of an interesting phenomenon, nothing that was broken by the big media in America, but it just shows that that underground kind of media, the new Web and the Internet and the bloggers and all—you have an enterprising gentleman and a young lady going in and being very bold at various ACORN offices talking about the fact that they want to open a house of ill repute and want to get some help from ACORN to help them figure out how to buy the house. And they are so candid with what they're saying. And the comments that were recorded in camera I think have been getting a lot of hits, a lot of people watching it. The mainstream media has paid no attention to it, and yet all over America people are looking at this. They have already heard about ACORN and the dozens of violations of this organization that we're paying for with tax dollars. I mean, what in the world is going on?

You've got—these two are just actors, you know, but they're entrepreneurs in an information kind of age. They're just going in pretending like they want to open up a house of ill repute so he can raise money to run for Congress. It's almost laughable if it weren't true.

Mr. KING of Iowa. As a Republican? Run for Congress as a Republican?

Mr. AKIN. I didn't hear that word somehow or other.

Mr. KING of Iowa. I didn't either. I heard run for Congress as a Democrat. That must have been the measure of plausibility that they had to inject to get ACORN to bite on the rest of the bait would be my speculation.

Mr. AKIN. But they were some interesting sets of tapes, and some coura-

geous people that were willing to do that because there is some threat potential there.

Mr. KING of Iowa. It is, for me—and reclaiming from the gentleman from Missouri, it is astonishing to get a look inside the offices of ACORN in four cities in America. And I ask the question, is this the culture of ACORN? And I don't know how you argue that it's not. But each of them were so willing and so eager to be complicit in helping to set up a house of ill repute, as the gentleman from Missouri said. I have different names for it. A brothel would be another one. For them to go in and pick out this outrageous—I think it was really a far-reaching scenario. I'm the pimp and this is the prostitute and we want to set up this house of ill repute and bring in 13- or 14-year-old girls from El Salvador so that they can turn tricks and we can take the profits and use some of the profits to put into the political campaign so that the pimp can run for Congress? I mean, I don't know. I would have a hard time holding myself in if somebody came into my office and said such a thing.

But in each of those cases that have been published—in Baltimore, in Washington, D.C., in Brooklyn, in San Bernardino—in each of those cases, Mr. Speaker, ACORN reacted as if that was the business that they were set up to be in. We will help you facilitate a loan for the house of ill repute and we can get you good terms. And furthermore, don't report more than about three of those illegal girls that are illegally here, and that are most likely illegally here and in the business of child prostitution, a slave sex ring before their very eyes. They also advocated that they could provide the childcare tax credit and qualify for that, that's \$1,000 per child per year, and the earned income tax credit as well.

So the numbers work out to about this: ACORN being complicit in drawing down, fraudulently, Federal dollars while helping to facilitate evasion of income taxes and child prostitution. But the Federal taxpayers, if they're successful in what they proposed at least in Baltimore, then the child care tax credit and the earned income tax credit would add up to, for a family of—let me say a family of five, if the prostitute is the mom and the pimp is the dad and three of the underage 13- or 14-year-old girls were qualified under the child tax credit, that would be about \$6,000 from the taxpayers that goes in to subsidize the house of prostitution. And this doesn't cause anybody to bat an eye at ACORN in four cities in America. That's the culture of ACORN. That's this right here.

Mr. AKIN. I have to interrupt just a minute, if the gentleman would yield some time.

Mr. KING of Iowa. I would yield.

Mr. AKIN. I have always had a deep respect for my congressional friend

from Iowa and the fact that you're a small business man, but the way you put that together, I mean, I can see why you're a good businessman. But in your construction business, you tried to stay kind of a little closer within the law, and yet here we're talking about an organization that's paid for with Federal money.

Now, what's happened with ACORN, though, is that there have been so many of these kinds of things that all of these community organizations that used to be under ACORN have changed their names—and it doesn't mean they've changed their stripes, but they've changed their names so that when we try to withhold funding from ACORN, all the other community organizations which used to be ACORN, no longer called ACORN, they are still wanting to pull down Federal money to do this wonderful entrepreneurial kind of proposal that you're talking about or many other kinds of schemes along the same lines.

And again, I think it suggests it's just one more nail in the coffin that says maybe the Federal Government shouldn't be doing this stuff. Maybe we've gotten our Federal Government just trying to do too many things for too many people. Maybe we better pull back to the idea, as you started, gentleman, with the concept of free enterprise, with the concept of the Federal Government creating a set of laws where everybody is equal before the law, not a setup of special deals, and a place where every American can have the freedom and the risk to chase the dream that God puts in their own heart, to be whatever it is, whether it's a contractor with heavy equipment, as you were, or in the steel business, or working in the computer business with IBM, as I was, that you can chase the dream that's in your own heart without the government doing any special deals, either taking your money or giving you any money.

Mr. KING of Iowa. Reclaiming from the gentleman from Missouri, I so appreciate the analysis and the way that you've delivered this. I think that this goes deep. And I think because I've had to live, and I know the gentleman from Missouri has had to live, and been fortunate to live with the underpinnings of what has been the greatness of America, these checks and balances that come in not just between the three branches of government, the checks and balances that come in between our moral values, our values of faith, the laws that we have passed that reflect the moral values of our faith and the reverence for the rule of law, the letter and the intent of the law that is so necessary if we're going to have a civil society.

And then we've watched, if we go back to Lyndon Baines Johnson and the Great Society, they made a decision that they were going to take from

one economic sector and they were going to pass it along to another. I remember seeing a film of hungry children in Appalachia—I don't know that they were actually hungry, but they needed some dental work. That's what I remember was in the pictures. They weren't dressed all that well. Some were barefoot. Some didn't have a shirt on. It was summertime in Appalachia. But they kept running these images over and over again. And we passed the Great Society right into the middle of the Vietnam war and we set up a dependency class of people, this dependency class of people that rewarded mothers that had children that didn't have fathers in the home.

And if you will pay mothers to have babies if they don't have fathers in the home, women will have babies to become mothers without fathers in the home. And if you punish them if there's a father in the home, the father won't be around anymore. He might stop by and visit, but he's not going to be a resident, not one that can be caught there because it will cut the government welfare check. And slowly over time, we created a dependency class of people that was dependent upon the Federal welfare check to come in.

And now I look at the inner cities in the United States of America and I ask the question, when I see the film within the offices of ACORN and I think, what wealth is created in these cities? What is coming out of the inner city that is rooted in new wealth? I know what it is that comes out of the land. All new wealth comes from the land. You can mine it out of the earth in gold or platinum or gravel or limestone, or you can raise it out of the soil in corn or beans or—I'll say rice or rutabagas. You can actually sing some fish out of the sea. You can cut some timber. But all of those resources that I've talked about become the foundation of new wealth, that wealth that's necessary if you're going to provide the essentials of life that we've long called food, clothing and shelter.

Food, clothing and shelter comes out of the soil. And we do that as productively as we can and we value add to that as many times as we can, and that's the wealth that pays for—the adage is the butcher, the baker, and the candlestick maker. It pays for the accountant, the doctor, the lawyer, the school teacher, the pastor. Everything that grows out of this economy in a legitimate productive sector can be traced back to our land, our earth, our soil.

But in the inner city, their new wealth doesn't come out of the soil. Their new wealth comes from the taxpayers of the United States of America, and it's brokered by ACORN. And the benefits are distributed back out through the city, and some of it goes into prostitution, some goes into illegal drugs.

The culture that you saw in ACORN is a culture that promotes and supports, as a matter of fact, illegal behavior, including prostitution, child pornography, and helping to enable bringing in illegals into the United States to commit illegal acts. And no one batted an eye.

So the astonishing thing to me—

Mr. AKIN. If you would yield.

Mr. KING of Iowa. I will yield to the gentleman.

Mr. AKIN. It seems like what we're really talking about is kind of two visions of government. One vision of government is that government is limited and government is interested in justice, and it's a vision that promotes freedom. It promotes people having the freedom to go out and succeed or fail. It allows the individual to take the greatest gamble of their life, to live whatever dream God put in their heart. And America is full of people that came here and they were nuts, they had these crazy dreams, and they worked on them and they worked on them, and those dreams became a vague possibility and then they became a possibility. And finally those dreams became a reality, and America was built one dream at a time.

There was some nutty guy that had the idea of making a light bulb. He made 100 light bulbs and none of them worked, and he said that's good because now I know 100 ways not to make a light bulb. His name was Thomas Edison.

□ 2045

It became so common, we called it the American Dream.

The other view of government is not a rule of law. It's not people equal before the law. It's the special deal society. It's the special deal for me or for you. If you've got the right government contract, you can get a bailout; but if you don't, you go bankrupt. It's a special deal that, for one person, you get treated one way, but for somebody else, the law is different.

So the question is: Do we have a rule of law, or do we have basically a political kind of controlled anarchy? That's the question. Where are we going as a country? Are we going to have a rule of law? Are we going to have people equal before the law, or is the government going to be the big sugar daddy that's supposed to take care of everybody and that will reward people for behaviors which will destroy their lives? Is that the sort of government that we want?

That's the question before the American public today as they watch what happens on the floor of this Congress.

I yield back.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman.

I would point out my view on this that you'll never get the people on the other side into that particular debate. They don't want to go down that path

because, first of all, they don't like the result that one logically gets. The other component of it is that I think they actually hide their own eyes from the result of what they're seeking to do. I think that their endeavors are incremental endeavors to expand the power base and to expand the political base, which is the power base, and I don't think they've gamed this thing out to what America will look like if they succeed in these endeavors—if they expand ACORN, if they succeed in writing into law cap-and-trade, if they succeed in writing into law a socialized medicine plan or if they succeed in writing into law a comprehensive amnesty for illegals.

In the end, what does America look like? They can't bear the thought of having to admit the logical conclusion of the policies that they propose, but they're certainly for the things that give them a short-term power base.

I put the poster of ACORN up here because, I think, they are the largest cancer America has ever seen. They're in over 100 cities in the United States. They have divisions within the cities. They've drawn down over \$53 million. They qualify into pots of money of up to \$8.5 billion. They won't draw it all, but they do. It's the pressure that has come from the houses of prostitution that they're seeking to help fund, from the criticism that has come from the Community Reinvestment Act, from shaking down lenders, from over 400,000 fraudulent voter registration forms, from the prosecutions and convictions of ACORN people—up to 70 in the United States, another 11 indictments in the State of Florida with six of them arrested and five they're on the hunt for, and convictions of, or I'll say at least indictments of ACORN as a corporation in Nevada, from their policies of directly violating the election laws, and from setting up quotas for people who are registering people rather than hiring them by the hour or by salary.

Now, here is the latest news flash. First, before I do the news flash, I have to tell you, Mr. Speaker, that there has been some backing off from ACORN, and it's the vote that took place on the floor of the United States Senate. There were seven U.S. Senators who voted to defend ACORN. Two of them are from Illinois, by the way—the President's home State, Rahm Emanuel's home State and David Axelrod's home State. Those two Senators continue to defend ACORN. It is Rod Blagojevich's home State, I might add, and he has also been a beneficiary of ACORN's work. They defended ACORN. The other Senators voted not to fund ACORN through ACORN housing.

Then we know about fraudulent votes and about a whole list of things that are going on. We also know that the U.S. Census Bureau finally announced a couple, 3 days ago that they were not

going to continue with their relationship with ACORN and that they'd already signed off a month or two ago. I don't believe them yet.

This is a news flash that came while the gentleman from Missouri was speaking, and this is an article that tells about it. It says: Days after the Census Bureau announced it would cut ties with the organizing group ACORN and barely 24 hours after the Senate voted to withdraw funding from the lightning rod activist group, the White House, which is speaking for the President of the United States, expressed support for measures to hold the group accountable for unacceptable behavior.

Mr. Speaker, listen to this. This is a Jeremiah Wright moment. White House Press Secretary Robert Gibbs alluded to video taken by the conservative site biggovernment.com showing ACORN employees giving advice to individuals posing as sex traffickers. We've just talked about this.

The quote from Robert Gibbs: Obviously, the conduct that you see on those tapes is completely unacceptable. I think everyone would agree to that. Gibbs said, The administration takes accountability extremely seriously.

That's good because I will tell you I want to make sure that is the case with the President.

Then it goes on and says, Characterizing the Census Bureau's decision as a move based on a lack of confidence in ACORN's ability to perform its expected duties, Gibbs said he was not sure whether the President would ask Democrats to pull back from any campaign year collaboration with the group.

A quote from Gibbs: I don't know that I've had any discussion with him about that, Gibbs said.

So, Mr. Speaker, what we have here are a few more platitudes, a little more word processing that's going on here that would indicate that the President is a little concerned and that maybe Robert Gibbs is concerned about some fraud and corruption and blatant violation of a whole series of laws that seem to be apparent if you watch the film of ACORN, but we have yet to hear the President do, let me say, a mea culpa. I have not heard the President say, Even though I played for ACORN as a young man, even though I coached ACORN employees, even though I headed up Project Vote, which is indistinguishable from ACORN, even though I'm part and parcel of ACORN—and where is the ACORN logo on his shirt? Oh, by the way, I happen to have a little visual of this, Mr. Speaker.

Even though this is all the case and it's a fact, we still don't have the President saying, Well, let's do what we did with Jeremiah Wright. Let's get ACORN out of our lives. Let's go investigate them with the FBI, with the Department of Justice and with every

possible committee in the United States Congress, giving them a complete forensic analysis and coming back for every dollar that flowed through ACORN and all of their affiliates to the extent where we can purge the poison from that corrupt enterprise, ACORN.

That needs to happen, Mr. Speaker. It needs to be directed by the President, or this ACORN albatross hangs around his neck until he does.

Mr. AKIN. If the gentleman would yield, my memory may be a little weak on this, but we were involved about a year ago with this big Wall Street bailout. My understanding was, of part of that Wall Street bailout money, there was some sort of a tax that was going to be placed on some of those companies that was going to go directly to fund ACORN.

Do you know if that part of the bill passed on part of that Wall Street bailout? Do you know whether the funding for ACORN was built in there? I remember there was talk that it would be. If that's the case, my concern is this: that all of these organizations known as ACORN are not stupid. They're changing their names to community organizers so that you'll have all of these people who used to be ACORN still sitting there, still collecting Federal money and yet will no longer have the ACORN name because the ACORN name has been so incredibly disgraced.

So I guess my question and concern is—and I think as you're saying—if we're really serious about dealing with this corruption, then it seems like we're going to have to deal with more than ACORN. We're going to have to deal with all of those organizations which came under that ACORN umbrella.

I would yield.

Mr. KING of Iowa. In reclaiming my time from the gentleman, I have to agree. I don't know that that money is in that fund, but if one were going to do a search, I'd look for the number \$1.6 million. That seems to be the number that I recall. I'm not sure which bill that was in, but that sticks in my mind. I remember numbers better than I do names.

Thanks to Congressman DARRELL ISSA from California, who is a ranking member of an Oversight and Government Reform subcommittee, they produced a nonpartisan report that came to a whole series of conclusions about ACORN. In that report, they list 361 ACORN affiliates. Now, I don't know that all of those are live, active ACORN affiliates. I suspect some of them are defunct at this point. The pattern looks like whenever ACORN had a new project, they created another corporation, but many of them—I can't say all of them—a majority of those corporations are housed and reside in this place on Canal Street in New Orleans.

Now, can you imagine as many as—and probably not quite that many—but as many as 361 different corporations and affiliates inside these doors? This is a four- or a five-story building. It's not that big. In there, the finances that come are commingled through one single corporation that handles all of this. Now, money is fungible, and if there's a single Federal dollar that goes into any of these and it goes into a centralized account and gets redistributed out of that central pot, you can't sort that. There are not firewalls in that. It is a fact that there are not firewalls in that, which means that any of the money that's used in any of the 361 corporations is used for political purposes, and it's a violation of Federal law.

This, itself, is a violation of Federal law, Mr. Speaker—"Obama '08" right in the window of a 501(c)(3). There it is blatantly for all to see.

We do need to do a complete investigation. We need the President of the United States to come forward and to come clean. This is what the President has been. He is the consummate community organizer. He has risen to the top of his profession. He has done it through the path of ACORN, through the path of Project Vote and through a series of other organizations, all of them affiliated within. This isn't a man who has come up through the free enterprise system, who has signed the front of the paycheck. He has signed only the back and has worked within these community organizers who are sitting there; and Chicago politics, Chicago politics that are steeped in the Rod Blagojevich and steeped in the Rahm Emanuel and in the hardball politics where he would tell the supporters during the campaign, Get in their faces.

He stood here at the rostrum in the House of Representatives and said, "We will call you out," because he disagreed with what turns out to be the fact that is in the bill H.R. 3200.

This country has never been to this place before, Mr. Speaker. We have never seen this level of audacity, and we've never seen this level of a criminal enterprise that's so pervasive tied up into the United States of America. We haven't even gotten to the SEIU and to a number of other affiliates that are part of all of this political agenda. It is something the American people are going to have to spend a lot of time working at studying and understanding and being outraged about because, in the end, we can't sustain it here on the floor of the House of Representatives if we don't have the support outside in America, Mr. Speaker.

I yield to the gentleman from Missouri.

Mr. AKIN. I am encouraged, Gentleman, and it just seems to me in the last 6 months that many Americans, who are many great patriots—and I'm not talking about rich people. I'm just

talking about the people who love our country are getting engaged. They're getting energized, and they're asking the question: What can we do?

As they're busy asking these questions, all of this kind of information is coming out, and people are understanding, just as this President said that he was running on a platform of change, and many of us are realizing that there have to be changes inside us. The changes that you and I in a free enterprise system believe in are the changes that come in our own hearts—the changes of how we're going to run our businesses differently and of how we're going to do better for our families. Those are the kinds of changes a lot of Americans are looking at.

It's not so much a change of Big Government's telling everybody what they're going to do. Some of the change is going to have to be repairing some of the moral infrastructure of our country, a sense of outrage over a system that has gotten out of control. Particularly as good old Ronald Reagan said, We're buying a lot more government than we can afford. I think there are a lot of Americans, regardless of their political affiliations, who have come to the conclusion that we are buying more government than we can afford, in the order of trillions of dollars of more government.

I think the time is coming when there are going to have to be some changes here on the floor in terms of before we can get the changes that we need in policy, we have to rein in a beast that seems to be somewhat out of control, which is the Federal Government, which seems to be more in the business of telling us what to do than in being the servant of the people—the way it should be.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Missouri.

In about, oh, the 8 or 9 minutes that, I think, we have left, Mr. Speaker, I would seek to just transition this just a little bit and take the segue on the "government that we can't afford" and address this issue.

The President has laid out an argument. The argument is that we have to fix health care before we can fix the economy. The economy is in crisis, but it can't be fixed without fixing health care.

When answering the question of What's wrong with health care in America?, he came back with two responses: one is it costs too much money. The other one is we have too many uninsured.

Well, costing too much money, we can discuss that. It costs about 14.5 percent of our GDP. In other industrialized countries, by their analyses, it costs about 9.5 percent of their GDP. So half again more for health care in the United States. I'm not sure we're half again richer than they are. We are

richer than they are, and we can afford a little more, but we can have that discussion, and we can take a lot of it out if we would just simply do tort reform. Buying insurance across State lines and having a full deductibility for health insurance premiums could deal with some of this.

I want to, Mr. Speaker, make this point, which is, those uninsured—that being the biggest situation that is not resolved here by Democrats or Republicans. Democrats want to do socialized medicine, and Republicans have some other solutions. So I began to ask the question: Of the 47 million uninsured—that's their number, not mine. I don't know that it's high or low. You hear lower numbers but not higher, so take the higher number.

□ 2100

This number is supposed to be here. It's not on my chart, but I can tell you, this is 47 million. I know that. And, as you subtract from those lists of those that are uninsured in America, you start with the undocumented noncitizens, that's the illegals.

Well, this is a new chart, so it doesn't say the things that I remember. I am going to go off what I remember, and these are new numbers, 5.2 million illegals are part of the 47 million. This number has been 4 million who are here that have arrived recently that are under the 5-year bar by law.

These two categories of immigrants, the illegals and those disqualified legals becomes 10.2 million. This number shows 10.

And those that earn more than \$75,000 a year, Mr. Speaker, presumably they could resolve this out of the their own checkbook. Then you go for the Americans that are eligible for a government program but not enrolled. Now I see what's going on, this software has rounded it out to even millions. That number is 9.7 million. Those Americans that are eligible for government programs but not enrolled, usually Medicaid, didn't sign up. That's this number.

Now we are subtracting from 47 million. This number is those eligible for employer-sponsored, but didn't bother to sign up or opted out. That's 6 million, and that is the actual decimal point. This number here comes down to 12.1 million Americans without affordable options.

Now, we have too many uninsured in America, 47 million, according to people over on this side. But 47 million includes all these categories that we don't want to include in a new bill. They don't either, for the most part, or at least they won't admit it. So you are down to 12.1 million people, and that's less than 4 percent of the population.

Now, what does that mean? We are going to try to solve the problem by transforming 100 percent of the health insurance in America and 100 percent

of the health care delivery system in America to try to reduce a 4 percent number down to something less.

Now, what is 4 percent, 12.1 million, that's these people right here, these are the whole uninsured. This is the whole population of the United States. We are a lively bunch of people in the United States. It's hard to get a handle on us.

But you can get a handle on this. This is 306 or maybe 307 million people. These are the categories in that other pie chart that includes the coverage for those eligible by employer in blue; those insurance-eligible for government programs, usually Medicare, Medicaid, in green; the orange are those earning over \$75,000; and the black, those are legal immigrants that are on the 5-year bar and are not eligible. And the other 2 percent are the illegal immigrants. This is the 12 and 1.1 percent right here. This little orange sliver, that's the percentage of the population that we want to address, because they are Americans without insurance who do not have affordable options.

And the proposal is to transform all of the rest of this, the best there is in the world in insurance and delivery of health care, in order to reduce this sliver of 4 percent down to something, maybe around 2 percent.

Now, I think that Einstein would have a way to define this thing, and I think it would come down to something such as, if you have a flawed premise, you will have a flawed conclusion.

Mr. AKIN. I just appreciate the gentleman, I am not a big fan of pie charts, I love pie, but I don't like pie charts. But this chart, I think, is a good graphic. It depicts something which almost defies reason.

What we are seeing is, we are going to take all of that green area, if you can point to that green area with your pointer, there—but I am talking about the turquoise area, the whole thing. We are going to change all of that. We are going to scrap our whole health care system, have it taken over by the government in order to address that little sort of orange-red sector.

What that suggests to me is that somebody has an agenda, and it's more federalizing anything than it is really solving a problem. And this is something that I find, from an integrity point of view, really distressing, particularly as an engineer.

I mean, we just passed the biggest tax increase in the history of our country because we are under the premise that CO<sub>2</sub> is such a bad thing that we have got to tax everybody in order to put a tax on CO<sub>2</sub>. So in spite of a promise—if you are making \$250,000 or less, you won't be taxed—in fact what we have passed in the House is, if you flip a light switch, you start getting taxed.

So the simple problem is, though, if you want to get rid of CO<sub>2</sub>, all you have to do is take the nuclear power plants—that's 20 percent of our electric generation in America—take the 20 percent and double it. So we have 40 percent of our electric coming out of nuclear. If you do that, you would get rid of all the CO<sub>2</sub> from every passenger car in the country. And yet we have come up with this complicated, tremendously intrusive, huge tax increase, when you could just simply say in a page or two, just double the number of nuclear.

Now, here what you have got is, you have got all this folderol about health care, we have got to take it over, the government has got to do all this stuff, and you have got 4 percent of people who are uninsured. It just seems like, it seems like we have made our conclusion ahead of time that we want our government to run everything, and our excuse is that little tiny 4 percent wedge. Even I like cherry pie. If all I got was 4 percent, it isn't worth it. It just plain isn't worth it. That's the obvious conclusion of your chart.

And I appreciate you just taking us into the world of free enterprise and what's really going on with our Federal Government. I appreciate your leadership. The gentleman from Iowa is really a saint, and we are thankful to have some good old midwestern common-sense values here on the floor of the U.S. Congress.

Mr. KING of Iowa. Let me conclude. I reflect upon a pair of auto mechanics that run a repair shop in my hometown of Kiron called Sandberg Brothers. They have a sign behind their counter that says, "Complicated, difficult, technical nearly impossible jobs are our specialty. Simple jobs are beyond our comprehension."

I think that's what we have here. We have taken a simple job and turned it into a complicated, technical, difficult problem. And I think it falls back to the wisdom of Congressman TOM COLE, who said one day that highly intelligent people will always overcome

pligate things. If they didn't, there wouldn't be any particular advantage to being highly intelligent.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today until 2 p.m. on account of personal reasons.

Mr. MCHUGH (at the request of Mr. BOEHNER) for today on account of a family medical matter.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NYE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. NYE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MAFFEI, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. GUTHRIE) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 23.

Mr. JONES, for 5 minutes, September 23.

Mr. FORBES, for 5 minutes, today.

#### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1243. An act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, Sept. 17, 2009, at 10 a.m.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first quarter and second quarter of 2009, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO BOSNIA, HERZEGOVINA AND LITHUANIA FOR THE ANNUAL SESSION OF THE OSCE PARLIAMENTARY ASSEMBLY,  
EXPENDED BETWEEN JUNE 26 AND JULY 3, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Alcee L. Hastings .....	6/29	7/3	Lithuania .....		1,030.00		( <sup>3</sup> )				1,030.00
Hon. Robert Aderholt .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Hon. Madeleine Bordallo .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Hon. G.K. Butterfield .....	6/29	7/3	Lithuania .....		1,030.00		4,055.56				5,085.56
Hon. Lloyd Doggett .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Hon. Mike McIntyre .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Hon. Gwen Moore .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Hon. Louise Slaughter .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Hon. Christopher Smith .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Fred Turner .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Edward Joseph .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Robert Hand .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Neil Simon .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Shelly Han .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Clifford Bond .....	6/27	6/29	Bosnia & Herzegovina .....		570.67		( <sup>3</sup> )				570.67
Alex Johnson .....	6/29	7/3	Lithuania .....		1,030.00		( <sup>3</sup> )				1,030.00
Winsome Packer .....	6/27	7/3	Lithuania .....		1,740.00		1,538.00				3,278.00
Daniel Redfield .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Josh Shapiro .....	6/27	6/28	Bosnia & Herzegovina .....		313.99		( <sup>3</sup> )				313.99
	6/28	7/3	Lithuania .....		1,450.00		( <sup>3</sup> )				1,450.00
Committee total .....					30,096.53		5,593.56				35,690.09

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. ALCEE L. HASTINGS, Chairman, July 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO HUNGARY, MONGOLIA, INDONESIA AND EAST TIMOR, EXPENDED BETWEEN JUNE 26 AND JULY 6, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. David Price .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Hon. Vern Buchanan .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Hon. Jim Cooper .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Hon. Jim McDermott .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Hon. Phil Gingrey .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Hon. Bob Etheridge .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
John Lis .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Margarita Seminario .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Brad Smith .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Rachel Leman .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Janice McKinney .....	6/27	6/28	Hungary .....		284.00		( <sup>3</sup> )				284.00
Hon. David Price .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Hon. Vern Buchanan .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Hon. Jim Cooper .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Hon. Jim McDermott .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Hon. Phil Gingrey .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Hon. Bob Etheridge .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
John Lis .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Margarita Seminario .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Brad Smith .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Rachel Leman .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Janice McKinney .....	6/29	6/30	Mongolia .....		293.00		( <sup>3</sup> )				293.00
Hon. David Price .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Hon. Vern Buchanan .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Hon. Jim Cooper .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Hon. Jim McDermott .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Hon. Phil Gingrey .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Hon. Bob Etheridge .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
John Lis .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Margarita Seminario .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Brad Smith .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Rachel Leman .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Janice McKinney .....	6/30	7/2	Indonesia .....		445.00		( <sup>3</sup> )				445.00
Hon. David Price .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
Hon. Vern Buchanan .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
Hon. Jim Cooper .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
Hon. Jim McDermott .....	7/2	7/3	East Timor .....		391.00		4,395.00				4,786.00
Hon. Phil Gingrey .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
Hon. Bob Etheridge .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
John Lis .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
Margarita Seminario .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
Brad Smith .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
Rachel Leman .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
Janice McKinney .....	7/2	7/4	East Timor .....		644.00		( <sup>3</sup> )				644.00
Committee total .....											22,359.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. DAVID PRICE, Chairman, Aug. 6, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Kathy Dahlkemper .....	6/6	6/7	Kuwait .....		497.47						497.47
	6/7	6/7	Iraq .....								
	6/7	6/8	Kuwait .....		453.86		8,043.59				8,497.45
Hon. Tim Holden .....	6/6	6/7	Kuwait .....		497.47						497.47
	6/6	6/7	Iraq .....								
	6/7	6/8	Kuwait .....		453.86		8,043.59				8,497.45
Committee total .....					1,902.66		16,087.18				17,989.84

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. COLLIN C. PETERSON, Chairman, July 31, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Steven LaTourette .....	4/14	4/16	Rome, Italy .....		468.00		( <sup>3</sup> )				468.00
	4/16	4/18	Venice, Italy .....		450.00		( <sup>3</sup> )				450.00
	4/18	4/19	Dublin, Ireland .....		218.00		( <sup>3</sup> )				218.00
Misc. embassy costs .....									4,030.54		4,030.54
Commercial airfare .....							2,356.00				2,356.00
Hon. Michael Simpson .....	4/14	4/16	Rome, Italy .....		468.00		( <sup>3</sup> )				468.00
	4/16	4/18	Venice, Italy .....		450.00		( <sup>3</sup> )				450.00
	4/18	4/19	Dublin, Ireland .....		218.00		( <sup>3</sup> )				218.00
Misc. embassy costs .....									4,030.54		4,030.54
Commercial airfare .....							2,356.00				2,356.00
Tom McLemore .....	4/14	4/16	Rome, Italy .....		468.00		( <sup>3</sup> )				468.00
	4/16	4/18	Venice, Italy .....		450.00		( <sup>3</sup> )				450.00
	4/18	4/19	Dublin, Ireland .....		218.00		( <sup>3</sup> )				218.00
Misc. embassy costs .....									4,030.54		4,030.54
Commercial airfare .....							2,356.00				2,356.00
Hon. Rodney Frelinghuysen .....	4/14	4/16	Rome, Italy .....		468.00		( <sup>3</sup> )				468.00
	4/16	4/18	Venice, Italy .....		450.00		( <sup>3</sup> )				450.00
	4/18	4/19	Dublin, Ireland .....		218.00		( <sup>3</sup> )				218.00
Misc. embassy costs .....									4,030.54		4,030.54
Commercial airfare .....							2,356.00				2,356.00
Hon. C.W. Bill Young .....	4/14	4/16	Rome, Italy .....		468.00		( <sup>3</sup> )				468.00
	4/16	4/18	Venice, Italy .....		450.00		( <sup>3</sup> )				450.00
	4/18	4/19	Dublin, Ireland .....		218.00		( <sup>3</sup> )				218.00
Misc. embassy costs .....									4,030.54		4,030.54
Commercial airfare .....							2,356.00				2,356.00
Kevin Jones .....	4/14	4/16	Rome, Italy .....		468.00		( <sup>3</sup> )				468.00
	4/16	4/18	Venice, Italy .....		450.00		( <sup>3</sup> )				450.00
	4/18	4/19	Dublin, Ireland .....		218.00		( <sup>3</sup> )				218.00
Misc. embassy costs .....									4,030.54		4,030.54
Commercial airfare .....							2,356.00				2,356.00
Hon. Barbara Lee .....	4/3	4/7	Cuba .....		1,467.02		( <sup>3</sup> )				1,467.02
Hon. Mike M. Honda .....	4/3	4/5	Cuba .....		929.99		( <sup>3</sup> )				929.99
Mathew Washington .....	3/29	4/2	Pakistan .....		504.00						504.00
	4/2	4/3	Afghanistan .....								
	4/3	4/4	Qatar .....		391.00						391.00
Commercial airfare .....							9,877.69				9,877.69
Misc. transportation .....							80.00				80.00
Celes Hughes .....	3/29	4/2	Pakistan .....		504.00						504.00
	4/2	4/3	Afghanistan .....								
	4/3	4/4	Qatar .....		391.00						391.00
Commercial airfare .....							9,877.69				9,877.69
Misc. transportation .....							70.00				70.00
B. G. Wright .....	3/29	4/2	Pakistan .....		504.00						504.00
	4/2	4/3	Afghanistan .....								
	4/3	4/4	Qatar .....		391.00						391.00
Commercial airfare .....							9,877.69				9,877.69
Misc. transportation .....							120.00				120.00
Hon. Ken Calvert .....	4/5	4/8	Germany .....		1,104.00						1,104.00
Commercial airfare .....							10,163.09				10,163.09
Jeff Shockey .....	4/5	4/8	Germany .....		1,104.00						1,104.00
	4/8	4/10	Austria .....		1,145.00						1,145.00
Commercial airfare .....							8,802.32				8,802.32
Misc. transportation .....							60.00				60.00
Jennifer Miller .....	4/5	4/8	Germany .....		1,104.00						1,104.00
	4/8	4/10	Austria .....		745.00						745.00
Commercial airfare .....							11,236.32				11,236.32
Misc. transportation .....							56.00				56.00
Linda Pagelsen .....	4/6	4/6	Travel Day .....								
	4/7	4/11	South Korea .....		1,600.00						1,600.00
Commercial airfare .....							7,435.45				7,435.45
Hon. Ben Chandler .....	4/3	4/5	Egypt .....		634.00		( <sup>3</sup> )				634.00
	4/5	4/8	Ethiopia .....		4,134.00		( <sup>3</sup> )				4,134.00
	4/8	4/11	Cyprus .....		818.00		( <sup>3</sup> )				818.00
Hon. James P. Moran .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				424.85
	4/15	4/19	India .....		1,513.32		( <sup>3</sup> )				1,513.32
	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				344.35
Hon. Nita M. Lowey .....	5/25	5/27	Austria .....		952.00		( <sup>3</sup> )				952.00
Misc. embassy costs .....									824.00		824.00
Hon. Nita M. Lowey .....	4/13	4/17	Israel .....		1,296.00		( <sup>3</sup> )				1,296.00
	4/17	4/19	Egypt .....		603.00		( <sup>3</sup> )				603.00
Misc. embassy costs .....									2,484.31		2,484.31
Bus Rental .....							285.77				285.77
Hon. Steven Rothman .....	4/13	4/17	Israel .....		1,296.00		( <sup>3</sup> )				1,296.00
	4/17	4/19	Egypt .....		603.00		( <sup>3</sup> )				603.00
Misc. embassy costs .....									2,484.31		2,484.31
Bus Rental .....							285.77				285.77
Hon. Kay Granger .....	4/13	4/17	Israel .....		1,296.00		( <sup>3</sup> )				1,296.00
	4/17	4/19	Egypt .....		673.00		( <sup>3</sup> )				673.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND  
JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Misc. embassy costs .....											
Bus Rental .....							285.77		2,484.31		2,484.31
Hon. Jesse Jackson .....	4/13	4/17	Israel .....		1,296.00		( <sup>3</sup> )				1,296.00
	4/17	4/19	Egypt .....		603.00		( <sup>3</sup> )				603.00
Misc. embassy costs .....									2,484.31		2,484.31
Bus Rental .....							285.77				285.77
Anne Marie Chotvac .....	4/13	4/17	Israel .....		1,296.00		( <sup>3</sup> )				1,296.00
	4/17	4/19	Egypt .....		673.00		( <sup>3</sup> )				673.00
Misc. embassy costs .....									2,484.31		2,484.31
Bus Rental .....							285.77				285.77
Nisha Desai Biswall .....	4/13	4/17	Israel .....		1,296.00		( <sup>3</sup> )				1,296.00
	4/17	4/19	Egypt .....		673.00		( <sup>3</sup> )				673.00
Misc. embassy costs .....									2,484.31		2,484.31
Bus Rental .....							285.77				285.77
Hon. Adam Schiff .....	4/13	4/17	Israel .....		1,296.00		( <sup>3</sup> )				1,296.00
	4/17	4/19	Egypt .....		603.00		( <sup>3</sup> )				603.00
Misc. embassy costs .....									2,484.31		2,484.31
Bus Rental .....							285.77				285.77
Alex Gillen .....	4/13	4/17	Israel .....		1,296.00		( <sup>3</sup> )				1,296.00
	4/17	4/19	Egypt .....		673.00		( <sup>3</sup> )				673.00
Misc. embassy costs .....									2,484.31		2,484.31
Bus Rental .....							285.77				285.77
Kirstin Brost .....	4/13	4/17	Israel .....		1,296.00		( <sup>3</sup> )				1,296.00
	4/17	4/19	Egypt .....		673.00		( <sup>3</sup> )				673.00
Misc. embassy costs .....									2,484.31		2,484.31
Bus Rental .....							285.77				285.77
Hon. Harold Rogers .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	United Arab Emirates .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Florence, Italy .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Rome, Italy .....		1,842.00		( <sup>3</sup> )				1,842.00
Committee total .....					50,235.53		84,364.18		47,366.03		181,965.74

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. DAVID R. OBEY, Chairman, Aug. 3, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND  
JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Visit to Kuwait, Iraq, United Arab Emirates, Afghanistan, April 4–11, 2009:											
Hon. Niki Tsongas .....	4/5	4/6	Kuwait .....		453.86						453.86
	4/6	4/7	Iraq .....								
	4/7	4/8	Kuwait .....		453.86						453.86
	4/8	4/9	United Arab Emirates .....		448.85						448.85
	4/9	4/10	Afghanistan .....		43.00						43.00
	4/10	4/11	United Arab Emirates .....		235.57						235.57
Commercial airfare .....							8,442.74				8,442.74
Hon. Larry Kissell .....	4/5	4/6	Kuwait .....		453.86						453.86
	4/6	4/7	Iraq .....								
	4/7	4/8	Kuwait .....		453.86						453.86
	4/8	4/9	United Arab Emirates .....		448.85						448.85
	4/9	4/10	Afghanistan .....		43.00						43.00
	4/10	4/11	United Arab Emirates .....		235.57						235.57
Commercial airfare .....							8,442.74				8,442.74
Hon. Jeff Miller .....	4/5	4/6	Kuwait .....		453.86						453.86
	4/6	4/7	Iraq .....								
	4/7	4/8	Kuwait .....		453.86						453.86
	4/8	4/9	United Arab Emirates .....		448.85						448.85
	4/9	4/10	Afghanistan .....		43.00						43.00
	4/10	4/11	United Arab Emirates .....		235.57						235.57
Commercial airfare .....							8,442.74				8,442.74
Hon. Joe Wilson .....	4/5	4/6	Kuwait .....		453.86						453.86
	4/6	4/7	Iraq .....								
	4/7	4/8	Kuwait .....		453.86						453.86
	4/8	4/9	United Arab Emirates .....		448.85						448.85
	4/9	4/10	Afghanistan .....		43.00						43.00
	4/10	4/11	United Arab Emirates .....		235.57						235.57
Commercial airfare .....							8,442.74				8,442.74
Robert DeGrasse .....	4/5	4/6	Kuwait .....		453.86						453.86
	4/6	4/7	Iraq .....								
	4/7	4/8	Kuwait .....		453.86						453.86
	4/8	4/9	United Arab Emirates .....		448.85						448.85
	4/9	4/10	Afghanistan .....		43.00						43.00
	4/10	4/11	United Arab Emirates .....		235.57						235.57
Commercial airfare .....							8,442.74				8,442.74
Hon. Joshua Holly .....	4/5	4/6	Kuwait .....		453.86						453.86
	4/6	4/7	Iraq .....								
	4/7	4/8	Kuwait .....		453.86						453.86
	4/8	4/9	United Arab Emirates .....		448.85						448.85
	4/9	4/10	Afghanistan .....		43.00						43.00
	4/10	4/11	United Arab Emirates .....		235.57						235.57
Commercial airfare .....							8,442.74				8,442.74
Delegation expenses .....	4/5	4/8	Kuwait .....		1,728.71		426.33				2,155.04
Delegation expenses .....	4/9	4/10	Afghanistan .....		775.84						775.84
Visit to Israel, Egypt, Scotland, April 5–10, 2009:											
Hon. Ellen Tauscher .....	4/6	4/7	Israel .....		264.00						264.00
	4/8	4/10	Egypt .....								184.00
	4/10	4/11	Scotland .....		279.00						279.00
Hon. Michael Turner .....	4/6	4/7	Israel .....		264.00						264.00

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Loretta Sanchez .....	4/8	4/10	Egypt .....		184.00						184.00
	4/10	4/11	Scotland .....		279.00						279.00
	4/6	4/7	Israel .....		264.00						264.00
	4/8	4/10	Egypt .....		184.00						184.00
Hon. Trent Franks .....	4/10	4/11	Scotland .....		279.00						279.00
	4/6	4/7	Israel .....		264.00						264.00
	4/8	4/10	Egypt .....		184.00						184.00
	4/10	4/11	Scotland .....		279.00						279.00
Frank Rose .....	4/6	4/7	Israel .....		264.00						264.00
	4/8	4/10	Egypt .....		184.00						184.00
	4/10	4/11	Scotland .....		279.00						279.00
	4/6	4/7	Israel .....		264.00						264.00
Kari Bingen Tytler .....	4/8	4/10	Egypt .....		184.00						184.00
	4/10	4/11	Scotland .....		279.00						279.00
	4/6	4/7	Israel .....		264.00						264.00
	4/8	4/10	Egypt .....		184.00						184.00
Delegation expenses .....	4/10	4/11	Scotland .....		279.00						279.00
Delegation expenses .....	4/6	4/7	Israel .....						15,178.33		15,178.33
Visit to Afghanistan, Pakistan, April 12–18, 2009, With CODEL Reyes:	4/8	4/10	Egypt .....						5,458.00		5,458.00
Hon. Frank LoBiondo .....											
Commercial airfare .....	4/14	4/15	Pakistan .....		76.00						76.00
	4/15	4/16	Afghanistan .....		28.00						28.00
	4/16	4/17	Pakistan .....		76.00						76.00
Commercial airfare .....							6,685.85				6,685.85
Visit to Burkina Faso, Congo, Kenya, Yemen, Egypt, Morocco, April 13–21, 2009:											
Hon. Adam Smith .....											
Hon. Jim Cooper .....	4/15	4/16	Burkina Faso .....		77.00						77.00
	4/16	4/16	Rwanda .....								
	4/16	4/17	Congo .....		74.00						74.00
	4/17	4/17	Rwanda .....								
	4/17	4/18	Kenya .....		108.00						108.00
	4/18	4/18	Yemen .....								
	4/18	4/20	Egypt .....		184.00						184.00
	4/20	4/21	Morocco .....		100.00						100.00
	4/15	4/16	Burkina Faso .....		77.00						77.00
	4/16	4/16	Rwanda .....								
	4/16	4/17	Congo .....		74.00						74.00
	4/17	4/17	Rwanda .....								
Hon. Gabrielle Giffords .....	4/17	4/18	Kenya .....		108.00						108.00
	4/18	4/18	Yemen .....								
	4/18	4/20	Egypt .....		184.00						184.00
	4/20	4/21	Morocco .....		100.00						100.00
	4/15	4/16	Burkina Faso .....		77.00						77.00
	4/16	4/16	Rwanda .....								
	4/16	4/17	Congo .....		74.00						74.00
	4/17	4/17	Rwanda .....								
	4/17	4/18	Kenya .....		108.00						108.00
	4/18	4/18	Yemen .....								
	4/18	4/20	Egypt .....		184.00						184.00
	4/20	4/21	Morocco .....		100.00						100.00
Hon. William H. Natter .....	4/15	4/16	Burkina Faso .....		77.00						77.00
	4/16	4/16	Rwanda .....								
	4/16	4/17	Congo .....		74.00						74.00
	4/17	4/17	Rwanda .....								
	4/17	4/18	Kenya .....		108.00						108.00
	4/18	4/18	Yemen .....								
	4/18	4/20	Egypt .....		184.00						184.00
	4/20	4/21	Morocco .....		100.00						100.00
	4/15	4/16	Burkina Faso .....		77.00						77.00
	4/16	4/16	Rwanda .....								
	4/16	4/17	Congo .....		74.00						74.00
	4/17	4/17	Rwanda .....								
Hon. Thomas Hawley .....	4/17	4/18	Kenya .....		108.00						108.00
	4/18	4/18	Yemen .....								
	4/18	4/20	Egypt .....		184.00						184.00
	4/20	4/21	Morocco .....		100.00						100.00
	4/15	4/16	Burkina Faso .....		77.00						77.00
	4/16	4/16	Rwanda .....								
	4/16	4/17	Congo .....		74.00						74.00
	4/17	4/17	Rwanda .....								
	4/17	4/18	Kenya .....		108.00						108.00
	4/18	4/18	Yemen .....								
	4/18	4/20	Egypt .....		184.00						184.00
	4/20	4/21	Morocco .....		100.00						100.00
Delegation expenses .....	4/15	4/16	Burkina Faso .....		4,464.89						4,464.89
	4/18	4/20	Egypt .....		4,997.00						4,997.00
Visit to Canada, April 30–May 1, 2009:											
Michael Casey .....	4/30	5/1	Canada .....		268.73						268.73
Commercial airfare .....							972.18				972.18
Douglas Bush .....	4/30	5/1	Canada .....		268.73						268.73
Commercial airfare .....							972.18				972.18
Visit to Cuba, May 1, 2009:											
Hon. Patrick Murphy .....	5/1	5/1	Cuba .....								
Visit to Honduras, May 4–5, 2009:											
Lorry Fenner .....	5/5	5/5	Honduras .....		41.00						41.00
Thomas Hawley .....	5/5	5/5	Honduras .....		41.00						41.00
Suzanne McKenna .....	5/5	5/5	Honduras .....		41.00						41.00
Visit to Georgia, Afghanistan, The Czech Republic, May 7–12, 2009:											
Hon. Susan Davis .....											
Hon. Carol Shea-Porter .....	5/8	5/9	Georgia .....		148.00						148.00
	5/9	5/10	Afghanistan .....		28.00						28.00
	5/11	5/12	Czech Republic .....		186.00						186.00
	5/8	5/9	Georgia .....		148.00						148.00
	5/9	5/10	Afghanistan .....		28.00						28.00
	5/11	5/12	Czech Republic .....		186.00						186.00
	5/8	5/9	Georgia .....		148.00						148.00
	5/9	5/10	Afghanistan .....		28.00						28.00
Debra Wada .....	5/11	5/12	Czech Republic .....		186.00						186.00
	5/8	5/9	Georgia .....		148.00						148.00
	5/9	5/10	Afghanistan .....		28.00						28.00
	5/11	5/12	Czech Republic .....		186.00						186.00
Delegation expenses .....	5/8	5/9	Georgia .....		4,821.91						4,821.91
Visit to Kuwait, Iraq, Afghanistan, Bahrain, United Arab Emirates, May 23–30, 2009:											
Hon. James Langevin .....											
Commercial airfare .....	5/25	5/26	Kuwait .....		497.47						497.47
	5/26	5/27	Iraq .....								
	5/27	5/29	Bahrain .....		892.50						892.50
	5/29	5/30	Afghanistan .....		78.00						78.00
	5/30	6/1	United Arab Emirates .....		639.49						639.49
							8,122.12				8,122.12
Hon. Thomas Rooney .....											
Commercial airfare .....	5/25	5/26	Kuwait .....		497.47						497.47
	5/26	5/27	Iraq .....								
	5/27	5/29	Bahrain .....		892.50						892.50
	5/29	5/30	Afghanistan .....		78.00						78.00

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Commercial airfare .....	5/30	6/1	United Arab Emirates .....		639.49		8,122.12				639.49
Hon. Mike Coffman .....	5/25	5/26	Kuwait .....		497.47						8,122.12
	5/26	5/27	Iraq .....								497.47
	5/27	5/29	Bahrain .....		892.50						892.50
	5/29	5/30	Afghanistan .....		78.00						78.00
	5/30	6/1	United Arab Emirates .....		639.49						639.49
Commercial airfare .....							8,122.12				8,122.12
Craig Greene .....	5/25	5/26	Kuwait .....		497.47						497.47
	5/26	5/27	Iraq .....								
	5/27	5/29	Bahrain .....		892.50						892.50
	5/29	5/30	Afghanistan .....		78.00						78.00
	5/30	6/1	United Arab Emirates .....		639.49						639.49
Commercial airfare .....							8,122.12				8,122.12
Thomas Hawley .....	5/25	5/26	Kuwait .....		497.47						497.47
	5/26	5/27	Iraq .....								
	5/27	5/29	Bahrain .....		892.50						892.50
	5/29	5/30	Afghanistan .....		78.00						78.00
	5/30	6/1	United Arab Emirates .....		639.49						639.49
Commercial airfare .....							8,122.12				8,122.12
Committee total .....						46,139.95		100,323.58		20,636.33	167,099.86

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. IKE SKELTON, Chairman, July 28, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
CODEL—Langevin:									Hotel		
Hon. Gregorio Sablan .....											
	5/25	5/26	Kuwait .....		159.00		( <sup>3</sup> )		340.38		
	5/27	5/29	Bahrain .....		348.00		( <sup>3</sup> )		546.76		
	5/29	5/30	Afghanistan .....		78.00		( <sup>3</sup> )		15.00		
	5/30	6/1	Dubai-UAE .....		193.00		( <sup>3</sup> )				
CODEL—Davis:											
Hon. Judy Biggert .....											
	5/7	5/8	Tbilisi Georgia .....		148.00		( <sup>3</sup> )		240.00		
	5/9	5/10	Afghanistan .....		78.00		( <sup>3</sup> )		15.00		
	5/10	5/12	Czech Republic .....		186.00		( <sup>3</sup> )		284.00		
CODEL—Lee:											
Hon. Marcia L. Fudge .....											
	4/3	4/7	Cuba .....		680.00		( <sup>3</sup> )		416.66		
CODEL—Carnahan:											
Hon. Mazie Hirono .....											
	4/3	4/5	Egypt .....		284.00		( <sup>3</sup> )		350.00		
	4/5	4/8	Ethiopia .....		537.00		( <sup>3</sup> )		3,612.08		
	4/8	4/11	Cyprus .....		423.00		( <sup>3</sup> )		393.36		
Committee total .....					3,114.00				6,213.24		9,327.24

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. GEORGE MILLER, Chairman, July 31, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Jane Harman .....	4/4	4/9	Israel .....		364.00		( <sup>3</sup> )				
	4/6	4/7	Afghanistan .....		78.00		( <sup>3</sup> )				
	4/7	4/9	Pakistan .....		421.00		( <sup>3</sup> )				
	4/9	4/10	Turkey .....		160.00		( <sup>3</sup> )				1,023.00
Hon. Bobby Rush .....	4/3	4/7	Cuba .....		680.00		( <sup>3</sup> )		416.66		1,096.66
Hon. Donna Christensen .....	4/6	4/9	Haiti .....		291.20		( <sup>4</sup> ) 774.00				1,065.20
	4/17	4/19	Trinidad & Tobago .....		326.00		( <sup>4</sup> ) 663.39		2,191.86		3,108.78
Hon. Mary Bono Mack .....	4/17	4/19	Trinidad & Tobago .....		326.00						
	4/19	4/20	St. Vincent .....		153.00		( <sup>4</sup> ) 306.31				
	4/20	4/21	Trinidad & Tobago .....		163.00						948.31
Hon. Michael Burgess .....	4/27	4/30	France .....		1,512.00		8,850.60		785.00		11,147.60
Hon. Diana DeGette .....	5/8	5/9	Georgia .....		148.00		( <sup>3</sup> )				
	5/9	5/10	Afghanistan .....		78.00		( <sup>3</sup> )				
	5/11	5/12	Czech Republic .....		186.00		( <sup>3</sup> )				412.00
Hon. Henry Waxman .....	5/25	5/27	Austria .....		400.00		4,166.40				4,566.40
Committee total .....					5,286.20		14,760.70		3,393.52		23,467.95

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Military and commercial air transportation.

HON. HENRY A. WAXMAN, Chairman, July 30, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Gary L. Ackerman .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				
	4/15	4/19	India .....		1,546.86		( <sup>3</sup> )				
	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
	5/23	5/27	Israel .....		1,928.00		( <sup>3</sup> )				
	5/27	5/28	Lebanon .....		359.97		( <sup>3</sup> )				<sup>4</sup> 19,319.84
Jasmeet Ahuja .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				<sup>4</sup> 1,721.64
	4/15	4/19	India .....		1,419.31		( <sup>3</sup> )				<sup>4</sup> 3,908.05
	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
Douglas Anderson .....	7/1	7/5	Thailand .....		811.10						
Commercial airfare .....							8,422.21				
David Beraka .....	4/3	4/5	Egypt .....		634.00		( <sup>3</sup> )				
	4/5	4/8	Ethiopia .....		2,233.00		( <sup>3</sup> )				
	4/8	4/11	Cyprus .....		818.00		( <sup>3</sup> )				
Paul Berkowitz .....	4/11	4/17	Ukraine .....		1,722.00						
	4/17	4/20	Czech Republic .....		1,356.00						
	4/20	4/21	Austria .....		574.33						
Commercial airfare .....							9,460.28				
Hon. Howard L. Berman .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				
	4/15	4/19	India .....		1,546.86		( <sup>3</sup> )				<sup>4</sup> 22,225.85
	4/19	4/19	Pakistan .....								<sup>4</sup> 1,927.19
	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				<sup>4</sup> 8,690.43
	6/28	7/1	Russia .....		1,489.00						
Commercial airfare .....							8,522.67				
Hon. John Boozman .....	4/3	4/4	Germany .....		343.33		( <sup>3</sup> )				
	4/4	4/6	Qatar .....		772.51		( <sup>3</sup> )				
	4/6	4/8	Ethiopia .....		1,073.53		( <sup>3</sup> )				
	4/8	4/9	Rwanda .....		316.00		( <sup>3</sup> )				
	4/9	4/10	Ghana .....		307.00		( <sup>3</sup> )				
Hon. Russ Carnahan .....	4/3	4/5	Egypt .....		634.00		( <sup>3</sup> )				<sup>4</sup> 3,278.00
	4/5	4/8	Ethiopia .....		4,134.00		( <sup>3</sup> )				<sup>4</sup> 6,564.57
	4/8	4/11	Cyprus .....		818.00		( <sup>3</sup> )				
	4/9	4/9	Lebanon .....								<sup>4</sup> 2,318.50
Douglas Campbell .....	4/14	4/15	Cyprus .....		344.35		( <sup>3</sup> )				
	4/15	4/19	India .....		1,419.31		( <sup>3</sup> )				
	4/19	4/20	Italy .....		424.85		( <sup>3</sup> )				
	6/28	7/1	Russia .....		1,489.00						
Commercial airfare .....							7,469.80				
Joan Condo .....	4/6	4/11	Zimbabwe .....		1,456.00						
Commercial airfare .....							10,559.18				
Hon. Jim Costa .....	4/16	4/19	India .....		1,134.42		( <sup>3</sup> )				
	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
Commercial airfare .....							5,615.63				
Theodros Dagne .....	4/10	4/10	France .....		291.41						
	4/11	4/13	Djibouti .....		622.00						
	4/13	4/14	Kenya .....		373.00						
Commercial airfare .....							9,358.46				
	5/26	5/29	South Africa .....		1,108.84						
	5/29	5/31	Zimbabwe .....		926.00						
Commercial airfare .....							8,822.72				
Hon. Bill Delahunt .....	4/19	4/21	Colombia .....		600.00						<sup>4</sup> 4,271.00
Commercial airfare .....							2,181.00				
	6/1	6/2	Honduras .....		539.50						
Commercial airfare .....							1,933.20				
	6/28	7/1	Russia .....		1,489.00						
Commercial airfare .....							7,278.20				
	6/20	6/21	Bermuda .....		703.20						
Commercial airfare .....							1,682.45				
Howard Diamond .....	5/23	5/27	Israel .....		1,928.00		( <sup>3</sup> )				
	5/27	5/28	Jordan .....		359.97		( <sup>3</sup> )				
Hon. Eliot L. Engel .....	4/17	4/19	Trinidad & Tobago .....		1,201.00		( <sup>3</sup> )				
	4/19	4/20	St. Vincent & The Grenadines .....		402.00		294.81				<sup>4</sup> 7,488.93
	4/20	4/21	Trinidad & Tobago .....		401.59		( <sup>3</sup> )				<sup>4</sup> 28,990.04
	6/1	6/2	Honduras .....		539.50		( <sup>3</sup> )				
Commercial airfare .....							2,070.00				
	5/23	5/27	Israel .....		1,928.00						
	5/27	5/28	Jordan .....		359.97						
Hon. Keith Ellison .....	5/23	5/27	Israel .....		1,928.00						
	5/27	5/29	Jordan .....		359.97						
Hon. Eni F.H. Faleomavaega .....	4/18	4/19	Samoa .....		316.00						
	4/19	4/20	Fiji .....		232.00						<sup>4</sup> 98.00
Commercial airfare .....							3,695.73				
	5/29	5/30	Samoa .....		316.00						
	5/30	6/02	Fiji .....		766.00						
Commercial airfare .....							3,320.39				
	6/27	6/29	Uzbekistan .....		568.00						
	6/29	7/02	Kyrgyzstan .....		1,074.00						
	7/02	7/05	Kazakhstan .....		1,140.47						
Commercial airfare .....					11,396.86						
Yevgeny Gurevich .....	6/28	6/30	Czech Republic .....				837.84				
Commercial airfare .....							6,705.05				
Jeremy Haldeman .....	4/3	4/5	Egypt .....		634.00		( <sup>3</sup> )				
	4/5	4/8	Ethiopia .....		2,233.00		( <sup>3</sup> )				
	4/8	4/11	Cyprus .....		818.00		( <sup>3</sup> )				
Amr Ashour Hamza .....	4/27	5/2	Liberia .....		1,290.00						
Commercial airfare .....							3,590.00				
Pamela Howard-Reguindin .....	4/27	5/2	Liberia .....		1,290.00						
Commercial airfare .....					3,569.00						
Hon. Bob Inglis .....	4/4	4/6	Syria .....		701.00						
	4/6	4/7	Israel .....		461.00						
	4/8	4/10	India .....		601.30						
	4/10	4/11	Morocco .....		303.99						
Commercial airfare .....							16,100.21				
Hon. Sheila Jackson-Lee .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				
	4/15	4/19	India .....		1,523.36		( <sup>3</sup> )				
	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
	5/23	5/27	Israel .....		1,928.00		( <sup>3</sup> )				
	5/27	5/28	Jordan .....		359.97		( <sup>3</sup> )				
Eric Jacobstein .....	4/17	4/19	Trinidad & Tobago .....		1,050.00		( <sup>3</sup> )				
	4/19	4/20	St. Vincent & The Grenadines .....		398.00		306.31				
	4/20	4/21	Trinidad & Tobago .....		401.59		( <sup>3</sup> )				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND  
JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Commercial airfare .....	6/1	6/2	Honduras .....		359.00		1,835.70				
Tracy Jacobson .....	6/19	6/21	Bermuda .....		1,183.40		791.45				
Jonathan Katz .....	5/26	5/29	Azerbaijan .....		1,119.00		11,372.71				
Commercial airfare .....	6/28	6/30	Czech Republic .....		937.84						
John Kivlan .....	7/1	7/2	Israel .....		964.00		7,661.48				
Commercial airfare .....	4/19	4/21	Colombia .....		600.00		2,248.50				
Commercial airfare .....	6/20	6/21	Bermuda .....		703.20		1,298.45				
Jessica Lee .....	6/29	7/2	Vietnam .....		834.00						
Commercial airfare .....	7/2	7/5	Thailand .....		654.00				4 903.13		
Commercial airfare .....	7/5	7/6	Laos .....		164.00		12,769.61				
John Lis .....	4/3	4/5	Egypt .....		634.00		( <sup>3</sup> )				
Commercial airfare .....	4/5	4/8	Ethiopia .....		2,233.00		( <sup>3</sup> )				
Noelle LuSane .....	4/8	4/11	Cyprus .....		818.00		( <sup>3</sup> )				
Commercial airfare .....	4/10	4/10	France .....		291.41						
Commercial airfare .....	4/11	4/13	Djibouti .....		622.00						
Commercial airfare .....	4/13	4/14	Kenya .....		373.00		16,974.94				
Commercial airfare .....	5/26	5/26	Spain .....		195.00		11,839.75				
Commercial airfare .....	5/27	5/29	South Africa .....		736.98						
Commercial airfare .....	5/29	5/31	Zimbabwe .....		926.00						
Hon. Connie Mack .....	4/17	4/19	Trinidad & Tobago .....		1,201.00		( <sup>3</sup> )				
Commercial airfare .....	4/19	4/20	St. Vincent & The Grenadines .....		590.55		294.81				
Alan Makovksy .....	4/20	4/21	Trinidad & Tobago .....		401.59		( <sup>3</sup> )				
Commercial airfare .....	5/26	5/30	Azerbaijan .....		1,119.00		11,402.71				
Commercial airfare .....	6/27	6/30	Yemen .....		726.00		( <sup>3</sup> )				
Commercial airfare .....	6/30	6/30	Jordan .....		100.00		( <sup>3</sup> )				
Commercial airfare .....	6/30	7/5	Israel .....		1,428.00		8,841.22				
James McCormick .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				
Commercial airfare .....	4/15	4/19	India .....		1,419.31		( <sup>3</sup> )				
Mary McVeigh .....	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
Commercial airfare .....	4/3	4/5	Egypt .....		634.00						
Commercial airfare .....	4/5	4/8	Ethiopia .....		2,233.00						
Hon. Gregory W. Meeks .....	4/8	4/11	Cyprus .....		818.00						
Commercial airfare .....	4/15	4/19	Trinidad & Tobago .....		2,402.20		524.10				
Commercial airfare .....	4/19	4/20	St. Vincent & The Grenadines .....		398.00		306.31				
Commercial airfare .....	4/20	4/21	Trinidad & Tobago .....		401.59		( <sup>3</sup> )				
Richard Mereu .....	6/28	6/30	Czech Republic .....		937.84		6,830.42				
Commercial airfare .....	6/28	7/1	Russia .....		1,489.00		7,469.80				
Hon. Brad Miller .....	4/10	4/10	France .....		291.41						
Commercial airfare .....	4/11	4/13	Djibouti .....		622.00				4 1,574.00		
Hon. Donald M. Payne .....	4/13	4/14	Kenya .....		373.00		15,231.12		4 116.87		
Commercial airfare .....	4/17	4/19	Trinidad & Tobago .....		1,201.00		( <sup>3</sup> )				
Commercial airfare .....	5/26	5/26	Spain .....		195.00		1,062.30				
Commercial airfare .....	5/27	5/29	South Africa .....		781.38				4 1,000.00		
Commercial airfare .....	5/29	5/31	Zimbabwe .....		926.00				4 1,672.60		
Hon. Ted Poe .....	5/28	5/29	Ukraine .....		435.93				4 267.81		
Commercial airfare .....	5/29	5/30	Hungary .....		286.24						
Commercial airfare .....	5/30	6/1	Bulgaria .....		642.37		12,004.36				
Amy Porter .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				
Commercial airfare .....	4/15	4/19	India .....		1,419.31		( <sup>3</sup> )				
Peter Quilter .....	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
Commercial airfare .....	4/17	4/19	Trinidad & Tobago .....		1,050.00		( <sup>3</sup> )				
Pearl Ricci .....	4/14	4/15	Cyprus .....		424.85		883.00				
Commercial airfare .....	4/15	4/19	India .....		1,419.31		( <sup>3</sup> )				
Joshua Rogin .....	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
Commercial airfare .....	5/8	5/11	Israel .....		1,383.00		7,168.92				
Commercial airfare .....	6/28	6/30	Czech Republic .....		937.84		937.84				
Commercial airfare .....	7/1	7/2	Israel .....		964.00		7,661.48				
Hon. Dana Rohrabacher .....	4/13	4/17	Ukraine .....		1,148.00						
Commercial airfare .....	4/17	4/20	Czech Republic .....		1,398.00						
Commercial airfare .....	4/20	4/21	Austria .....		574.33		9,232.82		4 288.64		
Commercial airfare .....	6/28	7/1	Russia .....		1,489.00		8,522.67				
Hon. Edward R. Royce .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				
Commercial airfare .....	4/15	4/19	India .....		1,546.86		( <sup>3</sup> )				
Deanne Samuels .....	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
Julie Schoenthaler .....	4/17	4/21	Trinidad & Tobago .....		1,853.18		( <sup>3</sup> )				
Commercial airfare .....	4/17	4/19	Trinidad & Tobago .....		1,050.00		( <sup>3</sup> )				
Commercial airfare .....	4/19	4/20	St. Vincent & The Grenadines .....		398.00		276.31				
Commercial airfare .....	4/20	4/21	Trinidad & Tobago .....		401.59		( <sup>3</sup> )				
Hon. David Scott .....	4/15	4/16	Burkina Faso .....		197.14		( <sup>3</sup> )				
Commercial airfare .....	4/16	4/17	DRC .....		174.00		( <sup>3</sup> )				
Commercial airfare .....	4/17	4/18	Kenya .....		332.97		( <sup>3</sup> )				
Commercial airfare .....	4/18	4/20	Egypt .....		534.00		( <sup>3</sup> )				
Commercial airfare .....	4/20	4/21	Morocco .....		320.18		( <sup>3</sup> )				
Commercial airfare .....	6/28	7/1	Russia .....		1,489.00		( <sup>3</sup> )				
Commercial airfare .....	4/14	4/15	Cyprus .....		424.85		8,308.80				
Thomas Sheehy .....	4/15	4/19	India .....		1,419.31		( <sup>3</sup> )				
Commercial airfare .....	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
Daniel Silverberg .....	6/29	7/2	Vietnam .....		764.00		( <sup>3</sup> )				

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Commercial airfare .....	7/2	7/2	Cambodia .....		61.00						
Hon. Sires Albio .....	6/28	7/1	Russia .....		1,489.00				<sup>4</sup> 12,486.60		
Amanda Sloat .....	6/28	7/1	Russia .....		1,489.00		7,304.90				
Gene Smith .....	4/14	4/15	Cyprus .....		424.85		( <sup>3</sup> )				
	4/15	4/19	India .....		1,419.31		( <sup>3</sup> )				
	4/19	4/20	Italy .....		344.35		( <sup>3</sup> )				
Cliff Stammerman .....	4/17	4/19	Trinidad & Tobago .....		1,050.00		( <sup>3</sup> )				
	4/19	4/21	Colombia .....		600.00						
Commercial airfare .....							2,543.01				
Jason Steinbaum .....	4/17	4/19	Trinidad & Tobago .....		1,050.00		( <sup>3</sup> )				
	4/19	4/20	St. Vincent & The Grenadines .....		398.00		306.31				
	4/20	4/21	Trinidad & Tobago .....		401.59		( <sup>3</sup> )				
Commercial airfare .....	5/31	6/1	El Salvador .....		237.92						
Maureen Taft-Morales .....	6/1	6/2	Honduras .....		373.64						
Robyn Wapner .....	5/8	5/11	Haiti .....		855.00		( <sup>3</sup> )				
Commercial airfare .....	4/17	4/19	Trinidad & Tobago .....		1,050.00		( <sup>3</sup> )				
Hon. Diane E. Watson .....							653.00				
	4/3	4/5	Egypt .....		634.00		( <sup>3</sup> )				
	4/5	4/8	Ethiopia .....		4,134.00		( <sup>3</sup> )				
	4/8	4/11	Cyprus .....		818.00		( <sup>3</sup> )				
Commercial airfare .....	5/26	5/31	South Africa .....		2,557.00				<sup>4</sup> 14,290.85		
Lynne Weil .....	6/27	6/30	Yemen .....		372.00						
	6/30	6/30	Jordan .....		100.00						
Commercial airfare .....	7/1	7/3	Israel .....		1,014.07						
Clay Wellborn .....	5/8	5/11	Haiti .....		855.00		( <sup>3</sup> )				
Hon. Robert Wexler .....	5/8	5/11	Israel .....		1,383.00				<sup>4</sup> 8,736.32		
Commercial airfare .....							7,168.92				
	6/29	6/30	Czech Republic .....				654.92				
	7/1	7/3	Israel .....				1,446.00				
Lisa Williams .....	6/27	6/29	Uzbekistan .....		568.00						
	6/29	7/5	Kazakhstan .....		2,300.24						
Shanna Winters .....	5/25	5/25	Bahamas .....		150.00						
Commercial airfare .....	5/26	5/27	Argentina .....		334.00						
							5,080.20				
Matthew Zweig .....	6/27	6/30	Yemen .....		626.00						
Commercial airfare .....							12,559.20				
							12,559.20				
							9,025.62				
Committee total .....					172,487.76		383,929.09		152,098.86		708,875.71

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Indicates delegation costs.

HON. HOWARD L. BERMAN, Chairman, July 30, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Yvette Clark .....	4/15	4/19	Trinidad .....		1,201.10		( <sup>3</sup> )				1,201.10
	4/19	4/20	Grenadines .....		398.00		294.81				692.81
	4/20	4/20	Trinidad .....		401.59		( <sup>3</sup> )				401.59
Hon. Chris Carney .....	4/4	4/5	Israel .....		466.00		( <sup>3</sup> )				466.00
	4/6	4/8	Pakistan .....		678.00		( <sup>3</sup> )				678.00
	4/9	4/10	Turkey .....		767.00		( <sup>3</sup> )				767.00
Hon. Bennie G. Thompson .....	5/27	5/28	Brazil .....		148.00		( <sup>3</sup> )				148.00
	5/28	5/30	Argentina .....		687.46		( <sup>3</sup> )				687.46
	5/30	5/31	Peru .....		128.00		( <sup>3</sup> )				128.00
	5/31	6/1	Panama .....		146.00		( <sup>3</sup> )				146.00
Hon. Laura Richardson .....	5/27	5/28	Brazil .....		148.00		( <sup>3</sup> )				148.00
	5/28	5/30	Argentina .....		687.46		( <sup>3</sup> )				687.46
	5/30	5/31	Peru .....		128.00		( <sup>3</sup> )				128.00
	5/31	6/1	Panama .....		146.00		( <sup>3</sup> )				146.00
Hon. Henry Cuellar .....	5/27	5/28	Brazil .....		148.00		( <sup>3</sup> )				148.00
	5/28	5/30	Argentina .....		687.46		( <sup>3</sup> )				687.46
	5/30	5/31	Peru .....		128.00		( <sup>3</sup> )				128.00
	5/31	6/1	Panama .....		146.00		( <sup>3</sup> )				146.00
Hon. Christopher Carney .....	5/27	5/28	Brazil .....		148.00		( <sup>3</sup> )				148.00
	5/28	5/30	Argentina .....		687.46		( <sup>3</sup> )				687.46
	5/30	5/31	Peru .....		128.00		( <sup>3</sup> )				128.00
	5/31	6/1	Panama .....		146.00		( <sup>3</sup> )				146.00
Hon. Jane. Harman .....	5/28	5/28	Brazil .....		148.00		4,360.10				4,508.10
	5/28	5/30	Argentina .....		687.46		( <sup>3</sup> )				687.46
	5/30	5/31	Peru .....		128.00		( <sup>3</sup> )				128.00
	5/31	6/1	Panama .....		146.00		( <sup>3</sup> )				146.00
Hon. Yvette Clarke .....	5/29	5/30	Argentina .....		687.46		3,417.10				4,104.56
	5/30	5/31	Peru .....		128.00		( <sup>3</sup> )				128.00
	5/31	6/1	Panama .....		146.00		( <sup>3</sup> )				146.00
L. Lanier Avant .....	5/27	5/28	Brazil .....		148.00		( <sup>3</sup> )				148.00
	5/28	5/30	Argentina .....		687.46		( <sup>3</sup> )				687.46
	5/30	5/31	Peru .....		128.00		( <sup>3</sup> )				128.00
	5/31	6/1	Panama .....		146.00		( <sup>3</sup> )				146.00
Cory Horton .....	5/27	5/28	Brazil .....		148.00		( <sup>3</sup> )				148.00
	5/28	5/30	Argentina .....		687.46		( <sup>3</sup> )				687.46

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Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Rosaline Cohen .....	5/30	5/31	Peru .....	.....	128.00	.....	(3)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Michael Stroud .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Alison Rosso Northrop .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Michael Beland .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(3)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Stephen Vina .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(3)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Patricia Zavala .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Karis Gutter .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Angela Rye .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Denise Krepp .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Marisela Salayandia .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Carla Zamudio-Dolan .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/30	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Adam Comis .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Robert O'Connor .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Deron McElroy .....	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/27	5/28	Brazil .....	.....	148.00	.....	(2)	.....	.....	.....	148.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
Misc Expenses (Argentina):	5/30	5/31	Peru .....	.....	128.00	.....	(2)	.....	.....	.....	128.00
	5/31	6/1	Panama .....	.....	146.00	.....	(2)	.....	.....	.....	146.00
	5/28	5/30	Argentina .....	.....	687.46	.....	(2)	.....	.....	.....	687.46
	Control Room (Argentina) .....	.....	.....	.....	.....	.....	.....	.....	1,174.37	.....	1,174.37
	Internet Access @ Hotel .....	.....	.....	.....	.....	.....	.....	.....	486.22	.....	486.22
	Interpreter Services .....	.....	.....	.....	.....	.....	.....	.....	399.01	.....	399.01
	Cell Phones (Estimated) .....	.....	.....	.....	.....	.....	.....	.....	270.00	.....	270.00
	Extra Class thru Cell phone .....	.....	.....	.....	.....	.....	.....	.....	500.00	.....	500.00
	Network Adapter .....	.....	.....	.....	.....	.....	.....	.....	487.91	.....	487.91
	Taxis (Estimated) .....	.....	.....	.....	.....	.....	.....	.....	100.00	.....	100.00
Overtime AM Employees (Estimated) .....	.....	.....	.....	.....	.....	.....	.....	486.30	.....	486.30	
Overtime Les (Estimated) .....	.....	.....	.....	.....	.....	.....	.....	1,545.37	.....	1,545.37	
Water (Estimated) .....	.....	.....	.....	.....	.....	.....	.....	10.00	.....	10.00	
Committee total .....	.....	.....	.....	.....	23,424.66	.....	8,962.19	.....	5,459.18	.....	37,846.03

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. BENNIE G. THOMPSON, Chairman, July 29, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Thomas Hicks .....	5/24	5/26	Denmark .....	.....	814.00	.....	113.00	.....	.....	.....	927.00
	5/26	5/28	Sweden .....	.....	734.00	.....	.....	.....	.....	.....	734.00
	5/28	5/30	Germany .....	.....	838.00	.....	.....	.....	.....	.....	838.00
	5/30	6/1	United Kingdom .....	.....	1,314.00	.....	.....	.....	.....	.....	1,314.00
Commercial airfare .....				.....	.....	.....	9,325.00	.....	.....	.....	9,325.00
Teri Morgan .....	5/24	5/26	Denmark .....	.....	814.00	.....	113.00	.....	.....	.....	927.00
	5/26	5/28	Sweden .....	.....	734.00	.....	.....	.....	.....	.....	734.00
	5/28	5/30	Germany .....	.....	838.00	.....	.....	.....	.....	.....	838.00
	5/30	6/1	United Kingdom .....	.....	1,314.00	.....	.....	.....	.....	.....	1,314.00
Commercial airfare .....				.....	.....	.....	9,325.00	.....	.....	.....	9,325.00
Janelle Hu .....	5/24	5/26	Denmark .....	.....	814.00	.....	113.00	.....	.....	.....	927.00
	5/26	5/28	Sweden .....	.....	734.00	.....	.....	.....	.....	.....	734.00
	5/28	5/30	Germany .....	.....	838.00	.....	.....	.....	.....	.....	838.00

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Commercial airfare .....	5/30	6/1	United Kingdom .....		1,314.00						1,314.00
Jennifer Daehn .....	5/24	5/26	Denmark .....		814.00		9,325.00				9,325.00
	5/26	5/28	Sweden .....		734.00		113.00				927.00
	5/28	5/30	Germany .....		838.00						734.00
	5/30	6/1	Great Britain .....		1,314.00						838.00
Commercial airfare .....											1,314.00
Peter Schalestock .....	5/24	5/26	Denmark .....		814.00		9,325.00				9,325.00
	5/26	5/28	Sweden .....		734.00		113.00				927.00
	5/28	5/30	Germany .....		838.00						734.00
	5/30	6/1	Great Britain .....		1,314.00						838.00
Commercial airfare .....											1,314.00
Karen Moore .....	5/24	5/26	Denmark .....		814.00		9,325.00				9,325.00
	5/26	5/28	Sweden .....		734.00		113.00				927.00
	5/28	5/30	Germany .....		838.00						734.00
	5/30	6/1	Great Britain .....		1,314.00						838.00
Commercial airfare .....											1,314.00
Committee total .....											78,828.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Chairman, Aug. 9, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Daniel Lungren .....	4/13	4/15	Cyprus .....		424.85						424.85
	4/15	4/19	India .....		1,513.32						1,513.32
	4/19	4/21	Italy .....		344.35						344.35
Hon. John Conyers, Jr. ....	4/6	4/7	Haiti .....		168.00						168.00
	4/7	4/9	Bahamas .....		515.00						515.00
Hon. Lamar Smith .....	4/6	4/7	Haiti .....		168.00						168.00
	4/7	4/9	Bahamas .....		515.00						515.00
Hon. Anthony Weiner .....	4/6	4/7	Haiti .....		168.00		723.50				891.50
Keenan Keller .....	4/5	4/7	Haiti .....		336.00		866.10				1,202.10
	4/7	4/9	Bahamas .....		515.00						515.00
Cynthia Martin .....	4/6	4/7	Haiti .....		168.00						168.00
	4/7	4/9	Bahamas .....		515.00						515.00
Allison Halataei .....	4/6	4/7	Haiti .....		168.00						168.00
	4/7	4/9	Bahamas .....		515.00						515.00
Sean McLaughlin .....	4/6	4/7	Haiti .....		168.00		1,345.00				1,513.00
	4/7	4/9	Bahamas .....		515.00						515.00
Hon. Pedro Pierluisi .....	4/17	4/19	Trinidad .....		326.00		342.46				668.46
Keenan Keller .....	5/3	5/6	Austria .....		400.00		6,083.36				6,483.36
Committee total .....					1,409.00		7,770.82				7,770.82

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Aug. 1, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Jason Chaffetz .....	4/5	4/6	Kuwait .....		453.86		8,357.74				8,811.60
	4/6	4/7	Baghdad .....				(3)				
	4/7	4/8	Kuwait .....		453.86		(4)				453.86
	4/8	4/9	United Arab Emirates .....		448.85		(3)				448.85
	4/9	4/10	Afghanistan .....		43.00		(3)				43.00
	4/10	4/11	United Arab Emirates .....		235.57		(4)				235.57
Brian Modeste .....	4/11	4/13	Marshall Islands .....		600.00		5,064.85				5,664.85
Julia Hathaway .....	6/21	6/27	Portugal .....		1,320.00		7,093.97				8,413.97
David Wahley .....	6/21	6/27	Portugal .....		1,120.00		7,400.35				8,520.35
Casey Hammond .....	6/21	7/1	Spain .....		3,262.36		5,440.90		750.00		9,453.26
Committee total .....					7,937.50		33,357.81		750.00		42,045.31

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Commercial airfare included above.

HON. NICK RAHALL, Chairman, July 31, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Andrew Su .....	2/27	2/27	Kuwait .....				(3)				

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
John Arlington .....	2/27	2/28	Iraq .....				( <sup>3</sup> )				
	3/1	3/2	Afghanistan .....		25.00		( <sup>3</sup> )				25.00
	3/2	3/3	Hungary .....		229.43		( <sup>3</sup> )				229.43
	2/27	2/27	Kuwait .....				( <sup>3</sup> )				
	2/27	2/28	Iraq .....				( <sup>3</sup> )				
John Cuaderes .....	3/1	3/2	Afghanistan .....		25.00		( <sup>3</sup> )				25.00
	3/2	3/3	Hungary .....		229.43		( <sup>3</sup> )				229.43
	2/27	2/27	Kuwait .....				( <sup>3</sup> )				
	2/27	2/28	Iraq .....				( <sup>3</sup> )				
	3/1	3/2	Afghanistan .....		25.00		( <sup>3</sup> )				25.00
Steve Driehaus .....	3/2	3/3	Hungary .....		229.43		( <sup>3</sup> )				229.43
	2/27	2/27	Kuwait .....				( <sup>3</sup> )				
	2/27	2/28	Iraq .....				( <sup>3</sup> )				
	3/1	3/2	Afghanistan .....		25.00		( <sup>3</sup> )				25.00
	3/2	3/3	Hungary .....		229.43		( <sup>3</sup> )				229.43
Gerald Connolly .....	2/27	2/27	Kuwait .....				( <sup>3</sup> )				
	2/27	2/28	Iraq .....				( <sup>3</sup> )				
	3/1	3/2	Afghanistan .....		25.00		( <sup>3</sup> )				25.00
	3/2	3/3	Hungary .....		229.43		( <sup>3</sup> )				229.43
	2/27	2/27	Kuwait .....				( <sup>3</sup> )				
Todd Russell Platts .....	2/27	2/28	Iraq .....				( <sup>3</sup> )				
	3/1	3/2	Afghanistan .....		25.00		( <sup>3</sup> )				25.00
	3/2	3/3	Hungary .....		229.43		( <sup>3</sup> )				229.43
	2/27	2/27	Kuwait .....				( <sup>3</sup> )				
	2/27	2/28	Iraq .....				( <sup>3</sup> )				
Stephen Lynch .....	3/1	3/2	Afghanistan .....		25.00		( <sup>3</sup> )				25.00
	3/2	3/3	Hungary .....		229.43		( <sup>3</sup> )				229.43
	2/27	2/27	Kuwait .....				( <sup>3</sup> )				
	2/27	2/28	Iraq .....				( <sup>3</sup> )				
	3/1	3/2	Afghanistan .....		25.00		( <sup>3</sup> )				25.00
Afghanistan—other support costs .....	3/2	3/3	Hungary .....		229.43		( <sup>3</sup> )		135.00		229.43
Thomas Alexander .....	1/29	1/30	Kuwait .....		166.00		( <sup>3</sup> )				166
	1/30	1/31	Qatar .....		164.00		( <sup>3</sup> )				164
	1/31	2/2	Afghanistan .....		150.00		( <sup>3</sup> )				150
	2/2	2/2	Pakistan .....				( <sup>3</sup> )				
	2/2	2/3	Hungary .....		131.00		( <sup>3</sup> )				131
Kevin McDermott .....	1/29	1/30	Kuwait .....		166.00		( <sup>3</sup> )				166
	1/30	1/31	Qatar .....		164.00		( <sup>3</sup> )				164
	1/31	2/2	Afghanistan .....		150.00		( <sup>3</sup> )				150
	2/2	2/2	Pakistan .....				( <sup>3</sup> )				
	2/2	2/3	Hungary .....		131.00		( <sup>3</sup> )				131
Andrew Wright .....	1/29	1/30	Kuwait .....		166.00		( <sup>3</sup> )				166
	1/30	1/31	Qatar .....		164.00		( <sup>3</sup> )				164
	1/31	2/2	Afghanistan .....		150.00		( <sup>3</sup> )				150
	2/2	2/2	Pakistan .....				( <sup>3</sup> )				
	2/2	2/3	Hungary .....		131.00		( <sup>3</sup> )				131
Christopher Van Hollen .....	1/29	1/30	Kuwait .....		166.00		( <sup>3</sup> )				166
	1/30	1/31	Qatar .....		164.00		( <sup>3</sup> )				164
	1/31	2/2	Afghanistan .....		150.00		( <sup>3</sup> )				150
	2/2	2/2	Pakistan .....				( <sup>3</sup> )				
	2/2	2/3	Hungary .....		131.00		( <sup>3</sup> )				131
Christopher Murphy .....	1/29	1/30	Kuwait .....		166.00		( <sup>3</sup> )				166.00
	1/30	1/31	Qatar .....		164.00		( <sup>3</sup> )				164.00
	1/31	2/2	Afghanistan .....		150.00		( <sup>3</sup> )				150.00
	2/2	2/2	Pakistan .....				( <sup>3</sup> )				
	2/2	2/3	Hungary .....		131.00		( <sup>3</sup> )				131.00
Dave Turk .....	1/29	1/30	Kuwait .....		166.00		( <sup>3</sup> )				166.00
	1/30	1/31	Qatar .....		164.00		( <sup>3</sup> )				164.00
	1/31	2/2	Afghanistan .....		150.00		( <sup>3</sup> )				150.00
	2/2	2/2	Pakistan .....				( <sup>3</sup> )				
	2/2	2/3	Hungary .....		131.00		( <sup>3</sup> )				131.00
John Tierney .....	1/29	1/30	Kuwait .....		166.00		( <sup>3</sup> )				166.00
	1/30	1/31	Qatar .....		164.00		( <sup>3</sup> )				164.00
	1/31	2/2	Afghanistan .....		150.00		( <sup>3</sup> )				150.00
	2/2	2/2	Pakistan .....				( <sup>3</sup> )				
	2/2	2/3	Hungary .....		131.00		( <sup>3</sup> )				131.00
Pakistan—other support costs .....							( <sup>3</sup> )		263.88		263.88
Qatar—other support costs .....							( <sup>3</sup> )		1,212.14		1,212.14
Kabul—other support costs .....							( <sup>3</sup> )		696.42		696.42
Darrell Issa .....	3/20	3/22	Belgium .....		1,493.77						1,493.77
Kurt Bardella .....	3/20	3/22	Belgium .....		1,373.14						1,373.14
Committee total .....					8,924.92				2,307.44		11,232.36

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. EDOLPHUS TOWNS, Chairman, July 30, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
CODEL was reported in wrong quarter											
Bruce Fernandez .....	4/4	4/6	Syria .....		702.00		13,577.21				14,279.21
	4/6	4/7	Israel .....		461.00						461.00
	4/8	4/10	India .....		1,073.38						1,073.38
	4/10	4/11	Morocco .....		301.13						301.13
Brien Beattie .....	4/4	4/6	Syria .....		702.00		13,577.21				14,279.21
	4/6	4/7	Israel .....		461.00						461.00
	4/8	4/10	India .....		1,073.38						1,073.13
	4/10	4/11	Morocco .....		301.13						301.13
Leah Perry .....	4/4	4/6	Syria .....		702.00		13,577.21				14,279.21
	4/6	4/7	Israel .....		461.00						461.00
	4/8	4/10	India .....		1,073.38						1,073.38

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Stephen Lynch .....	4/10	4/11	Morocco .....		301.13						301.13
	4/4	4/6	Syria .....		702.00		14,220.26				14,922.26
	4/6	4/7	Israel .....		461.00						461.00
	4/8	4/10	India .....		1,073.38						1,073.38
	4/10	4/11	Morocco .....		301.13						301.13
Other Delegation expenses Morocco .....									2,308.24		2,308.24
Other Delegation expenses Israel .....									3,008.55		3,008.55
Other Delegation expenses India .....									7,977.46		7,977.46
Dorinda White .....	5/26	5/30	South Africa .....		2,557.00		8,902.19				11,459.19
Committee total .....					12,707.04		63,854.08		13,294.25		89,855.37

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. EDOLPHUS TOWNS, Chairman, July 30, 2009.

## (AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Brian Baird .....	1/29	2/1	Switzerland .....		2,104.70		( <sup>3</sup> )		3,917.00		6,021.70
Committee total .....					2,104.70				3,917.00		6,021.70

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

Hon. BART GORDON, Chairman, July 31, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Parker Griffith .....	4/6	4/8	Israel .....		976.50		( <sup>3</sup> )		1,185.00		2,161.50
	4/8	4/10	Egypt .....		746.00		( <sup>3</sup> )		443.00		1,189.00
	4/10	4/11	Scotland .....		279.00		( <sup>3</sup> )				279.00
Hon. Brian Baird .....	5/15	5/18	Jordan .....		1716.00		7,372.50		2,172.54		11,261.04

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AND (CONTINUED TO BE DELETED WHEN COMBINED)

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Bart Gordon .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Hon. Eddie Bernice Johnson .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Hon. Brad Miller .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Hon. Lincoln Davis .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Hon. Roscoe Bartlett .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Hon. Todd Akin .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Hon. Brian Bilbray .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Chuck Atkins .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Louis Finkel .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Leigh Ann Brown .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Leslee Gilbert .....	6/20	6/23	France .....		2,614.00		( <sup>3</sup> )		2,577.00		5,191.00
Committee total .....					32,471.50		7,372.50		32,147.54		71,991.54

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

Hon. BART GORDON, Chairman, July 31, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Bill Shuster .....	6/6	6/7	Kuwait .....		945.00		8,073.59				9,018.59
	6/7	6/7	Iraq .....				( <sup>3</sup> )				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1  
AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Charles Dent .....	6/6	6/7	Kuwait .....		945.00		8,073.59				9,018.59
	6/7	6/7	Iraq .....				( <sup>3</sup> )				
Hon. Brett Guthrie .....	6/15	6/15	Cuba .....		18.00		( <sup>3</sup> )				18.00
Hon. Laura Richardson .....	4/2	4/8	Cuba .....		875.00		( <sup>3</sup> )				875.00
Hon. Donna Edwards .....	5/8	5/9	Georgia .....		148.00		( <sup>3</sup> )				148.00
	5/9	5/10	Afghanistan .....		78.00		( <sup>3</sup> )				78.00
	5/11	5/12	Czech Republic .....		236.00		( <sup>3</sup> )				236.00
Hon. Eddie Bernice Johnson .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Hon. Henry Brown .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Hon. Corrine Brown .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Hon. Candice Miller .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Hon. Donna Edwards .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Jimmy Miller .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Helena Zyblikewycz .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Jim Coon .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Jim Tymon .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Ted Illston .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Rod Hall .....	4/4	4/6	Bahrain .....		892.00		( <sup>3</sup> )				892.00
	4/6	4/8	UAE .....		1,418.00		( <sup>3</sup> )				1,418.00
	4/8	4/10	Italy, Florence .....		1,122.00		( <sup>3</sup> )				1,122.00
	4/10	4/13	Italy, Rome .....		1,842.00		( <sup>3</sup> )				1,842.00
Committee total .....					61,259.00		16,147.18				77,406.18

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. JAMES L. OBERSTAR, Chairman, July 31, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. John Hall .....	4/4	4/11	Kuwait .....		218.00						218.00
	4/9	4/10	Kabul .....		28.00						28.00
Hon. Michael Michaud .....	4/13	4/17	Ramstein .....		333.00						333.00
Hon. Glenn Nye .....	4/13	4/17	Ramstein .....		333.00						333.00
Hon. David Roe .....	4/13	4/17	Ramstein .....		333.00						333.00
Hon. Thomas Perriello .....	4/13	4/17	Ramstein .....		333.00						333.00
Hon. Deborah Halvorson .....	4/13	4/17	Ramstein .....		333.00						333.00
Cathy Wiblemo .....	4/13	4/17	Ramstein .....		333.00						333.00
Dolores Dunn .....	4/13	4/17	Ramstein .....		333.00						333.00
Hon. Michael Michaud .....	4/13	4/17	Kuwait .....		159.00						159.00
Hon. Cathy Wiblemo .....	4/13	4/17	Kuwait .....		159.00						159.00
Dolores Dunn .....	4/13	4/17	Kuwait .....		159.00						159.00
Hon. Glenn Nye .....	4/13	4/17	Kuwait .....		159.00						159.00
Hon. Thomas Perriello .....	4/13	4/17	Kuwait .....		159.00						159.00
Hon. Deborah Halvorson .....	4/13	4/17	Kuwait .....		159.00						159.00
Hon. David Roe .....	4/13	4/17	Kuwait .....		159.00						159.00
Committee total .....											3,690.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BOB FILNER, Chairman, Aug. 3, 2009.

September 16, 2009

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Jim McDermott .....	4/3	4/5	Egypt .....		218.00						218.00
	4/5	4/8	Ethiopia .....		537.00						537.00
	4/8	4/10	Cyprus .....		715.00						715.00
	4/9		Lebanon .....								
Hon. Sander Levin .....	4/12	4/17	Columbia .....		2,393.72		4,292.79		9,367.00		16,053.51
	4/17	4/19	Trinidad and Tobago .....		3,929.38				4,132.59		8,061.97
	4/19	4/21	Panama .....		734.00						734.00
Hon. Kevin Brady .....	4/17	4/20	Trinidad and Tobago .....		4,479.80		1,233.01				5,712.81
Alexander Perkins .....	4/12	4/17	Columbia .....		2,393.72		3,399.89				5,793.61
	4/17	4/20	Trinidad and Tobago .....		4,896.87						4,896.87
Jason Kearns .....	4/16	4/20	Mexico .....		350.00		1,579.10				1,929.20
	4/17	4/20	Trinidad and Tobago .....		5,032.69		1,816.51				6,845.20
Angela Ellard .....	4/16	4/20	Trinidad and Tobago .....		4,942.80		1,831.51				6,774.31
Jennifer McCadney .....	4/19	4/22	Panama .....		734.00		2,163.70		250.00		3,147.70
Committee total .....					31,356.98		16,316.51		13,749.59		61,423.08

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, Aug. 3, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. John Kline .....	4/3	4/4	Middle East .....		364.00		( <sup>3</sup> )				
	4/4	4/6	Middle East .....		295.00		( <sup>3</sup> )				
	4/6	4/9	Middle East .....		204.00		( <sup>3</sup> )				
	4/9	4/11	Middle East .....		165.00		( <sup>3</sup> )				
								( <sup>3</sup> )			1,028.00
Hon. Jeff Miller .....	4/3	4/5	Middle East .....		890.00						
	4/5	4/7	Middle East .....		242.00						
	4/7	4/9	Middle East .....		534.00						
	4/9	4/10	Europe .....		325.00						
Commercial airfare .....							11,858.83				13,849.83
Hon. Michael Conaway .....	4/3	4/5	Middle East .....		890.00						
	4/5	4/7	Middle East .....		242.00						
	4/7	4/9	Middle East .....		534.00						
	4/9	4/10	Europe .....		325.00						
Commercial airfare .....							11,381.21				13,372.21
James Lewis, Professional Staff .....	4/3	4/5	Middle East .....		890.00						
	4/5	4/7	Middle East .....		242.00						
	4/7	4/9	Middle East .....		534.00						
	4/9	4/10	Europe .....		325.00						
Commercial airfare .....							9,935.45				11,926.45
Stacey Dixon .....	4/3	4/5	Middle East .....		890.00						
	4/5	4/7	Middle East .....		242.00						
	4/7	4/9	Middle East .....		534.00						
	4/9	4/10	Europe .....		325.00						
Commercial airfare .....							11,062.45				13,053.45
Hon. Mike Rogers .....	4/5	4/7	Europe .....		147.00						
			Europe .....		404.00						
Commercial Aircraft .....							10,721.41				11,272.41
Hon. Silvestre Reyes .....	4/12	4/15	Middle East .....		252.00						
	4/15	4/18	Middle East .....		78.00						
Commercial airfare .....							15,788.45				16,118.45
Hon. Mike Thompson .....	4/12	4/15	Middle East .....		252.00						
	4/15	4/18	Middle East .....		78.00						
Commercial airfare .....							16,750.76				17,080.76
Michael Delaney .....	4/12	4/15	Middle East .....		252.00						
	4/15	4/18	Middle East .....		78.00						
Commercial airfare .....							16,065.45				16,395.45
Mark Young .....	4/12	4/15	Middle East .....		252.00						
	4/15	4/18	Middle East .....		78.00						
Commercial airfare .....							14,671.70				15,001.70
Hon. Mac Thornberry .....	4/14	4/17	Asia .....		1,050.00						
	4/17	4/19	Asia .....		790.14						
Commercial airfare .....							9,481.51				11,321.65
George Pappas .....	4/14	4/17	Asia .....		1,050.00						
	4/17	4/19	Asia .....		790.14						
Commercial airfare .....							9,481.51				11,321.65
Diane La Voy .....	4/14	4/17	Asia .....		1,050.00						
	4/17	4/19	Asia .....		790.14						
Commercial airfare .....							9,481.51				11,321.65
Mieke Eoyang .....	4/14	4/15	Africa .....		77.00		( <sup>3</sup> )				
	4/15	4/16	Africa .....		74.00		( <sup>3</sup> )				
	4/16	4/17	Africa .....		108.00		( <sup>3</sup> )				
	4/17	4/19	Africa .....		184.00		( <sup>3</sup> )				
	4/19	4/20	Africa .....		100.00		( <sup>3</sup> )				
											543.00
Hon. John Kline .....	5/22	5/24	Europe .....		355.00		( <sup>3</sup> )				
	5/24	5/26	Europe .....		272.00		( <sup>3</sup> )				
	5/26	5/28	Africa .....		148.00		( <sup>3</sup> )				
	5/28	5/30	Africa .....		564.00		( <sup>3</sup> )				
	5/23	5/28	Middle East .....		112.00						
Commercial airfare .....							4,251.02				4,363.02
George Pappas .....	5/23	5/28	Middle East .....		112.00						
Commercial airfare .....							4,075.02				4,187.02
Laurence Hanauer .....	5/23	5/25	Middle East .....		352.00						
	5/26	5/27	Middle East .....		301.00						
	5/28	5/30	Africa .....		304.00						
Commercial airfare .....							10,540.88				11,497.88
Linda Cohen .....	5/23	5/25	Middle East .....		352.00						

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. AND JUNE 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Commercial airfare .....	5/26	5/27	Middle East .....		301.00						
Adam Lurie .....	5/28	5/30	Africa .....		304.00						
Commercial airfare .....							11,219.00				12,176.88
Commercial airfare .....	5/23	5/25	Middle East .....		352.00						
Joshua Kirshner .....	5/26	5/27	Middle East .....		301.00						
Commercial airfare .....	5/28	5/30	Africa .....		304.00						
Commercial airfare .....							10,570.88				11,527.88
Commercial airfare .....	5/25	5/27	South America .....		820.00						
Miguel Diaz .....	5/27	5/28	South America .....		304.00						
Commercial airfare .....	5/28	5/30	South America .....		603.00						
Commercial airfare .....							4,060.70				5,814.70
Commercial airfare .....	5/25	5/27	South America .....		820.00						
Jay Heath .....	5/27	5/28	South America .....		304.00						
Commercial airfare .....	5/28	5/30	South America .....		603.00						
Commercial airfare .....							4,060.70				5,814.70
Hon. Mike Thompson .....	6/15	6/15	Latin America .....				( <sup>3</sup> )				
Hon. Jan Schakowsky .....	6/15	6/15	Latin America .....				( <sup>3</sup> )				
Iram Ali .....	6/15	6/15	Latin America .....				( <sup>3</sup> )				
Mark Young .....	6/15	6/15	Latin America .....				( <sup>3</sup> )				
Adam Lurie .....	6/15	6/15	Latin America .....				( <sup>3</sup> )				
George Pappas .....	6/15	6/15	Latin America .....				( <sup>3</sup> )				
Hon. Mike Thompson .....	6/27	6/29	Asia .....		294.00						
Commercial Airfare .....	6/30	7/2	Asia .....		240.00						
Commercial Airfare .....											
Linda Cohen .....	6/27	6/29	Asia .....		294.00						
Commercial Airfare .....	6/30	7/2	Asia .....		240.00						
Commercial Airfare .....							9,267.51				9,801.51
Commercial Airfare .....	6/27	6/29	Asia .....		294.00						
Jay Heath .....	6/30	7/2	Asia .....		240.00						
Commercial Airfare .....											
Commercial Airfare .....	6/28	6/30	Europe .....		984.69						
Joshua Kirshner .....	7/1	7/3	Europe .....		669.60						
Commercial Airfare .....											
Commercial Airfare .....	6/28	6/30	Europe .....		984.69						
Adam Lurie .....	7/1	7/3	Europe .....		669.60						
Commercial Airfare .....											
Commercial Airfare .....	6/28	6/30	Europe .....		984.69						
Fred Fleitz .....	7/1	7/3	Europe .....		669.60						
Commercial Airfare .....											
Commercial Airfare .....	6/29	7/2	Europe .....		1,118.96						
Hon. Mac Thornberry .....											
Commercial Airfare .....											
Commercial Airfare .....	6/29	7/2	Europe .....		1,341.85						
Christopher Donesa .....											
Commercial Airfare .....											
Committee total .....											311,202.37

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. SILVESTRE REYES, Chairman, Aug. 3, 2009.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Alcee L. Hastings .....	4/14	4/17	Belgium .....		1,212.00		12,897.85				14,109.85
	4/17	4/18	France .....		504.00		151.80				655.80
	4/18	4/21	Portugal .....		1,024.50						1,024.50
	5/25	5/29	Ireland .....		1,890.34		4,426.03				6,316.37
	6/26	6/28	Albania .....		676.00		3,751.10				4,427.10
Hon. G.K. Butterfield .....	4/15	4/17	Belgium .....		808.00		8,553.47				9,361.47
	4/17	4/18	France .....		504.00		151.80				655.80
Fred Turner .....	4/17	4/21	Portugal .....		1,178.50		6,944.41				8,122.91
Alex Johnson .....	4/13	4/17	Belgium .....		1,616.00		7,438.47				9,054.47
	4/17	4/19	France .....		1,008.00		151.80				1,159.80
	5/26	5/30	Ireland .....		1,672.73		5,822.51				7,495.24
	6/26	6/28	Albania .....		676.00		3,751.10				4,427.10
Mischa Thompson .....	4/13	4/17	Belgium .....		1,616.00		7,438.47				9,054.47
	4/17	4/19	France .....		1,008.00		151.80				1,159.80
Shelly Han .....	5/26	5/29	Ireland .....		1,417.77		4,426.03				5,843.80
Winsome Packer .....	6/19	6/21	Portugal .....		870.50		1,588.00				2,458.50
Janice Helwig .....	6/25	6/30	Albania .....		1,690.00		8,058.83				9,748.83
Committee total .....					19,372.34		75,703.47				95,075.81

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Chairman, July 28, 2009.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

3384. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule —

Wetlands Reserve Program (RIN: 0578-AA47) received August 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — 1,2-ethanediamine, N,N,N',N'-tetramethyl-, polymer with 1,1'-oxybis[2-chloroethane] Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2004-0285; FRL-8430-6] received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2008-0770; FRL-8413-6] received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3387. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Alkyl Alcohol Alkoxylates; Exemption from the Requirement of Tolerance [EPA-HQ-OPP-2009-0145; FRL-8430-1] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3388. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Motor Vehicle Emission Budgets for Scranton/Wilkes-Barre 8-Hour Ozone Maintenance Area [EPA-R03-OAR-2009-0311; FRL-8441-6] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3389. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — *Bacillus thuringiensis* CryIA.105 protein; Time Limited Exemption from the Requirement of a Tolerance; Correction [EPA-HQ-OPP-2009-0101 FRL-8428-7] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Polyoxyethylene polyoxypropylene mono(di-sec-butylphenyl) ether; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0944; FRL-8429-4] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3391. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Sodium Allyl Naphthalenesulfonate Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0099; FRL-8428-5] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3392. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Sodium and Ammonium Naphthalenesulfonate Formaldehyde Condensates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0490; FRL-8428-5] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3393. A letter from the Deputy Secretary, Department of Defense, transmitting authorization of an officer to wear the authorized insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

3394. A letter from the Acting General Counsel, Department of Defense, transmit-

ting the Department's request that Congress enact the revisions to policy on Development and Procurement of Unmanned Systems; to the Committee on Armed Services.

3395. A letter from the Acting Assistant Secretary (Acquisition, Logistics and Technology), Department of the Army, transmitting the Department's Annual Status Report on the Disposal of Chemical Weapons and Materiel for FY 2008; to the Committee on Armed Services.

3396. A letter from the Director, Naval Reactors, transmitting copies of the Naval Nuclear Propulsion Program's latest report on environmental monitoring and radiological waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

3397. A letter from the Executive Vice President Global Government Affairs, Citi Bank, transmitting a report of Citi's Troubled Asset Relief Program (TARP) Progress Report titled "What Citi is doing to Increase Lending, Help Keep People in their Homes and Help Create Jobs"; to the Committee on Financial Services.

3398. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies Under Section 312 of the Fair and Accurate Credit Transactions Act [Docket ID OCO-2008-0023] (RIN: 1557-AC89) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3399. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Japan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3400. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3401. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Department's final rule — Affordable Housing Program Amendments: Federal Home Loan Bank Mortgage Refinancing Authority (RIN: 2590-AA04) received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3402. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, "Effective Emergency Management: Making Improvements for Communities and People with Disabilities"; to the Committee on Education and Labor.

3403. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices: Classification of Dental Amalgam, Reclassification of Dental Mercury, Designation of Special Controls for Dental Amalgam, Mercury, and Amalgam Alloy [Docket No.: FDA-2008-N-0163; Formerly Docket No. 2001N-0067] (RIN: 0910-AG21) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3404. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements and Procedures for Consumer Assistance to Recycle and Save Program [Docket No.:

NHTSA-2009-0120] (RIN: 2127-AK54; Notice 1) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Certain Chemical Substances; Withdrawal of Significant New Use Rules [EPA-HQ-OPPT-2008-0252; FRL-8433-9] (RIN: 2070-AB27) received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3406. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Outer Continental Shelf Air Regulations, Consistency Update for California [OAR-2004-0091; FRL-8941-3] received August 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3407. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Amine Salts of Alkyl (C8-C24) Benzenesulfonic Acid (Dimethylamniopropylamine, Isopropylamine, Mono-, Di-, and Triethanolamine); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0889; FRL-8430-2] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3408. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Motor Vehicle Emission Budgets for the York-Adams Counties 8-hour Ozone Maintenance Area [EPA-R03-OAR-2008-0591; FRL-8941-4] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3409. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Department's final rule — Colorado: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2009-0341; FRL-8941-1] received August 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3410. A letter from the Program Analyst, OMD-FO, Federal Communications Commission, transmitting the Commission's final rule — Report and Order, In the Matter of Assessment of Regulatory Fees for Fiscal year 2009 [MD Docket No.: 09-65] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3411. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations [MB Docket No. 07-172; FCC 09-59] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3412. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Industry Codes and Standards; Amended Requirements [NRC-2008-0663] (RIN:3150-A153) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3413. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the

Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

3414. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

3415. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Cuba: Revisions to Gift Parcel and Baggage Restrictions, Creation of License Exception for Donated Consumer Communications Devices and Expansion of Licensing Policy Regarding Telecommunications [Docket No.: 090414648-9652-01] (RIN: 0694-AE60) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3416. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's renotification of the intention to obligate FY 2009 funds under the Cooperative Threat Reduction Program; to the Committee on Foreign Affairs.

3417. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 020-09, certification of a proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3418. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 077-09, certification of a proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3419. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 076-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3420. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 083-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3421. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 054-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3422. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 085-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3423. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 082-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3424. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 090-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3425. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 068-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3426. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 065-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3427. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 056-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3428. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 084-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3429. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. RSAT-05-822, Notice of Proposed Transfer of Major Defense Equipment; to the Committee on Foreign Affairs.

3430. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 078-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3431. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 098-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3432. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 080-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3433. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 050-09, certification of proposed issuance of an export license pursuant to section 3(d)(5) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3434. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State on a weekly basis for the April 15-June 15, 2009 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

3435. A letter from the Associate Director, Department of the Treasury, transmitting

the Department's final rule — Cuban Assets Control Regulations received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3436. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3437. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Sufficiency Certification for the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2010", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3438. A letter from the Director, Office of Personnel Management, transmitting the Office's annual report on the status of Telework in the Federal Government; to the Committee on Oversight and Government Reform.

3439. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting the Department's report on the exterior boundary of Whitefish Wild and Scenic River Hiawatha National Forest, as entered in the National Wild and Scenic Rivers System pursuant to Pub. L. 102-249, March 3, 1992; to the Committee on Natural Resources.

3440. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2009 Golden Tilefish in the South Atlantic [Docket No.: 040205043-4043-01] (RIN:0648-X054) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3441. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule — 2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations-Modifications, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3442. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [SATS No. UT-045-FOR; Docket ID No. OSM-2008-0011] received September 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3443. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Activation of Ice Protection [Docket No.: FAA-2007-27654; Amendment No. 25-129] (RIN: 2120-AI90) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3444. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards; Fire Protection [Docket No.: FAA-2007-28503; Amendment No. 33-29] (RIN: 2120-AJ04) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3445. A letter from the Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs (RIN: 2105-

AD89) received August 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3446. A letter from the Senior Trial Attorney, Federal Railroad Administration, transmitting the Department's final rule — Track Safety Standards; Continuous Welded Rail (CWR) [Docket No.: FRA-2008-0036] (RIN: 2130-AB90) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3447. A letter from the Commissioner, Social Security Administration, transmitting the Administration's request to redesignate the Federal building at 6401 Security Boulevard, in Baltimore, Maryland, known as the "Operations Building", as the "Robert M. Ball Building"; to the Committee on Transportation and Infrastructure.

3448. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Department of Energy FY 2008 Methane Hydrate Program Report to Congress", pursuant to Section 968 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3449. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates received August 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3450. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3451. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — Safe Harbor Explanation — Eligible Rollover Distributions received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3452. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2008 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Foreign Affairs and Agriculture.

3453. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1849-DR for the State of Kansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3454. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1850-DR for the State of Illinois; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3455. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1847-DR for the State of Missouri; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3456. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1848-DR for the State of Kansas;

jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3457. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1845-DR for the State of Arkansas; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

3458. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1843-DR for the State of Alaska; jointly to the Committees on Appropriations, Homeland Security, and Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2423. A bill to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the "George P. Kazen Federal Building and United States Courthouse", and to designate the jury room in that Federal building and United States courthouse as the "Marcel C. Notzon II Jury Room"; with amendments (Rept. 111-257). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 3579. A bill to amend title 38, United States Code, to provide for an increase in the amount of the reporting fees payable to educational institutions that enroll veterans receiving educational assistance from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KING of Iowa (for himself, Mr. BILBRAY, Mrs. BLACKBURN, Mr. CULBERSON, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. PITTS, Mr. GARY G. MILLER of California, Mr. LATTA, Mrs. MYRICK, Mr. BRADY of Texas, Mr. LINDER, Mr. FRANKS of Arizona, Mr. POE of Texas, Ms. FOXX, Mr. GINGREY of Georgia, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. WAMP, and Mr. ROYCE):

H.R. 3580. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself, Mr. CARNEY, and Mr. GARY G. MILLER of California):

H.R. 3581. A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association lead-

ership positions newly added in its constitution and bylaws; to the Committee on the Judiciary.

By Mrs. BACHMANN (for herself, Mr. MARCHANT, Ms. FOXX, Mr. HERGER, Ms. FALLIN, Mr. BARTLETT, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. AUSTRIA, Mr. KINGSTON, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. SHAD-EGG, Mr. GOHMERT, Mr. CULBERSON, Mr. PITTS, Mr. HENSARLING, Mr. SCALISE, and Mr. ALEXANDER):

H.R. 3582. A bill to make organizations which have been indicted for violations of Federal or State law relating to elections for public office ineligible to participate in the Planning Partnership Program for the 2010 census of population, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALOMAVAEGA:

H.R. 3583. A bill to provide for a subsidy to sellers and buyers of fish directly delivered to American Samoa from vessels with United States fisheries endorsements that manufacture for the United States; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 3584. A bill to amend the Public Health Service Act to require reinstatement upon payment of all premiums due of group or individual health insurance coverage terminated by reason of nonpayment of premiums; to the Committee on Energy and Commerce.

By Ms. GIFFORDS:

H.R. 3585. A bill to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes; to the Committee on Science and Technology.

By Mr. KIND (for himself and Mr. BLUMENAUER):

H.R. 3586. A bill to amend the Internal Revenue Code of 1986 to expand the availability of employee stock ownership plans in S corporations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER (for himself, Mr. BLUMENAUER, Mr. HARE, Mr. KILDEE, Ms. DEGETTE, Mr. SPRATT, Mr. COURTNEY, Mr. GUTIERREZ, and Mr. LEWIS of Georgia):

H.R. 3587. A bill to amend the Food and Nutrition Act of 2008 to reduce the interval for the issuance of benefits; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 3588. A bill to amend chapter 141 of title 10, United States Code, to include disclosures made by Department of Defense contract employees to their immediate employers in the provisions providing protections against reprisals for certain disclosures; to the Committee on Armed Services.

By Mr. WELCH (for himself, Mr. PITTS, Mr. MICHAUD, and Mr. MCMAHON):

H.R. 3589. A bill to reauthorize the National Oilheat Research Alliance Act of 2000; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, and Mrs. CHRISTENSEN):  
H. Con. Res. 186. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Oversight and Government Reform.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 330: Mr. BLUMENAUER and Mr. WATT.  
H.R. 438: Mr. BILBRAY and Mr. PITTS.  
H.R. 456: Mr. GUTHRIE.  
H.R. 502: Ms. GRANGER.  
H.R. 571: Mr. FILNER and Mr. PLATTS.  
H.R. 616: Mr. COLE.  
H.R. 621: Mr. AUSTRIA, Mr. CARNAHAN, Mr. HERGER, and Mr. MEEK of Florida.  
H.R. 624: Mr. TOWNS.  
H.R. 645: Mr. COHEN.  
H.R. 847: Ms. CASTOR of Florida, Mr. SARBANES, and Mr. TIM MURPHY of Pennsylvania.  
H.R. 930: Mr. TAYLOR, Ms. ROYBAL-ALLARD, and Mr. HUNTER.  
H.R. 980: Mrs. DAVIS of California and Mr. LOBIONDO.  
H.R. 988: Mr. CONNOLLY of Virginia and Mr. LARSEN of Washington.  
H.R. 997: Mr. CAMP.  
H.R. 1118: Ms. GRANGER.  
H.R. 1204: Mr. SMITH of New Jersey.  
H.R. 1215: Mr. SABLAN.  
H.R. 1237: Mr. CONYERS.  
H.R. 1245: Mr. SENSENBRENNER and Mr. SESSIONS.  
H.R. 1407: Mr. BOUCHER and Mr. COHEN.  
H.R. 1458: Mr. STUPAK.  
H.R. 1547: Mr. SHULER, Mr. PENCE, and Mr. DAVIS of Tennessee.  
H.R. 1570: Mr. HINCHEY.  
H.R. 1583: Ms. SLAUGHTER and Mr. MASSA.  
H.R. 1590: Mr. KIRK, Mrs. MCCARTHY of New York, Mr. KLEIN of Florida, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mr. ENGEL, Mr. HALL of New York, and Mr. FILNER.  
H.R. 1646: Mr. TERRY and Mr. SCHOCK.  
H.R. 1677: Mr. WHITFIELD, Ms. CORRINE BROWN of Florida, and Mrs. BONO MACK.  
H.R. 1700: Mr. STARK and Mr. CONNOLLY of Virginia.  
H.R. 1826: Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 1831: Mr. MARSHALL, Mr. LATOURETTE, Mr. BONNER, Mr. SMITH of New Jersey, Mr. MOORE of Kansas, Ms. SLAUGHTER, and Mr. ROGERS of Alabama.  
H.R. 1846: Mr. TEAGUE.  
H.R. 1880: Mr. CLAY.  
H.R. 1908: Mr. LATTA and Mr. WHITFIELD.  
H.R. 1924: Mr. LARSEN of Washington.  
H.R. 1990: Ms. FALLIN.  
H.R. 2000: Mr. WEXLER.  
H.R. 2016: Mr. DOYLE.  
H.R. 2021: Mr. OLSON.  
H.R. 2138: Mr. RODRIGUEZ.  
H.R. 2161: Mr. CONNOLLY of Virginia.  
H.R. 2214: Mr. COHEN.  
H.R. 2223: Mr. CUMMINGS.  
H.R. 2254: Mr. RYAN of Ohio, Mr. TAYLOR, Mr. GUTHRIE, Mr. ELLISON, and Mr. WALZ.  
H.R. 2261: Mr. WU.  
H.R. 2266: Ms. WOOLSEY.  
H.R. 2267: Ms. WOOLSEY.  
H.R. 2269: Mr. FRANK of Massachusetts.  
H.R. 2324: Mr. WAXMAN.  
H.R. 2404: Mr. PRICE of North Carolina.  
H.R. 2452: Mr. LANCE, Ms. KOSMAS, Mr. CARDOZA, Mrs. LOWEY, Mr. WEXLER, and Mr. BARTLETT.  
H.R. 2455: Mr. ROTHMAN of New Jersey, Mr. HOLT, Mr. PAYNE, Mr. CUMMINGS, Mr. GEORGE

MILLER of California, Mr. MOORE of Kansas, Mr. SERRANO, and Ms. LINDA T. SANCHEZ of California.

H.R. 2480: Ms. SPEIER.  
H.R. 2521: Mr. BERMAN.  
H.R. 2555: Ms. LORETTA SANCHEZ of California.  
H.R. 2567: Mr. DOYLE.  
H.R. 2575: Mr. WAMP and Mrs. MCCARTHY of New York.  
H.R. 2628: Ms. TSONGAS.  
H.R. 2698: Mr. BARTLETT.  
H.R. 2699: Mr. BARTLETT.  
H.R. 2733: Mr. POSEY.  
H.R. 2743: Mr. CAMP.  
H.R. 2753: Mr. HARPER, Mr. MORAN of Kansas, and Mr. LUETKEMEYER.  
H.R. 2756: Mr. KAGEN.  
H.R. 2766: Mr. PRICE of North Carolina and Ms. MOORE of Wisconsin.  
H.R. 2773: Mr. NADLER of New York, Mr. CONNOLLY of Virginia, Ms. SCHWARTZ, Mr. HONDA, and Mr. BRIGHT.  
H.R. 2866: Ms. KOSMAS and Ms. WOOLSEY.  
H.R. 2935: Mr. CAMPBELL, Mr. SESTAK, and Ms. WASSERMAN SCHULTZ.  
H.R. 2995: Mr. CARSON of Indiana.  
H.R. 3075: Mr. GRAYSON.  
H.R. 3078: Mr. SPACE.  
H.R. 3116: Mr. HARE, Mr. MCINTYRE, and Ms. KAPTUR.  
H.R. 3173: Mr. CAMP.  
H.R. 3226: Mr. JONES, Mr. WITTMAN, Mrs. MYRICK, Mr. YOUNG of Florida, and Mr. TURNER.  
H.R. 3238: Mr. LANGEVIN.  
H.R. 3245: Mr. STARK.  
H.R. 3250: Mr. NADLER of New York, Mr. MEEKS of New York, Mr. TONKO, and Mr. MAFFEI.  
H.R. 3284: Ms. CHU, Mr. HOLT, and Mr. MCMAHON.  
H.R. 3286: Mr. SCOTT of Georgia, Mr. CLAY, and Mr. KLEIN of Florida.  
H.R. 3295: Mr. POLIS of Colorado.  
H.R. 3310: Mr. KINGSTON and Mr. GOHMERT.  
H.R. 3328: Ms. LEE of California.  
H.R. 3381: Mr. MICHAUD.  
H.R. 3382: Mr. SCHRADER.  
H.R. 3404: Mr. COSTA, Mr. RYAN of Ohio, and Mr. KUCINICH.  
H.R. 3407: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MCCOTTER.  
H.R. 3415: Mr. SHIMKUS.  
H.R. 3421: Mr. COHEN.  
H.R. 3439: Ms. ZOE LOFGREN of California.  
H.R. 3468: Mr. KIRK, Mr. TIBERI, Mr. LANCE, and Mr. PLATTS.  
H.R. 3472: Ms. SCHWARTZ and Mr. TONKO.  
H.R. 3488: Mr. COURTNEY.  
H.R. 3508: Ms. GINNY BROWN-WAITE of Florida, Mr. MCHENRY, Mr. LATTA, Mr. BARTLETT, Mrs. BLACKBURN, and Mr. PAUL.  
H.R. 3524: Mr. PUTNAM, Mr. COSTA, and Mr. CARDOZA.  
H.R. 3535: Mr. COHEN and Mr. BRADY of Pennsylvania.  
H.R. 3536: Mr. RUPPERSBERGER, Mr. SCHAUER, and Mr. LEWIS of Georgia.  
H.R. 3548: Mr. PETERS, Mr. NADLER of New York, Mr. CAPUANO, Mr. FARR, Mr. DOYLE, Mr. KUCINICH, Mr. VAN HOLLEN, Mr. WU, Mr. LEWIS of Georgia, Mr. DELAHUNT, and Mr. COSTA.  
H.R. 3549: Ms. KILROY and Mr. PAYNE.  
H.R. 3551: Ms. KAPTUR.  
H.R. 3554: Mr. ALTMIRE and Mr. LOBIONDO.  
H.R. 3569: Mr. GINGREY of Georgia, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. OLSON, Mr. SMITH of Texas, Mr. LAMBORN, Mr. GOHMERT, Mr. SHADEGG, Mr. MANZULLO, Mr. KINGSTON, Mr. NEUGEBAUER, Mrs. LUMMIS, Mr. AKIN, Mr. AUSTRIA, Mrs. BONO MACK, and Mr. MARCHANT.

H.R. 3571: Mr. SMITH of New Jersey, Mr. ROE of Tennessee, Mr. BILBRAY, Mr. YOUNG of Alaska, Mr. KING of Iowa, Mr. ROONEY, Mr. STEARNS, Mr. KIRK, Mr. ROGERS of Michigan, Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. HUNTER, Mr. AUSTRIA, Mr. CASSIDY, Mr. BURGESS, Mr. CAMPBELL, Mr. COBLE, Mr. CRENshaw, Mr. FLAKE, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. JOHNSON of Illinois, Mr. LATHAM, Mr. POE of Texas, Mr. RYAN of Wisconsin, Mrs. SCHMIDT, and Mr. PRICE of Georgia.

H.J. Res. 21: Mr. MANZULLO.  
H.J. Res. 61: Mr. SMITH of Washington.  
H. Con. Res. 98: Ms. MATSUI.  
H. Con. Res. 129: Mr. ORTIZ, Mr. BRIGHT, Mr. ELLSWORTH, Mr. SNYDER, Mr. AKIN, and Mr. CULBERSON.  
H. Con. Res. 144: Mr. McDERMOTT, Mr. BUTTERFIELD, Mr. PLATTS, Mr. BOOZMAN, and Mr. INSLEE.  
H. Con. Res. 149: Mr. CHAFFETZ.  
H. Con. Res. 170: Mrs. EMERSON.  
H. Con. Res. 181: Mr. HIGGINS.  
H. Con. Res. 185: Mr. SMITH of Texas, Mr. LEE of New York, Mr. ALEXANDER, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. FLAKE, Ms. GINNY BROWN-WAITE of Florida, Mr. SHUSTER, Mr. SIMPSON, and Mrs. BONO MACK.  
H. Res. 90: Mr. PASCRELL.  
H. Res. 159: Mr. NADLER of New York, Mr. CHILDERS, Mrs. MCCARTHY of New York, Mr. CARNAHAN, Mr. FOSTER, Ms. SPEIER, and Mr. MAFFEI.  
H. Res. 167: Mr. PALLONE and Mr. SESTAK.  
H. Res. 255: Mr. BILBRAY.  
H. Res. 395: Mr. REICHERT.  
H. Res. 569: Mr. LEWIS of Georgia and Mr. McDERMOTT.  
H. Res. 599: Mr. NEAL of Massachusetts.  
H. Res. 611: Mr. LATHAM, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. SESTAK.  
H. Res. 615: Mr. RADANOVICH.

H. Res. 692: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HALL of New York, Mr. CLAY, Mr. YARMUTH, Mr. MOORE of Kansas, Ms. SHEA-PORTER, Mr. HINCHEY, Mr. LOEBSACK, Mr. ADLER of New Jersey, Mr. MURPHY of Connecticut, Ms. KOSMAS, Ms. DEGETTE, Mr. ACKERMAN, Mr. BOCCIERI, Mr. WEINER, Mr. SCHAUER, Ms. DELAURO, Mr. HILL, Mr. HEINRICH, Mr. MARSHALL, Mr. JORDAN of Ohio, Mr. SHIMKUS, and Mr. KING of New York.

H. Res. 693: Mr. CAPUANO, Mr. PASCRELL, Mr. CARNEY, Mr. SHUSTER, Mr. KANJORSKI, Mr. DOYLE, Mr. THOMPSON of Pennsylvania, Ms. NORTON, Mr. ALTMIRE, Mr. CONYERS, Mr. SHULER, Mr. BACA, Mr. REYES, Ms. MARKEY of Colorado, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. PLATTS, Mr. SOUDER, Mr. PASTOR of Arizona, Mr. ROTHMAN of New Jersey, Mr. SIREs, Mr. RAHALL, Mr. MURTHA, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. RYAN of Ohio, Mr. MORAN of Virginia, Mr. HONDA, Mr. WEINER, Mr. ADLER of New Jersey, and Mrs. MCCARTHY of New York.

H. Res. 701: Mr. CONNOLLY of Virginia.  
H. Res. 704: Ms. MCCOLLUM and Mr. JOHNSON of Georgia.

H. Res. 716: Mr. FOSTER.  
H. Res. 717: Mr. COHEN, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. LOEBSACK, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. BUTTERFIELD, and Mr. McDERMOTT.

H. Res. 721: Mr. OLSON, Mr. PLATTS, Mr. WILSON of South Carolina, and Mr. ROGERS of Michigan.

H. Res. 725: Mr. HALL of New York, Mr. DONNELLY of Indiana, Mr. BARROW, and Mr. SIREs.

H. Res. 727: Mr. MEEKS of New York and Mr. LATHAM.

H. Res. 729: Ms. NORTON and Mr. ROGERS of Alabama.

H. Res. 733: Mr. McCOTTER, Mr. JORDAN of Ohio, Mr. SHADEGG, Mr. PENCE, Mrs. BLACKBURN, and Mr. CULBERSON.

H. Res. 735: Mr. SENSENBRENNER.

H. Res. 736: Mr. DAVIS of Illinois and Mr. RUSH.

DELETIONS OF SPONSORS FROM  
PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3251: Ms. FALLIN.

H. Res. 648: Mr. WESTMORELAND.

## EXTENSIONS OF REMARKS

## EARMARK DECLARATION

**HON. ROSCOE G. BARTLETT**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BARTLETT. Madam Speaker, I submit the following. Funding of \$1,500,000 is necessary to allow an expedited development of the ASCC (Sea Truck) for military/disaster relief use and the fielding of the system. Sea Truck supports the Army's need for low-cost, logistics support equipment with critical distribution and sustainment capabilities. These unmanned, self-propelled support units can be deployed from offshore logistics and commercial ships to the beach for sustainment operations. Sea Truck is composed of 90 percent commercial off-the-shelf nondevelopmental hardware and technologies that are compatible with current commercial and military supply support systems. The Sea Truck Propulsion Module contains commercial navigation sets that allow the system to autonomously traverse to desired locations and has the capability to self-redirect to alternate landing sites to meet the dynamics of changing theater conditions.

IN RECOGNITION OF ARMY PRIVATE FIRST CLASS JONATHAN YANNEY

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. ROSS. Madam Speaker, I rise today to recognize a true American hero. On August 18, 2009, our nation lost a brave soldier when Army Private First Class Jonathan C. Yanney died in Arghandad, Afghanistan, in support of operation Enduring Freedom at 20 years of age. He died of wounds sustained when his military vehicle struck an improvised explosive device.

PFC Yanney grew up in Norwood and Litchfield, Minnesota, but his father resides in Grapevine, Arkansas. Although I never had the honor to meet PFC Yanney, on behalf of the state of Arkansas, I extend my utmost condolences to his family, friends and all who knew him for this devastating loss.

PFC Yanney was assigned to the 1st Battalion, 17th Infantry Regiment, 5th Stryker Brigade Combat Team, 2nd Infantry Division at Fort Lewis, Washington. He carried out his duties with pride in his country and without reservation and each of us owes him our eternal gratitude for his selfless sacrifice.

A young, decorated soldier, Yanney's awards and decorations include the Bronze Star Medal, the Purple Heart, the Combat Action Badge, the National Defense Service

Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Bar, the Army Good Conduct Medal, the Weapons Qualification Badge Bar—Weapon Rifle Expert, and the NATO Medal.

My deepest thoughts and prayers are with his mother, Jane; his father, Russ; his brother, Josh; and, the rest of his family, friends and loved ones during this difficult time.

Today, I ask all members of Congress to join me as we honor the life of Army Private First Class Jonathan Yanney and his legacy and all those men and women in our Armed Forces who gave the ultimate sacrifice in service to their country.

CONGRATULATING MOBILE POLICE CHIEF PHILLIP GARRETT ON THE OCCASION OF HIS RETIREMENT

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BONNER. Madam Speaker, it is with great pride that I rise to honor the long and distinguished career of Phillip Garrett on the occasion of his retirement as chief of the Mobile Police Department.

A 38-year veteran of the Mobile Police Department, Chief Garrett rose from the rank of cadet to the city's top cop. Mobile's Press-Register recently praised his service to the city saying, "With the retirement of Police Chief Phillip Garrett, Mobile is losing a career cop who displayed quiet competence and professionalism in managing the department."

Chief Garrett has received many commendations and recognitions throughout his career, including the Chief's Commendation from former Chief Sam Cochran, the Life Saving Award from the Mobile Police Department, and the Medal of Valor from the Mobile Police Department. He was also recognized for his outstanding performances on Competitive Promotional Exams, and in 2004, he was recognized as the top scorer on the Competitive Promotional Exam for Major.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated law enforcement officer and friend to many throughout southwest Alabama. I am certain that his family—his wife, Tammy, and their three children, Phillip M. Garrett Jr., Matthew Ryan Garrett, and Kendall W. Smitherman—along with the Mobile Police Department and his many friends in Mobile join me in praising his accomplishments and extending thanks for his considerable service to the city of Mobile.

On behalf of a grateful community, I wish Chief Phillip Garrett the very best of luck in all of his future endeavors.

CONGRATULATING KENNETH J. TICE ELEMENTARY SCHOOL ON THEIR 2009 BLUE RIBBON SCHOOL AWARD

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor the Kenneth J. Tice Elementary School in the Galena Park Independent School District and our district for their dedication to academic excellence that has earned them the honored distinction of being a Blue Ribbon School in 2009.

Since 1982, the U.S. Department of Education's Blue Ribbon Schools Program has honored many of America's most successful schools, and I am proud of Tice Elementary for establishing itself as an elite academic institution by achieving this high honor. The Blue Ribbon Award honors public and private elementary, middle and high schools that are academically superior or have made dramatic gains in student achievement and helped close achievement gaps among minority and disadvantaged students over the course of the previous school year. This year 314 schools earned this coveted award.

U.S. Secretary of Education Duncan once said that "Blue Ribbon Schools are producing outstanding results for their students. Some have shown dramatic improvements in places where students are overcoming the challenges of poverty, and others serve as examples of consistent excellence that can be a resource for other schools." Under the supervision of Principal Ms. Judy Holbrook, Tice Elementary is developing outstanding students who are challenged to meet high expectations with the active support of teachers, parents and the community. With a diverse student base, and a decade of being recognized as an Exemplary school by the Texas Education Agency, Kenneth J. Tice Elementary truly embodies the ideals of the Blue Ribbon Award and is an inspiration for all schools in the Houston area.

I congratulate the administration, teachers, parents, and students at Tice Elementary for their dedication to excellence and hard work.

## EARMARK DECLARATION

**HON. ROSCOE G. BARTLETT**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of \$7,500,000 is necessary to adapt Precision Guidance Kit (PGK) technology to provide the same effectiveness improvements already demonstrated for 155mm artillery projectiles to all indirect fire

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

systems. The Army and Marine Corps have recognized needs for increased precision for ground combat units. The lack of precision for either 105mm artillery or 120mm mortars creates significant operational difficulties. The 105mm artillery and 120mm mortar can be developed in parallel at a significantly accelerated schedule at a reduced cost due to technology that has already been tested and proven, and due to the ability to share common design features with the 155mm PGK. Government and industry tests to assist with design and sizing of the PGK to smaller calibers will continue through FY2009. Based on that work, FY10 funding would enable a low risk, accelerated approach to delivering a much needed operational capability to the field by 2011.

IN HONOR OF THE 100,000TH FALCON III AN/PRC-152(C) RADIO PRODUCED BY HARRIS RF COMMUNICATIONS IN ROCHESTER, NY

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Ms. SLAUGHTER. Madam Speaker, I rise today to join our armed services in congratulating Harris RF Communications on producing its one hundred-thousandth Falcon III AN/PRC-152(C) radio. This is an extraordinarily auspicious milestone and a testament to the dedication and hard work of the company's Rochester, New York workforce.

It is fitting to celebrate this achievement as this radio is used and sought after by every branch of the U.S. Department of Defense as well as several of our ally nations. It is a superior product and was recognized by the U.S. Army as one of 2007's greatest inventions. It has next-generation communications capabilities, but is still versatile enough to be compatible with existing communications systems. Plus it can be upgraded in the future to grow as new software and encryption technology advances.

I commend all of Harris' local employees for the critical work they perform every day in support of our soldiers. Their care and dedication is helping to keep our men and women in uniform safe while they serve our nation on faraway battlefields. Moreover, their communications systems enable our military to execute its mission efficiently and effectively so that threats are defeated while innocent lives are safeguarded.

It gives me great comfort to know that our soldiers are equipped with Harris radios because I know that Rochester's top-notch workforce makes products renowned for quality. Our service men and women depend on these radios working the first time and every time. Harris takes that responsibility seriously and I'm so proud to know that the company delivers.

This cutting edge technology that was developed and produced in New York's 28th Congressional District is yet one more example of how our region is a leader in innovation and development. Congratulations to Harris RF Communications and its employees for attaining this significant achievement.

CELEBRATING THE LIFE OF  
SYLVIA LEVIN

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BERMAN. Madam Speaker, I rise today to pay respects to the passing of my friend Sylvia Levin who passed peacefully on Thursday, June 25, 2009 at the age of 91. Let this congressional insert serve as a tribute to her memory and celebration of her meaningful life.

Sylvia was born on September 14, 1917, in Brooklyn, NY, and grew up there and in New Jersey. She decided to move to California in the 1940s as a single mother of two. She quickly became accustomed to the southern California lifestyle while working at an aircraft plant, a garment factory, a stall at the original Farmers Market in Los Angeles, and as a beach parking lot attendant in Santa Monica.

Known for her warmth and friendliness, Sylvia's indefatigable enthusiasm and tenacity for politics would give new meaning to the grassroots movement. She was known for signing more than 47,000 people to California's voter rolls and she should be remembered for these invaluable contributions she's made to democracy. For her registration efforts, she received a State Senate resolution from the late Senator Herschel Rosenthal. Further, in 2001, she was befittingly nominated and inducted into California's Voter Participation Hall of Fame. In 2007, on her 90th birthday, the Los Angeles City Council awarded Levin a commendatory resolution citing her work "registering voters for decades, her belief in the Constitution and making the Constitution work." Her leadership and dedication to furthering our civic responsibility is an example to all.

Sylvia is survived by her son and daughter, Chuck Levin and Susan Levin, and her sisters Dottie Sadowsky and Daisy Neustadt.

I ask my colleagues to join me in celebrating the life of Sylvia Levin.

### EARMARK DECLARATION

### HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of \$2,000,000 is necessary to continue the development of a power dense Integrated Power System (IPS) and Hybrid Electric Drive (HED) technologies suitable for surface combatant and submarine propulsion, enhanced power generation and power conversion. Power dense electric machines and power conversion solutions enable hybrid propulsion systems that save fuel and provide increased critical power for additional payload capabilities. These developments allow an advanced IPS or HED system to be incorporated in future and existing warships, including the restarted DDG51 line, DDG512 Modification, Ohio Replacement, and a future CG(X).

CHURCH OF THE NATIVITY OF THE  
THEOKOTOS

### HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. DOYLE. Madam Speaker, I rise to observe the 85th anniversary of the Church of the Nativity of the Theokotos, a Serbian Orthodox Church in Clairton, Pennsylvania.

For those of us who may be unfamiliar with Orthodox Christianity, Theokotos is Greek for "God-Bearer" or "one who gives birth to God," and it is the Greek title for Mary, the mother of Jesus. Consequently, the Church of the Nativity of the Theokotos is also sometimes referred to as St. Mary's Serbian Orthodox Church.

Serbs began settling in southwestern Pennsylvania in large numbers about 100 years ago. Until they obtained their own church, the Serbs in Clairton attended services at the Serbian Orthodox Church in McKeesport. But once the number of Serbian families in Clairton exceeded 40, they established their own parish and began working to establish their own church. In 1924, the nascent congregation purchased a Presbyterian church, and moved it to its current location in the 500 block of Third Street in Clairton. Work on the church was completed and it was consecrated 2 years later.

Soon Serbian Orthodox Christians from the nearby communities of Elizabeth, Monongahela, and further up the Monongahela River came to worship at the church and eventually the parish came to include these communities as well.

The church hall was substantially expanded in 1941, and in 1945, the parish purchased a rectory across the street.

On September 19, the congregation will celebrate the 85th anniversary of the church and the Slava celebration, or feast day of their patron saint, with a Holy Hierarchical Divine Liturgy at 10 a.m.

This will be a bittersweet occasion as it will be the last such celebration at the Church of the Nativity of the Theokotos. The congregation has shrunk from 600 people 50 years ago to less than 50 today, making it the smallest parish in the Serbian Orthodox Diocese of Eastern America. The church is closing after the last liturgy there on Sunday, September 27, 2009, bringing to a close nearly a century of serving as a place of worship and community fixture for the Serbian Orthodox faithful in Clairton and the surrounding communities.

I want to recognize this occasion by congratulating the congregation and friends of the Church of the Nativity of the Theokotos on 85 years of the Serbian Orthodox community of the Mon Valley.

## HONORING MATTHEW POLNOW

**HON. DONALD P. MANZULLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. MANZULLO. Madam Speaker, it is my distinct honor to take this opportunity to recognize a heroic resident of the 16th District of Illinois, Matthew Polnow of Rockford. Mr. Polnow works for the U.S. Postal Service and is a member of the National Association of Letter Carriers.

On June 11, 2008, as he was delivering mail on his postal route, Carrier Polnow witnessed a crushing three-vehicle accident. In a matter of seconds, he ran to the first car, checking to make sure that the occupants were not injured. Then he went on to the second vehicle, a truck, where fortunately no one needed assistance. Carrier Polnow continued to the third vehicle, a van used to transport handicapped and wheelchair-bound individuals, which was beginning to burn. The driver's airbag had deployed, and the driver alerted Carrier Polnow to a handicapped passenger still inside the smoke-filled van.

With smoke continuing to circulate and flames erupting from the engine, Carrier Polnow went to work. He managed to free the side door that had been jammed by a ramp. Maneuvering the ramp into place, he unhooked the restraining belts and dragged the wheelchair—and the now terrified woman passenger—from the vehicle. Once free from the smoke, Carrier Polnow located the controls on the chair and engaged them to move the woman to safety.

Acts of bravery and fortitude such as this should not go unnoticed. Carrier Polnow's heroism has led him to be recognized by the National Association of Letter Carriers with the National Central Hero Award. I am privileged and humbled to represent great constituents like Carrier Polnow, and I wanted to take this brief opportunity today, Madam Speaker, to let my colleagues know of his great act of courage.

## CONGRATULATING ARLENE COOK

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Arlene Cook for her commendable service to the State of Ohio and for earning the William L. Howard Award. This award is the highest a civilian can receive from Ohio's Fire Service, for outstanding service to the fire forces.

As a private citizen, Arlene has dedicated the vast majority of her adult and professional life to the safety and security of the citizens of the 7th Congressional District and Ohio.

Arlene has 24 years of State Service with 3 of those years in Florida and 21 in Ohio. Specifically, she spent 8 years with the former Arson Bureau, which is now the Fire and Explosion Investigation Bureau, and 13 years as the administrative assistant to the State Fire

Marshal. She also serves as the Administrative Assistant to the State Fire Commission.

Arlene has had a long and distinguished career with the Ohio State Fire Marshal's Office, and I congratulate her on receiving the William L. Howard Award, as well as thank her for her dedication to the safety of Ohioans.

For these reasons, Arlene Cook deserves our gratitude and special thanks.

RECOGNIZING THE LIFE OF  
WILLIAM R. DECOTA**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. MICA. Madam Speaker, I rise to recognize the life and accomplishments of William R. DeCota, the Director of Aviation for the Port Authority of New York and New Jersey. Bill was one of our Nation's great aviation leaders.

I knew Bill DeCota for the last decade. When I became the Chairman of the Aviation Subcommittee I held a hearing at the World Trade Center on July 16, 2001, at the request of Bill DeCota and Neil Levin, Director of the New York Port Authority.

During that visit to New York City, Bill and Neil invited me to tour the three major New York City airports. I knew Neil Levin when he was Legislative Director for Senator Al D'Amato and I served as Chief of Staff for Senator Paula Hawkins. After a hearing in the Port Authority chambers, they hosted my wife, Pat, and me at a luncheon in a Port Authority conference room adjacent to the Windows on the World Restaurant at the top of the World Trade Center.

Levin and a Port Authority employee, who assisted with the hearing in July, were in that very same conference room in the World Trade Center on September 11, and lost their lives.

As fate would have it, Bill DeCota was at a conference in Montreal, Canada, on September 11th and survived the terrible events of that day.

In the ensuing years, Bill and I often talked about the randomness of life. It is therefore striking that Bill died suddenly last Friday, September 11, 2009, eight years later.

It must be noted that in the months and years after 9/11, Bill's stewardship of the world's busiest airport system was truly the greatest of any airport director.

Bill joined the Port Authority as a financial analyst in 1982 and quickly rose through the ranks, serving as Manager of the Aviation Department's Business and Financial Services Division, Assistant Director of Aviation for Business and Properties, and Deputy Director of Aviation.

He was named Director of Aviation in December 1999. As Director, Bill was responsible for John F. Kennedy International, Newark Liberty International, and LaGuardia Airports, and later Stewart Airport—which together comprise the world's largest aviation system. He was also responsible for Teterboro Airport.

In that capacity, Bill oversaw the largest airport improvement program in U.S. history.

Bill was recognized as an expert in aviation and was an active advocate for airport issues on Capitol Hill and in the business community.

His expertise in managing airport congestion through prudent airport expansion, cutting-edge technologies and demand management was widely recognized in the aviation industry.

Bill was also strongly committed to the community and was actively involved in numerous service organizations.

He was a member of the Advisory Board of CUNY's Aviation Institute at York College, President of the Queens Council of the Boy Scouts of America, and a member of the Board of the Regional Business Partnership, the Airport Development Council and the Business Advisory Council of SUNY Farmingdale, among others.

Bill received a bachelor's degree from the University of Mississippi, and an M.B.A. from the University of Georgia.

He resided in Old Bridge, New Jersey.

True to how he lived his life, funeral arrangements for Bill will be private. His family requests that contributions in his memory be made to Elijah's Promise, New Brunswick, New Jersey, which is a nonprofit organization that runs a soup kitchen and culinary school to train local people for food-service careers.

My thoughts and prayers are with Bill's family. Bill DeCota and his expertise and contributions to aviation will be greatly missed.

## EARMARK DECLARATION

**HON. ROSCOE G. BARTLETT**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of \$1,000,000 is necessary to address the challenges of sample preparation and detection/diagnosis of biological warfare agents. The ASP technology has the ability to process both environmental and clinical biological samples for subsequent analysis on both nucleic acid and/or immunoassay detection/diagnostic systems, and when mated to currently fielded and new detection systems will enhance warfighter capability to detect and identify hundreds of potential targets simultaneously within a single analysis on a single detection/diagnostic platform.

IN RECOGNITION OF VIETNAM  
WAR VETERANS EVENT**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. SKELTON. Madam Speaker, on September 12, 2009, the Honorable EMANUEL CLEAVER, Congressman from Missouri's Fifth Congressional District, sponsored a remarkable event at the Truman Library. This event was in honor of those who fought in the Vietnam War in the late 1960s and early 1970s. Well over 1,000 veterans attended. The Honorable DENNIS MOORE, Congressman from Kansas's Third Congressional District, spoke, and yours truly had an opportunity to deliver a message of gratitude to the Vietnam veterans

present. The keynote speaker was Major General (Ret.) Robert H. Scales, former commandant of the U.S. Army War College. His address was very well received by the veterans in the audience. The address is as follows:

Mr. Skelton, Mr. Cleaver, distinguished guests and, most importantly, fellow veterans. What a great thrill it is to see my comrades in arms assembled here so many years after we shared our experiences in war.

Let me give you the bottom line up front: I'm proud I served in Vietnam. Like you I didn't kill innocents, I killed the enemy; I didn't fight for big oil or for some lame conspiracy I fought for a country I believed in and for the buddies who kept me alive. Like you I was troubled that, unlike my father, I didn't come back to a grateful nation. It took a generation and another war, Desert Storm, for the nation to come back to me.

Also like you I remember the war being 99 percent boredom and one percent pure abject terror. But not all my memories of Vietnam are terrible. There were times when I enjoyed my service in combat. Such sentiment must seem strange to a society today that has, thanks to our superb volunteer military, been completely insulated from war. If they thought about Vietnam at all, our fellow citizens would imagine that fifty years would have been sufficient to erase this unpleasant war from our conscientiousness. Looking over this assembly it's obvious that the memory lingers, and those of us who fought in that war remember.

The question is why? If this war was so terrible why are we here? It's my privilege today to try to answer that question not only for you, brother veterans, but maybe for a wider audience for whom, fifty years on, Vietnam is as strangely distant as World War I was to our generation.

Vietnam is seared in our memory for the same reason that wars have lingered in the minds of soldiers for as long as wars have been fought.

From Marathon to Mosul young men and now women have marched off to war to learn that the cold fear of violent death and the prospects of killing another human being heighten the senses and sear these experiences deeply and irrevocably into our souls and linger in the back recesses of our minds.

After Vietnam we may have gone on to thrilling lives or dull; we might have found love or loneliness, success or failure. But our experiences have stayed with us in brilliant Technicolor and with a clarity undiminished by time. For whatever primal reason war heightens the senses. When in combat we see sharper, hear more clearly and develop a sixth sense about everything around us.

Remember the sights? I recall sitting in the jungle one bright moonlit night marveling on the beauty of Vietnam. How lush and green it was; how attractive and gentle the people, how stoic and unmoved they were amid the chaos that surrounded them.

Do you remember the sounds? Where else could you stand outside a bunker and listen to the cacophonous mix of Jimmy Hendrix, Merle Haggard and Jefferson Airplane? Or how about the sounds of incoming? Remember it wasn't a boom like in the movies but a horrifying noise like a passing train followed by a crack and the whistle of flying fragments. Remember the smells? The sharpness of cordite, the choking stench of rotting jungle and the tragic sweet smell of enemy dead. . . .

I remember the touch, the wet, sticky sensation when I touched one of my wounded

soldiers one last time before the medevac rushed him forever from our presence but not from my memory, and the guilt I felt realizing that his pain was caused by my inattention and my lack of experience.

Even taste is a sense that brings back memories. Remember the end of the day after the log bird flew away leaving mail, C rations and warm beer? Only the first sergeant had sufficient gravitas to be allowed to turn the C ration cases over so that all of us could reach in and pull out a box on the unlabeled side hoping that it wasn't going to be ham and lima beans again.

Look, forty years on I can forgive the guy who put powder in our ammunition so foul that it caused our M-16s to jam. I'm OK with helicopters that arrived late. I'm over artillery landing too close and the occasional canceled air strike. But I will never forgive the Pentagon bureaucrat who in an incredibly lame moment thought that a soldier would open a can of that green, greasy, gelatinous goo called ham and lima beans and actually eat it.

But to paraphrase that iconic war hero of our generation, Forrest Gump, "Life is like a case of C Rations, you never know what you're going to get." Because for every box of ham and lima beans there was that rapturous moment when you would turn over the box and discover the bacchanalian joy of peaches and pound cake. It's all a metaphor for the surreal nature of that war and its small pleasures . . . those who have never known war cannot believe that anyone can find joy in hot beer and cold pound cake. But we can . . .

Another reason why Vietnam remains in our consciousness is that the experience has made us better. Don't get me wrong. I'm not arguing for war as a self-improvement course. And I realize that war's trauma has damaged many of our fellow veterans physically, psychologically and morally. But recent research on Post Traumatic Stress Disorder by behavioral scientists has unearthed a phenomenon familiar to most veterans: that the trauma of war strengthens rather than weakens us (They call it Post Traumatic Growth). We know that a near death experience makes us better leaders by increasing our self-reliance, resilience, self image, confidence and ability to deal with adversity. Combat veterans tend to approach the future wiser, more spiritual and content with an amplified appreciation for life. We know this is true. It's nice to see that the human scientists now agree.

I'm proud that our service left a legacy that has made today's military better. Sadly Americans too often prefer to fight wars with technology. Our experience in Vietnam taught the nation the lesson that war is inherently a human not a technological endeavor. Our experience is a distant whisper in the ear of today's technology wizards that firepower is not sufficient to win, that the enemy has a vote, that the object of war should not be to kill the enemy but to win the trust and allegiance of the people and that the ultimate weapon in this kind of war is a superbly trained, motivated, and equipped soldier who is tightly bonded to his buddies and who trusts his leaders.

I've visited our young men and women in Iraq and Afghanistan several times. On each visit I've seen first hand the strong connection between our war and theirs. These are worthy warriors who operate in a manner remarkably reminiscent of the way we fought so many years ago.

The similarities are surreal. Close your eyes for a moment and it all comes rushing

back. . . . In Afghanistan I watched soldiers from my old unit, the 101st Airborne Division, as they conducted daily patrols from firebases constructed and manned in a manner virtually the same as those we occupied and fought from so many years ago. Every day these sky soldiers trudge outside the wire and climb across impossible terrain with the purpose as one sergeant put it "to kill the bad guys, protect the good guys and bring home as many of my soldiers as I can." Your legacy is alive and well. You should be proud.

The timeless connection between our generation and theirs can be seen in the unity and fighting spirit of our soldiers in Iraq and Afghanistan. Again and again, I get asked the same old question from folks who watch soldiers in action on television: why is their morale so high? Don't they know the American people are getting fed up with these wars? Don't they know Afghanistan is going badly? Often they come to me incredulous about what they perceive as a misspent sense of patriotism and loyalty.

I tell them time and again what every one of you sitting here today, those of you who have seen the face of war, understand: it's not really about loyalty. It's not about a belief in some abstract notion concerning war aims or national strategy. It's not even about winning or losing. On those lonely firebases as we dug through C ration boxes and drank hot beer we didn't argue the righteousness of our cause or ponder the latest pronouncements from McNamara or Nixon or Ho Chi Minh for that matter. Some of us might have trusted our leaders or maybe not. We might have been well informed and passionate about the protests at home or maybe not. We might have groused about the rich and privileged who found a way to avoid service but we probably didn't. We might have volunteered for the war to stop the spread of global communism or maybe we just had a failing semester and got swept up in the draft.

In war young soldiers think about their buddies. They talk about families, wives and girlfriends and relate to each other through very personal confessions. For the most part the military we served with in Vietnam did not come from the social elite. We didn't have Harvard degrees or the pedigree of political bluebloods. We were in large measure volunteers and draftees from middle and lower class America. Just as in Iraq today we came from every corner of our country to meet in a beautiful yet harsh and forbidding place, a place that we've seen and experienced but can never explain adequately to those who were never there.

Soldiers suffer, fight and occasionally die for each other. It's as simple as that. What brought us to fight in the jungle was no different than the motive force that compels young soldiers today to kick open a door in Ramadi with the expectation that what lies on the other side is either an innocent huddling with a child in her arms or a fanatic insurgent yearning to buy his ticket to eternity by killing the infidel. No difference. Patriotism and a paycheck may get a soldier into the military but fear of letting his buddies down gets a soldier to do something that might just as well get him killed.

What makes a person successful in America today is a far cry from what would have made him a success in the minds of those assembled here today. Big bucks gained in law or real estate, or big deals closed on the stock market made some of our countrymen rich. But as they have grown older they now realize that they have no buddies. There is

no one who they are willing to die for or who is willing to die for them. William Manchester served as a Marine in the Pacific during World War II and put the sentiment precisely right when he wrote: "Any man in combat who lacks comrades who will die for him, or for whom he is willing to die is not a man at all. He is truly damned."

The Anglo Saxon heritage of buddy loyalty is long and frightfully won. Almost six hundred years ago the English king, Henry V, waited on a cold and muddy battlefield to face a French army many times his size. Shakespeare captured the ethos of that moment in his play Henry V. To be sure Shakespeare wasn't there but he was there in spirit because he understood the emotions that gripped and the bonds that brought together both king and soldier. Henry didn't talk about national strategy. He didn't try to justify faulty intelligence or ill formed command decisions that put his soldiers at such a terrible disadvantage. Instead, he talked about what made English soldiers fight and what in all probably would allow them to prevail the next day against terrible odds. Remember this is a monarch talking to his men:

"This story shall the good man teach his son;  
From this day ending to the ending of the world,  
But we in it shall be remembered;  
We few, we happy few, we band of brothers;  
For he today that sheds his blood with me  
shall be my brother;  
And gentlemen in England (or America) now a-bed  
Shall think themselves accursed they were not here,  
And hold their manhood's cheap whiles any speaks  
That fought with us upon Saint Crispin's day."

You all here assembled inherit the spirit of St Crispin's day. You know and understand the strength of comfort that those whom you protect, those in America now abed, will never know. You have lived a life of self awareness and personal satisfaction that those who watched you from afar in this country who "hold their manhood cheap" can only envy.

I don't care whether America honors or even remembers the good service we performed in Vietnam. It doesn't bother me that war is an image that America would rather ignore. It's enough for me to have the privilege to be among you. It's sufficient to talk to each of you about things we have seen and kinships we have shared in the tough and heartless crucible of war.

Some day we will all join those who are serving so gallantly now and have preceded us on battlefields from Gettysburg to Wanat. We will gather inside a firebase to open a case of C rations with every box peaches and pound cake. We will join with a band of brothers to recount the experience of serving something greater than ourselves. I believe in my very soul that the almighty reserves a corner of heaven, probably around a perpetual lager where some day we can meet and embrace . . . all of the band of brothers throughout the ages to tell our stories while envious standers-by watch and wonder how horrific and incendiary the crucible of violence must have been to bring such a disparate assemblage so close to the hand of God.

Until we meet there thank you for your service, thank you for your sacrifice, God bless you all and God bless this great nation. . . .

## CONGRATULATIONS TO JOYCE ERNESTINE WESTERHOLD

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. SKELTON. Madam Speaker, let me take this opportunity to congratulate Mrs. Joyce Ernestine Westerhold, the Region 4 Outstanding Older Worker of the Year. As a homemaker, school teacher, and library assistant, Mrs. Westerhold has dedicated her life to serving others.

She began her career as a school teacher in 1948 and served the students of Missouri's public schools for a total of 26 years. While teaching various subjects in several public schools, Mrs. Westerhold remained active in the state teacher's organization and the Parent-Teachers Association.

After a distinguished teaching career, Mrs. Westerhold began working as a library assistant with University of Central Missouri. During her 24 years with the University's library system, her job was redesigned three times and she saw many technological changes. As the times changed, so did she.

While this award is in recognition of Mrs. Westerhold's 50 years of full-time employment as a teacher and library assistant, her work as a dedicated wife and mother cannot go unnoticed. She and her husband of 60 years have raised two lovely children.

Madam Speaker, Ernestine Westerhold has distinguished herself throughout her careers with Missouri public schools and the University of Central Missouri. I trust that the Members of the House will join me in congratulating her for this great contribution to Missouri and our country.

## STATEN ISLAND CORPS OF THE SALVATION ARMY

### HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. McMAHON. Madam Speaker, I rise today to honor the Staten Island Corps of the Salvation Army on their 125 years of unyielding service to the people of Staten Island. Over their many years they have fed the hungry, clothed the cold and supported those in need during disasters.

Founded in London's East End in 1865 by William Booth in order to assist the poor and needy regardless of age, sex, color or creed, they now have expanded their services to 119 countries.

They have continued to live out the same mission for the neediest Staten Islanders since their commencement on February 3, 1884. The Salvation Army operates two centers on Staten Island and has been able to provide vital services from food pantries to after school activities, as well as music instruction.

During the attacks of September 11, 2001 the Salvation Army was at the forefront, working hand in hand with New York's Bravest and Finest, in order to bring assistance and relief during our nation's most troubling time.

Even in these tough economic times, they have not given up on their services and continue to provide the same stellar opportunities regardless of the cost incurred.

I would like to take the time to give special recognition to the honorees of their "125 Years of Service" luncheon: Mr. James Devine, CEO of the New York Container Terminal; Mr. Richard Salinardi, Executive Director of Life Styles for the Disabled; The University of Notre Dame Club; and the late Mrs. Rosemary Cappozalo, Staten Island's beloved "Matriarch of the Arts." These individuals embody the very essence of service that our nation is grateful for.

Madam Speaker, I ask that my colleagues join me in commending The Salvation Army on their dedication to the citizens of Staten Island.

## EARMARK DECLARATION

### HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of \$2,000,000 is necessary to meet the on-going need in DoD to increase the number of ISR orbits delivered by Unmanned aircraft. The Universal Distributed Management System (UDMS) is a demo-proven (TRL-6) autonomous command and control system that will enable up to twelve UAVs to operate simultaneously from a single ground station and perform complex tactical objectives. Expert Rules-based software enables collision and terrain avoidance and cooperative engagement tactics among the constellation of multiple vehicles and sensors. The complex tactics are user programmable and can be executed autonomously or with dynamic operator inputs to the changing tactical situation. UDMS can be integrated with existing UA ground control system with no modification required to the air vehicles or existing C3 links.

## THE PROMISE OF EMERGING DEMOCRACIES

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BURTON of Indiana. Madam Speaker, I rise today to bring to my colleagues' attention a September 8, 2009, Washington Times op-ed written by Nursultan Nazarbayev, President of the Republic of Kazakhstan. Since 1991, Nursultan Nazarbayev has served as the President of the Republic of Kazakhstan. Oftentimes, emerging democracies like Kazakhstan are not the focus of media attention, but in the Washington Times op-ed entitled, "The Promise of Emerging Democracies," President Nazarbayev reminds the world that emerging democracies do have an important and pivotal role to play on the global stage.

[From the Washington Times, Sept. 8, 2009]  
THE PROMISE OF EMERGING DEMOCRACIES  
(By Nursultan Nazarbayev)

The world is remaking itself. Amid pressing economic challenges and multinational security concerns, new alliances are forming. Global commerce along with governments are bringing down borders, opening relationships and creating opportunity. Kazakhstan, like most emerging democracies, is cautiously optimistic, with a pragmatism steeped in the hard lessons of history. Policies have consequences; alliances can liberate as well as captivate. With the stroke of a pen, superpower leaders like Presidents Obama and Dmitry Medvedev of Russia can reverse a decade of tepid relations to put forces and agendas into motion that affect all of us.

Nowhere in the world is the influence more keenly felt than in Kazakhstan and Central Asia, positioned as we are between Russia, China, Iran and Afghanistan. Here, a breeze in global diplomacy among nations like Russia, the United States and China can have the impact of a blinding windstorm, leaving us to wonder about our role and influence within these relationships.

Bellicose nations rattle sabers to garner attention and receive a concession here and there; certainly, their tactics make the nightly news. Others push America and Western democracies to the brink before backing off and waiting for another strategic push in their quest for a place among nuclear nations. Emerging democracies like Kazakhstan, on the other hand, while not the focus of media attention, have a responsibility and role to play on the global stage that is far more consequential to the welfare of freedom-loving nations.

The objective of Mr. Obama and Mr. Medvedev to cut their nuclear arsenals by a third is indicative of that role. The current size of those arsenals was influenced greatly by a decision our nascent democracy made 18 years ago to permanently shut down the Semipalatinsk nuclear test site, which set the stage for a decision to safely dispose of 104 SS-18 intercontinental ballistic missiles we had inherited from the Soviet Union, each tipped with 10 nuclear warheads. To put this in perspective, North Korea, which the world cautiously watches, is believed to have enough plutonium for only a half-dozen atomic bombs.

Keeping the weapons could have made Kazakhstan a larger player in our potentially volatile region, and surely the world would be more aware of us today. There were some who encouraged us to keep the arsenal. But larger considerations, including the role and responsibility of emerging democracies like ours, weighed heavily in the decision. Our focus was on building a new economic and political model in Kazakhstan, and we had a firm belief that our future and welfare rested on commercial and security relationships in the West.

Our desire was to engage in what I like to call cooperative leadership, pragmatic and constructive engagement with the myriad and often complex forces in our region. This was the philosophy that prompted us to dismantle our arsenal and pursue relations not only with the United States, but with Russia, China, Iran and, in fact, all nations that see opportunity in Kazakhstan.

On Aug. 29, we celebrated the anniversary of our decision, and the philosophy of cooperative leadership that inspired it continues to benefit Kazakhstan and our relationships throughout the world. A dedication to democratic values, the rule of law, transparency,

tolerance and open trade has led to stability and a strong, well-educated middle class. This increasingly firm foundation at home enables us to play an important role among nations abroad, providing strategic engagement and opportunities for cooperation among countries that often may be overlooked, as well as among those who may not be inclined to work together otherwise.

Sharing common values of freedom and peaceful development, democracies firmly support each other. That is why since the Sept. 11 terrorist attacks that shocked the entirety of mankind, Kazakhstan has stood shoulder to shoulder with the United States in the fight against international terrorism and today provides much-needed assistance for the stabilization of Afghanistan.

As an emerging democracy practicing cooperative leadership, Kazakhstan is able to encourage dialogue even among adversaries. Our recently concluded third annual Congress of Leaders of World and Traditional Religions is only one example, with spiritual leaders attending from almost every faith and nation to promote tolerance and understanding. Likewise, our quest to establish an international nuclear fuel bank to be governed by the International Atomic Energy Agency, which would allow nations like Iran and others to openly and honestly pursue their energy agendas, finds support among leaders in the United States, Russia and China. Recently, Israeli President Shimon Peres proposed Kazakhstan as the site for a historic meeting with key leaders from his country, Saudi Arabia and the Islamic world.

This is how emerging democracies can make a difference. In the absence of the entrenched and sometimes dogmatic divisions of the past, young entrants on the global stage of freedom can offer an environment for pragmatic solutions. Mr. Obama understands this. Two weeks after his election, he called to discuss regional cooperation, non-proliferation measures and energy cooperation. At that time, and many times since in public statements, he has favored pragmatism as the basis for civilized statecraft.

Some have suggested this is an inadequate approach for charting the new direction in foreign policy that Mr. Obama has promised. However, I believe those criticisms are misconceived. Pragmatism is necessary in nation-building and more likely to evoke a positive response from allies than an ideological crusade. Emerging democracies understand this challenge, undertaking in decades an experiment that has engaged America for much more than 200 years. Cooperative leadership is the important role we can play and the example we can set for others.

#### HONORING THE ACHIEVEMENTS OF SEAN MICHAEL HINPHEY

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. ISRAEL. Madam Speaker, it is with great pride that I rise today to recognize a young man in my district, Sean Michael Hinphey. This young man will receive the Eagle Scout honor from his peers in recognition of his achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas,

and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our Nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 21 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

It is with great pride that I recognize the achievements of Sean and bring the attention of Congress to this successful young man on his day of recognition, October 4, 2009. Congratulations to Sean and his family.

**TOM KING**

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the actions of Mr. Tom King of Saint Jacob, Illinois.

Mr. King rode his bicycle halfway across the United States to commemorate the life of Caleb Zarzecki, a former student who lost his battle with cancer last year. King, a teacher at Collinsville Middle School, described his ride as “a journey of faith and healing.” The cross-country journey raised funds for a scholarship established in Caleb Zarzecki’s name.

Mr. King started his journey on June 26 in Seattle, Washington, and traveled more than 2,000 miles to his home in Saint Jacob, Illinois. He rode 40 to 60 miles every day, sleeping at local campgrounds and churches in Washington, Idaho, Montana, Wyoming, South Dakota, Minnesota, Iowa, Missouri and finally Illinois.

Mr. King’s actions exemplify a teacher’s devotion to his students. It is my hope that this model of dedication may inspire us all. As we honor Mr. King, I extend my heartfelt thoughts and prayers to the family of Caleb Zarzecki.

**RICHARD J. AND FRANCES G.  
COWEN**

**HON. MICHAEL A. ARCURI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. ARCURI. Madam Speaker, I stand today to honor the memory and service of Mr. Richard J. Cowen and his wife, Mrs. Frances G. Cowen, both members of the United States Army Air Corps during World War II. Mr. and Mrs. Cowen were residents of my district in upstate New York, and their daughter, Ms. Mary F. Bechy, currently resides in Waterville, NY.

Mr. and Mrs. Cowen were highly decorated for their service in the American and Pacific

Theaters. Mrs. Cowen, a nurse in Hawaii and the Philippines, received the Asiatic Pacific Theater ribbon with Bronze Star, the Philippine Liberation ribbon, the American Theater ribbon and the World War II Victory Medal. For his service, Mr. Cowen was honored with the American Campaign Medal, the Asiatic Pacific Campaign Medal, the Philippine Liberation Medal and the World War II Victory Medal.

Madam Speaker, I am proud to recognize Mr. and Mrs. Cowen for their service on behalf of our Nation during a time of great peril. Their sacrifice and dedication is truly an example for us all. I ask my colleagues to join me in honoring Mr. and Mrs. Cowen and the many men and women who serve in our Nation's Armed Forces.

#### 90TH ANNIVERSARY OF AMERICAN LEGION POST 80

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to rise today to honor one of America's finest organizations, the American Legion, and to recognize one of its local posts, Whiting American Legion Post 80, on its 90th anniversary. Post 80 came to be shortly after the founding of the national organization. In honor of this momentous occasion, the members of Post 80 will be celebrating with dinner and entertainment on Sunday, September 19, 2009, at the legion hall in Whiting, where they will host Robert Newman, Department of Indiana American Legion Commander, as their featured speaker.

Just yesterday, the United States House of Representatives joined the Senate in passing legislation supporting the goals and ideals of American Legion Day. For the past ninety years, Whiting Post 80 has been an extraordinary example of the ideals and mission of the American Legion. Overall, the American Legion boasts nearly 15,000 posts, and remarkably, consists of nearly three million members. In their communities, American Legion posts are a source of pride for their many contributions made to aid veterans and to better their communities.

Throughout the years, Whiting Post 80 has taken heed of the American Legion's mission. They have been well known in the Whiting-Robertsdale area for their many activities aimed at honoring veterans, which have included an honor guard and drum and bugle corps, but also for their many programs that serve the youth and families in their community.

From within the ranks of its membership, Whiting Post 80 has seen some of its members rise to great ranks within the American Legion organization. They have had two members, Donald Hynes and Richard Quattrin, serve as Department of Indiana Commanders. Quite impressively, Mr. Quattrin also served at the national level as the National Executive Committeeman for the Department of Indiana. Four of Post 80's members have also been honored with the American Legion's highest award, The Distinguished Service Award.

These individuals are: Donald Hynes, who served as post adjutant for five years, Leo Mulva, who served as post adjutant for a remarkable forty-eight years, Richard Quattrin, who also served an impressive thirty years as post adjutant, and Bert Tiemersma.

Additionally, of the nearly one hundred World War II veterans who are members of Post 80, sixteen of them have over sixty years of service to the organization, including their longtime service officer, Nick Oprisko, who still serves in that capacity and is in his 66th year with the post.

Madam Speaker, I ask that you and my other distinguished colleagues join me in recognizing American Legion Post 80 and its members on its 90th anniversary. I also ask that you join me in honoring its membership for their service to their community, its veterans, and their commitment to the ideals of the American Legion. Their efforts have played a major role in elevating the quality life in their community.

#### IN RECOGNITION OF THE ISRAEL CANCER RESEARCH FUND AND THE 2009 BARBARA GOODMAN ANNUAL SCIENTIFIC AWARDS & DONOR RECOGNITION EVENING

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mrs. MALONEY. Madam Speaker, I rise to recognize an extraordinary organization, an amazing group of donors and the launch of a new musical. The Israel Cancer Research Fund (ICRF) is the single largest source of private funds for cancer research in Israel, and its generous donors have raised nearly \$37 million for cancer research by Israeli scientists. Tonight at the 2009 Barbara Goodman Annual Scientific Awards & Donor Recognition evening, ICRF is announcing this year's cancer research grants and celebrating the magnanimousness of ICRF's remarkable benefactors. The evening's festivities will feature a preview performance of Wallenberg, The Musical, a new musical about the courageous efforts of Raoul Wallenberg to save a significant portion of the Hungarian Jewish community from the Holocaust.

Since its founding in 1975, ICRF has become the largest single source of private funds for cancer research in the State of Israel. The Fund has provided tens of millions of dollars worth of grants in thousands of separate awards to top-notch scientists at all of Israel's leading research institutions. ICRF awards are often the first grants young scientists receive following completion of their academic studies, and allow them to establish labs, begin their professional research and attract grants from other sources, while remaining in Israel. Grant recipients include the first Israelis ever to receive the Nobel Prize in the sciences. Some remarkable breakthroughs of ICRF-supported researchers include the development of drugs that treat multiple myeloma; that target cancer cells directly; and that are encapsulated in a liposome for direct delivery to tumor sites. Other projects have helped sci-

entists conduct cutting-edge cancer research on genes, leading to the identification of the p53 gene as a tumor suppressor; the discovery that a minor mutation in the RAD51 gene increases the risk of breast cancer; and pioneering work on DNA Methylation, a molecular process that turns genes on and off. In addition, ICRF provided critical support to the development of a novel bone marrow transplant technique that significantly expanded the donor pool for leukemia treatment.

Barbara S. Goodman lost her battle to pancreatic cancer on July 18, 2002 at the age of 51. She was a loving wife and mother and a devoted friend who made the people she loved the center of her life. Ms. Goodman had also fought bone cancer and survived the disease for fifteen years. She would be proud to know that research is being conducted in her name that will advance our ability to treat pancreatic cancer and help those afflicted with the disease. Her husband, Kenneth Goodman, who is serving as Chairman of the evening's festivities, has demonstrated remarkable generosity and great dedication to the noble effort to expand cancer research funding.

The award recipients, donors and attendees of tonight's event will be treated to a preview performance of Wallenberg, The Musical, book and lyrics by Laurence Holzman and Felicia Needleman, and music by Benjamin Rosenbluth. Wallenberg tells the fascinating and uplifting story of Raoul Wallenberg, one of the heroes of the 20th century, a Swedish diplomat who singlehandedly saved more than 100,000 Hungarian Jews in a sixth month period. His courage demonstrates that one person can have a monumental impact and suggests that history could have been different had more people acted as valiantly as Mr. Wallenberg. The presentation will take place at the historic Hudson Theatre, a landmarked theatre built in 1903 by Henry Harris, that later became a radio playhouse, a television studio, a burlesque theatre, a rock club and most recently, an elegant venue for special events. Mr. Wallenberg's niece, Louise Von Dardel, is flying in from Paris to be present at the event.

Like Raoul Wallenberg, the donors, ICRF and the scientists are proving that individuals can make an extraordinary difference. Raoul Wallenberg succeeded through personal heroism and audacious ploys, while ICRF's heroes make a difference through their benevolence, volunteer work and scientific research. The work that these extraordinary people are doing will save thousands of lives.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the exemplary work being done by ICRF and the scientists it funds, and the extraordinary generosity of its donors.

#### RELATIONS BETWEEN REPUBLIC OF TURKEY AND REPUBLIC OF ARMENIA

**HON. VIRGINIA FOXX**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Ms. FOXX. Madam Speaker, I am encouraged by the latest movement towards normalization of relations between the Republic of Turkey and the Republic of Armenia.

On August 31, 2009, the Foreign Ministers of Turkey, Armenia and Switzerland sent out a joint press release which was the latest significant step down the path to establishing diplomatic relations between Turkey and Armenia. The countries have completed and initialed two protocols which will, when they enter into force, provide a framework for the normalization of the bilateral relations. Moreover, I am encouraged that the parties have also included a timetable for implementation of the agreement which is an added confidence building measure for both sides. The citizens of Turkey and Armenia can now see a positive light at the end of the tunnel and we should do what we can to help them achieve their common goals.

This is a significant step in the right direction for the region and the world at large. The United States should continue to encourage and support the efforts of Turkey and Armenia, with the good offices of Switzerland, to build a productive and stable bilateral relationship and thereby enhance stability throughout the region.

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IN RECOGNITION OF ARMY  
SPECIALIST MATTHEW HASTINGS

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**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. ROSS. Madam Speaker, I rise today to recognize a dedicated patriot and a true American hero. On August 17, 2009, our nation lost a brave service member when Army Specialist Matthew D. Hastings died in Baghdad, Iraq, in support of Operation Iraqi Freedom, from a non-combat related incident.

Army Specialist Hastings lived in Claremore, Oklahoma, but his father resides in Jefferson, Arkansas. Although I never had the honor to meet Specialist Hastings, on behalf of the State of Arkansas, I extend my utmost condolences to his family, friends and all who knew him for this devastating loss.

Army Specialist Hastings was assigned to the 582nd Medical Logistics Company, 1st Medical Brigade, 13th Sustainment Command, Fort Hood, Texas. He graduated from Broken Arrow Alternative Academy in 2005 and joined the military a year later as a light-wheel vehicle mechanic. According to those who knew him, he loved to hunt and fish, took great pride in his work and treasured time spent with his family and friends. I am sure he will be sorely missed.

My deepest thoughts and prayers are with his mother and stepfather, Lawanda and Roger Lowry; his father, Chuck Hastings, Jr.; his sister, Michelle; and, the rest of his family, friends and loved ones during this difficult time.

Today, I ask all members of Congress to join me as we honor the life of Army Specialist Matthew Hastings and all those men and women in our Armed Forces who give the ultimate sacrifice in service to their country.

COMMENDING FIRST COMMUNITY  
BANK ON THE OCCASION OF ITS  
100TH ANNIVERSARY

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BONNER. Madam Speaker, I rise today to commend First Community Bank on 100 years of service in southwest Alabama.

On June 6, 1909, in the office of Granade and Granade, Attorneys, Chatham State Bank was first organized. The next month the bank's charter was filed with a capital stock of \$25,000 and 250 shares at \$100 per share. For the next five years, the bank conducted business in the tax assessor's office at the Washington County Courthouse.

In 1910, construction on the first building for Chatham State Bank began and today, the bank continues to operate on the same site. During the Great Depression when all banks were required to close for a specified period of time, Chatham State Bank was one of only a few area banks able to reopen immediately.

On August 30, 1974, a branch bank was opened in Millry. The bank began serving the people of Mobile County in 1985 when the bank purchased the Mt. Vernon office from First National Bank of Mobile. To reflect its growth and service to Mobile and Washington Counties, Chatham State Bank changed its name to First Community Bank on July 19, 1986. Since that time, the bank has expanded to Citronelle and Saraland, as well as locations on Schillinger Road and Cottage Hill Road in Mobile.

Madam Speaker, I ask my colleagues to join with me in congratulating Glen Davis and all of those at First Community Bank on 100 years of outstanding service. For this and all of their accomplishments, I extend my heartfelt thanks for their continued service to the Alabama business community, the First Congressional District, and the state of Alabama.

It is my hope First Community Bank continues its story of success for another 100 years.

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REMEMBERING THE TENTH ANNI-  
VERSARY OF HURRICANE FLOYD

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BUTTERFIELD. Madam Speaker, this week we mark 10 years since the floodwaters of Hurricane Floyd devastated eastern North Carolina, killing 52 people, causing over \$6 billion in damage, and leaving thousands homeless. In the eastern part of the state, it is known simply as "The Flood." It remains the most devastating natural disaster in our state's history.

On September 16th, 1999, Hurricane Floyd hit North Carolina as a strong Category 2 hurricane. Hurricane Floyd made landfall at Cape Fear and moved north along Interstate 95, hitting eastern North Carolina with 100-mph winds and up to two feet of rain. Of the two,

the rain proved the more fatal element. Arriving on the heels of Hurricane Dennis, which had already soaked the ground and water table, Floyd's rains created massive flooding.

Over a period of a month, nearly every river basin in eastern North Carolina exceeded 500-year flood levels. The cresting waters destroyed 7,000 homes, left 17,000 uninhabitable, and damaged 56,000. The brave men and women of the National Guard and the Coast Guard performed nearly 1,700 freshwater rescues of people trapped on the roofs of their homes due to the rapid rise of the water. In total, Floyd was responsible for 57 fatalities in the United States, mostly in North Carolina.

Sixty-six counties in North Carolina were declared federal disaster areas. There were more than \$6 billion in losses of property and agriculture. After the storm, over 88,500 North Carolinians registered for state or federal disaster aid.

Every community I represent was in some way affected by "The Flood." From flooded towns of Greenville, Kinston, Tarboro, Snow Hill and Rocky Mount, where 30 percent of the city was underwater, to communities on higher ground that served as refuges for newly homeless neighbors, nearly every person in eastern North Carolina experienced The Flood in a real way. But one of the hardest hit communities was Princeville, North Carolina. Princeville was completely submerged for more than a week—people's homes were underwater and the business community was virtually leveled.

Princeville, originally called Freedom Hill, is the oldest town incorporated by African-Americans in the United States. It was settled in 1865 by newly freed slaves on low and soggy swampland across the Tar River from the town of Tarboro. It had survived smaller floods over the years, but The Flood of 1999 nearly killed this historic town. With water up to the rooftops, FEMA offered the people of Princeville a buyout to abandon the town.

Though a difficult decision, the town rejected the offer 3–2. At the time, Mayor Delia Perkins said, "Rebuilding is staying with your heritage. We plan to stay."

The community's struggle to rebuild attracted the attention of many people, including then-President Bill Clinton. President Clinton issued Executive Order (EO) 13146, tasking an interagency President's Council with developing "assessments and recommendations to repair and rebuild Princeville, and, to the extent practicable, protect Princeville from future floods." Hosts of other national figures visited and lent their support. Today, much of the town is rebuilt, though a handful of flooded homes still await demolition.

Today we remember the devastation caused by the Hurricane Floyd flood of 1999. The scars are still seen on the sides of buildings and in the hearts of people, but these communities have overcome and continue to work toward full recovery after these 10 years.

EDGAR BRIDGES

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. THOMPSON of Mississippi. Madam Speaker, it gives me immense pleasure to recognize the life and accomplishments of a scholar, a leader, and a pillar in the community, Mr. Edgar Bridges.

Mr. Edgar Bridges' extensive scholastic record is an excellent testament to his belief in the power of education both for himself, and for the advancement of his community as a whole. He began his scholastic career in Lawrence County Public Schools. Later, he attended Prentiss Normal and Industrial Institute. He then attended Pacific Training School in Los Angeles, California. Mr. Edgar Bridges' scholastic achievements culminated when he received a Bachelor's of Science Degree in Religious Education from the Mississippi Baptist Seminary.

Mr. Bridges' aforementioned education afforded him the opportunity to realize the importance of education for everyone. Thus, he became a champion for the educational development of children and improving life experiences for youth as a whole, serving as Executive Director of the Lawrence County Education and Recreation Association, president of the Lawrence County Educational Convention, member of the Board of Trustees for McCullough High School (Monticello, MS), and Chairman of the Board of Directors for Five County Child Development Program Inc.

Mr. Edgar Bridges' record of service to his community, church, and participation in civic activities are exemplary of a person who truly cares about the community, and believes in "giving back" to them through tireless effort and dedication. He served as co-chair of the Home Health Care Agency at Lawrence County Hospital and Superintendent of the Mission for the Lawrence County Baptist Association. He also contributed to the community by becoming a member of the Lawrence County Chamber of Commerce, and was a lifetime member of the National Association for the Advancement of Colored People.

Mr. Bridges' phenomenal record in education and service was recognized in the form of awards, accolades, and citations. He received the Medgar Evers Award for Outstanding Leadership, the Labor and Industry Award from the NAACP for being an outstanding contributor to Head Start, and was Emeritus Grand Master of the M.W. Stringer Grand Lodge of Mississippi, an accomplishment in which he was most proud.

Once again, it is with great pleasure that I recognize the lifetime and accomplishments of the Honorable Mr. Edgar Bridges. I am honored to salute such a champion for academics, a true leader, and a pillar of the community.

HONORING RAYMOND H.  
DUNLAP, SR.**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating Bishop Raymond H. Dunlap, Sr. for 21 years broadcasting the "Hour of Power" Radio Program. Bishop Dunlap will be honored this weekend by the congregations of Bethlehem Temple Church of the Apostolic Faith and New Jerusalem Full Gospel Baptist Church.

After attending the West Virginia Institute and Aeon Bible College, he served in the U.S. Armed Services for two years. He was discharged in 1952, married Lillian Thomas in 1953, and accepted his call to preach the Gospel in 1954 under the direction of his father, Bishop Sandy Dunlap.

He moved to Flint, Michigan in 1966 and founded The Eliezer Church of the Lord Jesus Christ. He was elevated to District Elder and then Junior Bishop. In August 1983, he was ordained a Bishop and currently presides as Diocesan of the Northern Diocese of Michigan; he is the former Diocesan of Minnesota. Bishop Dunlap also serves as the establishmentarian of Berea Bible College. He has directed the establishment of 13 churches of the Church of Our Lord Jesus Christ in Michigan and 3 churches in Minnesota. In addition to being heard daily on the "Hour of Power," Bishop has reared more than 46 ministerial sons and Eliezer Church operates the Hope Academy School.

Bishop Dunlap and his wife, Lillian, have been blessed with 6 children, numerous grandchildren and great-grandchildren.

Madam Speaker, I applaud the work of Bishop Raymond H. Dunlap, Sr. He has devoted his life to bringing the good news of Jesus Christ to the people of Flint, Michigan. His radio broadcasts are a source of comfort and joy to his listeners. I pray that he will continue for many years to inspire and elevate the spiritual life of the community and bring his message of hope to those with the most need.

INFORMATION FOR PROCLAMATION OR CONGRATULATORY LETTER FOR BISHOP RAYMOND H. DUNLAP, SR., D.D. TH.A.B.A.

Two (2) day City Wide Celebration Honoring Bishop Raymond H. Dunlap, Sr., for 21 years with the "Hour of Power" Radio Program. We will be honoring a great man and appreciating his works at 6:30 pm on;

Friday, September 18, 2009 Services at: Bethlehem Temple Church of the Apostolic Faith, 3401 M. L. King, Jr., Avenue, Flint, MI 48505.

Saturday, September 19, 2009 Services at New Jerusalem Full Gospel Baptist Church, 1035 E. Carpenter Road, Flint, MI 48505.

Bishop Dunlap, known as "a man with a Vision" was born January 19, 1929 in Pratt City, Alabama. Pastor Dunlap graduated from Buffalo High School in West Virginia. He attended West Virginia Institute in Charleston, West Virginia and later became a student at the world famous Aeon Bible College in Columbus, Ohio. He served two years in the U.S. Armed Services, receiving an honorable discharge in 1952. Celebrated 80 years of life in January.

Bishop Dunlap married the love of his life Ms. Lillian Thomas on June 1, 1953 and to this blessed union was born six (6) children.

Bishop Dunlap accepted the call of God to preach the Gospel in 1954 under the tutelage of his father Bishop Sandy Dunlap in Columbus, Ohio. By 1960 he was elevated to Assistant Pastor—through the years he served in many other positions in the local church and also held state offices.

In 1966 he relocated his family to Flint, Michigan, sought employment and shortly thereafter established The Eliezer Church of our Lord Jesus Christ. In 1977 he was elevated to District Elder, three years later he was elevated to the office of Junior Bishop. His steadfast character and leadership earned him the honor of being ordained as a Bishop in August 1983 in Oklahoma City, Oklahoma. He presently presides as the Diocesan of the Northern Diocese of Michigan and the former Diocesan of Minnesota. He is the establishmentarian of Berea Bible College (formerly Christ Bible College, Church of Our Lord Jesus Christ) since 1998.

Under his spiritual leadership there has been the establishment of 13 churches of the Church of Our Lord Jesus Christ in Michigan and 3 in Minnesota. Bishop Dunlap has reared more than 46 ministerial. In 2001 Eliezer established and operates "The Hope Academy School."

Since 1988, Bishop Dunlap is heard daily at 12:30 pm on the "Hour of Power" radio broadcast on WFLT 1420 AM. The spiritual effects of Bishop's ministry is known in the city of Flint and the many places he has ministered; giving proof of God's call on his life, and the vision he has been given by God.

Bishop Dunlap is a dedicated family man; loving husband, father, grandfather and great-grandfather. He is an avid fisherman, a pianist, song writer, composer of poems. His godly lifestyle, winning smile, gentle manner and love for people has earned him great respect among his peers, community leaders, business associates and citizens through this community.

**CONGRATULATING THE DORA B. LANTRIP ELEMENTARY SCHOOL ON THEIR 2009 BLUE RIBBON SCHOOL AWARD**

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor the Dora B. Lantrip Elementary School in the Houston Independent School District and our district for their dedication to academic excellence that has earned them the honored distinction of being a Blue Ribbon School in 2009.

Since 1982, the U.S. Department of Education's Blue Ribbon Schools Program has honored many of America's most successful schools, and I am proud of Lantrip Elementary for establishing itself as an elite academic institution by achieving this high honor. The Blue Ribbon Award honors public and private elementary, middle and high schools that are academically superior or have made dramatic gains in student achievement and helped close achievement gaps among minority and disadvantaged students. This year 314 schools earned this coveted award.

Dora B. Lantrip Elementary is a school that believes higher expectations lead to higher achievement. Lantrip strives to stimulate young minds and encourage them to strive for excellence, while instilling in them a love of learning. Under the supervision of Principal Ms. Matilda Orozco, Lantrip Elementary also works to develop students into decision-makers who have mutual respect for others. Lantrip Elementary is an example of consistent excellence that is an inspiration for all schools in the Houston area.

I congratulate the administration, teachers, parents, and students at Lantrip for their dedication to excellence and hard work.

REMEMBERING PAT FLECK,  
SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, last Thursday evening a spark went out in Hernando County. "The Mother of Spring Hill," Pat Fleck, lost her battle with cancer. Known for her genuine love of, and devotion to, her community, she was a pioneer for women in business, a leader in public service, a mentor, devoted mother, wife and friend.

A long time resident of Spring Hill, in an interview with a local paper, she recalled a time when U.S. 19 was only two lanes wide and so empty that on trips to a New Port Richey supermarket, she sometimes drove on the wrong side of the road because, as she put it, "for some reason it was smoother."

She applied that same optimism in every facet of her life: I thought of Pat as the unofficial paparazzi of Spring Hill. She would attend community events with her camera in hand; snap pictures unbeknownst to those around her and a short time later a copy would appear in the mail: She was always sure to capture your most flattering side.

Pat knew when to get down to business as well. It is that business sense to which much of her professional successes can be attributed: She was the founder of Spring Hill's first independent real estate agency, Fleck Real Estate; she later parlayed her knowledge of the industry into a real estate school. She was also a founder of the West Hernando Chamber of Commerce where she served as its chairwoman.

She was a community organizer we all could appreciate! She was a long time board member of HPH Hospice and an avid supporter of many community organizations including Stage West Community Playhouse. Pat worked tirelessly to insure that they had the resources they needed in order to be successful contributors to the community.

I am grateful to have known Pat. She had a heart of gold and a boundless love for Hernando County. It is so fitting that Hernando County shared that same love for her in return.

RECOGNIZING PERU FOR ENGAGING IN PEACEFUL DIALOGUE WITH INDIGENOUS PEOPLES TO OVERCOME POLITICAL CONFLICT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. FALEOMAVAEGA. Madam Speaker, on June 23, 2009, I introduced House Resolution 574, expressing the sense of the House of Representatives that Peru should engage in peaceful dialogue to address ongoing political conflict between state authorities and indigenous peoples in compliance with the U.N. declaration on the rights of Indigenous Peoples and ILO Convention 169.

Earlier this year conflict had developed in Peru over the enactment of Legislative Decrees 1090 and 1064, which had potentially significant adverse impacts on the rights and property of Peru's indigenous peoples. Protests erupted in June in Bagua, Peru ultimately leading to the deaths of police officers and protestors.

In subsequent months, the Government of Peru has taken a number of steps to reduce tensions, investigate the violence and engage in peaceful dialogue. On July 23, 2009, Dorothy Ngutter, Peru Desk Officer at the State Department, sent my office information on developments related to H. Res. 574, noting improvements on the ground, including an agreement with indigenous groups on the establishment of a "multi-sectoral commission consist[ing] of government, civil society, NGOs and indigenous leaders." I am including the full text of her message in my remarks for the record.

On July 24, 2009, I met with Peru's Ambassador to the United States, Luis M. Valdivieso, and he described the steps taken by Peru in the aftermath of the violence in more detail. On September 10, 2009, he sent me a letter along with a progress report on the work of the National Group of Coordination for the Development of Amazon Communities, which he noted, "was created in the aftermath of the unfortunate events that took place in Bagua, Amazon Region of Peru in early June."

According to that progress report, the National Group of Coordination for the Development of Amazon Communities (NGCDAC), created four subgroups focused on examining the events in Bagua, evaluating the contentious Legislative Decrees, gathering information on appropriate methods of consultation regarding International Labor Organization Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, and creating a National Development Plan for the Amazon Region for submission to Peru's Congress by December 26, 2009.

The steps taken by the Government of Peru are positive, in line with H. Res. 574, and deserve recognition. I applaud the progress in Peru and want my friends there to know that I will continue to follow events regarding the country's indigenous peoples closely. For the record, I include a copy of the progress report and the letter from the Ambassador with my remarks.

STATE DEPARTMENT VIEWS ON DEVELOPMENTS IN PERU

Protests by Indigenous groups, led by an umbrella NGO (AIDSEP), began in April against several legislative decrees passed in 2008 they felt would infringe on their rights. While it was not completely clear what portions of the laws were at issue, the indigenous groups main stated concern was that there had been inadequate consultation prior to the passage of the decrees. In mid-May, the Government of Peru initiated a dialogue with AIDSEP's leaders to discuss indigenous concerns. These early talks were slow going and fell apart when AIDSEP walked out on the talks.

The government acted to remove roadblocks near the town of Bagua and restore supplies to affected neighboring communities on June 5. Clashes between police and protestors ensued when police attempted to remove the roadblocks; separately police officers—previously taken hostage at a pumping station—were murdered following news reports of the earlier clashes. Official reports, confirmed by the independent the independent Human Rights Ombudsman's office, put the death toll at 33 (including 10 civilians and 23 police).

The situation on the ground has changed since the violence in early June. The government has reached an agreement with indigenous groups June 15; repealed two laws June 18; and established a multi-sectoral dialogue process. The multi-sectoral commission consists of government, civil society, NGOs and indigenous leaders. With four subgroups looking at the June incidents; concerns on legislative decrees and proposals to replace the repealed decrees; definition of a mechanism for prior consultation in accordance with ILO requirements; and the development of a national proposal for Amazonian development. To date, the commission has met at least three times.

The recent government reshuffle should have no effect on the dialogue, as the incoming Prime Minister has publicly declared support for ongoing dialogue processes.

EMBASSY OF PERU,

Washington DC, September 10th, 2009.

Hon. ENI F.H. FALEOMAVAEGA,  
House of Representatives,  
Washington, DC.

DEAR MR. FALEOMAVAEGA: Attached for your information please find a brief progress report on the work of the National Group of Coordination for the Development of Amazon Communities which was created in the aftermath of the unfortunate events that took place in Bagua, Amazon Region of Peru in early June.

Please feel free to contact me in case you need further clarification.

Sincerely yours,

LUIS M. VALDIVIESO,  
Ambassador of Peru.

DIALOGUE PROCESS BETWEEN THE AMAZONIAN COMMUNITIES AND THE GOVERNMENT OF PERU

By Supreme Resolution 0117-2009-PCM issued on June 10th 2009, the Government of Peru created the "National Group of Coordination for the Development of Amazon Communities" (NGCDAC) with the objective of raising a comprehensive sustainable development plan for indigenous peoples in areas such as education, health, titling and the formalization of land, among others. The Government of Peru aims at presenting to the Congress a proposal of National Development Plan for the Amazon by December 26th.

By Supreme Resolution 0211-2009-PCM issued on August 25th 2009, new members of the NGCDAC were added, which includes:

a. Eight (08) Representatives of the Executive Branch (Ministers or their representatives): Ministries of Environment, Energy and Mines; Women and Social Development; Health; Education; Transport and Communications; Housing, Construction and Sanitation. It is chaired by the Ministry of Agriculture that also will be the Technical Secretariat (originally there were only four ministries).

b. Eleven (11) Representatives of Regional Governments: Presidents of the Regional Government of Loreto, Ucayali, Amazonas, San Martín, Madre de Dios, Cuzco, Huánuco, Pasco, Junín, Ayacucho and Cajamarca (originally there were only four regional governments).

c. Representatives of Amazonian indigenous organizations (AIDSEP and CONAP).

This NGCDAC is the core of the dialogue process (known also as the Dialogue Roundtable) and it has four (04) Working Groups. So far, the progresses the four working groups are:

(1) Inquiry Commission on the events in Baqua

On September 2, 2009, seven (07) members of the Inquiry Commission on the events in Baqua (Amazonas) on June 5th 2009, were elected. The working group consists of:

a. Representatives of indigenous communities: Pilar Mazzetti Soler (former Minister of the Interior), Mary Carmen Gómez and Jesús Calleja Manacas Valverde.

b. Representatives of the Executive Branch: Ricardo Alvarez Lobo, Susana Pinilla Cisneros (former Minister for Women and Social Development) and Walter Gutierrez Camacho.

c. Regional governments delegate, Manuel Ernesto Bernales Alvarado.

The members of this working group will have a meeting with the Ministry of Agriculture no later than September 5th 2009. The Ministry of Agriculture is the chairman of the NGCDAC. The chairman of the working group will be elected among its members. It is expected that this group provides the results of its investigation by December 26th 2009.

(2) Evaluation of Legislative Decrees

This evaluation is being developed under the coordination of the Ministry of Agriculture. The Law on Forestry and Wildlife, and its Bylaw are considered by the working group as reference documents. This group has organized exhibitions and workshops and evaluated many proposals on forestry regulations submitted by each of the parties involved in the dialogue -central government, regional governments and native communities. They will be discussed and then consulted with the indigenous communities.

To contribute to finding consensus on this issue with representatives of regional governments and indigenous communities, on September 2nd 2009, the Bureau for Forestry and Wildlife Affairs of the Ministry of Agriculture submitted to the NGCDAC a document with technical inputs to improve the forestry legislation.

(3) Consultation Mechanisms (in order to accomplish the ILO Convention 169)

This working group is gathering information on the methods of consultation: the Convention 169 itself and its handbook; the United Nations Declaration on Indigenous Peoples Rights; the draft proposal of law in Congress concerning the right of consultation; the report of the Ombudsman on the Bagua issue, and a case review related to the Saramaka population of Suriname.

Regarding this topic, it has been organized the International Seminar "Right of con-

sultation of Indigenous people, policy framework and implementation experiences", as well as decentralized meetings on this issue. Both the Ombudsman and the Sub Regional Office of the ILO have made presentations on the Convention 169. On September 17th this working group will assemble to set up proposals on the matter.

Since the group has started its works, it is taking into consideration the opinions and points of views expressed by Amazonian communities for the purpose of arriving to a draft bill to be submitted to the NGCDAC.

(4) National Development Plan of the Amazon Region

The agenda includes issues relating to indigenous peoples and the Amazon Region, such as:

Land, natural resources and biodiversity.

Identity, culture and human development.

Organization, autonomy and governance.

Economics, management and sustainable development.

So far, this working group has had several meetings and has organized exhibitions, workshops and proposals about this matter.

Since August 29th 2009, this working group is revising and updating of the "Action Plan for Priority Issues of the Special Multisector Commission for Indigenous Communities".

Until September 2nd 2009, this group has worked on these subjects: land property rights and legal stability; bilingual education; increasing of the coverage of public health, and conditions of peace and security for native communities.

Since the installation of NGCDAC, there have been a total of 37 meetings of the four working groups, which were undertaken in an atmosphere of respectful and transparent dialogue.

Within 120 days, the NGCDAC must submit to the Presidency of the Council of Ministers, the Comprehensive Plan for Sustainable Development of the Amazonian Peoples.

#### HONORING THE DEDICATED SERVICE OF KIM HARRIS MULLINS

##### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Kim Harris Mullins for her dedicated service. For more than eighteen years, Kim has committed herself to helping me better serve the residents of Tennessee's Sixth Congressional District.

While Kim is a native of Florida, she grew up in my district in Hartsville, Tennessee. For most of her career with me, she has assisted her neighbors and my constituents with problems they were having with the federal government. One of the most rewarding things I can do as a Member of Congress is help folks at home cut through government red tape, but I wouldn't be able to do that without people like Kim.

As my assistant communications director, Kim has fostered relationships with local media and helped me to stay in touch with Tennessee residents. She is a strong writer and chose to share her expertise by spending her free time teaching journalism and public relations at Middle Tennessee State University, our shared alma mater. Along with providing my office with hardworking interns,

some of whom are now full-time members of my staff, Kim's talents and work with the university have earned her a spot on the College of Mass Communication's Wall of Fame.

Kim will be missed dearly, especially by those who worked closest with her in my district offices and benefited daily from her acerbic wit and sense of humor. My Murfreesboro district office is like a family. The current staff has worked together for 11 years, and they have a bond that makes them seem at times to be more like siblings than coworkers. We will be sad to see her go, but we know she has plenty to keep her busy—a new career to undertake, jewelry to make, dogs to spoil, and future trips to the beach with her husband, Jeff.

Kim, thank you for all your help and dedication over these many years. I wish you all the best in your next endeavors.

#### EARMARK DECLARATION

##### HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BARTLETT. Madam Speaker, I submit the following: Funding of \$2,000,000 is necessary to allow completion of the final development stage prior to production. These funds will enable Mack Trucks and Volvo Powertrain, N.A. to finish building a prototype M915 truck with hybrid powertrain and be prepared to compete for an M-915 by the Army. The Army is attempting to extend the service life of heavy trucks, like the M-915, through engineering change programs. This funding supports the Committee directive to the Army to extend their effort for procuring heavy trucks with alternative propulsion systems with parallel electric capability.

#### ANNIVERSARY OF FOCUS ON RENEWAL

##### HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. DOYLE. Madam Speaker, I rise to observe the 40th anniversary of Focus On Renewal, a community service organization serving the municipalities of Stowe Township and McKees Rocks in Pennsylvania's 14th Congressional District.

Forty years ago, Father Don Fisher and Sister Paulette Honeygosky laid the foundation for Focus On Renewal. Together, they envisioned an organization made up of individuals who believed that every person must be treated with dignity.

In 1975, Father Regis Ryan assumed the leadership at Focus On Renewal. He was amazed by all the service activities that had been initiated during the first six years of Focus On Renewal. For instance, a pediatric health center had opened in the basement of a storefront at 610 Chartiers Avenue. Within that small facility, lunch was served five days a week; a dental hygienist provided preventive

oral care; books were acquired and distributed as a rudimentary library was forming; crisis care needs were addressed on a daily basis; community meetings were called; and one simple, donated van was used to transport elderly folks to medical appointments.

Initially, Father Ryan believed he would remain only a few years, but everyone is glad that didn't happen. Instead, he has become known in the Sto-Rox community as a loving, generous and respectful leader.

What started as a small storefront serving the social service and health needs of the community has become a major non-profit agency. Today, Focus On Renewal operates more than a dozen programs from various sites throughout Allegheny County, providing comprehensive health services, early childhood and adult education programs, transportation services, a library, an arts center, a credit union, employment and training classes, and a broad range of social services.

Countless members of staff, boards, administration and volunteers have spent the last 40 years creating and fostering the community of care into which Focus On Renewal has evolved. Beyond the many human services, which have touched thousands of lives, Focus On Renewal has offered employment to hundreds of men and women, some of whom have served for more than 30 years.

Focus On Renewal is like the weaving of a great patchwork quilt, bits and pieces old and new, held together with common threads, worked by many hands, bordered with love, and blanketing the community with its warmth.

I want to thank Father Ryan and everyone at Focus On Renewal for the important services they have provided the Sto-Rox community over the last 40 years and wish them well as they continue to serve this community in the same exemplary fashion in the coming years.

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COMMENDING HONOR FLIGHT  
SOUTH ALABAMA AND THE 95  
WORLD WAR II VETERANS TRAV-  
ELING TO THE WWII MEMORIAL

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to commend the Honor Flight South Alabama and the 95 World War II veterans this very special organization is bringing to Washington, D.C. this week.

Founded by the South Alabama Veterans Council, Honor Flight South Alabama is an organization whose mission is to fly heroes from Mobile, Baldwin, Washington, Clarke, Monroe, Covington, and Escambia counties in Alabama to see their national memorial.

Over six decades have passed since the end of World War II and, regrettably, it took nearly this long to complete work on the memorial that honors the spirit and sacrifice of the 16 million who served in the U.S. armed forces and the more than 400,000 who died. Sadly, many veterans did not live long enough to hear their country say "thank you" yet, for

those veterans still living, Honor Flight provides for many their first—and perhaps only—opportunity to see the National World War II Memorial, which honors their service and sacrifice.

Madam Speaker, this week's journey of 95 heroes from south Alabama is an appropriate time for us to pause and thank them—and all of the soldiers who fought in World War II—for they collectively—and literally—saved the world. They personify the very best America has to offer, and I urge my colleagues to take a moment to pay tribute to their selfless devotion to our country and the freedom we enjoy.

I salute each of the 95 veterans who made the trip this week. May we never forget their valiant deeds and tremendous sacrifices.

James Abbot Jr., John Abbott, Lewis Abronski, Stanley Armit, Eugene Baril, Herbert Baskin, Joseph Bell Jr., William Bittner, John Blackmon, Elizabeth Blatchford, Edward Borman, Henry Brackin, James Bryars, John Busbee, Charles Byrd, Donald Carmichael, Charles Carpenter, Hurschel Chambers Jr. and David Chichester.

George Coaker, Robert Constatine Jr., Marvin Courtney, James Coward, Thomas Culpepper, John Douglas, George Edgar, Edwin Fore Jr., Howard Foshee, Glenn Frazier, Lloyd Fremaux, Roland Fry, Richard Gile, Douglas Gordon, Henry Hannett, Joseph Harbuck Jr., James Helland, Jennings Hill and Cecil Hobbs.

William Hobbs Jr., Jean Hooker, Elsie Hovell, Edward Hrinisin, John Hudson, Christopher Hume Jr., Ray Huning, Meldon Hurlbert, Clifford James, James Johnson, George Jones, John Kassab, Frank Keeler Jr., Paul Liles, Horace Luckey, Thomas Martin, Robert Mauer and Floyd McBride.

Joseph McCoy, Cecil McLain, Robert Meador, James Mills, John Moreland Jr., Granvil Neel, James Nickerson, Melvin O'Barr, Lee Otts, Billy Owen, Wilbern Payne, Sidney Phillips Jr., James Philpot, Edward Plouse, Donald Pruett, Iona Quinley, John Rabon, Edward Reagan and John Reiter.

Leon Resmondo, Gary Roberts, Claude Robinson, Hans Schneider, Charles Skinner, Randolph Smith, Raymond Smith, Robert Smith, Arnold Smith, John Stauffer, Charles Strawser, William Stuckey, Ezra Trice, Julius Turner, James White, John Jephtha White-Spunner, Ezell Williams, Chelton Wilson and Janet Woods.

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CONGRATULATING THE YES PREP  
PUBLIC SCHOOLS-NORTH CEN-  
TRAL CAMPUS ON THEIR 2009  
BLUE RIBBON SCHOOL AWARD

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor the YES Prep Public Schools-North Central Campus in our district for their dedication to academic excellence that has earned them the honored distinction of being a Blue Ribbon School in 2009.

Since 1982, the U.S. Department of Education's Blue Ribbon Schools Program has

honored many of America's most successful schools, and I am proud of YES Prep Public Schools-North Central Campus for all of its hard work towards and dedication to achieving the high academic standards that have earned them this award. The Blue Ribbon Award honors public and private elementary, middle and high schools that are academically superior or have made dramatic gains in student achievement and helped close achievement gaps among minority and disadvantaged students. This year 314 schools earned this coveted award.

YES Prep Public Schools-North Central Campus is a school that strives to increase the number of low-income Houstonians who graduate from a four-year college prepared to compete in the global marketplace and committed to improving disadvantaged communities. Under the supervision of Principal Mr. Mark DiBella, YES also works to develop students who are active in the community. YES stands for Youth Engaged in Service and students dedicate one Saturday each month to community service projects. YES also requires that students participate in longer school days, college research trips, summer school and summer opportunities—80 percent of YES' student base is comprised of economically disadvantaged individuals, and their motto is 'to do whatever it takes' to improve themselves and their horizons through educational resources provided through the school. YES Prep Public Schools-North Central Campus serves as an example that through hard work much can be achieved.

They are an inspiration for all schools in the Houston area, and I congratulate the administration, teachers, parents, and students at YES Prep Public Schools-North Central Campus on this great accomplishment.

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HONORABLE RECOGNITION OF  
COACH ROCKY RAWLS, BRONTE,  
TEXAS 2009 NATIONAL COACHES  
APPRECIATION WEEK

**HON. K. MICHAEL CONAWAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. CONAWAY. Madam Speaker, I rise today in recognition of National Coaches Appreciation Week and to acknowledge the accomplishments and dedication of one coach in particular: Coach Rocky Rawls of Bronte, Texas.

Coach Rawls has been coaching in Bronte, Texas for the past 26 years. After growing up in Dimmitt, Texas and playing basketball for the late Kenneth Cleveland, Coach Rawls grew to love the game of basketball and decided to make it his career. He graduated from Dimmitt High School in 1978. He then went to Howard Junior College in Big Spring, Texas to play basketball for the Hawks. After 2 years in Big Spring, Coach Rawls left for Southwestern University in Georgetown, Texas to finish out his college education, and, of course, to play ball. He graduated from Southwestern University in May of 1983. Just months after his graduation from college the superintendent of Bronte High School gave Rocky a call and offered him a position as head basketball coach. The rest, as they say, is history.

This past season Coach Rawls accomplished a feat few basketball coaches accomplish at any level. He earned his 500th career victory against Bronte's rival, Robert Lee. Even more impressive is the fact that Coach Rawls has won all 500 games at one school. Bronte has been his home his entire coaching career.

This past season, Coach Rawls helped the Bronte Longhorns go 25–3 and finish the season ranked sixth in the state, also sweeping eventual state champion Roscoe throughout the season. Subsequently, Coach Rawls was deservedly named Coach of the Year by the San Angelo Standard Times.

Coach Rawls and his wife, Terri, have 3 sons. Logan, a student at Angelo State University, and twins Dakota and Kerwin, now juniors at Bronte High School, have all played ball for their dad. Bronte has been the home of a long and successful career for Coach Rocky Rawls, who after winning 500 ballgames I hear thinks it just might be a great place to stay and win 500 more. Asked when he might retire, Coach Rawls has joked that "not until they ask me to coach girls," which after also stepping in as head football and boys track coach at various times, happens to be the only thing he hasn't coached at Bronte.

Coach Rawls has instilled invaluable leadership skills in the many students who have called him "Coach." He has incorporated the important values of self-discipline and perseverance into every practice, and ensured that the beliefs and conduct they learn on the court becomes a part of their daily lives as well. By example, Coach Rawls has instilled the importance of faith, family and community in the many lives he has touched throughout his years in Bronte. It is my great pleasure to extend my personal congratulations to Coach Rawls on his remarkable achievement of 500 victories, as well as express my sincere respect and appreciation for the positive impact he has had on the lives of many of the boys from Bronte, Texas. As an educator and a coach, he has had a hand in molding so many of them into men we can all be proud of.

Madam Speaker, I myself, as a former athlete in both high school and college recognize that we owe men and women like Rocky Rawls a great debt of gratitude. On behalf of current, former and future student athletes, whose lives will forever be founded in the ideals and work ethics of competitive athletics, I say, "Thank you."

#### CELEBRATING HISPANIC HERITAGE MONTH

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to celebrate Hispanic Heritage Month, an observance of the culture, traditions and contributions of the Hispanic community.

Started over 40 years ago, this month-long celebration from September 15 through October 15, observes social, political, and cultural advances of Americans descending from

Spain, Mexico, South America, the Caribbean and Spanish-speaking countries of Central America. As the largest ethnic or race minority in the United States, people of Hispanic origin have made great strides to become among our nations finest medical professionals, legal scholars, scientists, business owners, civic leaders, artists, educators, and students. The year 2009 will be remembered as a historic year for many reasons, including the appointment of the first Hispanic to the Supreme Court, Associate Justice Sonia Sotomayor.

As a Representative of an area with a large Hispanic population, I recognize that the influences of this culture are interwoven into the fabric of our nation. The establishment of Hispanic Heritage Month was a catalyst for the founding of many important organizations promoting development and advancement for the Hispanic community, including the United States Hispanic Chamber of Commerce and the Congressional Hispanic Caucus Institute. This month presents an opportunity to remind the country of the achievements we are capable of as a diverse nation and an opportunity to show our youth their potential. As the fastest growing demographic group, it is important to not only recall past accomplishments, but to look to the future as well.

Celebrations will be held across the United States this month to recognize the contributions of the Hispanic community, and I urge my colleagues to join me in celebrating Hispanic Heritage Month.

#### EARMARK DECLARATION

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Appropriations Act, 2010.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Army Corps of Engineers, Construction

Amount: \$500,000

Project: Florida Keys Wastewater Improvement Project

Requested by: City of Key West, City of Marathon, Key Largo Wastewater Treatment District

Federal funding of this project is needed to continue moving forward with the initiative outlined in The Florida Keys Water Quality Improvements Act, which authorized \$100 million for water quality improvements in the Keys. For several years there has been growing concern that the near-shore waters of the Florida Keys have been deteriorating due to inadequate wastewater and storm water facilities. These are the waters of the Florida Keys National Marine Sanctuary and home to the only living coral reef in the continental United States.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Army Corps of Engineers, Operation and Maintenance

Amount: \$4,500,000

Project: Intracoastal Waterway, Jacksonville to Miami, FL

Requested by: Florida Inland Navigation District

The Intracoastal Waterway (IWW) is a critical part of Florida's eastern-shore economy and therefore its timely dredging is of serious importance. The Waterway annually: transports over 1 million tons of commercial cargo and over 500,000 recreational vessels; increases property values by \$38.4 billion; and provides \$7.9 billion in economic output which includes \$2.6 billion in personal wages and 124,857 jobs. Studies by FIND, the local sponsor of the IWW, have shown that these benefits would be reduced by 50 percent if the Waterway were not properly maintained.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Department of Energy, EERE Account

Amount: \$1,000,000

Project: Going Green Initiative

Requested by: Miami Children's Museum

This project will allow the Museum to preserve and protect the world's natural resources using environmentally advanced, sustainable, and renewable and/or recyclable materials and systems in the building. In addition, it will allow the Museum to educate its audience about its environmentally friendly building and high-performance features through a variety of hands-on programs and project based activities for classroom and home continued learning.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Army Corps of Engineers, Construction

Amount: \$600,000

Project: Miami Harbor Channel Dredging

Requested by: Miami-Dade County, Florida

This funding request is for the General Reevaluation Report Implementation, Preconstruction, Engineering, and Design for the dredging of Miami Harbor. The funding was authorized via 2007 (H.R. 1495) for preconstruction, engineering, and design of the recommended project. This will address the federal share at 100% of the anticipated costs for plans and specifications preparation.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3183

Account: Army Corps of Engineers, Operation and Maintenance

Amount: \$777,000

Project: Miami River Dredging

Requested by: Miami-Dade County, Florida

This request is for the final phase of the Miami River Dredging Project to restore authorized depth and width to the navigation channel. This project, funded by the Army Corps of Engineers with a coalition of local sponsors led by Miami-Dade County, removes contaminated sediments from the Miami River—Florida's 4th largest port with an economic value of \$4 billion. Since it was improved for navigation in the 1930s, the river has never received comprehensive maintenance dredging. Sediments have accumulated in the margins of the federal channel making it narrower and shallower, thereby limiting activities of freighters that utilize ship terminals along the river. Dredging and disposal of the

contaminated sediments is expected to improve navigation and enhance the environmental quality of the River and downstream portions of Biscayne Bay.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 3283—Department of Education Appropriations, 2010.

Requested by Rep. ILEANA ROS-LEHTINEN  
Bill number: H.R. 3283

Account: HHS—HRSA  
Amount: \$500,000

Project: Construction of a new behavioral health facility for the homeless

Requested by: Camillus House

Camillus House, Inc. is requesting support of costs to relocate and expand its main center of operations located in downtown Miami. This funding would supplement funds already provided through HRSA for design and architecture services for this project. The requested will be used entirely for construction costs. Camillus House, Inc. services include basic emergency services such as food and shelter, substance abuse and mental health treatment, primary health care, housing, and career development at 15 sites around Miami-Dade County.

Requested by Rep. ILEANA ROS-LEHTINEN  
Bill number: H.R. 3283

Account: HHS—HRSA  
Amount: \$500,000

Project: Information Technology Infrastructure

Requested by: Jackson Health System

Jackson is a fully integrated health care system with 3 major hospitals, 12 primary care centers, 16 school-based clinics, a mental health facility, 2 mobile health vans and a major health plan. Jackson is the primary safety net provider in Miami-Dade County and one of the busiest emergency rooms in the Nation. Jackson's Advanced Clinical Knowledge System (JACKS) has been implemented at Jackson Memorial Hospital and helps with patient scheduling improving efficiencies and reducing redundancies in the delivery of care. The Public Health Trust, the board that governs Jackson Health System, has approved expansion of this system to our other 2 hospitals in opposite ends of the county, Jackson South Community Hospital and Jackson North Medical Center. The expansion will ensure continuity throughout all of their hospitals.

Requested by Rep. ILEANA ROS-LEHTINEN  
Bill number: H.R. 3283

Account: Department of Education, FIE  
Amount: \$300,000

Project: United Way Center for Excellence in Education

Requested by: United Way of Miami-Dade

The Center for Excellence in Early Education improves the quality of early care and education by modeling and providing best practices in early care and education and collaborates with local, state and federal agencies to ensure sustainability of its work. Through its unique composition, the Center offers informative, applicable training on early education and pilots effective programs that help teachers educate, parents understand and providers/owners care for our youngest citizens, locally, regionally and nationwide.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3283

Account: HHS—HRSA

Amount: \$200,000

Project: Health Center Equipment Upgrades  
Requested by: Miami Beach Community Health Center

To expand children's comprehensive health services including health care. To provide preventive and comprehensive primary care to all adult patients including health care. To provide comprehensive primary care and referrals for specialty care for patients with HIV/AIDS including health care. To continue to provide comprehensive total quality management program for all clinical programs. To update and implement recruitment and retention protocol for staff and for the replacement of a roof.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3283

Account: Department of Education, FIPSE  
Amount: \$300,000

Project: Science and Computer Advancement Center for Elementary Education

Requested by: St. Thomas University

To extend its outreach to the community by offering a professional development program to advance the teaching of science and technology in elementary schools in Miami-Dade County. St. Thomas University will partner with Title I elementary school teachers and other schools in northwest Miami-Dade in the vicinity of the STU campus to raise level of quality, student success and student enjoyment of science and computer learning in elementary schools. They will involve elementary school teachers from these schools in science and computers to improve teaching effectiveness through continuously offered workshops, seminars, college credit courses and online courses. Improve existing science and computer curriculum at the elementary level to result in raising the level of science teaching in the middle and high schools.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations, 2010.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3326

Account: RDT&E—Navy

Amount: \$2,800,000

Project: Instrumented Underwater Training Systems

Requested by: Florida Keys Community College

The Instrumented Underwater Training Systems (IUTS) program benefits the Department of Defense by providing mission critical training to the Navy and other agencies responsible for securing personnel and assets in maritime domains. In response to the persistent threat to forward-deployed service personnel and assets, and the continued threat of attack on critical infrastructure and ports, the IUTS program ensures effective techniques are used by divers to identify and mitigate potential threats and hazards and ensures the safety of response divers and personnel. A fully implemented IUTS program will protect personnel, assets, and critical infrastructure at both domestic and forward-deployed locations.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3326

Account: RDT&E—Defense Wide

Amount: \$4,500,000

Project: Transformer Technology for Combat Submersibles

Requested by: STIDD Systems

This request will enable USSOCOM to conduct a formal technology design, development, documentation and demonstration of the TTCS. One prototype craft will be designed, fabricated, tested and evaluated for technology transition into either the USSOCOM SDV or SWCS programs of record.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3326

Account: RDT&E—Army

Amount: \$1,500,000

Project: Minority Student Neuroscience Research Consortium

Requested by: St. Thomas University

The Department of Veterans Affairs spends over \$320 million annually on direct costs for SCI. Other related costs for medications and rehabilitation may run in the billions of dollars. The lifetime costs for an injured person can run up to more than 1.5 million dollars. The goal of this program is to develop treatments for SCI repair through axon regeneration and functional recovery for our injured veterans.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 3326

Account: RDT&E—Army

Amount: \$3,000,000

Project: Center for Ophthalmic Innovation

Requested by: University of Miami

Severe ocular injuries from combat encountered in the wars in Iraq and Afghanistan represent a significant and frequent source of lifetime visual disability and is of immediate concern to the DOD. Approximately 10–17% of war casualties are due to eye trauma. The Center for Ophthalmic Innovation is successfully working to lessen the morbidity of traumatic ocular injuries in military operations, as well as to explore newer modalities to assist in the visual restoration of the injured personnel.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 3170—Financial Services Appropriations, 2010.

Requested by Rep. ROS-LEHTINEN

Bill number: H.R. 3170

Account: Small Business Administration

Amount: \$100,000

Project: Institute for Community and Economic Development

Requested by: Barry University

The Barry University Institute for Community and Economic Development must continue to expand its reach and leverage its new Entrepreneurial Institute, dedicated to poverty elimination through the development of entrepreneurial skills in the community. The Institute delivers research-based education and training to minority and women-owned business enterprises and those providing leadership in the non-profit sector in South Florida. Expansion of the Institute will offer more small businesses, family businesses and community-based/non-profit organizations to meet the challenges related to the present economic downturn.

Requested by Rep. ROS-LEHTINEN

Bill number: H.R. 3170

Account: Small Business Administration

Amount: \$300,000

Project: Institute for Intermodal Transportation

Requested by: Miami-Dade College

The Intermodal Transportation Training Center allows MDC to effectively meet the training requirements of all forms of transportation, and transportation related activities. The planned location of the Intermodal Transportation Center is at the Miami International Airport (MIA), which would situate the School in close proximity to the Miami Intermodal Center (MIC) currently under construction. This location would serve as a benefit to both the MIC and the school as a trained and skilled workforce is developed by the School to meet the ongoing employment needs at the MIC. Courses at MIA are set to begin January 2010.

Miami Dade College is uniquely positioned to provide this training through an Institute for Intermodal Transportation (IIT). MDC has a foundation for the coursework and training through its various departments and schools. A number of the educational programs are in aviation under its Eig-Watson School of Aviation. Additional related programs which would support the IIT are Miami Dade College currently offers 3 baccalaureate programs with numerous tracks. Over 200 associate degrees and career training certificates are available and could have application to the Intermodal Institute.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 3288—Transportation Appropriations, 2010.

Requested by Rep. ROS-LEHTINEN

Bill number: H.R. 3288

Account: DOT, Bus and Bus Facilities

Amount: \$1,000,000

Project: Transit Facility and Bus Passenger Access Lane Construction along US 1

Requested by: City of Key West, FL

Key West needs to construct a new full scale transit facility to house their buses and bus equipment. The city also needs to construct bus apron access to as many as 44 bus stops along US 1, which have been part of the JARC shuttle services in operation since August 2005.

Requested by Rep. ROS-LEHTINEN

Bill number: H.R. 3288

Account: DOT, Bus and Bus Facilities

Amount: \$250,000

Project: Bus Shelter Replacement

Requested by: Bal Harbour, FL

Many elderly and working age citizens utilize public transit to travel to and/or from Bal Harbour Village. The bus shelters currently in place are deteriorating and do not provide adequate shelter from the elements. As the economy declines, more people depend upon public transportation. Replacing the current shelters/benches will provide more adequate facilities for those waiting for public transportation in the hot sun, wind and rain.

## PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 699 H. Res. 744—Privileged resolution regarding Congressman JOE WILSON.

Had I been present, I would have voted "nay".

## CELEBRATING 100 YEARS OF SERVICE FROM THE TEXAS AGRILIFE RESEARCH AND EXTENSION CENTER AT LUBBOCK

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. NEUGEBAUER. Madam Speaker, today I rise in recognition of the 100 years of work and dedication of scientists at the AgriLife Research and Extension Center in Lubbock. In 1909, The Lubbock Agriculture Experiment Station #8, now known as Texas AgriLife Research and Extension Center at Lubbock, was established by the Texas Legislature in response to the passage of the Hatch Act by Congress in 1887 to create agriculture experiment stations. Since its inception, researchers and staff at the Center have worked to address the High Plain's most pressing agricultural issues of the day including improvement of crops with emphasis on seed development, crop pest and disease management, cropping and efficient water systems, and harvest methods.

During its 100 years of service, the Center has provided the region's producers and economy with significant contributions that include the following: the first hybrid grain sorghum in cooperation with the Chillicothe Station, greenbug resistant grain sorghum, improved cotton cultivars, improved cotton harvest equipment, improved boll weevil control techniques, methods and equipment for increasing irrigation efficiency, drought tolerant variety development, conservation tillage strategies, farming systems, precision agriculture methodology and risk management strategies.

The Lubbock Extension Center is one of the largest off-campus centers in the Texas A&M University System. It serves as headquarters for agents in the 20-county South Plains Extension District 2 and includes offices for 22 Research Scientists. The Center is composed of a research farm at the Lubbock site, two research farms in the northern part of the South Plains near Halfway, Texas; one substation at Pecos, Texas; a cotton research farm in Dawson County in cooperation with Lamesa Cotton Growers and a peanut research farm in Terry County in cooperation with Texas Peanut Board.

The research is used by Extension Specialists and the Extension Agents to educate producers on the methodologies of the most recent and innovative production techniques. The benefits of this program can be seen across the spectrum for agriculture on the

South Plains ranging from reduced industry impact on the environment to the profitability producers enjoy from their trade. This model of cooperative research and development is one of the major reasons American agriculture has been so productive.

Agricultural producers of the Texas South Plains contribute substantially to the agricultural economy of Texas and the nation. The success is supported by a strong foundation of knowledge and technology generated by the research and technology transfer of scientists, specialists and agents in cooperation with USDA-ARS, Texas Tech University and agribusinesses and commodity organization collaborators. This cooperative effort to address the many complex issues facing the South Plains agricultural industry will no doubt continue to benefit producers and enhance the region's agriculture-based economy for the next 100 years.

## PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 700 H. Res. 317—Recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor, and for other purposes.

Had I been present, I would have voted "nay."

## WHISTLEBLOWER PROTECTION

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. SMITH of New Jersey. Madam Speaker, today I am re-introducing legislation that would close a loophole in the Department of Defense's whistleblowers' protection statute (10 U.S.C. Sec. 2409) and expand this safeguard to include the men and women of the DOD contracting business who report abuses to their superiors.

Under current law, an individual is only protected—and therefore eligible for remedies—if he or she reports workplace security concerns to "a Member of Congress or an authorized official of an agency or the Department of Justice." While I understand the importance of encouraging individuals to take their concerns to certain authorities, I believe it is imperative that we include in this authority an employee's superiors.

It seems only natural, that once someone recognizes a problem within their work environment, they report it to their superiors. This is part of a normal progression of attempting to resolve issues and challenging tasks on the job. Few people initially contact their Congressman or the Department of Justice when they first observe an irregularity on the job.

It is also important to note that many former military members migrate to the security contracting industry. Many of these men and

women have years of previous service to our nation, have grown to respect their chain of command and understand the benefit it can provide in the workplace. When they have come to the conclusion that additional steps must be taken or when they have identified a significant problem in the work environment, these professionals are trained and encouraged to report their concerns to their superiors to enable them to assess the situation and foster a solution.

Similarly, many in the federal security contracting industry come from a law enforcement background with a comparable command structure and respect for their superiors.

The current loophole was brought to my attention by a New Jersey resident who worked for a private security firm that guards military installations in my district and throughout the country. This individual witnessed and documented a number of events that raised serious concerns regarding the contractor's ability to ensure the safety and security of the base and the surrounding community.

At my request, the DOD IG performed an audit of the contract (Report No. D-2009-045) and verified many of the claims that this individual brought to my attention. The report found that the Navy was not able to provide documentation showing all contractor security guards had completed a basic background check—raising questions as to whether or not the required security checks were performed or completed for all security personnel guarding the munitions depot. There was also a problem with training, and an inability to determine whether or not the training was adequate. There was nothing in the files to find out whether a guard has had the training that is required by Federal law and Federal regulations.

The individual who brought this loophole to my attention reported to his employer what he believed—and what the IG report verified—were unfulfilled contract requirements that resulted in questions regarding the firm's ability to provide adequate security. After his boss dismissed his concerns, he then scheduled a meeting with the base security personnel to discuss the matter. Before this meeting could occur, the individual was fired by the firm and barred from the base. At that time, he brought these concerns to me. However, since the law requires that a potential whistleblower be a current employee at the time he/she discloses pertinent information to a federal official, it was too late for him to be eligible for protections and/or remedies.

Specifically, my legislation would expand the universe of those to whom an individual can properly report concerns to include the individual's chain of command, before and after any retribution, so that the individual will be protected and have the right to be reinstated if an investigation shows that the individual was punished for bringing the matter to the attention of proper authorities.

The legislation I re-introduced today will ensure that those who identify problems within firms subcontracted by DOD are still afforded standard whistleblower protections even if they notify their employer about possible violations before they notify an agent of the federal government. The legislation does not require employees to notify their employer first and it

does not preclude them from contacting federal officials, it simply protects employees who point out potential violations to their employer, the federal government or both. If an employee is dismissed prior to his/her notifying the government, but after notifying their employer, they will receive the necessary protections as well.

Base security is not an issue to be taken lightly—anywhere and including in my state of New Jersey. As we all recall, the New Jersey U.S. Attorney's office arrested five men who were planning to attack another New Jersey installation, Fort Dix. After a thorough and aggressive law enforcement effort this attempted terror attack was thwarted and the men were found guilty on charges of conspiracy to harm U.S. military personnel. Still, the vulnerabilities at our military bases exposed by this incident cannot be minimized or dismissed.

As we are all aware, in recent years the Department of Defense has looked increasingly to private security contractors to guard and police our military installations across the country. The men and women filling these positions deserve to be protected when they report violations and concerns to their superiors and especially if they are subsequently punished in an attempt by their employer to downplay or even cover up a violation. It is imperative that we amend the law to ensure that these employees are eligible for the same remedies as other whistleblowers.

#### PERSONAL EXPLANATION

#### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. CONAWAY. Madam Speaker, on rollcall No. 701—H.R. 22—United States Postal Service Financial Relief Act.

Had I been present, I would have voted "yea."

#### PERSONAL EXPLANATION

#### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. LARSON of Connecticut. Madam Speaker, on September 15, 2009 I missed rollcall vote 701. Had I been present, I would have voted "yea."

#### U.N. REPORT ON ISRAEL'S SELF-DEFENSE ACTION IN GAZA HIGHLY FLAWED

#### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to urge the Obama Administration to categorically and completely reject the Goldstone report recently issued by the des-

pot-controlled United Nations Human Rights Council that accused Israel of "war crimes, as well as possibly crimes against humanity" during Israel's defensive operations in Gaza this past winter.

The United Nations has a long and well documented history of anti-U.S., anti-Israel, and anti-freedom activism, and the Goldstone report rubber-stamps the U.N. Human Rights Councils predetermined conclusion that Israel committed war crimes and possibly crimes against humanity. From the beginning, the Council instructed the Goldstone Commission to focus only on Israel's "aggression" against the Palestinian people—a presumption of Israeli guilt before any so-called investigation had even taken place.

During the years when Hamas launched thousands of rockets at innocent Israeli civilians, the United Nations human rights bodies didn't call for any investigation or issue any kind of condemnation. Instead, the Human Rights Council has passed 26 anti-Israel resolutions out of 33 motions to censure countries. Of the 11 emergency sessions that the Council has convened to deal with pressing human rights concerns, six have dealt with Israel. In fact, Israel is the only country listed on the Council's permanent agenda; and only examines Israeli "violations" of Palestinian human rights. There is nothing on the Council's agenda examining the threats or actions of terrorist groups or the nations that support them.

Article 51 of the United Nation's Charter guarantees all U.N. Members the right to defend themselves against terrorism and other external threats. The Goldstone report completely ignores this fundamental right. It also ignores the steps taken by the Israeli Defense Forces to minimize civilian casualties, steps that often put Israeli soldiers at increased risk. And the Goldstone Report completely ignores Hamas' callous practice of intertwining its terrorist infrastructure within civilian population centers—hospitals, schools, mosques, and even U.N. facilities.

Madam Speaker, the United States must demand fairness and not allow the United Nations General Assembly, the United Nations Security Council, the so-called Human Rights Councils or any other U.N. body to take any punitive actions against Israel for exercising Israel's United Nation's guaranteed right of self-defense.

It is also high time that we take action to leverage our contributions to the U.N. to demand the United Nations finally implement concrete, sweeping reforms to root out ongoing fraud, corruption, and abuse throughout the U.N. system; and end once and for all the naked, systemic anti-U.S., anti-Israel, anti-Semitic bias within the UN.

#### PERSONAL EXPLANATION

#### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

Mr. CONAWAY. Madam Speaker, on rollcall No. 702 To amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service

to accept donations as an additional source of funding for commemorative plaques.

Had I been present, I would have voted "yea".

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 17, 2009 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### SEPTEMBER 22

9 a.m.  
Finance  
Business meeting to consider an original bill providing for health care reform.  
SH-216

10 a.m.  
Homeland Security and Governmental Affairs  
To hold hearings to examine the Weapons of Mass Destruction Prevention and Preparedness Act of 2009.  
SD-342

Judiciary  
Immigration, Refugees and Border Security Subcommittee  
To hold hearings to examine comprehensive immigration reform, focusing on how the current immigration law impacts America's agricultural industry and food security.  
SD-226

2:30 p.m.  
Judiciary  
Terrorism and Homeland Security Subcommittee  
To hold hearings to examine strengthening security and oversight at biological research laboratories.  
SD-226

##### SEPTEMBER 23

10 a.m.  
Health, Education, Labor, and Pensions  
Business meeting to consider an original bill entitled "Ryan White HIV/AIDS Treatment Extension Act of 2009", and any pending nominations.  
SD-430

Homeland Security and Governmental Affairs  
To hold hearings to examine the Defense Contract Audit Agency, focusing on reform.  
SD-342

Judiciary  
To hold hearings to examine reauthorizing the USA PATRIOT Act.  
SD-226

2:30 p.m.  
Judiciary  
To hold hearings to examine the nominations of Jacqueline H. Nguyen and Dolly M. Gee, both to be a United States District Judge for the Central District of California, and Richard Seeborg and Edward Milton Chen, both to be a United States District Judge for the Northern District of California.  
SD-226

##### SEPTEMBER 29

10 a.m.  
Homeland Security and Governmental Affairs  
Contracting Oversight Subcommittee  
To hold hearings to examine improving transparency and accessibility of federal contracting databases.  
SD-342

##### SEPTEMBER 30

9:30 a.m.  
Veterans' Affairs  
To hold hearings to examine Veterans Affairs contracts for health services.  
SR-418

## HOUSE OF REPRESENTATIVES—Thursday, September 17, 2009

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Sent here, Lord, by the people of this Nation to accomplish the work of government for the people, Members of Congress rightly feel endowed with a mantle of justice. Divine Providence has brought them together to honestly face the diversity and complexity of the times in the light of constitutional obligations.

Humbled by the sacred trust placed within them, they also realize their own limitations as well as the great expectations thrust upon them.

This House of Representatives for this great Nation stands before You, almighty and ever-powerful Lord, seeking Your wisdom and guidance to sort out confusion with the clarity of truth, to expose hidden greed and corruption to the light of goodness, and to seek ways of peace by regulating laws and policies as the bedrock of equal justice.

May all the Members of this Chamber and citizens across this Nation drown out arguments, advertisements, and anger with the depth of personal prayer for their government so they find their way, the truth, and life in You, in Whom we place all our trust.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. BERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. BERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1494. An act the authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 1677. An act the reauthorize the Defense Production Act of 1950, and for other purposes.

The message also announced that pursuant to section 194(a) of title 14, United States Code, as amended by Public Law 101-595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Coast Guard Academy:

The Senator from West Virginia (Mr. ROCKEFELLER), ex officio, as Chairman of the Committee on Commerce, Science and Transportation;

The Senator from Washington (Ms. CANTWELL), Committee on Commerce, Science and Transportation.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will now entertain up to five 1-minute requests on each side of the aisle.

### HONORING DR. NORMAN BORLAUG

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Madam Speaker, I rise today to express my great sorrow at the passing of Dr. Norman Borlaug, and to honor his great contributions to biotechnology and battling famine around the globe.

Dr. Borlaug's development of high-yield wheat varieties and his introduction of modern production techniques in Mexico, Pakistan, and India led to the "green revolution," a worldwide movement that greatly increased food security and improved the lives of millions of impoverished and hungry people on every continent.

For his efforts, Dr. Borlaug was awarded the Presidential Medal of Freedom, the Congressional Gold Medal, and the Nobel Peace Prize. To this day, farmers and elected leaders alike look to Dr. Borlaug's accomplishments both as a matter of practice and inspiration. While his work has shown us how to better feed ourselves, his life has shown us that one man can improve the lives of millions more vulnerable.

I thank you for this time, Madam Speaker, and I thank Dr. Borlaug for his services to our Nation and to our world.

### DO NOT ABANDON POLAND MISSILE SHIELD

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. History is not kind to leaders who sacrifice our Polish allies. News reports indicate that our administration will end plans to build the long-planned American missile defense site for Poland. That site, carefully picked by the Pentagon, is directly under the flight path an Iranian missile would take if shot at the American people.

The U.N. reports that Iran has accelerated its production of uranium. And last February, Iran became the first new nation to orbit a satellite when its newest and most powerful missile worked. Iran, a state sponsor of terror, now makes the longest range missile of the terrorist world.

The administration's decision is particularly ironic because Poland just announced it would be sending more troops to serve alongside Americans in Afghanistan. America is going to let Poland down, sending a message of weakness to our Polish allies and the people building Iran's new missile arsenal.

### CONSTITUTION DAY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, today marks the 222nd anniversary of the ratification of the Constitution of the United States of America, one of the most important documents ever written. This historic day coincides with the historic debate now taking place in this Chamber and in communities across the Nation over how we can solve our health care crisis.

So I thought it might be useful to reference the sections of our Nation's foundational document that empower this legislature and this government to act in the best interests of the Nation rather than sit idly by while our health care system spirals out of control.

From the preamble in which "We the people of the United States" established the Constitution to, among other purposes, "promote the general

welfare," to article I, which gives Congress all of the legislative powers granted in the Constitution, the legislators—rightly elected by the people of the Republic—have the ability to make all laws which shall be necessary and proper for carrying out our enumerated powers. Among those are providing for the common defense and general welfare, the promotion of the progress of science and the arts, and the regulation of commerce, each of these directly pertaining to our health care crisis.

It is time for us to act pursuant to the Constitution.

#### HEALTH CARE POLLS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, following President Obama's address to a joint session of Congress about health care, the national media touted polls showing a bump in public approval of the President's health care plan, but the media failed to point out that the polls vastly oversampled Democrats. For example, a CBS poll last week trumpeted "a 12-point improvement" in the President's approval rating on health care following his speech. CBS failed to mention that Democrats outnumbered Republicans in the poll sample by 15 percentage points, far greater than the actual party identification gap.

Worse, a CNN poll touted a "double-digit post-speech jump" for the President, but the poll oversampled Democrats by more than a 2-1 margin.

When questioning far more Democrats than Republicans, it should come as no surprise that poll results favor a liberal Democratic agenda. The media should be objective and not intentionally slant their polling data.

#### NATIONAL DIRECT STUDENT LOAN PROGRAM

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, there was a lot of bloviating on the Republican side yesterday about the government takeover of the student loan business. What nonsense. I mean, what we are going to do is stop subsidizing the banks. That's what the Republicans are really upset about here.

Today, for every dollar in student loans, the taxpayers are dinged 15 cents—subsidies to the banks. If we convert to a National Direct Student Loan Program—the minority of the loans today go through that—for every dollar we lend to a student we will get back \$1.03.

Now, they want to run government like a business, but their idea of a busi-

ness is shoveling subsidies to the private sector. I want to run government like a business. I want to give more loans to students, more effectively, at lower cost to the taxpayers. That's the National Direct Student Loan Program. This is a reform that's long overdue. Stop crying about the subsidies to the banks.

□ 1015

#### MANDATES ARE NOT THE ANSWER TO HEALTH CARE REFORM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Yesterday, Democrats in the Senate unveiled a much anticipated new compromise on health care reform, and as my late father used to say, "Here comes the new guy. He looks a lot like the old guy."

The compromise for government-run insurance is more government-run insurance, but I rise this morning to draw particular attention to a proposal in the compromise that would force Americans who don't have health insurance to buy it. Under the proposal, everybody would be forced to buy government-approved policies, and if you don't, families could face tax penalties of \$3,800 per year and, individuals, \$950 if they don't comply. Well, none other than candidate for President, now President, Barack Obama opposed such mandates.

He said in a primary debate in January of '08 that you can mandate it, but there are still going to be people who can't afford it, and if they can't afford it, the question is: What are you going to do about it?

More memorably, the President said on CNN's American Morning in February of '08 that if a mandate were the solution, we could try to solve homelessness by mandating everybody to buy a house.

Mr. President, I couldn't have said it better myself. The President was right. Mandates are not the answer. Let's scrap this government-run insurance plan and work in a bipartisan way to lower costs without more government, more mandates and more taxes.

#### THE STUDENT AID AND FISCAL RESPONSIBILITY ACT WILL HELP AMERICA MOVE FORWARD

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Today, the House will vote on the Student Aid and Fiscal Responsibility Act. It's an important bill to help education in our country.

It will give higher Pell Grant amounts to students who need more money to make it through college. It will put moneys in the community col-

leges for fiscal improvements and also into K-12s for fiscal improvements. It will help Historically Black Colleges and Universities, which are suffering a great deal at this time and need that help.

There is so much that this bill will do to help us move forward and save \$10 billion towards the deficit. It will take moneys from the private sector, which has been making money off of student loans, and it will provide opportunities for students and education. It will repeal a draconian provision that particularly hurts minorities and others who can't get student loans because of Federal laws for simple possession violations of criminal laws. That shouldn't happen, and those students should have the opportunity to get college grants and loans and to go on and improve themselves and to make more of themselves.

I look forward to voting for this bill which will help America move forward.

#### CZARS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, since being sworn in, the President has appointed 34 czars—the health czar, the car czar, an urban czar, a Great Lakes czar. These are just to name a few. In 300 years, czarist Russia just had 18 czars. Why do we need 34? We have an energy czar and a Secretary of Energy. We have a health czar and a Secretary of Health. Worse, 27 of the 34 czars have not even been confirmed by the Senate despite a constitutional requirement. These czars make \$172,000 yearly, and that doesn't include expensive, unchecked staff with zero accountability.

I backed legislation that would withhold funding from any czar not confirmed by the Senate. Americans want, need and deserve transparency and accountability. Let's rein in the czars.

#### THE STUDENT AID AND FISCAL RESPONSIBILITY ACT WILL KEEP AMERICA ECONOMICALLY COMPETITIVE

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, today, the House will vote to save taxpayers nearly \$90 billion in making the Federal college loan system more efficient. This action, the Student Aid and Fiscal Responsibility Act, is the greatest investment in higher education ever.

This bill increases Pell Grants for students; it enables States to improve their early education system, and it reduces the Federal deficit by \$10 billion. It improves our Nation's education system for all children.

The Early Learning Challenge Fund supports safe efforts to invest in high-quality, integrated early education and to care for children birth through 5. Early education pays huge fiscal and social dividends in the long run, and this is an important step forward.

The College Access and Completion Innovation Fund promotes innovative strategies to improve student success in college, and this bill provides funding for much-needed school modernization and repair, which will be done in an environmentally energy-efficient manner by including legislation we approved earlier this year.

The Democratic majority is committed to stabilizing the economy, to lowering our deficit and to ensuring that America is economically competitive in the future. This plan helps us achieve these key goals.

#### HEALTH CARE

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTHRIE. Mr. Speaker, over the recent district work period I traveled to each county in my district, listening to constituents' ideas and concerns and answering questions. I heard overwhelmingly that a government-run public option was not a viable answer to the problems Americans are facing.

The President gave a well-delivered speech last week, but left many questions in the minds of the American people: How do we pay for such a bill? How can you cut funding for Medicare without impacting the millions of seniors who receive the benefits? How will individuals who are happy with their coverage get to keep the care they have?

Everyone agrees on the need for improvement. However, we must move toward changes that make health care more affordable, more accessible and of higher quality. We have an opportunity to work together to improve the lives of all Americans by crafting a bipartisan, commonsense solution that our country can afford.

#### PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that, during the proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

The SPEAKER pro tempore (Mr. COHEN). Is there objection to the request of the gentleman from California?

There was no objection.

#### STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 746 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3221.

□ 1021

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes, with Ms. DEGETTE (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Wednesday, September 16, 2009, a request for a recorded vote on amendment No. 7, printed in House Report 111-256, offered by the gentlewoman from North Carolina (Ms. FOXX), had been postponed.

#### AMENDMENT NO. 8 OFFERED BY MR. REYES

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-256.

Mr. REYES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

#### Amendment No. 8 offered by Mr. REYES:

Page 191, line 15, after "students" insert "including students who are veterans or members of the National Guard or Reserves."

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. I yield myself such time as I may consume.

Madam Chair, the men and women who have made enormous sacrifices to serve our country deserve every opportunity to get a good education, and my amendment will help them do just that.

My amendment will encourage community colleges to use the funding provided through the new grant program to increase the level of training for our veterans and for our members of the National Guard and Reserves. This amendment will help community colleges do outreach to our veterans and to our National Guardsmen and Reservists who may be looking to obtain new skills and training in these difficult economic times.

This funding is also now intended to help our veterans realize the benefits of the post-9/11 GI Bill that Congress passed last year. The post-9/11 GI Bill

was created by landmark legislation that makes good on America's promise to take care of those who have proudly served our Nation. It offers unprecedented benefits that will make college affordable to our Nation's veterans.

However, the legislation will not meet its full potential if eligible veterans are not aware or if they do not take advantage of the opportunities available in their communities. This amendment will help to promote a more veteran-friendly environment at our Nation's community colleges by encouraging this generation of American heroes to use the benefits that they have so rightly earned.

Community colleges provide the first postsecondary experience for many students, and are critical in providing them with the education and training that is required for the high-demand jobs that are needed to keep the United States competitive.

I am pleased that my colleague, Representative ADLER, has a similar amendment that will assist veterans who are seeking to attend 4-year colleges or universities. Making sure that veterans want to pursue an advanced degree and that they are able to do so is the right thing to do for our local economies and for our competitive future. I urge my colleagues to support this amendment.

I yield to my colleague, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding. I thank him for offering this amendment.

Madam Chair, we would strongly support this amendment. As he is well aware of—and as, I think, most of the Nation is—the young men and women who have joined the Armed Forces over the last 8 or 9 years left this country to serve in Iraq and Afghanistan and elsewhere in the trouble spots of the world. Many of them left as high school graduates, some of them not high school graduates. They even left an economy that is very different today than it was when they left their homes to serve this Nation. Clearly, we want to make sure that they have the opportunities to integrate back into the economy after leaving the service on terms that are helpful to them, to their families and to their local communities.

So thank you very much for offering this amendment.

Mr. REYES. I thank the chairman.

Madam Chair, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time, although I do not oppose this amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. In fact, I rise to say that we are going to support this amendment.

I yield back the balance of my time.  
Mr. REYES. Thank you, Madam Chair, and I thank my colleague.

I yield back the balance of my time.  
The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. ETHERIDGE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-256.

Mr. ETHERIDGE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ETHERIDGE:

Page 24, after line 24, insert the following:  
“(iii) providing loan counseling, loan delinquency, and default aversion assistance to student loan borrowers and institutions of higher education;

Page 25, line 1, redesignate clause (iii) as clause (iv).

Page 25, line 4, redesignate clause (iv) as clause (v).

Page 76, line 15, strike “and”.

Page 76, after line 15, insert the following:  
(2) in subsection (b)—

(A) in the subsection header, by striking “ORIGINATION, SERVICING, AND DATA SYSTEMS” and inserting “ORIGINATION, SERVICING, DELINQUENCY PREVENTION AND DEFAULT AVERSION SERVICES, DEFAULT COLLECTIONS, OUTREACH, AND DATA SYSTEMS”;

(B) in the matter preceding paragraph (1), by striking “The Secretary may” and inserting “(1) IN GENERAL.—The Secretary may”;

(C) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), and moving such subparagraphs two ems to the right;

(D) in subparagraph (C) (as redesignated by subparagraph (C) of this paragraph), by striking “and” after the semicolon;

(E) by redesignating subparagraph (D) (as redesignated by subparagraph (C) of this paragraph) as subparagraph (E);

(F) by inserting after subparagraph (C) (as so redesignated) the following new subparagraph:

“(D) delinquency prevention and default aversion services, default collections, financial aid counseling, career and education counseling, financial literacy, guidance counselor and financial aid officer training services, and other outreach services; and”;

and

(G) by adding at the end the following:  
“(2) LIMITATION.—The Secretary may enter into contracts for the services described in paragraph (1)(D) with—

“(A) agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, that are providing such services on such date and that meet the qualifications determined by the Secretary; or

“(B) nonprofit subsidiaries of agencies described in subparagraph (A), if such subsidiaries were established, pursuant to State law, on or before January 1, 1998, and meet the qualifications determined by the Secretary.”; and

Page 76, line 16, redesignate paragraph (2) as paragraph (3).

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman

from North Carolina (Mr. ETHERIDGE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ETHERIDGE. I yield myself 2 minutes.

I want to thank Chairman MILLER for his support on this amendment and for his work to expand educational opportunities for all of America's students.

Madam Chair, as we work to make our student loan system work better for taxpayers, we must also make sure that the system still works for students and for families who seek to improve their futures through education.

My amendment makes sure that the benefits that help students and that expands access to college, including loan counseling, outreach and education default prevention services, continue to be available. It clarifies that these services, targeted to local needs by State educational authorities and nonprofit agencies, are eligible for funding under H.R. 3221.

Guarantee agencies, such as the North Carolina Education Assistance Authority in my State, have developed customized services to help students learn to manage their debt and to avoid default. As an example, in 2007, they helped students with more than \$52 billion in debt recovery from delinquent loans, saving both students and taxpayers their money.

Guarantors and affiliated nonprofits, like the College Foundation of North Carolina, help families plan for college and help them navigate these financial aid and loan options. Every day, nearly 10,000 students and families turn to the CFNC to get help and information.

We need to make sure that these services continue to be available, and my amendment ensures that they are. Higher education is still a key to the American Dream, and this will help make it even more so.

Madam Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. ETHERIDGE. I would be happy to yield.

Mr. GEORGE MILLER of California. I thank the gentleman for offering this amendment. It's a good amendment and it's important.

These agencies have a track record in helping students and in helping the taxpayers with default diversion activities; but also, we look forward to their having an expanded role in financial literacy and in helping students as they contemplate going to college and, while they're in college, helping them manage their debt and helping them make decisions about whether they need all of that debt or not and also as they leave, because this Congress, on a bipartisan basis, has passed a number of loan forgiveness programs and the income determinant repayment program.

So the students really can start to see how they can manage the debt and make career choices at the same time. Unfortunately, many students don't realize it until they graduate; they really would have liked to have done something else, but they didn't think they could have that career and manage their debt. So these agencies are going to take on an even more important role for young people as they start and progress through college.

Mr. ETHERIDGE. I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time in opposition to the amendment, although at this time I do not expect to oppose it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. Madam Chair, this amendment kind of attempts to cobble together a new system that will provide students, families and colleges the types of delinquency prevention, default aversion and financial literacy services available today under the FFEL Program.

I do not oppose these types of activities; I support them. But the existence of this amendment, it seems to me, is proof that we are eliminating these important benefits by eliminating the FFEL Program.

Rather than figuring out a better way to keep the FFEL Program, to keep the private sector involved, the majority is attempting to wedge some of its components into the direct loan program. I am concerned that the net result will mean fewer students served with more red tape for those who do wish to obtain these services.

As I said, Madam Chair, I am not going to oppose this amendment, but Members should know there is a much easier way to preserve the value-added elements of FFEL. Rather than destroying the program and working to recreate it, we can work to preserve and improve the FFEL Program.

Madam Chair, I yield back.

Mr. ETHERIDGE. Madam Chair, I yield 1 minute to my colleague from Vermont, a cosponsor of this amendment, Mr. WELCH.

Mr. WELCH. Mr. ETHERIDGE, I thank you for your work. Mr. MILLER, I thank you for your work.

I am in strong support of this amendment. The bill is terrific because what it does is take taxpayer assistance and give it to kids and parents rather than to big bailed-out banks.

Secondly, what this amendment does is allow those institutions like the Vermont Student Assistance Corporation, a nonprofit dedicated to getting kids to go to college, to help them navigate the process of financing college and then to contend with the challenges of repaying the loan. It has had

an incredible success rate. So this benefit gives the benefit to those local institutions that are nonprofit, student-centered, parent-centered, family-centered, to be able to continue to do that work at the local level.

Thank you for your leadership on this, Mr. ETHERIDGE. It will make a big difference for folks in Vermont.

Mr. ETHERIDGE. Madam Chair, I yield 1 minute to my colleague and cosponsor, and someone who has been working on this issue for a long time, the gentleman from North Carolina, Congressman PRICE.

Mr. PRICE of North Carolina. Madam Chair, I thank my colleague, and I want to thank the chairman of the committee and the entire committee for their work on this bill, making historic investments in America's education and economic prosperity.

In particular, I want to thank the committee for including provisions in the bill that would allow guaranty agencies, such as the North Carolina State Education Assistance Authority, to provide value-added outreach services via contracts with the Department of Education. These services play a vital role at both ends of the student loan process by informing borrowers about their education financing options before college and helping them successfully repay their loans after graduation.

Our proposed amendment simply clarifies that several of the key borrower services guaranty agencies currently provide, such as delinquency prevention, default aversion, and delinquency collections, also would be eligible for contract arrangements with the Department.

The work of these agencies pays real dividends for students and taxpayers alike. In North Carolina, default rates have been consistently among the Nation's lowest and about half the national average for the last few years. In 2007, these services helped prevent an estimated \$52 billion in loans from going into default, according to the National Council of Higher Education Loan Programs.

So I thank my colleague from North Carolina and our other cosponsors for their collaborative work in putting forth this amendment, and urge Members to give it their support.

Mr. ETHERIDGE. Madam Chair, I yield 1 minute to my friend and colleague from North Dakota (Mr. POMEROY) who is a cosponsor also.

Mr. POMEROY. I thank the gentleman for yielding and his work on this amendment. I rise in strong support of this amendment.

It will impact entities like the Bank of North Dakota, the only State-owned bank in the country. This bank provides for the students of our State the lending and servicing functions for the Federal student loan program, and it is uniquely positioned in this regard in the country.

It has provided students and families the tools and techniques to deal with their student loan debt. It has worked to maintain low default rates through one-on-one repayment default counseling, on-campus presentations and other outreach efforts.

As a result, we have had very low default rates in North Dakota. I am pleased with the service they have provided to their students.

I am delighted that this amendment, unlike the underlying bill, would allow that to continue. I know the chairman has given his approval to this amendment and urge its adoption.

Mr. ETHERIDGE. Madam Chair, I thank the chairman and ranking member for their work on this bill to help members of the committee, and I encourage my colleagues to vote for the amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. ETHERIDGE).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. DRIEHAUS

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-256.

Mr. DRIEHAUS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. DRIEHAUS:

Page 21, after line 9, insert the following:

(iii) encourages State policies that are designed to improve rates of enrollment and re-enrollment of dislocated workers in postsecondary education;

Page 21, line 10, redesignate clause (iii) as clause (iv).

Page 21, line 14, redesignate clause (iv) as clause (v).

Page 26, after line 19, insert the following:

(1) DISLOCATED WORKER.—The term “dislocated worker” has the meaning given such term in section 101(9) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(9)).

Page 26, line 20, redesignate paragraph (1) as paragraph (2).

Page 27, line 18, redesignate paragraph (2) as paragraph (3).

Page 27, line 22, redesignate paragraph (3) as paragraph (4).

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Ohio (Mr. DRIEHAUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. Madam Chair, I yield myself as much time as I may consume.

Madam Chair, as we discuss H.R. 3221, I would like to draw attention to a critical component of the bill, and that is the College Completion and Innovation Fund.

This amendment, Madam Chair, impacts one portion of the College Com-

pletion and Innovation Fund, and that specifically is the State Innovation and Completion Grants. About 50 percent of the College Completion and Innovation Fund goes to State Innovation and Completion Grants. These are targeted at low-income and disadvantaged populations in each of our States, and they are meant to incentivize States to engage in creative efforts with low-income communities, working with nonprofits, working with universities, to provide grants for these populations.

With that, the State has to provide to the Department of Education a plan describing how they will utilize the funds. This amendment is quite simple in that it states that in that plan we must target and we must include dislocated workers.

And I think you will agree, Madam Chair, and I think most of the Members will agree, that in this economy, with the number of employees that are currently unemployed, we need to be targeting and looking at the skill sets of dislocated workers. Because when we talk about innovation and education, when we talk about reeducating our workforce, there is no more important population than those that are recently unemployed. And as we move toward a new technology economy, it's critical that although we have tremendous workers across the United States, we appreciate the fact that they need more education, that they need retooling in order to make them competitive for the jobs of the 21st century in order for us to compete in a global marketplace.

So this is a simple amendment, Madam Chair, and it simply says to the States that we need to be focusing on those dislocated workers.

I yield to the distinguished chair of the committee, Mr. MILLER.

Mr. GEORGE MILLER of California. I want to thank the gentleman for yielding and thank the gentleman from Ohio. This is obviously a very important component of this legislation.

His amendment substantially improves it, because the whole Nation is aware of the needs of dislocated workers, and certainly in the Midwest, where workers are leaving one generation of technology and seeking jobs in communities or seeking the next generation of manufacturing and technology. This is very important that they be included in these State plans.

Mr. DRIEHAUS. Madam Chair, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time in opposition, although I do not plan to oppose it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized.

There was no objection.

Mr. KLINE of Minnesota. The purpose of this amendment is indeed laudable. It's to ensure that dislocated

workers are considered in each State's postsecondary education planning. It's a reasonable goal. I support the goal. We should all support that goal.

But there is a rich irony here in that the underlying bill itself is going to create thousands of these dislocated workers. We have seen estimates of 30,000 or 35,000.

So if we are serious about helping dislocated workers, and I believe we are, we should scrap this underlying job-killing bill and find a better way to stabilize student lending for the long term.

I yield back the balance of my time.

Mr. DRIEHAUS. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. DRIEHAUS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. CUELLAR

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-256.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. CUELLAR:  
Page 80, after line 22, insert the following new section (and conform the table of contents accordingly):

**SEC. 216. OUTREACH EFFORTS.**

(a) OUTREACH ACTIVITIES REQUIRED.—The Secretary of Education shall conduct outreach activities in accordance with this section to inform and educate students and their families about the transition to Federal Direct lending under the amendments made by this title to title IV of the Higher Education Act of 1965.

(b) REQUIRED COMPONENTS OF OUTREACH.—The Secretary shall provide for the broad dissemination of information on such amendments and shall—

(1) operate and maintain an Internet website through which individuals may obtain information on changes made to the Federal Family Education Loan programs and the Federal Direct Loan programs;

(2) develop and disseminate information to high school seniors and their parents concerning student loans and student aid;

(3) provide assistance to institutions of higher education to educate students on the repayment of Federal Direct loans; and

(4) ensure that all outreach efforts are developed using plain language and are culturally- and language-appropriate.

(c) USE OF OTHER ENTITIES.—In carrying out this subsection, the Secretary may work with other appropriate entities to facilitate the dissemination of information under this section and to provide assistance as described in this section.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chair, I yield myself such time as I might consume.

Madam Chair, I rise today in support of my amendment to the Student Aid and Fiscal Responsibility Act of 2009, which I believe is acceptable to the chairman, Chairman MILLER.

I surely want to thank Chairman MILLER for the leadership that he has provided, and the ranking member, Mr. KLINE, for the work that he has been doing in the committee.

Madam Chair, at a time when our Nation's students need it the most, this legislation makes significant changes to student lending, one of the biggest changes that we have seen in years and years. While this bill makes tremendous investments in education, too many potential college students may be unaware of it.

Unfortunately, today, there are many students, especially those who may be first in their families to apply to college or who may come from disadvantaged communities, who are ill-informed about Federal student loans. Many students aren't aware of the opportunities available to them or of the responsibilities that follow from taking out a loan. This lack of information will range from students deciding that college is too expensive to those who default on their loans after graduation.

When you look at some of the States that have been impacted, this particular amendment will call on the Secretary to work with colleges and universities to educate students about the repayment of Federal direct loans, and this amendment will help cut excessive default rates that threaten the eligibility of some of the schools from participating in this student aid program.

My home State of Texas has one of the highest student loan default rates in the country, and financial aid directors in my district have cited a lack of information and outreach as a primary cause. As we make college more accessible to all Americans, we need to make sure that students and their families have the information so they can make reasoned and informed decisions.

This simple but important amendment will lead to increased student awareness, financial aid opportunities, help prevent student loan defaults and increase our country's production of talented graduates. I urge all my colleagues to support it.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time in opposition, although I don't plan to vote against it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized.

There was no objection.

Mr. KLINE of Minnesota. Madam Chair, this amendment, it seems to me, is a little bit like putting a bandaid on what has proven to be a gaping wound. I don't think it's going to make many

things worse, and it might even stop a little bit of the bleeding, but it certainly won't heal the damage.

H.R. 3221 eliminates a program that over 70 percent of colleges and universities have consistently chosen. This amendment is an acknowledgment that the breakneck pace of this transition by next summer will be a problem for students, families and schools.

While I share the concern about this radical change to our financial aid system, I fear this amendment may not do as much good as the gentleman from Texas hopes. The Department of Education already maintains a Web site on Federal aid programs and regularly disseminates information to high schools about the availability of Federal student aid.

In spite of information about the direct loan program, most schools still choose the FFEL Program. That tells me it's not a lack of information but a genuine preference for the choice, innovation and competition of the FFEL Program.

Informing students and families is important, but it's no substitute for simply maintaining the program they already know and they already like.

I reserve the balance of my time.

Mr. CUELLAR. I yield as much time as he may consume to Mr. ANDREWS of New Jersey.

□ 1045

Mr. ANDREWS. I thank the gentleman for yielding, and I rise to express the committee's strong support for his amendment. It is important to reflect on what Mr. CUELLAR's amendment does, and what the bill does not do.

Mr. CUELLAR's amendment answers questions for students and families and financial aid officers and universities and colleges about how best to access student loans. Mr. CUELLAR's amendment, I think, very wisely recognizes there is a whole different kind of person who is achieving a higher education in our country today.

It is not simply the person fresh out of high school. It is people who are in the middle of a career change, either voluntarily or involuntarily because of a layoff or a plant closing. It is a person who is a bit further along in life who wants to build his or her career by going to college. It is a nonconventional student. It might be a person very new to America, or it might be a person who has been here for a very long time. It is people facing language, cultural, or other kinds of issues.

What Mr. CUELLAR's amendment is doing is making sure that the Department of Education is a constructive and active partner in answering the questions that our constituents have. We enthusiastically embrace and support his amendment.

His amendment improves on a bill that doesn't really do any of the things

that with all due respect the minority said. The minority discusses this as some sort of radical shift. It is not radical at all. Right now a student goes to a financial aid office and applies for a Pell Grant. It is a common process done throughout college and university campuses around the country. The only change between applying for a Pell Grant and applying for a student loan is you sign a document that is a note to pay the loan back. That is the only additional step that takes place. As a matter of fact, it is far less bureaucratic and far less complicated for a student accessing such a loan.

This bill saves the taxpayers \$10 billion over time off the deficit. It stops the practice of rewarding people for taking risks with taxpayers' money. It understands, as the Congressional Budget Office has said, that the savings generated from this are \$87 billion over time. The bill promotes efficiency. It will generate economic development.

With respect to the gentleman's point about lost jobs, Mr. ETHERIDGE's amendment very much speaks to that. It makes sure that loan originators are now eligible to become loan processors and collectors, and much of the work done by those who originate in the private sector will now be done in the private sector by those who process and service these loans.

So the underlying bill saves the taxpayers money, significantly expands educational opportunity, and reduces the deficit by \$20 billion over time. Mr. CUELLAR's amendment significantly adds to the value of this bill. The committee strongly supports his amendment.

Mr. KLINE of Minnesota. Madam Chair, clearly there is continuing disagreement over money that this bill saves or costs. The Congressional Budget Office provided an original score of a so-called savings of \$87 billion. That same Congressional Budget Office has provided additional information which would indicate that this bill is going to put us further into deficit, further into debt by perhaps as much as \$50 billion.

This is not a money-saving bill. This is, indeed, a government takeover of an industry. This will cost jobs despite the Etheridge amendment. This is a bad piece of legislation. I am going to support this amendment because it is at least a Band-Aid.

I yield back the balance of my time. Mr. CUELLAR. I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-256.

Mr. MURPHY of Connecticut. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. MURPHY of Connecticut:

Page 163, line 22, insert "(which may include establishing or supporting partnerships with institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) to support such education and training)" after "providers".

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Madam Chair, I yield myself for such time as I may consume.

I would like to first thank Chairman MILLER, Representative ANDREWS, Representative HINOJOSA, the ranking member for their work on the underlying legislation. We are debating right now landmark legislation that is going to bring more access, affordable access, to hundreds of thousands, if not millions, of college students across this country.

Therefore, it is only fitting that as a component to this legislation, the Student Aid and Fiscal Responsibility Act also heavily invests in birth-to-5 education. We know investing in early childhood education creates a pathway to later success in our educational spectrum.

Madam Chair, I have spent the last several months touring around my district talking with the people who make our early childhood education system work. I have hosted roundtable discussions in cities like Torrington and Danbury and listened to parents and providers and administrators; and there is one message I have heard loud and clear, and that is the lack of early education degree programs in Connecticut and across the country often makes it difficult to find highly qualified early learning teachers in Connecticut and across the Nation.

My amendment simply seeks to clarify that the very important Early Learning Challenge Fund included in this bill would allow for States to use some of that grant money to partner with local colleges and universities to create or to expand effective education and training programs for early learning providers.

I was a very strong supporter of our Head Start and School Readiness Act in 2007. That bill requires that Head Start teachers by 2011 have associate's degrees; and by 2013, 50 percent of Head Start teachers be required to have a bachelor's or master's degree. I think it is important to make sure that our Nation's kids have teachers and educators who have that academic background and education. But we need to

make sure that our educational system feeds our early learning centers with those trained professionals.

I appreciate the chairman's help on this bill and appreciate Representative ANDREWS' support, and I urge the Chamber's support.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, once again I rise to claim time in opposition, although once again I am not going to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. The purpose of this amendment is to allow States to provide education and training for early learning providers by entering into partnerships with higher education institutions. I don't oppose these partnerships at all, but I am concerned with the underlying language here.

What we are doing in the bill, we are diverting \$8 billion to fund and impose requirements on State early childhood systems. In 2005 the GAO reported there were already 69 Federal early childhood programs spread out over 10 Federal agencies with no coordinated or comprehensive strategy.

It is not the partnerships to improve early learning provider training that cause my concern. It is the entire notion that the Federal Government is inserting itself yet again into pre-K education and other areas, especially when we have not yet met our obligation to very important programs like IDEA, creating new programs that once again will be underfunded, once again will compete with special ed. We ought not be adding new programs when we haven't met our basic obligations.

I reserve the balance of my time.

Mr. MURPHY of Connecticut. I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding, and the committee congratulates and thanks him for this very excellent work he has done on this amendment.

Mr. MURPHY's amendment recognizes that some of the most important teaching in America is going on right now by people who have had some of the least access to high-quality education for themselves. And it is not because they are not competent; it is not because they don't want it. It is because the resources have not been there.

The research is very clear that children in the early years of their lives develop much of their learning patterns and their skills. The country needs a significant investment in high-quality teacher education for the men and women who are teaching pre-schools across the country.

Mr. MURPHY's amendment, I think, embraces that concept in a very wise way by encouraging the States that will receive early learning funding under this bill to consider using some of that funding in partnerships with higher education institutions so that the quality of teaching may improve.

This, I think, is an amendment that will pay dividends for years to come because better education for our pre-K students will lead to better achievement in the classroom which will yield better results throughout the lives of these students when they become taxpayers and workers and productive citizens of this country.

I think this is an effort that will bear fruit for many years to come. The committee would urge a "yes" vote.

Mr. KLINE of Minnesota. Madam Chair, I yield back the balance of my time.

Mr. MURPHY of Connecticut. Madam Chair, I thank the gentleman for his support.

There are thousands of early childhood educators in my district, and I am sure similar numbers across the country who want to go back to school and get that advanced degree. Right now the problem is there aren't slots for them to do this. This early learning challenge grant provides the opportunity to expand on programs that exist today and helps to create new ones. I would urge support for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. CHILDERS

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-256.

Mr. CHILDERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. CHILDERS:

Page 43, beginning on line 17, amend section 106 (and conform the Table of Contents accordingly) to read as follows:

**SEC. 106. VETERANS RESOURCE OFFICER GRANTS.**

Section 873 (20 U.S.C. 1161t) is amended—

(1) by amending the header to read as follows: "**MODEL PROGRAMS FOR CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS; VETERANS RESOURCE OFFICERS**";

(2) in subsection (a), by inserting ", or Veterans Resource Officers," after "model programs";

(3) by amending subsection (b) to read as follows:

"(b) GRANT AUTHORIZED.—

"(1) IN GENERAL.—Subject to the availability of appropriations under subsection (f), the Secretary shall award grants to institutions of higher education to—

"(A) develop model programs to support veteran student success in postsecondary education; or

"(B) hire a Veterans Resource Officer to increase the college completion rates for veteran students enrolled at such institutions of higher education.

"(2) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 3 years."; and

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by amending the header to read as follows: "**MODEL PROGRAM REQUIRED ACTIVITIES**"; and

(ii) in the matter preceding subparagraph (A), by striking "under this section" and inserting "for the purpose described in subsection (b)(1)(A)";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) VETERANS RESOURCE OFFICER REQUIRED ACTIVITIES.—An institution of higher education receiving a grant for the purpose described in subsection (b)(1)(B) shall use such grant to hire a Veterans Resource Officer whose duties shall include—

"(A) serving as a liaison between—

"(i) veteran students;

"(ii) the faculty and staff of the institution;

"(iii) local facilities of the Department of Veterans Affairs; and

"(iv) mental healthcare providers at the Department of Veterans Affairs to ensure that veteran students are referred to such providers if needed; and

"(B) organizing and advising veteran student organizations and hosting veterans-oriented group functions on campus;

"(C) distributing news and information to all veteran students, including through maintaining newsletters and listserves; and

"(D) assisting in the training of Department of Veterans Affairs certifying officials, when applicable.".

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Mississippi (Mr. CHILDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. CHILDERS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise today in support of H.R. 3221, and I ask my colleagues for their support of my amendment to H.R. 3221 and our Nation's veterans. I want to thank the chairman and the committee for making my amendment in order today.

This amendment would require campus veterans resource officers to act as a link between student veterans and mental health care providers at the Department of Veterans Affairs. With the support of veterans resource officers on university and college campuses, student veterans will be better connected to vital services provided by the Department of Veterans Affairs and will be better prepared to complete their studies.

With the recent implementation of the post-9/11 GI Bill, veterans have greater affordability and access to higher education and training. My

amendment would help ensure that student veterans are able to complete their degree and graduate.

When the recently deployed National Guard Members from my district in Mississippi return, I want to see these education benefits accessed by veterans, and help those veterans to succeed in their college careers. I would like to especially commend the unprecedented investments in community colleges included in H.R. 3221. Community colleges in Mississippi are some of the best in the Nation. They play an important role in preparing students for tomorrow's workforce. A community college education is one of the best investments a student can make.

I thank our veterans for their service to our Nation, and I encourage them to access the training and education benefits they have earned. I urge my colleagues to join me in supporting this important amendment.

I reserve my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim the time in opposition to the amendment, although again I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. I yield myself such time as I may consume.

This is a very worthy goal, and I applaud the gentleman's efforts in putting this amendment together. We should be doing things in all of our legislation that will strengthen the support that we provide for our men and women in uniform while they are in uniform, while they are overseas, when they come back, and when they take the uniform off. I applaud the gentleman and support the amendment.

I reserve the balance of my time.

Mr. CHILDERS. Madam Chair, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding, and I join my friend from Minnesota in supporting this amendment. I know that my friend from Minnesota speaks as a father and as a veteran when he speaks in favor of this amendment. We salute his service.

This amendment is part of a series of amendments that carry forth a bipartisan tradition of this House that says that we don't want to simply welcome our troops home with welcoming ceremonies; we want to really welcome them home with services and respect and resources that they so richly deserve.

□ 1100

This amendment carries forth that tradition by emphasizing that our veterans who choose to pursue a higher education and who would benefit from the full range of health services that are available to veterans need to have those services.

The amendment requires an active liaison process between the veteran service officer on a campus and the health care people at the Veterans Administration so that veterans can have the full range of services and, frankly, try to make as much one-stop shopping as we can. So a veteran who is trying to balance his or her family obligations and work obligations and school obligations, who has some health care issues, is able to get services in one place, maybe, instead of two or three.

It makes a lot of sense for people. I think the author has reflected the views of his constituents not only in his district, but veterans around our country.

The majority on the committee is strongly in favor of this proposal because it recognizes not only the service that our veterans have given us, but the needs they have. And we would urge a "yes" vote.

Mr. CHILDERS. I thank the gentleman for his remarks. I would also like to thank the gentleman from across the aisle for his kind remarks and support of our veterans as well.

Madam Chair, this is simple: This is good for veterans; it's good for universities and community colleges, and this is one way that this body can honor our commitment to our men and women who have worn the uniform so proudly.

With that, I yield back the balance of my time.

The Acting CHAIR. The gentleman from Mississippi has the right to close.

#### PARLIAMENTARY INQUIRY

Mr. KLINE of Minnesota. It was the gentleman's amendment. Parliamentary inquiry, Madam Chair. Doesn't the opposite side have the right to close on these amendments as offered?

The Acting CHAIR. Only a manager in true opposition has the right to close. When the gentleman claims the time in opposition by unanimous consent, not actually opposing the amendment, then the proponent of the amendment has the right to close.

Mr. KLINE of Minnesota. Thank you, Madam Chair.

I support this amendment. I support the comments of my colleagues from New Jersey and Mississippi, the author of the bill.

I yield back the balance of my time.

Mr. CHILDERS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. CHILDERS).

The amendment was agreed to.

#### AMENDMENT NO. 14 OFFERED BY MR. ADLER OF NEW JERSEY

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-256.

Mr. ADLER of New Jersey. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. ADLER of New Jersey:

Page 31, line 10, redesignate subparagraph (D) as subparagraph (E).

Page 31, line 17, redesignate subparagraph (E) as subparagraph (F).

Page 31, after line 9, insert the following:

(D) include activities to increase degree or certificate completion for students who are veterans;

The Acting CHAIR. Pursuant to House resolution 746, the gentleman from New Jersey (Mr. ADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ADLER of New Jersey. Thank you, Madam Chairwoman. I yield myself such time as I may consume.

I'd like to start by thanking Chairman MILLER, Chairman ANDREWS, and Ranking Member KLINE for their leadership on this important matter.

The legislation we're discussing today provides funding to schools, nonprofits, and other educational-related organizations that assist students in the completion of college and associate degrees.

My amendment, along with that earlier amendment offered by Mr. REYES, will take this bill to the next level and prioritize grants to schools and organizations that have shown a dedication to ensure student veterans have the support and resources they need to complete their degrees.

Our veterans have served our country to keep our country safe and free, and they deserve every opportunity to succeed as they return home. We should make every effort to ensure that their transition from service to civilian life is smooth and successful.

To that end, my amendment will prioritize schools and organizations that support our student veterans and help them apply the skills learned in military service to the classroom.

I thank the schools and organizations who already take steps to increase education opportunities for our veterans and hope that my amendment will support their efforts and provide an incentive for others to join them.

Rutgers University, the State University of New Jersey, has been on the forefront in my home State, providing much needed education opportunities to our servicemembers. Most recently, Rutgers created veterans' services offices, mentoring programs, special orientations, and advisory boards to better assist our State's veterans obtain the college degrees and certifications they deserve.

I hope that this bill pushes more colleges and universities across the country to support our veterans in the future.

Judge Washington said it best: "The willingness with which our young peo-

ple are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country."

I reserve the balance of my time.

Mr. CASTLE. I rise not in opposition, but to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from Delaware is recognized for 5 minutes.

There was no objection.

Mr. CASTLE. Let me first address Mr. ADLER's amendment. I think this is actually a very good purpose, and I'm supportive of it. We actually have done something similar to this in the Higher Education Act, in putting people in colleges to help with veterans. I think its purpose is well intended.

I also have examined this legislation carefully. It's gone through our committee, on which I served several times. I think there are some very good aspects to the bill, if you just isolate that and you believe all the numbers that are in there—increasing the Pell Grant limit, simplifying the financial aid process, supporting minority-serving institutions, supporting early childhood education programs, expanding services for veterans, and supporting community colleges and putting money towards deficit reduction. All that is well and good, but I have a couple problems with this legislation.

One is I'm not a hundred percent sure that I believe all the numbers which are being thrown around in terms of the savings. Secondly, I have examined the way student loans are done now, and I have examined the Federal Family Education Loan program, the FFEL program, which is the federally backed student loan program, and I have found that that program serves 4,421 colleges and universities nationally, and close to \$68 billion in student loans during the past year, according to the Congressional Research Service; whereas, the Direct Loan Program, which we're shifting to, only serves 1,500 colleges versus the 4,421, and \$19 billion versus the \$68 billion.

In other words, there's been a decision made by most colleges and universities in this country to go with the existing program, the FFEL program, over the Direct Loan Program, and I worry about what that shift might encounter.

One of the things that's going to happen at a time in which unemployment in this country is 10 percent is there's going to be a loss of jobs in the private sector. The Consumer Bankers Association indicates that this bill threatens approximately 30,000 people's jobs nationwide, and that's all over the country, because various banks make this kind of servicing dollars available and, therefore, have employment in that area. So you're talking about potentially a huge job loss in that area.

I had introduced an amendment before the Rules Committee with TOM

PRICE from Georgia which would have indicated that we should hold this up until we can get a study of the job loss, but that, unfortunately, is not before us today.

But the problem still remains. We're just not certain, Madam Chairwoman, exactly what this will entail. If everything we hear about the bill is absolutely correct and all that money can be saved and the Federal Government is not going to hire a lot more people or mess it up in some other way in terms of the cost savings, there may be a very valid argument for the bill. I think it makes some very good points. But if those things do not prove out—and many things that we talk about here on the floor don't prove out in practice—I think that would be problematic.

Part of the problem is that you're looking at 30,000 jobs, all of which are at risk. And you can argue about whether its origination or servicing and that kind of thing, but the bottom line is some percentage of those jobs would be at risk.

So I'm supportive of the amendment, to get back to the heart of why we're speaking right now, but I have some serious reservations about where we're going with this legislation at this time for the reasons which I stated.

I reserve the balance of my time.

Mr. ADLER of New Jersey. I thank the gentleman for his supporting the amendment.

May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 3 minutes remaining.

Mr. ADLER of New Jersey. I yield 2 minutes to my colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding, and the committee expresses its strong support and appreciation for your good work. We support it and would urge a "yes" vote. Again, this follows in the tradition of doing things for our veterans, not just talking about them.

With respect to the underlying bill and addressing the two points made by my friend from Delaware, first, with respect to job loss. The concern that we all share about job loss is one of the reasons why. This bill makes provisions for loan providers, private loan providers who presently originate and service loans to continue to have a robust role in the servicing and processing and collection of loans. We believe that the record will show as the years go through on this that the opportunities will, in fact, expand for those in that field.

Second, with respect to the issue of the cost of this bill, as the Members know, under our rules, we have an agreement that the Congressional Budget Office is the authoritative source, and the Congressional Budget

Office has given an authoritative analysis of this bill. That authoritative analysis says that the change that's made, which is the cessation of the process of rewarding private institutions to take risk with taxpayers' money, a very logical change, that that change generates gross savings of \$87 billion over the years that are subject to the analysis, and that in this bill \$10 billion of that is dedicated to deficit reduction.

So I think the issue is clear. The bill provides for a continuing robust role for private sector firms and workers, and the Congressional Budget Office has authoritatively stated the savings generated by this bill are \$87 billion.

The underlying bill is strong. The gentleman from New Jersey's amendment strengthens the bill. We would urge a "yes" vote on his amendment.

Mr. CASTLE. Madam Chairwoman, how much time do we have left on this side?

The Acting CHAIR. The gentleman has 1½ minutes left.

Mr. CASTLE. I yield myself the remaining time.

I understand well the second speaker, the gentleman from New Jersey, Mr. ANDREWS, and I think he's right. As I said at the beginning, there are many good aspects to this bill if we can believe all those things are going to come together. As a matter of fact, it's been a little difficult for me to oppose it for that reason, because if these things do happen, that's advantageous.

With all due respect to the authoritative analysis from CBO, I don't always believe everything I hear from CBO. Not that they don't do a good job, but they are anticipating behavior as far as the future is concerned. So I'm not sure if we're going to have \$87 billion of savings to spread over all these other things. My hunch is there's going to be a lot of hiring that's going to have to go on to do the origination and servicing which is there.

I'm also very concerned if we take away the origination, which is really what the bill does, as far as the private lenders are concerned, you're going to get left with the servicing, and that's going to mean a substantial reduction in jobs. I'm not suggesting 30,000 jobs. We're going to lose a substantial number, I think, of private sector jobs. I'm just reticent about that for that reason. I would have hoped that we could have had some delay before we go full thrust in this and find out 5 years from now it isn't quite as has been promised.

Again, I do support the amendment, but I have some underlying concerns about the legislation. I respect all that's being stated and, frankly, I hope it's correct, because it could be in the best interest of the future of our government.

With that, I yield back the balance of my time.

Mr. ADLER of New Jersey. They fought for our freedom. They fought for

our safety. They fought for an ever greater America as a beacon of hope for freedom for the world. We can do something for them today by supporting this amendment. I urge my colleagues to vote "yes" on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. ADLER).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111-256.

Mr. HIMES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. HIMES:

Page 21, after line 9, insert the following:

(iii) encourages the full use of State resources in support of financial literacy programs;

Page 21, line 10, redesignate clause (iii) as clause (iv).

Page 21, line 14, redesignate clause (iv) as clause (v).

Page 21, line 20, redesignate clause (v) as clause (vi).

Page 25, line 3, strike "and".

Page 25, after line 5, insert the following:

"(v) programs to provide financial literacy education and counseling to elementary, secondary, and postsecondary students that include an examination of how financial planning may impact a student's ability to pursue postsecondary education; and"

Page 31, after line 9, insert the following:

"(D) include activities that enhance the financial literacy and awareness of students who are potentially eligible for assistance under this Act, especially those students from groups that are traditionally underrepresented in postsecondary education;"

Page 31, line 10, redesignate subparagraph (D) as subparagraph (E).

Page 31, line 17, redesignate subparagraph (E) as subparagraph (F).

Page 77, line 7, insert "including financial literacy programs," before "(if any)".

Page 80, beginning on line 1, amend subparagraph (B) to read as follows:

"(B) deliver a wide range of financial literacy and counseling tools to equip students with the information necessary to make prudent decisions concerning their educational success and financial well-being."

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Thank you, Madam Chair. I yield myself such time as I may consume.

I'd like to begin by thanking Chairman MILLER and Ranking Member KLINE for their leadership on this very important bill.

Madam Chair, the next century belongs to the Nation which best educates its citizens today. If America wants to compete in the world economy, we need an educated workforce;

yet, the single greatest barrier to higher education can be summed up in one word: cost.

College tuition has gone up more than any other good or service in the last 20 years. The Department of Education tells us that students hold a staggering \$714 billion in outstanding student loan debt. If we want students to succeed in the classroom, we need to help them manage the financial commitments that got them there.

And so as Congress acts today to bring higher education within reach for millions more Americans, we must promote access to the financial education that students need to make what is usually the most important financial decision of their young lives.

The need to enhance our outreach here is enormous. Recent reports estimate that between 30 and 40 percent of first- and second-year students will be put into default at some point during the life of their loans.

□ 1115

At the same time, a financial literacy survey taken by Harris International in 2009 said that 47 percent of Americans between the ages of 18 and 34 give themselves C's, D's or F's on their knowledge of personal finance.

The amendment I offer today with my colleagues, Congresswomen MCCARTHY and SCHWARTZ, makes several technical changes to the underlying bill which, at no additional cost, will help to ensure that States, nonprofits and private loan servicers who benefit from the new investments in college attainment and completion made by this bill do their utmost to include high-quality financial literacy training in their efforts to help keep more of our kids in school and in the postsecondary degree of their choice.

The Himes-McCarthy-Schwartz amendment enjoys the support of the National Association of College Admissions Counseling, the National Foundation for Credit Counseling, the Corporation for Enterprise and Development, and the Institute for Financial Literacy. I encourage my colleagues to vote in support of this amendment.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim the time in opposition to this amendment, although, in fact, I'm going to support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. Thank you, Madam Chair.

This is a good, laudable goal. I certainly hope it works. Financial literacy is in dire straits at every stage of our development. I don't know that this will do the job, but I certainly like the direction it's going.

I yield back the balance of my time.

Mr. HIMES. Madam Chair, I first yield 1 minute to my colleague and fellow sponsor, the distinguished gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Thank you, Mr. HIMES. I appreciate working with you and Congresswoman SCHWARTZ in working to bring this important amendment to the floor. I want to also thank Chairman MILLER, Ranking Member KLINE and the committee staff for their hard work on H.R. 3221 which will make landmark investments in education and will provide \$10 billion in deficit reduction. I also want to thank the chairman for working with me to include several positions in the bill related to school safety, classroom noise, child care facilities and increasing college access for low-income and minority students.

The amendment before us would make five technical changes to the bill to strengthen the financial literacy components. It has become apparent that the lack of education among students and consumers about financial systems and products is one of the key elements of our Nation's current economic crisis. In many cases, consumers were preyed on by financial institutions and sold into debts that they were not capable of fulfilling. This has been a defining factor of the current economic crisis.

This amendment seeks to better educate students and arm them with the knowledge that will help them navigate the rough waters of our economy. It's more important than ever that Americans become informed consumers in order to prevent our economy from weakening further. I believe it is never too early or too late to learn about consumer, economic and personal finance concepts. This amendment is a good step that will hopefully put Americans on a track toward fiscal responsibility and make a new generation of informed consumers.

I urge all of my colleagues to support the amendment and the underlying bill.

Mr. HIMES. I next yield 1 minute to my colleague and fellow sponsor, the distinguished gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Thank you.

I rise today in support of the Himes-McCarthy-Schwartz amendment which strengthens the financial literacy provisions in the Student Aid and Fiscal Responsibility Act.

As our country emerges from a recession that has starkly exposed the need for good financial planning and fiscal responsibility for individuals, for corporations and for the Nation, supporting financial literacy education is more important than ever. That is why I'm proud to work with my colleagues, Mr. HIMES and Mrs. MCCARTHY, on this amendment before us.

The amendment makes several commonsense additions that will encourage

financial literacy education for students; and importantly, it will reach students early, well before they enter college so that early financial planning and counseling can positively impact students' views that college is possible, that it is financially accessible. And it will enable students to develop sound financial habits that they will carry with them through college and beyond.

The Student Aid and Fiscal Responsibility Act addresses important issues of college affordability, including how students and their families plan, save and borrow for college. This amendment will strengthen the financial literacy provisions, and I am very pleased to see its inclusion in this bill.

Mr. HIMES. Finally I yield 1 minute to my colleague and a great leader in the area of financial literacy, the distinguished gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much.

I rise in support of the Student Aid and Fiscal Responsibility Act and the Himes-McCarthy-Schwartz amendment on financial literacy.

Statistics from my State show that there is a staggering 50 percent drop between the number of persons that are high school graduates and persons that have a bachelor's degree or higher. This is below the national trend.

I represent a district with a large percent of underrepresented groups in postsecondary education. Preparation for a postsecondary education starts far in advance of a student's enrollment in college. In fact, it is this preparation that got them accepted into college. The same should be said for student financial literacy in preparation for higher education.

Our people as well as our country are benefactors of broad-based financial literacy initiatives. We are only as rich as our poorest citizens. Enactment of this bill will go a long way toward ensuring that our young people do not fall into the current adult financial trends, including delinquency in paying bills, maintaining high credit card debt, as well as not establishing budgeting priorities for the most needs basic, including housing and food.

I encourage my colleagues to vote for this legislation and this amendment.

The Acting CHAIR. All time having expired, the question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HIMES. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENT NO. 16 OFFERED BY MS. KILROY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 111-256.

Ms. KILROY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Ms. KILROY: Page 185, beginning on line 21, strike paragraph (2) and insert the following:

(2) are institutions of higher education eligible for assistance under title III or V of the Higher Education Act of 1965, or consortia that include such an institution; or

(3) are focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), or students who are dislocated workers, who do not have a bachelor's degree.

Page 196, beginning on line 21, strike subsection (c) and all that follows through page 197, line 5, and insert the following:

(c) GRANT DURATION; RENEWAL.—A grant awarded under this section shall be awarded to an eligible State for a 6-year period, except that if the Secretary determines that the eligible State has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (h) by the end of the third year of the grant period, non further grant funds shall be made available to the entity after the date of such determination.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), or students who are dislocated workers, who do not have a bachelor's degree.

(e) FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.—

Ms. KILROY. Madam Chair, I ask unanimous consent to bring up the amendment as modified by the form placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 16 offered by Ms. KILROY:

Page 185, beginning on line 21, strike paragraph (2) and insert the following:

(2) are institutions of higher education eligible for assistance under title III or V of the Higher Education Act of 1965, or consortia that include such an institution; or

(3) are focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), students who are dislocated workers, or students who are veterans, who do not have a bachelor's degree.

Page 196, beginning on line 21, strike subsection (c) and all that follows through page 197, line 5, and insert the following:

(c) GRANT DURATION; RENEWAL.—A grant awarded under this section shall be awarded to an eligible State for a 6-year period, except that if the Secretary determines that the eligible State has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (h) by the end of the third year of the grant period, non further grant funds shall be made available to the entity after the date of such determination.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications focused on serving low-income, nontraditional students (as defined

in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), students who are dislocated workers, or students who are veterans, who do not have a bachelor's degree.

(e) FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.—

Ms. KILROY (during the reading). Madam Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Without objection, the reading is dispensed with.

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from Ohio (Ms. KILROY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KILROY. Thank you, Madam Chair. I yield myself as much time as I may consume.

My amendment will help Americans looking for jobs. My amendment will focus on getting the 55,000 unemployed central Ohioans in my district back working and also help veterans get the training that they and millions of unemployed Americans need to get that job, a job that will support a family and increase their wages. My amendment is possible because of the strong work of Chairman MILLER and his committee, and I thank him for that.

For many, finding a new job will mean enrolling in school at a time when the costs of higher education have been steadily increasing. Community colleges often represent the best and most affordable opportunity for individuals who need to obtain new skills but do not have the means to pay the tuition. Columbus State Community College in my district has been a source of pride because of the outstanding job they have done in these tough economic times to improve workforce training. On their own, they have created a special scholarship program that gives workers over the age of 25 without degrees up to \$3,500 for retraining.

My amendment would ensure that Columbus State can continue their program and will encourage community colleges across the country to focus on dislocated workers and veterans. My amendment would help all of our out-of-work constituents, like the program at Columbus State has already helped my constituent Ryan. Raising a family of five, he was laid off from his job at a GM auto parts plant. But the scholarship program allowed him to retrain and pursue a passion to become a chef, get a full-time job and support his family. Not only did he receive a full-time job at a local restaurant, but he was also encouraged to open a catering business. His first job was a graduation party this summer that led to 14 new catering opportunities.

Madam Chair, this bill will be historic because of the opportunities it

creates for education for our children. My amendment will ensure that this historic bill will also assist out-of-work Americans and veterans by getting them out of dead ends and into successful career paths.

Madam Chair, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time in opposition to the amendment, although, once again, I do not plan to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. Thank you, Madam Chair.

Our higher education system should be focused on serving low-income and nontraditional students along with dislocated workers and veterans. In fact, some parts of the system are already working and working well. Community colleges and proprietary institutions, for example, are addressing this need. I do not oppose prioritizing these populations if we're providing grants for education and job training. But again, this amendment proves that H.R. 3221 was crafted hastily, failing to adequately address the needs of students and job seekers. It creates a new program that duplicates many of the purposes of the existing job training system under the Workforce Investment Act which is long overdue for reauthorization, I might add. Those populations are receiving assistance today under WIA.

I would also point out the perverse consequences of this bill coupled with this amendment. Under H.R. 3221, we will likely see significant job losses, creating those dislocated workers. Rather than adding to the number of dislocated workers, we should simply abandon this job-killing bill.

I reserve the balance of my time.

Ms. KILROY. May I inquire, Madam Chair, how much time I have?

The Acting CHAIR. The gentlewoman from Ohio has 2½ minutes remaining.

Ms. KILROY. I yield such time as he may consume to Representative ANDREWS from New Jersey.

Mr. ANDREWS. I thank the gentlelady for yielding.

The committee expresses its strong support for the gentlelady's amendment. The amendment is very much about a person who's not simply seeking a new job, like the story the gentlelady told about Ryan, but who is seeking a new career. And frankly, this is the difference between the issues raised in the Workforce Investment Act, which we should reauthorize, and this bill. The Workforce Investment Act really focuses on switching from job to job and helping someone do that.

The gentlelady's amendment and this bill focus on building a whole new life and a whole new career, which is necessary for many of our people. They

have to do it involuntarily, but it also makes that available for the person who perhaps is doing it voluntarily.

The gentlelady's amendment properly focuses on the 55,000 people in her district and the millions of people across this country who find themselves involuntarily in a position where they must build a new career and a new life. Her amendment rewards institutions that are most innovative and creative in achieving that goal. For these reasons, we enthusiastically support the gentlelady's amendment and would urge a "yes" vote.

Mr. KLINE of Minnesota. Madam Chair, we're going to support this amendment. I yield back the balance of my time.

Ms. KILROY. Madam Chair, I appreciate the support from my colleagues and my colleagues from across the aisle. It is time that we come together to address this issue of the unemployed in our country. This amendment is about them. It's about getting them the education, the jobs and the training that will help them contribute to our economy and support their families.

I thank you very much and ask for support from my colleagues for the amendment and for this bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KILROY), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. MINNICK

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 111-256.

Mr. MINNICK. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. MINNICK: Page 193, line 8, amend clause (iv) to read as follows:

(iv) transfer of general education credits, including education credits earned while serving in the Armed Forces, between institutions of higher education, as applicable;

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Idaho (Mr. MINNICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. MINNICK. Madam Chair, no group better exemplifies the power of what a college education can accomplish in building on practical life experiences than that of our Nation's servicemen and -women. So many of my State's and our Nation's leaders grew into adulthood through the military and then, with the benefit of a quality college education, went on to serve their communities and countries in po-

sitions of significant leadership in all walks of life.

□ 1130

It is critical that members of the Armed Forces who thirst for further formal education and show the extra initiative to earn college credit while in the service have the opportunity later to count those credits toward an advanced degree.

I'm proud to say that my amendment to the Student Aid and Fiscal Responsibility Act will enhance that opportunity by allowing servicemen and women to transfer academic credits earned while serving in the Armed Forces between institutions of higher education so as to benefit not only themselves but their families and their country.

My amendment has been endorsed by the Iraq and Afghanistan Veterans of America, the Idaho Division of Veteran Services, and the Idaho American legion.

I would like to thank Chairman MILLER and members of the Education and Labor Committee for their hard work on this legislation.

I urge my colleagues to support the Minnick amendment.

Madam Chair, I reserve the balance of my time.

Mr. GUTHRIE. Madam Chair, I rise to claim time in opposition though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. Madam Chair, this amendment is important, I think, because I have some military experience and I have a lot of friends with military experience, and as we send our young men and women across the world to defend us, they do take advantage of college opportunities that so many people and so many institutions do offer our military. And when they come home, we should expect that their efforts should count towards their degrees.

I think this is a very good thing to do, and I appreciate the gentleman from Idaho for bringing this forward.

Madam Chair, I reserve the balance of my time.

Mr. MINNICK. I thank the gentleman, and I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the author of the amendment for yielding.

The committee strongly supports his amendment and commends him for his excellent work.

No student should pay twice for the same course. If someone takes an English course and excels in it and learns a certain set of skills, he or she should then not have to pay again and consume his or her time again a second time around at a different institution. This is even more true for the men and women who volunteer to serve this

country in the Armed Forces. I think it's very important that the House understands the benefits of Mr. MINNICK's very wise amendment.

If a young American today who's serving in Afghanistan is able to access college credits whether online or in person and then he or she returns to his or her hometown and wants to transfer those credits so he or she can then build on their education, what Mr. MINNICK says is that's one of the standards that we're going to hold these institutions to to see how well they cooperate with that veteran who has returned home. What it really does is make sure that the veteran has extra leverage, that if the course meets reasonable academic requirements and if the student really learns what he or she should, they're going to get the credit; so the veteran is not going to pay twice, nor is he or she going to have to spend as much time on their course. This is a very important to a lot of our returning veterans.

The committee enthusiastically embraces and supports this amendment by Mr. MINNICK.

Mr. GUTHRIE. Again I just want to say I agree. When our military men and women travel, they're temporary. When they travel, they're away from their homes and they move around quite often. And the military has done an outstanding job of encouraging people to advance their degrees, advance in the ranks; noncommissioned officers as well as commissioned officers now require education and degrees. And I think it's very important that we do this, as they may be in Afghanistan for a year and then back in Fort Campbell, Kentucky, for a year or two, and they're picking up different courses. Then when they get home and want to get on with their life and get back into the civilian sector, they ought to put all that together into a clear path towards a degree.

Again I appreciate the gentleman bringing this forward.

Madam Chair, I yield back the balance of my time.

Mr. MINNICK. I thank the gentleman from Kentucky, and I appreciate the bipartisan support for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Idaho (Mr. MINNICK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MINNICK. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. PERRIELLO

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 111-256.

Mr. **PERRIELLO**. Madam Chair, I have an amendment at the desk.

The Acting **CHAIR**. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. **PERRIELLO**:

Page 161, line 21, redesignate paragraph (14) as paragraph (15).

Page 161, after line 20, insert the following:

(14) A description of any disparity by geographic area (urban and rural) of available high quality early learning programs for low-income children and the steps the State will take to decrease such disparity, if applicable.

The Acting **CHAIR**. Pursuant to House Resolution 746, the gentleman from Virginia (Mr. **PERRIELLO**) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. **PERRIELLO**. Madam Chair, I yield myself such time as I may consume.

Today I rise in support of my amendment to H.R. 3221, the Student Financial Assistance and Fiscal Responsibility Act of 2009.

Simply stated, a well-educated citizenry is the bedrock of democracy. H.R. 3221 will help to renew America's global leadership in education. The bill will accomplish this important goal by making college more accessible, reforming quality early education opportunities, and by strengthening community colleges and training programs to help build a highly skilled and innovative 21st century workforce that is ready for the rigors of a global economy.

Study after study has validated the important role that early childhood education plays in a student's future educational success. U.S. Secretary of Health and Human Services, Kathleen Sebelius, recently testified before Congress, noting that "too many children are entering school without the basic skills they need to succeed in kindergarten and beyond." The Secretary went on to say what many of us already know: "Children who start off school behind their peers are more likely to stay behind throughout their school lives and into adulthood, meaning they never reach their full potential."

As a representative of a rural district, I know all too well the myriad of challenges faced by our rural public schools, many of which are faced with the evolving responsibility of providing our children with a first-class education while operating on less than adequate resources. In light of these disparities and the critical nexus between quality early childhood education and future educational success, I believe that affirmative steps must be taken to ensure that all public schools, regardless of geographic location, receive equal treatment in Federal education reform initiatives.

To that end the amendment I offer today would require that those States participating in the U.S. Department of Education's Quality Pathways Grant Program will evaluate and report to the Secretary of Education a description of any disparity by geographic area, rural and urban, that exists in ongoing high-quality, early learning programs for low-income children. The amendment would also require that participating States outline the steps the State will take to address any such disparities. The Congressional Budget Office has determined this amendment would have no direct effect on Federal direct spending or revenues and thus would have no PAYGO impact.

The key here is to do two things: First, to focus on the vital issue of early childhood development and education; and, second, not to punish those rural areas where disparity exists but rather to reward those areas that have identified that problem and laid out a plan for moving forward. This is not about punishing but about rewarding success, rewarding innovation, and moving forward, particularly in those crucial rural areas where it's so important that our children, our young people, get these same opportunities. As a Nation, we have a responsibility to ensure that all of our children have access to a high-quality education and the American Dream.

I urge my colleagues on both sides of the aisle to support this amendment and the underlying legislation so that we may move forward with our commitment to America's future.

Madam Chair, I reserve the balance of my time.

Mr. **GUTHRIE**. Madam Chair, I rise to claim time in opposition though I'm not opposed to the amendment.

The Acting **CHAIR**. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. **GUTHRIE**. Madam Chair, as I understand it, the purpose of this amendment is to ensure States applying for this new pre-K funding understand any geographic disparity between early learning programs for low-income children and consider steps to reduce the disparity. This amendment's a positive step. It may even move us closer to ensuring more low-income children are served by this program, something that's really not clearly spelled out in the bill.

Madam Chair, I reserve the balance of my time.

Mr. **PERRIELLO**. I thank the gentleman for his remarks, and I yield to the gentleman from New Jersey.

Mr. **ANDREWS**. I thank my friend for yielding and express the committee's strong support for his well-thought-out amendment.

The amendment reflects embracing three principles. The first is deficit reduction, because the underlying bill re-

duces the deficit by \$10 billion. The second is the value of high-quality pre-kindergarten education for the children of this country. And the third is the principle of fairness. The quality of a child's education should not depend on his or her zip code. What Mr. **PERRIELLO**'s amendment does is to say that States who receive these early learning grants will have to pay attention to that fact, to discern any patterns of inequality that exist and talk about what they're going to do to fix them. We think that's a very important point, and we commend Mr. **PERRIELLO** for listening to people in his district. I know he represents a lot of very small counties and local subdivisions, but I know that he doesn't treat anyone's concerns as small. And by raising this amendment, he is raising the concerns of those constituents.

The committee enthusiastically supports this amendment.

Mr. **GUTHRIE**. Madam Chair, I yield back the balance of my time.

Mr. **PERRIELLO**. Madam Chair, I ask that my colleagues support this amendment, and I yield back the balance of my time.

The Acting **CHAIR**. The question is on the amendment offered by the gentleman from Virginia (Mr. **PERRIELLO**).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. **SCHAUER**

The Acting **CHAIR**. It is now in order to consider amendment No. 19 printed in House Report 111-256.

Mr. **SCHAUER**. Madam Chair, I have an amendment at the desk.

The Acting **CHAIR**. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. **SCHAUER**:  
Page 31, line 10, redesignate subparagraph (D) as subparagraph (E).

Page 31, line 17, redesignate subparagraph (E) as subparagraph (F).

Page 31, after line 9, insert the following:

(D) include activities to encourage dislocated workers (as such term is defined in section 101(9) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(9)) to complete postsecondary education opportunities;

The Acting **CHAIR**. Pursuant to House Resolution 746, the gentleman from Michigan (Mr. **SCHAUER**) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. **SCHAUER**. Madam Chair, my amendment gives priority in awarding Federal grants to schools, States, and nonprofits to encourage dislocated workers to complete their degrees.

In the last 2 years, 6.5 million Americans have lost their jobs, and many of them remain dislocated workers. These individuals are in need of retraining in a new field that will help them transition in the new economy. And nowhere is this more true than in my home State of Michigan.

I want to tell you about Ray Roddy in Hillsdale, Michigan. His home county, by the way, has an unemployment

rate of 20 percent. Mr. Roddy was laid off from his job making engine components and realized he would need further education to find another job. He enrolled at Jackson Community College and is working hard to become a nurse. Many like Ray need retraining to regain employment in a new field but are unable to find it.

Now, within the Access and Completion Innovation Fund, my amendment will give priority to degree completion, something that matters to people like Ray Roddy. H.R. 3221 will make key investments in providing Americans with affordable and accessible education. My amendment will ensure that those who have been hurt the most in this tough economy, like Ray, aren't lost and are provided with opportunities for retraining to get back on their feet.

Madam Chair, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentleman for yielding.

Madam Chair, I rise to engage in a colloquy with the gentleman from California, the distinguished chairman of the Education and Labor Committee.

Yesterday we voted to accept an amendment to ensure that local educational agencies that contain a military installation selected for closure under the BRAC process would qualify for access to reserved funds for distressed areas.

Mr. Chairman, not only do base closures under the BRAC process significantly affect local communities but also do rapid expansions due to realignment. The significant influx of military families, while welcomed in our communities, results in immediate and significant enrollment increases in our local schools and community colleges. These rapid population shifts put a strain on local budgets already distressed by the economic downturn.

Mr. Chairman, I am hopeful that as we move to conference, we can contemplate how we might assist these communities as well.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SCHAUER. I yield an additional 1 minute to the gentleman from North Carolina.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. ETHERIDGE. I yield to the chairman.

Mr. GEORGE MILLER of California. I realize that the BRAC process has a multitude of consequences for local communities, both those facing base closures and those dealing with base expansions. As we move forward, we can take a look at how we might assist these communities under existing avenues as well as in conference on this legislation.

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Mr. ETHERIDGE. I thank the gentleman from California for his work on this issue and for this legislation.

Mr. GUTHRIE. Madam Chairman, I rise to claim time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Kentucky is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. The purpose of this amendment is to ensure dislocated workers are encouraged to compete through the grant process, and we think that's a worthwhile goal.

Also, since I have time, I want to complement what Chairman MILLER just said on BRAC. I actually represent Fort Knox, which is a big winner in the BRAC. I know a lot of communities were distressed before, but Fort Knox is going to be expanding and putting a lot of strain on our local schools.

I look forward to seeing what comes out of conference and being an opportunity to be supportive of that. I really appreciate that very much.

I yield back the balance of my time.

Mr. SCHAUER. Madam Chairman, I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the author for yielding, and the committee strongly supports his amendment.

This is another example of making sure that the educational opportunities in this bill are focused on American workers who most need the help, those who find themselves with their lives disrupted, their finances in tatters, and in a lot of trouble. The author just told a very moving story about one of his constituents who fit that description. What we want the House to do is move his legislation to success today and move forward so we can help the kind of individuals that the author of the amendment talked about. We thank him for offering it and express our support.

Mr. SCHAUER. Madam Chair, I ask my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SCHAUER. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 111-256.

Mr. TEAGUE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. TEAGUE:

Page 182, after line 20, insert the following:

(7) Are students who are veterans.

Page 192, after line 2, insert the following:

(8) Expanding, enhancing, or creating academic programs or training programs that focus on preparing students for skilled occupations in energy-related fields, which may be carried out in partnership with employers and may include other relevant partners, that provide relevant job-skill training (including apprenticeships and worksite learning and training opportunities) for skilled occupations in high-demand industries.

(9) Expanding, enhancing, or creating academic programs or training programs that prepare students for occupations critical to serving veterans, including occupations within the Department of Veterans Affairs health care system.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Madam Chairwoman, I rise today to offer the first of two amendments I have to H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. I would like to thank Chairwoman SLAUGHTER and Chairman MILLER for allowing the House to debate my proposals.

Madam Chairman, this amendment makes three commonsense changes to the American Graduation Initiative and the Student Aid and Fiscal Responsibility Act. The American Graduation Initiative makes a historic investment in our community colleges.

In my home State of New Mexico, community colleges enroll over 51,000 students. These institutions of higher education provide critical pathways for many nontraditional students to receive an education, and they provide training for workers looking to get hired on in a local industry.

My amendments will help the community colleges in my district access resources to serve the many veterans across New Mexico and help my constituents get training for energy jobs, which represent most of the good-paying jobs available in southern New Mexico.

My first amendment makes sure that the programs geared toward helping our veterans be successful in school are given priority in receiving grants. I consider one of my most important responsibilities in Congress to be looking out for the interests of our veterans. That's why I work for and earned a seat on the Veterans' Affairs Committee, and that's why I introduced this amendment and other legislation on their behalf.

By adopting this amendment, we will make sure that our veterans are at the front of the line in receiving the benefits of the bill. And after the service they have so selflessly given to our country, they deserve to be at the front of the line.

I encourage my colleagues to vote "yes" on this amendment and show our

veterans that they are a priority by giving them priority under the American Graduation Initiative.

The next change makes sure that schools can use grant funds to establish, enhance, or expand programs that are geared towards training personnel who can serve our veterans. This change will allow schools to use money from this bill to train workers to serve our veterans in VA hospitals, clinics, and centers across America. And it could mean that we will be training the mental health professionals we need to address the growing problem of post-traumatic stress disorder.

The return of the soldiers from Afghanistan and Iraq is putting a tremendous strain on our already understaffed Veterans' Administration. We must start training workers to fill in these positions. This cannot happen overnight, and we must start making investments in solving this problem today.

The last part of my amendment will help schools in my district train students for energy jobs. In the northeast part of my district, they are looking for wind turbine technicians, and in the southeast we need skilled hands in the oilfield. No matter which part of the energy industry somebody wants to work in, they should be able to get the training they need at the community college in their town.

So my amendment aims to make it easier for schools to use grant funds to establish, enhance, or expand programs that train workers for careers in energy-related fields. A trained energy workforce will help us produce more energy in America, and producing more energy in America is the only way we can end our dependence on foreign oil and make our Nation secure.

I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. GUTHRIE. Madam Chair, I rise to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Kentucky is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. Madam Chairwoman, the purpose of this amendment is twofold: it gives priority for applicants for the Community College Grant Program serving students who are veterans, and it also will allow to expand in energy-related fields.

We do not oppose the amendment, and I yield back my time.

Mr. TEAGUE. Madam Chairwoman, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the gentleman from New Mexico, the author of the amendment, for yielding.

The committee strongly supports his very well-thought-out amendment.

Madam Chair, one of the things that I think we need to highlight about this

amendment is its wisdom in understanding that perhaps the people who are best suited to work in our VA system are those who served the country themselves in the Armed Forces.

The gentleman talked about the fact that perhaps some of our returning veterans will be trained to work in mental health services for work in VA clinics and VA hospitals. And who would better understand the challenges and issues that one of our returning vets is facing than someone who has walked in his or her shoes?

So we think that among the many good ideas in this amendment, that focus on training people for the VA system makes an awful lot of sense. Obviously, as well, the energy component of the gentleman's amendment makes a great deal of sense.

So the committee thanks the gentleman for offering this amendment and would urge people in both parties to vote "yes" and support it.

Mr. TEAGUE. I thank the gentleman from New Jersey for his comments, and I urge all of my colleagues to vote "yes" on this bill.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 111-256.

Mr. TEAGUE. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. TEAGUE: Page 5, after line 7, insert the following new section (and conform the table of contents accordingly):

**SEC. 4. USE OF SAVINGS FOR DEBT REDUCTION.**

All savings in Federal expenditures not otherwise expended as a result of the enactment of this Act shall be made available for the reduction of the Federal deficit.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Madam Chairwoman, I rise today to offer and speak in support of my deficit reduction amendment to H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009.

First of all, I would like to thank Chairwoman SLAUGHTER and Chairman MILLER for allowing the amendment to come to the floor today.

My amendment is simple; and like a lot of simple, commonsense legislation, it's not long either. Here's what it says:

All savings and Federal expenditures not otherwise expended as a result of

enactment of this act shall be made available for the reduction of the Federal deficit. In other words, where we don't spend a dollar, we save a dollar.

Madam Chairwoman, America is drowning in debt. On the day that I was sworn in, the national debt was about \$10.6 billion. And this year alone, the Congressional Budget Office expects that we will add another \$1.4 trillion in deficit. This is clearly an unsustainable course. Our government must start practicing some fiscal responsibility. Businessmen like me have to balance their books; government needs to try and do the same.

This bill will put \$10 billion toward reducing the deficit. But if we're going to completely close our annual deficits, we need a sustained solution. That is why I am also a strong supporter of statutory pay-as-you-go legislation, which says that Congress can't spend a dollar without saving a dollar.

Today, with the passage of this legislation, we save \$10 billion of taxpayer money. With the passage of my amendment, we take that \$10 billion and we lock it away for the purpose of deficit reduction. We lock it away to make sure our children and grandchildren don't have to pay a dollar.

So let's save this \$10 billion, but let's also find a sustainable solution to reducing our deficit. That means tightening our belts when we need to, and of course passing statutory PAYGO into law.

Madam Chairwoman, I reserve the balance of my time.

Mr. GUTHRIE. Madam Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Kentucky is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. I yield myself as much time as I may consume.

When we're talking about the \$10 billion savings to the deficit and using CBO numbers, the number that we like to talk about, if you look at the overall cost of the budget, CBO numbers in the discretionary side, what this bill would do to the discretionary side, they're transferring money out of the mandatory into the discretionary side for administration.

And, also, as we expand Pell Grants, with this bill we will expand Pell Grants, on the mandatory side, which this bill scores, it doesn't score what will happen in the discretionary side. Part of Pell Grants are discretionary, so if you expand Pell Grant applicants in the mandatory side, it is also going to require additional appropriations. And we believe that the admin in the discretionary side plus the expansion of Pell Grants from CBO numbers is \$13.5 billion cost to the system, which is more than the \$10 billion that we're putting in the deficit reduction now.

So we will have to increase more than we're putting in the deficit reduction.

The other thing is, these numbers were scored by CBO in March, and the most up-to-date numbers of people participating in the Pell Grants as of August—now that we're here in September—the August numbers believe that it will be \$11.4 billion in added Pell Grant costs when using the most up-to-date numbers. And so I think those are real numbers that we can talk about. We are already up to—I guess it's \$25 billion of costs that this will have when we're talking about \$10 billion in savings.

The one thing that wasn't taken into account either—and these are numbers that could come to pass or not, but those first two numbers I think are real. The other is the \$33 billion that CBO says hasn't been identified that are market risk to the program. Now, that's market risk: so you could have them, you could not have them, I'll cede that. But I do believe that the discretionary side of Pell and the most up-to-date numbers of Pell do show that it's about a \$25 billion cost of the bill.

Madam Chairwoman, I reserve the balance of my time.

Mr. TEAGUE. Madam Chairwoman, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chair, I thank the gentleman for yielding. We are in strong support of his amendment.

Since his very first day in the House, the gentleman has worked diligently on the issue of addressing our deficit and reducing our debt. By supporting this amendment and by supporting this bill, he is following that course in a couple of ways. First, he is understanding that reducing entitlements is a key to reducing the deficit. And this bill has a net reduction of \$10 billion in mandatory spending, as validated by the Congressional Budget Office. It is one of the single most significant entitlement reductions in several years, and the gentleman is to be commended for supporting it.

Second, the amendment shows understanding that economic growth is a powerful way to reduce our deficit and, therefore, our debt. And by supporting the investment in the education of the American people, we are supporting more jobs and more economic growth.

Finally, I would commend the gentleman for making sure that every dollar of that \$10 billion in entitlement reduction will in fact be dedicated to deficit reduction.

The gentleman has offered a very good amendment. The committee strongly supports it and urges a "yes" vote.

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Mr. GUTHRIE. Mr. Chairman, if we disagree with the CBO numbers from

the March score, instead of using the most up-to-date ones, if you take \$10 billion and save it from a mandatory program, I applaud that, and I applaud the amendment because we should save toward deficit reduction. Yet, if the bill allows you to take \$10 billion and to save it for deficit reduction but on the discretionary side of the counter a tax dollar is a tax dollar and it requires you to spend \$13.5 billion on transferring administrative costs from the program to discretionary, then the additional Pell Grants are going to have to be spent by the discretionary side through the appropriations process. So when you save \$10 billion here but you spend \$13.5 billion there, then you're raising the deficit \$3.5 billion. I don't know any other way to look at it.

I reserve the balance of my time.

Mr. TEAGUE. Mr. Chairman, the CBO says that this bill will generate savings, and my amendment says that these savings will go to paying off the deficit.

I yield back the balance of my time.

Mr. GUTHRIE. I yield back the balance of my time.

The Acting CHAIR (Mr. HOLDEN). The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. TEAGUE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. SOUDER

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 111-256.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to speak out of turn for 2 minutes.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, it is now time, as the Chair has noted, to move to amendment No. 22 by Mr. SOUDER. My understanding is that Mr. SOUDER will not be offering that amendment and that he and the gentleman from Colorado (Mr. PERLMUTTER) have had discussions around this amendment, and they have agreed that we should work this out in the conference committee. I have agreed to their discussions, and they are pursuing those at this time.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. GEORGE MILLER of California. I would be happy to yield to the gentleman from Colorado.

Mr. PERLMUTTER. Thank you, Mr. MILLER.

Mr. Chairman, Mr. SOUDER and I have had a conversation. I think we're going

to reach a good compromise that will be good for the bill. I have committed, as have you, to work with Mr. SOUDER in a conference committee to get that done.

Mr. GEORGE MILLER of California. I thank the gentleman.

With that, I yield back the balance of my time.

AMENDMENT NO. 23 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 111-256.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. FLAKE:

Page 5, after line 7, insert the following new section (and conform the table of contents accordingly):

#### SEC. 4. PROHIBITION ON EARMARKS.

None of the funds appropriated pursuant to this Act may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chair, this amendment, I believe, is noncontroversial. It simply ensures that the funds within the new grant programs created in this bill are not earmarked but, rather, that they are awarded on a competitive or on a formula basis.

It is important that we add prohibitive language here. There is prohibitive language in one of the sections of the bill, but it does not apply to the entire bill, so we need to ensure that the entire bill with these new grant programs isn't earmarked.

As we have seen in the past, unfortunately, even when Congress says we have no intention of earmarking these accounts or this bill, we do. The best example, perhaps, is the Homeland Security bill. When the Homeland Security legislation came through first and we created the department, we were told that we wouldn't be earmarking these funds. Well, it just took us a few years, and now there are literally hundreds of earmarks in the Homeland Security bill.

Many of the accounts that should be awarded on a competitive basis—disaster mitigation and other things—are now earmarked, so when communities and organizations apply for this funding, it's already earmarked, and they can't even compete. We don't want this to happen in other areas as well, so it's important that this amendment is accepted. I believe that it will be.

It is consistent with legislation that I've offered before to the BEACH Act a couple of years ago. That was voted on

with a roll call vote and was approved. Later, when the Paycheck Fairness Act passed last year, this amendment was accepted by a voice vote. Most recently, it was accepted by voice vote on H.R. 1262, the Water Quality Investment Act, and on H.R. 2200, the TSA authorization bill.

I reserve the balance of my time.

Mr. ANDREWS. I rise to claim time in opposition, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, the committee supports the amendment. The clear intention of the underlying spending bill is that the funds be awarded on the formula and competitive basis stated in the bill. There is no intention that any be earmarked.

For the record, I would just say that our support of the amendment should not be read to imply that we do not support congressionally sponsored projects in other contexts, but on this one, I agree with the gentleman's amendment and would urge its acceptance.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman.

I wish the gentleman would make that statement, but I don't expect that here, certainly, and I am pleased that this amendment will be accepted.

I yield back the balance of my time.

Mr. ANDREWS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. GUTHRIE

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 111-256.

Mr. GUTHRIE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. GUTHRIE: Strike all after the enacting clause and insert the following:

#### SEC. 1. SHORT TITLE.

This Act may be cited as the "Ensuring Student Choice and Competition Act of 2009".

#### SEC. 2. EXTENSION OF ENSURING CONTINUED ACCESS AND STUDENT LOANS ACT.

Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i-1) is amended—

(1) in subsection (a)(1), by striking "July 1, 2010" and inserting "July 1, 2014";

(2) in subsection (e)—

(A) in paragraph (1)(A), by striking "September 30, 2010" and inserting "September 30, 2014";

(B) in paragraph (2)—

(i) by striking "February 15, 2011" and inserting "February 15, 2015"; and

(ii) by striking "September 30, 2010" and inserting "September 30, 2014"; and

(C) in paragraph (3), by striking "2010, and 2011" and inserting "2010, 2011, 2012, 2013, 2014, and 2015";

(3) in subsection (f), by striking "July 1, 2010" and inserting "July 1, 2014"; and

(4) by adding at the end the following new subsection:

“(g) SPECIAL RULE.—

“(1) IN GENERAL.—Subject to paragraph (2), in carrying out the program under this section, the Secretary shall continue, until June 30, 2014, to carry out the 3 programs described in the Federal Register notices published pursuant to subsection (a)(2) of this section, as such programs were in effect on the day before the date of enactment of the Ensuring Student Choice and Competition Act of 2009.

“(2) LOAN PARTICIPATION PURCHASE PROGRAM.—Notwithstanding any provision of law to the contrary or the terms and conditions of the programs described in the Federal Register notices published pursuant to subsection (a)(2), an eligible lender participating in the loan participation purchase program shall not, prior to July 1, 2014, be required to—

“(A) make a redemption payment with respect to each eligible loan purchased by the Secretary; or

“(B) exercise the put option with respect to each such loan.

“(3) DEFINITIONS.—The terms ‘redemption payment’ and ‘put option’ refer to the redemption payment and put option described in the summary of the terms and conditions of the loan participation purchase program (73 Federal Register 127, July 1, 2008).”.

#### SEC. 3. STUDY OF FFEL PROGRAM ALTERNATIVES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States, the Secretary of Education, and the Secretary of the Treasury, in consultation with the study group described in paragraph (2), shall conduct a study to identify and make recommendations for the development of a Federal student loan program that incorporates a strong public-private partnership between the Federal Government and the private sector.

(2) STUDY GROUP.—The Comptroller General of the United States, the Secretary of Education, and the Secretary of the Treasury shall convene a study group which shall include—

(A) the Director of the Office of Management and Budget;

(B) the Director of the Congressional Budget Office;

(C) representatives of entities making loans under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

(D) representatives of other entities in the financial services community;

(E) representatives of other participants in the student loan programs; and

(F) such other individuals as the Comptroller General of the United States, the Secretary of Education, and the Secretary of the Treasury may designate.

(b) DESIGN OF THE STUDY.—The study conducted under this section shall identify recommendations for a new model for maintaining a strong public-private partnership for student lending. Such model shall be designed to achieve the following objectives:

(1) Use private capital in loan origination.

(2) Produce sufficient market competition among loan providers to ensure that students and families have choices in Federal student loans.

(3) Avoid waste, fraud, and abuse.

(c) FACTORS.—The study group shall consider the following factors in developing recommendations for a model that meets the objectives described in subsection (b):

(1) The ability of lenders, guaranty agencies, and loan servicers to provide top-quality customer service, default aversion activities, and financial literacy activities.

(2) The use of in-school subsidies or flexible repayment options to ensure that borrowers are able to successfully repay their loans.

(3) The ability of the program to be streamlined for ease of administration and understanding by institutions of higher education, students, and families.

(4) The stability of the program during times of economic disruption by uncontrollable market forces.

(5) The use of market mechanisms in determining lender return on student loans, while continuing to meet the other objectives of the programs under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq; 1087a et seq.), including the provision of loans to all eligible students.

(6) The feasibility of requiring borrowers to repay loans through income tax withholding.

(d) PRELIMINARY REPORT AND PUBLICATION OF STUDY.—

(1) PRELIMINARY REPORT.—Not later than July 1, 2012, the study group shall prepare a preliminary report on the recommendations of the study conducted under this section, including any additional or dissenting views with respect to the findings, available to the public with a 60-day request for public comment. The study group shall review the public comments.

(2) FINAL REPORT.—Not later than January 1, 2013, the Comptroller General of the United States, the Secretary of Education, and Secretary of the Treasury shall submit a final report on the recommendations of the study, including any additional or dissenting views, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

#### SEC. 4. REVISED SPECIAL ALLOWANCE CALCULATION.

(a) REVISED CALCULATION RULE.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)(I)) is amended by adding at the end the following new clause:

“(vii) REVISED CALCULATION RULE TO REFLECT FINANCIAL MARKET CONDITIONS.—

“(I) CALCULATION BASED ON LIBOR.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, in computing the special allowance paid pursuant to this subsection with respect to loans described in subclause (II), clause (i)(I) of this subparagraph shall be applied by substituting ‘of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association’ for ‘of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H-15 (or its successor) for such 3-month period’.

“(II) LOANS ELIGIBLE FOR LIBOR-BASED CALCULATION.—The special allowance paid pursuant to this subsection shall be calculated as described in subclause (I) with respect to special allowance payments for the 3-month period ending December 31, 2009, and each succeeding 3-month period, on loans for which the first disbursement is made—

“(aa) on or after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, and before July 1, 2010; and

“(bb) on or after January 1, 2000, and before the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, if, not later than the last day of the second full fiscal quarter after the date of enactment of

such Act, the holder of the loan affirmatively and permanently waives all contractual, statutory or other legal rights to a special allowance paid pursuant to this subsection that is calculated using the formula in effect at the time the loans were first disbursed.

“(III) TERMS OF WAIVER.—A waiver pursuant to subclause (II)(bb) shall—

“(aa) be applicable to all loans described in such subclause that are held under any lender identification number associated with the holder (pursuant to section 487B); and

“(bb) apply with respect to all future calculations of the special allowance on loans described in such subclause that are held on the date of such waiver or that are acquired by the holder after such date.

“(IV) PARTICIPANT'S YIELD.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, the Secretary's participant yield in any loan for which the first disbursement is made on or after January 1, 2000, and before October 1, 2009, and that is held by a lender that has sold any participation interest in such loan to the Secretary shall be determined by using the LIBOR-based rate described in subclause (I) as the substitute rate (for the commercial paper rate) referred to in the participation agreement between the Secretary and such lender.”;

(b) CONFORMING AMENDMENT.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)(I)) is further amended—

(1) in clause (i)(II), by striking “such average bond equivalent rate” and inserting “the rate determined under subclause (I)”;

(2) in clause (v)(III) by striking “(iv), and (vi)” and inserting “(iv), (vi), and (vii)”.

#### SEC. 5. AUTHORIZATION AND APPROPRIATION OF FUNDS.

Section 401A(e)(1)(E) of the Higher Education Act of 1965 (U.S.C. 1070a-1(e)(1)(E)) is amended by striking “\$1,010,000,000” and inserting “\$250,000,000”.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Kentucky (Mr. GUTHRIE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. GUTHRIE. Mr. Chairman, I yield myself as much time as I may consume.

I am pleased to join Ranking Member KLINE in offering this amendment. Our amendment accomplishes key goals for student loan stabilization and reform without gutting a successful public-private partnership.

First, this amendment preserves the FFEL program—the Federal Family Education Loan Program. It ensures stability and continuity for both students and schools by extending the Ensuring Continued Access for Student Loans Act, or ECASLA, through 2014, which aligns it with the rest of the Higher Education Act, which Congress reauthorized last year.

As long as we're facing a global credit shortage, ECASLA provides a Federal backstop to ensure there is no interruption in funding for students and families. As the market recovers, ECASLA offers the flexibility for private capital to return. In fact, even in

today's weakened economy, a substantial portion of loans originated in the FFEL program are made with private capital.

We know the ECASLA programs are working on campuses all around the country. We have heard from a group of financial aid administrators who have made it clear that ECASLA is working. You just don't have to talk to financial administrators. I would submit that 4,400 colleges and universities still participate in the FFEL program, and they voted with their feet. If they felt that ECASLA had not been working, they would have joined the Direct Loan Program by now, but they haven't.

I've heard from colleges and universities across my district—from large public, State universities to small, independent, private colleges, and they've all shared with me how the FFEL program benefits their students by offering the services of flexibility and choice with additional services. Let's not forget about how this helps students.

Second, our amendment will drive down the deficit. ECASLA proves that you can save taxpayer money while preserving an effective program. In fact, we expect to generate \$13 billion in savings over the next 5 years. Poll after poll shows that the American people are deeply concerned about the deficit. We should invest in future generations by putting the savings toward deficit reduction.

Third, we chart a path for the future by pursuing a comprehensive renewal of student lending. By extending ECASLA through 2014, consistent with other financial aid programs, we create a vital window of opportunity to pursue real student loan reform. Our amendment would create a commission to study the student lending system and would propose a new framework for stable, cost-effective financing.

We will remove politics from the discussion and focus on what matters: preserving choice and competition for borrowers; preventing waste, fraud and abuse; maintaining value-added benefits like financial literacy and counseling; ensuring stability even in a weak economy; and retaining private capital, avoiding a massive inflection of debt on future generations.

Finally, I would like to point out that our amendment does not create the same long-term entitlement expansions that have been called for in this bill. The issues addressed in the majority's bill are all important. Republicans care about the condition of our schools, about pre-K education, about community colleges, and about their role in developing our workforce, but this is the wrong place and the wrong way to address these challenges. We can invest in students without crippling them with runaway entitlement spending. This is a straightforward amendment based on extending a bipar-

tisan solution. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment. I will oppose the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 10 minutes.

Mr. ANDREWS. Mr. Chairman, this amendment recognizes the need for substantial reform in the Federal student loan program. It recognizes that the practice of using taxpayer money to reward private institutions that take risks, not with their own money but with taxpayer money, doesn't make any sense. So there is recognition of this problem, and that recognition is shared by the underlying bill, but here is where the underlying bill parts company from the amendment, and it's why we oppose it.

There is a huge difference between these two approaches on what to do. The approach that the minority favors saves about \$17 billion less than the approach that the underlying bill favors. It's a reform that continues, unwisely in my judgment, the practice of using taxpayer money to subsidize private institutions that take a risk with taxpayer money. So, rather than continue those subsidies, the underlying bill makes some very different choices, and here is the difference on what the choices are in the \$17 billion difference.

The underlying bill says let's spend that money so returning veterans could get Pell Grants in addition to their GI benefits and continue their educations. They would spend the \$17 billion on bank subsidies.

Our bill recognizes the fact that community colleges are burgeoning with new enrollees who need an education because of the tumultuous circumstances in our economy. Our bill says let's spend the \$17 billion to strengthen those community colleges. The amendment says let's spend it on bank subsidies.

There are students, as we speak, who are attending schools. They're taking classes in broom closets, in former boiler rooms because their schools don't have adequate places to teach children. There are schools that are more than 100 years old where children are learning about the Civil War in buildings that were built at the time of the Civil War. Our bill says let's invest some of that \$17 billion in upgrading the quality of those schools and in putting Americans back to work. The amendment says, no, let's spend it on bank subsidies.

Finally, there is a choice about early childhood. Our bill says that we value and want to invest in the reading and math skills of a 4-year-old or a 5-year-old so he or she can excel as a student, can climb the ladder as a student and

can succeed as a worker and as a taxpayer. So it makes an historic investment in quality early childhood education around this country. Their bill favors bank subsidies. We think our approach is right.

At this time, I yield to the chairman of the full committee to continue the argument, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. Chairman, my colleague on the other side of the aisle said that this legislation is the wrong way and the wrong place to make this investment. He has got it exactly backwards. This is the exact way to make this investment—to take the savings by cutting the subsidies to the lenders and recycling those on behalf of families, students and our community institutions so that we can expand the educational opportunities in this country.

We cannot continue just to wring our hands about our competitive place in the world, about the need for new engineers, new scientists, new mathematicians, a skilled and technologically fit workforce in this country. We must do something about it.

What the Obama administration has said under the leadership of the President and the Secretary of Education is that we're going to do something about it now, and we're going to provide additional money for Pell Grants, that we're going to provide additional money for community colleges, that we're going to provide additional money for early childhood education, and that we're going to provide additional opportunities for access and completion of that educational opportunity. It's not enough that young people start college. It's important that they finish college.

We've got to do better at that, and we're going to do it in a fiscally sound manner. We're going to pay for it, because there is enough money in those exorbitant subsidies that we pay decade after decade that were first raised to the consciousness of this Congress by President Bush's Office of Management and Budget. They kept showing us the comparison. If you ran the Direct Loan Program, you would save a huge amount of money for the taxpayers.

Finally, this Congress, under this administration, is taking the leadership to take that money and to recycle it on behalf of our families and students.

□ 1215

I just want to say, this is the right time, the right place, and the right way to do this. I thank him for his support in opposition to this amendment.

Mr. ANDREWS. We reserve the balance of our time.

Mr. GUTHRIE. I yield 3 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

We clearly have some differences of opinion on this legislation, as often happens in this body. I want to underscore a couple of things that the underlying bill, by mandating the public option, mandating a government takeover of an industry, does to expand the government's role. It creates new programs, it creates new expenses. It will cost jobs in the private sector.

And when you remove the budget gimmicks, and you look at the latest numbers from the Congressional Budget Office, it is clear that it will add to the deficit. It will add to our debt.

And so we are looking at an underlying bill here that says it's better if we turn over to the Department of Education and the Treasury the responsibilities of lending \$100 billion a year to students and getting the interest back from those loans.

Of course, we don't have the \$100 billion. We are running a deficit this year of \$1.6 trillion, and we are looking at a debt in 10 years of \$21 trillion. So in order for the government, now this huge bank, to have the money to lend, the government is going to have to go somewhere, China perhaps, and borrow that money so that it can lend the money. This seems to be a strange time to be doing this.

I think the underlying bill is flawed. I think it is a rush to a government takeover. It is going to add to our deficit.

So I rise in strong support of this amendment, which says let's take advantage of the private sector. Let's see if there is a way that we can strengthen it, encourage it. Let's take some time and continue with the bipartisan agreement ECASLA and look at the program before we push precipitously the entire industry into the hands of the government.

Mr. ANDREWS. I would inquire of the Chair how much time we have remaining on our side?

The Acting CHAIR. Both sides have 5 minutes remaining.

Mr. ANDREWS. Before I yield to the gentleman from New York, it is very important for the Members to understand the alternative proposal substitute guts the early childhood investment, guts the increase in Pell Grant, guts the aid to community college and guts the other investments in education, the historically black colleges, the Hispanic-serving institutions, it takes away that investment. We think that is very unwise.

At this time I would yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentleman for yielding.

I rise in opposition to the amendment, and I urge my colleagues to vote "no" on this amendment.

Frankly, I am surprised. Over the last 2 days we have heard a great deal

from our friends on the other side of the aisle about the deficit, about which we should all quite correctly be concerned. And, frankly, I thought that their substitute amendment would address that issue in a very forceful way.

This amendment does not. This amendment leaves in place a program that is wasteful and expensive. It leaves in place a program that costs approximately \$8 billion to \$9 billion more per year than that which we are proposing to take its place, the Direct Loan Program.

What this amendment essentially says is that over the next 5 years, the Federal Government gets to do the heavy lifting of this loan program. The Federal Government gets to do the heavy lifting of providing the capital, it gets to do the heavy lifting of guaranteeing the amounts that are loaned, and the private lenders get to walk away with the profits. I don't see how any reasonable person can think that that is a situation that we can allow to stand.

What the amendment also says is, it says to needy students, Hope you can get by, hope you can make it as you try to pay your bills. We would love to help, but we have got these lenders that are counting on huge profits, and we have got to make sure that we provide for them.

Our proposal, the underlying bill, says quite the opposite. Our proposal says that we are going to pay, take Federal tax dollars and put them to their highest possible use in this circumstance, and that is helping needy students go to college.

Every one of us, virtually every one of us that has the privilege of serving in this Chamber, is here because we had the opportunity to seek a higher education. What our bill does, the underlying bill does, is it says to everyone else that's out there, that has aspirations of their own, that we are going to help you get your slice of the American dream.

In doing so, we build a stronger Nation, because we build a Nation that can compete on equal footing with the rest of the world.

Mr. GUTHRIE. Mr. Chairman, the 2014 numbers, when the Higher Education Act is reauthorized—and we feel it would be appropriate to do it—when we have ECASLA in place, when the markets are turning around, when the markets do turn around, the heavy lifting—we were at a unique time last year. I wasn't in the Congress last year when the bipartisan group came together to do ECASLA to preserve, and worked, both Republicans and Democrats together, and should be commended for that.

All we are asking is that we continue that until the higher education is authorized, during that time have the commission study and see exactly with what program we should go. We did

talk a lot about deficit reduction because, quite frankly, I think that's the most important thing in the country.

If we look at CBO numbers, when you say \$10 billion in a mandatory spending program, but spend \$13.5 billion in a discretionary spending program using CBO numbers, then you are not putting \$10 billion to the deficit if you are spending \$13.5 billion in discretionary spending, because as the Pell Grants expand on the mandatory side of the aisle, they also expand on the discretionary side. So when a taxpayer sends their dollar to Washington D.C., they don't mark it for discretionary or mandatory, it comes here and it's spent.

So the underlying bill, using CBO numbers, I am not going to bring in the market risk, because we can argue that. Some people have asked for \$33 billion, we could argue that. But just in real hard numbers, spending, transferring administration in the Pell Grant, discretionary side, says that the underlying bill is a \$3.5 billion addition to the deficit.

I yield back the balance of my time.

Mr. ANDREWS. We would respectfully ask that the House disapprove this amendment, vote against it.

I did want to return to one of the fiscal arguments we heard from my friend from Minnesota, that he is right, that the idea of borrowing money from central banks around the world is not desirable to anyone here. And he is right that we should embark on an effort to reduce our deficit and eventually reduce that debt.

But I would respectfully say he is wrong with his further characterization of this issue.

What the status quo does is to borrow that very same money, which none of us wants to borrow, and then turn around and use it to reward private lending institutions who are taking risks with taxpayer money. The issue is not whether the taxpayers are at risk, the issue is how they will be at risk.

The existing status quo, which I believe the minority, through this amendment, shows that it understands needs change, puts the taxpayers' money at risk and then rewards private institutions for putting the taxpayers' money at risk. That simply makes no sense.

With respect to the fiscal argument about the \$87 billion and the cost in discretionary spending, there is one that is something that is clearly known, and something that is subject to dispute. What's clearly known is that the Congressional Budget Office has said there will be \$87 billion in gross savings under this bill. What happens each year under the discretionary side is for this House to work its will and decide.

So we would urge defeat of this amendment. If you believe in investment in early childhood education, in

Pell Grants, in community colleges, in our Historically Black Colleges and Universities, and in our Hispanic-serving institutions and other minority-serving institutions, and if you believe in \$10 billion of deficit reduction, the right course is to vote against this substitute, vote for the underlying bill.

We yield back the balance of our time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. GUTHRIE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GUTHRIE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-256 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HOEKSTRA of Michigan.

Amendment No. 4 by Mrs. MCMORRIS RODGERS of Washington.

Amendment No. 7 by Ms. FOXX of North Carolina.

Amendment No. 15 by Mr. HIMES of Connecticut.

Amendment No. 17 by Mr. MINNICK of Idaho.

Amendment No. 19 by Mr. SCHAUER of Michigan.

Amendment No. 21 by Mr. TEAGUE of New Mexico.

Amendment No. 24 by Mr. GUTHRIE of Kentucky.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

Strike title III of the Bill, and redesignate titles IV and V as titles III and IV, respectively.

Redesignate sections 401 through 409 as sections 301 through 309, respectively.

Redesignate sections 501 through 505 as sections 401 through 405, respectively.

Page 144, line 23, strike "section 403" and insert "section 303".

Page 145, line 1, strike "section 404" and insert "section 304".

Page 145, line 4, and page 174, lines 3 and 14, strike "section 403(c)(3)" and insert "section 303(c)(3)".

Page 145, line 17, and page 174, line 5, strike "section 405" and insert "section 305".

Page 147, line 4, strike "404" and insert "304".

Page 148, line 10, strike "section 403(f)" and insert "section 303(f)".

Page 150, line 15, strike "section 405(2)" and insert "section 305(f)".

Page 151, lines 4 and 25, page 153, lines 8 and 12, page 162, lines 2 and 17, page 163, line 1, page 166, lines 18 and 23, page 168, line 4 and 19, and page 175, line 25, strike "section 402(a)" and insert "section 302(a)".

Page 151, line 21, strike "section 405(1)" and insert "section 305(1)".

Page 153, line 13, and page 162, line 6, strike "section 402(d)" and insert "section 302(d)".

Page 168, line 10, 15, and 21, page 169, line 2, and page 170, line 7, strike "section 402(b)" and insert "section 302(b)".

Page 168, line 17, strike "section 402(c)(3)" and insert "section 302(c)(3)".

Page 170, line 11, strike "section 402(c)(1)" and insert "section 302(c)(1)".

Page 178, line 9, strike "503" and insert "403".

Page 178, line 12, strike "504" and insert "404".

Page 178, lines 15 and 18, strike "section 505" and insert "section 405".

Page 178, beginning on line 20, strike "sections 503 and 504" and insert "sections 403 and 404".

Page 179, line 3, strike "sections 503 and 504" and insert "sections 403 and 404".

Page 183, line 8, strike "section 502(a)(3)" and insert "section 402(a)(3)".

Page 184, line 6, and page 194, line 10, strike "section 501(b)(1)" and insert "section 401(b)(1)".

Page 188, line 15, strike "section 505(b)" and insert "section 405(b)".

Page 189, line 6, and page 191, lines 5, 13, and 20, strike "section 502(a)(3)" and insert "section 402(a)(3)".

Page 196, line 2, and page 200, line 1, strike "503(i)" and insert "403(i)".

Page 200, line 8, strike "section 503(f)(1)" and insert "section 403(f)(1)".

Conform the table of contents accordingly.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes, 262, not voting 16, as follows:

[Roll No. 710]

AYES—161

Aderholt	Burton (IN)	Fallin
Akin	Buyer	Flake
Alexander	Calvert	Fleming
Austria	Camp	Forbes
Bachmann	Campbell	Fortenberry
Bachus	Cantor	Foxx
Bartlett	Capito	Franks (AZ)
Barton (TX)	Carter	Frelinghuysen
Bean	Cassidy	Galleghy
Biggert	Castle	Garrett (NJ)
Billray	Chaffetz	Gingrey (GA)
Bilirakis	Coble	Gohmert
Blackburn	Coffman (CO)	Goodlatte
Blunt	Cole	Granger
Boehner	Conaway	Graves
Bonner	Crenshaw	Guthrie
Bono Mack	Culberson	Hall (TX)
Boozman	Davis (KY)	Harper
Boustany	Deal (GA)	Hastings (WA)
Brady (TX)	Delahunt	Heller
Brown (GA)	Dent	Hensarling
Brown (SC)	Doggett	Herger
Brown-Waite,	Dreier	Hoekstra
Ginny	Duncan	Hunter
Buchanan	Ehlers	Inglis
Burgess	Emerson	Issa

Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
Kingston  
Kline (MN)  
Lamborn  
Lance  
Latham  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
Lucas  
Luetkemeyer  
Lungren, Daniel  
E.  
Mack  
Manzullo  
McCarthy (CA)  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica

## NOES—262

Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocieri  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown, Corrine  
Butterfield  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Donnelly (IN)

Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer  
Olson  
Paulsen  
Pence  
Peters  
Peterson  
Petri  
Pitts  
Poe (TX)  
Price (GA)  
Putnam  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise

Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shinkus  
Shuster  
Smith (NE)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Quigley  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer

Abercrombie  
Barrett (SC)  
Bishop (UT)  
Costa  
Dingell  
Faleomavaega

Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Taylor  
Teague  
Thompson (CA)

## NOT VOTING—16

Johnson (GA)  
Lummis  
Marchant  
Moore (KS)  
Nunes  
Paul

Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

that receives funding for the construction, modernization, renovation, and repair of facilities under the American Recovery and Reinvestment Act of 2009.

Conform the table of contents accordingly.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 251, not voting 21, as follows:

[Roll No. 711]

## AYES—167

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Blibray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Davis (KY)  
Deal (GA)  
Dent  
Doggett  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy

## NOES—251

Bishop (NY)  
Blumenauer  
Bocieri  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Bean  
Becerra  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan

Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Olson  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shinkus  
Shuster  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

□ 1250

Mrs. CAPPS, Messrs. ENGEL, POSEY, HOYER, ADLER of New Jersey, HASTINGS of Florida, LARSON of Connecticut, WEINER, CAO, RUSH, CAPUANO, and WEXLER changed their vote from “aye” to “no.”

Mrs. MILLER of Michigan and Mrs. McMORRIS RODGERS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 4 OFFERED BY MRS. MCMORRIS RODGERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. MCMORRIS RODGERS:

Page 118, beginning on line 8, strike section 331 and insert the following:

## SEC. 331. IMPERMISSIBLE USES OF FUNDS AND CONCURRENT FUNDING.

(a) IN GENERAL.—No funds received under this subtitle may be used for—

(1) payment of maintenance costs, including routine repairs classified as current expenditures under State or local law;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

(b) FUNDING UNDER OTHER ACTS.—Funds made available under this title shall not be used to assist any local educational agency

Costello Kilroy  
Courtney Kind  
Crowley Kirk  
Cuellar Kirkpatrick (AZ)  
Cummings Kissell  
Dahlkemper Klein (FL)  
Davis (AL) Kosmas  
Davis (CA) Kratovil  
Davis (IL) Kucinich  
Davis (TN) Langevin  
DeFazio Larsen (WA)  
DeGette Larson (CT)  
Delahunt Lee (CA)  
DeLauro Levin  
Diaz-Balart, L. Lewis (GA)  
Diaz-Balart, M. Lipinski  
Dicks Loeb sack  
Donnelly (IN) Lofgren, Zoe  
Doyle Lowey  
Driehaus Luján  
Edwards (MD) Lynch  
Edwards (TX) Maffei  
Ellison Maloney  
Ellsworth Markey (CO)  
Engel Markey (MA)  
Eshoo Marshall  
Etheridge Massa  
Faleomavaega Matheson  
Farr Matsui  
Fattah McCarthy (NY)  
Filner McCollum  
Foster McDermott  
Frank (MA) McGovern  
Fudge McIntyre  
Giffords McMahan  
Gonzalez McNerney  
Gordon (TN) Meek (FL)  
Grayson Meeks (NY)  
Green, Al Melancon  
Green, Gene Michaud  
Griffith Miller (NC)  
Grijalva Miller, George  
Gutierrez Minnick  
Hall (NY) Mitchell  
Halvorson Mollohan  
Hare Moore (KS)  
Harman Moore (WI)  
Hastings (FL) Moran (VA)  
Heinrich Murphy (CT)  
Herseth Sandlin Murphy (NY)  
Higgins Murphy, Patrick  
Hill Murtha  
Hinchey Nadler (NY)  
Hinojosa Napolitano  
Hirono Neal (MA)  
Hodes Norton  
Holden Nye  
Holt Oberstar  
Honda Obey  
Hoyer Oliver  
Jackson (IL) Ortiz  
Jackson-Lee Pallone  
(TX) Pascrell  
Johnson (GA) Pastor (AZ)  
Johnson, E. B. Payne  
Kagen Perriello  
Kanjorski Peters  
Kaptur Peterson  
Kildee Pierluisi  
Kilpatrick (MI) Pingree (ME)

## NOT VOTING—21

Abercrombie Franks (AZ)  
Barrett (SC) Inslee  
Braley (IA) Israel  
Cantor Kennedy  
Costa McHugh  
Culberson Nunes  
Dingell Paul

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1257

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FRANKS of Arizona. Mr. Chair, on rollcall No. 711 I inadvertently missed the vote. Had I been present, I would have voted "aye."

Mr. CULBERSON. Mr. Chair, on rollcall 711 I was unable to record my vote. I intended to vote "aye" on that question.

Mr. KENNEDY. Mr. Chair, on rollcall No. 711 I was detained. Had I been present, I would have voted "no."

## AMENDMENT NO. 7 OFFERED BY MS. FOXX

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. FOXX:

Page 27, beginning on line 20, strike "has the meaning given" and all that follows through "2009" and insert "refers to a State public employment service established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)."

Page 27, line 25, strike "have the meanings given" and all that follows through page 28, line 2, and insert "refer to a State workforce investment board established under section 111 of the Workforce Investment Act (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively."

Amend title V of the Bill to read as follows:

TITLE V—PRIVACY AND ACCESS TO DATA  
SEC. 501. PRIVACY AND ACCESS TO DATA.

(a) IN GENERAL.—Each State or consortia that receives a grant under any provision of this Act shall implement measures to—

(1) ensure that the statewide longitudinal data system under this subsection and any other data system the State or consortia is operating for the purposes of this Act meet the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the "Family Educational Rights and Privacy Act of 1974");

(2) limit the use of information in any such data system by governmental agencies in the State, including State agencies, State educational authorities, local educational agencies, community colleges, and institutions of higher education, to education and workforce related activities under this Act or education and workforce related activities otherwise permitted by Federal or State law;

(3) prohibit the disclosure of personally identifiable information except as permitted under section 444 of the General Education Provisions Act and any additional limitations set forth in State law;

(4) keep an accurate accounting of the date, nature, and purpose of each disclosure of personally identifiable information in any such data system, a description of the information disclosed, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(5) notwithstanding section 444 of the General Education Provisions Act, require any non-governmental party obtaining personally identifiable information to sign a data use agreement prior to disclosure that—

(A) prohibits the party from further disclosing the information;

(B) prohibits the party from using the information for any purpose other than the purpose specified in the agreement; and

(C) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(6) maintain adequate security measures to ensure the confidentiality and integrity of any such data system, such as protecting a student record from identification by a unique identifier;

(7) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(8) ensure adequate enforcement of the requirements of this paragraph.

(b) USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to—

(1) use the unique identifiers employed in such data systems for any purpose other than as authorized by Federal or State law; or

(2) deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

Conform the table of contents accordingly.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 126, noes 301, not voting 12, as follows:

[Roll No. 712]

## AYES—126

Aderholt	Franks (AZ)	Mica
Akin	Frelinghuysen	Miller (FL)
Alexander	Gallegly	Miller, Gary
Austria	Garrett (NJ)	Moran (KS)
Bachmann	Gingrey (GA)	Myrick
Bachus	Gohmert	Neugebauer
Bartlett	Goodlatte	Olson
Barton (TX)	Granger	Pence
Bishop (UT)	Graves	Petri
Blackburn	Harper	Pitts
Boehner	Hastings (WA)	Poe (TX)
Bonner	Hensarling	Posey
Boustany	Herger	Price (GA)
Brady (TX)	Hunter	Putnam
Broun (GA)	Inglis	Rehberg
Brown (SC)	Issa	Roe (TN)
Brown-Waite,	Jenkins	Rogers (AL)
Ginny	Johnson (IL)	Rohrabacher
Buchanan	Johnson, Sam	Royce
Burton (IN)	Jones	Ryan (WI)
Buyer	Jordan (OH)	Scalise
Calvert	King (IA)	Schmidt
Camp	Kingston	Schock
Campbell	Kline (MN)	Sensenbrenner
Cantor	Lamborn	Sessions
Capito	Lance	Shadegg
Carter	Latta	Shimkus
Cassidy	Lewis (CA)	Shuster
Chaffetz	Linder	Simpson
Coble	Lucas	Smith (NE)
Coffman (CO)	Luetkemeyer	Smith (TX)
Cole	Lummis	Souder
Conaway	Lungren, Daniel	Stearns
Crenshaw	E.	Sullivan
Culberson	Mack	Thompson (PA)
Deal (GA)	Manzullo	Thornberry
Diaz-Balart, L.	Marchant	Tiahrt
Diaz-Balart, M.	McCaul	Tiberi
Duncan	McClintock	Walden
Emerson	McHenry	Wamp
Flake	McKeon	Westmoreland
Fleming	McMorris	Wilson (SC)
Foxx	Rodgers	Young (FL)

## NOES—301

Ackerman	Arcuri	Barrow
Adler (NJ)	Baca	Bean
Altmire	Baird	Becerra
Andrews	Baldwin	Berkley

Berman  
Berry  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Blunt  
Boccheri  
Bono Mack  
Boozman  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown, Corrine  
Burgess  
Butterfield  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castle  
Castor (FL)  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Dicks  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Forbes  
Fortenberry  
Foster  
Frank (MA)  
Fudge  
Gerlach  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson

Hare  
Harman  
Hastings (FL)  
Heinrich  
Heller  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Insee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton

Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Perriello  
Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Platts  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sablan  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)

Wittman  
Wolf

Woolsey  
Wu

Yarmuth  
Young (AK)

## NOT VOTING—12

Abercrombie  
Barrett (SC)  
Billbray  
Costa

Dingell  
Fallin  
McHugh  
Nunes

Paul  
Perlmutter  
Radanovich  
Tanner

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1304

Mr. ADLER of New Jersey changed his vote from “aye” to “no.”  
So the amendment was rejected.  
The result of the vote was announced as above recorded.

## AMENDMENT NO. 15 OFFERED BY MR. HIMES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. HIMES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 2, not voting 9, as follows:

[Roll No. 713]

## AYES—428

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccheri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Bordallo  
Boren  
Boswell  
Boucher  
Boustany  
Boyd

Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Brown (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen

Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo

Etheridge  
Faleomavaega  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)

Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Norton  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pierluisi  
Pingree (ME)  
Pitts

Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sablan  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Soudler  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Perlmutter  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp

Wasserman	Welch	Wolf
Schultz	Westmoreland	Woolsey
Waters	Wexler	Wu
Watson	Whitfield	Yarmuth
Watt	Wilson (OH)	Young (AK)
Waxman	Wilson (SC)	Young (FL)
Weiner	Wittman	

## NOES—2

Johnson, Sam	Smith (WA)
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## NOT VOTING—9

Abercrombie	McHugh	Radanovich
Barrett (SC)	Nunes	Tanner
Costa	Paul	Tiberi

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1311

Mr. SHADEGG changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 17 OFFERED BY MR. MINNICK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. MINNICK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 0, not voting 11, as follows:

[Roll No. 714]

## AYES—428

Ackerman	Bordallo	Chaffetz
Aderholt	Boren	Chandler
Adler (NJ)	Boswell	Childers
Akin	Boucher	Christensen
Alexander	Boustany	Chu
Altmire	Boyd	Clarke
Andrews	Brady (PA)	Clay
Arcuri	Brady (TX)	Cleaver
Austria	Braley (IA)	Clyburn
Baca	Bright	Coble
Bachmann	Broun (GA)	Coffman (CO)
Bachus	Brown (SC)	Cohen
Baird	Brown, Corrine	Cole
Baldwin	Brown-Waite,	Conaway
Barrow	Ginny	Connolly (VA)
Bartlett	Buchanan	Conyers
Barton (TX)	Burgess	Cooper
Bean	Burton (IN)	Costello
Becerra	Butterfield	Courtney
Berkley	Buyer	Crenshaw
Berman	Calvert	Crowley
Berry	Camp	Cuellar
Biggert	Campbell	Culberson
Bilirakis	Cantor	Cummings
Bishop (GA)	Cao	Dahlkemper
Bishop (NY)	Capito	Davis (AL)
Bishop (UT)	Capps	Davis (CA)
Blackburn	Capuano	Davis (IL)
Blumenauer	Cardoza	Davis (KY)
Blunt	Carney	Davis (TN)
Boccheri	Carson (IN)	Deal (GA)
Boehner	Carter	DeFazio
Bonner	Cassidy	DeGette
Bono Mack	Castle	Delahunt
Boozman	Castor (FL)	DeLauro

Dent	Kennedy	Oberstar
Diaz-Balart, L.	Kildee	Obey
Diaz-Balart, M.	Kilpatrick (MI)	Olson
Dicks	Kilroy	Oliver
Dingell	Kind	Ortiz
Doggett	King (IA)	Pallone
Donnelly (IN)	King (NY)	Pascarell
Doyle	Kirk	Pastor (AZ)
Dreier	Kirkpatrick (AZ)	Paulsen
Driehaus	Kissell	Payne
Duncan	Klein (FL)	Pence
Edwards (MD)	Kline (MN)	Perlmutter
Edwards (TX)	Kosmas	Perriello
Ehlers	Kratovil	Peters
Ellison	Kucinich	Peterson
Ellsworth	Lamborn	Petri
Emerson	Lance	Pierluisi
Engel	Langevin	Pingree (ME)
Eshoo	Larsen (WA)	Pitts
Etheridge	Larson (CT)	Platts
Faleomavaega	Latham	Poe (TX)
Fallin	LaTourette	Polis (CO)
Farr	Latta	Pomeroy
Fattah	Lee (CA)	Posey
Filner	Lee (NY)	Price (GA)
Flake	Levin	Price (NC)
Fleming	Lewis (CA)	Putnam
Forbes	Lewis (GA)	Quigley
Fortenberry	Linder	Rahall
Foster	Lipinski	Rangel
Fox	LoBiondo	Rehberg
Frank (MA)	Loeb	Reichert
Franks (AZ)	Lofgren, Zoe	Reyes
Frelinghuysen	Lowey	Richardson
Fudge	Lucas	Rodriguez
Gallely	Luetkemeyer	Roe (TN)
Garrett (NJ)	Lujan	Rogers (AL)
Gerlach	Lummis	Rogers (KY)
Giffords	Lungren, Daniel	Rogers (MI)
Gingrey (GA)	E.	Rohrabacher
Gohmert	Lynch	Rooney
Gonzalez	Mack	Ros-Lehtinen
Goodlatte	Maffei	Roskam
Gordon (TN)	Maloney	Ross
Granger	Manzullo	Rothman (NJ)
Graves	Marchant	Roybal-Allard
Grayson	Markey (CO)	Royce
Green, Al	Markey (MA)	Ruppersberger
Green, Gene	Marshall	Rush
Griffith	Massa	Ryan (OH)
Grijalva	Matheson	Ryan (WI)
Guthrie	Matsui	Sablan
Gutierrez	McCarthy (CA)	Salazar
Hall (NY)	McCarthy (NY)	Sanchez, Linda
Hall (TX)	McCauley	T.
Halvorson	McClintock	Sanchez, Loretta
Hare	McCollum	Sarbanes
Harman	McCotter	Scalise
Harper	McDermott	Schakowsky
Hastings (FL)	McGovern	Schauer
Hastings (WA)	McHenry	Schiff
Heinrich	McIntyre	Schmidt
Heller	McKeon	Schock
Hensarling	McMahon	Schrader
Hergert	McMorris	Schwartz
Herse	Rodgers	Scott (GA)
Higgins	McNerney	Scott (VA)
Hill	Meek (FL)	Sensenbrenner
Himes	Meeks (NY)	Serrano
Hinchey	Melancon	Sessions
Hinojosa	Mica	Sestak
Hirono	Michaud	Shadegg
Hodes	Miller (FL)	Shea-Porter
Hoekstra	Miller (MI)	Sherman
Holden	Miller (NC)	Shimkus
Holt	Miller, Gary	Shuler
Honda	Miller, George	Shuster
Hoyer	Minnick	Simpson
Hunter	Mitchell	Sires
Inglis	Mollohan	Skelton
Inslee	Moore (KS)	Slaughter
Israel	Moore (WI)	Smith (NE)
Issa	Moran (KS)	Smith (NJ)
Jackson (IL)	Moran (VA)	Smith (TX)
Jackson-Lee	Murphy (CT)	Smith (WA)
(TX)	Murphy (NY)	Snyder
Jenkins	Murphy, Patrick	Souder
Johnson (GA)	Murphy, Tim	Space
Johnson (IL)	Murtha	Speier
Johnson, E. B.	Myrick	Spratt
Johnson, Sam	Nadler (NY)	Stark
Jones	Napolitano	Stearns
Jordan (OH)	Neal (MA)	Stupak
Kagen	Neugebauer	Sullivan
Kanjorski	Norton	Sutton
Kaptur	Nye	Taylor

Teague	Upton	Welch
Terry	Van Hollen	Westmoreland
Thompson (CA)	Velázquez	Wexler
Thompson (MS)	Visclosky	Whitfield
Thompson (PA)	Walden	Wilson (OH)
Thornberry	Walz	Wilson (SC)
Tiahrt	Wamp	Wittman
Tiberi	Wasserman	Wolf
Tierney	Schultz	Woolsey
Titus	Waters	Wu
Tonko	Watson	Yarmuth
Towns	Watt	Young (AK)
Tsongas	Waxman	Young (FL)
Turner	Weiner	

## NOT VOTING—11

Abercrombie	Costa	Paul
Barrett (SC)	Kingston	Radanovich
Bilbray	McHugh	Tanner
Carnahan	Nunes	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1317

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 19 OFFERED BY MR. SCHAUER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SCHAUER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 5, not voting 9, as follows:

[Roll No. 715]

## AYES—425

Ackerman	Bono Mack	Cassidy
Aderholt	Boozman	Castle
Adler (NJ)	Bordallo	Castor (FL)
Akin	Boren	Chaffetz
Alexander	Boswell	Chandler
Altmire	Boucher	Childers
Andrews	Boustany	Christensen
Arcuri	Boyd	Chu
Austria	Brady (PA)	Clarke
Baca	Brady (TX)	Clay
Bachmann	Braley (IA)	Cleaver
Bachus	Bright	Clyburn
Baird	Brown (SC)	Coble
Baldwin	Brown, Corrine	Coffman (CO)
Barrow	Brown-Waite,	Cohen
Bartlett	Ginny	Cole
Barton (TX)	Buchanan	Conaway
Bean	Burgess	Connolly (VA)
Becerra	Burton (IN)	Conyers
Berkley	Butterfield	Cooper
Berman	Buyer	Costello
Berry	Calvert	Courtney
Biggert	Camp	Crenshaw
Bilbray	Campbell	Crowley
Bilirakis	Cantor	Cuellar
Bishop (GA)	Cao	Culberson
Bishop (NY)	Capito	Cummings
Bishop (UT)	Cardoza	Dahlkemper
Blackburn	Carney	Davis (AL)
Blumenauer	Carson (IN)	Davis (CA)
Blunt	Carter	Davis (IL)
Boccheri		Davis (KY)
Boehner		Davis (TN)
Bonner		

Deal (GA)	Kagen	Neugebauer	Sullivan	Tsongas	Weiner	Conyers	Hoyer	Miller, George
DeFazio	Kanjorski	Norton	Sutton	Turner	Welch	Cooper	Hunter	Minnick
DeGette	Kaptur	Nye	Taylor	Upton	Westmoreland	Costello	Inglis	Mitchell
Delahunt	Kennedy	Oberstar	Teague	Van Hollen	Wexler	Courtney	Inslee	Mollohan
DeLauro	Kildee	Obey	Terry	Velázquez	Whitfield	Crenshaw	Israel	Moore (KS)
Dent	Kilpatrick (MI)	Olson	Thompson (CA)	Visclosky	Wilson (OH)	Crowley	Issa	Moore (WI)
Diaz-Balart, L.	Kilroy	Olver	Thompson (MS)	Walden	Wilson (SC)	Cuellar	Jackson (IL)	Moran (KS)
Diaz-Balart, M.	Kind	Ortiz	Thompson (PA)	Walz	Wittman	Culberson	Jackson-Lee	Moran (VA)
Dicks	King (IA)	Pallone	Thornberry	Wamp	Wolf	Cummings	(TX)	Murphy (CT)
Dingell	King (NY)	Pascarell	Tiahrt	Wasserman	Woolsey	Dahlkemper	Jenkins	Murphy (NY)
Doggett	Kingston	Pastor (AZ)	Tiberi	Schultz	Wu	Davis (AL)	Johnson (GA)	Murphy, Patrick
Donnelly (IN)	Kirk	Paulsen	Tierney	Waters	Yarmuth	Davis (CA)	Johnson (IL)	Murphy, Tim
Doyle	Kirkpatrick (AZ)	Payne	Titus	Watson	Young (AK)	Davis (IL)	Johnson, E. B.	Murtha
Dreier	Kissell	Pence	Tonko	Watt	Young (FL)	Davis (KY)	Johnson, Sam	Myrick
Driehaus	Klein (FL)	Perlmutter	Towns	Waxman		Davis (TN)	Jones	Nadler (NY)
Duncan	Kline (MN)	Perriello				Deal (GA)	Jordan (OH)	Napolitano
Edwards (MD)	Kosmas	Peters				DeFazio	Kagen	Neal (MA)
Edwards (TX)	Kratovil	Peterson	Bishop (UT)	Flake	McClintock	DeGette	Kanjorski	Neugebauer
Ehlers	Kucinich	Petri	Broun (GA)	Johnson, Sam		Delahunt	Kaptur	Norton
Ellison	Lamborn	Pierluisi				DeLauro	Kennedy	Nye
Ellsworth	Lance	Pingree (ME)				Dent	Kildee	Oberstar
Emerson	Langevin	Pitts	Abercrombie	Costa	Paul	Diaz-Balart, L.	Kilpatrick (MI)	Obey
Engel	Larsen (WA)	Platts	Barrett (SC)	McHugh	Radanovich	Diaz-Balart, M.	Kilroy	Olson
Eshoo	Larson (CT)	Poe (TX)	Carnahan	Nunes	Tanner	Dicks	Kind	Olver
Etheridge	Latham	Polis (CO)				Dingell	King (IA)	Ortiz
Faleomavaega	LaTourette	Pomeroy				Doggett	King (NY)	Pallone
Fallin	Latta	Posey				Donnelly (IN)	Kingston	Pascarell
Farr	Lee (CA)	Price (GA)				Doyle	Kirk	Pastor (AZ)
Fattah	Lee (NY)	Price (NC)				Dreier	Kirkpatrick (AZ)	Paulsen
Filner	Levin	Putnam				Driehaus	Kissell	Payne
Fleming	Lewis (CA)	Quigley				Duncan	Klein (FL)	Pence
Forbes	Lewis (GA)	Rahall				Edwards (MD)	Kline (MN)	Perlmutter
Fortenberry	Linder	Rangel				Edwards (TX)	Kosmas	Perriello
Foster	Lipinski	Rehberg				Ehlers	Kratovil	Peters
Fox	LoBiondo	Reichert				Ellison	Kucinich	Peterson
Frank (MA)	Loebach	Reyes				Ellsworth	Lamborn	Petri
Franks (AZ)	Lofgren, Zoe	Richardson				Engel	Lance	Pierluisi
Frelinghuysen	Lowey	Rodriguez				Eshoo	Langevin	Pingree (ME)
Fudge	Lucas	Roe (TN)				Etheridge	Larsen (WA)	Pitts
Gallegly	Luetkemeyer	Rogers (AL)				Faleomavaega	Larson (CT)	Platts
Garrett (NJ)	Luján	Rogers (KY)				Fallin	Latham	Poe (TX)
Gerlach	Lummis	Rogers (MI)				Farr	LaTourette	Polis (CO)
Giffords	Lungren, Daniel	Rohrabacher				Fattah	Latta	Pomeroy
Gingrey (GA)	E.	Rooney				Filner	Lee (CA)	Posey
Gohmert	Lynch	Ros-Lehtinen				Flake	Lee (NY)	Price (GA)
Gonzalez	Mack	Roskam				Fleming	Levin	Price (NC)
Goodlatte	Maffei	Ross				Forbes	Lewis (CA)	Putnam
Gordon (TN)	Maloney	Rothman (NJ)				Fortenberry	Lewis (GA)	Quigley
Granger	Manzullo	Roybal-Allard				Foster	Linder	Rahall
Graves	Marchant	Royce				Fox	Lipinski	Rangel
Grayson	Markey (CO)	Ruppersberger				Frank (MA)	LoBiondo	Rehberg
Green, Al	Markey (MA)	Rush				Franks (AZ)	Loebach	Reichert
Green, Gene	Marshall	Ryan (OH)				Frelinghuysen	Lofgren, Zoe	Reyes
Griffith	Massa	Ryan (WI)				Fudge	Lowey	Richardson
Grijalva	Matheson	Sablan				Gallegly	Lucas	Rodriguez
Guthrie	Matsui	Salazar				Garrett (NJ)	Luetkemeyer	Roe (TN)
Gutierrez	McCarthy (CA)	Sánchez, Linda				Gerlach	Luján	Rogers (AL)
Hall (NY)	McCarthy (NY)	T.				Giffords	Lummis	Rogers (KY)
Hall (TX)	McCaul	Sanchez, Loretta				Gingrey (GA)	Lungren, Daniel	Rogers (MI)
Halvorson	McCollum	Sarbanes				Gohmert	E.	Rohrabacher
Hare	McCotter	Scalise				Gonzalez	Lynch	Rooney
Harman	McDermott	Schakowsky				Goodlatte	Mack	Ros-Lehtinen
Harper	McGovern	Schauer				Gordon (TN)	Maffei	Roskam
Hastings (FL)	McHenry	Schiff				Granger	Maloney	Ross
Hastings (WA)	McIntyre	Schmidt				Graves	Manzullo	Rothman (NJ)
Heinrich	McKeon	Schock				Grayson	Marchant	Roybal-Allard
Heller	McMahon	Schrader				Green, Al	Markey (CO)	Royce
Hensarling	McMorris	Schwartz				Green, Gene	Markey (MA)	Ruppersberger
Hergert	Rodgers	Scott (GA)				Griffith	Marshall	Rush
Herseth Sandlin	McNerney	Scott (VA)				Grijalva	Massa	Ryan (OH)
Higgins	Meek (FL)	Sensenbrenner				Guthrie	Matheson	Ryan (WI)
Hill	Meeks (NY)	Serrano				Gutierrez	Matsui	Sablan
Himes	Melancon	Sessions				Hall (NY)	McCarthy (CA)	Salazar
Hinche	Mica	Sestak				Hall (TX)	McCarthy (NY)	Sánchez, Linda
Hinojosa	Michaud	Shadegg				Halvorson	McCaul	T.
Hirono	Miller (FL)	Shea-Porter				Hare	McClintock	Sanchez, Loretta
Hodes	Miller (MI)	Sherman				Harman	McCollum	Sarbanes
Hoekstra	Miller (NC)	Shimkus				Harper	McCotter	Scalise
Holden	Miller, Gary	Shuler				Hastings (FL)	McDermott	Schakowsky
Holt	Miller, George	Shuster				Hastings (WA)	McGovern	Schauer
Honda	Minnick	Simpson				Heinrich	McHenry	Schiff
Hoyer	Mitchell	Sires				Heller	McIntyre	Schmidt
Hunter	Mollohan	Skeltan				Hensarling	McKeon	Schock
Inglis	Moore (KS)	Slaughter				Hergert	McMahon	Schrader
Inslee	Moore (WI)	Smith (NE)				Herseth Sandlin	McMorris	Schwartz
Israel	Moran (KS)	Smith (NJ)				Higgins	Rodgers	Scott (GA)
Issa	Moran (VA)	Smith (TX)				Hill	McNerney	Sensenbrenner
Jackson (IL)	Murphy (CT)	Smith (WA)				Himes	Meek (FL)	Serrano
Jackson-Lee	Murphy (NY)	Snyder				Hinche	Meeks (NY)	Sessions
(TX)	Murphy, Patrick	Souder				Hinojosa	Melancon	Sestak
Jenkins	Murphy, Tim	Space				Hirono	Mica	Shadegg
Johnson (GA)	Murtha	Speier				Hodes	Michaud	Shea-Porter
Johnson (IL)	Myrick	Spratt				Hoekstra	Miller (FL)	Sherman
Johnson, E. B.	Nadler (NY)	Stark				Holden	Miller (MI)	Shimkus
Jones	Napolitano	Stearns				Holt	Miller (NC)	Shuler
Jordan (OH)	Neal (MA)	Stupak				Honda	Miller, Gary	Shuster

## NOES—5

## NOT VOTING—9

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1323

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 21 OFFERED BY MR. TEAGUE

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from New Mexico (Mr.  
TEAGUE) on which further proceedings  
were postponed and on which the ayes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 425, noes 0,  
not voting 14, as follows:

[Roll No. 716]

## AYES—425

Ackerman	Bocieri	Cantor
Aderholt	Boehner	Cao
Adler (NJ)	Bonner	Capito
Akin	Bono Mack	Capps
Alexander	Boozman	Capuano
Altmire	Bordallo	Cardoza
Andrews	Boren	Carnahan
Arcuri	Boswell	Carney
Austria	Boucher	Carson (IN)
Baca	Boustany	Carter
Bachus	Boyd	Cassidy
Baird	Brady (PA)	Castle
Baldwin	Brady (TX)	Castor (FL)
Barrow	Braley (IA)	Chaffetz
Bartlett	Bright	Chandler
Barton (TX)	Brown (GA)	Childers
Bean	Brown (SC)	Christensen
Becerra	Brown, Corrine	Chu
Berkley	Brown-Waite,	Clarke
Berry	Ginny	Clay
Biggart	Buchanan	Cleaver
Bilbray	Burgess	Clyburn
Bilirakis	Burton (IN)	Coble
Bishop (NY)	Butterfield	Coffman (CO)
Bishop (UT)	Buyer	Cohen
Blackburn	Calvert	Cole
Blumenauer	Camp	Conaway
Blunt	Campbell	Connolly (VA)

Simpson	Terry	Wasserman	Jenkins	McKeon	Schmidt	Perriello	Sánchez, Linda	Taylor
Sires	Thompson (CA)	Schultz	Johnson (IL)	McMorris	Schock	Peters	T.	Teague
Skelton	Thompson (MS)	Waters	Johnson, Sam	Rodgers	Sensenbrenner	Peterson	Sanchez, Loretta	Thompson (CA)
Slaughter	Thompson (PA)	Watson	Jones	Mica	Sessions	Petri	Sarbanes	Thompson (MS)
Smith (NE)	Thornberry	Watt	Jordan (OH)	Miller (FL)	Shadegg	Pierluisi	Schakowsky	Tierney
Smith (NJ)	Tiahrt	Waxman	King (IA)	Miller (MI)	Shimkus	Pingree (ME)	Schauer	Titus
Smith (TX)	Tiberi	Weiner	King (NY)	Miller, Gary	Shuster	Platts	Schiff	Tonko
Smith (WA)	Tierney	Welch	Kingston	Moran (KS)	Simpson	Polis (CO)	Schrader	Towns
Snyder	Titus	Westmoreland	Kline (MN)	Murphy, Tim	Smith (NE)	Pomeroy	Schwartz	Tsongas
Souder	Tonko	Wexler	Lamborn	Myrick	Smith (NJ)	Price (GA)	Scott (GA)	Van Hollen
Space	Towns	Whitfield	Lance	Neugebauer	Smith (TX)	Price (NC)	Scott (VA)	Velázquez
Speier	Tsongas	Wilson (OH)	Latham	Olson	Souder	Quigley	Serrano	Visclosky
Spratt	Turner	Wilson (SC)	LaTourette	Paulsen	Stearns	Rahall	Sestak	Wasserman
Stark	Upton	Wittman	Latta	Pence	Sullivan	Rangel	Shea-Porter	Schultz
Stearns	Wolf	Woolsey	Lee (NY)	Pitts	Terry	Reyes	Sherman	Waters
Stupak	Van Hollen	Wu	Lewis (CA)	Poe (TX)	Thompson (PA)	Richardson	Shuler	Watson
Sullivan	Visclosky	Yarmuth	LoBiondo	Posey	Thornberry	Rodriguez	Sires	Watt
Sutton	Walzen	Young (AK)	Lucas	Putnam	Tiahrt	Ros-Lehtinen	Skelton	Waxman
Taylor	Walz	Young (FL)	Luetkemeyer	Rehberg	Tiberi	Ross	Slaughter	Weiner
Teague	Wamp		Lummis	Reichert	Turner	Rothman (NJ)	Smith (WA)	Welch
			Lungren, Daniel	Roe (TN)	Upton	Roybal-Allard	Snyder	Wexler
			E.	Rogers (AL)	Walden	Ruppersberger	Space	Wilson (OH)
			Mack	Rogers (KY)	Wamp	Rush	Speier	Woolsey
			Manzullo	Rogers (MI)	Westmoreland	Ryan (OH)	Spratt	Wu
			Marchant	Rohrabacher	Whitfield	Sablan	Stark	Yarmuth
			McCarthy (CA)	Rooney	Wilson (SC)	Salazar	Stupak	
			McCauley	Roskam	Wittman		Sutton	
			McClintock	Royce	Wolf			
			McCotter	Ryan (WI)	Young (AK)			
			McHenry	Scalise	Young (FL)			

## NOT VOTING—14

Abercrombie	Costa	Radanovich
Bachmann	Emerson	Scott (VA)
Barrett (SC)	McHugh	Tanner
Berman	Nunes	Velázquez
Bishop (GA)	Paul	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1329

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

## AMENDMENT NO. 24 OFFERED BY MR. GUTHRIE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. GUTHRIE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 265, not voting 9, as follows:

[Roll No. 717]

## AYES—165

Aderholt	Burton (IN)	Fallin
Akin	Buyer	Flake
Alexander	Calvert	Fleming
Austria	Camp	Forbes
Bachmann	Campbell	Fortenberry
Bachus	Cantor	Franks (AZ)
Bartlett	Capito	Frelinghuysen
Barton (TX)	Carter	Gallegly
Biggert	Cassidy	Garrett (NJ)
Bilbray	Castle	Gerlach
Billirakis	Chaffetz	Gingrey (GA)
Bishop (UT)	Coble	Gohmert
Blackburn	Coffman (CO)	Goodlatte
Blunt	Cole	Granger
Boehner	Conaway	Graves
Bonner	Crenshaw	Guthrie
Bono Mack	Culberson	Hall (TX)
Boozman	Davis (KY)	Harper
Boustany	Deal (GA)	Hastings (WA)
Brady (TX)	Dent	Heller
Broun (GA)	Diaz-Balart, L.	Hensarling
Brown (SC)	Diaz-Balart, M.	Herger
Brown-Waite,	Dreier	Hoekstra
Ginny	Duncan	Hunter
Buchanan	Ehlers	Inglis
Burgess	Emerson	Issa

Ackerman	Dingell	Kirkpatrick (AZ)
Adler (NJ)	Doggett	Kissell
Altmire	Donnelly (IN)	Klein (FL)
Andrews	Doyle	Kosmas
Arcuri	Driehaus	Kratovil
Baca	Edwards (MD)	Kucinich
Baird	Edwards (TX)	Langevin
Baldwin	Ellison	Larsen (WA)
Barrow	Ellsworth	Larson (CT)
Bean	Engel	Lee (CA)
Becerra	Eshoo	Levin
Berkley	Etheridge	Lewis (GA)
Berman	Faleomavaega	Linder
Berry	Farr	Lipinski
Bishop (GA)	Fattah	Loeb
Bishop (NY)	Filner	Loftis, Zoe
Blumenauer	Foster	Lowey
Boccieri	Fox	Lujan
Bordallo	Frank (MA)	Lynch
Boren	Fudge	Maffei
Boswell	Giffords	Maloney
Boucher	Gonzalez	Markey (CO)
Boyd	Gordon (TN)	Markey (MA)
Brady (PA)	Grayson	Marshall
Braley (IA)	Green, Al	Massa
Bright	Green, Gene	Matheson
Brown, Corrine	Griffith	Matsui
Butterfield	Grijalva	McCarthy (NY)
Cao	Gutierrez	McCormack
Capps	Hall (NY)	McDermott
Capuano	Halvorson	McGovern
Cardoza	Hare	McIntyre
Carnahan	Harman	McMahon
Carney	Hastings (FL)	McNerney
Carson (IN)	Heinrich	Meek (FL)
Castor (FL)	Herseth Sandlin	Melancon
Chandler	Higgins	Michaud
Childers	Hill	Miller (NC)
Christensen	Himes	Miller, George
Chu	Hinche	Minnick
Clarke	Hinojosa	Mitchell
Clay	Hirono	Mollohan
Cleaver	Hodes	Moore (KS)
Clyburn	Holden	Moore (WI)
Cohen	Holt	Moran (VA)
Connolly (VA)	Honda	Murphy (CT)
Conyers	Hoyer	Murphy (NY)
Cooper	Inslee	Murphy, Patrick
Costello	Israel	Murtha
Courtney	Jackson (IL)	Nadler (NY)
Crowley	Jackson-Lee	Napolitano
Cuellar	(TX)	Neal (MA)
Cummings	Johnson (GA)	Norton
Dahlkemper	Johnson, E. B.	Nye
Davis (AL)	Kagen	Oberstar
Davis (CA)	Kanjorski	Obey
Davis (IL)	Kaptur	Olver
Davis (TN)	Kennedy	Ortiz
DeFazio	Kildee	Pallone
DeGette	Kilpatrick (MI)	Pascarella
DeLahunt	Kilroy	Pastor (AZ)
DeLauro	Kind	Payne
Dicks	Kirk	Perlmutter

## NOES—265

## NOT VOTING—9

Abercrombie	McHugh	Paul
Barrett (SC)	Meeks (NY)	Radanovich
Costa	Nunes	Tanner

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1337

Mr. SCHRADER changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes, pursuant to House Resolution 746, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. ISSA. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ISSA. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Issa moves to recommit the bill H.R. 3221 to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end the following new title (and conform the table of contents accordingly):

#### **TITLE VI—DEFUND ACORN ACT**

##### **SECTION 601. SHORT TITLE.**

This title may be cited as the "Defund ACORN Act".

##### **SEC. 602. PROHIBITIONS ON FEDERAL FUNDS AND OTHER ACTIVITIES WITH RESPECT TO CERTAIN INDICTED ORGANIZATIONS.**

(a) PROHIBITIONS.—With respect to any covered organization, the following prohibitions apply:

(1) No Federal contract, grant, cooperative agreement, or any other form of agreement (including a memorandum of understanding) may be awarded to or entered into with the organization.

(2) No Federal funds in any other form may be provided to the organization.

(3) No Federal employee or contractor may promote in any way (including recommending to a person or referring to a person for any purpose) the organization.

(b) COVERED ORGANIZATION.—In this section, the term "covered organization" means any of the following:

(1) Any organization that has been indicted for a violation under any Federal or State law governing the financing of a campaign for election for public office or any law governing the administration of an election for public office, including a law relating to voter registration.

(2) Any organization that had its State corporate charter terminated due to its failure to comply with Federal or State lobbying disclosure requirements.

(3) Any organization that has filed a fraudulent form with any Federal or State regulatory agency.

(4) Any organization that—

(A) employs any applicable individual, in a permanent or temporary capacity;

(B) has under contract or retains any applicable individual; or

(C) has any applicable individual acting on the organization's behalf or with the express or apparent authority of the organization.

(c) ADDITIONAL DEFINITIONS.—In this section:

(1) The term "organization" includes the Association of Community Organizations for Reform Now (in this subsection referred to as "ACORN") and any ACORN-related affiliate.

(2) The term "ACORN-related affiliate" means any of the following:

(A) Any State chapter of ACORN registered with the Secretary of State's office in that State.

(B) Any organization that shares directors, employees, or independent contractors with ACORN.

(C) Any organization that has a financial stake in ACORN.

(D) Any organization whose finances, whether federally funded, donor-funded, or raised through organizational goods and services, are shared or controlled by ACORN.

(3) The term "applicable individual" means an individual who has been indicted for a violation under Federal or State law relating to an election for Federal or State office.

(d) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to carry out the provisions of this title relating to contracts.

Mr. ISSA (during the reading). Mr. Speaker, I ask unanimous consent for waiving the reading of the remainder of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. ISSA. Mr. Speaker, this motion to recommit is critical at this time. As many people in this body realize, the scandals surrounding the criminal activities of ACORN have called into question their role in all aspects of government, including aspects covered in this bill. The funding they've received under Health and Human Services, title IV, which is covered in this bill, and other areas make it extremely important that we consider it at this time.

ACORN, as our committee had previously reported, is an organization with a long history of criminal indictments and activities, so much so that in fact the Census Bureau has, on its own, removed its funding. The Senate has voted 83-7 to remove funding; we must do the same thing.

This motion to recommit deliberately is here because in fact this is a funding-related activity. This is one in which we understand that the very fundamental of taxpayer dollars being properly used and supported is at stake.

There is no question as to where ACORN stands, where the administration and multiple Governors, including my own Governor, Arnold Schwarzenegger, have called for this investigation; 130 Members of this body have called on the President in fact to defund.

So the motion to recommit, narrow in scope, simply makes the defunding of ACORN a portion of this bill, makes it clear that the Members of this House do not support ACORN's activities, including child trafficking, prostitution, and in fact a great many other criminal activities, including voter fraud. This is timely, it is targeted, and it is time that this House act.

I move the motion, and ask for it to be voted positively.

Mr. Speaker, this motion to recommit is simple. It's about protecting students and taxpayers.

Earlier this week, more than 130 House Republicans wrote to President Obama requesting that he take immediate action to cut off all federal funding of the Association of Community Organizations for Reform Now, or ACORN.

ACORN has been linked to multiple instances of voter registration fraud and other illicit activity. In recent days, media accounts

have detailed ACORN employees' alleged complicity in illegal schemes too unseemly to discuss in this chamber. To continue funding this organization would not just be indefensible—it would be an outrage.

An analysis of federal data shows that ACORN has received more than \$53 million in direct funding from the Federal Government since 1994, and has likely received substantially more indirectly through States and localities that receive Federal block grants.

The Census Bureau recently decided to sever all ties with ACORN to ensure the integrity of their operations. This was the right decision. Unfortunately, ACORN's links to the Federal Government do not stop with the Census Bureau. This organization has infiltrated a host of federal programs, consuming taxpayer dollars even as it has repeatedly been found to engage in criminal activity.

To fully protect taxpayers, we must enact a comprehensive ban on Federal funding for this corrupt and criminal organization. This motion to recommit will do exactly that.

Republicans have introduced legislation—the Defund ACORN Act—to put an immediate stop to Federal funding for this crooked bunch.

U.S. International Agreements: The iron and steel section states: "This section shall be applied in a manner consistent with United States obligations under international agreements." This applies government-wide.

Any and all Federal agencies: Section 505(a) is open to other entities the Secretary deems appropriate—an open-ended inclusion that could apply to any Federal agency.

The tentacles of this legislation reach into the economy, our education system, our workforce system, and a host of other areas. It is truly a comprehensive bill—and a comprehensive ban on funding for ACORN, such as that included in this motion, is what is needed.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion, although I will not oppose the motion.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, I want to begin by thanking so many Members of the House that have supported this bill today on this floor. The bipartisan support we had for so many of the amendments, the debate and the dialogue that we had, thank you so very much.

When the President talked about the future of the American economy, he made it very clear that if we were going to be competitive in the rest of the world, if we were going to emerge in that top competitive position in the next generation of the globalized economy, where so many more countries are now able to educate young people, provide world-class organizations, universities, research facilities, that we had to change our education system, that we had to make a major investment, that we no longer could just

think about how much money we put into education. We had to start thinking about the outcomes and whether we were getting the results for young people all across this country, were we getting the results for businesses across this country, were we getting the results for families.

He made that very clear with the Race to the Top fund that is getting such wide reception and acceptance from Governors all over the country, from school districts, from unions, from families and organizations to see that change. He has extended that to the colleges and universities.

It is not enough that a student enters a college, that he or she is eligible to go to college. The question is, Will they graduate from that college? And what he has put in this legislation is a discussion and a requirement that we understand how many people who enter college obtain that certificate for a career, that AA degree in a 2-year college, their ability to go on to a 4-year college. That's the first time we've ever asked that question.

But it's terribly important, when two-thirds of the people going to college today are borrowing money, when they're borrowing money, we need to know that the colleges are providing the right kind of educational experience and the opportunity to succeed. That's what you've been voting for all day long, and I want to thank you because it will change the direction, it will change the direction in which we are going in this Nation. And I think it will dramatically enhance our possibilities of remaining the top competitive country in the world.

That's why the Business Roundtable spoke to the issue of the community college provisions in this bill, how important they were so that the community colleges could become a catalyst for economic revitalization, for retooling, for dislocation, so that communities that are welcoming a new industry or communities that are losing an old one and thinking about where to go in the future, to make the community colleges the center of that training and education that so many American workers and families are seeking out today. That's what you voted to do in this bill.

□ 1345

I want to thank you very much.

Mr. NADLER of New York. Will the gentleman yield?

Mr. GEORGE MILLER of California. I will not yield. I want to thank you very much.

As to this amendment, ACORN gets, I believe, no money under this bill, but that's not the issue. The issue is that I will support the gentleman's motion to instruct. We have a world-class bill here. We have a bill of opportunity for families, for students, for employers, for our country, and for our economy. I

hope you will support it. Vote for the motion to instruct. Vote for this bill on final passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. ISSA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 345, noes 75, answered “present” 2, not voting 11, as follows:

[Roll No. 718]

#### AYES—345

Ackerman	Carter	Gonzalez
Aderholt	Cassidy	Goodlatte
Adler (NJ)	Castle	Gordon (TN)
Akin	Chaffetz	Granger
Alexander	Chandler	Graves
Altmire	Childers	Grayson
Andrews	Chu	Green, Gene
Arcuri	Clay	Griffith
Austria	Coble	Guthrie
Baca	Coffman (CO)	Gutierrez
Bachmann	Cohen	Hall (NY)
Bachus	Cole	Hall (TX)
Baird	Conaway	Halvorson
Barrow	Conyers	Hare
Bartlett	Cooper	Harman
Barton (TX)	Costello	Harper
Bean	Courtney	Hastings (WA)
Berkley	Crenshaw	Heinrich
Berman	Cuellar	Heller
Berry	Culberson	Hensarling
Biggert	Dahlkemper	Herger
Bilbray	Davis (AL)	Herseth Sandlin
Bilirakis	Davis (CA)	Higgins
Bishop (GA)	Davis (KY)	Hill
Bishop (NY)	Davis (TN)	Himes
Bishop (UT)	Deal (GA)	Hinojosa
Blackburn	DeFazio	Hodes
Blumenauer	DeLauro	Hoekstra
Blunt	Dent	Holden
Boccieri	Diaz-Balart, L.	Hoyer
Boehner	Diaz-Balart, M.	Hunter
Bonner	Dicks	Inglis
Bono Mack	Dingell	Inslee
Boozman	Doggett	Israel
Boren	Donnelly (IN)	Issa
Boswell	Dreier	Jenkins
Boucher	Driehaus	Johnson (GA)
Boustany	Duncan	Johnson (IL)
Boyd	Edwards (TX)	Johnson, Sam
Brady (TX)	Ehlers	Jones
Braley (IA)	Ellsworth	Jordan (OH)
Bright	Emerson	Kagen
Broun (GA)	Eshoo	Kanjorski
Brown (SC)	Etheridge	Kaptur
Brown-Waite,	Fallin	Kennedy
Ginny	Farr	Kildee
Buchanan	Flake	Kilroy
Burgess	Fleming	Kind
Burton (IN)	Forbes	King (IA)
Buyer	Fortenberry	King (NY)
Calvert	Foster	Kingston
Camp	Fox	Kirk
Campbell	Franks (AZ)	Kirkpatrick (AZ)
Cantor	Frelinghuysen	Kissell
Cao	Gallegly	Klein (FL)
Capito	Garrett (NJ)	Kline (MN)
Capps	Gerlach	Kosmas
Cardoza	Giffords	Kratovil
Carnahan	Gingrey (GA)	Lamborn
Carney	Gohmert	Lance

Langevin	Murphy, Patrick	Sensenbrenner
Larson (CT)	Murphy, Tim	Sessions
Latham	Murtha	Sestak
LaTourette	Myrick	Shadegg
Latta	Napolitano	Shea-Porter
Lee (NY)	Neugebauer	Shimkus
Levin	Nye	Shuler
Lewis (CA)	Oberstar	Shuster
Linder	Obey	Simpson
Lipinski	Olson	Skelton
LoBiondo	Ortiz	Smith (NE)
Loeback	Pastor (AZ)	Smith (NJ)
Lofgren, Zoe	Paulsen	Smith (TX)
Lowey	Pence	Smith (WA)
Lucas	Perlmutter	Snyder
Luetkemeyer	Perriello	Souder
Lujan	Peters	Space
Lummis	Peterson	Speier
Lungren, Daniel	Petri	Spratt
E.	Pingree (ME)	Stearns
Mack	Pitts	Stupak
Maffei	Platts	Sullivan
Maloney	Poe (TX)	Sutton
Manzullo	Pomeroy	Taylor
Marchant	Posey	Teague
Markey (CO)	Price (GA)	Terry
Marshall	Putnam	Thompson (CA)
Massa	Quigley	Thompson (PA)
Matheson	Rehberg	Thornberry
Matsui	Reichert	Tiahrt
McCarthy (CA)	Reyes	Tiberi
McCarthy (NY)	Richardson	Tierney
McCaul	Rodriguez	Titus
McClintock	Roe (TN)	Tonko
McCotter	Rogers (AL)	Turner
McHenry	Rogers (KY)	Upton
McIntyre	Rogers (MI)	Van Hollen
McKeon	Rohrabacher	Visclosky
McMahon	Rooney	Walden
McMorris	Ros-Lehtinen	Walz
Rodgers	Roskam	Wamp
McNerney	Ross	Wasserman
Meek (FL)	Rothman (NJ)	Schultz
Melancon	Royce	Weiner
Mica	Ruppersberger	Welch
Michaud	Ryan (OH)	Westmoreland
Miller (FL)	Ryan (WI)	Whitfield
Miller (MI)	Salazar	Wilson (OH)
Miller (NC)	Sanchez, Loretta	Wilson (SC)
Miller, Gary	Sarbanes	Wittman
Miller, George	Scalise	Wolf
Minnick	Schauer	Wu
Mitchell	Schiff	Yarmuth
Moore (KS)	Schmidt	Young (AK)
Moran (KS)	Schock	Young (FL)
Murphy (CT)	Schrader	
Murphy (NY)	Schwartz	

#### NOES—75

Baldwin	Holt	Polis (CO)
Becerra	Honda	Price (NC)
Brady (PA)	Jackson (IL)	Rahall
Brown, Corrine	Jackson-Lee	Rangel
Butterfield	(TX)	Roibal-Allard
Capuano	Johnson, E.B.	Rush
Carson (IN)	Kilpatrick (MI)	Sánchez, Linda
Castor (FL)	Kucinich	T.
Cleaver	Larsen (WA)	Schakowsky
Clyburn	Lee (CA)	Scott (GA)
Crowley	Lewis (GA)	Scott (VA)
Cummings	Lynch	Serrano
Davis (IL)	Markey (MA)	Sherman
DeGette	McCollum	Sires
Delahunt	McDermott	Slaughter
Doyle	McGovern	Stark
Edwards (MD)	Meeks (NY)	Thompson (MS)
Ellison	Mollohan	Towns
Engel	Moore (WI)	Tsongas
Fattah	Moran (VA)	Velázquez
Filner	Nadler (NY)	Waters
Fudge	Neal (MA)	Watson
Green, Al	Oliver	Waxman
Grijalva	Pallone	Wexler
Hinchey	Pascarell	Woolsey
Hirono	Payne	

#### ANSWERED “PRESENT”—2

Hastings (FL)	Watt
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#### NOT VOTING—11

Abercrombie	Costa	Paul
Barrett (SC)	Frank (MA)	Radanovich
Clarke	McHugh	Tanner
Connolly (VA)	Nunes	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1406

Messrs. RAHALL, MOLLOHAN and ENGEL changed their vote from "aye" to "no."

Ms. ESHOO, Messrs. WELCH, INS-LEE, FARR, DOGGETT, MINNICK, Ms. WASSERMAN SCHULTZ, Messrs. AKIN, EHLERS and JOHNSON of Georgia changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 3221, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GEORGE MILLER of California:

Add at the end the following new title (and conform the table of contents accordingly):

# **TITLE VI—DEFUND ACORN ACT**

## **SECTION 601. SHORT TITLE.**

This title may be cited as the "Defund ACORN Act".

## **SEC. 602. PROHIBITIONS ON FEDERAL FUNDS AND OTHER ACTIVITIES WITH RESPECT TO CERTAIN INDICTED ORGANIZATIONS.**

(a) PROHIBITIONS.—With respect to any covered organization, the following prohibitions apply:

(1) No Federal contract, grant, cooperative agreement, or any other form of agreement (including a memorandum of understanding) may be awarded to or entered into with the organization.

(2) No Federal funds in any other form may be provided to the organization.

(3) No Federal employee or contractor may promote in any way (including recommending to a person or referring to a person for any purpose) the organization.

(b) COVERED ORGANIZATION.—In this section, the term "covered organization" means any of the following:

(1) Any organization that has been indicted for a violation under any Federal or State law governing the financing of a campaign for election for public office or any law governing the administration of an election for public office, including a law relating to voter registration.

(2) Any organization that had its State corporate charter terminated due to its failure to comply with Federal or State lobbying disclosure requirements.

(3) Any organization that has filed a fraudulent form with any Federal or State regulatory agency.

(4) Any organization that—

(A) employs any applicable individual, in a permanent or temporary capacity;

(B) has under contract or retains any applicable individual; or

(C) has any applicable individual acting on the organization's behalf or with the express or apparent authority of the organization.

(c) ADDITIONAL DEFINITIONS.—In this section:

(1) The term "organization" includes the Association of Community Organizations for Reform Now (in this subsection referred to as "ACORN") and any ACORN-related affiliate.

(2) The term "ACORN-related affiliate" means any of the following:

(A) Any State chapter of ACORN registered with the Secretary of State's office in that State.

(B) Any organization that shares directors, employees, or independent contractors with ACORN.

(C) Any organization that has a financial stake in ACORN.

(D) Any organization whose finances, whether federally funded, donor-funded, or raised through organizational goods and services, are shared or controlled by ACORN.

(3) The term "applicable individual" means an individual who has been indicted for a violation under Federal or State law relating to an election for Federal or State office.

(d) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to carry out the provisions of this title relating to contracts.

Mr. GEORGE MILLER of California (during the reading). I ask unanimous consent to suspend with the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## **RECORDED VOTE**

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 171, not voting 10, as follows:

[Roll No. 719]

AYES—253

Ackerman	Brady (PA)	Cohen
Adler (NJ)	Braley (IA)	Connolly (VA)
Altmire	Bright	Cooper
Andrews	Brown, Corrine	Costello
Arcuri	Buchanan	Courtney
Baca	Butterfield	Crowley
Baird	Cao	Cuellar
Baldwin	Capps	Cummings
Barrow	Capuano	Dahlkemper
Bean	Cardoza	Davis (AL)
Becerra	Carnahan	Davis (CA)
Berkley	Carney	Davis (IL)
Berman	Carson (IN)	Davis (TN)
Berry	Castor (FL)	DeFazio
Bishop (GA)	Chandler	DeGette
Bishop (NY)	Childers	Delahunt
Blumenauer	Chu	DeLauro
Boccieri	Clarke	Dicks
Boren	Clay	Dingell
Boswell	Cleaver	Doggett
Boucher	Clyburn	Donnelly (IN)

Doyle	Levin	Richardson
Driehaus	Lewis (GA)	Rodriguez
Edwards (MD)	Lipinski	Ros-Lehtinen
Edwards (TX)	Loebach	Ross
Ellison	Lofgren, Zoe	Rothman (NJ)
Ellsworth	Lowey	Roybal-Allard
Engel	Lujan	Ruppersberger
Eshoo	Lynch	Rush
Etheridge	Maffei	Ryan (OH)
Farr	Maloney	Salazar
Fattah	Markey (CO)	Sánchez, Linda
Filner	Markey (MA)	T.
Foster	Marshall	Sanchez, Loretta
Fudge	Massa	Sarbanes
Giffords	Matheson	Schakowsky
Gonzalez	Matsui	Schauer
Gordon (TN)	McCarthy (NY)	Schiff
Grayson	McCollum	Schrader
Green, Al	McDermott	Schwartz
Green, Gene	McGovern	Scott (GA)
Griffith	McIntyre	Scott (VA)
Grijalva	McNerney	Serrano
Gutierrez	Meek (FL)	Sestak
Hall (NY)	Meeks (NY)	Shea-Porter
Halvorson	Melancon	Sherman
Hare	Michaud	Shuler
Harman	Miller (NC)	Sires
Hastings (FL)	Miller, George	Skelton
Heinrich	Minnick	Slaughter
Higgins	Mitchell	Smith (WA)
Hill	Mollohan	Snyder
Himes	Moore (KS)	Space
Hinchey	Moore (WI)	Speier
Hinojosa	Moran (VA)	Spratt
Hirono	Murphy (CT)	Stark
Hodes	Murphy (NY)	Stupak
Holden	Murphy, Patrick	Sutton
Holt	Murtha	Taylor
Honda	Nadler (NY)	Teague
Hoyer	Napolitano	Thompson (CA)
Inslee	Neal (MA)	Thompson (MS)
Israel	Nye	Tierney
Jackson (IL)	Oberstar	Titus
Jackson-Lee	Obey	Tonko
(TX)	Olver	Towns
Johnson (GA)	Ortiz	Tsongas
Johnson (IL)	Pallone	Van Hollen
Johnson, E. B.	Pascrell	Velázquez
Kagen	Pastor (AZ)	Visclosky
Kaptur	Payne	Walz
Kennedy	Pelosi	Wasserman
Kildee	Perlmutter	Schultz
Kilpatrick (MI)	Perriello	Waters
Kilroy	Peters	Watson
Kind	Peterson	Watt
Kirkpatrick (AZ)	Petri	Waxman
Kissell	Pingree (ME)	Weiner
Klein (FL)	Platts	Welch
Kosmas	Polis (CO)	Wexler
Kratovil	Pomeroy	Wilson (OH)
Kucinich	Price (NC)	Woolsey
Langevin	Quigley	Wu
Larsen (WA)	Rahall	Yarmuth
Larson (CT)	Rangel	
Lee (CA)	Reyes	

## **NOES—171**

Aderholt	Calvert	Fortenberry
Akin	Camp	Fox
Alexander	Campbell	Franks (AZ)
Austria	Cantor	Frelinghuysen
Bachmann	Capito	Gallegly
Bachus	Carter	Garrett (NJ)
Bartlett	Cassidy	Gerlach
Barton (TX)	Castle	Gingrey (GA)
Biggart	Chaffetz	Gohmert
Bilbray	Coble	Goodlatte
Bilirakis	Coffman (CO)	Granger
Bishop (UT)	Cole	Graves
Blackburn	Conaway	Guthrie
Blunt	Crenshaw	Hall (TX)
Boehner	Culberson	Harper
Bonner	Davis (KY)	Hastings (WA)
Bono Mack	Deal (GA)	Heller
Boozman	Dent	Hensarling
Boustany	Diaz-Balart, L.	Herger
Boyd	Diaz-Balart, M.	Herseth Sandlin
Brady (TX)	Dreier	Hoeksra
Brown (GA)	Duncan	Hunter
Brown (SC)	Ehlers	Inglis
Brown-Waite,	Emerson	Issa
Ginny	Fallin	Jenkins
Burgess	Flake	Johnson, Sam
Burton (IN)	Fleming	Jones
Buyer	Forbes	Jordan (OH)

Kanjorski	McMorris	Schmidt
King (IA)	Rodgers	Schock
King (NY)	Mica	Sensenbrenner
Kingston	Miller (FL)	Sessions
Kirk	Miller (MI)	Shadegg
Kline (MN)	Miller, Gary	Shimkus
Lamborn	Moran (KS)	Shuster
Lance	Murphy, Tim	Simpson
Latham	Myrick	Smith (NE)
LaTourette	Neugebauer	Smith (NJ)
Latta	Olson	Smith (TX)
Lee (NY)	Paulsen	Souder
Lewis (CA)	Pence	Stearns
Linder	Pitts	Sullivan
LoBlundo	Poe (TX)	Terry
Lucas	Posey	Thompson (PA)
Luetkemeyer	Price (GA)	Thornberry
Lummis	Putnam	Tiahrt
Lungren, Daniel	Rehberg	Tiberi
E.	Reichert	Turner
Mack	Roe (TN)	Upton
Manzullo	Rogers (AL)	Walden
Marchant	Rogers (KY)	Wamp
McCarthy (CA)	Rogers (MI)	Westmoreland
McCaul	Rohrabacher	Whitfield
McClintock	Rooney	Wilson (SC)
McCotter	Roskam	Wittman
McHenry	Royce	Wolf
McKeon	Ryan (WI)	Young (AK)
McMahon	Scalise	Young (FL)

## NOT VOTING—10

Abercrombie	Frank (MA)	Radanovich
Barrett (SC)	McHugh	Tanner
Conyers	Nunes	
Costa	Paul	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1416

Mr. KAGEN changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. NUNES. Mr. Speaker, on the legislative day of Thursday, September 17, 2009, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: Rollcall 710—"aye"; rollcall 711—"aye"; rollcall 712—"aye"; rollcall 713—"aye"; rollcall 714—"aye"; rollcall 715—"aye"; rollcall 716—"aye"; rollcall 717—"aye"; rollcall 718—"aye"; rollcall 719—"no."

## PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, today I inadvertently cast a "yea" vote for a motion to recommit on H.R. 3221 and did not vote for final passage. I intended to vote "no" on the motion to recommit and "yea" on final passage of the bill.

# AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3221, STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the staffs of the Education and Labor Committee on both sides of the aisle for all of their

hard work, and I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3221, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the assertion of appropriate headings.

The SPEAKER pro tempore (Mr. MASSA). Is there objection to the request of the gentleman from California?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3226

Mr. KINGSTON. Mr. Speaker, I rise to make a unanimous consent request because I am very sorry that my office inadvertently put my friend, Mr. WILLIAM CLAY, on a bill which he did not intend to cosponsor. It was our mistake, not Mr. CLAY's. So I ask unanimous consent that we remove the name of Mr. WILLIAM LACY Clay from H.R. 3226.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I rise for the purpose of inquiring about next week's schedule, and I yield to the gentleman from Maryland (Mr. HOYER), the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

Mr. Speaker, on Monday the House will meet at 4 p.m. for pro forma session. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow, as is the custom.

In addition, Mr. Speaker, we will consider H.R. 3548, the Unemployment Compensation Act of 2009; H.R. 324, the Santa Cruz Valley National Heritage Area Act; and a resolution which will make continuing appropriations for the fiscal year 2010, and for other purposes.

I yield back.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as the gentleman indicated, we will be considering several extensions of expiring law next week. I would like to ask, though, with the recent reports of the Senate Finance Committee marking up their health care bill, whether the gentleman could

tell us if the House could expect that health care legislation would be moving to the floor either next week or sometime soon.

I yield.

Mr. HOYER. Well, I hope sometime soon, but not next week. That is certainly the case. We will be moving the health care bill as soon as it is ready to be moved. Obviously, as you say, the Senate put a bill on the table. It will be marking that up next week. But our committees are working on bringing three bills that have passed out of committees together. As soon as they are ready to go, and I can't predict when that will be, we will bring the bill to the floor. But I reiterate, it is not going to be next week.

Mr. CANTOR. I thank the gentleman.

I would like to ask the follow-up, Mr. Speaker, whether the gentleman believes the House will be waiting for the Senate to act prior to a bill coming to the floor of this House.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

No, the House will be, as I said, moving the bill to the floor when the House is ready to do so. We don't know what the Senate schedule will be so we are going to proceed on our own schedule. And then obviously at some point in time the bills will have to be conferenced and reconciled.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would like to turn to the question next week surrounding the House's actions regarding issues confronting the assembly of the United Nations in New York next week.

Mr. Speaker, as the gentleman knows, and he and I both traveled to Israel over the August recess, I know that the gentleman is as concerned as I am about the potential nuclear developments in Iran and the fact, I believe, that both of us feel that Iran poses an existential threat not only to the United States but also to our democratic ally, Israel.

There were some reports today regarding some shifting of that notion, the policy behind that notion, from the administration. We had the Vice President today indicate that somehow because Iran did not have the potential capacity to launch a missile to reach our shores, that somehow we could deal with the threat of Iran. We also have news that indicates a shift in our policy of missile defense in terms of our commitment to our allies in Europe as well as Israel.

Again I would say, Mr. Speaker, the gentleman and I have both worked hard on the issue of trying to stop the development of nuclear weapons in Iran specifically aimed at our only democratic ally, Israel, in the region. I have believed all along and I have spoken to the gentleman about it, that we ought to be moving as quickly as possible on the Iran Refined Petroleum

Sanctions Act. I would like to ask the gentleman, with all that having been said, Would it not be appropriate at this point to bring that bill to the floor to give the President some tools at his disposal while he meets with the leader of Iran in New York next week?

I yield.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman correctly pointed out, I believe that a nuclear-armed Iran is dangerous and unacceptable, not only to Israel but to the region which I think will be greatly destabilized and which will start a nuclear arms race in the region.

In addition, as the gentleman knows, there are a quarter of a million Americans right now today as we speak within range of Iranian missiles. So I believe a nuclear-armed Iran, personally I believe it is in fact a danger to the region and to the international community and to the interests of the United States of America.

It is the policy of the United States, expressed by our President, that a nuclear-armed Iran was not an acceptable situation to exist. The administration, as you know, is pursuing attempts to negotiate to an end that there is an abandonment which is verified of Iran's nuclear efforts.

With respect to the bills, there are two bills as the gentleman knows. Chairman FRANK has a bill in his committee, an Iran sanctions enabling act, and Chairman BERMAN has a bill in his committee on the Iran refined petroleum sanctions act. I will tell the gentleman that I am meeting with Mr. BERMAN and Mr. FRANK early next week to discuss the bringing of those bills and the order we ought to bring them to have maximum impact, and I expect to do that in the near future. When I say "near future," I mean within a matter of weeks. It will not be next week, but whether it is the week after or the week after that. But my expectation is, after talking with Mr. FRANK and Mr. BERMAN, we will be bringing those two sanctions bills to the floor in the near future.

Mr. CANTOR. I thank the gentleman.

My concern lies in the fact of the reports out of the administration today, and perhaps new intelligence information is being relied upon to result in a swift turnaround in our policy vis-a-vis Iran which is why I raised this question and seek from the gentleman his consistent position that has been up until now that we do face a threat in Iran in its current capacity.

As the gentleman states, we have uniformed armed men and women in Insirlik, in Iraq, in Afghanistan, throughout the region that certainly are in the line of Shahab-3 missiles that could do serious harm to American life and interests. I think out of that concern, I ask the gentleman could we see an expedited push on this

bill to demonstrate that this Congress, this House, is not yielding to this notion that somehow Iran is no longer a threat?

I yield.

Mr. HOYER. I thank the gentleman for yielding.

Now to this concept, I don't want anybody to be confused. I am not sure exactly what the gentleman is saying. I heard him talking about it, the administration position, as far as I know, has not changed with respect to the concept of which the gentleman speaks.

A nuclear-armed Iran, I believe the administration and I believe this Congress, believes is an unacceptable undermining both of the nuclear non-proliferation treaty, but also of the stability of a very unstable region of the world. I want to reiterate that I think that remains the position of the administration. It is certainly my position, and I believe it is the position of the chairman of the Foreign Affairs Committee and the chairman of the Armed Services Committee, and I think of this Congress.

Mr. CANTOR. I thank the gentleman. I think I am to take heart in that position because I do know that the administration today had downgraded its alarm, if you will, downgraded the threat that Iran poses.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

I am not sure exactly what he is referring to other than the perception of how quickly the Iranians may convert to nuclear capability their present capacity, whether there is a longer time than that. But I have not had direct communication with the administration on that issue. I don't want to speak for the administration, but I think what I have already said to this point does in fact reflect certainly all of the communications I have had with the administration to date.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for his time.

□ 1430

#### ADJOURNMENT TO MONDAY, SEPTEMBER 21, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 22, 2009, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### THE CRUSADERS: NATIONAL NETWORK TO END DOMESTIC VIOLENCE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, LouAnne is an elementary student in Texas. In the mornings, she eagerly awaits to be picked up by the school bus. After school, she rides the bus home, but sometimes she hesitates and slowly gets off that bus.

Once, she just sat on the bus when it pulled in front of her house. The bus driver walked to her seat and told her, "LouAnne, this is where you get off." LouAnne would not leave her seat, and replied, "Daddy hurts me and Momma."

We should realize, Mr. Speaker, that behind the closed doors of many houses in America, violence is a way of life. It's a bad life, a sad way of life. It affects spouses and children. It affects the physical and mental health of American families.

Domestic violence is a public health issue. One group that helps victims of home violence is the National Network to End Domestic Violence. These crusaders are the leading voice for domestic violence victims and advocates. They are helping to expose violence, support survivors, and change the culture of our communities.

I commend them for their wonderful work. Of all the places on Earth where a person should be safe, it's at home.

And that's just the way it is.

#### WRONGFUL BILL OF ATTAINDER

(Mr. NADLER of New York asked and was given permission to address the House for 1 minute.)

Mr. NADLER of New York. A little while ago, the House passed an amendment to the bill that we were considering that says no contract for Federal funds may ever go to ACORN, a named organization, or to any individual organization affiliated with ACORN.

Unfortunately, this was done on the spur of the moment and nobody had the opportunity to point out that this is a flat violation of the Constitution, constituting a bill of attainder. The Constitution says Congress shall pass no bill of attainder.

The Supreme Court has ruled a bill of attainder is a legislative act that, no matter what their form, applies either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment, and then without a judicial trial. That's exactly what this amendment does.

It may be that ACORN is guilty of various infractions, and if so, it ought to be investigated, maybe sanctioned, whatever, by the appropriate administrative agency or maybe by the judiciary. Congress must not be in the business of punishing individual organizations or people without trial.

That's what this amendment did. It is flatly prohibited by the Constitution. And once confidence in this institution is sapped, when we ignore the Constitution, we ignore constitutional principles, that whatever one may think of the subject matter or the organization here, the Constitution and the ban on bills of attainder is there for the protection of the liberties of all of us.

It's unfortunate that we passed this, and I certainly hope it is removed in the conference committee.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### HONORING PRESTON M. "PETE" GEREN, III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Speaker, I rise today to honor the dedicated public service of our friend and former colleague, Preston M. "Pete" Geren, III. Tomorrow, September 18, will be the last day of Mr. Geren's service as Secretary of the United States Army, but I am confident it will not be his last day of service to the country he has served so well.

Pete Geren's service to country began 26 years ago as an aid to the distinguished Senator from Texas, Lloyd Bentsen. The depth and breadth of Pete's public service since then has been rarely matched in American history.

For 8 years, this native son of Fort Worth served the 12th District of Texas here in the U.S. House of Representatives. As a member of the Armed Services, Science and Technology, and Public Works and Transportation Committees, Congressman Geren earned the respect of Democrats and Republicans alike as an intelligent, hardworking, and effective Member of Congress. He championed, among many others, the causes of a strong national defense, fiscal responsibility, and bipartisanship.

Pete Geren earned the respect of his constituents in Texas and his colleagues here in Washington because he always treated others with respect. He personified the Golden Rule each and every day, and in doing so, set a standard of public service that we would all be well served to follow.

I will never forget a December day in the late 1990s, standing right on the back row here, when House votes were unexpectedly added for a Friday afternoon. Pete was torn between going back to Texas, where his family was, and seeing his daughter in her school

Christmas play or staying in Washington for the unscheduled vote.

This devoted father agonized over that decision and ultimately decided that he had an obligation to cast a vote on behalf of his constituents. It was not long after that that Pete made the decision to retire from Congress. And I will always believe that his love of family and the missed Christmas play that day strongly impacted his decision to retire.

Four years later, his country called on Pete Geren once again. A lifetime Democrat, Pete was called by the George W. Bush administration to serve in the Pentagon. 2001 began a remarkable chapter of service to our Nation's defense.

From 2001 to 2009, during a time of war and a critical time in our Nation's history, Pete Geren served as Special Assistant to the Secretary of Defense in the areas of interagency initiatives, legislative affairs, and special projects. He then was appointed to serve as the Acting Secretary of the Air Force, and later as Acting Secretary of the Army.

In March of 2007, Pete Geren was confirmed as United States Secretary of the Army. In that position, he championed the cause of improving the quality of life for every Army soldier and every Army family. For years to come, because of the dedicated leadership of Secretary Geren, soldiers will live in better housing. They and their families will receive better health care, and they can know that their children will attend quality schools. Pete Geren, as Secretary of the Army, set up covenants between communities and the military installations in which they existed.

Pete Geren's accomplishments are too numerous, Mr. Speaker, to list them all today, but I think one of his greatest legacies will be that he proved that in the rough-and-tumble world of politics in Washington, D.C., one can succeed at the highest levels of public service through hard work, respect for others, solid integrity, and genuine humility.

Pete Geren is living proof that public service can and should be a noble calling. I wish him, his wife, Becky, and their family all the best in the years ahead.

#### SOUDER AMENDMENT ON STUDENT LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. I wanted to briefly explain what happened to the Souder amendment in the student loan bill. We had worked out an agreement last night, and then I was occupied over in a border security hearing that was very important on SBInet and didn't make it over to the floor. I appreciate that

Chairman MILLER explained the compromise some, but I wanted to go through a little bit of what the history of this is.

First, in existing law, both a possession conviction and a dealing conviction will result in your loss of a student loan. You can get that loan back by going through treatment, drug testing. You can get it back in the second year.

The second time it happens—this is while you have a loan—if you get convicted, then you would be suspended for 2 years, unless you went through treatment and then were drug-tested as clean. The third time and you're out. Now, for dealing, it was two times.

There's been a lot of ruckus about how this law was initially applied, but we fixed that. I had no intention ever of punishing people who at some time in their life had problems, whether it was in high school or in their later life that they had convictions.

I believe in forgiveness. I believe it's important that people get back on the right track. I believe that we need to work in our prison population to get them to move back to school, to get the degrees possible.

The initial debate on this law on the House floor and in committee said: You will lose your loan. You can't lose a loan if you don't have a loan. We had debate about that for many years. We got that fixed. But I believe, overwhelmingly, every poll shows that the American people believe that if you are convicted, which is not easy when you're on a college campus, while you're getting taxpayer funding, you should lose the funding. It doesn't mean you're going to lose school. It doesn't mean you're going to go out. But why should the taxpayers fund you if you're going to be basically drug-addled while you're at school?

The challenge with this debate is that it has become kind of a cause celebre in the marijuana community. As this progressed, as we did the reauthorization on student loans, the so-called Souder amendment was not completely knocked out, but possession was knocked out. We left the law in place for dealing.

So my amendment today would have reinstated possession as a grounds for losing a student loan.

Congressman PERLMUTTER from Colorado came to me and said he had a suggested compromise. He made his compromise, which basically says that conviction of a felony offense of narcotics for possession, in addition to dealing—dealing is already covered in the Democratic bill—but would make felony conviction for possession also grounds for losing your student loan. Presumably, that's State and Federal felony conviction.

Now, in this, I was faced with several choices. One, I'm a Republican in a Democratic Congress. I was probably

going to lose today. This was a practical way. I didn't want to see possession go out of the bill.

It basically means that marijuana won't be covered. If you have that much marijuana in your possession to be a felony, it probably means you're a dealer. You wouldn't have that much if you weren't a dealer. It's far more than individual use.

It basically covers meth, cocaine, and all sorts of other drug convictions for felony possession. It means the United States Government still stands on record saying that both possession and dealing should restrict your ability to get a student loan.

But there are some other practical things here. A lot of States, I believe, falsely and wrongly overrode Federal marijuana laws by decriminalizing marijuana, declaring that it was medical in some States when, in fact, marijuana is not medical. There are ingredients inside of marijuana that can be medical. We have Marinol, for example, that deals with that.

But they affect chaos in marijuana laws across the United States. It's very similar to what we are dealing with in Canada, as I debated up there as they proposed changing laws, and now Mexico has; and that is when different provinces have different laws and there's complete chaos in the laws, the Federal courts are not likely to uphold a law because it would be unequal enforcement.

So how would an Indiana student get denied a loan but a California student wouldn't get denied a loan? What about if it's somebody from Indiana who's in California going to school? What about if you're taking an online course combined with going to class, and the online course is based in California but you're going to school in Indiana? It's chaos. I do not believe, even had I won, the courts would have upheld my provision.

This shows, in fact, Republicans and Democrats can work together. It's very difficult on the major fundamental debate arguments. For example, I felt this was a Federal takeover of private lending and will lead to more Federal takeover and a national bank.

□ 1445

So we weren't going to be able to agree on the loans. But it doesn't mean inside, even on controversial provisions, that we can't work together. So I wanted to explain that, and I want to thank Chairman MILLER and Congressman PERLMUTTER for working with me.

#### THE PRESIDENT MUST REJECT PLANS TO SEND MORE TROOPS TO AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, every child and every adult is familiar with the story of Goldilocks. Remember how it goes:

After wandering into the three bears' house, Goldilocks saw three bowls of porridge. One was too hot, one was too cold, but one was the medium temperature, and it was just right. I mention this because The New York Times recently reported that Goldilocks is playing a role in shaping American defense policy. According to the report, General McChrystal is expected to give Secretary of Defense Gates three options for troop increases in Afghanistan. The three options are, first, 15,000 more troops; second, 25,000 more troops; or third, 45,000 more troops. Pentagon officials apparently believe that Gates will choose the medium option of 25,000 troops. According to the Times, they actually call this the "Goldilocks option."

Here's why: Sending 15,000 more troops would be too cold because it wouldn't be enough to satisfy the generals; sending 45,000 more troops would be too hot because it would cause political problems; so sending the medium number of troops, 25,000, is considered "just right."

Of course the problem with this is that Afghanistan is not a children's story. It is a real war where real people are getting killed, and it is rapidly losing the support of the American people. Recent polls show that the American people want to reduce our troop strength in Afghanistan, not increase it. The American people have good reason to oppose the escalation of the conflict. They know that the recent elections in Afghanistan were filled with fraud, and they believe the Kabul Government is more interested in corruption than in improving the lives of the Afghan people.

The American people also know that we have already spent nearly \$225 billion in Afghanistan but have little to show for it. Our troops have performed brilliantly and courageously, but the insurgency is growing, and the war is getting harder to fight every single day. Besides, they believe the money that we have poured into Afghanistan is desperately needed here at home for health care reform and other vital domestic problems. The American people also know that we do not have a clear mission in Afghanistan, there is no exit strategy, and they fear that we run the risk of being considered an occupying force. Since the Afghans have opposed and defeated every single foreign power that has ever tried to occupy their nation, it all seems to be a repeat of past failures.

For all of these reasons, we need to debate, and we need to reconsider what the U.S. role is in Afghanistan. I am urging the House to support my bill, H. Res. 363, the SMART Security Platform for the 21st century. The SMART

Security Platform would change our mission in Afghanistan to emphasize economic development, humanitarian aid, education, jobs, and better governance. It would also help Afghanistan develop its policing and intelligence capacity. Policing and intelligence, you see, are far more effective than massive military invasions when it comes to tracking down violent extremists in the communities where they lurk.

Mr. Speaker, if the administration sends more troops to Afghanistan, the United States will be doubling down on a strategy that has already failed. The Afghan people don't want the United States to occupy their country, and the American people don't want an occupation, either. I urge President Obama to reject any plan to send more troops to Afghanistan because, like Goldilocks who should not have eaten any of the porridge that did not belong to her, Afghanistan does not belong to the United States.

#### CZARS—SHADOW GOVERNMENT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, every President has the right to get advice from anybody he wants to get advice from. That's a good thing. United States Presidents have a tough job. They should have as many advisers as they wish. My dad, in fact, would like to be one of those advisers to this President and wishes he was an adviser to all the past Presidents.

These czars, as they are now called, are not new to the executive branch. But when a person crosses the line from being an adviser to being a policymaker and decision-maker for the government, that person needs to be held accountable to the people of the United States. Someone who gives advice to the President is one thing, but there's a difference between an adviser and someone who sets a policy and implements that policy. Then that person has direct control over the American people. If this occurs, our Constitution requires that person be subject to the oversight of Congress to be legitimate.

The big questions become: are these czars advisers or are they policymakers? If they become policymakers, then transparency is important, accountability is important, and confirmation by the United States Senate is mandatory. Our Constitution requires it. Without the confirmation process, we don't know who these people are. And are these czars nothing more than a shadow government? We don't know.

The Constitution mandates visibility and oversight by Congress. That's how our government works within the bounds of our law. We don't know how

many czars we have or who they are. How much do they get paid, and where does that money come from? What do they do? Who do they report to? Are they in control of the executive branch and its duties? Well, we don't know.

What are the Cabinet secretaries doing? Who reports to whom? Do the czars report to the Cabinet members? Or do the Cabinet members report to these folks? The American public does not know. We don't know because there's no oversight and no accountability, and it doesn't seem like anybody's talking. Czars haven't gone through the Senate confirmation process. Are they a national security risk? We don't know. No one knows.

Now the FBI tells us they go through a background check. But it's the same background check that the FBI does for a White House intern. These czars do not get a security clearance. That's a much more detailed background check for people with more responsibility than a White House intern. The FBI gives the information from the czar-intern background check over to the White House—that's it. And once the FBI hands the information over, they have nothing else to do with the czars. If these czars are decision-makers and policymakers, that's not acceptable. Just like Cabinet secretaries, they need to be vetted. We have to know who the people are that are in control and who controls the levers of our government. This is just common sense. The American people don't want a shadow government controlling America. Just who are the czars? We have the right to know, and Congress has the responsibility to find out.

And that's just the way it is.

#### HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, every once in a while, I read something that makes me wish I had written it or said it. I had that experience recently, reading Nick Kristof's column in *The New York Times*. It's just like Abraham Lincoln said during the Gettysburg Address, I read something like this and I say, This is far beyond my poor power to add or detract. So I would like to read it to you, I would like to share it with you and the other Members of the House because it so well captures what's important in the current health care debate.

He wrote as follows:

In the debate over health care, here's an inequity to ponder: Nikki White would have been far better off if only she had been a convicted bank robber. Nikki was a slim and athletic college graduate who had health insurance, had worked in health care and knew the system. But she had systemic lupus

erythematosus, a chronic inflammatory disease that was diagnosed when she was 21 and gradually left her too sick to work. And once she lost her job, she lost her health insurance.

In any other rich country, Nikki probably would have been fine, notes T.R. Reid in his important and powerful new book, *"The Healing of America."* Some 80 percent of lupus patients in the United States live a normal life span. Under a doctor's care, lupus should be manageable. Indeed, if Nikki had been a felon, the problem could have been averted, because the courts have ruled that prisoners are entitled to medical care.

As Mr. Reid recounts, Nikki tried everything to get medical care, but no insurance company would accept someone with her preexisting condition. She spent months painfully writing letters to anyone she thought might be able to help. She fought tenaciously for her life.

Finally, Nikki collapsed at her home in Tennessee and was rushed to a hospital emergency room, which was then required to treat her without payment until her condition stabilized. Since money was no longer an issue, the hospital performed 25 emergency surgeries on Nikki, and she spent 6 months in critical care.

"When Nikki showed up at the emergency room, she received the best of care, and the hospital spent hundreds of thousands of dollars on her," her stepfather, Tony Deal, told me. "But that's not when she needed the care."

By then it was too late. In 2006, Nikki White died at age 32. "Nikki didn't die from lupus," her doctor, Amylyn Crawford, told Mr. Reid. "Nikki died from complications of the failing American health care system."

"She fell through the cracks," Nikki's mother, Gail Deal, told me grimly. "When you bury a child, it's the worst thing in the world. You never recover."

We now have a chance to reform this cruel and capricious system. If we let that chance slip away, there will be another Nikki dying every half-hour.

That's how often someone dies in America because of a lack of insurance, according to a study by a branch of the National Academy of Sciences. Over a year, that amounts to 18,000 American deaths.

After al Qaeda killed nearly 3,000 Americans 8 years ago on Friday, we went to war and spent hundreds of billions of dollars ensuring that this would not happen again. Yet every 2 months, that many people die because of our failure to provide universal insurance—and yet many Members of Congress want us to do nothing?

Mr. Reid's book is a rich tour of health care around the world. Because he has a bum shoulder, he asked doctors in many countries to examine it and make recommendations. His Amer-

ican orthopedist recommended a titanium shoulder replacement that would cost tens of thousands of dollars and might or might not help. Specialists in other countries warned that a sore shoulder didn't justify the risks of such major surgery, although some said it would be available free if Mr. Reid insisted. Instead, they offered physical therapy, acupuncture, and other cheap and noninvasive alternatives, some of which worked pretty well.

That's a window into the flaws in our health care system: we offer titanium shoulder replacements for those who don't really need them, but we let 32-year-old women die if they lose their health insurance. No wonder we spend so much on medical care, and yet have some health care statistics that are worse than Slovenia's.

My suggestion for anyone in Nikki's situation: commit a crime and get locked up. In Washington State, a 20-year-old inmate named Melissa Matthews chose to turn down parole and stay in prison because that was the only way she could get treatment for her cervical cancer. "If I'm out, I'm going to die from this cancer," she told a television station.

This has to end. As Mr. Kristof wrote:

Do we wish to be the only rich nation in the world that lets a 32-year-old woman die because she can't get health insurance? Is that really us?

[September 13, 2009]

THE BODY COUNT AT HOME

(By Nicholas D. Kristof)

In the debate over health care, here's an inequity to ponder: Nikki White would have been far better off if only she had been a convicted bank robber.

Nikki was a slim and athletic college graduate who had health insurance, had worked in health care and knew the system. But she had systemic lupus erythematosus, a chronic inflammatory disease that was diagnosed when she was 21 and gradually left her too sick to work. And once she lost her job, she lost her health insurance.

In any other rich country, Nikki probably would have been fine, notes T. R. Reid in his important and powerful new book, *"The Healing of America."* Some 80 percent of lupus patients in the United States live a normal life span. Under a doctor's care, lupus should be manageable. Indeed, if Nikki had been a felon, the problem could have been averted, because courts have ruled that prisoners are entitled to medical care.

As Mr. Reid recounts, Nikki tried everything to get medical care, but no insurance company would accept someone with her preexisting condition. She spent months painfully writing letters to anyone she thought might be able to help. She fought tenaciously for her life.

Finally, Nikki collapsed at her home in Tennessee and was rushed to a hospital emergency room, which was then required to treat her without payment until her condition stabilized. Since money was no longer an issue, the hospital performed 25 emergency surgeries on Nikki, and she spent six months in critical care.

"When Nikki showed up at the emergency room, she received the best of care, and the hospital spent hundreds of thousands of dollars on her," her stepfather, Tony Deal, told

me. "But that's not when she needed the care."

By then it was too late. In 2006, Nikki White died at age 32. "Nikki didn't die from lupus," her doctor, Amylyn Crawford, told Mr. Reid. "Nikki died from complications of the failing American health care system."

"She fell through the cracks," Nikki's mother, Gail Deal, told me grimly. "When you bury a child, it's the worst thing in the world. You never recover."

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My suggestion for anyone in Nikki's situation: commit a crime and get locked up. In Washington State, a 20-year-old inmate named Melissa Matthews chose to turn down parole and stay in prison because that was the only way she could get treatment for her cervical cancer. "If I'm out, I'm going to die from this cancer," she told a television station.

Mr. and Mrs. Deal say they are speaking out because Nikki wouldn't want anyone to endure what she did. "Nikki was a college-educated, middle-class woman, and if it could happen to her, it can happen to anyone," Mr. Deal said. "This should not be happening in our country."

Struggling to get out the words, Mrs. Deal added: "The loss of a child is the greatest hurt anyone will ever suffer. Because of the circumstances she endured with the health care system, I lost my daughter."

Complex arguments are being battled around in this health care debate, but the central issue isn't technical but moral. The first question is simply this: Do we wish to be the only rich nation in the world that lets a 32-year-old woman die because she can't get health insurance? Is that really us?

#### RECOGNIZING HISPANIC HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from New Mexico (Mr. HEINRICH) is recognized for 5 minutes.

Mr. HEINRICH. Mr. Speaker, on Tuesday we began our Nation's Hispanic Heritage Month. Hispanics comprise over 45 percent of New Mexico's population, and our State's Hispanic community has deep roots and a rich history in our State. I am truly honored to highlight this important community in Congress today.

For a population that is expected to triple in size in our country by 2050, education continues to be an issue of fundamental significance. Preparing our children for the future is the greatest investment that we can make for our long-term economic vitality and for our country's ability to compete in the 21st century. We have many disparities to address in education and a long way to go to ensure the success of our children throughout their elementary and secondary education, particularly our Hispanic students.

But, Mr. Speaker, I am proud to stand here today to highlight an example of a New Mexico institution of higher learning that is doing a tremendous job of serving our Hispanic students.

□ 1500

This month the University of New Mexico was given top rankings by Hispanic Business Magazine's list of top 10 schools in the Nation for Hispanics in the fields of engineering, business, law and medicine.

UNM, which is located in my district, is our State's flagship university. UNM's success at serving the Hispanic community is the result of decades of hard work by the university's administration, their faculty, many organizations, and their students.

UNM's Law School, which the magazine ranked number one in the country for the third year in a row, has an outstanding number of Hispanic faculty and a school-wide emphasis on the engagement of students, faculty, and alumni in the wider community. Organizations like the Mexican American Law Student Association recruit local Hispanic high school students and then mentor them through their undergraduate years and help them to prepare for admission to the law school. It's worth noting that the UNM Chapter of MALSA was just named Law Student Organization of the Year by the Hispanic National Bar Association.

UNM's School of Medicine, which the magazine ranked sixth in the country, has also formalized a pipeline program called "Joining Communities to Increase Access and Reduce Disparities." There, mentors from the School of Medicine recruit students from underrepresented high schools to consider careers in health care, enroll them in the New Mexico Clinical Education Program for undergraduates, and support students taking the MCAT.

UNM's School of Engineering, which earned a seventh-place ranking, has steadily grown its enrollment of Hispanic students to 32.7 percent this year. Much of that increase is owed to the school's leadership in creating the Hispanic Engineering and Science Organization's Annual Science Extravaganza with more than 500 youths from our State.

And, finally, at the Anderson School of Management, which Hispanic Business Magazine ranked sixth in the Nation, the number of Hispanic students entering their graduate program in the fall of 2009 was double from the previous year. Much of the Anderson School's success is owed to innovative programs such as a regular breakfast that they hold with members of the Albuquerque Hispano Chamber of Commerce to increase interest in the MBA and the master's of accounting programs.

Mr. Speaker, across the University of New Mexico community, there is an ingrained commitment that strives to ensure that the university is representative of our community. That commitment is not just symbolic; it is essential to the service that UNM graduates offer to our congressional district once they graduate.

I want to congratulate the University of New Mexico for its national recognition as a top university by Hispanic Business Magazine, and I wish them continued success in serving our community and our Nation.

Mr. Speaker, there is no doubt that when our Hispanic students succeed, New Mexico succeeds and our Nation succeeds.

#### THE PROGRESSIVE MESSAGE: HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, welcome to the Progressive hour, the Progressive Message, the 60-minute period of time where the Progressive Caucus comes to the House floor to talk to the American people and our colleagues about critical issues of the day. The Progressive Message.

The fact is, Mr. Speaker, is that we've got a lot to talk about today. The issue of the day is health care. And as we get started, I would like to bring our chairperson right into the conversation in the very beginning to introduce some of her ideas on this issue. Our chairwoman of the Progressive Caucus, Congresswoman LYNN WOOLSEY, has been a stalwart leader on this issue, has been convening meetings, has been keeping us together, has been unrelenting on her insistence for a public option.

I yield to the gentlewoman from California.

Ms. WOOLSEY. I thank you again, Congressman ELLISON, for your leadership on these weekly hourly discussions about health care reform and what's going on in our Congress at this particular time.

Things have happened this week. Finally, the Senate has two bills that were written and have been introduced. The second bill, coming out of the Finance Committee, has not passed through the committee yet, but it is the Bachus health care reform bill. And we have gotten a lot of pressure here—I know I have, I know you have, most progressives have—because there's some idea out there that because the Bachus bill that doesn't have any Republican support either, after 3 Democrats and 3 Republicans spent months and months and months writing it, now Senator BAUCUS seems to be almost standing alone with that one. But he'll pass it through his committee, and we'll see what happens.

But what does that mean to our proposal and our absolute commitment for a robust public option to be included in a very strong health care reform bill? As far as I'm concerned, it means nothing. What it does is it shows the opposite of what this country could end up with, and it gives wind beneath our wings for our debate on just why we need a strong, robust public option. And one of those why's in Senator BAUCUS's bill is that it does not provide a public option of any level.

The public option we offer through the Progressive Caucus would have its rates determined based on Medicare plus 5 percent, and do you know that that saves \$110 billion over 5 years? Over 5 years. And the Energy and Commerce Committee has a public option that they have proposed, and their public option rates would be based on negotiating with the administration, and their negotiated rates would save \$25 billion.

So we have \$110 billion in savings through the Progressive Caucus plan, \$25 billion in savings through the Energy and Commerce, and we have zero savings through Senator BAUCUS's plan. So that in and of itself is enough for me to know that that is not a bill that I want to be negotiating and compromising with.

Mr. ELLISON. Reclaiming my time, I know the gentlewoman has to take a brief interlude, but let me just say very quickly the fact is that Senator BAUCUS, who has spent many hours trying to pull together a bipartisan bill, comes out of that process without any bipartisan support for his bill, and there may not be many Democrats who want to vote for that bill coming out of the Finance Committee.

The reality is we have had three House committee bills that all produced a public option and we have the

Health Committee in the Senate that produced a public option, and now coming out of the Finance Committee there is no public option. I think when you look at the convergence of all these bills, it means that we're going to have a public option. But I think this is a time for grassroots activism, people to let their voices be heard, and people to be very clear on what they want.

Stepping back from a public option, health care reform is really a three-tiered thing. It's a three-legged stool. One is making sure that people who already have insurance have stable insurance, are not discriminated against, and are treated better by the insurance companies with lower costs. The other is covering the uninsured. The third leg is a public option that can compete with private market insurance so that they can hold costs down and can introduce evidence-based medical practices to give Americans the best quality care that's available. The fact is that this three-legged stool is essential in order to have the kind of reform that Americans need today. This reform, we can have it. It is well within our grasp and we can do it, but we have got a little bit more to go. At this point we now know it's on the table and we know that this Finance Committee bill is not adequate and they need to go back to the drawing board.

It's interesting to me that not one Republican said that they would support it after hours and hours of bipartisan effort to get them on the bill anyway. It's time to move forward with a bill that makes sense to all the American people.

The fact is the President is on our side when it comes to the public option. The President made himself clear right on the floor of this House Chamber only a few days ago when he came here and said that he was for a public option. The President said it, and he made himself very clear. In fact, the President was eloquent when he said that without competition, the price of insurance goes up and the quality goes down, and it makes it easier for insurance companies to treat their customers badly, by cherry-picking the healthiest individuals and trying to drop the sickest, by overcharging small businesses who have no leverage, and by jacking up rates. The reality is the President was right about that, and he is on our side and wants to see reform come forward.

Let's just say that this health care reform that we are talking about needs the support of the American people. Slowly the real facts have been coming forward. Slowly the American people have been coming to a better understanding of what the public option is and what health care reform means in general. The President is on our side, as I've said, and I believe the House should act quickly to pass a bill with a

strong public option as it reflects the President's preference for a public option.

The plan will do the following: It will cover preexisting conditions. How many Americans are dropped or have had their insurance go up because of a preexisting condition? The plan will stop the practice of rescission or denying you health care when you need it the most, and the bill will stop bankrupting our businesses and families for the sin of getting sick. A public option, which is an essential part of reform, as I've already mentioned, will offer choice, introduce competition and lower costs for consumers and taxpayers, and bring higher quality health care to all Americans.

Choice: The President stated last week that currently in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. What does that mean? That means that if we don't have a public option, we're going to mandate 49 million new consumers into the insurance companies' arms without any way to make them compete because these markets are monopolized or duopolized or what they call an oligopoly.

□ 1515

What that means is they are highly concentrated. There are not a lot of sellers in the market; there are just a few.

Now, if I say you have to buy insurance and there are only two or three people to buy it from, you can bet those two or three companies that are selling it are going to give you the maximum price unless you have a public option that's going to really compete with them and make them do the right thing. So we've got to be for choice and we've got to have competition.

Let me also say that the President said—and I want to repeat this because I've said it once, but we've got to say it again—the President said without competition, the price of insurance goes up and up and quality goes down.

Now think about it, if you're a resident of the great State of Alabama—Alabama is a wonderful State, I always enjoy going there—but in Alabama, almost 90 percent of the insurance market is controlled by just one insurance company. What does that mean? That means that if you want to buy insurance in Alabama, you're dealing with a monopoly. And if the monopoly says you pay, then you pay whatever it is they say you pay, or you don't get it. There is literally no competition. So given that situation, we know that we need a public option to introduce choice, competition, and real cost control.

I want to talk about this public option because people don't always understand it. Think of the public option this way: we're going to have employer-based health care. That will be

one part of this thing. Employer-based health care, you have insurance with your employer, you keep it. The second part is, if you have government health insurance already, like Medicare or the VA, you keep that. We're going to try to subsidize low-income people so that they can get Medicaid and health care like that.

But the third part of it is this: it will be something called an "exchange." Now, what is an exchange? An exchange is like a grocery market. It will be online or it will look like a catalog, like this book; and you go through it and you look for an insurance product. Now, there will be different products. Some will be a basic plan, some will be a middle plan, and some will be a Cadillac plan. And they will tell you what you can get covered for a given price and you will be shopping. And you might be able to do it online, like Craig's List or eBay or something like that, or you can do it on paper. But the fact is it's a market where people are selling different products.

Now, all we're saying is that if you can imagine this health care insurance grocery store, on one aisle there would be a product offered by or administered by the government—actually, it wouldn't be run by the government because it would be private doctors who would be off actually providing the medical care, but it would be administered by a government program the same way Medicare is now.

Now, I know people who said that they've got Medicare, and they don't want the government messing with their Medicare. Well, if you think the government is messing with your Medicare, what you must not know is that the government is Medicare. That is who is administering your Medicare right now. So if you think the VA health care is good or Medicare is good, then you will also see that a public option will be good. Very important for people to understand this.

Let me also say this, and that is, you know, sometimes people on the other side of the aisle—you know, I'm a Democrat—the other guys, they say stuff like, I don't want government-run health care, and they make it sound like the government's bad. But in a democratic country, who is the government other than you and me? The government is the people—government of the people, by the people, for the people.

In a democratic society, the government is us. And if the government isn't functioning right, then we need to be more engaged to make it function right and we need to insist on lower cost, more efficiency. We need to be active citizens to make sure things go the way we want them to. But we need to get out of this thing that government can't do anything right. Did Lehman Brothers do everything right when their company crashed? That's a pri-

vate company. What about Enron? What about WorldCom? What about Bear Stearns? Private industry makes a lot of mistakes as well.

The government does good things, though. Think about this: if you or I should have the misfortune of needing emergency medical care, an EMS truck will come up here and hopefully save us. Who's that? That's the government. If you call up because your house is burning, who are you calling? The government yet again. When you start slicing into that steak you might eat tonight, who has made sure that meat is safe for you to eat? A government inspector.

Public schools have made an educational opportunity for every kid in America. Are some of them bad or in need of repair and need to be better? Of course they do. Anything human beings do is going to need more work. But you can't say that public schools in general are a failure. You can say that a public school needs to be improved.

We need to get out of this thing where we say the government can't function and can't produce good results for us. They do every day. You're going to tell me the officers who are putting their lives on the line to keep us safe are not doing a good job? The firefighters are not doing a good job? They are doing a great job.

You have got to understand that part of what's going on here is just plain old government-bashing, government-bashing in a democratic country where government is by, for and of the people.

So I hope people don't let this go by. It's not a good idea to just always run down whatever the government does. If they do, we bear responsibility because it's our government, democratic society.

Let me just say this, too: the public option really means that the government would help to cover the high cost of insurance for Americans while bringing those costs down through competition. The public option means that Americans will be free to seek health care from any doctor they choose at any facility they choose without having to fear that they could not afford or will incur tens of thousands of dollars in medical debt. The public option is a good thing.

Now, you would think, well, who should know the most about whether the public option would be a good thing? I will say I'm not the most well qualified, but I think doctors are. I think doctors are well qualified to know whether or not a public option is a good deal. Doctors who serve patients every day, serve patients day in and day out would have a good opinion that I would trust as to whether it would help the system improve. Doctors are the ones who sit up on the phone and have to argue with insurance companies over whether a procedure is going to be covered or not covered.

I'm lucky enough to have a brother who is a primary care physician in Detroit. How are you doing there, Leonard? The fact is that my brother Leonard has to spend hours away from patients because he's trying to deal with insurance companies. The fact is that we need a public option. We need a public option.

Let me just talk a little bit about this. The graph to my right here says most doctors support public option. Most doctors support public option. Here in the blue section is where doctors were asked, they said, Do we need a public option and a private option? Sixty-three percent of doctors said we need both public and private options. Twenty-seven percent of doctors said private options only and 10 percent of doctors said public options only. Most doctors say we should have both.

I trust the doctors. And you know, this is a whole lot of doctors; 63 percent of them have said that we need both. So this is who I think we should listen to and who has a good opinion as to what's really right and what's really wrong.

A large majority of doctors say that there should be a public option. Sixty-three percent of physicians support a public option. And when polled, nearly three-quarters, 75 percent, of physicians supported some form of a public option, either alone or in combination with other private insurance options. So that means that if you take this 63 with this 10 percent, that's a full 73 percent; that's about three-quarters. So this is overwhelmingly what doctors believe, that we should have a public option; and I think the doctors are right about that.

We've been joined by the gentlelady from California, the chairperson of the Progressive Caucus. What do you think about this? Do you think that doctors know what they're talking about when 63 percent say we should have public and private options and another 10 percent say we need only a public option; 73 percent, does that mean anything to you? Do you think that's an important fact to know?

I yield to the gentlewoman.

Ms. WOOLSEY. Of course it's an important fact to know. I mean, if anybody is close to their patients and to the needs of this country, it is our physicians. They've been very important in inputting to all of the committees that have been writing legislation.

And another thing that will be very important is when the House of Representatives brings all three of our bills—one from Ways and Means, Energy, and the committee we sit on, Congressman, Education and Labor—when we unify those bills and come up with the House bill and we can say to our constituents and to the people of this country, this is the House of Representatives health care reform bill, then we will be able to hear back from

them on exactly what that bill is. Right now we keep saying, well, it might be, we think it is. I mean, we're pretty sure about 99 percent of it, but not all of it.

Mr. ELLISON. Well, if the gentlelady yields back, I look forward to that moment as well when we can have a unified House bill. I hope this is something that happens very quickly because I really believe that the public is really dying—oh, excuse me for that bad language—

Ms. WOOLSEY. That was a negative pun.

Mr. ELLISON. The public is really calling for true health care reform.

Ms. WOOLSEY. That's right.

Mr. ELLISON. And we were talking a moment ago about the bill that came out of the Senate Finance Committee, a bill that I don't favor at all. And I just thought that I would share a few basic facts about it.

You should note that if you look at all the House bills together, even though they haven't been unified, if you look at them together, they all call for a public option. The Senate Finance bill does not have a public option; it has a cooperative, which is not nearly—which is no good, which is of no value.

Ms. WOOLSEY. Would the gentleman yield?

Mr. ELLISON. Yes.

Ms. WOOLSEY. Do you think it would be important for our viewers to know why the co-ops are of no value?

Mr. ELLISON. Yes, let's talk about that.

Ms. WOOLSEY. I think we should explain that.

Co-ops could be of value over time, but what we need is a public option that's available the day the exchange goes into effect so that that is one of the options. If we depend on co-ops, right now there are less than 10 in the country. I really know of only one that's totally successful and that took more than 10 years to get up and running. It's not impossible, and it could happen; but that should not be what we consider a public option. It can be an option at another time.

Mr. ELLISON. If the gentlelady would yield, I think you're right. It's not an inherently bad idea, but it's bad for this. And I want to be very clear: you and I aren't loosening up and open to co-ops. I mean, we're clear that co-ops is the wrong thing. And here's one reason why: the Congressional Budget Office, nonpartisan, they report on Senator BAUCUS' bill: "The proposed co-ops had very little effect on the estimates of total enrollment in the exchanges or Federal costs because, as they are described in the specifications, they seem unlikely to establish a significant market presence in many of the areas of the country or to noticeably affect Federal subsidy payments."

In other words, you mention that there are some successful health care

co-ops around the country and how it took them years to build up. Well, the CBO report says that when the exchange opens up, the co-op will be too little, too small to have any market presence and will not be able to really be strong enough to actually impact the market. So the fact is that people will be left for years and years with no real successful option to lower costs. So the co-op is really not a viable option.

I don't want to completely be dismissive of the idea of co-ops in general. Food co-ops are great. There are good co-ops, right? We want to be straight with everybody. But in this case, it's the wrong thing because it will be too small, too weak, too little to compete with these insurance companies that have been in the game for a long, long time. What we need is a public option, that's what we've got to have.

Ms. WOOLSEY. A robust public option.

Mr. ELLISON. A robust public option. I'm talking about a public option with some muscle.

Also, if we compare the Senate Finance bill with the House bills, the Senate Finance bill has no employer mandate. The House bill has an employer mandate to provide health insurance to its employees. So, look, employers—and I'm grateful to the employers that provide health care to their employees, but no employer will be able to say, well, we're just not going to do it because—for whatever reason. The employers are going to have to provide health care for their employees or contribute to a fund which will allow their employees to get health care.

□ 1530

Ms. WOOLSEY. If the gentleman would yield.

Mr. ELLISON. Yes.

Ms. WOOLSEY. That's the only way we can level the playing field so that employers who do provide health insurance for their employees aren't at a disadvantage in competing with like industries.

Mr. ELLISON. If the gentlelady would yield back, absolutely. That's right. We want to level the playing field. You can't go out there and just get a competitive advantage on your competition by dumping your health care insurance, so that's another important part.

The third thing is, under the Senate finance bill, taxes and the pay-fors are a tax on high-end health insurance plans and a tax on medical devices, laboratories, et cetera. Under the House bill, there is an income tax surcharge on high-income earners. At least that's one idea.

Now, I'm going to tell you this: If I am ever fortunate enough to be a wealthy individual—I assure you I am

not one now—I would hope that, as an American—

Ms. WOOLSEY. If the gentleman would yield, you're not going to be wealthy staying in this job—

Mr. ELLISON. Yes. Right. You'd better come here already wealthy.

Ms. WOOLSEY. Or you're going to stay the same.

Mr. ELLISON. That's right.

As I was saying, if I ever become a well-to-do person, I would hope that I would have enough patriotic commitment to put other people's bare necessities in front of my own luxuries. Do you understand what I'm saying?

Ms. WOOLSEY. Absolutely.

Mr. ELLISON. I mean, how many boats can I ski behind? How many houses can I own? If I have to pay a little bit more to make sure that some poor, single mom and her kids have health care, why wouldn't I do that? Why wouldn't I do that? I don't know.

Do you have any thoughts on this? I yield to the gentlelady.

Ms. WOOLSEY. Well, I have a lot of thoughts on that. You see, I represent, probably, not the wealthiest district but the wealthiest county in the Congress, and I have not gotten one letter from one constituent who says, "Woolsey, how dare you think about raising my taxes." I mean this is of the people who would have to pay taxes.

Mr. ELLISON. Right. Right.

Ms. WOOLSEY. Those are not the kinds of people I represent. They are educated and progressive, and they get it. When other people are taken care of, they're better off in the long run. Their employees are. Their kids in school are safer because the other kids are covered and have good health care. They just totally get it, and I think, if there weren't so many fear factors around, most people would understand the concept.

Mr. ELLISON. If the gentlelady would yield back, I mean the fact is that many well-to-do people recognize that this country has been good to them, that many of them went to public schools, and that many of them have police who secure their properties. Many of them really are grateful for all of the bounty that America has given them, and they don't mind doing a little bit more to make sure that low-income, poor Americans have some way to go to a doctor.

I think it's just basic, and I'm always a little shocked when I hear, well, somehow we're punishing well-to-do people by asking them for a little more to help poor Americans. I don't understand that kind of thinking, because you find a lot of extremely generous well-to-do people.

I yield to the gentlelady.

Ms. WOOLSEY. That's absolutely true.

There are many things we ask of our constituents, but mostly there are many things that the government provides for them, like public education,

police, fire, roads. We pay for all of that because we use all of that—some more than others. Some benefit more than others from these services, but it's pretty proportionate about how much you pay and your taxes depending on how much you earn, on how much you have and on how much you've actually benefited from this country of ours. So I believe you're right. It's a shared thing.

One of the suggestions is, of the people who have health care benefits, their benefits should be taxed. There are a lot of us who feel that taxing a person's benefits is not the way to go because they've already, probably, in this economy of ours, given up raises in order to keep their benefits in the first place. To tax those benefits on top of that would just be a hit to the middle class of this country.

Mr. ELLISON. If the gentlelady would yield back, does the gentlelady agree that we should go about 10 more minutes and hand it over?

Ms. WOOLSEY. Right.

Mr. ELLISON. I just want to point out that, under the Baucus—or the Senate finance bill, subsidies to the premiums of low-income people would be kept at 13 percent of the max; whereas, in the House bills, the premiums would be kept at 11 percent. So the House bill, again, is doing more to help the middle class person. The Senate Finance Committee is cutting into the middle class even more. This is just premiums. This is not copays. This is not deductible payments, payments you have to make when you have a deductible. This is not other costs associated with health care. This is just premiums. So, again, the Senate Finance Committee's bill is not nearly as good as any of the House bills.

Ms. WOOLSEY. If the gentleman would yield again—

Mr. ELLISON. Certainly.

Ms. WOOLSEY. With just that 2 percent difference, that cuts into middle-income workers.

Mr. ELLISON. Yes.

Ms. WOOLSEY. I don't know what the numbers are, but I think, if they earn \$41,000 a year and have four children, then they wouldn't be eligible for the subsidies. I don't have that in front of me. I'm sorry. I might be off a little bit, but it really cuts into middle-income workers.

Part of what this bill is about is making it secure for all workers who already have coverage, not making it harder for them to have their coverage. Part of that is security. They might love the coverage they have, but they know, in their heart of hearts, that they could lose that.

Mr. ELLISON. That's right.

Ms. WOOLSEY. Their employers could decide they can't afford to cover them anymore, and boom, that's the end of it. They might lose their jobs. They might want to change jobs and not have insurance going with them.

The truth of it is is that, not the Baucus bill particularly, but the House health care reform bill makes it more secure for people who are already covered. They lose nothing. They don't have to leave their coverage unless their employers decide they don't want to cover them anymore. With the House bill, they have a place to land. They have a place to go, and they can get health care coverage without prejudice.

Mr. ELLISON. If the gentlelady will yield back, we're wrapping up now. Yet the fact is, as to the House bills, if you look at them together, insurance companies can only charge different premiums based on age, and then it's like 2-1.

Ms. WOOLSEY. In the House bill, it's 2-1.

Mr. ELLISON. In the House bill.

Ms. WOOLSEY. Tell what it is in the Baucus bill.

Mr. ELLISON. The Baucus bill is 5-1.

Ms. WOOLSEY. 5-1. Can you imagine?

Mr. ELLISON. 5-1. This is wrong. This is very bad. This is very, very, very bad.

The fact is that this is going to be financially devastating for people who aren't yet elderly but who still are up to 60, 58, 59. It's going to hit them very hard if the insurance companies can discriminate like that, and there are far less stringent insurance reforms in the Baucus bill.

So, when you look at the Baucus bill, it is an inferior product. The Senate Finance Committee is an inferior product. The Senate Finance Committee bill is an inferior product. That's what it is, and it really is a nonstarter. So we're pulling for people on the Senate Health Committee to make a better bill than that which came out of the Senate Finance Committee.

We believe that help is on the way. Health care reform is right around the corner. It's time to raise the voices and to not be shy.

The President is running all over the country, talking to people about health care reform. He was in my own town of Minneapolis last Saturday. He did a phenomenal job. When the President mentioned the public option to a capacity crowd in the Target Center in Minneapolis, Minnesota—my city—the crowd roared for 1 minute 40 seconds. They wouldn't even let him continue with his speech. They were just clapping wildly—a deafening noise. That's how much people want the public option.

Ms. WOOLSEY. That's right.

Mr. ELLISON. So I'll leave the last word to the gentlelady of California.

Ms. WOOLSEY. Well, I'd like to say that the Progressive Caucus believes that it is our responsibility in the House to get our bill united and that it is our responsibility to bring our bill forward and to get it voted on so that

we have that as an example of a robust health care reform package, so that Senator HARKIN's Health Committee can follow suit, and so that we can give him a lot of the strength that comes from this House. We'll be negotiating with them later, but we'll be negotiating two very good bills. We want to go first.

Mr. ELLISON. So that will close us out.

I just want to say thank you, Chairwoman WOOLSEY, for being here and for always being supportive of our special hour and of our progressive message.

The Progressive Caucus is committed to values of shared community, of shared responsibility, of making sure that the least of us are cared for and are looked out for, of making sure that America is a country that supports peace around the world. This is what some of our essential values are: The Progressive Caucus. The progressive message. Thank you very much.

I yield back the balance of my time.

#### AMERICA'S ECONOMY AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you, and I thank the minority leader, JOHN BOEHNER of Ohio; the minority whip, ERIC CANTOR of Virginia; and the minority conference chairman, MIKE PENCE from Indiana—our leadership—for giving me the opportunity to take this hour this afternoon as the designee of the Republican Party, the minority party.

Like my colleagues on the other side of the aisle, the Democratic majority that you've just heard from concerning health care reform, my hour also will be spent discussing this topic of tremendous importance to the American people. Certainly, we were home during the August recess for almost 5½ weeks, and I think, for each and every Member on both sides of the aisle, if they didn't know health care was the number one issue when they went home to their districts, they found out pretty quickly. I think, Mr. Speaker, you would agree with me on that. Certainly, it was all over the television news—cable news and the networks.

So we are in a time of this 111th Congress where we're dealing with something that is just as important as almost anything that you can think of. There are other issues, of course, that are on people's minds, issues which are equally as concerning. One of those, Mr. Speaker, is the economy. The economy has been pretty rough, and we all know it. For the last year and a half, we've been in a pretty deep recession, and it seems like no matter what we do

that we're not able to pull ourselves out of that ditch.

So I would say to my colleagues on both sides of the aisle, while the health care reform issue is important—and it is important that we lower the cost of health insurance so that everybody in this country can have affordable, accessible health insurance plans and can have the opportunity to see physicians when they need to—there are other great concerns. One of those great concerns, of course, is the economy.

I looked at some polls earlier today, and when 1,000 people were asked to list in the order of their own priorities what their greatest concerns were, 44 percent of them said, My greatest concern is the economy.

□ 1545

In second place was reforming health care at 14 percent of the respondents, and our national defense tied in third place when 14 percent also said that was their greatest concern. It is important that we keep this issue as high a priority as it has, and as important as it is to people in this country, that the economy is the number one issue.

Mr. Speaker, I think it was President Clinton that said, It's the economy, stupid. Or maybe somebody said to President Clinton, remember, that it is the economy.

And it is. There is no question about it. When you are looking at an unemployment rate bumping up to 10 percent, and people losing jobs since February, when we passed the economic stimulus act, Mr. Speaker, \$787 billion, I believe, of borrowed money, a third of that money borrowed from the Chinese government. That was going to stem the tide; we were going to make sure that unemployment did not get worse than 8.5 percent, and that we stopped the hemorrhaging of jobs and, indeed, began to grow jobs.

Well, now, here we are, some 6 months later in the process. We haven't spent it all, but appropriated that much money again, \$787 billion, to try to get things going to stimulate the economy. We have lost another 2 million jobs, and the unemployment rate is approaching 10 percent.

I think that one thing that I wanted to share with my colleagues this afternoon, Mr. Speaker, is the revision of our health care system. The revision of our health insurance system, while important, and important to our economy, it's not the number one issue. The number one issue is to get people back to work and start creating some jobs and do something about the homebuilding industry, where sales are down. Prices of homes are down 40 percent, probably, in some parts of the country.

Jobs are lost in that industry, and there are so many things we could be doing, should be doing, to stimulate this economy. Yet the President's at-

tention has been diverted so much that he is going all across the country, doing his own town hall meetings, almost like in a campaign mode, lobbying for this idea of a comprehensive, total reform of our health care system such that the government has more involvement. Maybe not total involvement, but from my perspective, Mr. Speaker, and those of us on the Republican side of the aisle, we have great fear that these plans—my colleagues that spoke in the aisle before were comparing the Senate version versus the House version.

I would say, Mr. Speaker, that I have concern about both versions, about both versions leading to a total takeover of the health care system by our government. Ms. WOOLSEY and Mr. ELLISON are very good people, compassionate Members, as we all know, and you could tell from hearing them speak, that they have good hearts.

But if you ask them, or, and I have heard, actually—I am not going to put words in their mouths, but I have talked to a number of the members of the Progressive Caucus, of which they are a part, Mr. Speaker, and what many of them have said, and don't deny it, is that they are not going to be satisfied until the Federal government completely takes over the health care system in this country. That is similar, if not identical, to the Canadian system, or the UK system, a nationalized, socialized medicine, is actually what we are talking about.

And so we feel, on the Republican side of the aisle, first of all, that's not desirable. The people don't want it. The town hall meetings told us that they don't want it. The recent polling tells us that they don't want it.

They clearly want lower prices for health insurance, they want us to do something about that, and they want to make that opportunity to have health insurance more accessible to each and every one of them and the members of their families. But they don't want a government takeover, Mr. Speaker.

I say to my colleagues, look, the President, in the joint session of the Congress, where our colleagues on the House side, our Chamber, were obviously here. Our colleagues on the other body, United States Senate, were here. Cabinet members, Supreme Court justices were here as the President addressed the Nation in prime time.

You know, you can't have a better bully pulpit than that opportunity for the President to make his case. During that 45-minute speech, another great speech by President Obama, he said one thing that I agreed with, well, probably several things that I agree with, many things that I don't agree with, like a public option, which is a euphemism for a government takeover of our health care system.

But President Obama did say that one thing, one area of reform that he

has not yet seen in any bill is medical liability reform, and that he felt that that would bring down the cost and that he was willing to listen, Mr. Speaker, to ideas presented to him. His door was open—I don't know about those three or four levels of gates before you get to the door—but I am really hopeful, Mr. Speaker, that his door is open to Republicans and Democrats, and rank and file, leadership, to every Member of this body.

In fact, even, it would be great if his doors were open to the citizens of this country that have great ideas and where we get most of our great ideas, if the truth be known. But this, this idea of medical liability reform, I have sent him a letter based on what he said in that speech. He also, Mr. Speaker, said the same thing to the American Medical Association annual meeting in his hometown of Chicago this past June.

Mr. Speaker, I know you know this, but some of my colleagues may not know that in my prior life, before I came to this body 7 years ago—I am now serving in my fourth term—I spent 31 years practicing medicine, 26 as an OB/GYN specialist in my 11th District of Georgia, where I still live and will spend my entire life. It's a wonderful, wonderful community in northwest Georgia.

This issue of health care—I am as compassionate about it as anybody, just as compassionate as my friends on the Democratic side that had the previous hour. This idea of doing something about medical liability reform—I am so glad that the President said to the American Medical Association at that annual meeting, Yes, in response to a question from one of the doctors, We do need to do something, and I will take that into consideration.

Now, he wasn't specific, just like the other night he wasn't specific in regard to what he would be amenable to in regard to liability reform.

Mr. Speaker, tonight, I am going to spend some time talking about a bill that I have introduced every year since 2003, that was the 108th Congress. I have been a Member of the 108th, 109th, 110th and 111th and hope to be a Member, Mr. Speaker, of many more Congresses to come. I love this place. I love this body, I love my colleagues on both sides of the aisle.

But each year I have introduced the bill called the HEALTH Act, and it is about medical liability reform. The bill number, for those of you who would like to look it up—and I hope you will, because I have got about 60 cosponsors right now, Mr. Speaker. I want cosponsors on both sides of the aisle, because I want this to be a bipartisan effort. I think that's the only way we can really accomplish things that the people will be happy with.

But H.R. 1086 is called the HEALTH Act, and it's modeled after a bill that was passed in California. California,

with its 35 million people, passed a bill back in 1978. The acronym for the bill is MICRA. The most important aspect of that bill, Mr. Speaker, was to put a cap on awards from a jury to a plaintiff for pain and suffering.

Now, when a medical case is brought before a jury, and there is alleged malpractice, and the patient has been harmed or injured in some way, there is all kinds of evidence given to the jury in regard to what the patient has lost, how much they are disabled and whether or not they can continue to work, and if they can't continue to work over a lifetime, you know, maybe 25 more years, that they expected to work. How much is that worth? That's called compensatory damages, and those awards can be in the millions of dollars and sometimes are.

In most of those cases, I would say, bravo, Mr. Speaker, that the patient was injured by some physician or some hospital practicing below the standard of care, and they have got just compensation. We call it a redress of their grievances. Maybe it doesn't make them whole, but it helps.

Well, this bill, though, doesn't say anything about that, doesn't take away one scintilla of their right to redress of those grievances. It simply says that if it's a minor situation, a minimal injury or even, in some cases, where the jury says we know, based on 2 weeks of the attorneys, the plaintiff's attorneys and the attorney defending the physician, that the doctor didn't do anything wrong, that this was really just an unfortunate outcome; the doctor followed all of the standard practices, best practices in the community. But, golly, you know, we just feel sorry for the patient and, after all, the doctor is not really going to pay this. He or she pays a high malpractice premium to be insured, but it's that old insurance company, and we are just going to go ahead and award \$4 million for pain and suffering.

Well, that's what drives up the cost of health insurance, Mr. Speaker, for everybody else. And it is estimated that if we limit that kind of opportunity, just out of compassion, not based on any factual evidence, that these sort of runaway jury awards are given, if we limit that, then we could save, in this health care system of ours, Mr. Speaker, up to \$120 billion a year, \$120 billion a year, that estimate by the RAND Corporation.

It just seems to me, Mr. Speaker, that if we go in this direction, that we wouldn't have to say to the American people, we are going to pay for health care reform by taxing the so-called wealthy an additional \$800 billion a year. My friends, we are talking about, well, it's okay if you had a lot of money, why not give to the poor and the downtrodden and follow the Good Book. That's fine. I mean, I understand.

But there is another perspective on that. You teach a man to fish, you feed him for life. You give a man a fish, you just give him one meal. And many of these people, these so-called rich that are going to be taxed in the House bill that they were praising so much, I think the number is H.R. 3200, there's a surtax on people with a combined income, I forget, something like \$250,000.

□ 1600

Well, many of those people, Mr. Speaker, are small business men and women who pay their taxes just like an individual, like a small business, sole proprietor. And when you add that surtax on top of their marginal rate and on top of their State and local taxes and FICA, they are paying 52 percent, more than half of their income, in taxes.

So many of them will just simply say, you know, this little company that we started years ago, this little roofing company, this sheet metal company, this real estate shop, and we created these 10, 15, 20, 25 jobs, and we have been good to our employees and provided them health insurance, we are now in our fifties and we have been prudent and frugal and saved back and we planned on working another 10-15 years and keeping this company going and maybe turning it over to our children or grandchildren, but this is crazy. We are not working for ourselves or employees, we are working for the Federal Government so they can totally reform health care and turn it into a socialized medicine system. Well, we are just not going to do it and we are going to close the doors, and we are going to have that many more people on the unemployment rolls and that many more people without health insurance.

I have been hearing my colleagues talk about, and I think President Obama, Mr. Speaker, said it just last week in his speech, this is a crisis; 14,000 people every day, 14,000 people every day are losing their health insurance, and we have to do something about it.

Mr. Speaker, 14,000 people are losing their health insurance every day not because of the cost of health insurance. They are losing it because they lost their job, 6 million of them in the last couple of years, 2 million since February when we passed the so-called economic stimulus bill. So we have to put all of these things in proper perspective.

So this bill that my colleagues were praising, H.R. 3200, I am on the committee, I have read the bill, the 1,100 pages. The pay-for of \$1.5 trillion over 10 years, and that is a very conservative estimate as told to us by, as they said, the nonpartisan Congressional Budget Office, \$1.5 trillion, \$8 billion coming from taxation on those small business men and women, that job-kill-

ing taxation and another \$500 billion, Mr. Speaker, taken out of what, the Medicare program.

Do you think, my colleagues, that we can afford to cut Medicare by \$500 billion when we have already been told by the trustees that by 2017 there will be less money coming in from Medicare FICA than is going out in benefits to our 45 million, I think there are, Medicare beneficiaries? And that the long-term unfunded liability of Medicare out to the year 2075 is \$35 trillion, and that is with a "T," \$35 trillion.

So we say, oh, well, we need the money because the President said we are not going to do this bill, either the Senate bill or the House bill, whatever is the one that is ultimately chosen, we are not going to spend one dime, no, I think he even said one penny, I think he said one penny. We are not going to spend one penny of Federal money; it is all going to be paid for. So that's the pay-for, the \$800 billion worth of taxes and the \$500 billion cut to Medicare.

Mr. Speaker, \$500 billion over 10 years. I heard someone from AARP say that is a small cut. Well, in 2008 we spent \$480 billion on the Medicare program. So if we cut it \$500 billion over 10 years, that, my colleagues, is \$50 billion a year. Divide 500 by 10, \$50 billion a year. Well, \$50 billion as a numerator over \$480 billion as the denominator, I believe that is more than 10 percent a year. Mr. Speaker, cutting Medicare when it is about to go broke by the year 2017, over 10 percent a year for the next 10 years, you tell me that makes sense, so we can guarantee insurance for another 5 percent of our population, many of whom don't want it but yet we are going to force them to take it, to buy it. Certainly it is not going to be free.

But what happens to our Medicare recipients, our moms and dads and grandparents who are let's say on Medicare Advantage. Medicare Advantage is that option that you have under Medicare, you have to pay a little bit more, but it covers prevention and wellness and you get to go to the doctor and have an annual physical and Medicare pays for it. And you have screening for a lot of dreaded diseases, and Medicare pays for it. And a nurse calls you back, maybe a week after your appointment, to make sure that you got your prescriptions filled or that your fever went down or that you checked your blood pressure and it is okay.

All of that is provided under Medicare Advantage that is not available to the 80 percent who get Medicare as traditional fee-for-service. It doesn't pay for a physical except the entry physical to Medicare when you first turn 65, but you need one when you are 68. You need one when you are 72, and then you might need one every year thereafter.

So Medicare Advantage, my colleagues, we may be paying too much and we may need to sharpen our pencil.

I'm not saying that we don't look at everything very, very closely. We should do that on everything, every dime. As the President said, Mr. Speaker, every penny of taxpayer dollars that we spend should be well spent, and we should be sure that we are not overpaying the insurance companies that provide the Medicare Advantage option.

But it must be pretty popular, Mr. Speaker, because 11 percent of those seniors pick Medicare Advantage. Well, to pay for that \$500 billion out of Medicare, guess where the biggest chunk comes from? It comes from Medicare Advantage to the tune of about \$170 billion. It literally guts Medicare Advantage. It literally guts Medicare Advantage.

So when the President says, Mr. Speaker, you and I and all of our colleagues have heard him say it many times, if you like what you've got in regard to your health care, nothing will change. If you like what you have, you can keep it.

Well, try to convince those 10–11 million people, senior citizens, precious senior citizens who are on Medicare Advantage. They may want to keep it, but if the providers of the Medicare Advantage are losing money on the programs—and they will if you cut 17 percent of their reimbursement—they will simply say, look, I have other business lines. I sell property and casualty. I sell automobile, homeowners, catastrophic, I sell life insurance; but I'm out of this. There is no way.

So that is 11 million people, potentially, not all of them, but a large number of them who will lose their health insurance, what they like; they wanted to keep it, but they didn't get to. So it is an indirect taking it away from them.

When you talk about, well, this is a way we are going to pay for it and not spend one extra dime, it is very important. It is just very important that people understand what the pay-for is. That is why I say in regard to medical liability reform, the current system of the runaway awards given to patients for pain and suffering, there are a couple of other provisions in my bill, the provision of course that we cap the award for pain and suffering at \$250,000. Several States have done that. Several States have actually done that and expanded that number to \$350,000. And it has worked fine.

My mind is open in regard to some changes because the bill, H.R. 1086 that I am talking about, is based on a California law that was passed 30 years ago. So, you know, to say today, well, \$350,000, I think is a reasonable thing. And I would be willing in a heartbeat to talk to the President about that, to talk to the leadership of the Democratic majority party about that.

Mr. Speaker, there are a couple of other things about medical liability

tort law that I think our colleagues need to understand. There is something called joint and several liability. So here's the scenario. A patient suffers an injury and the plaintiff's lawyer names everybody that had anything to do with that patient during a hospital stay. Let's say it is a patient that is scheduled for surgery on Monday, a routine operation. And the doctor who is going to perform the surgery says to her partner, I'm going to be at church Sunday morning with my family. Do you mind when you are making rounds seeing your patients, would you stop in and see Mr. Smith and just make sure that everything is okay and tell him that I will come by this afternoon and check on him and see if he has any last minute questions before the surgery?

So the doctor's partner does that. He kind of sticks his head in the door and says hello, and your doctor will be by this afternoon.

Well, that doctor could, under current law, be just as liable of any adverse outcome of that next day surgery as the operating surgeon. The way the current law says, if that doctor who all he did was say hello, I'm your doctor's partner and I just wanted to stop in and tell you that she will be by this afternoon, if he has the most coverage, maybe he bought a more expensive malpractice policy, Mr. Speaker, and he has—well, you have heard the expression, he has the deepest pockets, then in a lawsuit, he could be liable for everything, although he never even laid a hand on the patient. Well, that's wrong and that ought to be corrected.

That's why we need to eliminate this policy. It is called joint and several liability. In other words, everybody who is named is equally liable. Clearly, as that analogy I just presented shows, that's not the case. It ought to be very specific, and it ought to be proportioned.

I would think, Mr. Speaker, that would be plain as the nose on your face. There is another provision of H.R. 1086, the Health Act. It is called collateral source disclosure. I mentioned earlier, Mr. Speaker, about the evidence that is presented to a jury so they can figure out what award, if any, is appropriate for a patient who is injured by a physician or a hospital, medical facility, that has practiced below the standard of care, and it is a very scientific approach.

If the patient had to come back in the hospital and stay for another 2 weeks or month, if the patient had to have another surgical procedure done, if the patient had to be put to sleep and had to have the services of an anesthesiologist, if the patient went home and had to have a specialized wheelchair, if the patient had to have an assistant to help them with daily living, all of that stuff is—and I'm sorry, Mr. Speaker, I use the word "stuff." That is improper. But all of those things, items of cost,

are used to calculate what the total amount of a judgment should be if in fact it is determined that what the doctor did led to this terrible, unfortunate outcome.

□ 1615

Well, if the patient has disability income insurance, and when the injury occurred they were 30 years old, that disability income compensates them for 80 percent of their salary for the rest of their life. If the patient has health insurance that covers anything else that had to be done, that information should be known to the jury because, if not, we're looking at a situation we sometimes call double dipping. All of these things, Mr. Speaker, drive up the cost of health care and health insurance for everybody else. For everybody else.

So, Mr. Speaker, that's why I was so pleased to hear the President say that he acknowledges that and something ought to be done about it. His mind is open. And I will say to him and to my colleagues in this body and in the Senate that my mind is open as well. And we should sit down, if necessary, Mr. Speaker, with a blank sheet of paper and just say, Look, certain things in Representative GINGREY's bill, H.R. 1086, we don't agree with, but here are some other sections that we think are very good. And, by the way, we have some ideas here—the majority certainly, because it would be their bill—and would say, Look, let's put this in and that in, and let's get to a point where we can all agree.

If we take this attitude, Mr. Speaker, on every aspect of health care reform and health insurance reform, I can name, and, in fact, I would like to name, several things that I just know that there would be bipartisan agreement on in regard to how the insurance companies treat their clients.

We, on my side of the aisle, we Republicans absolutely would prohibit insurance companies from canceling or rescinding a person's health insurance coverage after the fact by saying, Oh, you know, 5 years ago when you took out the policy, you didn't answer every question just right. You had a lab test that you didn't tell us about or you had hepatitis when you were 16 years old in playing high school football and you completely recovered, but still, you didn't tell us about it and so now you're 45 and you have to have your gall bladder taken out and, lo and behold, that \$20,000 bill, estimate of benefits that you got, we're not paying a dime of it. You're paying all of it. That's got to stop. That absolutely has to stop.

We are in total agreement that insurance companies should not be allowed to deny coverage for preexisting conditions. We are in agreement that setting up exchanges, insurance exchanges in every State where a person who doesn't

have insurance or works for a small company that doesn't offer it can shop. And you've got multiple insurance companies. There are 1,300 of them, I think, across the country, that offer health insurance products that they can compete and that a person could go online and know exactly what is covered, what the deductible is, what the copay is, who the doctors are in the provider network. Even go online and check and find out if the doctors have a good record, if they're cost-effective, and make a decision. If their income is lower than 300 percent of the Federal poverty level—for a family of four, that's about \$65,000 a year—then to supplement them so that they can afford to buy those policies.

We're in agreement with that, Mr. Speaker. My colleagues, we don't disagree. We have compassion, too. The two Democrats who were here earlier may be two of the most compassionate Members of this body, but we have a heart as well, and we want to help people. We want to help the downtrodden. But we don't want to, as I said at the outset, to just simply say we can't solve this problem.

Golly, we put a man on the Moon in 1969. It took us about 8 years to do it. We caught Russia and passed them because we had the determination, the will to do that. And you tell me now, 50 years later, that we can't solve this problem without just saying, Look, we throw up our hands. We can't do it. The Federal Government, you take it over and run our health care system and let's have everybody on Medicare or Medicaid.

No. We have a lot of things that we can work together on, and we need to do that.

This idea of medical liability reform and the savings that it brings, certainly it should be on the table, and heretofore it has not been. There's not one section in any of the three bills that came through the House or the two bills that came through the Senate. We need that, just as we need, Mr. Speaker, a comprehensive electronic medical records system. That's another cost saver of maybe \$150 billion a year.

Yes, there's some upfront costs. Indeed, I think the President put \$19 billion into the economic stimulus package to make sure the government continues its efforts to set the standards so that all these computer systems, hardware, software, for every specialty and every subspecialty, can talk to the Medicare system, can talk to the Medicaid system, can talk to the VA, can talk to the military, can talk to every private insurance company across this country.

So if you go on vacation and if you have a little card about the size of a VISA card or American Express card that's got your identification in there, very secure and encrypted, and you're at the South Pole, for goodness sakes,

and you fall and hit your head on the ice and you're in a coma and they take you to the emergency room, somebody can reach in your back pocket, get your wallet out, swipe that card and know exactly what your medical history is, what medications you're on; if you're taking Plavix, not inadvertently give you Coumadin and kill you. So electronic medical records is something that we can, should, and I think do agree on.

Mr. Speaker, I think that if we put the bickering, as the President said, try to put the bickering aside and listen, and the majority party allows the minority party in the room, we can do this. We can do this. And I think the American people would be proud of it.

There's one other thing that I have been proposing and my colleagues on this side of aisle, this idea of why is it that people can only buy health insurance in their own State. Their own State may have passed all kinds of mandates on health insurance that require a test for this, a test for that, coverage for this, coverage for that. All of these things that sound nice when you propose them, but they are part of a basic policy, and so every policy that's sold in the State has to include all those things.

Well, these people can't afford health insurance in that particular State. Maybe it's my own State of Georgia, or Alabama, Louisiana, or Florida, Massachusetts. But yet, they are forced to buy insurance in their own State—and many of them don't because they can't afford it.

Well, let's let them go online and shop in a neighboring State or anywhere in the country that they want to look and see. Just like on Medicare part D, the prescription drug plan, you will see that the competition in the free market will keep those prices down and make them competitive and that an individual can pick a policy that's almost tailor-made for him or her, just as they do in the prescription drug plan.

In the prescription drug plan, part D of Medicare, my mom goes online and she makes a list of the six medications that she's on and she gives her Social Security number, she gives her zip code so that she would know which pharmacies are close to her and what plans are available, and she looks and sees how much the different plans charge for the medications that she's on. She doesn't care what they charge for something that she's not taking. That doesn't matter to her. It's the uniqueness of her that allows her to shop in that way and get the best price.

We can do that with these health plans through these exchanges. We can set up these high-risk pools so that people that have birth defects or they come down early in life with type 1 diabetes or they have osteoporosis or multiple diseases, they can become part of

a high-risk pool in each State. And we can say to the insurance companies once again, You have to participate and you can't charge more than 1½ percent—1½ times what the standard rates are.

Again, I started out the hour specifically talking about medical liability reform and the significant savings. I think I even referred to it as a silver bullet worth of savings. And I think that that is something that certainly ought to be—if we pass health reform this year, that certainly should be a major provision; electronic medical records, of course, as well, and many of the things that I mentioned. But to just throw up your hands and say, We can't do it.

We have got 435 of the best and brightest people in this country serving this Congress. All walks of life, all educational levels, all previous professions, and we can't do this? We have to just literally toss up our hands and say, Let's let the Federal Government do it?

There yet is not one word in this Constitution that talks about health care and the requirement of the Federal Government providing health care, not one word, and I look at it often, my colleagues. I look at the glossary often.

I look at things like: Arms, the right to bear; assembly, the right of; counsel, the right to; grievances—we talked about that earlier, didn't we—redress of; petition the government, the right to; the press, freedom of; religion, freedom of; speech, freedom of. But not one word about health care.

I want to just close by saying to my colleagues, we don't want to let the Federal Government take over our health care system. There's an art to medicine. It's not an exact science, and we don't need bureaucrats getting between our doctors and our patients.

The American people are telling us that. And I say woe be unto us if we turn our back on them and force a government-run health care system down the throats of the American people by some parliamentary trickery. I hope, Mr. Speaker, that my colleagues are smarter than that. I know they are. I know they are.

In the final analysis, we're going to do the right thing, and I hope and pray that we do it in a bipartisan way.

□ 1630

### 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. CARSON of Indiana). Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again it's an honor to come before the House, and I look forward to always coming to the floor. As you know, the 30 Something Working Group,

we've been working now not only through the 108th Congress but all the way up through the 111th Congress. We pride ourselves on coming to the floor, talking about issues that are not only facing Americans but the challenge that we have as policymakers here in Washington, D.C., to make sure that we provide the kind of leadership that the constituents in our various districts, the people in our States and, of course, the entire country deserve. To try to achieve that is definitely a hard thing to do at times but very easy to do when we work together.

As I start off every Special Order, Mr. Speaker and Members, I just want us to continue to stay focused on what's going on not only here domestically but also throughout the world, not only our men and women in uniform but those that work in the Diplomatic Corps and the State Department who are deployed throughout the world. We do know that we have individuals who have to clean sand out of their boots and stand up on behalf of our country in the theater of war in two areas.

As of today at 10 a.m., the death toll in Iraq is 4,347 troops and soldiers; those who were wounded in action and have returned to duty is 17,633; also wounded in action, not returning to duty is 3,861. The death toll in Afghanistan, Operation Enduring Freedom, is 830; wounded in action and have returned to duty is 1,506; wounded in action but not returning to duty is 2,390.

I think it's important, Mr. Speaker, that every time we get the opportunity, we definitely appreciate not only those that are enlisted now, but the Reservists, National Guard units, the many veterans out there who have served and also their families. We must show them a great deal of appreciation to allow us to salute one flag. My uncle served in the Korean War and saw a little action in the Vietnam War. He recently passed on. He was not only honored to get medical health care at the end of his life over at Bay Pines Medical Center in Bay Pines, Florida, but he also had the honor, along with many heroes and sheroes, to have his final resting place be over at Arlington National Cemetery.

Mr. Speaker, there has been a lot of discussion about this issue of health care, and I think that it's important that we continue to have not only that discussion but some action. When I first came to the floor last week and we reconvened as a Congress, we talked about a number of the issues that are facing not only Americans, but we have talked about what happened at town hall meetings, and we have talked about that we wondered where the President stands. We had a lot of discussion going back and forth, whether it be members of the Republican Caucus or members of the Democratic Caucus and even our two Independents who

are over in the U.S. Senate, a great discussion, a great discourse, a lot of CONGRESSIONAL RECORD statements made. A lot were entered without an official statement on the floor, but just in writing.

And still this debate continues. We know that we have at least four working documents that are out there right now. We know that the chairman of the Finance Committee in the Senate has been working, along with Senators on both sides of the aisle, to be able to come to some sort of resolution where Americans will be able to say that those of us here in Washington are working and that we will get to a final resolution more sooner than later to make sure that the insurance companies are no longer doing what they have been doing to the American people and what they are doing to the American people. That is, pushing up rates, pushing up copays, and denying coverage for some Americans when they have worked very, very hard. Some people pay \$300, \$400 in a paycheck, some personal testimonies, \$1,200 for a 4-week period to insure their families.

Now I'm not going to stand here and tell you that they were able to do that on their own. They are able to keep not only the CEO's benefits at the levels that they are—benefits that an average American would never see or paychecks that the average American would never see. The average American will never be able to live in the type of gated community that some of these insurance executives are living in right now. And the executives will never be able to understand what it means to visit their doctor and be denied coverage for a procedure that is needed. They would never have that opportunity. But I'm not going to even blame it on the insurance executives, to say that they have set forth the environment in which they are able to stand in judgment of an individual's health care, even when there is a doctor that is recommending that their patient receive a certain procedure or a test that has to be carried out.

The environment would not be what it is today if the Congress was to do its job. If we were to do our job, then we wouldn't have some of the horror stories that we've been hearing over a period of time. We would not have constituents calling their Congressman or Congresswoman saying, I need you to call this 1-800 number for me because I need an operation or my husband needs an operation or my child needs an operation. We cannot operate that way because everyone can't call their Member of Congress or their elected official or the mayor to be able to stand for them. It is important, and I come to the floor today to say that it's imperative—even adding on to important, even more—that we follow through.

Mr. Speaker, I'm speaking here with a bipartisan voice because something

that I saw when the President came to speak to us last week—it seems like it was 2 weeks ago but it was last week—he talked about passing a health care package that would not add one red cent to the debt. I think that's important. I think that's a value that this Congress can embrace on both sides of the aisle. He also said that he would not sign a bill that would allow insurance companies to deny people based on preexisting conditions or family history. That's a value. That's something sound that we can both agree with. I was pleased to see my colleague on the Republican side of the aisle in the Republican response after the President's speech say, There are some things that we agree on, and that was one of them—no longer allowing insurance companies to deny individuals on family history or preexisting conditions. That was major, as far as I'm concerned.

I was, once upon a time, a public worker, a State trooper in Florida; and even before I was a student at Florida A&M, I was a skycap at the airport. I used to carry furniture at the Jewish Home for the Aged down in Miami. I have worked in the thrift shop. And even though part of that time I enjoyed being on my mother's health plan, I knew what it meant to kind of be in that area where, "I hope I don't get hurt because I don't have the kind of insurance that I need as a skycap." Now it's important that we take this "no longer being denied on preexisting conditions or family history" and look at that as a bipartisan move from this point on. There should no longer be a debate on whether we agree on that or not. That's a softball.

But I want to say, Mr. Speaker and Members, that it took us decades to get to that point. The reason why Members are now emboldened to say, Well, I agree with that provision, is that the leadership was provided to set the environment for them to say yes to that, for Democrats to say yes to that, for Republicans to say yes to that, and for our two Independents in the Senate to say yes to that, that they agree with that as a principle and a bedrock of this health care reform.

I think something that's also so very, very important—many times here on this floor, we have had discussions of urban versus rural. When you look at this health care debate, and you look at how Members are coming to the table, needing not only the resources to be able to bring about a medical home for individuals that do have insurance—and in this bill we're achieving that, of making sure that a super, super majority, into the high nineties, have an insurance card and that they're able to go in and get preventive care and to also go in and get a procedure that they need and cannot be denied—but to be able to have that, they have to have a medical home. In the

legislation, we're talking about community health centers having more capacity to be able to take on everyday Americans, not just indigent, not just individuals that don't have a primary doctor. This is to allow individuals that are in the top 1 percent or the top 2 percent of income gatherers here in this country to be able to go to their medical home, whether it be a community health center or they can go to their own doctor, but they'll at least have the capacity to be able to have that medical home. This is important in rural America and in rural Florida.

Right now as I travel throughout the State of Florida, there are a number of people saying, You know, KENDRICK, I kind of like this health care thing, but I don't have a car, and I have to drive 2 or 3 hours to go see a primary doctor. The reason why that primary doctor is not there is because of the lack of Medicare or Medicaid reimbursement or a constituency that will help keep that practice afloat. So when you have in not only H.R. 3200 but in other work products that are here in Congress these community health centers as a foundation, as a base, as a bedrock of this health care reform package, I think we would look at it from the standpoint of saying that people will have a medical home to go to, but they will no longer have to drive for miles and miles and miles and lose doctors that come in and do their residency but cannot afford to stay in that rural or emerging county as it relates to that population because they don't have the backing and the incentives.

I can tell you in that House product that those incentives are there to be able to not only encourage those doctors and medical professionals to stay there but to provide a medical home.

Now I want to let you know that as we look at the different proposals—and we know that Members have their own version of what they feel health care reform should be—I can tell you with the proper leadership, I know that Democrats, Republicans and Independents can come together on making sure that we work with a public and private system as we see in both proposals, in both House and Senate, one that has a private exchange along with a public option that will allow those who cannot afford to be a part of the private exchange to no longer find themselves in the ranks of the uninsured.

Now why do I say that, Members? I say that that is key and that is important so that the individuals that do have insurance—like myself and probably everyone in this Chamber because we are public workers—that they will no longer take our premiums up throughout America to 250-plus million Americans that do have insurance because of the uninsured ranks there because someone has to pay for their health care. And that's the reason why we have the \$20 tablet of aspirin.

That's the reason why a box of tissues in the hospital is far beyond anything that you would ever pay for, even if you were to go into the gift shop in a Ritz-Carlton to buy a box of tissue. It costs more in that public hospital or that private hospital than it costs at some five-star hotel because that cost has to be covered somehow, somehow.

It's very, very important that everyone understands, as it relates to this overall application of health care, that we have to make sure that we provide a public and a private opportunity for individuals to be able to receive insurance. I come from a State, Mr. Speaker, where you have over 3,500 Floridians that lose their insurance every week. That's the reality. That's what's going on. And to just use that statistic as some sort of backdrop for a political speech or a backdrop to just make a point is really robbery to those individuals of the 3,500 and the 80 percent of Floridians that do have insurance. It's robbery to be able to use that as a talking point without following it up to say that action will take place; and we will have a paradigm shift to make sure those 3,500 Floridians—which adds up to a little bit over 80,000, 85,000 Floridians that are losing their insurance every year. And that automatically we know for that 80 percent or a super majority of Floridians that do have insurance, many of whom, I must add, Mr. Speaker, are on Medicare, which I must say is a public option and a lot of people would have a lot of choice words if you tried to do away with Medicare now.

□ 1645

I think that it's important that we also understand that in this debate Members are going to be misunderstood, but the foundation of the debate should be about action. I have a book full of statistics, both pro and con. The statistics are not going to help bring insurance costs down or make sure that people have health care or make sure that individuals do not find themselves becoming bankrupt because one of their family members has a medical emergency and their insurance ran out in the first 10 days and now they're on their own and they're in open water.

And we have some facilities, believe it or not, legal or illegal, denying care to individuals that are Americans, those that have paid their taxes and have done all of the things we've asked them to do, but based on the fact that they don't have enough coverage, are underinsured, and those that find themselves uninsured because they cannot afford the premium or they can't afford the copays, they find themselves waiting. We have a lot of 50-somethings and early 60-somethings that are waiting to make it to Medicare for them to get a procedure that they should have gotten 7 years ago. And now the situation is even worse.

It's going to cost not only me more, but it's going to cost everyone that I represent back in Florida more because of the paralysis of analysis that has taken place here in the halls of Congress.

Let me tell you there were some things that I was very pleased to hear during the joint session. I was happy to hear that the President was determined to be the last President to deal with this issue because I have been in politics now, or, you may say, elected service, as a public servant now for 15 years, going on 16 years. I am a second-generation Member, Mr. Speaker, as you can also appreciate. My mother before me served in this House for some 10 years. Then before that she served in the legislature and the senate and the House of Representatives and worked at a community college. So we come from a family of public servants. I was a State trooper, served in the legislature for 8 years, came here and am serving to the best of my ability.

I can't remember an election, Mr. Speaker, that I didn't have somewhere in a stump speech that I wanted to make sure that we can make health care affordable for all Americans and bring down the costs of health care for those that are paying too much and getting too little.

This health care reform package is more of a bill of rights for those of us that are out here punching in and punching out every day, signing in and signing out every day, making sure that we raise our children and do the things that we need to do to make this country strong. This bill and this concept of reform is not only for health care insurance but making sure that no American that pays for insurance finds themselves in a situation where they've sacrificed what kind of milk they buy, need it be soy milk or regular milk; or what kind of bread they buy, need it be the bread on sale or whole wheat bread; or what kind of eggs they buy, need it be organic or nonorganic eggs. It should not be based on the fact that, well, I have to pay \$400 or \$300 out of every pay period to be able to cover health care costs for my family, for it to be there when we need it, and then they find themselves in a situation when they need it and they pull that card out of their wallet, Mr. Speaker, thinking that they're on their way to getting something, to only find out that the card that they had in their wallet wasn't even worth the plastic that it was made out of.

They find themselves paying out of pocket, even before, some \$25 to \$3,000 or \$1,600 of money that they didn't have in the first place—I'm going to break this down—going to the credit union trying to get a signature loan. This is for real. This is what happens in America. This is what happens in Florida every day. Calling family members, disclosing to third cousins the personal

medical crisis that they're going through that's quite personal in many cases, to be able to swallow pride and ask them for help when they've been paying \$200, \$300 out of their pay period for health care insurance. That's not what it's about.

So I'm seeing, Mr. Speaker and Members, and I'm pleased to see, that the debate is now moving forward. We agree that something should happen, and something will happen. And the leadership, from the executive branch to legislative leaders, are saying if there are constructive components that can be placed into this insurance reform legislation, then we definitely would like to hear it.

Now, I, for one, have not and will not in this debate come to the floor to advocate any Canadian-style plan that's just a public plan. That's not what it's about, even though we know that Medicare is a plan that's similar but not the same. Medicare has private entities that are there that are helping to close the gap, but the Federal Government is making sure that our seniors that have paid into it have something to fall back on.

I can tell you also that when we look at this issue of health care and we look at the experience that real Americans and, I would add, Floridians are going through today, I wanted to come here today with really a voice of what the everyday individual is paying and what they're getting. 535 Members between the House and Senate. I think it's important that people understand that our experience is totally different from the everyday American or our constituents' experience. In 7 years in Congress, I must say that I have had some family members that have had a medical dilemma. I haven't been denied anything. I'm a Member of Congress. I don't think my constituents, and I said this last week and I will say it this week, elected me to say, Kendrick, I want you, your wife, and your two children to have better health than I could ever have. I just want you to have that, and that's the reason why I'm showing up early at seven o'clock on a Tuesday morning to vote for you.

No. I think they voted to say that I know that you know what I'm going through, and I'm sending you to Washington, D.C., to give voice to my cause. And the cause of the everyday American is making sure that government will not be a part of the handshake deal, need it be a Democrat or Republican administration.

The fact that doctors are spending more and more time on the phone talking to someone in Sioux City, Iowa, like David Letterman would say, in a cubicle, trying to convince them that their patient needs a procedure or a test and that they need to cover it, they should not look at that person's file and say, Oh, well, you've had this, that, and the other. Well, I don't think

that you're eligible for it. If you're paying for it, you get it. That's the school I come from.

So I think that it's important that no matter what your economic background is, you go into work every day and you buy health care insurance, you're in an exchange, and you have put forth the sacrifice, that you weren't able to put dollars into a college fund, that you were not able to do the things that you wanted to do, need it be whatever your religion may be, that when it comes around to that time of year, you weren't able to provide the kinds of things you wanted to provide. You were not able to have that vacation that you were looking forward to that you feel you needed to do. You could not go off to the church or synagogue or what have you, off to camp to study more, or the mosque, that you could not go because financially you're too busy paying more every year into your health care insurance.

It's not on that individual that's trying to have adequate health care, Mr. Speaker and Members; it's on us. We have the responsibility, Democrats and Republicans, to meet that common ground to be able to make it happen.

Now, for those leaders, I must add, need it be here in Congress or in a State or in a local community, sitting on the sideline of the biggest debate that has everything to do with the multinational companies that are U.S.-based being at a competitive disadvantage because of the lack of policy here on this floor to set the stage so that health care costs are not where they are right now, they're at a disadvantage. And when they're at a disadvantage, that means that they cannot provide jobs. That goes all the way down to that small business.

I talk to small businessmen and women every day, need it be through e-mail or by talking on the phone. And they say, You know, KENDRICK, it pains me when I try to buy insurance as an employer, and people don't talk about that a lot, based on the individuals that I employ and based on their health care background, I pay more because I'm in a rural part of Florida where, probably, the diet is not what it should be or whatever the case may be or family history or what have you, and that plays a factor.

I have talked to businessmen and women that have a plant here and a plant there, and it costs more for the plant over here in this county versus the other county. So I don't know what goes into this whole insurance coverage and what the executives look at, but I can tell you this: That's painful for that individual that's providing jobs, because they know that their insurance is not adequate enough to make sure that their employees who helped build their company to where it is today, who allow them to live in the

house that they live in, who allow them to celebrate the kind of life that they celebrate—they care about those individuals because those individuals made their company and built their family name, if that company is named after their family, to what it is today. So there is an attachment that's there.

So I think it's important when we look at this health care issue, we have to look at it from the perspective that not only does it deal with everyday Americans, it deals with everyday business, and it deals with everyday health care workers.

I will close out this segment on this point: It's nothing like a health care worker, need it be a CNA, a certified nursing assistant, or an RN, a registered nurse, or a specialist, a doctor who has been in the profession and even primary care doctors; we are going to need an army of these primary care doctors in residency spots to be able to create what we call this medical home, so that people will have somewhere to go with their insurance card.

To have them in a profession that they know that's bleeding constantly and that's hooked up and that's in ICU because of the cost of insurance and the cost of coverage and the level of coverage that everyday Americans are receiving—we have public hospitals that are going under and that are finding themselves in budget crisis and even private hospitals where staffing levels have been cut back. And when you come to a State like mine in Florida, I helped pass the legislation as it relates to nursing home staffing levels, making sure that our frail and our most vulnerable have the kind of staffing that they deserve. But when it becomes a challenge on the reimbursement rate to be able to make sure that that staffer is there for that individual that has put their loved one in a nursing home or in a hospital, they should not have to watch.

I was in Gainesville just a week ago over the Labor Day holiday, and I talked to a young lady who came up to me at a picnic and said, Congressman, my mother is in the hospital.

She didn't know me. But she said, Since you're the congressman, I want to talk to you. My family works a schedule out to go sit with my mother in the hospital because the staffing level is not what it should be. That's what's going on out there.

Now, if something were to happen to me right now, Mr. Speaker, and I hope it doesn't, but if something were to happen to me, I don't have to worry about anything. I will get over to Bethesda or somewhere. I don't have to worry about it because I'm covered. I'm a congressman.

□ 1700

People are going to put me in a room somewhere, I'll probably have a private

room and an open mic, press the button, there will be no waiting for my care. But that's not what this is about.

So if we were to replace Members of Congress with people who have health care crises, then maybe we will have a better situation as it relates to bipartisanship to be able to find some common ground on health care.

So I challenge our Members here in this Congress, you can talk about the sideshows, you can talk about the small things that are going on—or they could be important back home—but when you have an issue like health care reform that's before this Congress, it took great courage against the naysayers to create Social Security, which is providing opportunities for individuals that, when they lose everything else, Social Security is there; when someone passes on and they're able to leave their survivor benefits, even if they didn't make the kind of money they would like to have made, they didn't leave the kind of inheritance that they would like to leave to their children, to be able to leave a survivor benefit for a child or a spouse.

Or when someone is injured on the job and they fall into disability, that Social Security is there. It's not going to pay for everything, but it's going to pay for something. You've been paying for it out of your check. You mess with Social Security now, you have a problem.

I'm so glad, Mr. Speaker, the 109th Congress, when the previous administration wanted to privatize Social Security and we fought it back with not only dialog on the floor, amendments in committee, holding town hall meetings back home, we fought it back. And if Social Security—and if folks had private accounts out there running in the stock market last September, where would Social Security be right now in the trust fund? Members, I want to make sure that everyone understands that it takes courage.

Medicare, in the sixties, you know, some naysayers, oh, the government is trying to—no one is trying to take over anything, just want to make sure that the seniors have coverage in their time when they need it at 65, that they can take the option. If they want to use their Medicare or they want to use their private insurance, that this country will not turn their back on them.

And now in this legislation we expand the Medicare trust fund and really work towards stomping out not only waste, but corruption, and also bringing it under some sort of control so that we don't find ourselves in a situation like what happened with Medicare part D prescription drugs. Let's pass a great idea; let's not worry about how we're going to pay for it and increase the debt.

So I go back to saying, when the President said he would not sign a bill that would raise the deficit more than

where it is right now, that was music to my ears because we're here—and I've been on the floor for almost 7 years now talking about these issues. Some of the individuals have been talking about the debt. I'm like, where were you when all of this was happening and you said nothing about it and you did nothing about it? And now we're trying to do something about it in a bipartisan way to make sure that we don't put on to the debt, which I think makes perfect sense.

But Medicare, looking at it from where it is right now, it is a public option. And the public option, I must say, Mr. Speaker, the small part of this bill is far more conservative than Medicare: A, you have to fall under a certain income requirement; B, you have to first go into the exchange to get the private insurance. But you also have to be insured and covered.

That means individuals that don't have skin in the game now, people that are saying, hey, I'm going to throw the dice, I'm going to go to CVS, I'm going to go to Walgreen's, I'm going to go to whatever store they go to and I'm going to medicate myself, and then I'm going to find myself in a situation to where I've got to go to the doctor because I have this lump in my neck or I have this pain in my side, or I finally went to the doctor after my wife or my significant other pushed me to go only to find out that now I have a situation that I must go in, now they find themselves in the emergency room. And everyone that has insurance can look forward to \$1,000, \$1,200 either in copays or premiums the following year because that individual was not insured. Now, some people make that choice of saying I just want extra money to spend; most make that choice because they can't afford insurance.

I think it's important that we note that Congress had courage to start Medicare; and because of that courage, so many seniors, 65 years old, have a Medicare card in their wallet. It's first up right under a driver's license or right under their debit card to pull out because it's the card that they pull because they have it. And now every town hall meeting that I had—and Mr. Speaker, I had town hall meetings, there were no requirements, you didn't have to come to my office and show that you live in the 17th Congressional District in Florida. You didn't have to go through the magnetometer before you came in; 500 seats, come in, sit. We're going to have a civil discussion, and if you disagree with any position that has been taken, respect the next person and allow that individual to speak.

That's American, that's bipartisan, and that's what we will continue to do, Mr. Speaker, because when we pass this insurance reform as it relates to health care, that's not going to be the end. This plan right now, the way it stands,

will not be fully implemented until 2013. That's a long time. Some of it will be implemented as it relates to patient rights and insurance rights faster than other components of the bill.

But I want to tell the Members and I want to share with the Members, as we go and we talk to our constituents, we should not just fall for the low-hanging fruit of saying, well, if someone is perfectly healthy and says, well, you know, I don't feel we need to do this, I think that it's important as a leader—because sometimes you have to share with people things that they may not see from a broader perspective—to say, yeah, I don't know what they're doing in Washington, they don't need to do—I mean, this Congress is made up of individuals that have been elected—especially here in the House, you have the greatest democracy here in this Chamber because you cannot be appointed to this unless you're appointed to be the Chair while we're trying to find a Speaker or what have you.

But as it relates to a general Member of Congress, there is a special election called. If someone was to come to the well and say, I'm resigning, there are no appointments; you have to be elected to this body. So this is democracy at its best, and nine times out of 10 come from the ranks of the legislature or some city council or an individual that just got fired up on an issue and started knocking on doors and found themselves in this Chamber.

But so many times in Washington we look at this change agenda, we get stuck on this thing of who we had lunch with last or how leaders get drawn out. I don't think that leaders come to Washington, D.C. to sell out; I think they're drawn out. And what I'm saying about being drawn out is that you find yourself walking around the Halls here in Washington, D.C. and you get enough people, how are you doing, Congressman, Senator, good to see you, you know, great speech, it was good, you know, you start listening to those individuals—even though it's okay to get compliments—versus those individuals that are back home that are fighting this health care crisis. We have to make sure that everyone understands that.

And so I tell my constituents, if you agreed with the last word out of my mouth or not, you tell me what you feel and we will have a discussion on it, and we will do the best to try to give you the kind of representation that you deserve. So I think it's important that we bring reality to this debate.

Mr. Speaker, I'm going to close by saying that it's important that we continue to get input from the public. It's important that we continue to share with our colleagues the importance of bipartisanship. It's important that we are responsible for what we say and put into the CONGRESSIONAL RECORD. It's important that we allow this process to

move forward so that we can have a working document from both House and Senate that can then go to Congress and that we can vote on this floor in the affirmative for.

In every piece of landmark legislation, Mr. Speaker and Members, there will always be sections and components of that legislation that a Member will disagree with. I haven't seen a Member say, you know, everything in that bill, I love it. That's like reading a book and saying, I agree with every chapter; I thought it was a good read. There is always some comment about that eighth chapter could have been a little better or more work could have gone into the twelfth chapter.

But I think it is very, very important that everyone understands, in the final analysis, when we look at health care reform, that every Member, every Governor, every mayor, every city council person, every Member of Congress has to be engaged and has to make sure that it is not about their health care; it's about the health care of the people that they represent.

So if you have health care, I'm bringing your health care costs down because you will have more of a choice and competition will be there to bring your health care down. If you have health care, the quality of your health care will go up, and you will be able to see your doctor and you will be able to continue to move on. And in the bill we have here under consideration in the House, if you leave your job, you can keep your health care.

The ongoing bleeding of Medicare will be repaired and reformed. The ongoing health care crises in so many communities that are weighing down small businesses will be better because of action. And so I think that there are some principles there that those of us that have been elected to lead—I'm not talking about standing on first base looking at second and saying I'm not going to try to steal second. I'm going to stand here and I'm going to let that person, when they hit, they may get a single, but I'm going to stand here to make sure that I can make it to second base. It's not time for that kind of leadership. It's time for you to cheat up to second base and try to take it because you're taking it because you want to win.

And we want to make sure that the people in this great country of ours win. We want to make sure that they have health care. We want to make sure that small businesses are able to provide health care for their employees. We want to make sure that health care providers can provide the most professional health care that they can. We want to make sure that we, as leaders here in Congress, that we go see the wizard and go get some courage, and get a heart while we're there, and share with people the things that should be shared with them even if it's the mi-

nority view. Discourse is good, action is better.

Mr. Speaker, it was, once again, an honor to come before the House, and I look forward to coming back. As we break for this week, hopefully we will come back ready to do business at the top of next week.

I feel good about the direction that this debate is going in; the Republican response after the President's address, a lot of things that we agree on. That means that we are heading north on this issue.

Thank you, Mr. Speaker. I yield back the balance of my time.

#### HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. CARSON of Indiana). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, as always, it is an honor to address you on the floor of the House of Representatives.

I came down to get my material. I had prepared to rebut the gentleman from Florida, and I found myself a little bit void with major objections with what he had to say; in fact, I appreciate the tone of the gentleman in his presentation, his delivery. We will find places where we disagree, and it's important that we find places also where we can agree.

I would say, Mr. Speaker, that it did not contribute to bipartisanship to have the resolution that addressed JOE WILSON here this week. That dropped a partisan divide down between this Chamber. And if anybody thinks we are more likely to get a good solution for America on health care or anything else because of that, they would be completely mistaken, Mr. Speaker. So I make that point at the beginning of this.

I appreciate the bipartisan dialogue of the gentleman from Florida. We recognize that we come from two different places philosophically. The world looks entirely different if you look at it from the side of constitutionalism and free enterprise and individual responsibility than it does if you look at it from the standpoint that the government should be providing the resources to people for whatever reason might be their misfortune.

In fact, I serve on the Judiciary Committee, and I've been on that committee, between Congress and my time in the Iowa Senate, my 13th year. I'm one of those rare nonlawyers on the Judiciary Committee, Mr. Speaker, and so I tell the lawyers that that gives me a decided advantage in my approach.

□ 1715

In any case, this country is a country that is established on the rule of law, on our constitutional values and on

personal responsibility. When we do those things that take away personal responsibility and when we punish the people who are the most productive among us and when we take away their incentives to continue to be more productive, they have more of a tendency than to slow down their productivity. Some of them stop. Some of them will decide, well, I can't keep funding this government that's asking for more and more of the sweat from my brow or is asking for the return on the capital that they have formed, so they give up or they move their companies overseas to places like China or India or they simply don't add onto the production line of the factory. Whatever the case may be, we get less growth in our economy when we punish the people who are producing.

Ronald Reagan had a way of expressing that, and I don't know if I can get it exactly right: If you tax something, then you are punishing it. If you subsidize something, you can expect it to grow because whatever you subsidize will grow, and whatever you tax will shrink. Reagan had a clear understanding of this, and we need to have a better understanding here amongst the consensus in the House of Representatives. There always is another story. There always is another anecdote. There always is another tear-jerking way of looking at an individual case or even at aggregating some smaller cases that may not represent the broader whole.

We need to be a wise body in the House of Representatives, a wise body that looks at empirical data and that understands the psychology of the people in this country. Our job is to improve the average annual productivity of the people in the United States of America. If we do that, we will increase then the average annual productivity, of course, and it will improve the quality of life, the standard of living, and it will expand technology and medicine—anything you want to address. Yet, if we turn the safety net into a hammock, if we take that net that keeps them out of the bottom and we crank it up to the point where it becomes a hammock, then people will lay in that hammock and will take it easy, and they won't be using their best skills. Their incentives go away as you raise the safety net up and as it turns into a hammock.

So we've had an intense health care debate going on here, and I'm very grateful for this. I'm grateful that we're able to have the time throughout the month of August to have town hall meetings all across this country—town hall meetings in Florida as the gentleman previous just said. There have been all kinds of town hall meetings in Iowa. In every State that I know of, Members of Congress have had town hall meetings.

Mr. Speaker, at this point, I want to thank my senior Senator, CHUCK

GRASSLEY from Iowa, for engaging in the negotiations, in the debate and in the dialogue on the health care issue on the Senate side. It may well have been the single most important key factor that allowed for the debate in health care to be extended through the month of August and past Labor Day to get us to this point in September where we are. If it hadn't been for Senator CHUCK GRASSLEY's having negotiated these health care issues within that Gang of Six in the United States Senate, it's possible and maybe even likely that they would have found a way to ram a bill through this Chamber, to put it through the Senate and through the House and on President Obama's desk before the August break.

If that had happened, the TEA party people would have had a different reason to come to town if they'd come at all. If that had happened, the town hall meetings never would have taken place in that way. They would have seen that they'd gotten run over by Big Government. By the way, this getting run over by Big Government isn't something that has just to do with health care at all. It's the current issue of Big Government's seeking to run over the individual freedoms of the American people.

We have watched—and this would be the 17th of September, today. Now, the day after tomorrow will mark the 1-year anniversary that Secretary of the Treasury Henry Paulson came to the Capitol and insisted that we present him with a \$700 billion check so that he could buy up the toxic debt that's on the financial markets and could avert a financial meltdown, a loss of confidence in our currency and in the financial institutions, which could have caused the global economy to crash. That's how it was presented to us by the Secretary.

He said, Give me \$700 billion, and I can't have any strings attached. If you have any ideas, don't try to offer them, he said, because I've been working on this for 13 months, and you've only known about it for 24 hours. So, therefore, whatever you come up with will only make my good idea worse, so just be quiet, and give me the money. That was essentially it.

We advised him, when you ask for \$700 billion in taxpayer dollars, you've stepped into the political arena. It isn't just a matter of being shielded in the U.S. Treasury, so it was a little harder for him. In the end, he got \$350 billion with another \$350 billion that was earmarked for the next year, which was to be approved by a Congress to be elected later and to be signed by a President to be elected later. This is what was going on almost a year ago today: Henry Paulson's trip to the Capitol at a time when he predicted that there was going to be a major financial meltdown of global finances, the U.S. economy being at the heart of it and leading it.

Now, he couldn't guarantee us nor could he predict that his effort and strategy with the TARP money, with the \$700 billion in TARP money, would actually be successful, but he did predict that, if we didn't do that, we would have an economic meltdown at least to some significant degree. That was a year ago.

Since that period of time, by the way, President Obama flew into town to meet with President Bush. We had the Presidential candidate JOHN MCCAIN who did the same. They sat around the table at the White House, along with the Speaker of the House, the Republican leader, JOHN BOEHNER, and the leadership in the Senate. They came out of there with, I'll say, not quite a unanimous position, but one that was to go forward with the TARP funding.

About half of the Republicans in this House voted "no." Most of the Democrats voted "yes." About half of the Republicans voted "yes." It split the party over here. It didn't really split the party over here. Spending money doesn't bother those folks on that side as much as it does on this side, would be my view.

So the TARP money was released, at least half of it in the beginning last year, closer into October, and it was followed by an election. By the way, this TARP money was voted for and was supported by the then-Senator and candidate for President, Obama, who certainly asked for the balance of that TARP funding as President and got it. So this TARP money is President Obama's economy. It's a component of his solution, and it's part of the negotiations, and it answers why they were taking place with the Presidential candidates in the White House. President Bush knew there had to be a handoff that went to the next President, and the next President was sitting at the table in the negotiation room of the White House. It could have been either JOHN MCCAIN or President Obama—they were both there—but the next President was sitting at the table.

So, as they bought into this, this responsibility for the \$700 billion in TARP lays at the feet right now of the President of the United States, Barack Obama. He supported this program. He advocated for it. He voted for it. It's a matter of the CONGRESSIONAL RECORD.

Behind that, many argued, came the necessary nationalization of Fannie Mae and Freddie Mac, two government-sponsored enterprises. The chairman of the Financial Services Committee, BARNEY FRANK, had argued just in October of 2005 that he would not support a government bailout or subsidy of Fannie and Freddie. Yet, just 3½ years later, that's what happened.

Additionally, Fannie Mae and Freddie Mac received about \$100 billion in taxpayers' money each. Plus, about \$5.5 trillion in contingent liabilities

went along with the deal of the Federal Government's finally nationalizing the balance of Fannie Mae and Freddie Mac, formerly a private organization/quasi-government at the time but now nationalized, nationalized by the White House and by the leadership of this Government.

With that came the large investment banks. Just a couple of days ago was the anniversary of Lehman Brothers' going under if you'll remember. Then we saw the nationalization of three large investment banks—AIG, which was the huge insurance company that was insuring the risk of the mortgage lenders as they packaged up and tranced and marketed these mortgages off on the secondary and tertiary markets. They broke them up, repackaged them—cut and shuffled them, so to speak—and sent them on up through the financial chain. The value of those mortgages and the risk of their default were evaluated by AIG. There really wasn't anybody looking over the shoulder of AIG.

There are other things that went wrong with the financial institution. There was the nationalization of Fannie Mae and Freddie Mac and of three large investment banks and AIG. This was flowing along, the President having been engaged in this all of the way.

Then we saw a \$400-and-some billion omnibus spending bill get passed off the floor of the House of Representatives without debate or examination. It was just simply: we've got to keep the government running, so we'll kick the can down the road, and here is a big stack of paperwork. In it is the spending of over \$400 billion.

At right about that same time, we had President Obama calling on this Congress to give him \$787 billion in the stimulus package. I remember that discussion as he came forward to our conference and was about to talk about and ask for \$787 billion. He said that Franklin Delano Roosevelt lost his nerve and didn't spend enough money. I might be paraphrasing slightly here. It isn't exactly a quote. Yet the theme of it is very consistent with what the President said. He said that President Roosevelt lost his nerve, and got to worrying about balancing the budget, and didn't spend enough money.

The result was, in the second half of the decade of the Great Depression, we had a recession within a depression, which brought unemployment up again in the latter half of the thirties. Then along came World War II, which was the largest stimulus plan ever, which got us out of the Great Depression.

That's not just it in a nutshell. That's almost all of the nutshell that was delivered by the President that day. As I listened to that, I thought: Mr. President, you and I took a completely different lesson from the Great Depression. Wherever his economic

studies came from and where he evaluated this—mine, among other things, came from reading a significant amount of material and analyses of the Great Depression. Of course, my parents grew from that and out of that, and the things that they learned also were branded within myself and within all of my siblings. They told stories about how difficult it was during the Great Depression.

I went back into the public library with the intention of writing a paper about how FDR's New Deal was a good deal and how it brought us out of the Great Depression. As I read through every newspaper that was published in my hometown newspaper—and that was twice a week, not a daily paper—from the stock market crash in October of 1929, I went through every paper, looking for the stories that had to do with the New Deal, with the CCC, with the WPA, and with the other programs that FDR brought through in the New Deal. I was preparing to write a paper that would show how the New Deal got us out of the Great Depression and how it moved America forward—how farms were saved, how businesses were saved and how jobs were saved.

As I read through each newspaper throughout all of those years, from 1929 up until the Japanese attacked Pearl Harbor in December of '41, I got ready to write that paper. I had all of these notes that came from story after story, and I looked at the ceiling, Mr. Speaker, and I began to wonder: How am I going to write this? I can't find evidence here in the contemporary works in the newspapers that support what I've been told by the people who talked to me in the classroom.

So I wrote the paper. I wish I had a copy of it today. I'd love to have that and introduce it into the CONGRESSIONAL RECORD and give some other people some insight into what I was thinking at the time.

I remember clearly that I couldn't justify that the New Deal was a good deal, and I've certainly looked at a lot of materials since those years—that's 40 years ago, perhaps. The conclusion that I drew was that the Federal Government spent a lot of money. They borrowed a lot of money, and they set up a debt that was hard to recover from. The Government wasn't willing to tighten its belt, but instead, it got the idea that they could borrow money and could spend money and could stimulate the economy—the Keynesian approach to economics. I couldn't buy that. I couldn't submit to that.

I came with a different philosophy, a philosophy that, for me, grows out of *The Wealth of Nations*, the book that ADAM SMITH wrote, which is the very foundation for free enterprise. In the 1,057 pages, which I think were in my book, you go through them in a fashion to understand how ADAM SMITH articulated it, and you can see that, even

though he doesn't use the term "invisible hand," the expression is "the invisible hand of the consumer makes those decisions."

I talked about this last night on the floor, Mr. Speaker. Let's just say, if you're a bakery and if you're baking bread and if there's somebody out there who is selling bread for a buck and a quarter a loaf and it goes on the shelves in the store and if you can bake bread that is of similar or better quality and can sell it for a dollar, then you might get your little spot on the shelf where you get to put six loaves of bread, and the guy who has got the name brand has got two or three shelves, which are all full of his loaves at a buck and a quarter, and yours are at a dollar a loaf.

□ 1730

Well, then, in comes the consumer, and they look at that and they think, I can save a quarter if I just buy that other brand of bread that I have never heard of. Why don't I try that. I will take that risk.

So they bring home this new loaf of bread. Well, that's good. If it's good bread, they will go back and buy that same brand over and over again, especially if it's cheaper. Meanwhile, the store owner realizes he is running out of those six loaves of bread that he is selling that are going like hot cakes, and the other bread is sitting there getting stale on him. He widens his shelf space for the bakery that is selling a high-quality product for a competitive or lower price.

That's how the good bread takes over the bread that is not as good at a higher price. That's how free enterprise works. That's how the invisible hand works. It goes in and pulls that loaf of bread off the shelf. It will look at the prices and the quality and those decisions that get made millions, and, in fact, billions of times across the country and across the globe. That demand, created by the discernment of the consumer, is what drives the production signals into all of our production in the country.

That is, how many loaves of bread are you going to bake? Well, the demand is such if you can only produce, let's say if you can produce 10,000 loaves of bread a day, and now the demand has gotten so great that you can't meet that demand any longer as a producer, someone who is marketing, then you would make the decision on whether you want to expand your operations, perhaps double them and produce 20,000 loaves of bread a day.

Or you might decide, I am as big as I want to be, and I think I can get a little more money for the bread that I have. You can raise the price. Then the price of that dollar loaf of bread could go to \$1.10, \$1.15, maybe even \$1.25, back to where the other competitors are.

Now you have a choice again, the consumer chooses on quality but not price. It can transition back and forth in a myriad of ways. This invisible hand is a wonderful foundation that has built Western civilization, free enterprise economy, and is often misunderstood by people that never got involved in commerce, didn't ever hire anybody, didn't ever make a capital investment or try to produce something, a good or a service that had value, and had to compete against somebody else that was getting up every morning and trying to figure out how to produce a good or a service that was of higher quality for a lower price than their competitor. That is a blessing to our country, to our economy, to Western civilization, the free enterprise economy.

This, the majority in this Congress, the President of the United States, and probably the majority in the United States Senate, see this world differently. They think they can manage an economy. They think they can go through and nationalize these entities that I have talked about, and a government can manage better than individual consumers and people can manage.

To me, that is a breathtaking concept. All of my training and my experience and my life goes back to if consumers can make the decision and people that are engaged in business can do so for a profit, and the selection process is what makes it all work, why would we inject government in to make decisions? Government can't make better decisions than consumers can or individuals can or individual patients can.

There is no history of that happening anywhere in the world that I know of—Government making better decisions. Now, it's true, the government has to do some things. We have to take care of the broad utilities out of the common good. We have got to take care of the transportation links. We have got to do as Abraham Lincoln said, defend our shores, carry the mail. He also said, Do for people that which they cannot do for themselves and otherwise leave us alone.

We are a long ways away from leaving us otherwise alone, and now the government wants to engage in taking over roughly one-sixth of this economy, the entire health care system in the United States and perhaps replace the entire health insurance industry and perhaps, and likely, replace the entire health care delivery system, with the single-payer one-size fits all. That's what's going on in the United States of America.

Mr. Speaker, I am just going to ask your attention to a little flashback I am about to offer here that will take us back to 1993 and 1994. This, Mr. Speaker, in the flashback mode, takes me back to September 22, 1993, which

was the last time that a President of the United States spoke to a joint session of Congress on an occasion other than a State of the Union address. Otherwise, most recently we could go to last Wednesday evening when President Obama spoke to a joint session of Congress and advocated his national health care act.

But this was September 22, 1993, Bill Clinton right back there in front of where you are, Mr. Speaker, and he gave a speech that was about the national health care act that they wanted to get passed. Then Hillary Clinton was engaged in often closed-door meetings to try to find a way to put out a health care bill that could be a single-payer plan that would set up all the health care in America and make it work.

This is the infamous poster that shows HillaryCare with the network of new government agencies all tied together. This is a real and legitimate flow chart. In fact, this is lifted off of the archives of The New York Times.

I had one similar to this, and probably identical to it, that hung on my office wall throughout the 1990s and on past the turn of the millennium. But this shows this massive growth in government, the government agency and programs here along this side, Mr. Speaker, shows patients and a global budget, the HMO provider plan, which doesn't have a lot of support these days. Here is an ombudsman, another ombudsman, so that we have liaisons between people and government, a regional health alliance, a corporate health alliance.

They took some existing and wired them together; accountable health plan here and accountable health plan there, wired through to a provider plan. It gets pretty complicated. Here is your HMO plan down here to the global budget and the patients.

Here are more government agency programs. Some of these acronyms I don't recall any more. But I remember that they were all quite a conglomeration of acronyms, and the growth in government is what scared the living daylights out of me as a man who was running a construction company, which I founded. And we had a number of families that worked for me, and we worked together. We provided health insurance for our employees and a retirement plan for our employees.

But I didn't want the Government to come in and tell me what I could buy and couldn't buy. I didn't want them to take away my choices to work with my employees. I wanted to be able to offer them the best plan I could, the best employment package possible, because good people are good policy are good production, and a good product comes out of that. You simply cannot do a good job unless you have the right people in place.

We wanted the best people that we could hire. We wanted to provide them

the best benefits package possible. I didn't want the Government to limit that.

Yet here is this flow chart that I said scared the living daylights out of the me. This is HillaryCare. This is 1993 and 1994. This is the bill that brought Senator Phil Gramm to the floor of the United States Senate right down this hallway directly ahead of you, Mr. Speaker, to the other end of this building, when he stood on the floor of the United States Senate and he said, This will pass over my cold, dead political body.

This is what, again, scared the living day lights out of me, 1993–1994, and it scared the living daylights out of the American people, who eventually shut down and killed this initiative that was brought to the floor of the House here by Bill Clinton, September 22 of 1993. They really thought that they had put the plan in place, they had the constituency base and a method to get this bill passed. But the American people rose up and said “no.” They have had enough, they wanted to maintain their freedom. They have done so with regard to health care for another 15 years or so, I guess I will say 16 years.

But, Mr. Speaker, things have changed. This is the old bill. The House has passed out of committees a new health care bill.

Now if you think black and white, all of these new agencies, the weight of government that a patient would have to wade through and the hoops they would have to jump through—we all know what it's like to deal with the government. That level of frustration with bureaucracy is ever present.

One of the reasons for that is the government ends up with a monopoly, and no one that works for a monopoly has the motivation to treat you—and to me there is no competition there to improve the quality or the service.

And so, here is the black and white HillaryCare flow chart, here is a new, modern, Technicolor, some call it the jelly bean flow chart, that comes from H.R. 3200, the main bill that has passed out of several committees here in the House, including the Ways and Means and the Energy and Commerce Committee.

This new flow chart shows a bill that's different than HillaryCare in some respects. It doesn't take it all with one giant bite. It takes a great big step towards a direction of socialized medicine, in my view. It doesn't guarantee that it ends up being socialized medicine, but it certainly will cause a significant concern that that is what it ends up being.

Each of these black and white circles or squares or boxes here are existing programs or government agencies. The color ones are new government agencies that have to be created in order to have the bureaucracy to manage this H.R. 3200, the government option plan.

The part of this flow chart, Mr. Speaker, that concerns me the most resides down here in the center bottom of this chart, this chart which is available on my Web site. If you are interested, Mr. Speaker, you can simply just Google Congressman STEVE KING. On the front page, the homepage of my Web site, is a link that will take you directly to this flow chart and one or two others that are quite instructive.

But on this flow chart, here is the part that I would ask attention to. The bill, and this is the vehicle that we are working with here in the House, this isn't something that's not been legitimized by committee passage; it has been. Here is a new agency, the Health Choices Administration. It creates a Health Choices Administration to determine what choices the American people might have when it comes to health insurance. A new government agency to determine what health insurance is legitimate, takes it out of the hands of the States and puts it into the hands of the Federal Government. I think the States take too much authority there myself.

The boss, the person that heads up the Health Choices Administration, is the new Health Choices Administration commissioner. Now, he is not named, and it could be a she. This individual is not named as a czar, because I believe the people that wrote this bill understood that America is full up to here with czars, we are over-full with czars. The President has at least 32 czars by most definitions and perhaps as many as 47 by other definitions.

They are circumventing the confirmation process that vets these candidates for Cabinet positions and other confirmation-level appointments. Instead the President is appointing people that circumvent and eclipse the authority of people in Cabinet positions.

How about the Middle East peace czar who has stepped above the Secretary of State when it comes to negotiating peace in the Middle East? How about the former, what do we call him, the green economy czar, the former czar, Van Jones? A lot of us had something to say about him when we found out that he was a self-avowed Communist, and he had some very radical ideas. Finally, when the Americans found out about Van Jones, the pressure that came caused him to step down rather than the President to dismiss him.

But, how about the executive pay salary czar? What is the White House doing with a position that doesn't exist in the Constitution, but someone who is going to look over the shoulder of executive pay for major corporations in America and determine if the CEO can be making a million dollars a year, but having no heartburn about what Michael Jordan made or, let me say, how about, how much money Tiger Woods makes playing golf? No heartburn over

that, but a lot of heartburn over somebody that is actually making money and concerned that they are making too much and want to tax that. That's class envy.

Remember if you are making less than \$250,000 a year you don't have to worry, because this President won't raise your taxes. That's clearly a class envy statement, and Joe the Plumber drew the line really clear. He did that in a way that I know it wasn't planned in advance, it just came from his heart; he wants freedom. I am looking forward to maybe sharing the stage with Joe the Plumber next week in St. Louis.

But these czars, we have too many, and we shouldn't have any. There should be congressional oversight over these high-level positions.

But the President of the United States can appoint Cabinet-level people, and they go through the confirmation process, according to the Constitution in the United States Senate, and that happens. That's a good thing. But when he appoints people that have authority over czars that aren't subject to congressional oversight, that's a bad thing.

□ 1745

This Health Choices Administration commissioner would be, for all intent and purposes, a czar, a czar with authority to be able to write all kinds of rules. A commissioner is what they call him. I sometimes call him the "commi-czar-issioner" to be able to describe it a little more accurately. This commi-czar-issioner, the Health Choices Administration commissioner, would make the decision about what private insurance policies would be approved. These are the private insurers right now in this white box. In order for them to become—and they are traditional health insurance plans, these are the companies here in this little box, 1,300 health insurance companies are in the United States. There are 1,300 separate companies selling health insurance in the United States.

Remember when President Obama said we need more competition in the health insurance industry? Did he say he thinks the appropriate number for health insurance companies would be 1,301, because that is really what he is talking about conceptually. There are 1,300 private insurance companies selling, in this white box here, policy combinations; so the variety is extended to approximately 100,000 different policy varieties that are offered by 1,300 companies. And the President's view is we need to put some competition in place.

I think we can do that in some easy ways, but I want to make sure that we understand what this means. The Health Choices Administration commissioner would write the rules. The commission would approve them. But they would write the rules on what

health insurance policies would qualify under this bill to be sold in the United States.

So I could guarantee you that if this bill passes in this kind of form, then there will not be 100,000 policy varieties for people to choose from because the Health Choices Administration commissioner would regulate them in such a way that a number of them would become disqualified. They couldn't become qualified plans. We know that is true otherwise there would be no reason to create the Health Choices Administration commissioner, and there would be no reason to have language in the bill that establishes the qualified health benefits plans.

That is this purple circle. The qualified health benefits plans. So that 100,000 plans number would be reduced I think by a significant number. I think that the health choices commissioner would write regulations that would chop those 100,000 policy varieties down dramatically and reduce the numbers that are offered. They would argue that it confuses the consumer. So, therefore, we have to consolidate that and offer something that the consumer can understand.

Over here in this other circle is the public plan. The government option is over here in this health insurance exchange. So the government option then has to compete with what is left of the private insurance companies and the private health insurance policies, those that aren't regulated out of existence by the new health insurance czar.

Now let's just pick a number here. I don't think anybody has any idea; but if these 100,000 policies that are available today become 50,000 policies almost at the beginning of the new regulations, and as the competition from the government option begins to take hold, those 100,000 policies that became 50 are reduced to 25, and maybe 10,000 policy varieties; and then you can divide that by the number of States, and you get one-size-fits-all for all of the States, and you can reduce your 10,000 again to maybe a thousand. And then if you divided by five again, you end up with 200 policy options maybe, if you took the 10,000 policies and divided by the 50 States.

I believe that is about the 200 policy opportunities that one can buy. You reduce the number of companies as well. Companies would consolidate and they would merge and they would start writing policies that were at the direction of the Health Choices Administration commissioner, the czar.

So the Federal Government would write new regulations for two reasons. In the end, it would be so they could compete with the private sector that has been decimated by the new rules. They will then set the premiums of the government option. Those premiums will have to be competitive with what's left of the private health insurance.

They will set their premiums, and then they will write the regulations so the private health insurance has difficulty meeting those standards so that the Federal Government can compete in this business. And in the end, this purple circle here with 1,300 companies and 100,000 policies gets shrunk down to a tiny circle of its former self.

This circle here created by the bill, the public health plans, the government option grows bigger and bigger and bigger until it encompasses perhaps all of the health insurance in America.

Now, some will say, Mr. Speaker, this is radical reactionary talk. I will submit that it is not. There are patterns that have gone before us that we can learn from. In 1968, the Federal Government passed the Federal flood insurance program. There were private property and casualty companies that were selling flood insurance at that time. There wasn't as much demand in the marketplace as there is today. We had had a number of floods and natural disasters that had taken place over the previous generation that had brought this to a head in Congress, and so they passed legislation that set up the Federal Government in direct competition with the property and casualty insurance companies that were in the private sector selling flood insurance to people in the floodplains.

Now this is complicated, and there are lots of ways you can make this argument on either side, whether the Federal Government should or should not have engaged in flood insurance. But they engaged in flood insurance; and when they did, they also directed that national banks that were writing, loaning money on mortgages on real estate that were in a floodplain, those loans had to include flood insurance as part of the loan. So if you went out into a floodplain—and by the way, I have one county that I represent that is 40 percent floodplain, the Missouri River bottoms area of Monona County is about 40 percent floodplain. To invest in anything in that floodplain, you had to buy flood insurance. That was a Federal law.

So over time, and a shorter period of time than one might imagine, from 1967 when there wasn't any Federal flood insurance available but only through private until a few years after that, the bill passed in 1968 and it took a while to get it implemented, a few years after that, there is no private flood insurance left in America. The Federal Government squeezed out all of the private and took it all over for themselves. Not only that, they created a market by setting a mandate that if you are going to borrow money from a national bank that goes into real estate in a floodplain, you have to pay the premium, their premium for flood insurance.

Now the Big Government people will argue that is a good idea and that it

provided flood insurance for people that didn't have it and it took us somewhat out of the business of sending disaster money. Well, guess what, it didn't get us out of the business of sending disaster money. We sent, the first round was \$10.5 billion down to New Orleans after Katrina. The second round was \$51.5 billion to New Orleans. There were several other bites at the apple, and I am confident that the total is over \$100 billion, and there are still requests to go to that area.

So the flood insurance that existed in that area didn't solve the problem completely. I think it has helped. But that is an example. Flood insurance is an example of what can happen and probably is likely to happen to the private health insurance market in the United States.

When the Federal Government engages, they write regulations that favor the Federal Government and disfavor the private sector and set their premiums so that this purple circle shrinks, that is, the private plans. This purple circle, that is the government plans, grows.

Oh, and by the way, the Federal flood insurance program is \$19.2 billion in the red with no way to pay for it except to come back to this Congress and ask for that \$19.2 billion, which we have to borrow from the Chinese.

So wouldn't we be better off with a private sector solution? And maybe if the premiums that were paid on flood insurance would have reflected the real risk, we might have built a lot more buildings up above the floodplain so they didn't have to pay the flood insurance premium or they could afford a premium at a higher elevation.

I know these things because I have spent my life working in a floodplain and with drainage projects and hydrology.

That is what can happen with health insurance, and this ought to scare us. It should scare the living daylights out of us. If it begins to scare us at all like it did during HillaryCare in the early 1990s, the American people will continue to do what they did, come to the town hall meetings, fill them up, write letters, get on the radio. Go see your Congressman. Let them know that you are intense about maintaining your freedom. That is a portion of this.

Now, the President of the United States has made the argument that we have to fix health care before we can fix this economy, this economy, by the way, that has had 30 percent of its profits nationalized by the Federal Government within the last year. That is again the components of the nationalization that took place in between the TARP and some of it that came out of TARP when they started buying up and nationalizing large investment banks.

But \$700 billion in TARP, three large investment banks were nationalized. Lehman Brothers went down. AIG, the

large insurance company, nationalized. Fannie Mae, Freddie Mac, nationalized. General Motors, Chrysler, all nationalized. You add that all up, we are looking, Mr. Speaker, at 30 percent of the profits of the private sector in the United States now under the control of the Federal Government. And that is nationalized.

On top of it, there is an attempt here, right here in this chart, H.R. 3200 or the Senate version of the bill or whatever you would like to look at, that seeks to nationalize eventually another 17.5 percent of our economy. When you round that to the nearest percentage, that becomes, at least by one analysis, 48 percent of the private sector nationalized by the Federal Government. And when the private sector is nationalized, the freedom of the American people is diminished. That is what is going on, Mr. Speaker.

And the President has said health care costs too much money. We have to fix an economy that is in an economic crisis, and we can't fix that economy unless we first fix health care because health care costs too much money at 14.5 percent of our gross domestic product. The average of the industrialized world is about 9½ percent of their GDP. We don't know that they are comparing apples to apples because there are many government-sponsored enterprises and the nationalization that has taken place in those other countries, we are a different people, Mr. Speaker. We are a Nation that lives and breathes freedom. We want our choices. We want our freedom. We are willing to take some risks. We want to reward people that take risks and succeed. But if we spend too much money on health care, let's have a debate on how to fix that. Perhaps I will come back to that in a moment.

But I want to take us to the next point, the President's next point, which is the other big problem. The first one is we spend too much money on health care. The other big problem is we have way too many that are uninsured: 47 million Americans are uninsured. Well, I happen to have a little poster that helps illustrate that, Mr. Speaker.

This poster illustrates the universe of the 47 million uninsured. It says that the uninsured are not all the same and you have to break it down. The 47 million number is not on here. The other poster that I had last week does. This data is produced by the Republican Conference in the United States Senate. Down that hallway, not out of this shop, but on their side. That is the source of it. This is 47 million. Now do we want to cover all of the people in this 47 million? We would believe that the 47 million are all middle and lower-middle class working families that are working for some—they want us to believe this, I don't believe it, that are working for some miserly employer

that is pocketing the profits but won't provide health insurance for his employees.

First, I will say that many employers do. They do so to be competitive because they want a high-quality standard of people that will come to work for them. We all want the highest level we can, and so we want to pay as much money as we can and the best benefits as we can. The 47 million that are uninsured at any given time, that is a snapshot, Mr. Speaker, and aren't comprised 100 percent of the middle- and lower-income working poor. To some degree they are, but we start with 47 million and we start to subtract.

First, those who are in the United States illegally, this chart says undocumented, noncitizens. Those are illegal aliens in the United States. This chart says 6 million. The other data I was looking at which comes from the Senate Conference is 5.2 million. In any case, the next level of immigrants here are noncitizens who may not be eligible for government-sponsored health care. They are probably not eligible because the law in the United States, if you come to the United States, you are barred for 5 years from receiving welfare benefits. We don't want to be a magnet for people who come in here and see the United States as just a giant ATM that they can cash in on. So this is 4 million. In any case, the old chart was 5 million. So we are at 10 million people. We don't want to cover this. We don't want to reward illegals to come to the United States and cash in on ObamaCare. We would rather say to them, why don't you wake up in your home country and go build the economy in your own nation or get in line and do it the legal way behind the people who are in line waiting to come in the legal way right now.

□ 1800

So we have 10 million people of immigrants that don't qualify. They're part of the 47 million. Then we have, of the people that are earning over \$75,000 a year, we have 9 million of those. They could presumably find a way to write a check and take care of their own premiums.

Then we have those eligible for government programs but are not enrolled. Generally, that's those eligible for Medicaid that didn't bother to sign up. That says 10. It's 9.7 million. We've got to split a couple hairs here because we're going to get down to decimal point, Mr. Speaker.

Also, of those that we don't want to insure—at least I don't—are those eligible for employer-sponsored insurance but not enrolled in it. They turned down their employer's policy or didn't bother to sign up. That's 6 million.

So, of 47 million—and when I say I don't want to insure them, I think that they should take their own responsibility to do that. They have affordable

options or they're disqualified because they're illegally in the United States or barred by law.

Those left, the Americans without affordable options, aren't 47 million. They're 12.1 million people. Now, that's still a lot, but it's less than 4 percent of the population. It's a little larger than the population of Iowa. But here they are right here in orange.

Now, there's one more point to make. Out of these 12.1 million people, the Americans without affordable options, what the people who are proposing ObamaCare would like you to believe is 47 million and a crisis now become a little sliver of the American society, and I'll show you how.

This is the population of the United States, Mr. Speaker. This bluish circle represents about 306 million, perhaps as many as 307 million Americans. These people that are in—well, all this whole circle does. This big chunk of the pie, the blue chunk of the pie, represents 84 percent of the population. Those are the Americans that are covered by a plan, whether it's a private plan, employer-provided plan, Medicaid and Medicare. Americans that are covered by a plan, 84 percent of the population. Sixteen percent are not. The number is around 15.5 when you start splitting the hairs.

But here are the categories that they come in. Yellow are the illegal immigrants. Now, we already know that the President has said even that he's not going to support funding illegals in the health insurance exchange. It's pretty interesting. It really did infuriate a lot of the open borders people in the country. But the President has said so, and we're going to hold him to his words that we're not going to fund illegals.

Another 2 percent of those are under the 5-year bar. That's the black. Those are legal immigrants that are barred by law. Now we're at 4 percent. Here's 3 percent, which are individuals earning more than \$75,000 that didn't take the trouble to get insured.

And here's another 3 percent in green. Those are those that are eligible for the government programs. These are the Medicaid eligibles, for the most part, that didn't bother to sign up. And in blue are those eligible for employer-sponsored, those 6 million, but they didn't bother to sign up or they opted out.

So when we look at this chart, we're trying—I think this is where the bipartisan outreach comes in. We're trying to fix a problem of the Americans without affordable options who are not insured and they don't really have an option, affordable option. That's that orange. That's the less than 4 percent that I mentioned when you start to subtract the others.

So think of this chart as everything but the orange is covered in one way or another or else they can take care of themselves and are, by law, with the

case of illegal immigrants, required to do so. We're only down to this original sliver, less than 4 percent of the population.

Now I will submit, Mr. Speaker, that this bill, this jelly bean chart, H.R. 3200, scare-the-living-daylights-out-of-someone-in-technicolor chart right here is designed to completely transform 100 percent of the health insurance that exists today in the United States and 100 percent of the health care delivery system in the United States, the best system in the world being transformed completely by H.R. 3200. Thirty-one new agencies and a new health choices insurance czar who would write regulations and wipe out a lot of health insurance in America, all of that, a hundred percent transformation by this flowchart bill, to address this little less than 4 percent of Americans without affordable choices.

Mr. Speaker, I will submit that that is a radical approach to a problem that isn't nearly as bad as the people who want to have a socialized medicine plan would like to have the American people believe. And I'm going to list the things that the Republicans want to do about it, and then I want to yield to the gentlelady from Minnesota.

We want tort reform on this side of the aisle. We're not on the side of the trial lawyers. We want people to buy health insurance across State lines everywhere in America. We want portability so you can take your policy with you.

We want to expand health savings accounts so they can become retirement accounts if you have a healthy life and you manage your health. We want to have full deductibility for everybody's health insurance premium. We want electronic medical records with protection of people's integrity of their record so it doesn't leak out.

We want to have expansion of associated health insurance policies so groups of professionals can join together to buy insurance. And we want transparency in billing so we can see who's charging who what. And, again, the consumer can make those decisions. And we need to also take a look at long-term care so people can manage their lives in a more efficient way.

That's what Republicans want to do. That's what I want to do. And now I want to do something else, and that is I'd love to yield to the gentlelady from Minnesota, MICHELE BACHMANN, who is always in here fighting for truth, justice, and the American way.

Mrs. BACHMANN. I must have my cape on. To the stunning gentleman from Iowa, the great STEVE KING, I want to thank you for allowing me to be a part of this discussion that you're broaching. And you've done a wonderful job all week on different occasions talking about the true depth of this problem and the positive alternatives.

I appreciate the fact that you've tried to lay context about truly how

many people are in need of insurance and how many people are without coverage. That's a very important part. We can't make true decisions unless we actually have the facts on the table. And I'm also extremely grateful that you're trying to give a positive alternative.

We're looking at a couple different options here to deal with health care. One would be President Obama's option, and the option that's been offered here in the House with essentially about a trillion dollars of spending on health care, and in the Senate, with something like \$850 billion worth of health care from Senator BAUCUS that was just released.

Senator BAUCUS' plan so far has not engendered much bipartisan support. I think there's a reason for that. It's because of the tremendous tax burden on the middle class of the Senate plan, and I'm sure we'll be talking about that as we go forward.

But here's a part of our positive solution. We can have one plan that will burden future American taxpayers with trillions of dollars in unfunded mandates, trillions of dollars of spending, borrowing, taxing, and that is a burden as we go forward when our country can least afford it. Or, we can take an alternative that would free up our economy and give free choices to the American people and not add to the burden of our Treasury.

It's very simply this: As my colleague STEVE KING of Iowa has said, we want freedom for the American people. We want the American people individually to own their own health care. Just like they own car insurance, just like they own their house insurance, we don't want the government to own their insurance policy. We don't want the government to call the shots or have control over people's health care decisions, or their employer. We want people to own it individually.

Then, next, we want people to have the freedom to band together with whomever they prefer, whether it's Realtors or teachers or farmers or maybe a community, like a credit union. You come together in a geographic area. You join together with whomever you want to buy or purchase a policy. So you have purchasing power.

Next, we want people to have freedom to buy any policy they want, anywhere they want in the country, from anyone they want to purchase the policy from. True choice in purchasing insurance.

Then, as my colleague STEVE KING said, we want people to be able to set aside in an account, whether it's \$5,000 a year or \$10,000 a year or \$15,000 a year, tax free. In other words, you take that money out of your earnings or out of your savings and you put it tax free in an account up to a certain amount.

If you spend more than that account, then you can deduct those health care

savings off of your income tax return. That would include eyeglasses, dental work, hearing aids, chiropractic care. Whatever your health care would be, you get to fully deduct that.

Finally, we want lawsuit reform so that we don't have unnecessary spending so that doctors can try to protect themselves from frivolous lawsuits.

These are very simple, commonsense solutions. And you notice not one of these solutions requires a vast infusion of Federal tax money. That's because it's called freedom. That's the American way. And that will solve about 95 percent of our health care problems.

Will we need a government supported safety net? Always. We will always have one because there will always be people who, through no fault of their own, have physical conditions that won't allow them to work, that won't allow them to be able to pay their premiums or pay for their health care. We can afford—and we must pay for those people. But for the vast, overwhelming majority of people we can make health care affordable. That's why the proposal that was just offered by Senator BAUCUS is so concerning on the Senate side.

Congressman STEVE KING has made an excellent case against the House measure, H.R. 3200, and he made an excellent case why this option is so expensive and so burdensome on the individual. The reason why the Senate plan is equally negative in our eyes is for this reason.

I take this out of the Wall Street Journal. It said: The centerpiece of the Obama-Baucus plan—because, remember, it was just a week ago here in this Chamber when President Obama essentially backed the Senator BAUCUS version of the health care plan.

But this is what the Wall Street Journal has to say today: The centerpiece of the Obama-Baucus plan is a decree that everyone purchase heavily regulated insurance policies or pay a penalty.

Now, imagine that. I don't even think this survives a test of constitutionality. The Federal Government would make the American people purchase a product or service that people don't want to buy, and the government would fine them and tax them with penalty of going to jail if they don't buy the product or service that the government tells them they have to buy.

Think of how incredible this is. The enforcement of this mandated, brute force health care policy would be enforced by the Internal Revenue Service. So we would be forced to buy services and products we don't want to buy at a cost we can't afford, and the Internal Revenue Service would be the enforcement mechanism.

This is not what the American people want to have, which is why the Republicans' positive alternative makes so

much sense. You own it, you band together with anyone you want to purchase in any amount of policy from anyone you want, anywhere you want, with tax-free money or money that you deduct on your income tax policy, and then we have lawsuit reform.

I think it's a great alternative, and I yield back to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Minnesota. I couldn't have asked for a better composite rendition of what we're looking at here from the health care industry and what's being driven on one side of the aisle versus that of the other and the choices that we have and the options that are there.

I think, Mr. Speaker, the things are that are not considered are that good ideas don't get debated when the wrong people hold the gavel, and I'm not speaking of you. I know my time has run out.

I appreciate your indulgence, the gentlelady from Minnesota, and I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COSTA (at the request of Mr. HOYER) for today.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HEINRICH, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 24.

Mr. JONES, for 5 minutes, September 24.

Mr. BURTON of Indiana, for 5 minutes, September 22, 23 and 24.

Mr. SOUDER, for 5 minutes, today and September 22.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1677. An act to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Financial Services.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, September 21, 2009, at 4 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3459. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-32) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3460. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-43) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3461. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-40) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3462. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-25) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3463. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Trans. No. DDTC 66-09) of a proposed sale or export of defense articles to a Middle East country, pursuant to Sec. 201 of P.L. 110-429; to the Committee on Foreign Affairs.

3464. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting report pursuant to Section 36(a) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hwy 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-022] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3466. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GICW MM220 to Brooks Bridge, Fort Walton Beach, FL [COTP Mobile-07-023] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3467. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-024] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3468. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs,

MS [COTP Mobile-07-025] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3469. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marathon Super Boat Grand Prix, Marathon, FL [COTP Key West 07-015] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3470. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS Spiegel Grove Dive Site, Atlantic Ocean off Key Largo, FL [COTP Key West 07-063] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3471. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Off the Coast of Vandenberg Air Force Base, Pacific Ocean, CA [COTP LA-LB 07-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3472. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pier 239/76 to the Vincent Thomas Bridge, Port of Los Angeles, CA [COTP LA-LB 07-009] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3473. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 520 to 303 [COTP Lower Mississippi River-07-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3474. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 440 to Mile Marker 422, Vicksburg, MS [COTP Lower Mississippi River-07-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3475. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 364 to Mile Marker 362, Natchez, MS [COTP Lower Mississippi River-07-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3476. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 440 to Mile Marker 409.5, Vicksburg, MS [COTP Lower Mississippi River-07-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3477. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 438.0 to 303.0 [COTP Lower Mississippi River-

07-006] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3478. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Columbia Drawbridge, Mile 110.2 Ouachita-Black Waterway [COTP Lower Mississippi River-07-010] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3479. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 649.5 to 650.5, Westover Bend [COTP Lower Mississippi River-07-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3480. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neptune Florida Yacht Club Blessing of the Fleet, Intracoastal Waterway, Lummus Island Cut, Government Cut, and Meloy Channel, Miami, FL [COTP MIAMI 07-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3481. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Point O'Woods Fire Company Fireworks, Great South Bay, Point O'Woods, NY [CGD01-07-087] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3482. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Nahant 4th of July Fireworks — Nahant, Massachusetts [CGD01-0-083] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3483. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Nahant 4th of July Fireworks — Nahant, Massachusetts [CGD01-07-083] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3484. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Stars Over the Bay Fireworks, Bellport, NY [CGD01-07-081] (RIN: 125-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3485. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Portland, Maine, Gulf Blasting Project [CGD01-07-033] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3486. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cape Fear River, New Hanover County, Wilmington, North Carolina [CGD05-07-036] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3487. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jupiter Island Club Fireworks Display, Hobe Sound, Florida [COTP Miami 07-020] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3488. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Manasquan River, Manasquan, New Jersey [CGD05-07-041] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special local Regulations for Marine events; Mill Creek, Fort Monroe, Hampton, Virginia [Docket No.: CGD05-07-044] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3491. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising and Full Moon Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-034] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3492. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Queen of England Visit, Jamestown Island, VA [CGD05-07-054] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3493. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jaguar Mid-Winter Regatta Regatta, Biscayne Bay & Intracoastal Waterway, Miami, FL [COTP MIAMI 07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3494. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Langley Air Force Base, Back River, Hampton, Virginia [CGD05-07-057] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3495. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bacardi Cup Regatta, Biscayne Bay & Intracoastal Waterway, Miami, FL [COTP MIAMI 07-041] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3496. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Founders Day, Chesapeake Bay, Hampton, VA [CCGD05-07-064] (RIN: 1625-

AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3497. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Washington Channel, Washington, DC [Docket No.: CGD05-07-067] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3498. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Curtis Creek, Baltimore, MD [CGD05-07-068] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3499. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: 30th Annual Virginia Lake Festival, John R. Kerr Lake, Clarksville, VA [CGD05-07-073] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3500. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Liverpool Point to Goose Bay, Charles County, MD [CDG05-07-076] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3501. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Severn River and College Creek, Annapolis, MD [Docket No.: CGD05-07-078] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3502. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Cape Charles Harbor, Cape Charles, Virginia [Docket No.: CGD05-07-079] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3503. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V Odyssey III, Global Air Chiefs Conference, Upper Potomac River, Washington, DC [Docket No.: CGD05-07-080] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3504. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hopewell Celebration 2007, Appomattox River, Hopewell, VA [CCGD05-07-082] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3505. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Virginia Beach, Virginia [Docket No.: CGD-05-07-086] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3506. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Chesapeake and Delaware Canal, MD [CGD05-07-091] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3507. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Full Moon Races, Biscayne Bay, Miami FL [COTP MIAMI 07-103] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3508. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone on the waters of the Newport River and Morehead City Turning Basin [CGD05-07-096] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3509. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-07-097] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3510. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; M/V Semper Fidelis III, Chesapeake Bay and its tributaries, MD and San Domingo Creek, Talbot County, MD [CGD05-07-102] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3511. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: APM Terminal, Portsmouth, VA [CGD05-07-103] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3512. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit, Key Biscayne, Florida [COTP Miami, Florida 07-109] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3513. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Miami, Florida [COTP Miami, Florida 07-133] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3514. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS Harry S. Truman Visit, offshore Port Everglades, Florida [COTP MIAMI 07-167] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3515. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale and Miami, Florida [COTP Miami, Florida 07-178] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3516. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COTP Miami, Florida 07-179] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3517. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM161 to MM163, bank to bank [COTP Morgan City-07-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3518. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Lafourche, from Valentine, Louisiana to Ludeville, Louisiana, bank to bank [COTP Morgan City-07-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3519. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards north to 200 yards south of the Bayou Boeuf Swing Bridge at Mile Marker 2.0 of the Morgan City Port Allen Landside Route, bank to bank, Amelia, LA [COTP Morgan City-07-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3520. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biloxi Ship Channel, Biloxi, MS [COTP Mobile-07-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico off of Orange Beach, AL [COTP Mobile-07-009] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Pensacola Beach, FL [COTP Mobile-07-014] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mobile Ship Channel from Mid Bay Light House to Channel Marker 37, Mobile, AL [COTP Mobile-07-018] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hwy 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-019] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Austal Barge, Chickasaw Creek, AL to Austal Shipyard, Mobile, AL [COTP Mobile-

07-0211] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tonawanda/North Tonawanda Fireworks Display, Niagara River, Tonawanda, NY [CGD09-07-075] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie, Ohio. Lakeview Park Loran Sprint International Triathlon [CGD09-07-086] (RIN: 1625-AA00) received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3528. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Roar on the Shore Fireworks, Lake Erie, Erie, PA [CGD09-07-096] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. SKELTON, Mr. BLUMENAUER, Mr. KIND, Mr. JONES, Mr. KAGEN, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. MEEK of Florida, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3590. A bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Ms. NORTON, Mr. CONYERS, Ms. WATSON, Mr. RANGEL, Mr. MEEK of Florida, Ms. WATERS, Mr. PAYNE, Mr. CARSON of Indiana, and Mr. WATT):

H.R. 3591. A bill to establish a grant program to enhance existing secondary education programs for the purpose of teaching high school students about the Constitution of the United States and the constitutions of the individual States; to the Committee on Education and Labor.

By Mr. PASCRELL (for himself, Mr. REICHERT, Mrs. CHRISTENSEN, and Ms. JACKSON-LEE of Texas):

H.R. 3592. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for producing oil from recycled waste; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Ms. ROS-LEHTINEN):

H.R. 3593. A bill to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BACHUS (for himself, Mr. BOEHNER, Mr. KANJORSKI, Mr. GARRETT of New Jersey, Mr. MOORE of Kansas, Mr. LEE of New York, Ms. HERSETH SANDLIN, Mr. ROGERS of Alabama, Mr. JONES, Mrs. BACHMANN, and Mr. PAULSEN):

H.R. 3594. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H.R. 3595. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal tax on fuels by the amount of any increase in the rate of tax on such fuel by the States; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. JOHNSON of Georgia, and Ms. DEGETTE):

H.R. 3596. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. HINCHAY, Mr. OBERSTAR, Mr. WEINER, Ms. SCHAKOWSKY, and Mr. SABLON):

H.R. 3597. A bill to extend certain economic recovery payments, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee:

H.R. 3598. A bill to ensure consideration of water intensity in the Department of Energy's energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and water resources; to the Committee on Science and Technology.

By Mr. CLEAVER (for himself and Mr. FRANK of Massachusetts):

H.R. 3599. A bill to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes; to the Committee on Financial Services.

By Mr. CLEAVER:

H.R. 3600. A bill to prohibit the sale and counterfeiting of Presidential inaugural tickets; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 3601. A bill to amend the Credit CARD Act of 2009 to provide an earlier effective date, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY:

H.R. 3602. A bill to allow certain newspapers to be treated as described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of

such Code; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 3603. A bill to rename the Ocmulgee National Monument; to the Committee on Natural Resources.

By Mr. NADLER of New York (for himself, Mr. SERRANO, Mr. FILNER, Mr. WEINER, Mr. FRANK of Massachusetts, Mr. STARK, Mr. MORAN of Virginia, Mr. GUTIERREZ, and Mr. ENGEL):

H.R. 3604. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. ROONEY (for himself and Mr. PUTNAM):

H.R. 3605. A bill to amend title 23, United States Code, to authorize States to issue special permits to allow the operation of vehicles of up to 95,000 pounds on Interstate System highways for the hauling of livestock; to the Committee on Transportation and Infrastructure.

By Mr. WELCH:

H.R. 3606. A bill to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. BARTLETT, Mr. BISHOP of Utah, Mr. SCALISE, Mr. SMITH of Texas, Mrs. BACHMANN, Mr. MARCHANT, Mr. GINGREY of Georgia, Mr. MANZULLO, Mr. SHADEGG, Mr. GOHMERT, Mr. CULBERSON, Mr. HERGER, Mr. MILLER of Florida, Mr. KINGSTON, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. HALL of Texas, Mr. KING of Iowa, Mr. AKIN, Mr. GARRETT of New Jersey, Mr. BROWN of South Carolina, Mr. FRANKS of Arizona, Mr. PENCE, Mr. HENSARLING, Mr. FORBES, Mr. BOOZMAN, Mr. HARPER, Mr. ROE of Tennessee, Mr. LINDER, Mr. RYAN of Wisconsin, Mr. HELLER, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. BURTON of Indiana, and Mr. PRICE of Georgia):

H. Res. 748. A resolution recognizing the importance of the property rights granted by the United States Constitution; affirming the duty of each Member of this body to support and defend such rights; and asserting that no public body should unlawfully obtain the property of any citizen of the United States for the benefit of another private citizen or corporation; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. MACK, Mr. MCCAUL, Mr. LAMBORN, Mr. BILBRAY, Mr. SMITH of New Jersey, Mr. GINGREY of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BILIRAKIS, Mr. BARTLETT, Mr. ROYCE, Mr. POE of Texas, Mr. TIAHRT, and Mr. SCHOCK):

H. Res. 749. A resolution expressing the sense of the House of Representatives regarding the November 29, 2009, elections in Honduras; to the Committee on Foreign Affairs.

By Mr. MCDERMOTT (for himself, Mr. DICKS, Mr. BAIRD, Ms. HIRONO, Mr. COHEN, Mr. SMITH of Washington, Mr. LARSEN of Washington, and Mr. HONDA):

H. Res. 750. A resolution congratulating Ichiro Suzuki, outfielder for the Seattle Mariners, for becoming the first player in the history of Major League Baseball with at least 200 base hits in nine consecutive seasons; to the Committee on Oversight and Government Reform.

By Mr. CHANDLER:

H. Res. 751. A resolution encouraging States to adopt laws that set clear guidelines for contact protocols for personal emergency response systems used by the Nation's senior citizens; to the Committee on Energy and Commerce.

By Mrs. HALVORSON (for herself, Mr. HARE, Ms. BEAN, Mr. QUIGLEY, Mr. FOSTER, and Mr. COSTELLO):

H. Res. 752. A resolution recognizing the tragic loss of life that occurred at the Cherry Mine in Cherry, Illinois, on its 100th anniversary and the contributions to worker and mine safety that resulted from this and other disasters; to the Committee on Education and Labor.

By Mr. HINCHEY (for himself, Mr. SERRANO, Mr. MASSA, Ms. SLAUGHTER, Mr. HALL of New York, Mr. ENGEL, and Mr. MURPHY of New York):

H. Res. 753. A resolution honoring the Hudson River School painters for their contributions to the United States; to the Committee on Oversight and Government Reform.

By Mr. HOLDEN (for himself, Mr. SHUSTER, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. DENT, Mr. CARNEY, Mr. ALTMIRE, Ms. SCHWARTZ, Mr. DOYLE, Mr. PLATTS, Mr. KANJORSKI, Mr. GERLACH, Mr. FATTAH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. THOMPSON of Pennsylvania, Mrs. DAHLKEMPER, Mr. PITTS, Mr. SESTAK, and Mr. TIM MURPHY of Pennsylvania):

H. Res. 754. A resolution honoring the citizen-soldiers of the National Guard of the State of Pennsylvania, including the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on its return to the United States from deployment in Iraq; to the Committee on Armed Services.

By Mr. MCMAHON (for himself and Mr. ROONEY):

H. Res. 755. A resolution celebrating the 30th anniversary of the creation of the Office of Special Investigations of the Department of Justice; to the Committee on the Judiciary.

By Mr. RUPPERSBERGER (for himself and Mr. SOUDER):

H. Res. 756. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. CARSON of Indiana.

H.R. 16: Mr. COHEN.

H.R. 208: Mr. COFFMAN of Colorado, Mrs. BLACKBURN, Mr. ACKERMAN, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. GOHMERT, Mr. HONDA, Ms. MCCOLLUM, Ms. MARKEY of Colorado, Mr. HEINRICH, Mr. LATTA, Mr. MINNICK, Mr. THORNBERRY, Mr. BOCCIERI, Mr. PIERLUISI, Mr. ROE of Tennessee, Mr. ARCURI, Mr. INGLIS, Mr. PETERSON, Mr. DAVIS of Kentucky, Mr. HIMES, Mr. HODES, and Mr. DAVIS of Tennessee.

H.R. 219: Mr. MARSHALL.

H.R. 233: Mr. JOHNSON of Georgia.

H.R. 272: Mr. PRICE of North Carolina.

H.R. 275: Mrs. MYRICK and Mr. RYAN of Wisconsin.

H.R. 333: Mr. CARSON of Indiana.

H.R. 413: Mrs. DAHLKEMPER, Mr. DAVIS of Kentucky, Mr. SNYDER, Mr. LATOURETTE, Mr. HOLDEN, and Mr. LEWIS of Georgia.

H.R. 422: Mr. HODES.

H.R. 444: Mr. NADLER of New York.

H.R. 450: Mr. GINGREY of Georgia.

H.R. 571: Mr. WELCH.

H.R. 621: Mr. COHEN.

H.R. 653: Mrs. CAPPS.

H.R. 678: Mr. LATHAM.

H.R. 690: Mr. PRICE of North Carolina.

H.R. 775: Mr. RUPPERSBERGER, Mr. THOMPSON of Pennsylvania, Mr. KRATOVIL, Mr. DOGGETT, and Mr. HODES.

H.R. 783: Mr. HODES.

H.R. 836: Mr. RUPPERSBERGER.

H.R. 932: Mr. CONYERS, Ms. KAPTUR, Mr. SESTAK, and Mr. DRIEHAUS.

H.R. 948: Mr. COHEN.

H.R. 953: Mr. INGLIS.

H.R. 977: Mr. COHEN.

H.R. 1079: Mr. LINCOLN DIAZ-BALART of Florida, Mr. PAULSEN, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. MURPHY of Connecticut, Mr. GENE GREEN of Texas, and Mr. ROGERS of Alabama.

H.R. 1086: Mr. SCOTT of Georgia, Mr. CHAFFETZ, and Mr. KINGSTON.

H.R. 1132: Mr. PRICE of North Carolina, Mr. SCHRADER, Mr. BURGESS, Mr. BOREN, Mr. COURTNEY, Mrs. DAHLKEMPER, Mr. GALLEGLY, Mr. GEORGE MILLER of California, and Mr. PAULSEN.

H.R. 1182: Mr. PETERSON, Mr. INGLIS, Mr. BARTLETT, Mr. BRALEY of Iowa, Mr. FORBES, Mr. HIMES, and Mr. LOBIONDO.

H.R. 1194: Mr. TOWNS, Ms. BERKLEY, and Mr. CAO.

H.R. 1203: Mr. MCNERNEY, Mr. HEINRICH, and Mr. PRICE of Georgia.

H.R. 1207: Mr. NYE.

H.R. 1229: Mr. GERLACH.

H.R. 1250: Mr. POSEY.

H.R. 1283: Mr. KAGEN, Mr. MCNERNEY, and Mr. NEAL of Massachusetts.

H.R. 1346: Ms. TITUS.

H.R. 1402: Mr. MOORE of Kansas.

H.R. 1454: Mr. MINNICK.

H.R. 1507: Mr. FRANK of Massachusetts.

H.R. 1549: Mr. HASTINGS of Florida, Mr. SESTAK, Mr. COHEN, and Ms. DEGETTE.

H.R. 1570: Ms. WASSERMAN SCHULTZ.

H.R. 1585: Mr. THOMPSON of Pennsylvania and Mr. ROE of Tennessee.

H.R. 1587: Mr. SHIMKUS and Mr. MINNICK.

H.R. 1623: Mr. DANIEL E. LUNGREN of California.

H.R. 1670: Ms. BEAN.

H.R. 1695: Mr. OBERSTAR, Mr. GRIFFITH, and Mr. TIBERI.

H.R. 1706: Mr. WATT.

H.R. 1799: Mr. BISHOP of Utah.

H.R. 1826: Mr. PRICE of North Carolina.

H.R. 1829: Mr. BROWN of South Carolina and Mr. LARSEN of Washington.

H.R. 1864: Mr. HEINRICH, Mr. FILNER, Mr. MICHAUD, Mr. GRIFFITH, and Mr. ROE of Tennessee.

H.R. 1970: Mr. MELANCON.

H.R. 1987: Ms. BORDALLO and Mr. PETERSON.

H.R. 2000: Mrs. DAVIS of California.

H.R. 2006: Ms. WOOLSEY and Mr. JOHNSON of Georgia.

H.R. 2137: Mr. PLATTS.

H.R. 2139: Ms. KAPTUR and Mr. STARK.

H.R. 2194: Mr. CLAY, Mr. THOMPSON of California, Mr. TONKO, Mr. DAVIS of Illinois, Mr. MATHESON, and Mr. MURPHY of New York.

H.R. 2195: Ms. KILROY.

H.R. 2266: Mr. MURPHY of Connecticut.

H.R. 2267: Mr. MURPHY of Connecticut, Mr. CLAY, and Mr. SCHIFF.

H.R. 2279: Mr. COHEN.

H.R. 2299: Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. MCCOLLUM.

H.R. 2373: Mr. ELLSWORTH and Mr. FORBES.

H.R. 2378: Ms. DELAURO.

H.R. 2429: Mr. BRIGHT.

H.R. 2446: Mr. BOSWELL.

H.R. 2452: Mr. WILSON of Ohio and Ms. KILROY.

H.R. 2485: Mr. CUMMINGS, Mr. WU, and Mr. ROTHMAN of New Jersey.

H.R. 2555: Mr. PAYNE.

H.R. 2584: Mr. PENCE, Mr. EHLERS, Mr. THORNBERRY, Ms. KILROY, Mr. BISHOP of Utah, Mr. MILLER of North Carolina, Mrs. CAPITO, Mr. BARROW, and Mr. CAMPBELL.

H.R. 2607: Mr. DENT.

H.R. 2639: Ms. HERSETH SANDLIN.

H.R. 2708: Ms. SCHAKOWSKY.

H.R. 2746: Mr. GENE GREEN of Texas, Mr. SESTAK, Ms. BALDWIN, Ms. WOOLSEY, Mr. BOCCIERI, Mr. KAGEN, Mr. PASTOR of Arizona, and Mr. CONYERS.

H.R. 2766: Mr. HALL of New York.

H.R. 2782: Mr. BOCCIERI and Mr. WILSON of Ohio.

H.R. 2801: Ms. GINNY BROWN-WAITE of Florida, Mr. PAUL, and Mr. GRIFFITH.

H.R. 2894: Mr. CARSON of Indiana.

H.R. 2909: Mr. MCGOVERN.

H.R. 2932: Ms. FUDGE, Mr. COHEN, and Mr. AL GREEN of Texas.

H.R. 2935: Mr. THOMPSON of California, Mr. QUIGLEY, Mrs. EMERSON, Mr. KRATOVIL, and Mr. BOREN.

H.R. 2941: Mr. HALL of New York.

H.R. 3007: Ms. KAPTUR and Mr. MASSA.

H.R. 3012: Mr. MAFFEI.

H.R. 3017: Mr. HINCHEY and Mr. SABLAN.

H.R. 3044: Ms. TSONGAS, Mr. CAMPBELL, Mr. LUCAS, Mr. WALDEN, and Mr. BERRY.

H.R. 3101: Mr. STARK, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, and Mr. TOWNS.

H.R. 3105: Mr. MCKEON.

H.R. 3184: Mr. SESTAK.

H.R. 3212: Mr. MOORE of Kansas.

H.R. 3217: Mr. DANIEL E. LUNGREN of California and Ms. GRANGER.

H.R. 3226: Mr. THOMPSON of Pennsylvania, Mr. FLAKE, Mr. INGLIS, Mr. GUTHRIE, Mr. BARTON of Texas, and Mrs. CAPITO.

H.R. 3227: Mr. MCGOVERN.

H.R. 3238: Mr. CARSON of Indiana.

H.R. 3250: Mrs. MCCARTHY of New York and Mr. MCMAHON.

H.R. 3255: Mr. BLUMENAUER.

H.R. 3266: Mr. NYE.

H.R. 3284: Mr. SMITH of New Jersey.

H.R. 3307: Mr. POSEY.

H.R. 3308: Mr. MATHESON and Mr. TIM MURPHY of Pennsylvania.

H.R. 3324: Mr. SNYDER.

H.R. 3337: Mr. SCHRADER.

H.R. 3340: Ms. HERSETH SANDLIN.

H.R. 3355: Mr. SESTAK and Mr. FILNER.

H.R. 3381: Mr. BISHOP of New York.

H.R. 3383: Mr. BISHOP of Utah.

H.R. 3400: Mr. THOMPSON of Pennsylvania.

H.R. 3407: Mr. PETERSON.

H.R. 3421: Ms. VELÁZQUEZ.

H.R. 3438: Mr. AUSTRIA.

H.R. 3458: Mr. WAXMAN, Mr. SESTAK, and Ms. WOOLSEY.

H.R. 3472: Mr. MURPHY of New York, Mrs. HALVORSON, Ms. BEAN, and Mr. CONNOLLY of Virginia.

H.R. 3502: Ms. SLAUGHTER.

H.R. 3508: Mr. MARCHANT and Mr. SESSIONS.

H.R. 3510: Mr. SESTAK, Mr. MCGOVERN, and Mr. MEEKS of New York.

H.R. 3519: Mr. CARTER, Mr. RODRIGUEZ, and Ms. WOOLSEY.

H.R. 3548: Ms. WOOLSEY, Ms. DELAURO, Mr. HINCHEY, and Mr. BLUMENAUER.

H.R. 3549: Ms. SHEA-PORTER and Mr. PAL-LONE.

H.R. 3553: Mr. LUJÁN.

H.R. 3554: Ms. TSONGAS and Mr. PETERSON.

H.R. 3567: Mr. LUJÁN and Mr. SARBANES.

H.R. 3569: Mr. CHAFFETZ, Mr. BARTON of Texas, Mr. FLEMING, Mr. BRADY of Texas, and Mr. SHIMKUS.

H.R. 3571: Mr. SENSENBRENNER, Mr. HOEKSTRA, Mr. SMITH of Nebraska, Mr. FLEMING, Mr. PITTS, Mr. REHBERG, Mr. BARTON of Texas, and Mr. FORBES.

H.J. Res. 47: Mr. LANCE and Mr. JORDAN of Ohio.

H. Con. Res. 49: Mr. BAIRD.

H. Con. Res. 98: Mr. AL GREEN of Texas.

H. Con. Res. 151: Mr. INGLIS and Mr. COHEN.

H. Con. Res. 158: Mr. BOOZMAN, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. LEWIS of California, Mr. CONNOLLY of Virginia, Mr. REYES, Mr. ISRAEL, Mr. CHILDERS, Mrs. EMERSON, Mrs. MALONEY, Mr. SERRANO, and Mr. CONYERS.

H. Con. Res. 160: Mr. DANIEL E. LUNGREN of California, Mr. COHEN, and Ms. HERSETH SANDLIN.

H. Con. Res. 168: Mr. MCDERMOTT.

H. Con. Res. 169: Mr. BUCHANAN, Mr. BOOZMAN, and Mr. SOUDER.

H. Con. Res. 170: Mr. HALL of Texas, Mr. BOUSTANY, Mr. COBLE, and Mr. NYE.

H. Con. Res. 181: Mr. ROGERS of Michigan and Ms. KAPTUR.

H. Con. Res. 183: Mr. CARTER, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. BERRY, and Mr. BARTON of Texas.

H. Con. Res. 185: Mr. LUETKEMEYER, Mr. BOOZMAN, Mr. TIBERI, Mr. SESSIONS, Mr. WILSON of South Carolina, and Mr. SENSENBRENNER.

H. Con. Res. 186: Ms. CORRINE BROWN of Florida, Mr. HARE, Mr. MASSA, Mr. KISSELL, Mrs. KIRKPATRICK of Arizona, Mr. PERL-

MUTTER, Mr. ETHERIDGE, Ms. TSONGAS, Mr. VISCLOSKEY, Mr. BERRY, Ms. LORETTA SANCHEZ of California, Mr. PASTOR of Arizona, Mrs. CAPPS, Mr. SARBANES, Mr. SALAZAR, Mr. SIRE, Ms. FUDGE, Mr. TOWNS, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. YARMUTH, Mr. THOMPSON of California, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. CARSON of Indiana, Mr. PAYNE, Mr. AL GREEN of Texas, Ms. PINGREE of Maine, Ms. EDWARDS of Maryland, Mr. CUMMINGS, Mr. BARROW, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. RUPPERSBERGER, Ms. NORTON, Mr. ANDREWS, Mr. BISHOP of New York, Mr. LARSEN of Washington, Mr. QUIGLEY, Mr. WALZ, Mr. JACKSON of Illinois, Mr. CUELLAR, Mr. KINGSTON, Mr. RUSH, Mr. CLYBURN, Mr. WATT, Mr. SCOTT of Georgia, Mr. CLAY, Mr. LYNCH, Mr. SCOTT of Virginia, Ms. LEE of California, Mr. CONYERS, Mr. LEVIN, Mr. COHEN, Mr. HASTINGS of Florida, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. ELLISON, Mr. DAVIS of Alabama, Mr. RANGEL, Mr. FATTAH, Ms. CLARKE, Mrs. HALVORSON, Ms. WATERS, and Mr. GUTIERREZ.

H. Res. 22: Mr. HALL of New York.

H. Res. 55: Mr. COBLE, Mr. DENT, Mr. MCHENRY, and Mr. MORAN of Virginia.

H. Res. 150: Mr. AL GREEN of Texas.

H. Res. 167: Mr. MCINTYRE and Mr. ROTHMAN of New Jersey.

H. Res. 291: Mr. PASTOR of Arizona, Mr. MCDERMOTT, Mr. PETERSON, and Mr. COOPER.

H. Res. 568: Mr. BARTLETT, Mr. BILBRAY, and Mr. SOUDER.

H. Res. 577: Mr. KLEIN of Florida and Mr. SHIMKUS.

H. Res. 581: Mr. BONNER, Mr. MARSHALL, Mr. GINGREY of Georgia, Mr. ADERHOLT, and Mr. KING of Iowa.

H. Res. 615: Mr. LANCE.

H. Res. 627: Mr. BOREN.

H. Res. 684: Ms. RICHARDSON and Mr. JACKSON of Illinois.

H. Res. 692: Mr. MICHAUD, Mr. BAIRD, Mr. WELCH, Ms. SLAUGHTER, Mr. LYNCH, Mr. HIG-

GINS, Mr. TAYLOR, Mr. MAFFEI, Mr. GRIFFITH, Mr. MINNICK, Mr. LANGEVIN, Ms. SCHWARTZ, Mr. BACA, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. LUJÁN, Mr. DOYLE, Mr. BERRY, Ms. WASSERMAN SCHULTZ, and Ms. KILROY.

H. Res. 709: Mr. MURPHY of Connecticut, Ms. SUTTON, Mr. BARROW, Ms. TSONGAS, Mr. COOPER, Mr. ALTMIRE, Mr. LOEBACK, and Ms. PINGREE of Maine.

H. Res. 729: Mrs. MILLER of Michigan.

H. Res. 731: Mr. AL GREEN of Texas.

H. Res. 733: Mr. SCOTT of Georgia, Mr. ENGEL, Mr. HOLDEN, Mr. RYAN of Ohio, Mr. HONDA, Mr. MICHAUD, Mr. ROE of Tennessee, Mr. CONAWAY, Mr. SULLIVAN, and Mr. HARPER.

H. Res. 734: Mr. BROWN of South Carolina, Mr. MACK, and Mr. KLINE of Minnesota.

H. Res. 739: Mr. MASSA, Mr. NEUGEBAUER, Mr. PETERSON, Mr. SCOTT of Georgia, Mr. ROSS, Ms. JACKSON-LEE of Texas, and Mr. ELLISON.

H. Res. 740: Mr. CARNEY, Ms. MCCOLLUM, Mr. PUTNAM, Mr. SCHRADER, Mr. CHILDERS, Mr. INGLIS, Ms. HERSETH SANDLIN, Ms. HIRONO, Mr. MICHAUD, Mr. MARSHALL, Mr. MOORE of Kansas, and Mr. BOUCHER.

H. Res. 743: Mr. HODES, Mr. ABERCROMBIE, Mr. WELCH, Mr. HARE, Ms. HIRONO, Mr. MCMAHON, Mr. NEAL of Massachusetts, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. YARMUTH, Ms. SHEA-PORTER, Mr. CONNOLLY of Virginia, Mr. WU, Mr. KAGEN, Ms. LINDA T. SANCHEZ of California, and Ms. SUTTON.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3226: Mr. CLAY.

**SENATE—Thursday, September 17, 2009**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, thank You for our many freedoms. Help us to use them, not to hide behind safe walls but to make our world a better place. Teach us to live with eternity in our view and to refuse to let the world squeeze us into its mold.

Lord, give wisdom to our lawmakers. May they seek Your approval above the hollow applause of men and women. As the servants of this Nation, may they strive to be filled with Your spirit of wisdom, knowledge, and understanding. Use our Senators to reverse the spiritual and moral drift of our Nation by exemplifying righteousness, repentance, rectitude, and reconciliation in the lives they lead.

We pray in Your Holy Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 17, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, the Senate will be in a period for the transaction of morning business for 1 hour, with Senators allowed to speak for up to 10 minutes each. However, I ask unanimous consent that the full 30 minutes of the majority be controlled by the Senator from Pennsylvania, Mr. SPECTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. The majority will control the first 30 minutes, the Republicans will control the second 30 minutes. Following morning business, the Senate will begin consideration of H.R. 2996, the Interior appropriations bill. Following the managers' opening statements, the floor will be open for Senators to offer amendments. At 2 p.m., we will resume consideration of H.R. 3288, the Transportation-HUD appropriations bill, and proceed to a series of up to six rollcall votes and complete action on that bill.

I think it is important to say to everyone that we are now in a mode of doing some legislation. I appreciate very much the cooperation of all Senators, Democrats and Republicans. We are now in the mode of, when a bill comes up, people can offer amendments. For a number of years, that simply was not the case. When there are circumstances and a decision is made not to allow amendments, I understand, after people are in the habit of being able to offer amendments, how concerned they become. We will approach that whenever it comes about, if there is a decision made to so-called fill the tree and not allow amendments.

In the way we are working, we are taking some tough votes. Democrats are offering some difficult amendments, Republicans are offering some difficult amendments. But that is OK. We are working through these bills. We could have been voting on cloture on the Transportation appropriations bill. We could have been invoking cloture on that bill this morning. It simply has not been necessary.

We have some nominations we are still working our way through. One Republican Senator has held up a nomination for quite some time. He came to me yesterday and said: You can go ahead and put that one through.

I am satisfied and confident this is the way the Senate should operate.

We have the health care bill on the horizon. If we are able to get 60 votes to proceed to it, it is going to take everyone's cooperation and patience to work through the amendments that

will be necessary to go forward on that bill. I am hopeful and confident we can work through that bill. If not, we will have to go to reconciliation, which I hope we don't have to do, but if we have to, we have to do that.

Anyway, I feel good about what we have been able to accomplish this week. I repeat, it sets a pattern of how we should be legislating.

Behind me is Senator SPECTER. He came to me a number of times last year and said: Are there going to be amendments allowed? And I said yes. He said he would vote to move forward on the bill. I think there were other people who felt the same way, but they just were not as vocal as Senator SPECTER.

I appreciate the good work, including that of my colleague, the senior Senator from Kentucky, who is one of the people who has stressed how important it is to have amendments. I recognize he cannot control his Senators all the time, nor can I. In spite of that, we have been able to work through legislation.

I want to get the appropriations bills done, as does Senator MCCONNELL. He and I have been members of the Appropriations Committee during our entire tenure in the Senate. It is important that we work through these bills. As of today, we will have completed five of them. We are going to do our utmost to do the conference reports before the first of October. We may have to—not may—we will have to have a short-term CR, and by the end of that short-term CR, hopefully we can complete all the appropriations bills.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**HEALTH CARE**

Mr. MCCONNELL. Madam President, over the past few months, the American people have been sending us a clear message on health care. They want reforms that make health care more affordable and more accessible, that increase choice, and that keep government out of their health care decisions. What they don't want are so-called reforms that cut seniors' health care, force Americans off private health plans they have, cost hundreds of billions of dollars, raise taxes, and put government bureaucrats in charge of health care. But that is exactly what they would get under the plan released

by the chairman of the Senate Finance Committee just yesterday. So while I appreciate the hard work of the senior Senator from Montana on this legislation—and he certainly has spent enormous amounts of time on it—I am extremely disappointed that it does not reflect the concerns Americans have been expressing for weeks about health care reform. That much is very clear.

Now it is time to let the American people study the bill themselves. Before we bring any legislation to the floor, we need to make sure the American people and all of our colleagues, every single one of them, have the time to carefully read it and evaluate its potential effects on our health care system and the economy in general. Americans got rushed on the stimulus. They will not be rushed on health care—not on an issue that affects every single American. Before we discuss or vote on any plan, we need to know what it does, how much it costs, and how it will be paid for.

Here is what we know now about the Finance Committee plan.

First, the Finance Committee proposal would cut hundreds of billions of dollars from seniors' Medicare benefits to pay for new government programs. America's seniors want us to fix Medicare, not take money from it to pay for a new, untested, trillion-dollar government program. This bill would also break the President's promise to seniors that they will not be required to change the coverage they have. Right now, 11 million seniors are enrolled in Medicare Advantage, a program that gives them more options and choices when it comes to their health care. Ninety percent of these seniors are satisfied with their plan. The Finance Committee bill would make massive cuts to Medicare Advantage and force some seniors to give it up, something that even one of our Democratic friends just yesterday called "intolerable."

Senators from both sides of the aisle are concerned about the new burdens this bill would impose on States in the form of Medicaid expansion. Unlike the Federal Government, many States are constitutionally—in fact, I think virtually all of them are constitutionally required to have balanced budgets. This means that if politicians in Washington force them to increase spending on Medicaid, they very likely will have to cut services or raise taxes right in the middle of a recession.

The Finance Committee bill would kill jobs by forcing employers to provide insurance, regardless of whether they can afford it. While advocates of the bill say it does not contain an employer mandate, their claims just do not square with the facts. If you tell an employer that they either have to provide insurance or pay a penalty, that is a mandate.

The Finance Committee bill contains approximately \$350 billion in new

taxes, and some of these taxes, such as those on medical devices ranging from MRIs to Q-tips and new taxes on insurance plans, will drive up insurance premiums and make health care even more expensive for American families. If there was one thing we thought everybody agreed on, it was that any reform should not make health care more expensive. Yet this Q-tip tax would actually increase health care costs. That is why Senators from both parties have warned that it would put thousands of jobs in jeopardy and actually deter innovation.

The Senate Finance Committee bill also contains a co-op, which is just another name for a government plan. It still gives the government far too much control over our health care system. It cuts seniors' benefits, spends hundreds of billions of dollars, and raises taxes to pay for another trillion-dollar government program. And it still does not contain the kind of commonsense reforms the American people support and Republicans have consistently recommended, such as meaningful reforms to get rid of junk lawsuits against doctors and hospitals and reforms to level the playing field when it comes to taxes on a health care plan.

There is no question that Americans want health care reform, but they want the right reforms and they want us to take the time we need to get it right. During the month of August, the American people sent us a clear message on health care. I am disappointed that many of my colleagues apparently were not listening.

#### CONSTITUTION DAY 2009

Mr. MCCONNELL. Madam President, the National Constitution Center in Philadelphia first opened its doors on July 4, 2003. Situated just steps away from the Liberty Bell and historic Independence Hall, it is the only museum in America solely dedicated to honoring America's Constitution.

Our Constitution was signed on this day—this very day—in 1787 by 39 brave, outstanding Americans. Now, 222 years later, we thank them for devising the finest system of government mankind has ever produced. By recognizing that rights flow from the people to their government and not the other way around, our Constitution is firmly dedicated to the preservation of liberty. That is why we celebrate every September 17 as Constitution Day. It is a day for all Americans to learn more about the Constitution, to understand how it works, and to appreciate how it has guided our Nation through growth and through change.

I thank the senior Senator from West Virginia, Mr. BYRD, for sponsoring this legislation 5 years ago to observe this historic day. We all know the love Senator BYRD has for his country and his country's history. He knows that you

cannot truly understand how liberty is preserved in America without understanding the Constitution. Thank you, Senator, for your efforts to ensure that future generations also learn this important lesson.

On this day, we recognize citizens across the Nation who are honoring our Constitution by honoring its values and passing them along to our children and grandchildren. And we say a special thanks for the men and women in uniform who defend it. Thanks to them, the Constitution's promise will be there for the next generations of Americans.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the minority controlling the second half.

The Senator from Pennsylvania.

#### U.S. POLICY IN AFGHANISTAN

Mr. SPECTER. Madam President, I have sought recognition to comment about U.S. policy in Afghanistan. During the course of the August recess, and of course with my customary practice, I traveled to Pennsylvania's 67 counties to take the pulse of my constituents. While there are many problems, there was considerable concern about what our policy is going to be in Afghanistan. I note at this time, according to yesterday's New York Times, there have been 821 American servicemembers killed in Afghanistan, some \$189 billion has been appropriated for Afghanistan, and by the end of this year there will be 68,000 American military personnel and an additional 38,000 NATO troops from other countries in Afghanistan.

Madam President, I ask unanimous consent that an extensive floor statement be included in the text of the CONGRESSIONAL RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Madam President, I intend now to summarize the substance of my concerns.

The approach on our policy has been outlined in testimony earlier this week

by ADM Michael Mullen, Chairman of the Joint Chiefs of Staff, in these two statements: Our policy

... [is] to deny sanctuary to al-Qaida and the Taliban now and to generate a stable and secure Afghanistan capable of denying al-Qaida return after withdrawal of our combat forces and while we sustain partnership and commitment to political and economic development in that nation.

Admiral Mullen told the committee:

A properly resourced counterinsurgency probably means more forces, without question more time and more commitment to the protection of the Afghan people and to the development of good governance.

While I think it is laudable to want to protect the Afghan people and to provide good governance there, it is my view that is not of sufficient national interest for the United States to put our troops at risk or to expend substantial additional sums there. The principal question, as I see it, is whether Afghanistan is indispensable to be secured to prevent al-Qaida from launching another attack against the United States. If that is the purpose, that is the necessity, then we must undertake anything, whatever it costs, to stop al-Qaida from again attacking the United States.

But I believe there is a series of questions which have to be answered before we can assess whether that is an indispensable part of U.S. policy. Toward that end, I have written to the Secretary of Defense, the Secretary of State, the Director of National Intelligence, and the Director of the Central Intelligence Agency on a series of questions which I think requires answers before we can make an informed judgment as to whether the expenditures in Afghanistan are in our specific and key national interests. These are the questions which I have posed for these leaders:

What are the prospects for military success in Afghanistan against al-Qaida and the Taliban? What will the requirements be in the next year as to additional U.S. troops and the cost of our involvement in Afghanistan? What may we reasonably expect NATO or other allies to contribute in troops and dollars to our efforts in Afghanistan? What other areas around the world are open to al-Qaida as potential bases for another attack on the United States? What will be done besides military action, such as nation building and stabilizing and developing Afghanistan, so that they will be prepared to handle their own problems so we can withdraw? What assistance can we reasonably expect from Pakistan in fighting al-Qaida and the Taliban and stopping both from seeking refuge by moving in and out of Pakistan? How does the questionable legitimacy of President Karzai's status as result of allegations of proof of election fraud impact on our ability to succeed in Afghanistan? How does the illegal drug trafficking and alleged involvement of high-ranking offi-

cials in the Karzai government in such drug trafficking impact on our efforts in Afghanistan? What does U.S. intelligence show as to any possible plans by al-Qaida to attack the United States or anyone else? What does U.S. intelligence show as to whether India poses a real threat to attack Pakistan? What does U.S. intelligence show as to whether Pakistan poses a real threat to attack India? What does U.S. intelligence show as to whether Pakistan could reasonably devote additional military force to assist us in the fight against the Taliban? What does U.S. intelligence show as to whether the Government of Pakistan or influential officials in the Pakistani Government would consider negotiating with India for reducing nuclear weapons or other confidence-building measures to diffuse the tension with India if actively encouraged to do so by the United States? What does U.S. intelligence show as to whether the Government of India or some influential officials in the Indian Government would consider negotiating with Pakistan for reducing nuclear weapons or other confidence-building measures to diffuse the tension with Pakistan if actively encouraged by the United States to do so?

We have learned a bitter lesson from Iraq—that we did not have answers to important questions in formulating our policy there. Had we known that Saddam Hussein did not have weapons of mass destruction, I think the United States would not have gone into Iraq.

These questions were posed by me when we had the debate on the resolution for authorizing the use of force. On October 7, 2002, I said the following:

What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequences in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel?

The President, as Commander in Chief, as we all know, has primary responsibility to conduct war but the Constitution vests in the Congress the sole authority to declare war. Regrettably, the congressional authority and responsibility has been dissipated with what we have seen in Korea and in Vietnam and in the authorizations for the use of force in the two incursions into Iraq. We do not have the authority under separation of powers to delegate that authority. And had we asked the tough questions and had we gotten correct, honest, accurate answers, it would have been a great help to President George W. Bush in formulating a policy as to Iraq. I think now it would be a great help to President Barack Obama for the Congress to exercise our persistence in finding correct answers to these kinds of tough questions.

We have a situation with Pakistan today which gives great pause. The United States has advanced \$15.5 bil-

lion to Pakistan since 9/11. Some \$10.9 billion of that money has gone for security, and there is a real question as to whether we have gotten our monies worth. The comments from the New York Times on December 24, 2007 raised these issues:

Money has been diverted to help finance weapons systems designed to counter India, not al-Qaida or the Taliban . . . the United States has paid tens of millions of dollars in inflated Pakistani reimbursement claims for fuel, ammunition and other costs.

Dr. Anthony Cordesman, of the Center for Strategic and International Studies, wrote on April 10 of this year:

Far too much of the military portion of the . . . past U.S. aid to Pakistan never was used to help fight the Taliban and al-Qaida or can't be accounted for. Future aid should clearly be tied to clearly defined goals for Pakistani action and full accounting for the money.

The New York Times, on August 30 of this year, pointed out:

The United States has accused Pakistan of illegally modifying American-made missiles to expand its capability to strike land targets, a potential threat to India.

The questions which have been posed in the series of letters which I have outlined go to the issue as to whether India poses a threat to Pakistan. It is hard for me to contemplate that is a serious problem, but we ought to be informed and we ought to be putting our efforts to seeing if we cannot broker a peace treaty between India and Pakistan, which would enable us to get substantial help from Pakistan in our fight against the Taliban.

In 1995, when I was chairman of the Intelligence Committee, Senator Hank Brown of Colorado and I visited India and Pakistan. When we were in India, we met with Prime Minister Rao, who brought up the subject of a potential nuclear confrontation between India and Pakistan and said he would like to see the subcontinent nuclear free. He knew we were en route to Pakistan to see Prime Minister Benazir Bhutto and he asked us to take up the subject with her, which we did. As a result, I wrote the following letter to President Clinton the day after we left India, and I think it is worth reading in full:

August 28, 1995.

Dear Mr. President: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last 2 days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto. Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on the subcontinent within 10 or 15 years, including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks, a regional conference which would include the United States, China, and Russia, in addition to India and Pakistan. When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said she had had no conversations with him during her tenure as prime minister. Prime Minister Bhutto did

say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India. From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems. I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

In my letter to Secretary of State Clinton, which I sent her last week, I asked her what efforts have been made to broker such a peace treaty between India and Pakistan.

I sent on to her a copy of a letter which I had written to President Clinton; if we could ease the tension between those two countries, if we could persuade Pakistan that India does not pose a threat so Pakistan would not have to marshal their forces along the Indian border but instead could aid the United States in our fight against the Taliban, it would be a very different proposition.

The suggestion has been made now to extend \$7.5 billion in additional funding to Pakistan. It seems to me that is not a good use of our money if it is to follow the same trail as the \$15.5 billion which we have expended in the immediate past. If we can get the assistance of Pakistan in fighting the Taliban, it would be one thing. If we could be assured that the money was being used for the intended purpose and not diverted for other purposes, as it appears the other \$15.5 billion was, it would be a very different picture.

In sum, it seems to me that before we ought to commit additional troops to Afghanistan, it ought to be a matter of paramount importance, indispensable as a matter of stopping another attack by al-Qaida. But if al-Qaida can organize in some other spot, the issues raised by my questions, it would bear heavily on what our policy in Afghanistan should be.

In addition to the full text of my statement being printed in the RECORD, I ask unanimous consent that copies of my letters to Secretary of State Hillary Clinton, Secretary of Defense Robert Gates, CIA Director and the Director of National Intelligence, Dennis Blair, all be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, DC, September 9, 2009.  
Hon. ROBERT M. GATES,  
Secretary of Defense, Department of Defense,  
Washington, DC.

DEAR SECRETARY GATES: Congress will be called upon to make important decisions on the war in Afghanistan. whether there is a realistic prospect of succeeding there, and the importance of Afghanistan in stopping al Qaeda from again attacking the United

States. In a related matter, in evaluating foreign aid to Pakistan. Congress needs to know whether Pakistan could be persuaded to aid us in fighting the Taliban. In retrospect, important judgments were made on Iraq without sufficient accurate, factual information. I write to you, the Secretary of State, the Director of National Intelligence and the Director of the CIA (copies enclosed) on related issues within their purview.

Is U.S. success in Afghanistan critical in stopping al Qaeda from maintaining a base to plan and facilitate another attack on the United States?

What are the prospects for military success in Afghanistan against the Taliban?

What will the requirements be in the next year as to additional U.S. troops and the cost of our involvement in Afghanistan?

What may we reasonably expect NATO or other allies to contribute in troops and dollars to our efforts in Afghanistan?

What will be done besides military action, such as nation-building, in stabilizing and developing Afghanistan so that they will be prepared to handle their own problems so that we can withdraw?

What assistance can we reasonably expect from Pakistan in fighting the Taliban and stopping the Taliban from seeking refuge by moving in and out of Pakistan?

How does the questionable legitimacy of President Karzai's status as a result of allegations or proof of election fraud impact on our ability to succeed in Afghanistan?

How does the illegal drug trafficking and alleged involvement of high-ranking officials in the Karzai government in such drug trafficking impact on our efforts in Afghanistan?

Thank you for your consideration of this request. I am available to meet with you or your designee for a briefing on these questions.

Sincerely,

ARLEN SPECTER.

Enclosures.

U.S. SENATE,

Washington, DC, September 9, 2009.

Hon. HILLARY RODHAM CLINTON,  
Secretary of State,  
Washington, DC.

DEAR SECRETARY CLINTON: Congress will be called upon to make important decisions on the war in Afghanistan. whether there is a realistic prospect of succeeding there, and the importance of Afghanistan in stopping al Qaeda from again attacking the United States. In evaluating foreign aid to Pakistan. Congress needs to know whether Pakistan could be persuaded to aid us in fighting the Taliban. In retrospect, important judgments were made on Iraq without sufficient accurate, factual information.

I am writing to the Secretary of Defense, the Director of National Intelligence and Director of the CIA (copies enclosed) to obtain information principally on military and intelligence matters. My inquiries to you are principally on foreign relation issues involving Afghanistan, Pakistan and India.

In August 1995, Senator Hank Brown and I were told by Prime Minister Rao in a visit to New Delhi that India was interested in negotiating with Pakistan to make their subcontinent free of nuclear weapons. Prime Minister Rao asked Senator Brown and me to raise this issue with Pakistan's Prime Minister Benazir Bhutto which we did. I then wrote to President Clinton urging him to broker such negotiations. Those discussions are summarized in a letter which I sent to President Clinton:

AUGUST 28, 1995.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the sub-

stance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

After returning to the United States, I discussed such a presidential initiative with President Clinton, but my suggestion was not pursued.

If the current tensions and hostilities between India and Pakistan could be eliminated or reduced. Pakistan might be persuaded to increase its military forces to aid us in the fight against the Taliban. I urge you and your Department to undertake an initiative to broker a peace treaty between India and Pakistan if you are not already doing so.

I am also interested in your view as to whether India poses a realistic threat to Pakistan which warrants Pakistan devoting military force to that potential threat, which diverts a military contribution which could aid the U.S. in our fight against the Taliban?

I am also interested in your view of a proposal for the U.S. to grant substantial foreign aid to Pakistan. I raise this question in the context of Pakistan's failure during President Musharaf's tenure to fulfill its commitments on the \$10 billion aid granted by the U.S. from September 11, 2001 to 2007. When Representative Patrick Kennedy and I raised this subject with President Musharaf in a December 2007 meeting in Islamabad, he gave a very unsatisfactory answer.

I am available to meet with you or your designee on these subjects.

Sincerely,

ARLEN SPECTER.

Enclosures.

U.S. SENATE,

Washington, DC, September 9, 2009.

Hon. DENNIS C. BLAIR,  
Director of National Intelligence,  
Washington, DC.

DEAR DIRECTOR BLAIR: Congress will be called upon to make important decisions on the war in Afghanistan, whether there is a realistic prospect of succeeding there, and the importance of Afghanistan in stopping al Qaeda from again attacking the United States. In a related matter, in evaluating

foreign aid to Pakistan, Congress needs to know whether Pakistan could be persuaded to aid us in fighting the Taliban. In retrospect, important judgments were made on Iraq without sufficient accurate, factual information. I write to you, the Secretary of State, the Secretary of Defense, and the Director of the CIA (copies enclosed) to obtain that information.

How important is Afghanistan to al Qaeda as a base for another attack on the U.S.?

Does al Qaeda have other bases which would be sufficient for them to plan and facilitate another attack on the United States?

What other areas are open to al Qaeda as potential bases for another attack on the United States?

What does U.S. intelligence show as to any possible plans by al Qaeda to attack the United States or anyone else?

What does U.S. intelligence show as to whether India poses a real threat to attack Pakistan?

What does U.S. intelligence show as to whether Pakistan poses a real threat to attack India?

What does U.S. intelligence show as to whether Pakistan could reasonably devote additional military force to assisting us in the fight against the Taliban?

What does U.S. intelligence show as to whether the government of Pakistan or some influential officials in the Pakistani government would consider negotiating with India for reducing nuclear weapons or other confidence-building measures to defuse the tension with India if actively encouraged by the U.S. to do so?

What does U.S. intelligence show as to whether the government of India or some influential officials in the Indian government would consider negotiating with Pakistan for reducing nuclear weapons or other confidence-building measures to defuse the tension with Pakistan if actively encouraged by the U.S. to do so?

What does U.S. intelligence show on the allegations that President Karzai and his associates acted fraudulently in the recent presidential elections?

What does U.S. intelligence show on the allegations that President Karzai and his associates are involved in illegal narcotics activity?

I am writing an identical letter to Director of the Central Intelligence Agency Leon Panetta.

Thank you for your consideration of this request. I am available to meet with you or your designee for a briefing on these questions.

Sincerely,

ARLEN SPECTER.

Enclosures.

U.S. SENATE,

Washington, DC, September 9, 2009.

Hon. LEON PANETTA,  
Director, Central Intelligence Agency,  
Washington, DC.

DEAR DIRECTOR PANETTA: Congress will be called upon to make important decisions on the war in Afghanistan, whether there is a realistic prospect of succeeding there, and the importance of Afghanistan in stopping al Qaeda from again attacking the United States. In a related matter, in evaluating foreign aid to Pakistan, Congress needs to know whether Pakistan could be persuaded to aid us in fighting the Taliban. In retrospect, important judgments were made on Iraq without sufficient accurate, factual information. I write to you, the Secretary of State, the Secretary of Defense and the Di-

rector of National Intelligence (copies enclosed) to obtain that information.

How important is Afghanistan to al Qaeda as a base for another attack on the U.S.?

Does al Qaeda have other bases which would be sufficient for them to plan and facilitate another attack on the United States?

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What does U.S. intelligence show on the allegations that President Karzai and his associates are involved in illegal narcotics activity?

I am writing an identical letter to Director of National Intelligence Dennis Blair.

Thank you for your consideration of this request. I am available to meet with you or your designee for a briefing on these questions.

Sincerely,

ARLEN SPECTER.

Enclosure.

#### EXHIBIT 1

#### STATEMENT OF SENATOR ARLEN SPECTER— U.S. POLICY REGARDING AFGHANISTAN

Mr. President: I seek recognition today to discuss our military presence in Afghanistan. We went into Afghanistan in 2001 following the barbaric attacks of September 11, 2001. Our forces swiftly toppled the Taliban and denied Al Qaeda leadership the safe haven it had enjoyed in Afghanistan. Both Taliban and Al Qaeda leadership survived the attack and were able to take refuge and reconstitute in the mountainous regions across the border in Pakistan.

The cost of the war has already been high: 821 American servicemembers have died (New York Times—9/16/09) and, according to the Congressional Research Service, \$189 billion appropriated to the Department of Defense, the Department of State, the U.S. Agency for International Development, and the Veterans Administration for medical costs stemming from the war in Afghanistan. By the end of this year, there will be 68,000 American military personnel and an additional 38,000 NATO troops from other countries in Afghanistan (Los Angeles Times—9/4/09).

Today, according to the commander of U.S. forces in Afghanistan, General Stanley McChrystal, the Taliban again poses a serious threat. U.S. military personnel casualties are mounting and the Pentagon is calling for a build-up of U.S. forces there. Before Congress, or at least this member, can take a position on more U.S. troops for Afghanistan, there is a need for answers to critical questions. To help gather information to allow me to make informed decisions, I sent letters last week to Secretary of Defense Robert Gates, Secretary of State Hillary Clinton, Director of National Intelligence Dennis Blair, Director of the CIA Leon Panetta and Chairman of the Joint Chiefs of Staff Michael Mullen posing questions about the current situation in Afghanistan and Pakistan, whether there is a realistic prospect of succeeding there, the importance of the mission in Afghanistan to stopping Al Qaeda from again attacking the United States, and U.S. efforts to engage other regional players such as India to ease tensions in the region [letters attached]. These questions are posed in the context that Congress did not get candid, direct answers to questions posed before the resolution authorizing the use of force in Iraq. Had we known Saddam did not have weapons of mass destruction, the United States would not have gone into Iraq.

The paramount question is whether Afghanistan is indispensable for Al Qaeda as a base for organizing another attack against the United States? If so, the United States must do whatever it takes to stop that from happening, as there is no more important national security interest than protection of our citizens. Additional questions which need to be answered include:

What are the prospects for military success in Afghanistan against Al Qaeda and the Taliban?

What will the requirements be in the next year as to additional U.S. troops and the cost of our involvement in Afghanistan?

What may we reasonably expect NATO or other allies to contribute in troops and dollars to our efforts in Afghanistan?

What other areas around the world are open to Al Qaeda as potential bases for another attack on the United States?

What will be done besides military action, such as nation-building, in stabilizing and developing Afghanistan so that they will be prepared to handle their own problems so that we can withdraw?

What assistance can we reasonably expect from Pakistan in fighting the Al Qaeda and the Taliban and stopping both from seeking refuge by moving in and out of Pakistan?

How does the questionable legitimacy of President Karzai's status as a result of allegations or proof of election fraud impact on our ability to succeed in Afghanistan?

How does the illegal drug trafficking and alleged involvement of high-ranking officials in the Karzai government in such drug trafficking impact on our efforts in Afghanistan?

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What does U.S. intelligence show as to whether Pakistan poses a real threat to attack India?

What does U.S. intelligence show as to whether Pakistan could reasonably devote additional military force to assisting us in the fight against the Taliban?

What does U.S. intelligence show as to whether the government of Pakistan or some

influential officials in the Pakistani government would consider negotiating with India for reducing nuclear weapons or other confidence-building measures to defuse the tension with India if actively encouraged by the U.S. to do so?

What does U.S. intelligence show as to whether the government of India or some influential officials in the Indian government would consider negotiating with Pakistan for reducing nuclear weapons or other confidence-building measures to defuse the tension with Pakistan if actively encouraged by the U.S. to do so?

In prepared testimony before the Senate Armed Services Committee on September 15, 2009, Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, defined the U.S. mission in Afghanistan as:

"... to deny sanctuary to al Qaeda and the Taliban now, and to generate a stable and secure Afghanistan capable of denying al Qaeda return after the withdrawal of our combat forces, and while we sustain partnership and commitment to political and economic development in that nation."

Admiral Mullen later told the Committee: "... a properly resourced counter-insurgency probably means more forces, without question, more time and more commitment to the protection of the Afghan people and to the development of good governance."

While it would be desirable to protect the Afghan people and see Afghanistan develop good governance, that mission alone does not constitute, in my judgment, a vital national security interest that would warrant putting U.S. troops in harm's way. What has not yet been made clear to me is that a larger U.S. military presence in Afghanistan will further our efforts to deny Al Qaeda a base from which to organize and launch attacks against the U.S. Conversely, I worry that further growing our force in Afghanistan risks committing ourselves to a costly counter-insurgency mission focused on building Afghan governmental institutions—a mission that would require years if not decades to prosecute—when what is in our nation's best interest may be a much more streamlined counter-terrorism mission focused on pursuing Al Qaeda leadership in Pakistan, Afghanistan, and elsewhere.

#### SECURING PAKISTAN'S COOPERATION

Understanding that the Taliban and Al Qaeda reside in both Pakistan and Afghanistan, any U.S. strategy in Afghanistan must account for conditions across the border in Pakistan, and Washington must effectively engage Islamabad as well as Kabul. Questions remain, however, about Pakistan's interest in pursuing a sustained campaign against the Taliban and Al Qaeda on its own soil.

Since 2001, the U.S. has given over \$15.5 billion in overt aid to Pakistan, according to the Congressional Research Service, of which \$10.9 billion has been security related. Where has this money gone? According to a December 24, 2007 New York Times article:

"Money has been diverted to help finance weapons systems designed to counter India, not Al Qaeda or the Taliban, the officials said, adding that the United States has paid tens of millions of dollars in inflated Pakistani reimbursement claims for fuel, ammunition and other costs."

I raised this question during a December 27, 2007 meeting in Islamabad with then-president Pervez Musharraf. I asked Musharraf about Pakistan's record following through on its commitments on the \$10 billion in aid granted by the U.S. between September 11, 2001 and 2007 and found his re-

sponse wholly inadequate. There is a new regime governing in Islamabad now, and I think it crucial that Pakistan will participate fully in the fight against Al Qaeda and the Taliban if the U.S. is to finance it.

Before the U.S. sends billions more in aid—both civil and military—to Pakistan, what assurances do we have that it will go to the intended recipients? Dr. Anthony Cordesman, of the Center for Strategic and International Studies, wrote on April 10, 2009:

"Far too much of the military portion of the ... past U.S. aid to Pakistan never was used to help fight the Taliban and al Qaeda or can't be accounted for. Future aid should be clearly tied to clearly defined goals for Pakistani action and full accounting for the money."

Is it possible to get Pakistan to focus on the threat posed by Al Qaeda and the Taliban in its tribal regions when Islamabad perceives an existential threat to lie next door in India? Or, will Pakistan continue to divert U.S. aid to bolster defenses along its Indian border, as alleged in an August 30, 2009 New York Times article, which said:

"The United States has accused Pakistan of illegally modifying American-made missiles to expand its capability to strike land targets, a potential threat to India ..."

I think we need to understand that any re-orientation of Islamabad's strategic calculus—specifically a change of perception that the existential threat lies to its west in the form of Al Qaeda and the Taliban rather than to the east in India—will have to emerge internally. No amount of money we give Islamabad is going to convince it otherwise. The current proposal by Senators Kerry and Lugar to spend \$7.5 billion over five years to strengthen Pakistan's civilian institutions is worth considering, but this alone would not guarantee Pakistan's cooperation in committing fully to the fight against Al Qaeda and the Taliban. More important than giving money, I believe, is the U.S. undertaking to broker a lasting peace between India and Pakistan.

#### TOWARDS AN INDIA-PAKISTAN PEACE

In August 1995, Senator Hank Brown and I were told by Prime Minister Rao in a visit to New Delhi that India was interested in negotiating with Pakistan to make their subcontinent free of nuclear weapons. Prime Minister Rao asked Senator Brown and me to raise this issue with Pakistan's Prime Minister Benazir Bhutto which we did. I then wrote to President Clinton urging him to broker such negotiations. Those discussions are summarized in a letter which I sent to President Clinton:

AUGUST 28, 1995.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistani Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that

she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

After returning to the United States, I discussed such a presidential initiative with President Clinton, but my suggestion was not pursued.

If the current tensions and hostilities between India and Pakistan could be eliminated or reduced, Pakistan might be persuaded to increase its military forces to aid us in the fight against the Taliban. On September 9, 2009, I wrote to Secretary Clinton to urge her to work to mediate dialogue between India and Pakistan in the hope of easing bilateral tensions to enable Pakistan to focus more intently on the problem posed by Al Qaeda and the Taliban along its western border.

#### CONCLUSION

Congress will be called upon to make important decision on the war in Afghanistan that will have consequences for years to come both in Southwestern Asia and here at home. As I said on the Senate floor on October 7, 2002, the authorization of the use of military force is a core duty of Congress which this institution must not delegate to the Executive Branch:

"... the doctrine of separation of powers precludes the Congress from delegating its core constitutional authority to the executive branch. ... Congress may not delegate the authority to engage in war. If we authorize the President to use whatever force is necessary, that contemplates further action. While no one is going to go to court to challenge the President's authority, that is of some concern, at least to this Senator."

Congress must ask the tough questions about what an expansion of the U.S. mission in Afghanistan would accomplish. On October 7, 2002, in the lead up to the authorization of the use of force in Iraq, I raised similar questions on the Senate floor:

"What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequence in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel?"

In retrospect, Congress should have been more diligent and insistent on getting candid, accurate answers to such questions. It would have been a help to President George W. Bush to have had answers to these questions candidly and correctly in determining his policy. It would now be a help to President Obama to have congressional input on posing relevant, tough questions and getting candid, correct answers. While the Constitution gives the President paramount authority as Commander-in-Chief, the Constitution gives the Congress the sole authority to declare war. That congressional authority and responsibility have not been appropriately exercised considering what has happened in Korea and Vietnam and in the resolutions

authorizing the use of force in Iraq in 1991 and 2002, none of which constituted congressional declarations of war.

On the ultimate issue of increased U.S. forces: Congress should not, and this member will not, support a policy of increasing U.S. forces in Afghanistan until such policy is warranted by candid and correct factual information and preferable alternatives cannot achieve the desired objectives.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, could I inquire as to the regular order?

The ACTING PRESIDENT pro tempore. The minority has 30 minutes remaining in morning business.

Mr. INHOFE. I ask when the majority would then be recognized?

The ACTING PRESIDENT pro tempore. The majority has 12 minutes remaining.

Mr. INHOFE. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Madam President, if the Senator controlling the remainder of the majority time would like to reserve his time, I will go ahead and start.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## DEFENSE

Mr. INHOFE. Madam President, as we speak, there is an announcement coming from the White House, it is my understanding, that they are going to cancel the Eastern European sites we have been working on for such a long period of time. I think it is appropriate to quote something I saw many years ago and was foreseen by President Reagan when he was President. He said:

Since the dawn of the atomic age, we have sought to reduce the risk of war by maintaining a strong deterrent and by seeking genuine arms control. Deterrence: Making sure the adversary who thinks about attacking the United States or our allies or our vital interests concludes that the risks to him outweigh any potential gains. Once he understands that, he won't attack. We maintain the peace through our strength; weakness only invites aggression.

I wish people today would understand those words of Ronald Reagan quite some time ago and how prophetic they were as we look right now and see the administration is talking about canceling this program.

I arranged to be in Afghanistan at the time Secretary of Defense Gates announced the budget, I believe last

February, the Obama budget, so far as defense was concerned. I was very much concerned. I was concerned about what happened to the F-22. Initially, we were going to have the only fifth-generation fighter that this country has. We, initially, were going to have 750 of them. He terminated the program at 187.

I was concerned about the termination of the C-17 program. I was concerned about the termination of the Future Combat System. The Future Combat System is the only ground system that has gone through a major change in probably 50 or 60 years. So we will not have that improved ground capability for our young men and women who go into harm's way.

Also, I made the comment that I suspected at that time, when he suspended the radar site in the Czech Republic and the interception capability in Poland, that that was easing into terminating that program. I think we are finding out today he is terminating that program.

On February 3, 2009, Iran launched a satellite, on the 30th anniversary of the 1979 Islamic Revolution. On July 9 of 2008, Iran tested nine missiles, including the Shahab-3, which has a range of 1,240 miles.

I recognize the threat to Western Europe—this wouldn't quite do it. It is 1,240 miles. I think the range in order to be able to get something to Italy would be about 2,000 miles.

On the other hand, we never guess these things right. I remember so well, in 1998, the Clinton administration made a statement in response to a question I asked on August 14, 1998: How long will it be until they have the multiple-stage capability in North Korea? The White House responded it was going to be between 10 and 15 years. Seven days later, on August 13, 1998, they fired it.

This is how far off we are in our intelligence. We don't know. I don't want to guess this thing too close. Riki Ellison from the Missile Defense Advocacy Alliance said:

The Islamic Republic of Iran has just proved for the first time that it has the capability to place satellites in space by successfully launching a 3-stage liquid fueled rocket that has placed two objects in low-Earth orbit. . . Iran has demonstrated the key technologies of propulsion, staging, and guidance to deliver a weapon of mass destruction globally.

I am hoping the White House doesn't come out and say that is launching a satellite. It is the same technology, launching a nuclear warhead. This is getting very serious right now. The U.S. intelligence community has estimated Iran may have long-range ballistic missiles capable of threatening all of Western Europe and the United States by 2015.

Madam President, 2015, that sounds reminiscent of August of 1998, when they said it would be 10 to 15 years. De-

laying this creates all kinds of problems for us. Our credibility in Eastern Europe is something that bothers me. I was recently in the Czech Republic. President Vaclav Klaus—they were cooperative in saying yes. The Parliament debated it and decided we could put a radar site there which would allow us to see something coming in; otherwise, we would not be able to do it. Then, next door in Poland, to have an interception capability—they agreed to do that. Parliament didn't want to do it. They were concerned about Russia's response and a lot of opposition that there might be. The thing I do not understand is why Western Europe is not lining up with us and saying we have to have those two sites. They are the ones who are naked now if we don't have that.

I am very much concerned about that. MG Vladimir Dvorkin, who is the head of the Center for Strategic Forces in Moscow, said: "Iran is actively working on a missile program," adding that Iran is "1 or 2 years" from having a nuclear weapon. This concerns me. We have those individuals we seem to be catering to, the Russians, in order to leave ourselves without a type of defensive system to protect Western Europe and the Eastern United States. It is troubling to me.

In April 2009, North Korea furthered their missile and nuclear development by a Taepodong-2 missile in the China Sea. That has a range of over 2,000—about 2,500 miles. That would reach Rome. That would reach Berlin. There has to be a concern that they have this capability, they have demonstrated this capability very clearly.

NATO leaders stated in December of 2008, last Christmas, that:

Ballistic missile proliferation poses increasing threat to allied forces, territory and populations. Missile defense forms a part of the broader response to counter this threat. We therefore recognize the substantial contribution to the protection of allies from long range ballistic missiles to be provided by a planned development of the European-based United States missile defense assets.

That is what we are talking about. In Poland, the site in Poland would include up to 10 silo-based, long-range interceptors capable of shooting down hostile missiles from Iran in their mid-course. Let's put the chart up here.

A lot of people do not realize this is very sophisticated. Our missile defense system takes into consideration three courses. For the segment here, the boost phase, we don't have anything there yet. We are supposed to be working on it. I was disturbed that one of the things that was terminated by this administration is that effort.

The terminal defense segment is one we are working on right now. The airborne laser in the boost phase is one of the programs I believe the administration is canceling. The site in Poland would include up to 10 silo-based, long-range interceptors. The radar site in

the Czech Republic would house a narrow beam midcourse tracking radar that is currently used by our missile defense system in the Pacific. These are things we know work.

I am very concerned about it. I have not heard the statement from the White House, but I have a feeling we are going to hear the same thing we heard back in 1998, and it is very troubling. This is something that can be—should be an act of desperation in terms of Western Europe at this time.

#### CAP AND TRADE

Having said that, this is some good news. That was the bad news. The good news is we have notice this morning that the Democratic caucus, as reported in Politico, is split over the bill, the cap-and-trade bill we are talking about, with coal-, oil- and manufacturing-State Democrats raising concerns that a cap-and-trade system would disproportionately spike electricity bills for consumers and businesses in their regions.

There is a recognition now that this thing we have been talking about ever since the Kyoto treaty—the threat at that time that they were talking about is now. Everyone realizes that is not what it was. Science has changed dramatically and most scientists now are saying this is something that was overstated that one time.

The cost, though, is the big thing. I quit arguing about the science a long time ago. I gave a speech from this podium not too long ago. If anyone is interested, I ask my colleagues to go to the Web site [inhofe.senate.gov](http://inhofe.senate.gov), where we listed 700 scientists who were on the other side of the issue who are now on the skeptics' side, recognizing the science is not there. David Bellamy from Great Britain is one who was always talking about—he was on Al Gore's side on this thing. After going through and restudying and reevaluating the science, he agreed everything wasn't there.

The same thing is true with leaders in France and Israel. But what we have now is something people do understand and that is the cost of this, the consistent cost. Kyoto's cost, if we lived by the emission standard, would be somewhere, according to the Wharton Econometric Survey, I think it was called back during the Kyoto days, would be between \$300 billion and \$330 billion every year. As bad as the stimulus was, at least that is a one-shot deal and the people would not have to pay for it every year. This will be every year.

Then along came McCain-Lieberman in 2003 and 2005 and the same estimates came about that it would be a \$300 billion tax increase. I remember 1993 when we had the Clinton-Gore tax increase, which was the largest tax increase in three decades.

During that time we looked at it, it was a \$32 billion tax increase: increas-

ing inheritance taxes, marginal rates, capital gains, and all of that. That is only \$32 billion. This is 10 times that size.

Well, the White House was trying to say, and several of them on the other side in our committee—in fact, the chairman of our committee—it is going to cost a postage stamp a day. People are willing to pay for that.

Those postage stamps must be getting pretty expensive. Now we have found out there is an analysis released by the U.S. Department of Treasury that was held down, not released. Now we know what it is. They said the cost would be between \$100 and \$200 billion a year.

The cost—this is according to their figures now—to an American household would be an extra \$1,761 a year. This is their analysis. I think that is right. In fact, we have seen the CRA report that shows the cost of this—and MIT agrees with this, I might add, because they evaluated the Warner-Lieberman bill 12 months ago—right now being closer to \$366 billion a year, with a cost per family, the study has shown, in my State of Oklahoma and in the State of Texas, we would be the highest taxed. It would be \$3,300 a year per family. That is huge. I know the east coast and the west coast is a little bit more than half of that, but still it is a huge tax increase.

Finally, this report that was put together by the Department of Treasury has been released. And they admit it. So we can quit talking about some of these things that are not realistic.

We know what the cost is. We know also the likelihood of it coming up this year is most unusual. I do not think it is going to happen. The Senate majority leader stated, I think 2 days ago, that the Senate may not act on comprehensive energy and climate change legislation.

Senator BEN NELSON from Nebraska, a Democrat, I might add, said: We have enough on our plate at the moment. With the fight over health care reform, it is questionable to open another front.

The Senate majority whip, DICK DURBIN, last week added that: It is a difficult schedule. Members are already anxious about health care reform. So I do not think it is going to come up. And I frankly will be ready here to fight to make sure it does not come up when the new year comes in.

I do not think there are too many people in the Senate who want to go into their reelection in 2010 having voted for the largest tax increase in the history of America. This is exactly what it would be. Let's keep in mind, what was the largest tax increase in the history of America was the 1993 tax increase. This would be 10 times greater than that. And the people now realize that. That was good news today.

#### TRIBUTE TO SENATOR MEL MARTINEZ

Mr. INHOFE. Madam President, I wish to add my comments to a few other comments on Mel Martinez whom we all loved so much. I do not think I have ever seen anyone since Jesse Helms who was loved by so many people as Mel Martinez. He had a way of smiling, and in talking about things in a way that others did not understand. My colleagues have already come to the floor and talked about his escape from Cuba and how he came over and how then he was able to get his father over. It is a story that America will always remember. It will always be in our history books.

He was always such a great guy. He will be missed around here.

One of the things that was not said much about him was his sense of humor. I have to say I enjoyed being around him because he was, in his own subtle way, a very humorous person. I can remember, and I have had the occasion, probably more than any other Member, going into the areas in Iraq and Afghanistan and Africa where there were hostilities. But I was making probably my 12th or 14th trip into Baghdad on a C-130. It happened to be Mel Martinez's first trip. So we were talking about: Once you get out, you are going to run over to the helicopter, and they are going to take you to the Green Zone, all of the things to anticipate. I said to him: One of the problems we are going to have is that when we leave, we have these old C-130E models. They should be re-engined. We should have J models, but we do not. Because of the cuts in the military, we have not been able to upgrade those systems.

So I said: When we climb out of here, it is going to be in a C-130E model. We are not going to be able to climb as high and as fast as we want, and there are surface-to-air missiles out there that we have to be concerned about. And, of course, they are all set up. We have very capable pilots and crews in these C-130s. So I said: We will be well taken care of if something happens. Sure enough, it happened.

The first thing you do when you get out of your helicopter in Baghdad to get on a C-130 to come back to Kuwait or wherever you might be going is you take your helmet, your life jacket, your vest off, because they are so heavy and uncomfortable—you get in there and you take them off. Well, we all did that.

I was sitting up with, as I do quite often, the pilots, when all of a sudden the explosion came, the light was there, and we deployed the heat-seeking devices that are on a C-130. Of course, that is already very loud. Someone who has never gone through that experience before would assume we were about to go down.

I ran downstairs and I saw Mel Martinez sitting there without his helmet,

without his protective vest by him; he had put them back on. I said: Mel, what are you doing putting your vest and your helmet back on?

He said: Well, I assumed that we were going to be shot down. And if Kitty—that is his wife—if she found out that I did not have my vest and my helmet on, she would kill me.

Well, that is Mel Martinez. He had all of those jewels. I think he is going to be missed by a lot of us for all of the reasons we have articulated on the floor.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, how much time is remaining in morning business?

The ACTING PRESIDENT pro tempore. There is 12 minutes remaining.

#### CZARS

Mr. ALEXANDER. Thank you very much. Would the Chair please let me know when I have 1 minute remaining.

Monday on the Senate floor, I expressed my concern about the number of so-called czars in the White House and in the administration. I said then that the number of czars—I believe the number is now 32—is an affront to the Constitution. It is anti-democratic. It is a poor example of what was promised to be a new era of transparency. It is a poor way to manage the government. And it is the most visible symptom of this administration's 8-month record of too many Washington takeovers.

Yesterday, the White House blog and a White House press secretary objected to what I said on Monday, pointing out that I had supported manufacturing czars and AIDS czars 6 years ago. Of course I did; I acknowledged that in my remarks on Monday. As I said Monday, there have always been some czars in the White House and in the government since Franklin D. Roosevelt was President. Some of them were appointed by Presidents, some of them were created by statute, and a few of them were confirmed by the Senate. There's never been anything like we've seen with this administration.

Also on Monday, I joined in a letter from Senator COLLINS, Senator BOND, Senator CRAPO, Senator BENNETT, and Senator ROBERTS, making clear that not every czar is a problem. In that letter, we identified at least 18 czar positions created by the Obama administration whose reported responsibilities may be undermining the constitutional

oversight responsibilities of Congress or express statutory assignments of responsibility to other executive branch officials.

In this letter from Senator COLLINS, in which the rest of us joined, we said: With regard to each of these positions, we ask that you explain: the specific authorities and responsibilities of the position, including any limitations you have placed on the position to ensure that it does not encroach on the legitimate statutory responsibilities of other executive branch officials.

Second, the process by which the administration examines the character and qualifications of the individuals appointed by the President to fill the position.

And, third, whether the individual occupying the position will agree to any reasonable request to appear before, or provide information to, Congress.

The letter goes on to say:

We also urge you to refrain from creating similar additional positions or making appointments to any vacant czar positions until you have fully consulted with the appropriate Congressional committees.

Finally, we ask that you reconsider your approach of centralizing authority at the White House. Congress has grappled repeatedly with the question of how to organize the Federal Government.

We went into some detail about that, and asked respectfully that the President consult carefully with Congress prior to establishing any additional czars.

I ask unanimous consent that this letter from six senators be included in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Senator COLLINS and the five of us who joined in her letter were not the only Senators to be concerned about this issue. On Wednesday, Senator FEINGOLD, the Democrat from Wisconsin, questioned President Obama's policy of policy czars and sent a letter to the President, just as we did. In that letter, Senator FEINGOLD urged the President to release information about the role and responsibility of these czars, which is what we asked him to do in our letter as well.

Senator HUTCHISON of Texas, in the Washington Post on September 13, wrote an excellent op-ed describing how the system of checks and balances is upset by an excessive number of Washington czars who are unconfirmed and unaccountable to the Congress, and who do not answer questions from those of us who are elected to ask such questions.

I ask unanimous consent that Senator FEINGOLD's letter to the President be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2).

Mr. ALEXANDER. On Monday, I pointed out that not only Senator HUTCHISON and Senator COLLINS and the other Republican Senators have these concerns. Now Senator FEINGOLD from the other side of the aisle has raised questions about these czars.

I mentioned this Monday, but I want to repeat it in case the White House press office missed it: Senator BYRD, our President Pro Tempore, widely considered by all of us in the Senate to be the constitutional conscience of this Senate, was the first to write the president expressing concerns over the increasing appointment of White House czars.

In his letter he said:

Too often I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

Senator BYRD went on to say that:

The rapid and easy accumulation of power by White House staff can threaten the constitutional system of checks and balances. At the worst, White House staff have taken direction and control of problematic areas that are the statutory responsibility of Senate-confirmed officials.

Senator BYRD continues:

As Presidential assistants and advisers, these White House staffers are not accountable for their actions to Congress, to cabinet officials, and to virtually anyone but the President. They rarely testify before Congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege.

In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability.

Finally, I ask unanimous consent to print in the RECORD following my remarks a list of 18 new czars created by the Obama administration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. ALEXANDER. I want to make it clear to the White House Press Office that we are focused on those 18 new czars. We recognize there have been czars before, that for the reasons Senator BYRD, Senator HUTCHISON, Senator COLLINS, and others have described. We believe this is too many, and we take seriously our responsibilities under Article II of the Constitution to confirm officials who manage the government, to ask them questions, to approve their appropriations, and to withhold their appropriations when it's appropriate.

We have these positions in the Executive Office of the President; there are 10 of them: Central region czar, Dennis Ross; cyber-security czar, domestic violence czar, economic czar, energy and environment czar, and health czar. Those are some of the biggest issues facing Congress, and here are these czars with authority for policy close to

the President but unaccountable to us. We have a senior director for information sharing policy, urban affairs czar, WMD policy czar, a green job czar, who resigned recently. Those are the positions in the Executive Office of the President, 10 new ones. Then there are eight more that are in departments or agencies, including: Afghanistan czar, auto recovery czar, car czar, Great Lakes czar, pay czar, Guantanamo closure czar, international climate czar, and the border czar.

I described on Monday, as Senator BYRD has said more eloquently, the problems with too many czars. The first problem is the constitutional checks and balances described by Senator BYRD. The second problem is that this is a poor way to manage the government. When I was a young White House aide, I was taught that the job of the White House staff is to push the merely important issues out of the White House so you can reserve to the President the handful of truly Presidential issues for his attention. His job is to set the country's agenda, to see an urgent need and devise a strategy, meet the need and persuade at least half the people he is right. He can do that more effectively if the government is managed by Secretaries and Cabinet officers.

Finally, czars are anti-democratic. Czars are usually Russian, not American. Czars are usually imperialists, not Democrats. The dictionary says czars are autocratic rulers or leaders. That is not consistent with the kind of government we want. It is alien to our way of thinking.

Czars are becoming the most visible symbol of this administration's determination to have an increasing number of Washington takeovers: banks, insurance companies, student loans, car companies, even farm ponds. Some want to take over health care. Many Americans believe we have a runaway government with too many Washington takeovers, and the last thing we need are 18 new czars unaccountable to elected officials whose job it is to check and balance that government.

I am glad in a way that the White House has noticed my comments and those of Senators COLLINS, BENNETT, HUTCHISON, and others. I hope they will respond to Senator COLLINS' letter, to Senator FEINGOLD's request, and to other admonitions. We call on the administration to answer questions posed by these Senators: Who are these czars? What is their role? What is their responsibility? How were they vetted? What limitations are on their positions to make sure they don't encroach on legitimate statutory responsibilities of other executive branch officials, and will they agree to a reasonable request to appear before Congress?

I yield the floor.

#### Exhibit 1

U.S. SENATE, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,

Washington, DC, September 14, 2009.

Hon. BARACK OBAMA,

President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We write to express our growing concern with the proliferation of "czars" in your Administration. These positions raise serious issues of accountability, transparency, and oversight. The creation of "czars," particularly within the Executive Office of the President, circumvents the constitutionally established process of "advise and consent," greatly diminishes the ability of Congress to conduct oversight and hold officials accountable, and creates confusion about which officials are responsible for policy decisions.

To be clear, we do not consider every position identified in various reports as a "czar" to be problematic. Positions established by law or subject to Senate confirmation, such as the Director of National Intelligence, the Homeland Security Advisor, and the Chairman of the Recovery Accountability and Transparency Board, do not raise the same kinds of concerns as positions that you have established within the Executive Office of the President that are largely insulated from effective Congressional oversight. We also recognize that Presidents are entitled to surround themselves with experts who can serve as senior advisors.

Many "czars" you have appointed, however, either duplicate or dilute the statutory authority and responsibilities that Congress has conferred upon Cabinet-level officers and other senior Executive branch officials. When established within the White House, these "czars" can hinder the ability of Congress to oversee the complex substantive issues that you have unilaterally entrusted to their leadership. Whether in the White House or elsewhere, the authorities of these advisors are essentially undefined. They are not subject to the Senate's constitutional "advise and consent" role, including the Senate's careful review of the character and qualifications of the individuals nominated by the President to fill the most senior positions within our government. Indeed, many of these new "czars" appear to occupy positions of greater responsibility and authority than many of the officials who have been confirmed by the Senate to fill positions within your Administration.

With these concerns in mind, we have identified at least 18 "czar" positions created by your Administration whose reported responsibilities may be undermining the constitutional oversight responsibilities of Congress or express statutory assignments of responsibility to other Executive branch officials. With regard to each of these positions, we ask that you explain:

The specific authorities and responsibilities of the position, including any limitations you have placed on the position to ensure that it does not encroach on the legitimate statutory responsibilities of other Executive branch officials;

The process by which the Administration examines the character and qualifications of the individuals appointed by the President to fill the position; and,

Whether the individual occupying the position will agree to any reasonable request to appear before, or provide information to, Congress.

We also urge you to refrain from creating similar additional positions or making ap-

pointments to any vacant "czar" positions until you have fully consulted with the appropriate Congressional committees.

Finally, we ask that you reconsider your approach of centralizing authority at the White House. Congress has grappled repeatedly with the question of how to organize the federal government. We have worked to improve the Department of Homeland Security and bring together the disparate law enforcement, intelligence, emergency response, and security components that form its core. We established the Director of National Intelligence to coordinate the activities of the 16 elements of the Intelligence Community, breaking down barriers to cooperation that led to intelligence failures before the terrorist attacks of September 11, 2001. The bipartisan review by the Homeland Security and Governmental Affairs Committee of the failures associated with the response to Hurricane Katrina led to fundamental reforms of the Federal Emergency Management Agency, improving our nation's preparedness and ability to respond to disasters. In each of these cases, the Congress's proposed solution did not consolidate power in a single czar locked away in a White House office. Instead, working in a bipartisan fashion, we created a transparent framework of accountable leaders with the authorities necessary to accomplish their vital missions.

If you believe action is needed to address other failures or impediments to successful coordination within the Executive branch, we ask that you consult carefully with Congress prior to establishing any additional "czar" positions or filling any existing vacancies in these positions. We stand ready to work with you to address these challenges and to provide our nation's most senior leaders with the legitimacy necessary to do their jobs—without furthering the accountability, oversight, vetting, and transparency shortcomings associated with "czars."

Sincerely,

SUSAN M. COLLINS,  
LAMAR ALEXANDER,  
CHRISTOPHER S. BOND,  
MIKE CRAPO,  
PAT ROBERTS,  
ROBERT F. BENNETT,  
U.S. Senators.

#### EXHIBIT 2

[From the Hill's Blog Briefing Room, Sept. 16, 2009]

#### FEINGOLD QUESTIONS OBAMA 'CZARS'

(By Jordan Fabian)

A liberal senator on Wednesday questioned President Barack Obama's policy "czars" after the senior advisers have taken heat mostly from Republican lawmakers.

Sen. Russ Feingold (D-Wis.) sent a letter to the president requesting the White House release information regarding the "roles and responsibilities" of the "czars." The Senate Judiciary Committee member also requested that the president's legal advisers prepare a "judgment" on the "czars" constitutionality.

Feingold's letter represents one of the first examples of Democratic scrutiny of the president's "czars," who are not required to be confirmed by the Senate.

Sen. Robert Byrd (D-W.Va.), who has been absent from the Senate since experiencing health issues, also expressed skepticism of Obama's use of policy "czars" in February.

Republicans in Congress ramped up criticism of the appointed advisers following the resignation of former green jobs czar Van Jones after his signature was found on a petition implying the Bush administration

played a role in the 9/11 terrorist attacks and making other controversial statements.

Earlier today, Reps. Darrell Issa (Calif.) and Lamar Smith (R-Tex.), the top Republicans on the House Oversight and Government Reform Committee and the House Judiciary Committee respectively, sent a similar letter to White House counsel Greg Craig.

Energy and Environment “czar” Carol Browner, and FCC Diversity “czar” Mark Lloyd have also faced flak after they made other questionable remarks.

THE PRESIDENT OF THE UNITED STATES,  
*The White House,*  
*Washington, DC.*

DEAR MR. PRESIDENT: From the beginning of your administration, you have made an admirable commitment to transparency and open government. You showed the strength of your commitment by sending a memorandum to the heads of executive departments and agencies within a week of your inauguration, stating: “My administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use.”

As you know, there has been much discussion about your decisions to create and assign apparently significant policy-making responsibilities to White House and other executive positions; many of the persons filling these positions have come to be referred to in the media and even within your administration as policy “czars.” I heard firsthand about this issue on several occasions from my constituents in recent town hall meetings in Wisconsin.

The Constitution gives the Senate the duty to oversee the appointment of Executive officers through the Appointments Clause in Article II, section 2. The Appointments Clause states that the President “shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise proved for, and which shall be established by law.” This clause is an important part of the constitutional scheme of separation of powers, empowering the Senate to weigh in on the appropriateness of significant appointments and assisting in its oversight of the Executive Branch.

As a member of the Senate with the duty to oversee executive appointments and as the Chairman of the Senate Constitution Subcommittee, I respectfully urge you to disclose as much information as you can about these policy advisors and “czars.” Specifically, I ask that you identify these individuals’ roles and responsibilities, and provide the judgment(s) of your legal advisors as to whether and how these positions are consistent with the Appointments Clause. I hope that this information will help address some of the concerns that have been raised about new positions in the White House and elsewhere in the Executive Branch, and will inform any hearing that the Subcommittee holds on this topic.

Thank you for considering my views on this important matter. I very much appreciate your commitment to transparency and open government and look forward to your prompt response.

Sincerely,

RUSSELL D. FEINGOLD,  
*United States Senator.*

# EXHIBIT 3

## CZARS

### POSITIONS IN THE EXECUTIVE OFFICE OF THE PRESIDENT (10)

Central Region Czar: Dennis Ross

Official Title: Special Assistant to the President and Senior Director for the Central Region

Reports to: National Security Adviser Gen. James L. Jones

Cybersecurity Czar: TBD

Reported Duties: Will have broad authority to develop strategy to protect the nation’s government-run and private computer networks.

Reports to: National Security Advisor Gen. James L. Jones and Larry Summers, the President’s top economic advisor

Domestic Violence Czar: Lynn Rosenthal

Official Title: White House Advisor on Violence Against Women

Reported Duties: Will advise the President and Vice President on domestic violence and sexual assault issues.

Reports to: President Obama and Vice President Biden

Economic Czar: Paul Volcker

Official Title: Chairman of the President’s Economic Recovery Advisory Board

Reported Duties: Charged with offering independent, nonpartisan information, analysis and advice to the President as he formulates and implements his plans for economic recovery.

Reports to: President Obama

Energy and Environment Czar: Carol Browner

Official Title: Assistant to the President for Energy and Climate Change

Reported Duties: Coordinate energy and climate policy, emphasizing regulation and conservation.

Reports to: President Obama

Health Czar: Nancy-Ann DeParle

Official Title: Counselor to the President and Director of the White House Office of Health Reform

Reported Duties: Coordinates the development of the Administration’s healthcare policy agenda.

Reports to: President Obama

Senior Director for Information Sharing Policy: Mike Resnick

Reported Duties: Lead a comprehensive review of information sharing and lead an interagency policy process to identify information sharing and access priorities going forward. (Perhaps performing functions statutorily assigned to the Program Manager for the Information Sharing Environment).

Reports to: Unknown

Urban Affairs Czar: Adolfo Carrion Jr.

Official Title: White House Director of Urban Affairs

Reported Duties: Coordinating transportation and housing initiatives, as well as serving as a conduit for federal aid to economically hard-hit cities.

Reports to: President Obama

WMD Policy Czar: Gary Samore

Official Title: White House Coordinator for Weapons of Mass Destruction, Security and Arms Control

Reported Duties: Will coordinate issues related to weapons of mass destruction across the government, including: proliferation, nuclear and conventional arms control, threat reduction, and terrorism involving weapons of mass destruction.

Reports to: National Security Advisor Gen. James L. Jones

Green Jobs Czar: TBD (Van Jones—Resigned)

Official Title: Special Adviser for Green Jobs, Enterprise, and Innovation at the White House Council on Environmental Quality

Reported Duties: Will focus on environmentally-friendly employment within the administration and boost support for the idea nationwide.

Reports to: Head of Council on Environmental Quality

### POSITIONS IN A DEPARTMENT OR AGENCY (8)

Afghanistan Czar: Richard Holbrooke

Official Title: Special Representative for Afghanistan and Pakistan

Reported Duties: Will work with CENTCOM head to integrate U.S. civilian and military efforts in the region.

Reports to: Secretary of State (position is within the Department of State)

Auto Recovery Czar: Ed Montgomery

Official Title: Director of Recovery for Auto Communities and Workers

Reported Duties: Will work to leverage government resources to support the workers, communities, and regions that rely on the American auto industry.

Reports to: Labor Secretary and Larry Summers, the President’s top economic advisor (position is within the Department of Labor)

Car Czar (Manufacturing Policy): Ron Bloom

Official Title: Counselor to the Secretary of the Treasury

Reported Duties: Leader of the White House task force overseeing auto company bailouts; worked on the restructuring of General Motors and Chrysler LLC.

Reports to: Treasury Secretary and Larry Summers, the President’s top economic advisor (position is within the Department of Treasury)

Great Lakes Czar: Cameron Davis

Official Title: Special advisor to the U.S. EPA overseeing its Great Lakes restoration plan

Reported Duties: Oversees the Administration’s initiative to restore the Great Lakes’ environment.

Reports to: Environmental Protection Agency Administrator (position is within the Environmental Protection Agency)

Pay Czar: Kenneth Feinberg

Official Title: Special Master on executive pay

Reported Duties: Examines compensation practices at companies that have been bailed out more than once by the federal government.

Reports to: Treasury Secretary (position is within the Department of the Treasury)

Guantanamo Closure Czar: Daniel Fried

Official Title: Special Envoy to oversee the closure of the detention center at Guantanamo Bay

Reported Duties: Works to get help of foreign governments in moving toward closure of Guantanamo Bay.

Reports to: Secretary of State (position is within the Department of State)

International Climate Czar: Todd Stern

Official Title: Special Envoy for Climate Change

Reported Duties: Responsible for developing international approaches to reduce the emission of greenhouse gases.

Reports to: Secretary of State (position is within the Department of State)

Special Representative for Border Affairs and Assistant Secretary for International Affairs (dubbed “Border Czar”): Alan Bersin

Official Title: Assistant Secretary for International Affairs

Reported Duties: Will coordinate all of the Department's border security and law-enforcement efforts.

Reports to: Homeland Security Secretary (position is within the Department of Homeland Security)

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, I am informed that there is 12 minutes remaining on the Democratic side for morning business. I yield back that time.

The ACTING PRESIDENT pro tempore. Time is yielded back, and morning business is closed.

## DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2996, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:*

### TITLE I

#### DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

*For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$965,721,000, to remain available until expended, of which not to exceed \$69,336,000 is available for oil and gas management; and of which \$1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which \$3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.*

*In addition, \$45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from \$6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, \$36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$965,721,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.*

### CONSTRUCTION

*For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$8,626,000, to remain available until expended.*

### LAND ACQUISITION

*For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$28,650,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.*

### OREGON AND CALIFORNIA GRANT LANDS

*For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$111,557,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).*

### FOREST ECOSYSTEM HEALTH AND RECOVERY FUND (REVOLVING FUND, SPECIAL ACCOUNT)

*In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 106-393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.*

### RANGE IMPROVEMENTS

*For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and*

*mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: Provided, That not to exceed \$600,000 shall be available for administrative expenses.*

### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

*For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.*

### MISCELLANEOUS TRUST FUNDS

*In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.*

### ADMINISTRATIVE PROVISIONS

*The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Projects funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the bureau upon receipt of the written commitment. Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to*

a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

#### UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,244,386,000, to remain available until September 30, 2011 except as otherwise provided herein: Provided, That \$2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed \$22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: Provided further, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

#### CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$39,741,000, to remain available until expended.

#### LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$82,790,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601-9, not more than \$1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, \$85,001,000, to remain available until expended, of which \$30,307,000 is to be derived from the Cooperative Endangered

Species Conservation Fund, of which \$5,146,000 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which \$54,694,000 is to be derived from the Land and Water Conservation Fund.

#### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$14,500,000.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401-4414), \$45,147,000, to remain available until expended.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), \$5,000,000, to remain available until expended.

#### MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4214, 4221-4225, 4241-4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301-6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601-6606), \$11,500,000, to remain available until expended.

#### STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$80,000,000, to remain available until expended: Provided, That of the amount provided herein, \$7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That \$5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, after deducting \$12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall, for fiscal year 2010 and each fiscal year thereafter, be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 75 percent of the total costs of such projects and the Federal share of imple-

mentation grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

#### ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, \$2,261,309,000, of which \$9,982,000 for planning and interagency coordination in support of Everglades restoration and \$99,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

##### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$67,438,000, of which \$3,175,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

##### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$74,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which \$20,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

## CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$219,731,000, to remain available until expended.

## LAND AND WATER CONSERVATION FUND

## (RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 4601-10a is rescinded.

## LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$118,586,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$35,000,000 is for the State assistance program and of which \$4,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

## ADMINISTRATIVE PROVISIONS

## (INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

## UNITED STATES GEOLOGICAL SURVEY

## SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activi-

ties; \$1,104,340,000, to remain available until September 30, 2011, of which \$65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$40,150,000 shall remain available until expended for satellite operations; and of which \$7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

## ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

## MINERALS MANAGEMENT SERVICE

## ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, \$175,217,000, to remain available until September 30, 2011, of which \$89,374,000 shall be available for royalty management activities; and an amount not to exceed \$156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent \$156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$156,730,000 shall be credited to

this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That the term "qualified Outer Continental Shelf revenues", as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109-432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: Provided further, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal year 2010 may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, \$10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2010, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach \$10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

## OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

## ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

## REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$127,180,000, to remain available until September 30, 2011: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

## ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$39,588,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects

funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

#### ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

#### BUREAU OF INDIAN AFFAIRS OPERATION OF INDIAN PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$2,309,322,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,915,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$154,794,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$566,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which \$25,000,000 shall be for public safety and justice programs as authorized by the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110-293 (25 U.S.C. 443c); and of which not to exceed \$60,958,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume oper-

ation on or after July 1, 2009, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2012: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$225,000,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and

water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 108-447, 109-379, 109-479, 110-297, and 111-11, and for implementation of other land and water rights settlements, \$47,380,000, to remain available until expended.

#### INDIAN LAND CONSOLIDATION, BIA

For consolidation of fractional interests in Indian lands and expenses associated with re-determining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$3,000,000, to remain available until expended.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$8,215,000, of which \$1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$93,807,956.

#### ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of

October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES  
OFFICE OF THE SECRETARY  
SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$118,836,000; of which not to exceed \$25,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That, for fiscal year 2010 up to \$400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than \$100: Provided further, That for fiscal years 2008 through 2012 the Secretary may reduce the payment authorized by 31 U.S.C. 6901-6907, as amended, for an individual county by the amount necessary to correct prior year overpayments to that county: Provided further, That for fiscal years 2008 through 2012 the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties using current fiscal year funds.

INSULAR AFFAIRS  
ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$81,095,000, of which: (1) \$71,815,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Govern-

ment of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c): Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under Public Law 104-134, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188: Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under section 104(e) of Public Law 108-188, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and sec-

tion 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR  
SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$65,076,000.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$48,590,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$185,984,000, to remain available until expended, of which not to exceed \$56,536,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS  
WILDLAND FIRE MANAGEMENT  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$979,637,000, to remain available until expended, of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and

projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,175,000, to remain available until expended: Provided, That Public Law 110-161 (121 Stat. 2116) under this heading is amended by striking "in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act" and inserting in lieu thereof "including any fines or penalties".

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$6,462,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, \$85,823,000, to remain available until expended: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR  
EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at

a price to members lower than to subscribers who are not members.

#### AUTHORIZED USE OF FUNDS

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

#### REDISTRIBUTION OF FUNDS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

#### TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 4602z.

#### PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Salazar* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Salazar*.

#### ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

#### PROHIBITION ON USE OF FUNDS

SEC. 109. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

#### USE OF COOPERATIVE AGREEMENTS

SEC. 110. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

#### CONFORMING AMENDMENT

SEC. 111. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term "royalty payment" shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

#### PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 112. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

#### OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 113. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable inspection fee, which shall be deposited in the "Royalty and Offshore Minerals Management" account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

- (1) \$2,000 for facilities with no wells, but with processing equipment or gathering lines;
- (2) \$3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and
- (3) \$6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing.

#### YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 114. Section 101(a)(1) of Public Law 109-131 is amended by striking "2009" and inserting "2013".

#### NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 115. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (j)"; and

(3) by inserting after subsection (f) the following:

"(g) REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY IN HERITAGE AREA.—

"(1) NOTIFICATION AND CONSENT REQUIREMENT.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the later of the date on which—

"(A) the management entity of the Heritage Area submits to the owner of the private property a written notification of the proposed preservation, conservation, or promotion; and

"(B) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

"(2) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Area shall immediately be withdrawn from the Heritage Area if the owner of the property submits a written notice to the management entity."

#### PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 116. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term "historic attraction" mean a historic attraction within the Pearl Harbor Naval Complex, including—

(A) the USS Bowfin Submarine Museum and Park;

(B) the Battleship Missouri Memorial;

(C) the Pacific Aviation Museum-Pearl Harbor; and

(D) any other historic attraction within the Pearl Harbor Naval Complex that—

(i) the Secretary identifies as a Pearl Harbor historic attraction; and

(ii) is not administered or managed by the Secretary.

(2) MONUMENT.—The term "Monument" means the World War II Valor in the Pacific National Monument in the State of Hawaii.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) VISITOR CENTER.—The term "Visitor Center" means the visitor center located within the Pearl Harbor Naval Complex on land that is—

(A) within the Monument; and

(B) managed by the Secretary, acting through the Director of the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

(A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a historic attraction within the Visitor Center by—

(i) employees of the National Park Service; or

(ii) the organization that administers or manages the historic attraction.

(2) TERMS AND CONDITIONS.—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

(i) the admission of the public through the Visitor Center to a historic attraction; and

(ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) **USE OF FEES.**—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) **LIMITATION OF AUTHORITY.**—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) **PROTECTION OF RESOURCES.**—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

#### ASSISTANCE FOR THE REPUBLIC OF PALAU

SEC. 117. (a) **IN GENERAL.**—Subject to subsection (c), the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the “Compact”).

(b) **PROGRAMMATIC ASSISTANCE.**—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) **LIMITATIONS ON ASSISTANCE.**—

(1) **IN GENERAL.**—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) **TRUST FUND.**—If the Government of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

#### GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER AMENDMENT

SEC. 118. Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106–113 is amended by striking the last sentence.

#### THEODORE ROOSEVELT NATIONAL PARK, ELK REDUCTION

SEC. 119. None of the funds made available in this Act shall be used to establish or implement a plan to reduce the number of elk in Theodore Roosevelt National Park unless such plan, notwithstanding any other provision of law, allows North Dakota residents possessing a State hunting license to be deputized by the Secretary as rangers in such numbers as the Secretary deems sufficient for purposes of culling the elk herd at the Park, and allows each such volunteer to cull one elk and remove its carcass from the Park.

#### POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

SEC. 120. (a) Prior to the expiration on November 30, 2012 of the Drake’s Bay Oyster Company’s Reservation of Use and Occupancy and associated special use permit (“existing authorization”) within Drake’s Estero at Point Reyes

National Seashore, the Secretary of the Interior shall extend the existing authorization through a lease (or other legal instrument) with the same terms and conditions, except as provided herein, for a period of 10 years from November 30, 2012: Provided, That such extended authorization is subject to the Company’s compliance with all applicable laws and regulations (excepting any that would prohibit the extended authorization) and permit conditions in effect on the date of enactment of this Act with any mutually agreed modifications to such permit conditions, including the maintenance of best practices as outlined in the National Academy of Sciences report expected in fall 2009 regarding (1) shellfish farming in Drake’s Estero, (2) minimizing disturbance of marine mammals, and (3) control and removal, to the extent practicable, of the tunicate “Didemnum”: Provided further, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal.

(b) Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore.

#### CONTRIBUTION AUTHORITY

SEC. 121. Title 43 U.S.C. 1473, as amended by Public Law 110–161 and Public Law 111–8, is further amended by deleting “in fiscal years 2008 and 2009 only” and inserting “in fiscal years 2008, 2009 and 2010 only”.

#### NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

SEC. 122. (a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) **GUIDELINES.**—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(c) **CONSULTATION.**—In conducting the study, the Secretary shall consult with—

- (1) the State of Hawaii;
- (2) appropriate Federal agencies;
- (3) Native Hawaiian and local government entities;
- (4) private and nonprofit organizations;
- (5) private land owners; and
- (6) other interested parties.

(d) **THEMES.**—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

- (1) the significance of the site as a component of World War II;
- (2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and
- (3) historic resources at the site.

(e) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

#### TITLE II

#### ENVIRONMENTAL PROTECTION AGENCY

#### SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall

include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$842,799,000, to remain available until September 30, 2011.

#### ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$9,000 for official reception and representation expenses, \$2,878,780,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than \$478,696,000 shall be for the Geographic Programs specified in the committee report accompanying this Act.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,791,000, to remain available until September 30, 2011.

#### BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$35,001,000, to remain available until expended.

#### HAZARDOUS SUBSTANCE SUPERFUND

#### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,308,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,308,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$9,975,000 shall be paid to the “Office of Inspector General” appropriation to remain available until September 30, 2011, and \$26,834,000 shall be paid to the “Science and Technology” appropriation to remain available until September 30, 2011.

#### LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, \$114,171,000, to remain available until expended, of which \$78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; \$35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the

Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

#### OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

#### STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$4,954,274,000, to remain available until expended, of which \$2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which \$1,387,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That, for fiscal year 2010, to the extent that there are sufficient applications, not less than 20 percent of the funds made available for the Clean Water State Revolving Fund or Drinking Water State Revolving Fund capitalization grants shall be for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; \$10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$15,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; \$150,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; \$101,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; \$60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; \$20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the committee report accompanying this Act; and \$1,111,274,000 shall be for grants, including associated program support costs, to States, federally recognized tribes,

interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which \$49,495,000 shall be for carrying out section 128 of CERCLA, as amended, \$10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, \$18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, \$2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That, for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to Tribes: Provided further, That, for fiscal year 2010, notwithstanding any other provision of law, up to a total of 1.5 percent of the funds provided for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to territories of the United States: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8, the \$300,000 made available to the Village of Crestwood for water storage improvements (as described in the table entitled "Congressionally Designated Spending" in section 430 of that joint explanatory statement) shall be made available to the

City of Quincy, Illinois, for drinking water system improvements.

#### ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

##### (INCLUDING RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110-94, the Pesticide Registration Improvement Renewal Act.

The Administrator is authorized to transfer up to 50 percent of the funds appropriated for the Great Lakes Initiative under the heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants Account, \$40,000,000 are permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### TITLE III

##### RELATED AGENCIES

##### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$307,012,000, to remain available until expended: Provided, That of the funds provided, \$66,939,000 is for the forest inventory and analysis program.

##### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$276,946,000, to remain available until expended, as authorized by law; and of which \$55,145,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,556,329,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): Provided, That, through fiscal year 2014, the Secretary of Agriculture may authorize the expenditure or transfer of such sums as are necessary to the Secretary of the Interior for removal, preparation and adoption of excess wild horses and burros from National Forest System lands and for the performance of cadastral surveys to designate the boundaries of such lands.

CAPITAL IMPROVEMENT AND MAINTENANCE  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$513,418,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That \$50,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: Provided further, That up to \$40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$67,784,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS  
SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND  
EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601-516-617a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and 78-310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST  
AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR  
SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$2,582,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$2,586,637,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, \$350,285,000 is for hazardous fuels reduction activities, \$11,500,000 is for rehabilitation and restoration, \$23,917,000 is for research activities and to make

competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$56,250,000 is for State fire assistance, \$9,000,000 is for volunteer fire assistance, \$17,252,000 is for forest health activities on Federal lands and \$9,928,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That up to \$15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed \$10,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE  
(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7

U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for wildland firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the Committees on Appropriations for the House of Representatives and Senate if the Secretary of Agriculture determines that all emergency fire suppression funds appropriated under the heading "Wildland Fire Management" will be fully obligated within 30 days.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in title IV of this Act.

Not more than \$88,785,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$19,400,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to \$5,000,000 for priority projects within the scope of the approved budget, of which \$2,500,000 shall be carried out by the Youth Conservation Corps and \$2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to \$2,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That, of the Federal funds made available to the Foundation, no more than \$200,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by

the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, \$2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed \$55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Funds provided to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for the 2009–2010 school year of dependents of agency personnel stationed in Puerto Rico, at a cost not in excess of those authorized by the Department of Defense for that same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,639,868,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$779,347,000 for contract medical care, including \$48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That \$18,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to \$32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That \$16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and \$7,500,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$389,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau

of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

#### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$394,757,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed \$2,700,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal

Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121, the Indian Sanitation Facilities Act and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$79,212,000.

#### AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,792,000, of which up to \$1,000 to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

#### OTHER RELATED AGENCIES

##### EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,159,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

##### SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$11,195,000.

##### OFFICE OF NAVAJO AND HOPÍ INDIAN RELOCATION

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none

of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA  
NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$8,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$634,161,000, of which not to exceed \$19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which \$1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2011; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$125,000,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

For the purpose of developing a public-private partnership to facilitate the reopening of the Arts and Industries Building of the Smithsonian Institution, \$30,000,000, to remain available until expended, for repair, renovation and revitalization of the building: Provided, That such funds shall be matched on a 1:1 basis by private donations: Provided further, That major in-kind donations that contribute significantly to the redesign and purpose of the reopened building be considered to qualify toward the total private match: Provided further, That privately contributed endowments, which are designated for the care and renewal of permanent exhibitions installed in the Arts and Industries Building, be considered as qualifying toward the total pri-

vate match: Provided further, That this appropriation may be made available to the Smithsonian Institution incrementally as private funding becomes available: Provided further, That any other provision of law that adjusts the overall amount of the Federal appropriation for this account shall also apply to the privately contributed requirement: Provided further, That the unobligated balances provided under this heading in Public Law 110-161 and Public Law 111-8 are hereby rescinded.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$110,746,000, of which not to exceed \$3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF  
BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$54,499,000, to remain available until expended: Provided, That of this amount, up to \$40,000,000 shall be available for repair of the National Gallery's East Building façade: Provided further, That notwithstanding any other provision of law, a single procurement for the foregoing Major Critical Project may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING  
ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$22,500,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR  
SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$10,225,000.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$161,315,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108-447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$161,315,000, to remain available until expended, of which \$147,015,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including \$9,500,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

The Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$2,294,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That

the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), as amended, \$9,500,000: Provided, That no organization shall receive a grant in excess of \$650,000 in a single year.

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$5,908,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

#### NATIONAL CAPITAL PLANNING COMMISSION SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,507,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

#### UNITED STATES HOLOCAUST MEMORIAL MUSEUM HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$49,122,000, of which \$515,000 for the Museum's equipment replacement program, \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibition design and production program shall remain available until expended.

#### PRESIDIO TRUST

##### PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$17,230,000 shall be available to the Presidio Trust, to remain available until expended.

#### DWIGHT D. EISENHOWER MEMORIAL COMMISSION SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$3,000,000, to remain available until expended.

#### CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106-79, \$16,000,000, to remain available until expended.

### TITLE IV GENERAL PROVISIONS

#### LIMITATION ON CONSULTING SERVICES (INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

#### RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any ac-

tivity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

#### PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 403. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

#### DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 404. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

#### GIANT SEQUOIA

SEC. 405. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

#### MINING APPLICATIONS

SEC. 406. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

#### CONTRACT SUPPORT COSTS

SEC. 407. Notwithstanding any other provision of law, amounts appropriated to or otherwise

designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Laws 110-5 and 110-28), and Public Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329, 111-6, and 111-8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

#### FOREST MANAGEMENT PLANS

SEC. 408. Prior to October 1, 2010, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

#### PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 409. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

#### INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 410. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior should not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor

any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

#### CONTRACTING AUTHORITIES

SEC. 411. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

#### PROHIBITION ON USE OF FUNDS

SEC. 412. None of the funds made available by this or any other Act may be used in fiscal year 2010 for competitive sourcing studies and any related activities involving Forest Service personnel.

#### LIMITATION ON TAKINGS

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

#### HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 414. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, \$8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for cleanup activities at the Treasure Island Naval Station—Hunters Point Annex.

#### EXTENSION OF GRAZING PERMITS

SEC. 415. Section 325 of Public Law 108-108 is amended by striking "fiscal years 2004-2008" and inserting "fiscal year 2010."

#### ALASKA NATIVE HEALTH CARE SERVICES

SEC. 416. (a) Notwithstanding any other provision of law and until October 1, 2011, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village

corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

#### TIMBER SALE REQUIREMENTS

SEC. 417. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

#### COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 418. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001, as amended, is amended in subsection (e) by striking "September 30, 2009," and inserting "September 30, 2014."

#### NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 419. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209, 20 U.S.C. 955), as amended, is further amended as follows:

(1) In the first sentence of subsection (b)(1)(C), by striking "14" and inserting in lieu thereof "18"; and

(2) In the second sentence of subsection (d)(1), by striking "Eight" and inserting in lieu thereof "Ten".

#### PROHIBITION ON USE OF FUNDS

SEC. 420. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

#### GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 421. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems emitting less than 25,000 tons of carbon dioxide equivalent per year.

#### CONGRESSIONALLY DIRECTED SPENDING

SEC. 422. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled "Congressionally Directed Spending" included in the committee report accompanying this Act.

This Act may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010".

Mrs. FEINSTEIN. Madam President, I am pleased to join my colleague, Senator ALEXANDER, in presenting the fiscal year 2010 Interior and related agencies appropriations bill. This is the first year Senator ALEXANDER and I have worked together as chairmen and ranking member of the Interior Appropriations Subcommittee. I am very pleased to report that it could not have been a better experience. We have consulted on several occasions and worked through several different issues. As a result, I think we have produced a fair, balanced, and workable bill. I thank him very much, and his able staff, for all their hard work and cooperation.

In total, the fiscal year 2010 Interior appropriations bill provides \$32.1 billion in nonemergency discretionary spending. That amount is \$4.5 billion above the equivalent 2009 enacted level but \$225 million below the President's request. I wish to stress that. This bill is \$225 million below the President's request.

The reason is to make it consistent with the subcommittee's 302(b) allocation for both budget authority and outlays. Our allocation is substantially lower than that of the House of Representatives. Therefore, our bill is necessarily constrained. We cannot spend above our allocation. So there are going to be several items that will be conferenced in that regard.

Because the committee's report, which spells out all of the funding details, has been publicly available for more than 2 months, I won't go through each and every line item. But I would like to emphasize the great strides we have been able to make in

five critical areas: Water and sewer infrastructure, wildfire suppression and prevention on public land, bolstering our public land management agencies, investment in the Land and Water Conservation Fund, and helping the most vulnerable in Indian Country.

First, in these five key areas, the bill provides \$3.6 billion for water and sewer infrastructure projects. I am proud of this. That is a significant increase over last year's level of \$1.6 billion. In fact, this is the largest single commitment of funds that has ever been provided in an annual appropriations bill.

Let me say something about this. When we look at America's infrastructure, I can say that I am old enough, regretfully—I guess I am delighted I have survived—to remember when everyone could drink water out of every tap anywhere in America. You can imagine what I thought when I saw the front of the New York Times with the young lad from West Virginia with fillings all over his mouth because he couldn't drink water properly out of the tap, when there was other evidence of people in that great State bathing in water that created skin lesions. That should not be the case in the United States. Therefore, this significant increase in water and sewer infrastructure is extraordinarily important.

Additionally, I hope we will have report language in our bill in consultation with the ranking member that will instruct EPA to put much more regulatory authority in the area of water quality so we don't run into these areas. This is something I have not yet had a chance to talk with the ranking member about, but I do intend to do that.

When we factor in the \$6 billion included in the stimulus bill in February, we are providing nearly \$10 billion this calendar year to State and local water authorities. This is a major investment in public infrastructure and one that, as a former mayor, I strongly support and am very pleased to be able, along with my ranking member, to accomplish.

This money will allow State and local water authorities to begin to tackle 1,327 wastewater and drinking water projects all across the Nation. For those who may not be aware, the Environmental Protection Agency, which administers these grants, has estimated that over a 20-year period communities will need to spend \$660 billion—not million—for drinking water and wastewater infrastructure repairs and renovations. Obviously, we can't provide that level of funding during these tough budgetary times. But what we were able to provide, with a reduced allocation, will go a long way toward helping communities tackle their crumbling infrastructure and provide residents with more reliable and cleaner water. It will also have the benefit

of creating thousands of construction jobs to put more Americans back to work.

Secondly, the bill provides \$1.8 billion for wildland fire suppression activities. It is very important that we are providing that level of funding because that is the same amount that has been spent on average in each of the last 3 fiscal years. So for the first time in more than 10 years, we will be providing Federal firefighters the resources they need well before they run out of money. The fact that we are providing this level of funding is extremely important. By appropriating up front what we know is actually going to be needed based on prior experience, we allow the Forest Service and the Interior Department to break the cycle of borrowing from other accounts and then hoping Congress agrees to repay that money. We have been criticized for doing it. It is good, solid criticism. In this bill, it has been remedied.

The bill also includes \$107 million in grants to help State and local cooperators fund their own firefighting and fuels reduction efforts. That is a 2-percent increase over the 2009 level, and it provides \$556 million for hazardous fuels reduction projects on Federal lands nationwide, a 7-percent increase over last year. That is critical.

My State is burning up, as are other States in the West. We lost 1.5 million acres last year from fire. Hazardous mitigation of fuels becomes very critical.

As important as it is to provide our Federal firefighters with the funds they need for suppression, it is just as important that we make these fuel reduction funds available so these agencies can begin to get in front of the problem and prevent these catastrophic wildland fires or at least reduce their catastrophic potential.

The money provided in this bill will allow the Forest Service and the Interior Department to treat 3.5 million acres of fire-prone Federal lands. That is 3.5 million acres of fire-prone Federal land. This will reduce the risk of catastrophic wildfires such as the one being fought right now in southern California.

Let me say something about that fire. The Station fire in southern California is still burning in the foothills of Los Angeles. The fire has swept through canyons that are drowning under decades' worth of dense vegetation. As of Tuesday, the fire has burned 160,000 acres, destroyed 183 homes and other buildings, and cost more than \$90 million to fight. More than 8,000 firefighters have battled the blaze, and, tragically, two firefighters have lost their lives.

The Station fire is now the largest fire in Los Angeles County history. It is also a reminder of how important it is to increase funding for fuels reduction and fire suppression. I am very proud this bill accomplishes both.

Third, the bill shores up our public land management agencies by providing a total of \$6 billion for basic operations and backlog maintenance of our national parks, national forests, national wildlife refuges, and on Bureau of Land Management land.

For too long we have neglected these agencies and forced program cuts on them by underfunding the fixed costs they incur every year. In this bill, fixed costs are fully funded. That is important. Included in these funds are \$2.2 billion for basic operations of our 391 national parks, an increase of \$130 million. These funds will allow the Park Service to continue utilizing the 3,000 seasonal employees who have made a real difference in the condition and enjoyment of our parks. Additional maintenance personnel, additional law enforcement officers, and additional park rangers will all be brought back as a way of enhancing the visitor experience now and preparing our parks for the centennial in 2016.

Our national parks are jewels throughout the United States of America. They cannot be allowed to grow into poor condition. They must be maintained, and they must be operated properly.

Also, I wish to point out that the funding being provided in this bill will allow the Park Service to continue the drug eradication program started last year. I can tell you, in California, this has become a major problem, with literally hundreds of thousands of acres in our national parks taken over by Mexican cartels that have moved into the back areas and set up marijuana production facilities. They are armed. They are dangerous. It has taken the resources of combined task forces—of local, Federal, and State officers—to go in and root out these areas and also to eradicate the planting that has been done. More than \$10 million is being made available so law enforcement personnel can work with other Federal and State agencies to extricate the illegal drug operations that are increasingly invading our national parks.

This effort is not just limited to the Park Service. Included in the \$1.56 billion that this bill provides for operations of the national forests is a new \$10 million increase for the Forest Service's law enforcement program. These funds mean the Service will be able to hire up to 50 new law enforcement officers to battle the epidemic of these marijuana gardens on our public lands.

The bill also contains a \$5 million increase to begin cleaning up more than 25,000 acres of forest lands nationwide that have suffered environmental damage because of these drug—the word is “gardens.” I hate that word applied to these drug projects, so I will say “drug projects.”

Fourth, the bill increases the protection and conservation of sensitive

lands by providing \$419 million through the Land and Water Conservation Fund. Of that amount, \$262 million is set aside for four Federal land management agencies for conservation of sensitive lands that provide habitat to wildlife and recreation to visitors; \$55 million is for conservation easements through the Forest Legacy Program; \$54 million is for acquisitions associated with habitat conservation plans; and \$35 million is for State grants through the Park Service's State Assistance Program.

Finally, the bill helps some of the most vulnerable among us by providing a total of \$6.6 billion for the Indian Health Service and the Bureau of Indian Affairs. That is an 11-percent increase over the 2009 enacted level. The bill includes increases of \$450 million in direct health care services; \$81 million in K-12 and college education programs; and \$83 million in law enforcement programs, which will allow for additional police officer staffing on the streets and in detention centers.

With these funds, more than 10,000 additional doctor visits will take place that would not otherwise happen. This means additional well-baby care to prevent problems before they happen. It means additional alcohol and substance abuse treatment, which is truly a plague in Indian Country. It means additional public health nursing visits so those rural areas are not left out.

Funding provided through the Bureau of Indian Affairs will improve programs and infrastructure at the Bureau's 183 schools. The \$81 million increase in education programs will allow the Bureau to substantially increase the number of schools that meet the Adequate Yearly Progress goals spelled out in No Child Left Behind. For the first time—and I am proud of this—nearly half of all schools will meet this milestone. Additional funding for law enforcement programs will allow the Bureau to increase staffing throughout Indian Country.

But it is not just funding for staff that is going to make a real difference. The bill includes a threefold increase in funds for repair and rehabilitation of detention facilities. Too often, Bureau police officers are forced to spend useless time transporting detainees, sometimes hundreds of miles, to be incarcerated in adequate detention facilities. These funds will allow the Bureau to repair several local facilities so less time is spent in transit.

All in all, I believe Senator ALEXANDER and I have been fair and conscientious in crafting this bill. I urge my colleagues to let us move forward with this measure as soon as possible.

I want my ranking member to know I am very proud of this bill, not only because it is a good bill, it is the first start we have had together. I look forward to more years where we can build our fire suppression, our care and con-

cern for our national parks, the Smithsonian, all the 19 institutions it represents, the Kennedy Center, and all the various Departments we are concerned with in this appropriations bill.

It is necessarily dull to put forward figures, but as both of us have learned from our prior lives, budgets and appropriations condition policy. So I think this is not only a good appropriations bill, but it is a very good policy bill for the Departments that are included within the bill.

It has been a sheer delight for me to work with you, I say to Senator ALEXANDER. Now I would like to defer to the Senator for any comments he might care to make.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from California.

It is a joy for me to work on this legislation because, first, I care so much about it, as she does—this is about the great American outdoors, which is an essential part of our American character—and because of the privilege of working with Senator FEINSTEIN. She has the great advantage of having been a mayor of a big city and she is capable of making a decision and she is results oriented, so we are able to work easily together. It is the way I liked to work when I was Governor. She is broad-gauged and cares about this country and about its environment and its outdoors and about not only protecting and conserving the outdoors but making it possible for Americans—300 million of us—and the people who visit us to enjoy that great American outdoors.

It is always a privilege to be in the Senate, but it is a special privilege to work on the outdoors—the great American outdoors—with Senator FEINSTEIN from California.

Last week, we celebrated the 75th anniversary of the Great Smoky Mountains National Park. I am not objective at all about the Great Smoky Mountains National Park. I grew up there, went hiking there, and I live 2 miles from its border. One reason I care about the trails so much is because I have hiked them. One reason I care about the quality of the air so much is because I breathe it. One reason I care about having enough rangers and making sure their salaries are paid is because I know them. So that helps in my objective.

But there was also a reminder. It was a beautiful day up on Newfound Gap, right on the border of North Carolina and Tennessee. Our mountains in the East are not as big as the mountains in the West. They are older, more mature. But the largest of the mountains in the Eastern United States are along the North Carolina and Tennessee border, 71 miles along the Appalachian Trail, in the Great Smoky Mountains National Park.

So there we were, at about 5,500 feet, at the place where President Franklin

Delano Roosevelt, on the same day in 1940, a few years after the park was formed, dedicated the Great Smokies. But among other things on that beautiful day—and the Secretary of the Interior was there, Ken Salazar. It is good for our Western Secretary to get a good look at the Eastern park. Dolly Parton was there. She grew up in the next county, so she is our special ambassador for the Great Smokies, and there were all the Members of the Congress who were there from the area.

But when we look back 75 years, what did we see? It was 1934. So here we were, in the middle of the greatest depression in our country's history, and what were we doing? Well, in Tennessee, we had the State legislature appropriating \$2 million to buy land from families and from lumber companies to create a park. In North Carolina, they did the same thing. That only made \$4 million. Madam President, \$10 million was needed. So they collected another million dollars from the people of the area.

Schoolchildren put pennies in jars. It is a wonderful story of how they got up to \$5 million. Then one of the early leaders of the group organizing the Great Smoky Mountains National Park convinced John D. Rockefeller, Jr.,—who, I guess, is the grandfather of our Senator ROCKEFELLER—to come; and the Rockefellers gave \$5 million in honor of Laura Spelman Rockefeller, to match the \$5 million the two States and all the people had contributed.

That \$10 million bought the park and gave it to the country. This was not like almost every other park. It was not just carved out of land the people already owned. It was given to the country in the midst of the Great Depression.

The reason I bring up that today is because it is a reminder that even in difficult times we kept our priorities right. India has its Taj Mahal. Rome has its art. England has its history. But we have the great American outdoors. If, as Ken Burns has said, our national parks are America's best idea, we in Tennessee and North Carolina think that must mean the Great Smoky Mountains are the very best idea because so many more people visit it than visit any other park in America.

But what those people did—whether it was the schoolchildren with the pennies, the Governors of the States, the legislators, the people in Asheville, NC, and Knoxville, TN, the civic leaders, whether it was the Rockefeller family—what they did also shows us the foresight of thinking ahead for the benefit of future generations.

In 1934, the assistant chief ranger of this big, new park wrote a memo to the superintendent outlining the wildlife he found there. There were 100 black bears in 1934. There are 1,600 today. There were 315 wild turkeys in 1934.

The other day I saw 21 outside my window 2 miles from the park.

Seventy-five years ago in the Park, there were 12 whitetail deer in Tennessee and only 6 in North Carolina. They are all over the place today. There were no peregrine falcons, no river otters, no elk. They are there today. Twenty-five years ago, when as Governor of Tennessee I spoke at the 50th anniversary of the Great Smoky Mountains National Park, there was no Federal law controlling acid rain, there was no organization called Friends of the Smokies, but both are great successes today. Those Federal laws were passed and Friends of the Smokies has contributed \$30 million. So that celebration two weeks ago reminded us of the foresight 75 years ago. Those examples are everywhere in our culture today.

I am reading Douglas Brinkley's book about Teddy Roosevelt called "The Wilderness Warrior." It is so thick, it will break your back if you carry it around, but it is a wonderful story of how our President, Teddy Roosevelt, during his relatively short term in office, had the foresight to make sure we have many of the wildlife refuges, the national parks, the national forests, and the others we enjoy today. This bill Senator FEINSTEIN so ably described is the responsibility we have as stewards of that great tradition today, to look ahead to the future about preserving and protecting the great American outdoors; looking to the future as Teddy Roosevelt did, as the schoolchildren did in Tennessee, as John Muir did when Yosemite was created, as Lady Bird Johnson did half a century ago. As we look ahead, we should remember that we are custodians of that tradition.

What should we hope for as we work on this bill and we plan ahead? My hope of the future is that we finish cleaning up the air, so in the Great Smokies, we can celebrate the gray haze about which the Cherokee sang instead of seeing smog. I hope we do more to use our nearly 400 national park properties to teach about what it means to be an American so our children and our immigrants can know that story. I hope we can become better students of the remarkable environmental diversity of our country. Just within our Great Smoky Mountains National Park, we have 128 species of trees, as many as they have in all of Europe. I hope we do a better job of creating picturesque entrances and conservation easements to protect the wildlife and the stunning viewscapes that are not only in our parks but near our parks.

I am going to do my best—and Senator FEINSTEIN and I have talked about our concern about this, and I have shared that concern with Secretary Salazar on many occasions, including last week when he visited Tennessee—

I am going to make sure we pay attention to the perils of what some conservationists are calling energy sprawl, so that in our enthusiasm for renewable energy and alternative energy, which we need, we don't place 50-story wind turbines and acres of square miles of solar thermal plants in areas that damage the treasured landscapes we have spent a century trying to protect. It doesn't make sense to destroy the environment in the name of saving the environment.

I hope we can build on the legislation, too, that Congress enacted in 2007 when we expanded exploration for natural gas and oil in the Gulf of Mexico and for the first time created what I like to call a conservation royalty that contributes one-eighth of the revenues that are collected from that drilling. One-eighth of those revenues go to the Land and Water Conservation Fund. In this case, it goes to the State side portion, which is used by communities for local parks and local greenways. Suffice it to say, the most popular parks in America are not the Great Smokies and Yosemite; the most popular parks are the city parks and the community parks and the suburban parks, the parks down the street. The Land and Water Conservation Fund is the source of funding for many of those parks and much of that open space.

In the 1960s, Congress, as a result of a report by the first Commission on American Outdoors that was chaired by Lawrence Rockefeller, recommended that we take some of the money we receive from offshore drilling and exploration and use it for the Land and Water Conservation Fund. We had never really done that, but it makes good sense. It is good stewardship. Where there is an environmental burden, which we sometimes have to authorize, we should pay for it with an environmental benefit. That is the trade between offshore exploration and money for land and water conservation funding to create city parks.

One other thing. I hope we find additional ways, through increased private contributions as well as the kinds of Federal appropriations we talk about today, to support and care for the nearly 400 different national parks properties we have, as well as our other public lands and treasured landscapes and national forests and along our coastlines and our ridgelines in this country.

The Senator from California gave a very thorough statement of the various programs in our bill. I won't repeat all of those numbers, but I do have a handful of observations I wish to make. Obviously, we don't agree on every detail. But we are not here to agree on every detail, we are here to see whether we can produce a result. I believe we have done that. In the process, I thank Senator FEINSTEIN for addressing a number of the concerns I and many of our col-

leagues on the Republican side of the aisle have. She has been terrific to work with in that respect.

As she said, this bill is \$225 million below the President's budget request, even though it is substantially higher than last year's funding levels. I suppose if I were doing this all by myself, I would have spent less money, but that is not the way our system works. We each make our arguments, fight our spending battles, decide on a budget resolution, and we go from there. So I believe Chairman INOUE and the vice chairman, THAD COCHRAN, have allocated the funds made available to the Appropriations Committee by the Senate in a fair and responsible way.

Similarly, with the funds we have had to work with on the Interior bill, Chairman FEINSTEIN and I have made our best judgment and done our best to meet the many competing priorities for the varied programs here. She mentioned some of the good things in the bill, and I wish to underscore just a few.

We have continued the Centennial Initiative started under President Bush by adding over \$130 million to increase park operations in preparation for the national park centennial in 2016. This is a good time to think about the condition of our national parks. Many of us visit them, so we are familiar with their maintenance needs and their personnel needs.

Some are reading the book I mentioned about Teddy Roosevelt, and millions more, starting September 27, will see Ken Burns' film about the national parks called "The National Parks: America's Best Idea." I am confident the film will remind us of how important those parks are to our national character and how determined we are to make sure that over the next several years, as we approach the centennial, we support them properly. That includes the law enforcement rangers who ensure the safety of the public in our parks, the interpreters who explain its history and America's history, and the biologists and scientists who teach us about the plants and animals that live there. This bill helps to expand and improve that experience.

We have also provided necessary increases to pay for the rangers who keep visitors to all of our national forests, wildlife refuges, and other public lands safe; health care professionals who provide medical care; the Indian Health Service teachers who provide education in the Indian community—Senator FEINSTEIN described that. Simply keeping pace with the inflationary pay costs and health benefits for park and forest rangers, Indian health care professionals, and other critical personnel required a \$540 million increase in funding over the last year.

Senator FEINSTEIN talked about fires. It seems as though when we read about fires or see them on television they are

all in California, and our hearts go out to the families who have lost their homes and, a few, their lives as a result of these fires.

But the fires are not all in California. The national Forest Service is busy spending too much of its time on fire protection. It has an effective fire protection unit that is part of its job, but what we have been doing is paying for firefighting the way we used to pay for the Iraq war. We did it off budget. We did it a little later. I congratulate the Administration and Senator FEINSTEIN for putting into this budget the amount of money we think we will actually need to fight fires this year. We have added over \$570 million compared to last year for firefighting and fire prevention programs. I hope that is enough. I hope we have made a budget that allows us to deal with that so we don't find ourselves coming back with supplementary appropriations and so we don't disrupt all of the other important programs in the Forest Service and in the Department of the Interior. As important as the firefighting function is to the U.S. Forest Service, we don't want to turn the U.S. Forest Service into the U.S. fire service.

Let me make one comment about our process. One of the major criticisms of the appropriations process in recent years has been the failure of the Senate to take up each bill individually. This denies the Members of this body an opportunity to offer amendments and help shape the final bill.

It is important to note that this is the first time in 4 years that the Interior bill has been brought to the floor of the Senate as a stand-alone measure for purposes of examination and amendment by all Senators. This is a tribute to Chairman INOUE and Vice Chairman COCHRAN, and I thank Senator REID and Senator MCCONNELL for the fact that we are here today and Senators should now come forward to offer their amendments.

This is the sixth appropriations bill to complete Senate floor action. We are nearly halfway through the process. I believe all of my colleagues share my desire that we are able to complete all 12 individual appropriations bills through the normal order and send them to the President for his signature. It is a much fairer way to operate. It gives those of us who are elected a chance to have our say, and it saves the taxpayer a lot of money by permitting the efficient operation of the government on an orderly, budgeted basis.

Let me close by saying again how much I have enjoyed working with Senator FEINSTEIN and how much I look forward to that privilege in the future.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, if I may, I wish to thank the ranking

member for those very gracious remarks. They are reciprocated in whole. I think his expressions about the bill are very well taken, and we will just proceed from there.

I would like Senators to be fully aware that any amendment which proposes to increase spending in one area of the bill will need to be offset with a commensurate cut in another area. The bill is at its allocation level, and the overall effect of the bill's bottom line must remain neutral. Not to do so is to create a 60-vote point of order against the amendment. So everyone who wishes to offer an amendment should bear that in mind. I think both of us will fight vociferously to see that the financial integrity of our bill is continued.

I very much appreciate Senator ALEXANDER pointing out that this is the first time since 2005 that the full Senate has had an opportunity to consider this bill. Considering the landmarks, the vital aspects of this American government of which people are singularly proud—I mean, we don't hear much criticism about the Federal Government providing national parks or a forest service or an environmental protection agency. So this is a bill of which we are very proud.

I, too, wish to encourage Senators to come to the floor now. We wish to pass this bill as quickly as we can. The floor should be open to amendments.

With that in mind, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

#### AMENDMENT NO. 2394

Mr. JOHANNIS. Madam President, I call up amendment No. 2394.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNIS] proposes an amendment numbered 2394.

Mr. JOHANNIS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Prohibiting use of funds to fund the Association of Community Organizations for Reform Now (ACORN))

On page 240, between lines 13 and 14, insert the following:

#### PROHIBITION ON USE OF FUNDS

SEC. 4 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Mr. JOHANNIS. Madam President, I compliment both Senators who just spoke, the Senator from California and the Senator from Tennessee. You underscore why we are so proud to live in this great country and the importance of these resources.

Also, as a former Secretary of Agriculture, I know the importance of ade-

quate funding for firefighting. Without it, our forests are in serious jeopardy. I wanted to express that.

I rise today to talk about something that is enormously important. Three days ago, I was here on the Senate floor urging my colleagues to vote in favor of an amendment I offered to another appropriations bill, the Transportation and Housing Appropriations bill. The amendment had a very specific purpose. The purpose was to prohibit funds from going to the Association of Community Organizations for Reform Now, known as ACORN.

I am very pleased to report that, in a true display of bipartisanship, 82 of my colleagues joined with me in voting in favor of protecting taxpayer dollars by voting for the amendment.

This was a significant and important vote in this body for a number of reasons. Such a strong bipartisan vote sent a very powerful message that the Senate is serious about eliminating the flow of taxpayer funds to an organization that can best be described as being in an absolute free fall when it comes to allegations of illegal activity—illegal activity that, in many respects, is funded with taxpayer dollars. Senators came to this floor a couple of days ago and they threw aside partisan loyalty in favor of prohibiting funds to an organization besieged by allegations of fraud and corruption and employee wrongdoing.

Bottom line: My colleagues—I am so proud of them—answered the call to defend taxpayers against waste, fraud, and abuse. But because of the limitations of that amendment, our job simply is not complete. Of course, in order to comply with the germaneness rules, we could only do so much with that amendment. Therefore, I come here again today to offer the same amendment to this bill.

The amendment to the T-HUD bill was a first step. The overwhelming vote on Monday stopped the flow of funds for transportation or housing funding that would otherwise go to ACORN.

At least in terms of Senate action, there is more process left there. Unfortunately, ACORN is still eligible to receive Federal dollars from innumerable sources in the Federal budget. That is why I am here today to offer the identical amendment to the Interior Appropriations bill and to call on my colleagues again to stand up for the American taxpayers.

There is unbelievable evidence that ACORN or its estimated 360-plus affiliates could be eligible for Department of Interior funding. The following words appear in the text of this bill 193 times: contracts, grants, nonprofits, and cooperative agreements.

There are so many ways ACORN can receive funds from the Interior bill. For example, ACORN's subsidiaries openly publicize their advocacy for environmental causes.

ACORN groups are heavily involved in community redevelopment, and so is the Department of the Interior. The links are obvious. They are undeniable.

In fact, on page 66 of the bill, you can—just to pull out specific language there included for the Great Lakes restoration project that would give money to nonprofits for “planning, monitoring, and implementing.”

This is a project that President Obama has appointed a specific person to oversee. Do any of us have a certainty that ACORN won't receive any of that money? I certainly don't.

ACORN is able to tap into taxpayer moneys from so many other ways besides competitive grants. They or their web of affiliates are able to work out memoranda of understanding, cooperative agreements, and even subcontracts with the Federal Government.

Additionally, States that receive grants from the Federal Government can funnel money to ACORN affiliates, and there is very little oversight. My amendment will stop that. It will stop the money—the taxpayer dollars—being directed to this group.

The question before us today is whether my colleagues will again come to the floor and say this activity is wrong, it is damning. We need to stand and say that no money will go to a group engaged in this activity.

Last night, I was watching a news program, and yet another videotape surfaced of ACORN employee activity. It was shocking. This videotape displayed someone saying to an ACORN employee that they intended to bring underage minors into this country from other countries for the purpose of engaging in prostitution. There was active involvement by the ACORN employee in how this might happen, even to the extent of describing the contacts that this person had.

I want to say that we cannot relent, just because some taxpayer money was safeguarded, until a full government investigation is launched and completed, and if it turns out with no problem, so be it, but we cannot rest until that is done and we are assured and we can assure our citizens back home that no taxpayer money is being used in this organization.

It doesn't make sense to just stop with the Transportation and Housing Appropriations bill. We need to stand up and prohibit all sources of Federal funding and any possibility of Federal funding going to ACORN.

I will wrap up with a statement of deep respect for what my colleagues did on Monday. I believe it was the right thing to do. It was the right thing to step in here to the floor and cast a vote and say: Enough is enough, it stops here, it stops today.

We need to do everything we can to assure our taxpayers that there is no possibility somebody can access this funding from ACORN. My hope is we

will come together as we did Monday and that we will do the right thing.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I will respond to the Senator from Nebraska. My belief is that we had an amendment yesterday that was passed overwhelmingly by this body, prohibiting the use of Federal funds for ACORN, period. The staff has been researching this bill. We do not believe there are any Federal funds in this bill. I believe if there were a rollcall vote, it would come out essentially the same as it did yesterday.

So I say to the distinguished Senator, both the ranking member and I would be prepared to take this amendment by unanimous consent.

Mr. JOHANNES. Madam President, this is such an important issue. This is an issue that people all across the country are watching on the Senate floor. Therefore, I feel very strongly that if there were ever an opportunity for Senators to come to the floor and cast a vote in a rollcall fashion, this is one to make a very strong statement again about ACORN not receiving this funding.

I appreciate the offer of the Senator from California, but I must insist, because of the nature of what we are dealing with—the claims of alleged wrongdoing, the history of wrongdoing with employees from this organization, the videotapes, the potential to access the funding—that we need a rollcall vote on this issue.

Mrs. FEINSTEIN. If I may, through the Chair to the Senator, to the best of our knowledge, there is no funding in this bill for ACORN. The staff is looking and has found no funding in the bill for ACORN. Therefore, there is a redundancy, and this will have to be done on every single appropriations bill, which doesn't seem to me to make very good sense. I think an 80-plus vote yesterday is a very substantial vote. I think everybody who is interested has access to know—we are trying very hard—and I hope the Senator will not be upset by what I am saying, but we are trying to move our bill, and we will take the Senator's amendment so that the amendment—if there is any funding, it still cannot be used, even without this amendment. So the Senator is covered.

Mr. JOHANNES. Madam President, speaking to my colleague from California, let me say that I appreciate the Senator's offer of accepting this by unanimous consent. I appreciate the Senator's claim that she believes there is no way they can access funding. But I will tell you that I have operated a Federal Department myself—a very large department—where we administered millions and billions of dollars of grants and loans, et cetera. Once that

appropriations bill is passed, the Senator knows and I know that unless there is some real trouble, we are free at the departmental level to pretty much administer the money. So there cannot be a guarantee that they won't get money out of this program.

The second thing I will offer here is this: This is not one of those issues that just comes along. This involves an organization that has had a history of very serious problems. I could not feel more strongly that the American people want us to come to the floor and cast a vote on this issue.

The final thing I want to say is this: I feel this is an important issue. There is a way to solve this problem so that I don't have to come down on every appropriations bill. We will be introducing a bill today—and we have reached out in a very bipartisan way to Democrats and Republicans, asking for people to join in this bill—that says simply that across the entire Federal Government no money for ACORN. My hope is we can pass that bill expeditiously and we can get that into effect.

I would like nothing more than to avoid having to come down here on each and every appropriations bill. Again, I appreciate the offer, but this is an important vote to constituents all across the United States. I think we owe it to them to show how we are going to vote on this issue.

Mrs. FEINSTEIN. Madam President, I wish to signal to all Members that the floor is open. Amendments will be received to this bill. I say to my colleagues, if you have an amendment to the Interior Appropriations bill, please come to the floor.

#### ORDER OF PROCEDURE

Madam President, I ask unanimous consent that the September 16 order with respect to H.R. 3288 be modified to provide that the Senate resume consideration of the bill at 2:30 p.m., with the remaining provisions still in effect. That is the housing and transportation bill. Further, as in executive session, I ask unanimous consent that at 12:30 p.m. today, the Senate proceed to executive session to consider the nomination of Gerard E. Lynch to be a U.S. Circuit Court judge for the Second Circuit; that there be 2 hours of debate with respect to the nomination, with the time equally divided and controlled by Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the nomination be set aside to recur upon passage of H.R. 3288; that prior to the vote on confirmation of the nomination and the Senate resuming executive session, there be 2 minutes of debate equally divided and controlled; that upon confirmation, the motion to reconsider the vote be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the vote in relation to the Johannis amendment No. 2394 occur upon disposition of the nomination of Gerard Lynch and that no amendment be in order to the amendment prior to the vote, with 2 minutes of debate equally divided prior to the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I have just checked with the manager of the bill, Senator FEINSTEIN, and asked to speak for 5 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. DORGAN. Madam President, the other day when our colleagues were talking about our departed colleague, Senator Ted Kennedy, I was not able to be on the Senate floor, and I did want to say just a few words about my friend Ted Kennedy.

I had the pleasure of serving in this Chamber with him for 16 years. He sat back at that desk in the row behind me, and I had many opportunities to spend time and swap stories and talk about public policy with him. I knew him before I came to the Senate. As a very young man, I worked on his brother Robert Kennedy's campaign for the Presidency, and I met Ted Kennedy then. And, I supported Ted Kennedy in his 1980 Presidential campaign and met him then.

When I came to the Senate, from time to time I was invited to go to Hyannis Port to the Kennedy compound and visited there with Senator Kennedy and his family and went sailing with him. To sail with Senator Ted Kennedy was an extraordinary experience. He was a wonderful sailor.

Many things have been said and written about Ted Kennedy over the years, and especially in recent weeks since his death. I don't need to repeat his many accomplishments here in the Senate; my colleagues have done a great job doing that. Those accomplishments spanned 47 years and would take far too long and too much time to detail, and many have done it, as I said.

I will not repeat his love of all things Irish. Everyone understood that. He was a great Irish storyteller. No prouder Irishman in the world, I dare say, than Ted Kennedy.

I don't need to tell of his many acts of thoughtfulness and kindness, large and small, for the powerful and the powerless. They are well-known already as well and, already, much missed.

Many have talked about his wit and his love of storytelling and a good joke. That, too, was Ted Kennedy. Laughing and making people laugh was part of the hallmark of his character. Often when I think of him I think of a booming laughter that filled the entire room when he was full of joy.

I need not talk about his doggedness or his tireless work ethic or his determination, for they, too, were well-known to all of us who worked with him. Those were the pillars upon which he built success after success, often small, but then building and building, step by step, until it was consequential and often big.

Those were also the pillars on which he built decades of relationships. I think those relationships were the keys to understanding the man with whom we served—Ted Kennedy.

It didn't matter whether you were a Republican or a Democrat or an Independent. It didn't matter if you were a businessman or a janitor, young or old, White or Black, rich or poor, powerful or powerless. Ted Kennedy wanted to work with you to try to reach a compromise and see what could be achieved together. He just never, ever stopped; never gave up.

The great American essayist and author, Ralph Waldo Emerson, once said:

The characteristic of heroism is in its persistency. All men have wandering impulses, fits and starts of generosity. But when you have chosen your part, abide by it, and do not weakly try to reconcile yourself with the world.

No one I know in this Chamber was more persistent than Ted Kennedy. He chose his part; he abided by it; he didn't try to reconcile his principles to the moment or to the world; and, he fought and fought for what he believed in and what he thought was right. Sometimes it was very controversial, but he was persistent and fought long and hard until the end.

Even when he was sick and tired and worn out he fought on because he loved his country and he knew his colleagues and others loved this country as much as he did. He knew there was always that common ground, love of country, and he knew that people of good faith, regardless of party and regardless of position, could achieve great things for the country they all loved.

When he was done, he had cast more than 15,000 votes, more than 300 laws bear the name of Senator Ted Kennedy, and he cosponsored more than 2,000

others. That doesn't include the thousands of laws he merely influenced. Much of that work was done on the Senate floor. It was his life's work.

If the Senate was his home, this Senate floor surely was his front porch, where he would let everyone know what was on his mind. When Senator Ted Kennedy, at that desk, was on the Senate floor, you may not have agreed with him, you might not have even cared about the subject before he began to speak, but you had to listen, you had to respond, and you had to take sides.

He was called the lion of the Senate by many. When he was on the floor roaring, it was quite a sight and sound to behold, a sound that moved hearts. It moved minds. It moved this very institution and, indeed, the country itself. He could be quietly persuasive, but on the Senate floor his passion literally poured out of him.

It was said long ago of Daniel Webster, another famous Senator from Massachusetts, that he was "a great cannon loaded to the lips." Well, Senator Kennedy was a great cannon loaded to the lips, and this institution will long miss that passion, those words, his spirit, his love of life, and his love of this institution and our country.

There is an old saying that all men die, but not all men live. Well, surely Ted Kennedy lived. Senator Ted Kennedy lives in our hearts and in his good works and in his life's work, and I just wanted today to join my colleagues in saying: Ted, Godspeed, rest in peace, and all Members of this Senate miss you dearly.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I note that no colleagues are on the Senate floor. The floor is open for amendments, and I would like to urge our colleagues on both sides of the aisle, if you have an amendment, please bring it to the floor.

I thank the Chair. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Madam President, we are on another spending bill, one of the

spending bills we must address during this Congress. I compliment Senator FEINSTEIN and Senator ALEXANDER for their work on this very important bill.

I also want to comment on something that was in the news today, stemming from a comment I made yesterday about some spending issues. I will do it very briefly.

This deals with the issue of the economic recovery or the stimulus package. I voted for that. I didn't vote for the TARP funds, \$700 billion for the financial bailout last fall. But I did vote for the economic recovery or the stimulus program early this year because I believed it was necessary to give the economy a boost.

Frankly, I think this economy is showing signs of beginning to recover, and that is going to be good for all Americans. There are a lot of important investments being made in this economic recovery program, investments in building and repairing roads and bridges and many other investments in infrastructure around this country that at the end of the day will both put people to work and result in important assets for this country.

Yesterday, I made a point about one particular project that is being funded with stimulus funds, and I want to make sure everyone understands the point I made. Part of some stimulus funds were dedicated to the northern border ports of entry, smaller ports of entry between the United States and Canada. The specifications for these ports of entry were developed in 2002 and 2006, under the previous administration, by the Department of Homeland Security. So when money began to be allowed under the stimulus program to invest in the northern border ports of entry, the specifications created by the previous administration were going to drive how much was spent.

As I looked into it, I realized that these requirements were completely out of balance. The requirements would create a common footprint at small ports of entry and require the expenditure of, on average, \$15 million for a small port of entry in circumstances where, on average, only five vehicles an hour were coming through the port of entry. I believed that was excessive.

That was not Secretary Napolitano's call. That was not something she did. That comes from the requirements from that agency that were developed in 2002 and 2006. So I asked Secretary Napolitano to take a look at that, and suspend the projects pending a review, and she immediately said, yesterday, let's review that, let's do a 30-day review.

First of all, I want to say thanks to the Secretary. I think that is exactly the right action. I didn't know these were the set of requirements that were going to drive that kind of funding. But, frankly, waste is waste.

Of the 22 northern border ports of entry that are slated to be demolished

and rebuilt, 9 of them are in my State. Much of this money would be spent in my State. But I do not think that much of this spending is justified because I believe those requirements must change.

I agree that we should ensure that small port of entry have adequate security. I will support investment to upgrade those facilities where it is really necessary to do so. But I do not believe it is appropriate, nor do I believe Secretary Napolitano nor my colleagues here in the Congress believe it will be appropriate upon review, to spend \$15 million on average at ports of entry where you have five vehicles an hour coming through the port. That is way out of balance. It makes no sense to me.

My comments were portrayed in some press accounts as some sort of criticism of the Congress for passing stimulus legislation aimed at economic recovery. It is not a criticism of that. A lot of that stimulus spending is necessary and is lifting the economy and creating an asset and people in jobs or putting people back to work. I think that makes sense. But it also makes a lot of sense for all of us to very carefully scrutinize how this is done, where it is done, whether it is a good investment, and whether it is fair to the taxpayers.

I will say again, I appreciate the fact that the Secretary is doing this review. I give her credit for doing that. My hope is that at the end of the review, she will conclude, as I do, that we cannot spend money that way. Those requirements that were created in 2002 or 2006 were excessive. You can have adequate security at these small ports that have five vehicles coming through per hour, without spending \$15 million to demolish and rebuild each of these facilities. It is simply too much money.

I understand that perhaps some people in my State will be a little upset if they stood to gain from nine of those ports being upgraded. I am all for making investments that are the right kinds of investments, to upgrade ports at the northern border. But I do not believe we ought to waste money, and I think that is what would happen with the requirements that were created in 2002 and 2006.

Let me make one final point. I can understand, perhaps, why someone might be tempted to create extraordinary requirements. In 2002, we were in the shadow of the terrorist attacks of 2001. I understand how that might have made somebody create a set of requirements that now seem to be way out of whack.

The fact is that we need to have a secure Northern border, but we also have to use common sense. If in 2002 and 2006 there were design specifications drawn up that today would cost \$15 million per port of entry, at facilities that receive only a few vehicles per day, I say

this needs to be carefully reviewed. Let's now review those judgments and make sure that we are truly increasing border security, and that we are not wasting the taxpayers' money.

I wanted to reiterate that my statements yesterday were not a general comment on the Economic Recovery Act. A lot of good, important investments are being made that create jobs and create real assets for this country. But I think all of us should be vigilant and look at situations such as this and where change is necessary, to require and make those changes. In this case, I believe the right kind of change could save a couple of hundred million dollars, and I think that is important. Even if that saving and less spending comes in my State, I believe that is important.

Years and years ago, a Federal courthouse was to be built in my State. I believed the amount of money that was proposed to build it was twice as much as was necessary, and here in Congress I cut the money in half. In the end, they built a perfectly good courthouse for slightly less than half of the funds that had been originally proposed. I think all of us have stewardship requirements to the taxpayer, and that is why I wanted to amplify on what I talked about yesterday.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering H.R. 2996, Interior Department appropriations.

Mr. LEAHY. Am I correct that at 12:30 we will go to the nomination of Judge Gerard Lynch to the U.S. Court of Appeals for the Second Circuit?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, prior to going to that, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HAROLD HOWRIGAN

Mr. LEAHY. Mr. President, I rise today to remember one of Vermont's greatest citizens, dairy farmer, and American, my good friend, Harold Howrigan.

Harold passed away at the age of 85 at his home in Fairfield, VT, on September 7, 2009. He was surrounded by his loving family, long and extended and wonderful family.

Harold was a family man. This large extended family included his wife of 56

years, Ann, and three sons and two daughters, 12 grandchildren. He had an optimist's outlook on life. He had a knack for storytelling that cast a spell over everyone in his presence.

Many of his stories were about growing up in a family with nine other siblings, reared by William and Margaret Howrigan on their hillside farm in Vermont. I can think of more than one occasion when Marcelle and I would be there. We would be listening to one of these stories, and I knew that we might be late for the next thing, but I didn't want it to end. I wanted to hear what else he had to say.

Harold was a man who seemed to accomplish more each year than most of us do in a lifetime. He built his Fairfield, VT farm to over 1,000 acres, including the land that had been worked by his family since the mid 1800s.

It is now tended by the next generation of Howrigans. I remember him as a dynamic man, as genuinely comfortable in his public duties as he was in the dairy parlor or out splitting wood. In addition to running the farm and tending to the family he loved so much, he accepted leadership roles in dozens of civic and agricultural organizations from local to national in scope. He moderated the Fairfield town meeting right up to this year. The town meeting is a sacred institution in Vermont. A town wants to make sure they have the very best and the fairest and the most knowledgeable to be their moderator. It also helps when you have somebody with an Irish sense of humor. This is a position of distinction in any Vermont town.

He was director of the St. Alban's Cooperative Creamery for 25 years and president for another 20. He was appointed by three Governors, both parties, to the Vermont Milk Commission. He was also a local and national leader among maple sugar makers. He served on University of Vermont advisory boards and on county commissions. All the while he tended the fire in the Fairfield sugar house each year and he got the cows milked each day and sang for 60 years on the choir at church. The church, of course, is named, as you would expect in a town full of Irish immigrants and descendants, St. Patrick's.

Nationally, he was a director of the National Milk Producers Federation for 20 years and chairman of the National Dairy Board. In addition to his work on dairy, he was a local and national leader for the maple industry, a prolific sugar maker. I know Marcelle and I and our children, when we were having something at the farm that called for maple syrup—and in our family, that is just about anything from English muffins to pancakes—everybody's eyes would light up if we knew it was Howrigan syrup.

Notwithstanding his prodigious service to his community, his profession

and his country, his greatest impact was probably felt through his personal relationships with his family and what he considered, I think, all of Vermont, his extended family. As a friend, he was a trusted adviser on agricultural issues over several decades. I know Senator Jeffords also valued his friendship and advice and Governors consulted him regularly. But as dad and grandpa to a large, active family, he cultivated two new generations of Vermont dairy farmers and maple sugar makers.

We could talk about all the different things he did, but it still does not give a picture of the man. He was known for a deep and spirited Irish pride, a sentiment I obviously share. I find myself comparing that other great Irish American and dear friend, Teddy Kennedy, whose recent loss I also mourn. But I also treasure the trip my wife Marcelle and I took with Harold to Ireland. There he felt he was truly in the Promised Land. We would walk about the streets of Dublin or small towns nearby. He was so proud of his family's Irish heritage, he never stopped smiling throughout his visit.

The day of his funeral, last week, Marcelle wore an Irish pin we purchased with him in Ireland. I, of course, wore a green tie in his honor. I watched his grandsons wearing some of the Irish ties Harold had owned. I listened to his son and daughter and grandchildren talk about him, capturing him in his stories and his nature. I think about the very last conversation I had with him just weeks before he died. In all these things, he never asked for anything for himself. He always asked me to watch out for other people. He led by quiet example and hard work and kindness and love.

I, along with the State of Vermont and many across the United States and across the Atlantic, will miss Harold. He was a dear friend, truly a great American. Similar to all Vermonters, I express my sympathy to his family and I say: Goodbye, Harold, my dear friend.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

NOMINATION OF GERARD E. LYNCH TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate, equally divided, between the Senator from Vermont and the Senator from Alabama or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, today the Senate finally considers the nomination of Gerard Lynch to the Second Circuit. I take particular interest in this because my own State of Vermont is part of the Second Circuit. I am a member of that bar, and I have argued cases before that court.

This is a nomination reported out of the Judiciary Committee over 3 months ago, on June 11 unanimously by voice vote. There were no dissents. When that occurred and the ranking Republican member said such glowing things about Judge Lynch, I assumed his nomination was going to be confirmed right away as we did with President Bush's nominations in similar situations. Now it is nearly 3 months later. In almost unprecedented fashion, someone who has had the strong support of both the chairman and ranking Republican of the committee is still on the Executive Calendar.

Judge Lynch has served as a highly respected Federal judge from New York for almost a decade. He has impeccable legal credentials. His nomination received the highest possible rating from the ABA's standing committee on the Federal judiciary, unanimously voted "well qualified."

The Senate can and must do a better job of restoring our tradition, a tradition followed with Republican Presidents and Democratic Presidents, of regularly considering qualified, non-controversial nominees to fill vacancies on the Federal bench without needless and harmful delays. We should not have to overcome filibusters and spend months seeking time agreements to consider these nominations. The American public wonders what is going on here.

It is imperative that we move to fill the growing number of vacancies throughout the Federal courts. These vacancies have already risen to over 90, including 21 on the circuit courts. I have been here with six Presidents. I cannot remember a time we have been this late in the year and, even though nominations have been made, nobody has been confirmed, all because of holds by the Republicans. Do they object so much to having President Obama as President that they will hold up well-qualified judges? These are supposed to be nonpartisan, outside the political area.

This alarming spike in vacancies is only further fueled by delays and inaction. In addition, 26 future vacancies

have been announced. At this rate, as I said at the judicial conference this week with the Chief Justice and leaders of the Federal judiciary, the Federal judicial vacancies will soon be close to 120 unless we start acting on these nominations in a responsible and fair manner. These nominations should not be something where Republicans or Democrats might score political points. Our inaction on these nominations hurts the average American. They do not care about the politics. They want Federal courts that are going to work. They do not want cases delayed because we have vacancies in the Federal court that we could easily be filling.

I do not think most Americans, when they go into a court, say: I am here as a Republican or a Democrat. They go in and say: I am here as a plaintiff or defendant. They are there to seek justice, not to find out there is nobody in the courthouse because the minority party does not want President Obama filling vacancies.

During the last Presidency, we worked very hard to fill vacancies. When I chaired the Senate Judiciary Committee and we had a President of the other party, we were able to reduce overall vacancies by two-thirds, from over 100 down to 34. We were able to reduce circuit court vacancies to single digits. Today, because we are blocked from getting judges through, because Republican Senators will not give this Democratic President the same courtesies we gave a Republican President, those vacancies have nearly tripled. In the 17 months I served as Senate Judiciary Committee chairman during President Bush's first term, the Senate confirmed 100 of the President's judicial nominations. So far this year, 9 months into the year, we have not confirmed a single Federal district judge or circuit judge. In fact, Judge Lynch will be the first.

Despite the fact that President Obama sent his first judicial nomination to the Senate 2 months earlier than President Bush, despite the fact that judicial nominees have the support of Republican home State Senators, despite the fact that the Judiciary Committee has reported favorably five judicial nominees to the Senate for final action, and despite the fact that judicial nominees have been pending on the Senate calendar for more than 3 months, we have not been able to reach agreement before today to vote on a single judicial nominee for either a district court or a circuit court.

The first of President Obama's nominations, that of Judge David Hamilton to the Seventh Circuit, was made in March. It has been on the Executive Calendar since early June, despite the support of the most senior of Senate Republicans, Senator LUGAR. The nomination of Judge Andre Davis on the Fourth Circuit was reported by the

committee on June 4 by a vote of 16 to 3 but has yet to receive Senate consideration. We should not further delay Senate consideration of these well-respected, mainstream Federal judges.

During the last Congress, we reduced Federal judicial vacancies from 10 percent, under Republican control of the Senate during the Clinton administration, to less than half that level. We cut circuit vacancies from 32 to less than 10 last year. Ironically, during President Bush's two Presidential terms, more nominees were confirmed with a Democratic Senate majority than a Republican majority, and in less time. I am urging Republican Senators to work together with the President to fill vacancies in the Federal bench.

I hope that Republican Senators do not seek to return to the practices of the 1990s that more than doubled circuit court vacancies. The crisis they created led to public criticism of their actions by Chief Justice Rehnquist during those years. It is not a good sign that already this year Republican Senators threatened a filibuster of the Deputy Attorney General and pursued five filibusters, including one for Elena Kagan, the Solicitor General, one for Harold Koh to be the Legal Adviser to the State Department, and another that was finally broken just last week on Cass Sunstein, who heads the White House Office of Management and Budget's Office of Information and Regulatory Affairs. Nor is it a good sign that in March every Republican Senator signed a letter to the President threatening filibusters of his judicial nominees before they were even nominated.

We are supposed to be the conscience of the Nation in the Senate. If a Senator does not like a particular nominee, vote against him or her. But these are nominees that will probably pass unanimously.

I hope, instead, that both sides of the aisle will join together to treat the nominees of President Obama fairly. I made sure that we treated President Bush's nominees more fairly than President Clinton's nominees had been treated. We should continue that progress rather than ratcheting up the partisanship and holding down our productivity with respect to Senate consideration of judicial nominations. Our demonstrated ability to work together to fill judicial vacancies will go a long way toward elevating public trust in our justice system.

Another troubling sign is the refusal of every Republican Senator to cosponsor the comprehensive judgeship bill. Last week I reintroduced that legislation embodying your nonpartisan recommendations for 63 judgeships needed around the country. Not a single Republican Senator would cosponsor the bill. Even traditional cosponsors with whom I have worked for years would not join. Not one of the 18 Republican

Senators whose states would benefit from additional judges yet supports the bill. For that matter, Republican Senators obstructed the hearing on a similar bill last summer, after they had requested the hearing. As we pass legislation that is leading to increased workloads in the Federal courts, we need to be cognizant of the increasing workloads and needs of the Federal courts.

Judge Gerard Lynch began his legal career as a Federal prosecutor in the U.S. Attorney's Office for the Southern District of New York, where he investigated and prosecuted white collar and political corruption cases, and argued complex criminal appeals. Through his exemplary hard work and considerable skill, he rose to be chief of the criminal division in the Southern District of New York, where he managed the office's criminal cases and supervised well over 130 Federal prosecutors. Judge Lynch has also served as a part-time associate counsel for the Office of Independent Counsel and as a counsel to a Wall Street New York law firm.

He also has impeccable legal credentials. Judge Lynch graduated *summa cum laude* and first in his class from both Columbia Law School and Columbia University. He clerked for Justice Brennan on the Supreme Court of the United States and Judge Feinberg on the Second Circuit Court of Appeals. Judge Gerard Lynch began his legal career as a Federal prosecutor in the U.S. Attorney's Office for the Southern District of New York, where he investigated and prosecuted white collar and political corruption cases, and argued complex criminal appeals. Through his exemplary hard work and considerable skill, he rose to be chief of the criminal division in the Southern District of New York, where he managed the office's criminal cases and supervised well over 130 Federal prosecutors. Judge Lynch has also served as a part-time associate counsel for the Office of Independent Counsel and as a counsel to a Wall Street New York law firm.

He also has impeccable legal credentials. Judge Lynch graduated *summa cum laude* and first in his class from both Columbia Law School and Columbia University. He clerked for Justice Brennan on the Supreme Court of the United States and Judge Feinberg on the Second Circuit Court of Appeals.

While maintaining a full judicial caseload, Judge Lynch has also been a distinguished legal scholar who has received praise as one of the country's outstanding law professors. For over 13 years, he taught criminal law, criminal procedure, and constitutional law as the Paul J. Kellner Professor of Law at Columbia University's School of Law. For 5 years, Judge Lynch also served as the vice dean of that fine legal institution. He is nationally known as a criminal law expert and has received numerous honors, including the distinction of being the first law professor

to receive Columbia University's President's award for outstanding teaching.

Judge Lynch's nomination has received numerous letters of support, including strong endorsements from public officials and law professors across the political spectrum. Otto G. Obermaier, who served as President George H.W. Bush's U.S. attorney for the Southern District of New York, supports Judge Lynch's candidacy to the Second Circuit and called him a person of "superior judgment and intelligence" who is "intellectually gifted." Professor Henry P. Monaghan, the Harlan Fiske Stone Professor of Law at Columbia University, writes that Judge Lynch "is everything you want in a judge: fair, tough-minded, enormously experienced, highly intelligent, and apolitical" and his addition to the Second Circuit would "strengthen" that court. He has the support of the Senators from New York.

I congratulate Judge Lynch and his family on his confirmation today.

Mr. President, I suggest the absence of a quorum.

I withdraw that request. I see the distinguished senior Senator from New York in the Chamber, a man who works so extremely hard in the Senate Judiciary Committee, who has worked night and day for Judge Lynch, who has made sure we all realize what impeccable credentials he has.

I yield to the Senator, but I ask, first, unanimous consent that if there are quorum calls, the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, first, I thank our chairman and leader, Senator LEAHY, for not just moving this very qualified nominee forward but for his diligence and steadfastness and patience as we try to move judges to the floor. Senator LEAHY, as everyone in this Chamber knows, is a very fair-minded person. He always goes out of his way to allow people to have their time to speak. We had this in the Judiciary Committee this morning. He has done an amazing job trying to move our judges through. I hope those on the other side of the aisle will hear his heartfelt plea that we stop all these dilatory tactics.

Having said that, today is a very good day because I am so pleased to rise in favor of the nomination of the first appointment by President Obama to a Federal appellate court that this body will consider. If Judge Gerard Lynch is any indication of the quality and temperament and intellectual firepower of judges whom President Obama intends to nominate, then my friends on both sides of the aisle should have reason to rejoice today.

As Chairman LEAHY has already noted, Judge Lynch was referred out of

committee by a unanimous voice vote. Even my friend and colleague Ranking Member SESSIONS was able to support Judge Lynch despite having opposed his nomination to the district court bench in 2000.

Judge Lynch, who currently sits as a U.S. district judge in the Southern District of New York, comes to us today for confirmation much as he did in 2000 for his first confirmation: with an unimpeachable record of moderation, consistency, intelligence, and dedication to exploring all facets of complex legal questions. But since then, he has amassed an impressive record of moderation and thoroughness. In his 9 years on the bench, he has issued nearly 800 opinions, has tried nearly 90 cases to verdict, and has been overturned by the Second Circuit only 12 times—and one of those times, the Second Circuit was, in turn, reversed by the U.S. Supreme Court.

There should not be any doubt that Judge Lynch is not an ideologue. His opinions and his writings show moderation and thoughtfulness. He is pragmatic. His peers and those who practice before him have found him to be both probing and courteous—in sum, very judicial in his temperament.

In response to questions before the Senate Judiciary Committee in 2000, Judge Lynch said:

A judge who comes to the bench with an agenda, or a set of social problems he or she would like to solve, is in the wrong business.

As his record has shown, Judge Lynch is in the right business.

I have said many times that my criteria for selecting good judges are three: excellence—they should be top of the line legally; moderation—judges should not be too far right or too far left; and diversity.

As is somewhat known, despite the fact that President Bush and I clashed on Supreme Court nominees and some of these circuit court nominees, within New York and within the Second Circuit we had a very amiable arrangement where he would nominate two and then we would get—Senator Clinton and I would get to nominate one. We each had veto power on the other.

I am proud to say that Judge Lynch was one of my first choices to put on the district court bench. It was because of the recommendations of his peers, the lawyers with whom he practiced, and just how good the general legal community thought he was.

That stands true today. He still, more than ever before, meets the qualifications of excellence, moderation, and diversity.

There is no question of his excellence. He was first in both his classes at Columbia, undergraduate and law school—first, not even second or third. Pretty good. His opinions are scholarly, and one that was overturned by the Second Circuit was lauded by the panel as "a valiant effort by a conscientious district judge."

There is also no question that Judge Lynch is, in fact, a moderate. His impressively low reversal rate should give the lie to any argument that he is outside the legal mainstream.

Now, the rap on Judge Lynch in 2000 among those 36 who voted against him was that he would be an "activist." This view rose from out-of-context outtakes from two law review articles he had written. I repeat now what I said then: In both of these articles, then-Professor Lynch expressed the moderate view that the Constitution cannot as a practical matter remain frozen in the 18th century—the Constitution should not be expanded but it must be interpreted.

To illustrate my point about why Judge Lynch should be accepted as a paragon of moderation, I want to read two quotes.

First:

Text is the definitive expression of what was legislated.

Second:

A text should not be construed strictly, and it should not be construed leniently; it should be construed reasonably, to contain all that it fairly means.

The second quote was written by Associate Justice Antonin Scalia. The first quote was from our nominee, Judge Lynch.

So the entirety of Judge Lynch's copious opinions and rulings bears out the conclusion that he does not intend to legislate from the bench. He has been the definition of law enforcing and justice seeking. He has ruled for the State against prisoners, but he has also ruled that the State must protect the due process rights of those it seeks to detain. He has sentenced defendants convicted of horrible crimes to life without parole, and he has also expressed concern when he thinks a sentence might be too long—while imposing the sentence in complete accordance with the law. He has issued complex and scholarly opinions in securities and antitrust cases. Judge Lynch imposed the sentence that was required by law.

In sum, Judge Lynch is excellent, and he represents moderation.

Now let me say a word about diversity. Judge Lynch obviously is not a nominee who fits this bill. But I want to note another kind of diversity that I believe deserves mention. Before he went on the bench, Judge Lynch sought out opportunities to be more than a smart professor living in an ivory tower. He spent 5 years in the U.S. Attorney's Office in the Southern District of New York as Chief of the appellate section and Chief of the Criminal Division. He worked as counsel to a prominent law firm. He took numerous pro bono cases. In short, he lived the life of a real lawyer while teaching and writing. Driven by his own conscience, he even registered for the draft during the Vietnam war rather than seek a college

deferment. Very few do that. This is someone who has sought out a diversity of experiences which he now brings to the table as a judge.

I look forward to this new chapter in Judge Lynch's service to our country. I hope he will get a unanimous vote, or close to it, from the Members of this Chamber.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. CASEY. Mr. President, as you can tell from the chart on my left, I rise today to speak about the issue that is probably the No. 1 challenge we face in the Congress today, which is debating and devising solutions for the improvement of our health care system in so many ways. I rise today to talk about some aspects of that and especially not only where we are headed in terms of focusing on both those with insurance and those without insurance but also to focus on some of the goals here.

From the beginning, both President Obama and Members of Congress have focused on a couple of priorities—first of all, to reduce costs. We cannot go forward with any health care bill that does not do that, and I think we will do that.

We have to reduce costs, but we also have to ensure choices. We have to continue to give the American people the kind of choice they should have a right to expect and give them a sense of a peace of mind in terms of what that choice will mean. We ought to make sure this bill, for example, leads to the following conclusion: You get the treatment you need from the doctor you choose. I think we can do that in the Congress.

Thirdly, I think we have to make sure, as we are controlling costs and ensuring choice, that we ensure quality and that we put both quality and prevention in the final bill. They are in the bill I voted for already this summer.

The Health, Education, Labor, and Pensions Committee, as people know, debated all summer, with hours and hours and hours of debate, accepting Republican and Democratic amendments, sometimes not agreeing, but we voted out a bill that did a lot of what I just talked about. It focused on making sure we are covering more Americans. It protected Americans who have coverage.

So many people, as the Presiding Officer knows—whether it is in the State of Illinois or the State of Pennsylvania or any State in the country—even those with insurance, are not secure,

even those with insurance feel a sense of instability, a lack of control over their own destiny, sometimes because an insurance company says: We are going to deny you coverage because of a preexisting condition. Why have we permitted that? Why have we tolerated that year after year? Instead of just talking about preventing them from doing that, why haven't we literally made it illegal for an insurance company to do that? We are going to make sure this year we do not just talk about it but we legislate about it and make that part of our law.

So we will go through some of those issues, but the first thing I want to highlight is where we are headed if we do not do anything.

There are some people in Washington who, to be candid or blunt about it, want to scratch their heads for a couple more years or maybe 10 more years.

Here, as shown on this chart, is where we are headed by one estimation. The New America Foundation is the source for this information. But here we are in 2008. When you talk about the cost of an annual premium, OK, it is roughly—and actually we found out the other day that number is a little higher—we can say it is a little more than \$13,000 for family coverage. If you look between 2008 and 2016—just 8 years in that estimation, and we are already into 2009—that premium will rise by more than 83 percent. Why should we allow that to happen when we know we can do something about it this year? So that is one way to look at this in terms of the cost of doing nothing.

Also, often people with insurance will say: Well, I have some problems with my insurance. I worry about a preexisting condition, I worry about exorbitant out-of-pocket costs, and I am glad you are working on that and I will support that part of the bill. But they say: Look, if I have coverage, I am worried about giving millions of more Americans coverage without some adverse effect to those who have coverage.

Well, let's look at this chart for a little bit of a discussion about this topic: families paying 8 percent surcharge on premiums. If we look at this chart, what this red or red-orange part of the chart shows is a \$1,100 hidden tax to cover the cost of uncompensated care for the uninsured. So the idea that those with insurance right now are not paying for those without insurance is ridiculous. Fortunately, in Pennsylvania, that number is a little lower, but it is still 900 bucks. So the idea that somehow if we change the system, improve the existing system, build upon what works but improve the system, that somehow that is going to adversely impact in a cost sense those with insurance—the Center for American Progress did this research—this chart and others show if you have in-

surance today, you are paying for those without insurance. Right now you are paying for them. We know that right now.

So, if anything, broadening the number of Americans who have coverage will actually reduce costs. It will be one of the contributors, I should say, of reducing costs—not the only way but one of the ways we do that.

Let me go to the next chart which is a depiction in very simple colors, red and green, about what the existing system does adversely as it relates to women. There are a lot of things that insurance companies do today that we don't like and we have complained about, but now we can do something about it. One is a preexisting condition problem and another one is the out-of-pocket costs and another one is how often insurance policies definitively discriminate against some Americans.

This map shows in the orange or red section: gender rating allowed. In other words, insurance practices that lead to policies in States that result in discrimination against women. So you want this chart to show all in the green States where gender rating is banned.

What we would like to do with our legislation, one of the goals—and it is in our bill and in the bill we passed this summer, the Affordable Health Choices Act—is to make sure the whole country is green on this issue, green in the sense that we have banned gender rating; that an insurance company can't say, when they are trying to determine how they make up their policy, that if you happen to be a woman, a policy would discriminate against you.

Unfortunately, Pennsylvania is a State that has permitted this discrimination, along with all of these other States. So we ought to have a national standard. Very simply: No more discriminating insurance policies against women. It is that simple, folks.

What I voted for this summer in the bill we passed was this, along with other provisions. So that is something we shouldn't just talk about for another year or 2 or 5 or 10; let's do something about this now. Let's make this practice illegal this year, and we can do it with the legislation.

The next one is an enlarged version of some language. I mentioned preexisting conditions in my remarks today, and we are going to keep mentioning this because this is a reality for millions of Americans in the individual market, the people who have to go it alone. They are not part of the big pool of people getting insurance. They have to go it alone to get insurance. They are the ones who are often most adversely affected by preexisting conditions. Why should we tolerate that?

The other point about this chart is, I purposefully put legislative language on it because a lot of people here want to say: Well, this legislation and language gets complicated. Admittedly,

some of it does, but this is pretty easy. This is in the bill we passed this summer. I will just read this one sentence. Anyone can understand this. This isn't some complicated legislative language:

A group health plan and a health insurance issuer offering group or individual health insurance coverage may—

We know what they are; we know exactly what we are talking about here—not impose any preexisting condition exclusion—

That is in our bill—

with respect to such plan or coverage.

Let's do it this year. Let's make it illegal for insurance companies to do this to an individual or to a family or to those who happen to be employees of a small business.

So some of this debate gets lost in detail, but this is very simple language taken right out of the bill.

Let's go to the next one and our final chart before I conclude. I am going to spend more time on this issue, but I just wanted to spend a couple of minutes on this issue.

What happens at the end of this road with regard to health care as it pertains to children, especially children who happen to be poor or children with special needs? What will happen? At the end of the road, when we pass a bill and send it to the President and he signs it—and that is what I hope will happen, of course—will poor children and children with special needs be better off or worse off? That is still a question. That is still an open question we are debating right now.

Children are different than those of us who happen to be adults. They are not smaller versions of adults; they are different. Their treatment needs are different. We have to give them different kinds of preventive care. In Medicaid, for example, we give what they call early periodic screening and diagnostic testing, known by the acronym EPSDT. We focus on the special needs of children and give them early diagnosis, early treatment. That is what I am talking about in general. So they aren't small adults. It seems like a simple concept, but we have to say it more than we do. It is clear they have different needs, particularly the ones who are the most disadvantaged. The poor are the ones who could potentially be a lot sicker with the threat of sickness and disease. We make sure they get the highest quality care throughout their childhood. That is a resolution I introduced as a statement of policy.

So we are going to continue to debate not just a question of bringing down costs—that is central to what we are trying to do—not just a question of quality, and not only the question of enhancing choice and giving people some stability over their own lives with insurance and those who don't have insurance, giving them some af-

fordable choices—that is all important, and we are going to spend a lot more time on those questions, but another question we have to address is, what happens at the end of the road for poor children or children with special needs?

The rule ought to be very simple: No child in those categories, no child worse off. Four words: No child worse off at the end of this.

So we will have a lot more time to continue to debate the legislation and a lot of these important issues. I think the American people want us to act. They don't want us to just debate and not get something done.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MISSILE DEFENSE

Mr. MCCAIN. Mr. President, I rise today to express my deep disappointment with the administration's decision to cancel plans for fully developing missile defenses in Eastern Europe. This decision calls into question security and diplomatic commitments the United States has made to Poland and the Czech Republic. I believe it has the potential to undermine American leadership in Eastern Europe.

Given the strong and enduring relationships we have forged with the region's Nations since the end of the Cold War, we should not take steps backward in strengthening these ties. Yet I fear the administration's decision will do just that, and at a time when Eastern European nations are increasingly wary of renewed Russian aggression.

The administration's decision to abandon these sites comes at a time when the United States is in the midst of negotiations with Russia on reducing strategic nuclear weapons. Russia has long opposed the planned missile defense sites in Europe and has on numerous occasions tried to link reductions in offensive strategic nuclear arms with defensive capabilities such as missile defense. In fact, President Putin, on many occasions, has stated in very belligerent tones his opposition to this agreement that was already made between the United States and Poland and the Czech Republic.

The United States should reject the Russian attempt to further this argument and capitalize on these ongoing negotiations.

As rogue nations, including North Korea and Iran, push the nuclear envelope and work tirelessly to develop weapons capable of reaching America and its allies, we must aggressively develop the systems necessary to counter such belligerent efforts and enhance our national security, protect our troops abroad, and support our allies. Enhancing missile defense capabilities

in Europe is an essential component to addressing threats we currently face and expect to face in the future. As Iran works to develop ballistic missile capabilities of all ranges, the United States must reaffirm its commitments to its allies and develop and deploy effective missile defense systems.

I wish to point out two important factors. The United States of America does not believe missile defense systems are in any way a threat to any nation. They are defensive in nature, and I believe they were a key component and factor in ending the Cold War.

Intelligence assessments apparently have changed rather dramatically since January 16. According to Eric Edelman, the Under Secretary of Defense for Policy under Secretary Gates during the Bush administration, intelligence reports on the Iranian threat as recently as January of this year were more troubling than what is being portrayed by the current administration. Mr. Edelman maintains that:

Maybe something really dramatic changed between January 16 and now in terms of what the Iranians are doing with their missile systems, but I don't think so.

You know what. I don't think so either. I think the fact is that this decision was obviously rushed. The Polish Prime Minister, according to news reports, was called at midnight. The agreement was made and ratified by these countries after consultation, discussion, and a proper process. They were not even notified of this decision. The decision to abandon the missile defense sites in Poland and the Czech Republic came as a surprise to them.

I understand that administration officials were on a plane supposedly to arrive in Poland today. I might add that Members of Congress were also not briefed on this decision prior to reading about it in the newspaper. I was not informed. I didn't know what "new technology" was being recommended to be put in the place of the agreement. As short a time ago as August 20, the United States said:

The United States is committed to the security of Poland and of any U.S. facilities located on the territory of the Republic of Poland. . . . The United States and Poland intend to expand air and missile defense cooperation—et cetera.

We all know the Iranian ballistic missile threat is real and growing. We all know the administration is seeking the cooperation and help of the Russians. Now we will see. Now we will see.

Why was this agreement rushed into—or the abrogation of an agreement? Why the abrogation of this agreement between the United States with Poland and the United States with the Czech Republic rescinded in such a dramatic and rushed fashion? We all know the Iranian ballistic missile threat is real and growing. How many times have the "intelligence estimates" been wrong dating back to

and including the Cold War? As many times as they have been right, I tell my colleagues—whether it be their assessment about the war in Iraq or whether it be the capabilities of many of our adversaries, including the Korean buildup, which we have been consistently wrong on.

The last administration reached out to the governments of Poland and the Czech Republic and asked that they make what many at the time perceived as an unpopular agreement. Despite threats from Russia, both governments recognized the importance such a defense capability would provide to their citizens and to Europe as a whole and agreed to allow the United States to place ground-based interceptors in Poland and a midcourse radar site in the Czech Republic. What are these countries going to do the next time we want to make an agreement with them, in view of the way this decision was made and announced or, shall I say, made known to the media before they were even told about it. It will be very interesting to see what we get in return.

According to a Christian Science Monitor's global news blog:

"We see this as a pragmatic decision," says Pavel Zolotaryov, deputy director of the official institute of USA-Canada Studies, suggesting that internal U.S. factors mainly account for Mr. Obama's choice. "Obama's sober approach is understandable, given the [economic] crisis, because this project would have given nothing but trouble."

If it sounds like Moscow has already discounted this sweeping strategic concession from Washington, experts suggest that's because Russia's foreign policy establishment had been expecting such a decision, at least since Obama hinted that he might give up the missile defense scheme during his summit with Russian President Dmitry Medvedev in Moscow last July.

"We've been getting signals since last Spring that made it seem almost certain that the missile defense plan would be set aside," said Fyodor Lukyanov, editor of *Russia in Global Affairs*, a leading Moscow foreign policy journal.

The Russians seem to have anticipated this decision. Unfortunately, the Polish Government and the Czech Government did not. Members of Congress were certainly not informed of this decision until after reading about it in the media. That is not the way to do business. I think it sends the wrong signal to the Russians and to our friends and allies.

There are consequences with every decision. I believe the consequences of this decision may—albeit unintentionally—encourage further belligerence on the part of Russians and a distinct lack and loss of confidence on the part of our friends and allies in the word of the United States and the commitments of the United States of America.

I ask unanimous consent that articles in the Wall Street Journal and the Christian Science Monitor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 17, 2009]

**U.S. TO SHELVE NUCLEAR-MISSILE SHIELD—  
DEFENSE PLANS FOR POLAND, CZECH REPUBLIC  
TO BE DROPPED AS IRAN ROCKET  
THREAT DOWNGRADED; MOSCOW LIKELY TO  
WELCOME MOVE**

(By Peter Spiegel)

WASHINGTON.—The White House will shelve Bush administration plans to build a missile-defense system in Poland and the Czech Republic, according to people familiar with the matter, a move likely to cheer Moscow and roil the security debate in Europe.

The U.S. will base its decision on a determination that Iran's long-range missile program has not progressed as rapidly as previously estimated, reducing the threat to the continental U.S. and major European capitals, according to current and former U.S. officials.

The findings, expected to be completed as early as next week following a 60-day review ordered by President Barack Obama, would be a major reversal from the Bush administration, which pushed aggressively to begin construction of the Eastern European system before leaving office in January.

The Bush administration proposed the European-based system to counter the perceived threat of Iran developing a nuclear weapon that could be placed atop its increasingly sophisticated missiles. There is widespread disagreement over the progress of Iran's nuclear program toward developing such a weapon, but miniaturizing nuclear weapons for use on long-range missiles is one of the most difficult technological hurdles for an aspiring nuclear nation.

The Bush plan infuriated the Kremlin, which argued the system was a potential threat to its own intercontinental ballistic missiles. U.S. officials repeatedly insisted the location and limited scale of the system—a radar site in the Czech Republic and 10 interceptor missiles in Poland—posed no threat to Russian strategic arms.

The Obama administration's assessment concludes that U.S. allies in Europe, including members of the North Atlantic Treaty Organization, face a more immediate threat from Iran's short- and medium-range missiles and will order a shift towards the development of regional missile defenses for the Continent, according to people familiar with the matter. Such systems would be far less controversial.

Critics of the shift are bound to view it as a gesture to win Russian cooperation with U.S.-led efforts to seek new economic sanctions on Iran if Tehran doesn't abandon its nuclear program. Russia, a permanent member of the U.N. Security Council, has opposed efforts to impose fresh sanctions on Tehran.

Security Council members, which include the U.S. and Russia, will meet with Iranian negotiators on Oct. 1 to discuss Iran's nuclear program.

Current and former U.S. officials briefed on the assessment's findings said the administration was expected to leave open the option of restarting the Polish and Czech system if Iran makes advances in its long-range missiles in the future.

But the decision to shelve the defense system is all but certain to raise alarms in Eastern Europe, where officials have expressed concerns that the White House's effort to "reset" relations with Moscow would come at the expense of U.S. allies in the former Soviet bloc. "The Poles are nervous," said a senior U.S. military official.

A Polish official said his government wouldn't "speculate" on administration de-

cisions regarding missile defense, but said "we expect the U.S. will abide by its commitments" to cooperate with Poland militarily in areas beyond the missile-defense program.

Last week, Russian Foreign Minister Sergei Lavrov said he expected the Obama administration to drop the missile-defense plans. He said that Moscow wouldn't view the move as a concession but rather a reversal of a mistaken Bush-era policy.

Still, the decision is likely to be seen in Russia as a victory for the Kremlin. Russian President Dmitry Medvedev will meet with Mr. Obama at next week's meetings of the U.N. General Assembly and Group of 20 industrialized and developing nations.

Although a center-right government in Prague supported the Bush missile-defense plan when it was first proposed, the Czech Republic is now run by a caretaker government. A Czech official said his government was concerned an announcement by the White House on the missile-defense program could influence upcoming elections and has urged a delay. But the Obama administration has decided to keep to its original timetable.

European analysts said the administration would be forced to work hard to convince both sides the decision wasn't made to curry favor with Moscow and, instead, relied only on the program's technical merits and analysis of Iran's missile capabilities.

"There are two audiences: the Russians and the various European countries," said Sarah Mendelson, a Russia expert at the Center for Strategic and International Studies. "The task is: How do they cut through the conspiracy theories in Moscow?"

The Obama administration has been careful to characterize its review as a technical assessment of the threat posed by the Iranian regime, as well as the costs and capabilities of a ground-based antimissile system to complement the two already operating in Alaska and central California. Those West Coast sites are meant to defend against North Korean missiles.

The administration has also debated offering Poland and the Czech Republic alternative programs to reassure the two NATO members that the U.S. remains committed to their defense.

Poland, in particular, has lobbied the White House to deploy Patriot missile batteries—the U.S. Army's primary battlefield missile-defense system—manned by American troops as an alternative.

Although Polish officials supported the Bush plan, U.S. officials said they had indicated their primary desire was getting U.S. military personnel on Polish soil. Gen. Carter Hamm, commander of U.S. Army forces in Europe, said Washington has begun talks with Polish officials about starting to rotate Europe-based American Patriot units into Poland for month-long training tours as a first step toward a more permanent presence.

"My position has been: Let's get started as soon as we can with the training rotations, while the longer-term stationing . . . is decided between the two governments," Gen. Hamm said in an interview.

For several years, the Pentagon's Missile Defense Agency has been pushing for breaking ground in Poland and the Czech Republic, arguing that construction must begin so the system would be in place to counter Tehran's emerging long-range-missile program, which intelligence assessments determined would produce an effective rocket by about 2015.

But in recent months, several prominent experts have questioned that timetable. A

study by Russian and U.S. scientists published in May by the East-West Institute, an international think tank, downplayed the progress of Iran's long-range-missile program. In addition, Gen. James Cartwright, the vice chairman of the Joint Chiefs of Staff and an expert in missile defense and space-based weapons, said in a speech last month that long-range capabilities of both Iran and North Korea "are not there yet."

"We believed that the emergence of the intercontinental ballistic missile would come much faster than it did," Gen. Cartwright said. "The reality is, it has not come as fast as we thought it would come."

It is not an assessment that is shared universally. Eric Edelman, who oversaw missile-defense issues at the Pentagon as undersecretary of defense for policy in the Bush administration, said intelligence reports he reviewed were more troubling.

"Maybe something really dramatic changed between Jan. 16 and now in terms of what the Iranians are doing with their missile system, but I don't think so," Mr. Edelman said, referring to his last day in office.

There is far more consensus on Iran's ability to develop its short- and medium-range missiles, and the administration review is expected to recommend a shift in focus toward European defenses against those threats. Such a program would be developed closely with NATO.

[From the Christian Science Monitor, Sept. 17, 2009]

#### RUSSIA'S RESPONSE TO U.S. MISSILE DEFENSE SHIELD SHIFT

(By Fred Weir)

MOSCOW HAS LONG OPPOSED A MISSILE SHIELD IN POLAND AND THE CZECH REPUBLIC. BUT THE U.S. SHOULDN'T EXPECT TOO MUCH IN RETURN

MOSCOW.—President Barack Obama's decision to shelve plans for a missile defense shield in Eastern Europe could be seen as a major concession to Moscow. But given years of vehement opposition to the controversial plan, Russian reaction to the move appears surprisingly lukewarm.

So what does it mean for U.S.-Russia relations?

There are indications that Russia might support tougher sanctions on Iran, and fresh START talks, as well as more cooperation with the war in Afghanistan. The Kremlin also expects the U.S. to back off on expanding NATO, say Russian analysts.

"We see this as a pragmatic decision," says Pavel Zolotaryov, deputy director of the official Institute of USA-Canada Studies, suggesting that internal U.S. factors mainly account for Mr. Obama's choice. "Obama's sober approach is understandable, given the [economic] crisis, because this project would have given nothing but trouble."

If it sounds like Moscow has already discounted this sweeping strategic concession from Washington, experts suggest that's because Russia's foreign policy establishment had been expecting such a decision, at least since Obama hinted that he might give up the missile defense scheme during his summit with Russian President Dmitry Medvedev in Moscow last July.

"We've been getting signals since last Spring that made it seem almost certain that the missile defense plan would be set aside," says Fyodor Lukyanov, editor of Russia in Global Affairs, a leading Moscow foreign policy journal.

#### NEW ARMS DEAL NOW WITHIN REACH, BUT CONCESSIONS ON IRAN?

Mr. Lukyanov says the only predictable result of key importance is that negotiations for a new strategic arms reduction treaty to replace the soon-to-expire 1991 START accord are now likely to meet the December deadline for a fresh deal.

"Now we can be sure the new START agreement will be completed on time, because the vexing issue of missile defense and how it affects the strategic balance has been removed for the time being," he says. "That's quite an important matter."

But while Russian experts say the move can only contribute to a warmer dialogue between Moscow and Washington, they say no one should expect any reciprocal concessions from the Kremlin on issues of key concern to the U.S., such as Iran.

#### WHY RUSSIA HAS OPPOSED MISSILE DEFENSE

Washington has consistently argued since news of the proposed missile defense shield emerged in 2006 that it was intended to protect Europe and the U.S. from a rogue missile attack from Iran or North Korea and not to undermine Russia's strategic deterrent.

Moscow has retorted that those threats are merely theoretical, but Russia's dependence upon its aging Soviet-era nuclear missile force for its national security would be deeply affected if the American scheme were to go forward.

"Iran isn't going to have any long-range missiles in the near future anyway," says Alexander Sharavin, director of the independent Institute of Military and Political Analysis in Moscow.

"The U.S. evidently doesn't want to quarrel with Russia, now that Moscow is collaborating in such areas of importance to the U.S. as Afghanistan," where Moscow has enabled a resupply corridor through former Soviet territory to embattled NATO forces, and offered other forms of cooperation, he says.

#### RUSSIANS EXPECT ANOTHER U.S. CONCESSION—ON NATO EXPANSION

Mr. Lukyanov says "it's possible" Russia may be more pliable on the issue of tough sanctions against Iran, a measure it has strongly resisted in the past. He says that in a recent meeting with foreign policy experts, President Medvedev introduced a new tone by remarking on his contacts with Arab leaders who are deeply worried about Iran's alleged drive to obtain nuclear weapons.

"It may be that Russia will be more amenable, but this is a deeply complicated issue," he says. "On Iran, and other regional conflicts, the differences between Moscow and Washington are deep, and that hasn't changed."

Russian experts also say they believe the Obama administration will quietly set aside the other issue that has infuriated Moscow over recent years: the effort to expand NATO into the former USSR by including Ukraine and Georgia.

"I wouldn't expect any formal statements to this effect, but it's more or less clear that the issue of NATO enlargement is off the table for the time being," says Lukyanov.

#### POSTPONED, NOT CANCELED

So why isn't sunshine breaking and a new era of strategic accord dawning between Moscow and Washington?

"Nothing has been canceled, missile defense has just been postponed," says Lukyanov. "For awhile this topic is off the agenda, but later it will return. So, for now the political situation may improve, but the underlying pattern of relations is unlikely to change in any basic way."

And Russian hawks might see the dropping of the missile shield as weakness in Washington and press the Kremlin for even less compromise on key U.S.-Russia issues.

"I think the reaction of Russia's leadership will be positive on the whole," says Mr. Sharavin. "But Russian hawks are very likely to find faults, and use this to build up their own positions."

Who's the new right-wing prophet advising the Kremlin?

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 10 minutes and that the time be charged against Senator LEAHY's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FINANCIAL REGULATORY REFORM

Mr. TESTER. Mr. President, I rise to say a few words about an issue that has been front and center in my office for the past 12 months—reforming regulation of our financial markets.

I am a family farmer. In my neck of the woods, farmers usually don't sit around and talk about economic policy and Wall Street financial institutions.

But I do guarantee you that where I come from, everybody talks about common sense and why so much common sense seemed to be missing when America's financial industry almost collapsed a year ago.

Everyone in my State felt the impact of what happened when Lehman Brothers caved in, when Fannie and Freddie hit a dead end, when AIG went belly up, and when we saw daily headlines about bank mergers and bailouts.

We all paid a price because of a few greedy actors on Wall Street and no refs on the playing field. That price was \$700 billion of taxpayer money. I opposed that bailout because it rewarded the wrong people, and I was concerned about its ability to create a single job for our small businesses or help one family farmer. I think it was a bad deal for Main Street.

Last year, I asked Treasury Secretary Paulson—a former chairman of Goldman Sachs—about why this happened. His answer: "I don't know."

Where I come from, answers such as that aren't good enough, and terms such as "too big to fail" don't make any sense at all. It is time to make some changes.

After what we have been through over the past year, it is clear we need to reform the rules that keep America's financial industry on our side.

How? Well, it is going to take a lot of hard work, honesty, and common sense.

We have already started. I have teamed up with some of my friends in the Senate, from both parties, to co-sponsor the TARP Transparency Act. Our bill will better track the money being used to get the financial industry

back on its feet because it is taxpayer money and because taxpayers deserve no less.

Over the course of the past year, the Senate Banking Committee has held countless hearings on regulatory modernization. The administration has put forth a good-faith effort in working with Congress in the massive legislative overhaul. Government has worked with the financial industry and consumers to outline the goals of sweeping new financial regulatory reform.

I don't believe comprehensive financial reform will guarantee we are safe from financial crises, but, if done right, it can provide folks with adequate protection, it can bring confidence back into the marketplace, and it can minimize the risk of a financial meltdown similar to the one we barely weathered last fall.

Unfortunately, there are those who don't believe comprehensive reform should be on the front burner. They are now lobbying to protect their own self-interests, their own profits, and the status quo over consumer protection.

That is why we need to use this one year anniversary as a reminder to act now to protect consumers and investors, to close the loopholes in our regulatory framework, and to ensure that no company is too big to fail.

We must regulate derivatives; supervise financial companies that have been outside the scope of regulation, thereby creating a level playing field; ensure that there is strong supervision of all financial firms—not just depository institutions; build on the bipartisan success of the credit card legislation and pass mortgage reform to protect consumers; combine the numerous banking regulators into a more simple, streamlined, commonsense structure that is capable of supervising 21st century financial institutions; create an entity that will protect taxpayers from future financial corporate failures and minimize the need for further government action; increase capital standards to prohibit institutions from growing too big to fail; and we must ensure that those companies selling mortgages and securities keep some skin in the game by holding onto a portion of the underlying asset to keep them honest.

As we move forward with regulatory reform, I will be working hard to eliminate any unintended consequences, specifically as it relates to community banks and credit unions.

In Montana, when we talk about the banking industry, we are talking about community banks and credit unions. They are the good actors. They don't live on the edge. They didn't get into the Wall Street shenanigans that caused this mess.

Montana's community banks and credit unions serve their towns and communities reliably and safely. We are fortunate in Montana to not have had a bank fail in over 10 years. We

also have one of the lowest rates of mortgage defaults and foreclosures in the Nation. We have had very few problems as it applies to predatory subprime loans.

The community banks and credit unions are not the problem. I wish to make sure we do not place excessive fees or regulatory burdens on these small but very important institutions, such as the community banks.

Over the course of the coming weeks and months, I plan to work with Senator Dodd, the chairman of the Senate Banking Committee, and all my colleagues toward commonsense reform that will increase supervision and transparency of the financial markets, that will bring back investor confidence, and that will protect consumers and safeguard us from another situation where the greed of Wall Street penalizes hard-working families.

Earlier this week, the President spoke on Wall Street. He said:

We are beginning to return to normalcy.

But he warned that:

Normalcy cannot lead to complacency.

I couldn't agree more. That is what we in Montana call common sense.

Mr. President, I yield the floor. I suggest the absence of a quorum and ask that the time during the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to speak today on President Obama's nominee for the Second Circuit Court of Appeals—a court one step below the U.S. Supreme Court—Judge Gerard Lynch.

I have carefully reviewed Judge Lynch's background and his rulings as a district court judge. He is a Columbia law graduate and a former Federal prosecutor in the Southern District of New York. For the most part, he has been a very good district judge. He is exceedingly capable and a man of high integrity.

After reviewing his record and responses to questions from the Senate Judiciary Committee, I decided to support his nomination. I do so because I believe he will adhere to his judicial oath which requires judges to administer justice without respect to persons, to do equal right to the poor and the rich, and to faithfully and impartially discharge and perform their duties under the Constitution and laws of the United States and not above it.

In responses to my questions, Judge Lynch affirmed that circuit courts have no greater freedom than district

courts to decide law outside the bounds of precedent, but they must apply the law and the precedent to which they are bound.

Judge Lynch also stated that a judge is to "apply the law impartially" and "should not identify with either side" in a case.

Even though I will support Judge Lynch and admire him and enjoyed meeting with him, I want to share some concerns about his rulings and some statements he has made over the years that I think are matters that ought not go unremarked before his confirmation.

The role of a judge is to follow the law regardless of personal politics, feelings, preferences, or ideology. I think, for the most part, he has done that in his cases.

One case that is troubling, however, is *U.S. v. Pabon-Cruz* in which Judge Lynch attempted to get around the jury process and the sentencing process because he believed a mandatory minimum sentence required by Congress of 10 years for a conviction of receiving and distributing child pornography was unduly harsh.

He announced that he would tell the jury about the penalties in the case, which is not appropriate. In its order prohibiting Judge Lynch from informing the jury about what the punishment would be in the case, the Second Circuit, on which he now seeks to sit, expressly stated that Judge Lynch's "proposed jury instruction regarding the penalties the defendant faces if convicted is a clear abuse of discretion in light of binding authority."

Judge Lynch disagreed with the Second Circuit's decision, calling it a "mistaken conclusion." Judge Lynch clearly believed he had the right to ignore precedent and established law and inform the jury about the penalties that were applicable upon their verdict of guilty so that the jurors, in effect, would have an opportunity to ignore the law and choose not to apply it because he did not think the penalty was fair, apparently.

I am disappointed by the fact that Judge Lynch appears to believe this sentence was inappropriate, but more importantly, that he should have been allowed to invite jury nullification, which is, in effect, to say to a jury: You don't find the defendant guilty if you think the punishment is inappropriate.

In response to one of my written questions, Judge Lynch said that while he accepts the ruling of the Second Circuit, he continues to believe his instincts were correct. He stated:

The rationale for this decision—

Of the Second Circuit which reversed him—

which I fully accept, in light of the ruling of the Second Circuit, was erroneous—was that unlike most cases in which the jury fully understands the seriousness of the crime charged, in that case the jury may have

misperceived the relative seriousness of the two overlapping charges in the case.

Judge Lynch's actions in that case are especially disconcerting when considered in light of his written remarks criticizing the textualist approach to constitutional interpretation.

In a 2001 speech on the Supreme Court's decision in *Apprendi v. New Jersey*, Judge Lynch stated:

I would like to welcome—

Talking here about Justice Scalia and Justice Thomas—

also to a more realistic, more flexible, and in the end more honest way of protecting the constitutional values they share.

Judge Lynch, in effect, endorsed this flexible judicial philosophy and advocated it previously.

Concern over his statements in previous years contributed to my vote against his nomination to the U.S. District Court on that occasion.

In a 1997 law review article entitled "In Memoriam: William J. Brennan, Jr., American"—that is, of course, Justice William Brennan for whom he formerly clerked—Judge Lynch admonished the successors of Justice Brennan that they must also engage in constitutional interpretation "in light of their own wisdom and experience and in light of the conditions of American society today."

In that same article, Judge Lynch stated he personally believed it was a "simple necessity" that the Constitution "be given meaning for the present." Judge Lynch's praise for Brennan's "present-day meaning" approach included the opinion that Justice Brennan's "long and untiring labor to articulate the principles found in the Constitution in the way he believed made most sense today seems far more honest and honorable than the pretense that the meaning of those principles can be found in eighteenth- or nineteenth-century dictionaries."

So I have a problem with that speech from 1997 and that strong statement of adherence to the doctrine that Justice Brennan was the foremost advocate of a living constitution and that words don't have fixed meanings; that you can make them say what you want them to say to affect the result you think is appropriate today.

The Constitution is a contract with the American people. We have every right to amend it through the amendatory process, but judges don't have a right to amend it based on what they perceive it to mean. Based on what? What information have they received that makes them think they have a better idea of what the Constitution ought to mean than how it has been interpreted for 200 years?

This is a serious matter because judges are unelected. They have a lifetime appointment, and we give them that because we want unbiased, objective analyses. But it doesn't mean they are empowered to update the Constitu-

tion to make it say what they would like it to say today. They are not empowered to do that. In fact, it erodes democracy when they do that because the elective branches, those of us in this Senate, are accountable. Judges aren't accountable.

Another of Judge Lynch's cases that bears mention is *United States v. Reyes*. In that case, a police officer asked a defendant drug dealer, who had not yet been read his Miranda rights, whether he had anything on him that could hurt the officer or his field team. Even though the defendant had not been frisked, Judge Lynch concluded the defendant was the subject of a custodial interrogation under *Miranda*, and that before the police officer could ask whether he had anything to endanger the officers, he had to warn him of his Miranda rights. As a result, Judge Lynch excluded from the record statements that the defendant made at that time which implicated him in the crime.

The Second Circuit—the circuit which he will now serve on—reversed Judge Lynch, holding that the public safety exception was in fact applicable and that the cases Judge Lynch had relied upon in his ruling were distinguishable. The court noted that drug dealers often have hypodermic needles or razor blades on their person that could pose a danger to police officers. Additionally, the defendant was not handcuffed at the time of the arrest and could have reached for a concealed weapon. The Second Circuit also noted that the questions asked by the officer were "sufficiently limited in scope and were not posed to elicit incriminating evidence," and the police "cannot be faulted for the unforeseeable results of their words or actions."

Judge Lynch has also advocated that *Miranda* warnings be administered for searches, which has never been the case. In a symposium commentary, Judge Lynch proposed a *Miranda*-type rule for searches that would invalidate consents to search unless the party whose consent is sought is first advised that he or she has the constitutional right to refuse such consent.

Well, *Miranda* was never required by the Constitution. It was a prophylactic protective rule the Court conjured up. Somehow the system has survived it, but it has done some damage in terms of not getting the kind of admissions and confessions you might otherwise get. That is just a fact. At any rate, to expand that now to searches, which has never been done, I think is an unhealthy approach.

You might say: Well, theoretically, if you are going to do these *Miranda* interviews you could do it on searches. But I would just note that *Miranda* itself is a protective rule, not a mandated constitutional rule.

I mentioned the foregoing issues because they are of great concern to me.

It appears, notwithstanding, in the vast majority of his cases, Judge Lynch has been a very careful judge who has followed the law. He has stated that he understands that circuit judges are "bound by Supreme Court and prior circuit precedent, and their job is to apply, fairly and accurately, the holdings and reasoning of such precedent."

Given his commitment to do that, I will vote for him, and I hope he will continue his excellent service on the bench, but that he will interpret the law as written and will refrain from imposing personal views in his decisions.

It is unfortunate, and I am concerned also, that the President, in his nominations, is moving a number of people for the Federal bench that are clearly activists. Many of them don't have the length of time on the bench that Judge Lynch does, or his skills as a judge, frankly, and it is causing us some concern, and we will have some real debate about it.

The nomination of Judge David Hamilton for the Seventh Circuit Court of Appeals raises that issue and concern with me. The White House has said it intended to send a message with his appointment, and I would say that it did. Judge Hamilton's appointment is significant. Instead of embracing the constitutional standard of jurisprudence, Judge Hamilton has embraced President Obama's empathy standard. Indeed, he said as much in his answers to questions for the record following his confirmation hearing in the Judiciary Committee.

He rejects the idea that the role of a judge is akin to that of an umpire who calls balls and strikes in a neutral manner. Rather, he believes a judge will "reach different decisions from time to time . . . taking into account what has happened and its effect on both parties, what are the practical consequences."

Judge Hamilton also appears to have embraced the idea of a living constitution. The last time I was at the Archives Building, I saw a parchment from 1789—not breathing. It is a document. It is a contract. It guarantees certain rights to every American, and judges aren't empowered to rewrite it, to make it say what they think it ought to say today.

In a speech in 2003, Judge Hamilton indicated a judge's role included writing footnotes to the Constitution. When Senator HATCH questioned him about these comments in a follow-up question, he retreated somewhat, but then gave a disturbing answer to the next question about judges amending the Constitution or creating new rights through case law and court decisions. This judicial philosophy has clearly impacted Judge Hamilton's rulings during his time as a district court

judge. He has issued a number of controversial rulings and has been reversed in some noteworthy cases.

For example, he ruled against allowing a public, sectarian prayer in the Indiana State Legislature and was reversed by the Seventh Circuit.

He ruled against allowing religious displays in public buildings and was unanimously reversed by a panel of the Seventh Circuit.

He blocked the enforcement of a reasonable informed consent law dealing with abortion matters for 7 years. He continued to block enforcement of that law and was eventually firmly and forcefully overruled by the Seventh Circuit for being in violation of the law.

Judges, the State, and other people spent all kinds of money, and attorney generals of the State spent money and time and effort to litigate these matters, and finally winning, but, in effect, the people of the State, for 7 years, were unable to enforce a constitutional statute their duly elected representatives had passed.

That is the power of an unelected Federal judge sometimes, and we need to be sure judges who go on the bench understand they are not allowed to do that. They are supposed to be a neutral umpire. If the case law and the Constitution say this is a good statute, they need to affirm it whether they like it or not, whether they would have voted differently or not. If he wants to be in the legislature and vote on the statutes, let him seek that office.

A Federal judge must be able to dispense rulings in a neutral fashion so the emblem that hangs over the Supreme Court, which has been embraced by the American people—equal justice under law—can be carried out in every aspect of a legal proceeding. A judge must put aside political views which may be appropriate as a legislator, executive, or an advocate, and interpret the law as it is written. He must keep his oath to uphold the Constitution first and foremost.

As I have said before, the Constitution is a contract between the American people, especially in a government of limited powers that is established by the people. It is a judge's duty to abide by the Constitution and protect and defend it and all the laws duly passed by Congress that are consistent with that Constitution. We have preserved our Nation well by insisting that our judiciary remain faithful to the plain and simple words of the Constitution and the statutes involved.

So, Mr. President, I am impressed with the skill, the legal ability of Judge Lynch, whose nomination is before us today. I have reviewed his record carefully. I have listened to his answers. I have seen some of his speeches. In a few cases, they cause me concern. But I think giving deference—and appropriate deference—to the

President's nomination, he should be confirmed. I will ask my colleagues to support the confirmation.

But I want to say that all of us in this body, as well as judges, have a duty to preserve and defend our Constitution. You can erode the Constitution in a number of ways, and one way it can be changed and altered impermissibly is when judges redefine the meaning of words. So when a judge says we shouldn't resort to 18th century dictionaries, that makes me nervous. What does that mean? You just give a new definition to the word, the one that people ratified—the amendment they passed and ratified, which had a certain meaning and was understood to have that meaning? Now that you are on the bench, and you think it shouldn't be enforced that way, and you would like to see a different result, you just sort of amend it or write a footnote to it? I don't think that is good judicial policy, and I feel an obligation—I think a number of us in this Senate do—to confirm good judges—men and women of character and ability and faithfulness to our laws and Constitution—but also raise the concerns that we have and to use every bit of our ability and strength to oppose nominees who won't be faithful to those high ideals that have made us a nation of laws and made us prosperous and free.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRANSPORTATION APPROPRIATIONS

Mr. DEMINT. Madam President, I wish to speak to an amendment of mine that is to be on the floor on the transportation bill in a few minutes. It is an amendment that would cut funding to a particular airport in Pennsylvania. I wish to discuss why we are targeting this particular cut.

As all of us know, all over America for the last several months, millions of Americans have come out to TEA parties and townhalls, expressing concern and even anger over the level of spending and borrowing and debt we are incurring here in Congress; the concern about all the new taxes we are talking about; the takeover of everything from General Motors to insurance companies. People are concerned, I think for a lot of good reasons.

The question is now, particularly after the hundreds of thousands of people gathered in front of the Capitol last Saturday from all over the country, expressing many of those same concerns:

Is anybody listening? Is anyone here listening?

It reminds me of a couple of weeks ago when my 2½-year-old grandson was spending the night with my wife and me. He was sleeping in another room, and we have these intercoms that everyone knows about. He knows about the intercom and how it works, so when he got up in the morning, as usual about 6:30 or something, he said: I am up. Is anybody home?

He kept saying: Is anybody home? Is anybody home? I knew he was going to keep saying it until I got up and went in and got him up.

I think that is the question Americans are asking us here in Congress: Is anybody home? A lot of people last weekend, when I was here, said: Keep speaking for us. Someone has to speak for us. These were not mobsters, they were not the right wing. They were Americans, moms and dads with kids in strollers, grandpas and grandmas, here from all over the country, of all political parties, who know enough to say we cannot keep spending and borrowing, and the more we spend, the more waste and fraud there is.

All of us here seem to agree, especially at campaign time: Oh, we need to cut out the waste and fraud. But no matter what we bring up to cut, even if we pick the most egregious waste the Government Accountability Office comes up with every year and says these are the most wasteful and inefficient programs, we can put them on the floor of the Senate for a vote and we cannot cut them.

Where do we begin, when all we seem to do, week after week, month after month, year after year, when all of us come in from all around the country and for every problem we see we have a new government program or an earmark or something that is supposed to fix it? Everything adds to the deficit. We never make those tough decisions about cutting anything.

My amendment actually cuts something. It was not my invention. I have learned about it over countless television documentaries on the Congressman John Murtha Airport in Johnstown, PA. It is a small airport that over the last 20 years has received \$200 million in taxpayer funds. This is an airport that only has 3 flights a day, an average of a total of 20 passengers a day. All of those three flights come to Washington and they are always mostly empty. The people who buy the tickets spend about the same amount per ticket as the taxpayers' subsidy for those tickets.

Earlier in the year, after we passed the stimulus package, another \$800,000 went to this airport to pave the alternate runway that is seldom used. After I brought up this amendment to discontinue funding—and I want to make this clear; this is on this bill, the

transportation bill, and it only discontinues funding for 1 year. It is not permanent. It does not discontinue any funding related to defense or the military, so the National Guard and others continue to use it. The Defense Department can spend whatever they want on this airport. It is just that the Department of Transportation cannot spend any more money to subsidize air traffic from this airport.

It also does nothing to cut any safety funds for air traffic control. It is a couple of paragraphs that say enough is enough, this airport has received an inordinate amount of money. It has equipment it doesn't even use, millions for radar equipment that is not even staffed. Again, 3 flights a day, only to Washington, DC, with less than an average of 20 passengers a day. Most of the time there are more airport security people in this airport than there are passengers.

This is not some partisan attack. In fact, if you will remember, the bridge to nowhere, which was a Republican project, was exposed by Republicans. It helped America see an example of waste and abuse. That is what this amendment is about. It is not an attack on any party or any State, it is just an example that has been brought to light by countless media sources all over the country of us wasting money—not just one time but year after year.

If my amendment is not agreed to, another \$1.5 million of subsidies will go to this one airport because their Congressman likes to fly back and forth from a local airport. Many Americans have to drive an hour or two to get to an airport. Folks in Johnstown could drive an hour to Pittsburgh Airport if the tickets were too expensive from Johnstown. This is not a particular attack on a Congressman or a State or community. It is a beginning. It is a demonstration that here in the Senate we get the message. We are listening. We are actually home and we are going to speak for those millions of Americans who say enough is enough, we cannot keep spending and borrowing and creating debt.

For every dollar we spend here, about half of it now is borrowed. We are actually on our knees begging countries such as China to loan us some money so we can pay some of the debt that is coming due. Yet we keep creating cash for clunkers and "Fannie Travel," which is a travel promotion agency we created a couple of weeks ago. Now we are passing a spending bill that is about 23 percent over what it was last year. At a time with down economics, Americans out of jobs, we are increasing spending that much.

With this amendment we are saying we can make a tough decision. We can begin the process of starting to cut waste and fraud. But the reason so many people are going to vote against this amendment is there is a code here:

I will support your spending for your State if you will support mine. I will not mess with the spending in your State if you won't mess with mine. We have been doing it for years, so we have been adding earmarks and projects in all of our States, supporting each other, and the budget and the spending get bigger and bigger and no one has the courage to say no, we have to stop.

A few of us did on the bridge to nowhere. Thanks to millions of Americans saying you are right, we were able to stop that one project. But we are still spending like there is no tomorrow.

I am asking my colleagues to agree we can cut one thing, one thing that is obviously wasteful and unfair. It is not fair to ask taxpayers all over the country to subsidize half of every ticket that is bought in a little airport in Johnstown, PA. They are not helping all the other Americans around the country or all the other small airports. Certainly small general aviation airports have gotten Federal funds but nothing to this degree.

We are not interfering with the general aviation function of this airport at all or any military use. We are just going to stop for 1 year subsidizing the tickets and hopefully helping America to focus on part of our problem here.

Part of correcting a problem is admitting you have one. I don't think we have done it yet in this Senate. My hope is on this vote a majority of the Senators will step up and say we do have a problem and this is one amendment where we can show we are beginning to turn it around. I encourage all my colleagues to vote for this amendment to cut funding for 1 year, at least cut these subsidies and at least demonstrate to America that somebody is home.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, in a few short minutes we are going to be going to a series of votes, including a number of them on the transportation and housing bill that has been before the Senate for a week now. I want to take a few minutes to remind all of our colleagues about the importance of this bill that we will be passing here shortly this afternoon. This is a bill that has broad bipartisan support because it addresses some very real housing and transportation needs of families in every region of this country. We worked very hard with our colleague, Senator BOND, my ranking member, who has been amazingly great to work

with this week. We faced some real challenges with our bill this year but together we made some important infrastructure improvements, including providing over \$75 billion for the Department of Transportation to support continued investment in our transportation infrastructure.

It includes \$11 billion for public transit and \$1.2 billion to invest in inner-city and high-speed rail.

This bill also supports the FAA's efforts to develop its next-generation air transportation system to support projected growth in air travel in coming years. It also invests \$3.5 billion for capital improvement at airports across the country.

The bill provides nearly \$46 billion for the Department of Housing and Urban Development, including \$100 million for HUD's housing counseling program that will help families who are facing foreclosure today to stay in their homes. The bill also provides more than \$18 billion for tenant-based rental or section 8, including an increase of over \$1 billion for the renewal of section 8 vouchers.

It also provides increased funding for the operation of public housing for a total level of \$4.75 billion, to make sure our Nation's low-income families, which are also, as we all know, among the hardest hit in these tough economic times, continue to have access to safe, affordable housing.

The bill includes \$75 million for a very important program I worked on with Senator BOND, the joint HUD Veterans Affairs Supportive Housing Program. This is extremely important to our Nation's veterans. It will provide an additional 10,000 homeless veterans and their families with housing and supportive services.

The bill also addresses the needs of some of our most vulnerable citizens, by providing increased funding to support affordable housing for the elderly, disabled, those suffering from AIDS, and the Nation's homeless.

Finally, the bill provides almost \$4 billion for the Community Development Block Grant Program to support investments in public infrastructure, housing rehabilitation, and public service, assistance that is critical to our States and our local governments right now.

In summary, this bill provides assistance to those who need it most, and it directs resources in a responsible and fiscally prudent way. It will help our commuters, it will help owners, it will help the most vulnerable, and it will help our economy.

I hope all Senators will support the bill when we move to the final vote here shortly this afternoon, after we consider several amendments. Before I close, I do wish to take, again, a moment to thank my partner and friend, Senator BOND, whom it has been a pleasure to work with throughout this

process, as he and I go to conference now to work hard to make sure we find the differences and fix the differences between us and the House so we can get this bill to the President.

I most importantly wish to thank all our staff, from the floor staff who have been so generous with their time and help as we have worked through this, to all the staff who worked on the transportation and housing subcommittee, including John Kamarck, Ellen Beares, Joanne Waszczak, Travis Lumpkin, Grant Lahmann, Michael Bain, Dedra Goodman, and Alex Keenan, our new staff director on transportation who has done an excellent job, and especially Matt McCardle and Mike Spahn for all their efforts during floor consideration.

I am pleased we were able to consider and debate so many amendments and have produced a strong bill. But I would be remiss if I did not single out and thank two members of our staff, Meaghan McCarthy and Rachel Milberg, for all the outstanding efforts they made over the past several months under very trying circumstances late at night working so diligently.

I wish to especially thank them for all the work they have done to assemble this bill and write the report. I know it was a daunting challenge. I am so grateful to them for all the extra effort they have had to go through under some very trying circumstances. They have done an excellent job. They are a delight to work with.

With that, I see that my ranking member is on the floor. I wish to, again, thank him for being a great partner and for all his help and support to get this bill to the floor today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, the real kudos and plaudits go to my colleague, the chair, Senator MURRAY, for having worked this through.

It is also a very interesting and challenging measure. But this year, we have advanced a bill, we have had lots of amendments, we have adopted some on strong bipartisan votes. I think this is a great tribute to the way she has worked with us closely on the committee and with the cooperation of all parties on the floor.

This is a bill in which many people have good ideas, and, as I said, we voted on and took a few of them. But I join Senator MURRAY in thanking her staff: Alex Keenan, Meaghan McCarthy, Rachel Milberg, Joanne Waszczak and Travis Lumpkin for their work. They have worked very closely with us.

Thanks for the hard work on my side to Ellen Beares and Jon Kamarck. The staff contributed. And also the work of the newest member of our team who came in at a time when we were badly understaffed, Dedra Goodman. But a

very special thanks to Matt McCardle for his leadership and masterful management on the floor.

This was due to a lot of unforeseen circumstances. There were lots of times when he had to carry the load, and he also did it with good humor. When I was frazzled and confused about where things may be going, Matt had it under control, and he did a truly outstanding job.

Again, I thank our colleagues for allowing us to proceed with this bill. We did not plan on being here this the eighth day, having started last Thursday. But we are very optimistic that this bill can emerge from conference as a freestanding bill and be adopted by this body. I do not want to see this wind up in an "ominous" appropriations bill that does not reflect the hard work that went into it. When our work goes into what they call an omnibus, what I call an "ominous," appropriations bill, strange things happen to it. We hope we can work this bill and keep it together as crafted. It is a critical piece of legislation.

It has vitally important safety needs for transportation, particularly in aviation. It continues, although not as robustly as I would like, the development of more transportation infrastructure. There are badly needed elements in the housing part of the bill. We have to continue housing for those people who have assisted housing, public housing authorities, particularly in this economic downturn, when so many people are feeling the pinch, special needs from the disabled, the elderly, to veterans, who have particularly been well served by the veterans assisted in supportive housing that we have provided.

But also, as I have warned many times before, the FHA program is a high-risk program that could subject us to billions of dollars being thrown on the taxpayers' credit card. And this bill provides resources for HUD to get up the IT systems it needs, to get the people in place. It provides for more oversight. It provides increases for the inspector general to doublecheck to make sure the predatory lending which inflicted the entire economy does not transport itself into FHA-supported housing.

So we do have some more amendments. And we look forward to working on those this afternoon. We thank all our colleagues for letting us come this far. We hope to get it passed and get these badly needed appropriations enacted into law.

#### AMENDMENT NO. 2403, AS MODIFIED

I ask unanimous consent that the McCain amendment No. 2403 be modified with the changes at the desk.

The PRESIDING OFFICER. As in legislative session, without objection, it is so ordered.

The amendment (No. 2403) as modified is as follows:

#### AMENDMENT NO. 2403, AS MODIFIED

On page 318, between lines 11 and 12, insert the following:

SEC. 2 \_\_\_\_\_. None of the funds made available by this Act may be used to carry out the Brownfields Economic Development Initiative program (including with respect to any individual property described on page 138, 139, or 141 of Senate Report No. 111-69) administered by the Department of Housing and Urban Development.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant bill clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Landrieu amendment No. 2365, to amend the Disaster Relief and Recovery Supplemental Appropriations Act, 2008.

McCain modified amendment No. 2403, to prohibit the use of funds to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development.

DeMint amendment No. 2410, to limit the use of funds for the John Murtha Johnstown-Cambria County Airport.

Vitter modified amendment No. 2359, to prohibit the use of funds for households that include convicted drug dealing or domestic violence offenders or members of violent gangs that occupy rebuilt public housing in New Orleans.

Kyl motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with Kyl amendment No. 2421 (to the instructions on Kyl motion to commit the bill), relating to the American Recovery and Reinvestment Act.

#### AMENDMENT NO. 2365

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes evenly divided for a vote with respect to the Landrieu amendment.

Who yields time?

Mrs. MURRAY. Madam President, it is my understanding that this amendment is accepted on both sides. I urge a voice vote.

Mr. BOND. Madam President, nobody has advised us of objections on our side.

Mrs. HUTCHISON. Madam President, I support the Landrieu amendment.

The year 2008 witnessed numerous devastating disasters: severe wildfires in California, floods in the Midwest, and the one-two punch of Hurricanes Gustav and Ike along the Gulf Coast.

Congress responded last fall by passing a natural disaster supplemental, which in addition to providing necessary FEMA and SBA funding, provided \$6.5 billion in community development block grants to support recovery.

Unfortunately, the language included a restriction that has impaired these impacted communities' ability to rebuild.

This amendment removes that restriction, providing flexibility for these funds to be used to their greatest impact in the community, helping these communities get back on their feet as quickly as possible.

Without this amendment, many communities will be unable to balance their budget priorities, jeopardizing critical projects in the recovery process, or worse yet, leading to the abandonment of projects altogether.

Communities across this Nation have been greatly impacted by natural disasters over the past several years, including the State of Texas. Tax bases have been decimated and many communities are still struggling to recover. These devastated communities want to be able to stand on their own; however, they don't currently have the resources to do so. By providing maximum flexibility of vital Federal funds, as we have for previous disasters, we remove one more barrier from their way on the road to recovery.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2365) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2359

The PRESIDING OFFICER. The pending business is amendment No. 2359, the Vitter amendment.

The Senator from Louisiana.

Mr. VITTER. Madam President, this amendment is very simple and straightforward. It simply says that no public housing assistance will be granted to anyone who is convicted of a crime involving drug trafficking, not simple possession but distribution, et cetera, or being a member of a violent gang. These are serious adult offenders. I don't believe we should use taxpayer funds with housing assistance, particularly in public housing projects, in that manner. It specifically focuses on New Orleans, LA, only New Orleans, where

we are pouring massive amounts of Federal dollars to rebuild public housing projects in a fundamentally different, better way after Katrina, riding those projects of the crime problem which had previously been embedded there. It is very important in terms of that recovery.

I reserve the remainder of my time.

Mr. DODD. Madam President, I rise in opposition to amendment No. 2359. Our colleague Senator LANDRIEU spoke at length last night about the reasons she opposes this amendment, which is targeted to her city of New Orleans.

I am here as the chairman of the Banking Committee, to share with you some of the reasons I believe this legislation could have benefitted from a more thorough vetting through the authorizing process.

While superficially an attractive effort to be tough on crime, the proposed amendment is likely to have serious unintended consequences while providing no apparent increase in public safety. The proposed amendment is overly broad, burdensome, and would present great difficulties for Federal, State, and local administrators to actually implement.

Representatives of public housing agencies have raised concerns about implementing this legislation. Advocates for low income families oppose this amendment.

Needless to say, we want to ensure the security of families receiving housing assistance. That is why current law already provides tools for denying or terminating assistance for drug-related and violent crimes and activities in public housing and section 8 assistance, which appears to be the amendment's objective.

I have other concerns about things that may or may not have been the objective of the amendment.

This provision only applies in New Orleans, raising questions about equal protection and the unfortunate possibility of federal law that changes from city to city.

It is a vast expansion of current Federal law. While Senator VITTER describes the amendment as applying to rebuilt public housing, it is actually very broad. The bill extends far beyond public and assisted housing into all forms of federal housing assistance, including homeless assistance, loans, loan guarantees, or other assistance provided under a HUD housing program.

It is administratively burdensome. The legislation would put additional screening burdens on housing providers, banks, nonprofits, and others who are not currently required to, nor do they have the resources to, conduct criminal background checks. These could include cities administering CDBG, a homeless shelter whose clients vary night by night, or banks processing FHA loans.

It has unintended consequences, and I will provide some examples.

It erects barriers to helping the homeless: The language would appear to apply to homeless shelters, whose clientele change from night to night. Running checks on clients that may only be there for one day or sporadically is nearly impossible, and a waste of scarce resources. Do we really mean to prohibit assistance for these individuals—many of whom are veterans or children—because shelters won't be able to run background checks?

It puts new burdens on banks and homeowners. Every bank originating an FHA loan would have to do a criminal background check on the family buying the home, or refinancing a home. Can you imagine the burden that would create for community banks and homebuyers?

It puts new burdens on small businesses and State and local government CDBG programs. The language could actually require that State and local CDBG programs conduct background checks on small business owners receiving economic development assistance to ensure that they were not a) offenders and b) not residing in federally-subsidized housing.

It provides no room for rehabilitation. The amendment bars someone from ever getting housing assistance, including FHA loans, if they were ever convicted of selling drugs or were a member of a gang, without consideration of rehabilitation. What if that happened 15 years ago? This amendment would run counter to the goals of the Second Chance Act, which this body approved under unanimous consent to help ex-offenders get the services they need to become productive members of society.

In sum, this amendment is superficially attractive. I understand that. But the policy is ill-considered. It will unintentionally hurt homebuyers, veterans, and children without necessarily providing any additional protections. It will create very serious administrative burdens for the public and private sector, with no way to pay for those burdens. I urge my colleagues to defeat this amendment—let's approach this issue in a more thoughtful way.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this amendment would deny housing assistance to any New Orleans household with a member of a criminal gang or someone convicted of certain drug offenses. Public housing authorities already have the ability to deny or terminate housing assistance to persons who have committed drug-related and violent crimes under current law. This amendment does far more than that. It extends to all forms of housing assistance. It is a permanent prohibition. If anyone in the family has committed these offenses ever, then that entire

household would never be able to receive HUD assistance, including homeless assistance or even an FHA loan.

I am concerned that this amendment is targeted to one city, New Orleans. We should not be targeting one city or dictating housing policy city by city under this bill.

Importantly, the underlying bill provides funding to help our Nation's homeless veterans. Many of those veterans have struggled with substance abuse. If this amendment passes, those veterans will not be allowed to get assistance.

I ask my colleagues to vote against the amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, we are not talking about drug possession, we are talking about trafficking. HUD and the housing authority have the ability to negotiate for other family members to stay in public housing and not be penalized.

The PRESIDING OFFICER. Time has expired.

The question is on agreeing to amendment No. 2359.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 62, as follows:

[Rollcall Vote No. 283 Leg.]

#### YEAS—34

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Bennett	Graham	McConnell
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	LeMieux	

#### NAYS—62

Akaka	Corker	Lautenberg
Baucus	Dodd	Leahy
Bayh	Dorgan	Levin
Begich	Durbin	Lieberman
Bennet	Feingold	Lincoln
Bingaman	Feinstein	McCaskill
Bond	Franken	Menendez
Boxer	Gillibrand	Merkley
Brown	Hagan	Mikulski
Burris	Harkin	Murkowski
Cantwell	Inouye	Murray
Cardin	Johnson	Nelson (NE)
Carper	Kaufman	Nelson (FL)
Casey	Kerry	Pryor
Collins	Klobuchar	Reed
Conrad	Kohl	Reid

Roberts	Stabenow	Warner
Rockefeller	Tester	Webb
Sanders	Udall (CO)	Whitehouse
Schumer	Udall (NM)	Wyden
Shaheen	Voinovich	

#### NOT VOTING—3

Byrd	Landrieu	Specter
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The amendment (No. 2359) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, if I could have the attention of all Senators, a number of Senators have come to me and said they want to move quickly through the amendments this afternoon. We can't do it if Senators are leaving. I ask all Senators to please stay on the floor as we move through these last amendments.

With that, I believe the next amendment is in order.

Mr. BOND. Madam President, I urge all Members to return promptly. I know several Members on both sides have other commitments. If we are going to make those, we need to keep those 10 minute votes to at least 15 minutes. Thanks.

#### AMENDMENT NO. 2410

The PRESIDING OFFICER. The next amendment is amendment No. 2410 offered by Senator DEMINT.

The Senator from South Carolina is recognized.

Mr. DEMINT. Thank you, Madam President.

This amendment I hope is a beginning or maybe a turning point for the Senate where we identify wasteful spending and begin to make some progress toward cutting those things that we don't have to do here at the Federal level.

I heard some comments about the amendment yesterday which I don't think accurately reflect what the bill does. We do nothing to cut any defense spending or defense use of this airport. We do nothing to cut any safety aspects such as air traffic control. It is simply for 1 year of this appropriations bill which stops the funding for additional subsidies to an airport that has received \$200 million over the last 20 years and has as much subsidy per ticket as passengers pay. This has been the subject of documentaries on many media sources. We need to show America we are listening.

Please support this amendment to cut these funds for 1 year.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Pennsylvania.

Mr. CASEY. Madam President, I would urge a no vote on this amendment. It sets the wrong precedent and singles out one airport which happens to be in Cambria County, PA.

At a time when we are in the middle of a recession and with the unemployment rate in this county at 9.5 percent, and we are going to say here in Washington that we are going to vote on something that will shut down an airport—it is bad policy. We should allow this decision to be made by the Federal authority that should be making the decision, which is the Federal Aviation Administration. It is the right thing to do to oppose this amendment. I urge a “no” vote.

Mrs. MURRAY. Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Pennsylvania (Mr. SPECTER), are necessarily absent.

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 284 Leg.]

#### YEAS—43

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Feingold	McConnell
Bennett	Graham	Merkley
Brownback	Grassley	Murkowski
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kohl	Vitter
Cornyn	Kyl	Wicker
Crapo	LeMieux	
DeMint	Lugar	

#### NAYS—53

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Burris	Klobuchar	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feinstein	Nelson (NE)	

#### NOT VOTING—3

Byrd	Landrieu	Specter
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The amendment (No. 2410) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2403, AS MODIFIED

The PRESIDING OFFICER. The Senate will be in order. Under the previous order, there is 2 minutes equally divided prior to a vote in relation to the McCain amendment.

The Senator from Arizona.

Mr. MCCAIN. Madam President, the amendment prohibits funding for brownfields economic development initiatives. In May—and not for the first time—the President recommended termination of the brownfields economic development initiatives. You can look it up. Even the committee this time, in the RECORD, said:

The committee does not recommend an appropriation for the brownfields redevelopment program, consistent with the budget request.

On pages 138 and 139, there is \$1.3 million for brownfields redevelopment in Connecticut, Pennsylvania, and Ohio. So now we are not only going against the President's recommendations, we are going to go against the bill itself and give another \$1.3 million in pork. All I say is you cannot make it up.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, on behalf of myself and Senator LIEBERMAN, there is no debate about whether the brownfields redevelopment program ought not to exist. It is duplicative and cut out. This is under the economic development initiative program, which supports a wide range of programs to encourage economic redevelopment, including polluted, contaminated, blighted properties. In Waterbury, CT, home of the brass capital of our country, dating back to the early 19th century, most of the business was military related during the Civil War. There were no pollution requirements back then.

Today those properties are virtually worthless because of the contamination. This is a city with a 13-percent unemployment rate. It is a hard-working blue-collar town where people put in hard labor every day. This is a chance for that community to get back on its feet. That is why it is under the economic development program.

I urge my colleagues to be supportive of a hard-working community so we can let them get back on their feet. We urge defeat of the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been previously ordered. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—37

Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennett	Feingold	McConnell
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	LeMieux	

NAYS—60

Akaka	Franken	Murray
Alexander	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Bond	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden

NOT VOTING—2

Byrd Landrieu

The amendment (No. 2403), as modified, was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2421

The PRESIDING OFFICER. There is now 2 minutes, equally divided, prior to a vote in relation to the motion to recommit offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona.

Mr. KYL. Madam President, we can save \$11 billion without cutting a dime from this appropriations bill. It turns out there is duplication between spending in the stimulus bill that already passed and this bill.

What we do is simply send the bill back to committee to report back forthwith, to rescind the money in the stimulus bill that duplicates the Transportation and HUD financing in this bill, except for any funds that have already been obligated, which, obviously, we would go ahead and spend, and, secondly, any money relating to highway construction. That would be totally protected. Beyond that, any duplication in the stimulus bill would be rescinded.

It amounts to about \$11 billion. I think that is a great savings we can all support. As I said, it does not take a dime out of this bill.

I ask for my colleagues' support. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, the bill in front of us provides critical resources to the Departments of Transportation and Housing and Urban Development for investments in transit, rail, airports, and public housing. This is important for investing in jobs in our economy.

The funding in this bill has a direct impact on every community across the Nation. We should not delay this important piece of legislation.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I have about 12, 13 seconds. As I said, this motion takes absolutely no money from the appropriations bill before us. What it would do is identify about \$11 billion in duplicate funding in the stimulus bill and rescind that. So you would not be voting to cut a dime out of this bill if you support my motion.

Mrs. MURRAY. I urge a "no" vote, Madam President.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 64, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—34

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Bennett	Graham	McConnell
Brownback	Grassley	Murkowski
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	LeMieux	

NAYS—64

Akaka	Feinstein	Nelson (FL)
Baucus	Franken	Pryor
Bayh	Gillibrand	Reed
Begich	Hagan	Reid
Bennet	Harkin	Rockefeller
Bingaman	Inouye	Sanders
Bond	Johnson	Schumer
Boxer	Kaufman	Shaheen
Brown	Kerry	Shelby
Burris	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Cochran	Lincoln	Voinovich
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	
Feingold	Nelson (NE)	

NOT VOTING—

Landrieu

The motion was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington is recognized.

## PIPELINE SAFETY PROGRAMS

Mr. COCHRAN. Madam President, I wish to join Senator MURRAY and Senator BOND, the respective chairman and ranking member of the Transportation, HUD Appropriations Subcommittee, in a colloquy concerning the user fee funded pipeline safety programs overseen by the Pipeline and Hazardous Materials Safety Administration.

Mrs. MURRAY. I am pleased to discuss this issue with my colleagues. Pipeline safety programs are very important in my State and help ensure that tragic accidents can be prevented. I understand that the pipeline safety programs at PHMSA are funded almost exclusively through user fees.

Mr. COCHRAN. That is correct, and in order to better assess the current program priorities at PHMSA and to determine how these user fees are being allocated across the regulated community, I believe PHMSA should provide to the Committees on Appropriations a report that discloses the percentage of program funds and State grants that are dedicated to each of the following sectors: liquid pipelines, natural gas transmission pipelines, liquefied natural gas pipelines, and natural gas distribution pipelines.

Mr. BOND. I thank Senator COCHRAN for his comments and agree that PHMSA should produce a report as soon as possible on this topic. We need to ensure that pipeline safety programs are adequately funded and that Congress and the regulated industries that support these programs understand how they are funded.

Mrs. MURRAY. I agree with my colleagues and would like PHMSA to produce such a report. I thank Senator COCHRAN for bringing this issue to the attention of all Senators.

## FUNDING ALLOCATIONS

Mr. REED. Madam President, I want to thank Senator MURRAY for her leadership on this bill and her commitment to funding improvements in our Nation's housing and transportation infrastructure. I rise to engage the chairman of the subcommittee in a colloquy to clarify the State-by-State allocation of Federal-Aid Highway Program funding, which is shown in the committee report.

Mrs. MURRAY. I would be pleased to enter into a colloquy with the Senator.

Mr. REED. I thank the Senator. As I noted, page 46 of the committee report includes a table that shows the estimated State-by-State obligation limitation for Federal-Aid Highway Program funding. This information was prepared for the Appropriations Committee by the Federal Highway Administration based on current law and the funding level provided in this bill. It is my understanding that this table is designed to be illustrative rather than determinative of actual funding levels. Could the Senator confirm that this understanding is correct?

Mrs. MURRAY. The Senator is correct. The table included in the com-

mittee report is illustrative and does not direct the actual distribution of the funds provided under this bill.

Mr. REED. I thank the Senator, and I appreciate that clarification. As the Senator knows, I had been concerned because the table indicates that the State of Rhode Island is one of only two States, along with Maine, that would lose funding under the increased appropriation included in this bill.

I have consulted with the Federal Highway Administration, which has produced a new estimate based on more accurate assumptions. That table has been shared with the Appropriations Committee staff. Rather than a decline of over \$5 million, this estimate shows an increase of nearly \$6 million for the State of Rhode Island. In addition, no State is shown to lose funding in fiscal year 2010.

Would the Senator agree that this new table is a more accurate depiction of the distribution federal highway funds?

Mrs. MURRAY. I agree that the table the Senator refers to reflects the Federal Highway Administration's current estimate of how Federal-Aid Highway Program funding included in this bill would be distributed under current law.

Mr. REED. Again, I thank the chairman for her leadership on this bill and for her help in clarifying this matter. For the benefit of all senators, I would ask unanimous consent that the Federal Highway Administration table we have discussed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED DISTRIBUTION OF FEDERAL-AID HIGHWAY PROGRAM OBLIGATION LIMITATION  
[FY 2010 distribution estimated based on FY 2009 contract authority and the FY 2010 Senate-reported appropriations bill]

State—	FY 2009 enacted	FY 2010 Senate bill	Difference
Alabama—	\$664,181,764—	\$686,900,890—	\$22,719,126
Alaska—	290,717,063—	299,809,478—	9,092,415
Arizona—	672,374,585—	694,856,314—	22,481,729
Arkansas—	410,847,021—	424,892,224—	14,045,203
California—	3,002,777,749—	3,107,386,662—	104,608,913
Colorado—	451,065,359—	466,804,480—	15,739,121
Connecticut—	422,828,746—	437,264,323—	14,435,577
Delaware—	126,898,054—	134,437,981—	7,539,927
District of Columbia—	126,772,019—	131,372,586—	4,600,567
Florida—	1,690,108,775—	1,745,663,364—	55,554,589
Georgia—	1,143,842,745—	1,181,764,488—	37,921,743
Hawaii—	136,011,037—	140,890,088—	4,879,051
Idaho—	244,839,686—	253,048,264—	8,208,578
Illinois—	1,121,712,771—	1,160,076,519—	38,363,748
Indiana—	852,499,523—	880,696,895—	28,197,372
Iowa—	384,432,661—	397,991,958—	13,559,297
Kansas—	327,579,516—	339,365,197—	11,785,681
Kentucky—	568,095,523—	587,416,393—	19,320,870
Louisiana—	555,575,744—	574,865,033—	19,289,289
Maine—	141,822,084—	146,996,546—	5,174,462
Maryland—	518,543,985—	536,780,813—	18,236,828
Massachusetts—	531,894,794—	550,976,349—	19,081,555
Michigan—	926,977,662—	959,052,590—	32,074,928
Minnesota—	523,448,534—	541,421,862—	17,973,328
Mississippi—	389,213,117—	402,777,975—	13,564,858
Missouri—	762,024,021—	787,964,042—	25,940,021
Montana—	318,817,904—	326,328,233—	7,510,329
Nebraska—	244,575,447—	253,237,541—	8,662,094
Nevada—	256,097,971—	264,815,350—	8,717,379
New Hampshire—	146,151,389—	151,261,615—	5,110,226
New Jersey—	859,742,154—	889,143,627—	29,401,473
New Mexico—	310,184,441—	320,814,509—	10,630,068
New York—	1,450,156,103—	1,501,247,422—	51,091,319
North Carolina—	930,622,868—	962,100,250—	31,477,382
North Dakota—	207,347,401—	214,686,636—	7,339,235
Ohio—	1,147,361,001—	1,186,456,027—	39,095,026
Oklahoma—	504,786,983—	522,318,817—	17,531,834
Oregon—	372,563,076—	385,730,512—	13,167,436

UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED DISTRIBUTION OF FEDERAL-AID HIGHWAY PROGRAM OBLIGATION LIMITATION—  
Continued

(FY 2010 distribution estimated based on FY 2009 contract authority and the FY 2010 Senate-reported appropriations bill)

State—	FY 2009 enacted	FY 2010 Senate bill	Difference
Pennsylvania—	1,443,922,086—	1,494,303,625—	50,381,539
Rhode Island—	163,809,919—	169,786,620—	5,976,701
South Carolina—	548,969,028—	567,442,319—	18,473,291
South Dakota—	217,374,734—	224,862,704—	7,487,970
Tennessee—	704,208,483—	728,011,969—	23,803,486
Texas—	2,868,608,137—	2,964,113,622—	95,505,485
Utah—	259,427,213—	268,373,350—	8,946,137
Vermont—	134,115,890—	138,995,286—	4,879,396
Virginia—	859,531,139—	888,675,696—	29,144,557
Washington—	556,453,022—	576,378,211—	19,925,189
West Virginia—	350,067,330—	361,686,708—	11,619,378
Wisconsin—	642,654,090—	663,976,975—	21,322,885
Wyoming—	215,495,030—	223,007,830—	7,512,800
Subtotal—	32,700,127,377—	33,819,228,768—	1,119,101,391
Non-Formula programs—	7,999,872,623—	7,287,771,232—	(712,101,391)
Total—	40,700,000,000—	41,107,000,000—	407,000,000

Mr. CARDIN. Madam President, I rise today to express my support for the Senate amendment to H.R. 3288 and to thank my colleagues on the Transportation, Housing & Urban Development, and Related Agencies Appropriations Subcommittee for their fine work in crafting a bill that meets the priorities of the Nation while remaining fiscally responsible.

I would particularly like to thank my colleagues for the provision of \$150 million for capital and preventive maintenance of the Washington Metropolitan Transit Authority's Metro System. The Metro system is sometimes known as "America's Subway" and for good reason. Many Metrorail stations were built at the request of the Federal Government and nearly half of all stations are located at Federal facilities. Federal employees comprise 40 percent of WMATA's peak ridership. WMATA also plays a critical role for ensuring the continuity of Federal Government operations during an emergency. The Federal Government's interest in Metro is clear.

I am sure you all recall the tragic Metrorail accident on June 23 of this year that took the lives of nine individuals. We cannot allow another such tragedy to occur. I appreciate the committee making a commitment to the safety of the 100 million passengers who travel on Metro each year.

Mass transit is critically important in Maryland as we look for ways of reduce energy and greenhouse gas emissions. The committee has funded two important mass transit projects in Maryland, the purple line in suburban Washington and Baltimore's red line. The purple line is a proposed 16-mile light rail or bus rapid transit line extending from Bethesda in Montgomery County to New Carrollton in Prince George's County. The Baltimore red line is a proposed 14-mile light rail rapid transit line extending from the Woodlawn area of Baltimore County, MD, through downtown Baltimore City to the Johns Hopkins Bayview Medical Campus in East Baltimore. Each project will ease traffic congestion, reduce carbon emissions, conserve en-

ergy, and improve the quality of life for many Marylanders.

Maryland has a number of military installations throughout the State. Consequently, several communities will be affected by the upcoming round of base realignment and closures, BRAC. I would like to thank the committee for taking this into consideration and providing funding for BRAC-related improvements at Andrews Air Force Base in Prince George's County, near Fort Meade in Anne Arundel County, near Aberdeen Proving Grounds in Harford County, and in the vicinity of the National Navy Medical Center in Montgomery County. Nearly 50,000 new residents will arrive in Maryland as a result of BRAC. I appreciate the committee's help to make sure Maryland's transportation infrastructure is well-prepared for this population influx.

I would also like to thank the committee for funding two important economic development initiative projects in Maryland, the Harriett Tubman Underground Railroad Park and Visitors Center and the Maryland Food Bank.

Harriett Tubman was born on Maryland's Eastern Shore. It was from there that she escaped from slavery and went on to become one of the leaders of the Underground Railroad. Funding for the Harriett Tubman Underground Railroad Park and Visitors Center will support the continued design, engineering, and site preparation for the joint State-Federal Visitors Center at the State park and envisioned Federal park. The project is in rural Dorchester County. Tourism is a growing part of the economy and is viewed by the State and county economic development officials as the economic future of the area. The adjacent Blackwater National Wildlife Refuge is already a major attraction for eco-tourists. This Visitors Center will serve as a focal point of a growing tourism economy in the region while also celebrating one of America's true heroes.

The Maryland Food Bank provides food to 900 soup kitchens, food pantries, shelters, and other community-based organizations across the State.

These agencies, in turn, feed hundreds of thousands of hungry Marylanders each year. Last year, the Maryland Food Bank distributed 14.3 million pounds of food. The dire state of the economy has placed increased demands on the food bank. Critical infrastructure needs must be met in order to sustain and expand services to meet the growing need. I am grateful that the committee has provided funds through this bill to meet those needs. This funding will greatly benefit Maryland's hungry families.

In closing, again let me say how much I appreciate the work of Senator MURRAY, Senator BOND, and their staffs along with the rest of the subcommittee. They have in crafted a bill that adequately provides for critical transportation infrastructure, addresses housing needs for America's most vulnerable populations, and injects economic drivers into underserved communities, all while remaining 2 percent under the President's requested budget. I find that quite impressive and I support this bill.

Ms. COLLINS. Madam President, I rise to speak in support of provisions I authored in the fiscal year 2010 Transportation-HUD appropriations bill that would increase safety, save energy, and decrease emissions by creating a 1-year pilot project to allow trucks weighing up to 100,000 pounds to travel on Maine's interstates. This provision also requires an analysis by the U.S. Department of Transportation and the State of Maine to study the effects of the increase on safety, road and bridge durability, energy use, and commerce. The U.S. Department of Transportation will report its findings to Congress. This Maine pilot project does not have any impact on other States' weight laws and regulations.

By way of background, let me explain why this pilot project is needed. Under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the turnpike designation ends, but I-95

proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced onto smaller, two-lane secondary roads that pass through cities, towns, and villages. The same problem occurs for Maine's other interstates like 295 out of Portland and 395 in the Bangor-Brewer area.

Trucks weighing up to 100,000 pounds are already permitted on interstate highways in New Hampshire, Massachusetts, and New York as well as the Canadian Provinces of New Brunswick and Quebec. The weight limit disparity on various segments of Maine's Interstate Highway System is a significant impediment to commerce, increases wear-and-tear on our secondary roads, and, most important, puts our people needlessly at risk.

Diverting trucks onto these secondary roads raises critical safety concerns. In fact, there have been several accidents, some of which have tragically resulted in death, which have occurred after these large trucks were diverted onto secondary roads and through smaller communities. For example, in May 2007, a 17-year-old high school student from Hampden, ME, lost her life when her car was struck by a heavy truck on route 9. The truck driver could not see the car turning onto that two-lane road as he rounded a corner. Interstate 95 runs less than three-quarters of a mile away, but Federal law prevented the truck from using that modern, divided highway, a highway that was designed to provide ample views of the road ahead.

A year earlier, Lena Gray, an 80-year-old resident of Bangor, was struck and killed by a tractor-trailer as she was crossing a downtown street. Again, that accident would not have occurred had that truck been allowed to use I-95, which runs directly through Bangor.

In June 2004, Wilbur Smiths Associates, a nationally recognized transportation consulting firm, completed a study to examine the impact a federal weight exemption on non-exempt portions of Maine's Interstate Highway System would have on safety, pavement, and bridges. The study found that extending the current truck weight exemption on the Maine Turnpike to all interstate highways in Maine would result in a decrease of 3.2 fatal crashes per year. The study also found that the fatal accident rate on the secondary roads was 10 times higher than on the turnpike, and the injury accident rate was seven times higher.

While improving safety is the key objective, a uniform truck weight limit of 100,000 pounds on Maine's interstate highways also would reduce highway miles, as well as the travel time, necessary to transport freight through Maine, resulting in economic and environmental benefits. Moreover, Maine's extensive network of local roads would

be better preserved without the wear and tear of heavy truck traffic.

Interstate 95 north of Augusta, ME, where trucks are currently limited at 80,000 pounds, was originally designed and built for military freight movements to Loring Air Force Base at weights much heavier than 100,000 pounds. Raising the truck weight limit would keep heavy trucks on the interstates, which are designed to carry more weight than the rural State roads.

The argument that 100,000 pound trucks would cause greater road deterioration is misguided. Current Maine law requires that vehicles carrying up to 100,000 pounds on State roads be six-axle combination vehicles. Current Federal law requires that vehicles carrying 80,000 pounds be five-axle. Contrary to erroneous assumptions, six-axle 100,000 pound vehicles are not longer, wider or taller than the five-axle 80,000 pound vehicles. The six-axle 100,000 pound vehicles, which include an additional set of brakes, allow for greater weight distribution thereby not increasing road wear and tear. Further, stopping distances and safety are in no way diminished, and preliminary data from studies conducted by the Maine State Police support this statement. That is why Maine's Commissioner of Public Safety, the Maine State Troopers Association, and the Maine Association of Police all support this pilot project.

A higher weight limit in Maine will not only preserve our rapidly deteriorating roads, but will provide economic relief to an already struggling trucking industry. Trucks weighing up to 100,000 pounds are permitted on interstate highways in New Hampshire, Massachusetts, and New York as well as the Canadian provinces of New Brunswick and Quebec. Maine truck drivers and the businesses they serve are at a competitive disadvantage.

Last year, I met with Kurt Babineau, a small business owner and second generation logger and trucker from Maine. Like so many of our truckers, Kurt has been struggling with the increasing costs of running his operation. All of the pulpwood his business produces is transported to Verso Paper in Jay, ME, a 165-mile roundtrip. This would be a considerably shorter trip if his trucks were permitted at 100,000 pounds to remain on Interstate 95. Instead, his trucks must travel a less direct route through cities and towns. Kurt estimated that permitting his trucks to travel on all of Interstate 95 would save him 118 gallons of fuel each week. At last year's diesel cost of approximately \$4.50 a gallon, and including savings from his drivers spending less time on the trip, he could have saved more than \$700 a week, and more than \$33,000 and 5,600 gallons of fuel annually. These savings would not only be beneficial to Kurt's bottom line, but also to his em-

ployees, his customers, and to our nation as we look for ways to decrease the overall fuel consumption.

An increase of the Federal truck weight limit in Maine is widely supported by public officials throughout Maine, including the Governor, the Maine Association of Police, and the Maine Department of Public Safety, which includes the State Bureau of Highway Safety, the Maine State Police, and the Bureau of Emergency Communications. I have several letters of support from these officials and organizations, which I will submit for the record with my statement. The Maine Legislature also has expressed its support for the change having passed resolutions over the past several years calling on Congress to raise the Federal truck weight limit to 100,000 pounds in Maine. I urge my colleagues to support this important provision in the Fiscal Year 2010 THUD appropriations bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MAINE,

*Augusta, Maine, September 10, 2009.*

Hon. DANIEL INOUE, *Chair,*

Hon. THAD COCHRAN, *Ranking Member,*  
*Appropriations Committee, U.S. Senate, Wash-*  
*ington, DC.*

Hon. PATTY MURRAY, *Chair,*

Hon. CHRISTOPHER S. BOND, *Ranking Member,*  
*Subcommittee on Transportation, HUD and Re-*  
*lated Agencies, U.S. Senate, Washington,*  
*DC.*

DEAR SENATORS INOUE, COCHRAN, MURRAY AND BOND: As the FY 2010 Transportation-HUD Appropriations bill nears debate in the U.S. Senate, I would like to again express my strong and unwavering support for Section 194 of the bill, which would permit the state of Maine to conduct a one-year pilot program to assess the benefits of allowing increased weight limits for heavy vehicles traveling on any part of Maine's Interstate highway system. My support is grounded in my conviction that this pilot will establish that the higher weight limits on Maine's Interstates will improve the safety and efficiency of heavy vehicles operating on Maine Roads.

Currently, on Maine's Interstate highway system, higher state truck weight limits may be enforced only on Interstate 95 beginning in Kittery and on the Maine Turnpike portion of I-95, which ends in Augusta. Lower federal truck weight limits are enforced on all other Maine Interstate highways. As you know, only the United States Congress can change Interstate truck weight limits, and MaineDOT has been working with the Maine Congressional delegation for some time to pass a federal law to rectify this problem. The current situation negatively impacts the safety of Maine's highways, the health of Maine's economy, and the durability of its highways and bridges. Thus, I strongly support inclusion of section 194 in the FY 2010 DOT-HUD Appropriations Bill.

Maine has a long history of allowing trucks at 100,000-lbs. gross vehicle weight (GVW) to operate on the Maine Turnpike portion of I-95 south of Augusta, with a record of positive economic, environmental and safety outcomes. An extension of this practice to the remainder of the Maine Interstate highway system would divert 100,000-lb. trucks from secondary roads lined with numerous schools, intersections, driveways and

traffic lights, and put them on the highway infrastructure that is designed to handle such demands.

A MaineDOT Engineering Opinion signed in June 2008 by five of our top bridge and infrastructure engineers, including the department's Chief Engineer with more than 50 years of highway engineering experience, stated that, "... it is the professional opinion of the undersigned that Maine's interstate system can support the addition of the 100,000-lb. GVW vehicles to Maine's interstate traffic stream, without any noticeable or significant damage to the system's infrastructure."

More specifically, MaineDOT study findings indicated that an Interstate truck weight exemption would save the State of Maine between \$1.3 million and \$2 million annually in bridge and pavement costs. A companion 2004 Maine DOT study of the currently exempted Maine Turnpike estimated that the federal truck weight exemption on that highway, which allows higher state weight limits, saves the state between \$2.1 million and \$3.2 million annually in bridge and pavement costs. Also, the increased pavement consumption of a six-axle combination truck compared with the five-axle truck is relatively small due to the advantage of adding an axle to offset the weight increase and to the reduced number of trips by the loaded vehicle. A federal truck weight exemption would annually remove an estimated 7.8 million loaded truck-miles of travel from Maine's primary and secondary road system, diverting the traffic to the safer Interstate highway system.

From an environmental standpoint, the federal truck weight exemption would reduce Maine's and the nation's dependence on foreign oil by eliminating the need to divert to less direct routes, thereby reducing overall fuel usage. In addition, increasing payload capacities reduces the number of truck-miles traveled for a given load, thereby reducing fuel usage. Fewer trucks on the road and lower fuel usage also result in lower emissions—a direct environmental benefit.

Also, the State of Maine just completed a study entitled "Estimating Fuel Consumption and Emissions in Maine: A Comparative Analysis for a Six-Axle, 100,000-lb. Vehicle." The study was prepared by the American Transportation Research Institute. Preliminary findings included significant efficiency improvements and trip-specific emissions improvements in the comparison of two different parallel routes—an Interstate route and a state highway route. Efficiency improvements measured in miles per gallon were determined to be 14-21 percent on the Interstate route. Emissions were also expected to decrease by 6-11 percent for CO<sub>2</sub> and 3-8 percent for NO<sub>x</sub> and MNHC on the Interstate.

In summary, enacting a federal truck weight limit exemption on the currently non-exempt Maine Interstate highway system would:

Reduce truck crashes on Maine's highways;  
Reduce the number of trucks necessary to haul a given load;

Allow heavy truck traffic on the much safer Interstate highway system;

Divert many through-trucks from congested town centers with schools, gas stations, intersections, crosswalks, etc.;

Reduce regional transportation costs, making Maine industry more competitive with its neighbors and enhancing interstate and international trade;

Reduce net fuel consumption; and  
Save \$1.3 to \$2.0 million annually in infrastructure costs by reducing impacts.

As Senate action on the FY 2010 DOT-HUD Appropriations Bill moves forward, I want to voice my strong support for Section 194, which will promote safer and more efficient truck movement on Maine's highways.

Sincerely,

JOHN E. BALDUCCI,  
Governor.

STATE OF MAINE,  
DEPARTMENT OF PUBLIC SAFETY,  
Augusta, ME, September 9, 2009.

Hon. SUSAN COLLINS,  
U.S. Senate, Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Maine Department of Public Safety, I am writing in support of your efforts to include a one year pilot program in the FY2010 Transportation, Housing and Urban Development Appropriations Bill to allow trucks weighing up to 100,000 pounds to operate the entire length of the Interstate Highway here in Maine. We strongly believe that such a program will allow all Mainers to travel more efficiently and especially more safely along our rural roads if this were to occur.

Last year in Maine, 155 people tragically died on Maine's highways. 23 of these deaths involved large trucks. We also know that of these 23 deaths, more than 80% occurred on our rural roads. We attribute many of these deaths to the fact that large trucks are forced by current Federal law and policy to exit our safe, divided 4-6 lane interstate highway at Augusta, a mere 100 miles into Maine, and travel along two lane rural roads. Many of these trucks are then forced to travel six to eight hours or more along our rural roads to reach their destinations instead of being allowed to travel along the divided highway.

These roads pass through our villages, our towns, past churches, schools, shopping centers, parks and Little League fields. Unlike our major highway that limits access, thereby cutting down on collisions, these rural roads have thousands of locations where roads cross, people enter from parking lots and private driveways and young children, adults and elderly people walk, bike and run.

Each time you add an access point to these roads, you increase the potential for a tragic accident to occur. Each time a truck is forced to travel along an undivided highway, the potential for other vehicles to cross over into its lane, to unexpectedly pull out in front of the truck, for a young child to run into the roadway or for a bicycle to swerve into the lane of travel, increases dramatically. Each of these incidents is a tragedy waiting to happen.

The Maine Department of Public Safety, which includes the State Bureau of Highway Safety, the Maine State Police and the Bureau of Emergency Communications, strongly supports your proposal. State and Federal Motor Carrier statistics that have been gathered over the years tell us that every time you can get a large truck off a small rural road and onto a divided limited access highway, the chance to avoid accidents and prevent death greatly increases. The proposed bill is a smart, practical and well reasoned approach to this problem. The Maine Department of Public Safety wholeheartedly supports your efforts.

Please feel free to contact me at my office at 207 626 3800 if there is any further information I can provide to you in support of your efforts. Thank you for your time and dedication to the efforts to make Maine's roads safer for all of our citizens and visitors.

Sincerely yours,

ANNE H. JORDAN, ESQ.  
Commissioner of Pubic Safety, State of Maine.

STATE OF MAINE, DEPARTMENT OF  
PUBLIC SAFETY—MAINE STATE POLICE

Augusta, ME, September 10, 2009.

Hon. SUSAN COLLINS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS: I am writing on behalf of the Maine State Police to support your efforts to increase gross vehicle weights on Maine's non-exempt Interstate highway system. The changes you propose will not only benefit the economy of the State of Maine, but will significantly improve the safety of Maine's roads.

As you know, Maine allows gross vehicle weights of up to 100,000 lbs. on six-axle tractor semitrailers on state highways. As a result, when they reach the non-exempt portions of Maine's Interstate highway system heavy combination trucks that would travel on the Interstate system are diverted to the state highway system. This results in 100,000 lbs. trucks traveling through busy downtown areas, through population centers, through congested intersections and next to schools and playgrounds.

A June 2004 report prepared for the Maine Department of Transportation (MaineDOT) concluded that allowing 100,000 lbs. trucks on the non-exempt Interstate Highways in Maine would result in fewer crashes. This report indicates that the crash rates on non-Interstate facilities in the study network are more than 2 1/2 times higher than the crash rate on the non-exempt Interstate System. In addition, the fatal crash rate on non-Interstate facilities is nearly 10 times the fatal crash rate on Interstate facilities while incapacitating injury crashes are more than twice as prevalent. National studies have found a strong relationship between road class and crash risk. Findings from these reports indicate that trucks traveling on rural interstates are 3 to 4 times less likely to have a fatal crash than trucks traveling on rural state and county highways.

Safety is a primary concern of the Maine State Police. Given that the Interstate highway system is the safest road network for heavy vehicle operations, we fully support your efforts to allow 100,000 lbs. six-axle semi-trailers on the non-exempt portion of Maine's Interstate highway system.

Sincerely,

COL. PATRICK J. FLEMING,  
Chief, Maine State Police.

MAINE STATE TROOPERS ASSOCIATION,  
Augusta, ME, September 11, 2009.

Hon. SUSAN COLLINS,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS: I last wrote to you in 2005 in support of your efforts to increase the gross vehicle weights to 100,000 lbs. on Maine's non-exempt Interstate highway system. At that time, I wrote in my capacity as Chief of the Maine State Police. After retiring in 2007, I moved into the private sector as a labor consultant providing services to, amongst others, the Maine State Troopers Association (MSTA). It is on their behalf that I write today. I might add that my personal sentiments in support of your efforts have not waivered and if anything have strengthened.

The statistics continue to support the increase, both from an economic, and to my mind most importantly, a public safety standpoint. The proposed one year pilot program will provide an opportunity for due diligence on the part of policy makers and policy implementers by way of an analytical

survey of the results of moving heavy trucks off the secondary roads and on to the Interstate system which was engineered for such traffic. This also will allow for policy decisions to be made based on facts and not simply emotion or speculation.

MSTA's members are on the front line of Maine's highway safety efforts and are responsible for enforcing State and Federal commercial vehicle laws and regulations. They see no down side to this proposal. And as compelling as the data is, intuitively it just makes sense. While the naysayers believe it will increase risk, no data supports that notion.

Safety remains the primary concern of Maine's Troopers as it did in 2005. For that reason we offer our support in your efforts to move 100,000 lb. six-axle semi-trailers on the non-exempt portion of Maine's Interstate system. Thank you for your efforts on this important initiative.

Sincerely,

CRAIG A. POULIN,  
*Executive Director, MST A.*

MAINE ASSOCIATION OF POLICE,  
*South Portland, ME, September 9, 2009.*

Senator SUSAN COLLINS,  
*Dirksen Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR COLLINS, The Maine Association of Police offers and urges support of your efforts to include a one year pilot project in the FY 2010 Transportation, Housing and Urban Development Appropriations bill to allow trucks weighing up to one hundred thousand pounds to utilize the full length of Maine's interstate highway system.

Currently, federal law prohibits trucks weighing more than eighty thousand pounds from traveling the I-95 corridor from the city of Augusta, north. Because the Maine Turnpike, also designated as I-95, is a private, toll road, this prohibition does not exist from the New Hampshire border to Augusta.

This inconsistency creates a situation in which commercial vehicles not conforming to the federal weight restriction are forced to leave the interstate system and travel state secondary roads. As law enforcement first responders, this forced departure from the interstate system is of great concern. Given the nature and daily use of secondary roads vital to Maine citizens, this restriction creates an unnecessary risk by forcing these commercial vehicles off of a system that is specifically designed and engineered for this type of commercial traffic.

The pilot project also provides for the diligent study of the impacts that this temporary change will have on Maine's interstate system to address concerns that many would have as to the long term impact of commercial traffic. An unintended side benefit also provides an opportunity for Maine Law Enforcement to gauge the impact of removing this traffic from secondary roads through crash reporting and other statistical data. It also affords law enforcement a clear venue to direct enforcement and safety operations as they relate to commercial vehicle issues.

The one year pilot project provided by this current budget takes a common sense approach to address an important issue in Maine that has gone unattended. It provides the opportunity to study the balance between an effective and efficient commerce system, fuel efficiency and environmental impacts, but most of all, the safety of Maine citizens and those who visit our great state. We look forward to the committee's support

of your efforts in making this opportunity a reality.

Sincerely,

PAUL GASPAR,  
*Executive Director.*

SEPTEMBER 11, 2009.

Hon. SUSAN COLLINS,  
*U.S. Senate, Dirksen Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the Coalition for Transportation Productivity (CTP) and its 120 members nationwide, I am writing to express strong support for Section 194 of the FY 2010 Transportation-HUD Appropriations Bill now pending before the Senate. This provision would enable the state of Maine to conduct a one-year pilot program to test the impact of allowing 100,000 pound, six-axle single-trailer trucks to access Maine's interstate highway network.

CTP was organized to promote the passage of federal legislation giving each state the option to increase its interstate vehicle weight limit to 97,000 pounds for six-axle trucks if the state determines that the infrastructure of these roads can safely accommodate the heavier loads. Maine officials have determined that their state roads are fully capable of handling these loads. It is important to note that highway safety, environmental performance and economic productivity would all be improved by allowing this pilot program to occur.

Increasing the interstate weight limit would allow businesses and shippers to carry a specific amount of freight using fewer trucks. This is especially significant for highway safety because accident rates among heavy vehicles are strongly tied to the vehicle miles traveled (VMT), and consolidating freight would reduce VMTs to make roads safer. It is important to note that since the United Kingdom raised its gross vehicle weight limit for six-axle vehicles in 2001, fatal truck-related accident rates have declined by 35 percent. More freight has been shipped, while the number of VMTs to deliver a ton of freight has declined.

Moreover, the current interstate weight limit often forces trucks to travel on rural roads that often wind through towns, passing schools and private driveways, where accidents are more likely to occur. The provision would put these trucks on better-engineered, divided interstate highways, where they can safely and efficiently transport goods.

Allowing six-axle vehicles to carry more weight would also yield cleaner air and greener shipping by cutting fuel use and carbon emissions. A 2008 American Transportation Research Institute study found that six-axle trucks carrying about 100,000 pounds get 17 percent more ton-miles per gallon than five-axle trucks carrying 80,000 pounds. More efficient shipping means a smaller carbon footprint.

Finally, raising the interstate vehicle weight limit will have widespread economic benefits. At a point when many producers are facing tough economic times and smaller budgets, the provision will enable them to reduce the number of weekly shipments—cutting costs, spurring investment and protecting valuable jobs.

Furthermore, producers in Maine and across the country are currently at a productivity disadvantage because Canada, Mexico and most European countries now have higher truck weight limits. Harmonizing weight limits with our major trading partners will ease the cost of moving U.S. goods into

international markets and stop costly freight consolidation at our ports and border crossings. With Canada's higher weight limits, the provision in Maine would help Northeastern producers compete for market share and efficiently export goods.

It is a fact that allowing heavier, more efficient trucks to operate on our nation's interstates would improve safety, reduce environmental impact and strengthen the economy. CTP applauds Sen. Collins for introducing the provision.

Sincerely,

JOHN RUNYAN,  
*Executive Director.*

AMERICAN TRUCKING ASSOCIATIONS,  
*Washington, DC.*

Hon. DANIEL INOUE,  
*Chairman, Committee on Appropriations,*  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN INOUE: The American Trucking Associations supports Senator Collins' efforts to secure a 1 year pilot program in the Fiscal Year 2010 Transportation and Housing and Urban Development Appropriations bill that would allow for more productive vehicles to be operated on Maine's interstate highways. The inclusion of this provision will improve safety, reduce greenhouse gas emissions, and benefit Maine's economy.

Under current law, six axle vehicles with a gross vehicle weight of 100,000 lbs are allowed to operate on the Maine Turnpike (I-95) from the New Hampshire border to Augusta, ME. Upon reaching Augusta, however, the federal weight preemption on the Interstate Highway System forces trucks weighing more than 80,000 lbs off of I-95 onto smaller secondary roads which are less safe than Interstates. The removal of the federal prohibition would allow trucks on the roads that are best suited for them.

This pilot project is also an effective strategy for mitigating the impacts of carbon dioxide on climate change due to the reduction in fuel use as a result of fewer trips needed to deliver a given amount of freight. A recent study found that more productive vehicles could reduce fuel usage up to 39% with similar reductions in greenhouse gas emissions.

Furthermore, the allowance of more productive vehicles on the Interstate will help to alleviate Maine's current economic disadvantage. Jurisdictions surrounding Maine all have significantly higher weight limits on their highways. New Hampshire and Massachusetts both allow trucks up to 99,000 lbs. and Canada allows for truck weights greater than 100,000 lbs. Maine's inability to allow for higher weight limits has made it a virtual island unto itself.

ATA encourages the Committee to include the Maine pilot project as part of the final FY 2010 THUD Appropriations bill. This is good public policy and we commend Senator Collins for her efforts to address Maine's needs.

TIMOTHY P. LYNCH,  
*Senior Vice President,*  
*Office of Legislative Affairs*

Mr. DODD. Madam President, several of my colleagues offered amendments that would prohibit funding for individual transportation and housing projects in the underlying bill, including several important projects for Connecticut. I question the judgment of my colleagues who attack specific programs without regard for the purpose these projects serve or the impact they will have in the community. I also

question the notion that Washington knows better than the communities and States which projects will provide critical services, stimulate their local economies, and preserve jobs.

I would like to take this opportunity to explain some of the critical funding for Connecticut in this important legislation.

In my State of Connecticut, home to some of America's most frustrating traffic congestion, transit is the future of transportation. Investments in sustainable development have resulted in the creation of job centers and residential communities built around transit stations, all the while serving to clear space on the roads. This transportation funding bill includes \$4 million for improvements to the New Haven-Hartford-Springfield rail line, which would establish both faster intercity and commuter rail service between New Haven, Hartford, and Springfield, provide residents of central Connecticut with better access to southwest Connecticut, New York City, western Massachusetts, and Vermont. It also includes nearly \$10 million in transit-related projects across the State, including the development of the Thompsonville Intermodal Transportation Center in Enfield, a passenger rail station in West Haven, the Bridgeport Intermodal Center, and expanding transit services and access in Stamford. Transit projects such as these connect Connecticut residents with jobs and make it possible for the regional economies to grow.

Sustainable development and livable communities depend on helping towns and regions across Connecticut invest in their transportation, housing, land use, and economic development needs. That is, for example, this bill includes \$1.5 million in funding for the city of Waterbury for the development of brownfield properties and the Naugatuck River Greenway. This community faces a 12.7 percent unemployment rate and millions of square feet of unused, factory space contaminated by generations of brass production and industrial uses. Funding for development of former brownfield sites in Waterbury has been a target on this Senate floor. An amendment was offered to strip away this project's funding. For Members of this body who have never visited Waterbury, I welcome them to walk the streets of this city and question whether this community needs Federal assistance to redevelop properties that have been long-contaminated, abandoned, and blighted. There have been investments on the local and State level to provide this city with the tools they need to thrive. It is only just that the Federal Government do the same.

Our ability to foster economic growth through sustainable development in Connecticut depends on our ability to have affordable housing and

assist homeowners struggling to keep their homes in this financial downturn. By providing the resources to keep people in their homes and assistance to communities to expand affordable housing, we can truly strengthen our economy. That is why this bill includes critical funding for housing and foreclosure programs across Connecticut. The bill makes investments in regions, including funds for the Southeastern Connecticut Housing Alliance in Norwich to provide technical assistance to communities in New London County to increase affordable housing and support for the Urban League of Southern Connecticut to provide for foreclosure prevention assistance programs to all of Connecticut. In central Connecticut, funding will support foreclosure prevention and homeownership initiatives in Middletown.

This bill provides nearly \$17 million for the State of Connecticut, representing investments in critical programs and services to help the people of my State. This bill supports local officials and organizations that know best the needs of their communities. It represents jobs and economic growth and I am proud to support it.

Madam President, I was pleased to join with my colleagues Senator MURRAY and Senator BOND to provide much-needed funding to avoid terminations of section 8 housing voucher assistance to families across the country. The Census Department's recently released poverty figures show that in 2008—before the full brunt of the current recession—nearly one in five American children lived in poverty. Given the challenges confronting the economy and our families, housing assistance programs like section 8 vouchers could not be more important.

Senators MURRAY and BOND have worked hard in recent years to ensure that the section 8 voucher program is adequately funded. Unfortunately, initial budget estimates that they received from the Bush administration last year proved to be too low to accommodate the needs of the program. In recent months, we have seen newspaper accounts of section 8 funding shortfalls in communities around the country, with families worried that they would have their housing assistance reduced or terminated altogether. The funds provided by this amendment will help ease the minds of many families.

I am also pleased that these funds have been identified from within the section 8 voucher account itself, so this solution is also budget-neutral.

I would be remiss if I did not thank Senators MURRAY and BOND for their good work in assembling this challenging bill. The Transportation-HUD appropriations bill is responsible for funding our national transportation infrastructure, vital housing assistance and funding to combat homelessness,

and aid to our hard-pressed cities and towns. In this bill, the Senators have been able to provide valuable HUD funding increases for priorities such as public housing, section 8 assistance, and community development block grants. I also appreciate the bill's strong funding for transportation, and particularly public transportation programs.

Finally, I would like to thank my colleagues for the \$100 million they provided for competitive capital grants to transit agencies seeking to reduce energy consumption and greenhouse gas emissions. Senator SHELBY and I worked with the managers to include these grants in the economic recovery bill earlier this year. We appreciate their continued support for this initiative.

Mrs. MURRAY. Madam President, we are now on final passage. I urge all of our colleagues to vote yes.

Mr. BOND. Madam President, I join with my colleague in thanking all Members and urging an aye vote.

The PRESIDING OFFICER. Under the previous order, the committee amendment in the nature of a substitute is agreed to. The motion to reconsider is considered made and laid on the table.

The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mrs. MURRAY. I yield back our time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, shall the bill as amended pass:

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 287 Leg.]

#### YEAS—73

Akaka	Collins	Kerry
Alexander	Conrad	Klobuchar
Baucus	Dodd	Kohl
Begich	Dorgan	Lautenberg
Bennet	Durbin	Leahy
Bennett	Feingold	Levin
Bingaman	Feinstein	Lieberman
Bond	Franken	Lincoln
Boxer	Gillibrand	Lugar
Brown	Gregg	Menendez
Brownback	Hagan	Merkley
Burris	Harkin	Mikulski
Byrd	Hatch	Murkowski
Cantwell	Hutchison	Murray
Cardin	Inouye	Nelson (NE)
Carper	Johanns	Nelson (FL)
Casey	Johnson	Pryor
Cochran	Kaufman	Reed

Reid	Snowe	Warner
Roberts	Specter	Webb
Rockefeller	Stabenow	Whitehouse
Sanders	Tester	Wicker
Schumer	Udall (CO)	Wyden
Shaheen	Udall (NM)	
Shelby	Voinovich	

## NAYS—25

Barrasso	DeMint	McCain
Bayh	Ensign	McCaskill
Bunning	Enzi	McConnell
Burr	Graham	Risch
Chambliss	Grassley	Sessions
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	
Crapo	LeMieux	

## NOT VOTING—1

Landrieu

The bill, H.R. 3288, as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. Madam President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

The chair appointed Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. LEAHY, Mr. HARKIN, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. LAUTENBERG, Mr. SPECTER, Mr. INOUE, Mr. BOND, Mr. SHELBY, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Mr. COCHRAN, conferees on the part of the Senate.

## EXECUTIVE SESSION

## NOMINATION OF GERARD E. LYNCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to vote on the nomination of Gerard E. Lynch, of New York, to be U.S. circuit judge for the Second Circuit.

There is 2 minutes of debate equally divided.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, it is Constitution Day. Two hundred twenty-two years ago today, the Constitutional Convention finished its work and proposed our fundamental charter.

With this vote, the Senate will finally begin fulfilling one of its most important constitutional duties by granting consent to the President's lifetime appointment to the Federal judiciary. This is the first Federal circuit court judge the Senate has confirmed all year. The Senate has yet to confirm a single district court judge. Judicial vacancies have spiked and could approach 120 soon.

We all know Judge Lynch is an outstanding judge and will make an excellent circuit judge. His nomination has been on the calendar awaiting Senate action for more than 3 months. I am glad his wait is finally over. The President made a good nomination, and the Senate should grant consent so that Judge Lynch's appointment may finally proceed.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, this nominee is a brilliant lawyer and an excellent, hard-working judge. He has made a number of speeches in the past which evidenced an activist philosophy. I voted against him in 1997 when he came up. And absent one or two opinions since then, it seems he has done an excellent job on the bench.

I remain concerned that we are seeing a pattern of nominees who believe they have the power to amend the Constitution. One—not this one—has said he can make footnotes to the Constitution. But this nominee is a man of good integrity, a proven record on the bench, and I will support the nomination.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gerard E. Lynch, of New York to be U.S. Circuit Judge for the Second Circuit?

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 288 Ex.]

## YEAS—94

Akaka	Corker	Kerry
Alexander	Cornyn	Klobuchar
Barrasso	Crapo	Kohl
Baucus	DeMint	Kyl
Bayh	Dodd	Lautenberg
Begich	Dorgan	LeMieux
Bennet	Durbin	Leahy
Bennett	Ensign	Levin
Bingaman	Feingold	Lieberman
Bond	Feinstein	Lincoln
Boxer	Franken	Lugar
Brown	Gillibrand	McCain
Brownback	Graham	McCaskill
Burr	Grassley	McConnell
Burr	Gregg	Menendez
Byrd	Hagan	Merkley
Cantwell	Harkin	Mikulski
Cardin	Hatch	Murkowski
Carper	Hutchison	Murray
Casey	Inouye	Nelson (NE)
Chambliss	Isakson	Nelson (FL)
Cochran	Johanns	Pryor
Collins	Johnson	Reed
Conrad	Kaufman	Reid

Risch	Snowe	Voinovich
Roberts	Specter	Warner
Rockefeller	Stabenow	Webb
Sanders	Tester	Whitehouse
Schumer	Thune	Wicker
Sessions	Udall (CO)	Wyden
Shaheen	Udall (NM)	
Shelby	Vitter	

## NAYS—3

Bunning	Coburn	Inhofe
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## NOT VOTING—2

Enzi	Landrieu
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The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2394

The PRESIDING OFFICER. There are now 2 minutes of debate prior to a vote in relation to amendment No. 2394 offered by the Senator from Nebraska, Mr. JOHANNES.

The Senator from Nebraska.

Mr. JOHANNES. Madam President, this morning I presented the argument on this amendment to the Senate. The question was raised: We don't think there is money that comes out of this budget relative to this organization, ACORN. I went back to the office and did some research. This is a bill that controls hundreds of grant programs. After studying that, it appears I was right. ACORN gets money out of this appropriations.

Moments ago my staff brought me information that would suggest that ACORN has, in fact, received funding. The EPA is a part of this bill. If Members go to this bill at page 182, they will see the EPA is there. We went to the EPA Web site. Here is what the Web site says, referencing a grant program, that it is a collaboration of non-profit organizations led by Ellis Hamilton.

Mr. LEAHY. Madam President, these videotapes that are the excuse for this amendment understandably have offended most who have heard about them, including me. I detest the stupidity and crassness that they depict. If people have acted improperly, they should be fired, and if they have acted illegally, they should be prosecuted. Period. The Obama administration has been equally critical.

ACORN is not the reason for my vote. There is not even an ACORN office in my entire State. Nor, for that matter, is there any reason to believe that this group ever has or ever would have any interest or expertise in applying for

competitive grants under the programs funded in this Interior appropriations bill.

Everyone—except perhaps many of the casual observers who are the target audience of the orchestrated anti-ACORN frenzy—knows that score-at-any-price partisanship is being mixed in an unseemly way with public policy.

For more than a year—since long before these videotapes were made—it has been well known that a partisan project has been launched to demonize ACORN. ACORN in several ways has made easy work of that.

To me, this knee-jerk injection of politics into the competitive grant process is the real issue here. Congress should not compound the wrongful and stupid actions depicted on these videos by deciding to set political standards for competitive Federal grants. Federal agencies use a nonpartisan review process to award grants to the most competitive applicants. Just as I would be against banning other specific organizations on the right or on the left from applying for competitive grants, I believe it is harmful, even though popular, to approve an amendment such as this.

It is unseemly to allow use of a partisan playbook to run roughshod over long-established competitive grant procedure. The admittedly few votes that were cast against this amendment, against the tide of popular opinion, have at least made it more likely that in calmer moments months or years from now, there may at least be some thought invested before Congress again acts to inject raw political partisanship from the left or from the right—into the competitive grant mechanisms of Federal agencies.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, as chairman of the committee, I urge a “no” vote on this amendment. We voted on this yesterday. The vote was compelling, 87 to 7. To the best of our knowledge—and the staff has scrubbed the bill—there is no money for ACORN in the Interior appropriations bill. To do this is to set a precedent to do this on every single appropriations bill. This morning I said to the distinguished Senator from the great State of Nebraska: We will take this amendment. He refused. I guess all of this is really to show people. It is unnecessary. It delays. This is an important bill. We would like to get it passed. Please vote no.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JOHANNIS. I ask unanimous consent for an additional 30 seconds.

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Madam President, I wish to inform all Members, this will be the

last vote today. Tomorrow is a Jewish holiday. We will not be in session tomorrow. We will be in session Monday for Senators to offer amendments on the Interior appropriations bill. There will be no votes on Monday. There will be a vote or two prior to the caucus on Tuesday. Members with a pent-up desire to offer amendments, the floor will be theirs all day Monday. We will come in as early as they want to start offering amendments. We need to move forward on these appropriations bills. I appreciate everyone's cooperation getting this Transportation bill done. This is the fifth one we have completed. We have seven more to go.

Mr. JOHANNIS. I ask for the yeas and nays on amendment No. 2394.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 11, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—85

Alexander	Feingold	Mikulski
Barrasso	Franken	Murkowski
Baucus	Graham	Nelson (NE)
Bayh	Grassley	Nelson (FL)
Begich	Gregg	Pryor
Bennet	Hagan	Reed
Bennett	Hatch	Reid
Bond	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown	Inouye	Rockefeller
Brownback	Isakson	Schumer
Bunning	Johanns	Sessions
Burr	Johnson	Shaheen
Byrd	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Lautenberg	Thune
Cochran	LeMieux	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Wicker
Dodd	McConnell	Wyden
Dorgan	Menendez	
Ensign	Merkley	

NAYS—11

Akaka	Durbin	Leahy
Bingaman	Feinstein	Sanders
Burris	Gillibrand	Whitehouse
Casey	Harkin	

NOT VOTING—3

Enzi	Landrieu	Murray
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The amendment (No. 2394) was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mr. ALEXANDER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUE. Madam President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies H.R. 2996 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, before the Senator begins, I wonder if I might simply say that the floor is open for any amendments to the bill. So if Members are in their offices and would like to come down and present an amendment, following Senator BROWN would be a good time.

Thank you, Madam President.

Mr. BROWN. Madam President, I thank the senior Senator from California for her indulgence and her good work on this legislation and for her leadership generally.

HEALTH CARE REFORM

Madam President, I come to the floor almost every day to share letters from constituents in Ohio that tell a story about how they have worked within the health care system. Some of these stories will break your heart. Some of these stories are all too common in my State and around the country. Whether it is in Lima or Toledo or Ravenna or Saint Clairsville, people who oftentimes thought they had good insurance, who had paid their premium month after month, year after year, had gotten very sick, spent a lot of money on biologic drugs and on hospital stays and then their insurance was canceled so their insurance was not there when they needed it, even though they paid month after month after month.

Let me take 5 minutes to share three or four of these letters from people around Ohio.

The first one comes from Robert and Shirley from Clinton County. Clinton County is Wilmington, OH, just 60, 75 miles or so northeast of Cincinnati. Robert writes:

I recently retired after working 38 years in the same company, where we paid for our medical coverage under the company plans.

After retirement they grouped me and my wife in a retired group and our price plan went up tremendously.

My wife and I are both 57 years of age and until recently we were both really healthy.

Recently I was diagnosed with type 2 Diabetes, and my wife was diagnosed with type 1 Diabetes and [then] developed other medical conditions.

As so often occurs, diabetes, unfortunately, leads to other medical conditions.

Robert writes:

I would like to share some numbers with you:

My retirement income is: \$1,680.00 per month.

My medical insurance is: \$1,253.00 per month.

My [drug plan] is: \$251.00 per month.

My dental is: \$45.00 per month.

That means he is paying \$1,549 a month for drugs, dental care, and medical insurance. His retirement income is \$1,680 a month.

He then writes:

I must say that my wife and I are very disappointed in the way that some Democrats are going to the backing of the "Party Of NO," without taking into consideration the Democratic Party has always been for the working man and woman.

What Robert writes is that too often people in this situation—they retire and, in his case, he had worked for a company for 38 years. They had been relatively healthy. Then they got sick. They have paid into insurance all these years. It sounds like insurance companies have found them pretty profitable over the years because they have not been sick. All of a sudden, when they get sick—they are retired—their insurance costs have gone up so dramatically.

That is not what insurance is supposed to do.

What our legislation will do is give people, particularly those at those ages between 57 and 65—because we are leaving Medicare alone. We are going to actually make Medicare better because we are going to close that doughnut hole so people with expensive drugs can get more assistance from the government from the Medicare plan. So we make Medicare better.

But in this 8 years, for Robert and Shirley, between retirement and Medicare, somebody has to help them a little more. They have paid their dues. They have paid into insurance. He has worked 38 years at the same company.

Our legislation will allow them to go into the exchange, the insurance exchange. They will then be able to choose among an Ohio company such as Medical Mutual or Aetna or CIGNA or the public option. They will have a choice and they then make their decision based on what plan works for them. If their income is only \$1,500 a month, \$1,600 a month, as Robert's and Shirley's income is, then they will get some assistance for paying for that insurance so they can have much better insurance.

Valorie, from Geauga County, says:

I have always been concerned about the availability for affordable health care for

those less fortunate than my husband and myself. But never has this necessity been driven home than this past February when we both lost our jobs due to the economy. Once my severance package runs out, I will not be able to pick up health insurance for my husband and myself. We are both close to 60. We will probably have a difficult time finding jobs. I am grateful the President enabled us to have COBRA benefits we could afford, but they will soon expire. What will we do after that?

COBRA gives you, after you lose your job, an opportunity to continue your health insurance for a year and a half. You pay the part of the health insurance you were paying when you were employed but, unfortunately, you have to pay the employer's side of the health insurance also, even though your income has dropped to close to nothing. President Obama, in the stimulus package we passed back in February, included assistance for people in COBRA where the government, I believe for a year, paid 60 percent of those COBRA costs, allowing people to keep their health care. But once COBRA expires, as Valorie says, they have problems.

I am worried and I pray that neither of us becomes ill because we cannot now afford our medical visits. I know there are others in the same predicament. It is my hope Congress can work on some reasonable solutions for all who need affordable health insurance.

Valorie is not much different from Robert and Shirley in that she is close to retirement but not yet Medicare age; not for another half decade or so for Valorie, and she doesn't have much income now. She has lost her job. Her husband lost his job. She could benefit greatly from going into either the public option—but it is her choice—or Aetna or CIGNA or Medical Mutual or any of the other private insurance plans, and she would look at which one works for her best. She would get some assistance in paying her premiums, but she would be paying less because those plans would have less cost than certainly she could get in the private market which always charges more money.

The third letter is from Kimberlee from Perrysburg, OH, a Toledo suburb. Perrysburg has more solar energy jobs than any other city in the country. I just add that for a little commercial for Perrysburg and my State. Kimberlee says:

I am a 52-year-old woman and stroke survivor. I am still in the recovery process, but my left side is still paralyzed. I can no longer attend physical therapy because my insurance stopped. I can't afford private medical insurance. I am on Medicaid, but Medicaid doesn't cover all of my needed physical therapy. I now have to do my therapy at home just as I was starting to make real improvement with my physical therapy. In a short time without therapy a person will lose everything they tried so hard to gain. Wouldn't it be better to continue the therapy until recovery is made. In the long run, wouldn't it be less costly to the public?

Kimberlee is right. Most of us in this body are lucky enough to be pretty

healthy. We have good insurance. We aren't in jobs that age us quickly like my father-in-law who worked in a utility company plant for years and wore his body out in so many ways. It is hard for us to empathize with somebody like Kimberlee. She is 52 years old, a stroke survivor, needs physical therapy and can't afford to get it. What kind of health care system is this? For somebody who has worked hard, is 52, has had a stroke, wants to do what she needs to do in physical therapy—and that is no fun. Anybody who has had it knows it is not a vacation; it is hard work. She wants to do that. She can't get the treatment. Likely she will get sicker. If we can't pass this health insurance reform—we will pass it, but if we can't, it means her life will be more and more difficult and probably more expensive ultimately for the health care system because she will end up more likely back in the hospital with more physical problems than she had earlier.

The last letter I wish to share, and then turn the floor back to the senior Senator from California, is from Alice from Franklin County in central Ohio. It is the county where the State capitol is located in Columbus. She writes:

When I was between jobs, I purchased individual coverage for my family. It was difficult to navigate and confusing, but COBRA is much too expensive for the average person, including me. I am a woman in my 30s. One insurance company discouraged me from getting a maternity rider for the policy. Without this rider I would not be covered if I became pregnant. I managed to avoid getting pregnant during this period, but consider if I had. How many people must be in this situation? What about for my brother-in-law and his wife? Both are schoolteachers. They decided it was better for her to stay home with their daughter and newborn, but they couldn't afford to put his wife on a health plan. Right after the baby was born, my sister-in-law had a seizure and was diagnosed with a brain tumor. They got most of it. She seems fine, but I can't imagine what that is going to cost. They have two babies and a house they bought a couple of years ago. Now they will probably have hundreds of thousands of dollars in medical bills. The current system is bankrupting families. I don't know why the opposition can't see how this is dragging people down.

That is kind of the whole point. These are people who are working, doing things right. Both were schoolteachers. They decided that she would stay home with the two young children. They bought a house. They are going to be faced with hundreds of thousands of dollars in medical bills. How many people in this country—we know this—how many people in this country end up, because of health care costs, because they had insurance that wasn't quite really insurance, because the insurance got canceled when they got sick or had a really expensive treatment—how many people like that end up in bankruptcy because they don't have enough insurance or they have the wrong kind of insurance and

they got unlucky and got sick. It doesn't make sense for us, in a country where people do things right—they are working hard, they are playing by the rules, they are paying their taxes, contributing to society, and they are public schoolteachers, and then somehow their insurance doesn't work well enough for them and they go into bankruptcy. What purpose does that serve for any of us in this great country?

These health care bankruptcies will drop dramatically in number, will almost be eliminated with this health care bill. People occasionally may fall through the cracks, but once we pass our health insurance reform, we are not going to read in the paper anymore that people have had to file for bankruptcy because they got sick and their insurance didn't work. That is reason enough to vote for this legislation.

I ask my colleagues to work together in as bipartisan a way as possible to pass this legislation. The Health, Education, Labor and Pensions Committee, on the bill we wrote this July, accepted 161 Republican amendments. There is a lot of bipartisanship to a lot of this bill. The big question is the very great philosophical differences. Most Democrats support a public option. We think people should have more choice, make insurance companies more honest. Republicans philosophically don't support the public option. They think it is too much government. But most Republicans also didn't support the creation of Medicare. I think in the end, a lot of Republicans will join us because they want to be on the right side of history. They want to be part of something that is going to make a big, positive difference in the lives of tens of millions of Americans.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, it is my understanding that the distinguished ranking member of the Judiciary Committee wishes to speak as in morning business and I certainly have no objection.

The PRESIDING OFFICER. The Senator from Alabama.

#### MISSILE DEFENSE

Mr. SESSIONS. Madam President, I wish to thank the Senator from California. Her courtesy is legendary in this body and I thank her for that.

I am taken aback and flabbergasted by the Obama administration's decision announced today to cancel the European missile defense site. I ask, what does that mean? What will be the consequences of that decision? I wish to share a few remarks about it and note that this shift is contrary to the sense-of-the-Senate language that we included in the Defense bill passed a few weeks ago by this Senate. It is a very significant decision. I want to give it

more thought. I don't want to overstate the problem. However, I wish to be on record today as saying this is a surprising decision, one that I have been involved in the discussion of for quite a number of years, and I feel as if it is a big error.

What happens? We asked our allies in Central Europe, Poland, and the Czech Republic to stand with us and to agree to place a radar in the Czech Republic and to place our defensive missile interceptors in Poland. The heads of those governments agreed to that. There was a lot of opposition here in the United States to the proposal. Likewise, there was opposition expressed in Poland and the Czech Republic from the traditional European left, many of them Marxists or hard-line leftists who have opposed the West's and the world's defense program for many years. However, that opposition was overruled and these nations were proud to be and to stand with the United States of America. It did not bother them that their big neighbor, Russia, objected. They are a sovereign nation of which they are quite proud. They were proud to make a decision and reach an agreement with the United States of America that could defend this country from limited missile attack from a rogue nation such as Iran. If Iran were to launch a missile attack that could reach the United States, its path would take it over Europe, and European nations were not immune to the threat of such an attack on their soil.

So they felt they were participating both in the defense of Europe and in the defense of the United States, and it was a good government public interest decision that they were pleased to participate in and stood up with us. We made a commitment to Poland and the Czech Republic, of course, when we asked them to do this and go through this process to build a system.

For years, we have been moving forward with that plan in mind in the Senate. This year, we had quite a bit of discussion about it in the Senate and we reached an agreement that I think pretty much stated flatly what our position. There were some who objected, and this is how we modified the language to finally state:

It is the sense of the Senate that (1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense system, including a midcourse radar in the Czech Republic and Ground-based interceptors in Poland, consistent with the Duncan Hunter National Defense Act of 2009.

#### Paragraph 2 says:

In conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against

current and future Iranian ballistic missile capabilities.

Any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization.

Indeed, NATO endorsed this program.

For a while, some of our Members said, Well, I am not too sure about this. What does NATO say? NATO did endorse it. This action of backing down from our European-site Missile Defense system sends an overt signal to our allies that we don't fulfill our commitments, and it is bound to make our allies in Central Europe particularly nervous. This decision sends a message from the administration that we reward bad behavior.

The defense of this decision to abandon this program is that we are not doing this to curry favor with Russia, but that clearly is a State Department goal in this process because the Russians have objected to the deployment of this system—although it had virtually no capability with 10 interceptors in Poland to in any way defend against the massive arsenal that the old Soviet Union developed and that Russia now maintains.

So it does appear to be an attempt to placate Russia at the expense of our great allies, the Czech Republic and Poland. And we are walking away from a bipartisan commitment to national missile defense on a European site, as I noted, included in the National Defense Authorization Act for 2010. We accepted the sense-of-the-Senate language unanimously because both parties agreed to this. Senator LIEBERMAN and I were the primary sponsors, along with Senator BEGICH and others on the Democratic side, and a strong contingent of Republicans.

Let me say this about the whole system. I am worried—and I hope my colleagues will take this point under consideration. We have spent approximately \$20 billion developing something many people believed would never work; that is, the ability to intercept in space an incoming ICBM missile and hit it bullet to bullet. We don't even deploy or utilize explosives. The kinetic energy is so great that it destroys the target when it hits. Our military experts have said that if North Korea were to be able to successfully launch a missile, they believe they could knock it down. We are improving our system as we have a number of them deployed, and we plan to deploy more. Yet this year's budget was a stunning retrenchment in our missile defense system. Let me summarize the things that occurred.

Even though this language contemplated moving forward in Europe, this is what we did regarding the United States. For quite a number of years, we planned to deploy 44 interceptor missiles—most in Alaska and a number in California. We talked about what to do about the Iranian threat, to provide redundant coverage for those missiles coming over from the east. We agreed that we would seek the agreement of Poland and the Czech Republic to base assets there. Fifty-four interceptors were to be deployed, 10 at the European site and 44 on the West Coast of the United States. What happened in this year's budget was that the 44 to be deployed in Alaska and California have been cut to 30.

The next technological advance to our missile defense system, the MEV—multikill vehicle—would be the warhead which could take out multiple incoming missiles with one missile. We think that was very capable technology that would be developed. That was zeroed out.

We had an additional system of a smaller but very high-speed interceptor, called a kinetic energy interceptor, KEI, that has been on the drawing board for a number of years and is showing a great deal of promise. That was zeroed out after years of funding.

We had plans and were working on the airborne laser, ABL, an amazing technology that our Defense Department believes will work—and we will test it this year. The airborne laser can knock down missiles, particularly in their ascent phase from an airplane. That missile system, after this year, will be zeroed out.

The 10 missiles we intended to base in Central Europe have been eliminated, it appears. At least that has been the President's recommendation and decision that we heard about today.

So I would say this: We believe, looking carefully at the numbers and putting in some extra loose change, for \$1 billion, we could fully deploy the full system—with the full compliment of 44 missiles in the United States and 10 in Europe. We have spent over \$20 billion to get to this point. So it is unthinkable to me that we would eliminate any future advancements in the system. I think, from a cost point of view, it is an unwise decision.

I am concluding that money is not the problem. I can only conclude that the Obama administration has decided that they agree with the naysayers who opposed President Reagan when he said this could ever be a successful system. They opposed it, and it looks like a political decision to me. Some sort of judgment decision to cancel this is involved here more than a dollars-and-cents issue because in the scheme of a \$500 billion-plus defense budget, \$1 billion over several years to complete the system as planned is not the kind of

budget-breaking number that should cause us to change our policy.

Senator LIEBERMAN and I had offered this sense of the Senate amendment, and it passed the Senate just a few weeks ago. I believe it is the right policy. I think the administration is trying to do some, perhaps, good things. They think maybe they are attempting to placate or somehow reach out to Russia and gain some strategic advantage from that—although the Secretary of Defense, I understand, today said it didn't have anything to do with the Russian foreign policy, and I am not sure the administration acknowledges that either. "The Czech premier, Jan Fischer, said Thursday"—this is in an Associated Press article—"that President Barack Obama told him Washington had decided to scrap the plan that had deeply angered Russia." It seems to me that is a part of it.

Let's go to the core of this Russian objection. As I have said on the floor, Russia knows this system poses no threat to their massive arsenal. They know that. Their objection to this system has been, in my view, a political objection, a foreign policy bluster and gambit to try to create a problem with the United States and extract something from us. They consistently oppose it.

Let's note the Reuters news article today by Michael Stott, which is an analysis of this. The headline of the article is "Demise of U.S. shield may embolden Russia hawks." In other words, this weakness, this retreat, this backing down may well encourage them to believe that if they are more confrontational on other matters, they may gain more than by being nice to this administration.

The lead paragraph said:

Washington hopes that by backing away from an anti-missile system in east Europe, it will get Russian cooperation on everything from nuclear weapons cuts to efforts to curb Iranian and North Korean nuclear ambitions.

But will Moscow keep its side of the bargain?

That is a good question.

Mr. Stott goes on in his perceptive article to say:

With the shield now on the back burner, both sides believe a deal cutting long-range nuclear arsenals can be inked this year and Russia has already agreed to allow U.S. military cargos to transit across its territory en route to Afghanistan.

That is something we have been asking them for some time, and they have dangled it out there. Apparently, a valuable but not critical ability to transport cargo may have been gained from this.

The author says:

Russian diplomacy is largely a zero-sum game and relies on projecting hard power to forced gains, as in last year's war with Georgia over the rebel regions of Abkhazia and South Ossetia or the gas dispute with Ukraine at the start of the year.

Western concepts of "win-win" deals and Obama's drive for 21st century global partnerships are not part of its vocabulary.

The Western idea that if you cut a deal, both sides will benefit—that is not the way the Russians think.

Continuing:

Diplomats here say Moscow hardliners could read the shield backdown as a sign of Washington's weakness. Far from doing the bidding of the United States, they may instead press for further gain to shore up Russian power in the former Soviet bloc.

That is the Czech Republic, Ukraine, Georgia, Poland, the Baltics, Latvia, Estonia, Lithuania, and Hungary.

The author goes on to say:

Ukraine, Georgia, and other Kremlin foes in the ex-Soviet Union may be the first to feel the consequences.

Poland and the Czech Republic are also nervous. In Warsaw, the timing of the U.S. move is particularly delicate as it coincides with the 70th anniversary of the Soviet invasion of eastern Poland.

Analysts are particularly concerned about Ukraine, which faces a presidential election next January. Most of Russia's vast gas exports flow through its territory and the country reluctantly hosts a large Russian naval base.

I don't know what the geopolitical goals are here. I think it is a mistake not to deploy this system we committed to deploying. I believe we are not going to be able to rely on the good faith of the Russians, and I think they may misread what we have done. Instead of leading to further accommodation, it may lead to emboldening them to go forward with further demands against the United States.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

#### MORNING BUSINESS

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY SPRAWL AND THE GREEN ECONOMY

Mr. ALEXANDER. Madam President, Secretary of the Interior Ken Salazar recently announced plans to cover 1,000 square miles of land in Nevada, Arizona, California, Colorado, New Mexico, and Utah with solar collectors to

generate electricity. He is also talking about generating 20 percent of our electricity from wind. This would require building about 186,000 50-story wind turbines that would cover an area the size of West Virginia, not to mention 19,000 new miles of high-voltage transmission lines.

Is the Federal Government showing any concern about this massive intrusion into the natural landscape? Not at all. I fear we are going to destroy the environment in the name of saving the environment.

The House of Representatives has passed climate legislation that started out as an attempt to reduce carbon emissions. It has morphed into an engine for raising revenues by selling carbon dioxide emission allowances and promoting renewable energy.

The bill requires electric utilities to get 20 percent of their power mostly from wind and solar by 2020. These renewable energy sources are receiving huge subsidies all to supposedly create jobs and hurry us down the road to an America running on wind and sunshine, as described in President Obama's inaugural address.

Yet all this assumes renewable energy is a free lunch, a benign so-called sustainable way of running the country with minimal impact on the environment. That assumption experienced a rude awakening on August 26 when the Nature Conservancy published a paper entitled "Energy Sprawl or Energy Efficiency: Climate Policy Impacts on Natural Habitat for the United States of America."

The report by this venerable environmental organization posed a simple question: How much land is required for the different energy sources that power the country? The answers deserve far greater public attention.

By far, nuclear energy is the least land intensive. It requires only 1 square mile for one reactor, that is to produce 1 million megawatt hours per year, enough electricity for about 90,000 homes. Geothermal energy, which taps the natural heat of the Earth, requires 3 square miles. The most landscape consuming are the biofuels ethanol and biodiesel, which require up to 500 square miles to produce the same amount of energy. Coal, on the other hand, requires 4 square miles, mainly for mining and extraction. Solar thermal heating, a fluid with large arrays of mirrors and using it to power a turbine takes 6 square miles. Natural gas needs 8 and petroleum needs 18. Wind farms require over 30 square miles.

This sprawl has been missing from our energy discussions. In my home State of Tennessee, we just celebrated the 75th anniversary of the Great Smoky Mountains National Park, America's most visited national park. Yet there are serious proposals by energy developers to cover mountains all

along the Appalachian chain from Georgia through the foothills of the Smoky Mountains through the Blue Ridge Mountains of Virginia, all the way up to the White Mountains of New Hampshire with 50-story wind turbines because the wind blows strongest across mountaintops. I can tell from the Presiding Officer's smile that she is thinking of the strong winds on the White Mountains which are among the strongest in the entire United States of America.

Let's put this into perspective. We could line 300 miles of mountaintops from Chattanooga, TN, to Bristol, VA, with wind turbines and still only produce one-quarter of the electricity we get from one reactor on 1 square mile at the Tennessee Valley Authority's Watts Bar nuclear plant.

The 1,000-square mile solar project proposed by Mr. Salazar would generate on a continuous basis 35,000 megawatts of electricity. You could get the same output from 30 new nuclear reactors that would fit comfortably on existing nuclear sites. And this does not count the thousands of miles of transmission lines that will be needed to carry the newly generated solar power through and to population centers.

There is one more consideration. Solar collectors must be washed down once a month or they collect too much dirt to be effective. They also need to be cooled by water. Where amid the desert and the scrubland will we find all that water? No wonder the Wildlife Conservancy and other environmentalists are already opposing solar projects on some western lands.

Renewable energy is not a free lunch. It is an unprecedented assault on the American landscape. Before we find ourselves engulfed in energy sprawl, it is imperative we take a closer look at the advantages of nuclear power.

Madam President, I ask unanimous consent to have printed in the RECORD a summary of the Nature Conservancy paper entitled "Energy Sprawl or Energy Efficiency," which was published on August 26.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### ABSTRACT

Concern over climate change has led the U.S. to consider a cap-and-trade system to regulate emissions. Here we illustrate the land-use impact to U.S. habitat types of new energy development resulting from different U.S. energy policies. We estimated the total new land area needed by 2030 to produce energy, under current law and under various cap-and-trade policies, and then partitioned the area impacted among habitat types with geospatial data on the feasibility of production. The land-use intensity of different energy production techniques varies over three orders of magnitude, from 1.9–2.8 km<sup>2</sup>/TW hr/yr for nuclear power to 788–1000 km<sup>2</sup>/TW hr/yr for biodiesel from soy. In all scenarios, temperate deciduous forests and temperate grasslands will be most impacted by future

energy development, although the magnitude of impact by wind, biomass, and coal to different habitat types is policy-specific. Regardless of the existence or structure of a cap-and-trade bill, at least 206,000 km<sup>2</sup> will be impacted without substantial increases in energy efficiency, which saves at least 7.6 km<sup>2</sup> per TW hr of electricity conserved annually and 27.5 km<sup>2</sup> per TW hr of liquid fuels conserved annually. Climate policy that reduces carbon dioxide emissions may increase the areal impact of energy, although the magnitude of this potential side effect may be substantially mitigated by increases in energy efficiency. The possibility of widespread energy sprawl increases the need for energy conservation, appropriate siting, sustainable production practices, and compensatory mitigation offsets.

#### INTRODUCTION

Climate change is now acknowledged as a potential threat to biodiversity and human well-being, and many countries are seeking to reduce their emissions by shifting from fossil fuels to other energy sources. One potential side effect with this switch is the increase in area required by some renewable energy production techniques. Energy production techniques vary in the spatial extent in which production activities occur, which we refer to as their energy sprawl, defined as the product of the total quantity of energy produced annually (e.g., TW lu/yr) and the land-use intensity of production (e.g., km<sup>2</sup> of habitat per TW hr/yr). While many studies have quantified the likely effect of climate change on the Earth's biodiversity due to climate-driven habitat loss, concluding that a large proportion of species could be driven extinct, relatively few studies have evaluated the habitat impact of future energy sprawl. It is important to understand the potential habitat effects of energy sprawl, especially in reference to the loss of specific habitat types, since habitats vary markedly in the species and ecosystem processes they support.

Within the United States, the world's largest cumulative polluter of greenhouse gases, concern over climate change has led to the consideration of a cap-and-trade system to regulate emissions, such as the previously proposed Lieberman-Warner Climate Security Act (S. 2191) and the Low Carbon Economy Act (S. 1766). Major points of contention in structuring a cap-and-trade system are the feasibility and desirability of carbon capture and storage (CCS) at coal plants, the creation of new nuclear plants, and whether to allow international offset programs that permit U.S. companies to meet obligations abroad. The rules of a cap-and-trade system, as well as technological advances in energy production and changes in the price of fossil fuels, will affect how the U.S. generates energy. In this study we take scenarios of a cap-and-trade system's effect on United States energy production and evaluate each scenario's impact on habitat due to energy sprawl. Our scenarios are based on the Energy Information Administration (EIA) forecast of energy production in 2030 under current law (the "Reference Scenario"), including the renewable fuel standard of the Energy Independence and Security Act of 2007, and under three cap-and-trade scenarios: the "Core Cap-and-Trade Scenario", where the full Lieberman-Warner Climate Change Act is implemented; the "Few Options Scenario", where international offsets are not allowed and where new nuclear production and coal production with CCS are not possible; and the "CCS Scenario", where Congress enacts the Low Carbon Economy Act, a

cap-and-trade system more favorable to coal with CCS.

Under each scenario, we first estimate the total new land area in the U.S. needed to produce energy for each production technique as a function of the amount of energy needed and the land-use intensity of production. We examine the effect of U.S. climate policy on future energy sprawl using energy scenarios based on proposed legislation, building on a body of literature on this topic. Note that our analysis focuses only on U.S. land-use implications, ignoring other, potentially significant international land-use implications of U.S. climate policy. Second, we use available information on where new energy production facilities would be located to partition this area among major habitat types. We calculate the new area directly impacted by energy development within each major habitat type, but do not attempt to predict where within each major habitat type energy development will take place, nor possible indirect effects on land-use regionally or globally due to altered land markets. Our analysis provides a broad overview of what change in the energy sector will mean for areas impacted in different natural habitat types, recognizing that such a broad analysis will inevitably have to simplify parts of a complex world.

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. ENSIGN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FIX HOUSING FIRST

Mr. ENSIGN. Mr. President, my home State of Nevada has seen devastating effects from this recession. The foreclosure crisis has turned neighborhoods across my State literally almost into ghost towns. I have long argued the crash of the housing market has been at the root of our economic crisis. We have to focus on fixing the housing problem in this country if we want the economy to turn around.

In February, I offered a bill called the Fix Housing First Act. This would have fixed the housing problem; it would have turned the housing market around in this country. I believe it would have created jobs all across this country, including in my home State of Nevada.

My Fix Housing First Act would have let American home owners refinance their mortgages at around a 4-percent interest rate in a 30-year fixed mortgage. This would have meant an average of around \$300 to \$400 savings per month for the average homeowner in the United States and back in my home State of Nevada.

Additionally, my bill included a provision, produced by Senator JOHNNY ISAKSON from Georgia, that was a \$15,000 home buyer tax credit to incentivize home ownership. The tax credit would have been a stepping stone for our country to begin to come out of the housing crisis. While my bill was defeated along party lines, we were able to pass an \$8,000 first-time home buyer tax credit, sponsored by myself and Senator BEN CARDIN, from Maryland.

Today I join my colleagues in a bipartisan manner to extend this \$8,000 first time home buyer tax credit for another 6 months, until June of next year. Unless Congress acts, this \$8,000 is set to expire at the end of November. There is evidence that is showing the tax credit is working. If we do not extend this tax credit, homes will not be saved, and they will likely go into foreclosure.

We in the Senate need to act in a bipartisan fashion to extend the first-time home buyer tax credit of \$8,000. It is the right thing to do to get housing back on the track, especially in States such as Nevada, Florida, California, and Arizona. These states are still suffering when it comes to the housing industry. Housing is at the root of a lot of the economic problems we have in this country.

I encourage this body to act. Chairman Bernanke said the other day the recession is over. At 9.7 percent unemployment rate in this country, I don't think the recession looks to be over to those people still out of a job. My State of Nevada has over a 12-percent unemployment rate. Clark County, where Las Vegas is, has over a 13-percent unemployment rate. I don't think folks living there think the recession is over.

We need to continue to work to fix this economy, and this first-time home buyer tax credit is a good place to start.

I yield the floor.

#### 100TH ANNIVERSARY OF CRAGIN & PIKE INSURANCE COMPANY

Mr. REID. Mr. President, Cragin & Pike Insurance began on a hot, dusty day in August of 1909 when Peter Buol proudly opened his "Real Estate and Insurance Office" on what is now Main Street in Las Vegas. Buol eventually sold his business to Ernie Cragin and William Pike, whose names combined to brand the new company.

Ernie Cragin served as Las Vegas's mayor for 25 years and was instrumental in establishing Helldorado Days and bringing in the Army's Aerial Gun-nery School, now known as Nellis Air Force Base. William Pike saw to the legalization of gambling and the construction of the Hoover Dam. Their combined efforts have contributed to the political, economic, and environmental history of the southern Nevada community.

After Pike passed away, Cragin brought in Paul McDermott as a partner, and following the unexpected passing of Cragin, McDermott partnered with Frank Kerestesi. McDermott and Kerestesi carried on the Cragin & Pike Insurance name and became well known throughout the valley with their catchy jingle that played on local radio stations. Both men were active in the community, especially with the establishment and growth of the University of Nevada, Las Vegas, UNLV.

Cragin & Pike are celebrating their 100th anniversary of continuous business in southern Nevada this year. Their dedicated, professional staff continues to offer Las Vegas businesses the very best in personal service and attention. On behalf of all Nevadans, I am pleased to extend my best wishes to Cragin & Pike for another 100 years of success in Nevada.

#### RECOGNIZING STEEL DAY 2009

Mr. DURBIN. Mr. President, I rise today to recognize the critical role of structural steel in our nation's infrastructure and industrial economy.

On September 18, 2009, Steel Day will be celebrated through events hosted nationwide. These events recognize the many employment opportunities the structural steel industry has provided to American workers and the contribution structural steel has made to our construction industry as a safe, strong and effective building material.

The structural steel industry is a major employer in Illinois and other States across the country. Today, the United States has three major steel mills and more than 2,600 steel fabricators, which together employ over 250,000 Americans.

Roughly 98 percent of structured steel in a building can be recovered and recycled and 93 percent of all columns and beams produced at U.S. steel mills are composed of recycled materials. In fact, interest in domestic steel as a building material has been bolstered by its desirable status in LEED certification, a rating system developed by the US Green Building Council.

Improvements in the technology used to create and erect steel projects have lowered construction costs and improved onsite safety, resulting in increased demand worldwide. In light of these economic, environmental, and safety factors, it is no surprise that there is currently a three-to-one preference for using structural steel in the construction of multistory residential and nonresidential buildings.

I congratulate the structural steel industry on Steel Day. Steel has featured prominently in America's past and present and will undoubtedly play an important role in our Nation's future.

REMEMBERING SENATOR EDWARD  
M. KENNEDY

Mr. SPECTER. Mr. President, I have sought recognition to pay respect to the life and character of our dear friend Ted Kennedy. A man as much a part of this institution as the very walls of the Capitol, Ted has earned his place in the world's history books and will never be forgotten.

I consider myself privileged to have worked with Ted on several important issues, ranging from hate crimes legislation, to our time together on the Judiciary Committee. Ted was responsible for the Matthew Shepard Hate Crimes Act, an important piece of legislation providing protection for vulnerable Americans that I was proud to cosponsor. He was instrumental in the passage of SCHIP, a program that now insures the health of millions of children across the country. The impact Ted Kennedy had on civil rights legislation throughout his career is simply immeasurable. Countless programs now serving the American people could not exist today if not for the hard work and determination of Ted Kennedy.

One of my most vivid memories working with Senator Kennedy was during the now well known confirmation hearings of Robert Bork for the Supreme Court. Ted spoke eloquently and with conviction against Judge Bork's nomination, fearing the erosion of civil rights that would occur were he confirmed. Ted refused to let this erosion of rights take place, and I am proud to have joined him in his fight against the nomination of Robert Bork.

Ted proved through his actions, both on and off the Senate floor, that he was, above all, a man of compassion. The single unifying theme of Ted's distinguished body of work was his clear commitment to the people of this great country. His love for the American people was clear through the legislation he so strongly supported. Ted's greatest concern was for the well-being of every American, and he made it his mission to ensure the underprivileged received the fair treatment they deserved.

In his lifetime, Ted Kennedy was able to accomplish more than most men could ever dream of accomplishing. I have no doubt that if we were lucky enough to have him with us today, he would continue to add even greater accomplishments to his already impressive resume. Ted will be deeply missed.

## ENUMERATED POWERS ACT

Mr. HATCH. Mr. President, I rise on this Constitution Day to urge support for S. 1319, the Enumerated Powers Act. My friend and Judiciary Committee colleague from Oklahoma, Senator COBURN, introduced the bill in June, and I am proud to be a cosponsor. It would create a mechanism by which we can highlight and, if necessary, de-

bate whether we actually have the power to do what we do.

Today, the prevailing view seems to be that Congress can do anything we want to do, any time, and in any way. There are always problems to solve, good ideas to implement, money to spend, activities to regulate, agendas to pursue, or constituencies to please. But those are merely the ends and, in our system of government at least, the ends cannot not justify the means. Not if we truly value our liberty. Our liberty requires that government be limited, that government's actions have legal authority, ultimately rooted in the Constitution itself.

The Constitution, for example, does not grant Congress all legislative authority. Article I gives Congress only "legislative powers herein granted." Those powers are listed, or enumerated, in article I, section 8. The 10th amendment affirms that the Federal Government has only powers that are affirmatively delegated to it. James Madison explained in *The Federalist* No. 45 that these powers delegated to the Federal Government are "few and defined." Why all this emphasis on definition and limitation, especially of the Federal Government? Because individual liberty requires limited government.

In *The Federalist* No. 51, Madison wrote that "if men were angels, no government would be necessary." In other words, some government is necessary to have any liberty at all. But Madison went right on to write that "if angels were to govern men, neither external nor internal controls on government would be necessary." In other words, unlimited government makes liberty impossible. The truth is that men are not angels and angels do not govern men. Acknowledging that truth, America's Founders in their genius created a system of limited government to maximize ordered liberty.

I realize that such notions as definition and limitation are not in fashion today. Many today think these ideas passe, antiquated, or—and this is my personal favorite—archaic. Limited government is fine when we have no major problems to solve, when there are no big crises looming large. But today we face the worst economic crisis since the Great Depression and many Americans want government to be robust and full-throated. We want government to come to the rescue, to set things right, to make everything OK. I realize that today saying no is not popular, whether for individuals or for the government.

So we have to make the same basic, fundamental choice that America's Founders did. How much do we prize liberty? The laws of human nature and, therefore, of government have not changed. Men have not become angels and angels do not govern men. That condition will never exist. Ordered lib-

erty will always require limited government, and so we must repeatedly ask whether, and how much, we prize liberty.

This bill embodies these principles by requiring that each act of Congress state its constitutional authority. In other words, each act of Congress must state the very condition that indicates it is consistent with limited government. Congress has no authority to act, Congress has no authority to exist at all, unless that authority is derived from the Constitution. It is no less important than that. So this bill would require that each act of Congress state the one condition that is necessary for that act of Congress to be legitimate—authority derived from the Constitution.

That statement alone would be important but purely symbolic. Virtually everyone could ignore it. So this bill would create a mechanism for challenging and even debating whether an act of Congress is indeed authorized by the Constitution. It does not require such a debate for every act of Congress but provides for a point of order that can result in such a debate. That debate would focus everyone's attention on the absolutely necessary connection between Congress' actions and the Constitution and, ultimately, on the Constitution itself.

In the landmark case of *Marbury v. Madison*, Chief Justice John Marshall wrote that "[t]he powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the constitution is written." A written Constitution that delegates enumerated powers to Congress is central to limited government and, therefore, central to our liberty. If we prize liberty, we must prize limitations on government. Chief Justice Marshall later wrote in *McCulloch v. Maryland* that "this government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it . . . is now universally admitted."

That was then. How about today? Do we still believe that ordered liberty requires limited government? Do we still believe that Congress may only do what the Constitution authorizes us to do? Or do we believe that Congress needs no more than a good idea powered by a good intention? Are the principles embraced by Madison, by Marshall, still universally admitted today? If so, then this bill is an important way to prove it. On this Constitution Day, I urge my colleagues once again to embrace those principles of limited government and to demonstrate it by supporting this bill. Policy ideas and political positions shape our legislative activity, the Constitution should do so as well. I applaud my colleague from Oklahoma, Senator COBURN, for introducing this bill and offering this opportunity to raise these principles closer

to the position of importance they deserve.

#### CONSTITUTION DAY 2009

Mr. LEAHY. Mr. President, today marks the 222nd anniversary of the signing of the Constitution by the States that assembled in Philadelphia. The constitutional design of our three branches of Government has provided for collaboration in protecting this fundamental balance. Earlier this week, when I addressed the Chief Justice and the Judicial Conference of the United States, I noted the anniversary of the signing of our Constitution. This anniversary deserves more attention than it has received, and I was heartened to see that one of Vermont's great newspapers, *The Caledonian-Record*, also saw fit to note this anniversary in a recent editorial. The *Caledonian-Record* noted, "Our Constitution is timeless and the most relevant guide to continuing our freedoms. Millions of Americans have died in its defense. Celebrate it!"

As chairman of the Senate Judiciary Committee I am constantly reminded of the Constitution's continued importance and relevance to our daily lives. From the first amendment, which protects newspapers like *The Caledonian-Record*, to the rights of Americans to vote, the Constitution is the cornerstone of our democracy. We all must remember how fortunate we are to enjoy the rights our Founders embedded in our guiding document.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *The Caledonian-Record*, Sept. 14, 2009]

#### IT'S CONSTITUTION WEEK: CELEBRATE OUR FREEDOMS

Every year, America's newspapers celebrate the United States Constitution by focusing on the document, with features and editorials that acknowledge the central place in America's freedoms that the Constitution possesses. We do it to assure that Americans, in the rush of making a living, of raising children, of growing up or growing old, and of all of the other distractions of our lives, do not forget the vision and the wisdom that almost miraculously guided our Founding Fathers in composing this document. It is as important today, indeed, probably more important, than it was in 18th century America.

This is Constitution Week. It is fitting that it should immediately follow the national commemoration of the worst, most deadly domestic terrorism attack in our history, Sept. 11, 2001. That attack, literally brought home that nowhere in the world are freedom loving people safe from the militant insanity of ideologically driven terrorists, in this case of radical Islamists. In previous epochal events, they were Nazis, Japanese imperialists, Marxists, and others. In every case, the adjuration that arose from 9/11 applies, and never more strongly than in reverence of the Constitution, "Never forget!"

For the last 200-plus years, there have been, and are now, those who would like to

change our Constitution in ways that occupy the whole continuum, from updating its grammar to totally destroying it in the name of social action and the progressive insistence that only the evolution of the present to the future is relevant, that a document so old is a totally irrelevant relic.

Not so! Our Constitution is timeless and the most relevant guide to continuing our freedoms. Millions of Americans have died in its defense. Celebrate it!

#### 2009 DAVIDSON FELLOW AWARD RECIPIENTS

Mr. GRASSLEY. Mr. President, it is my distinct pleasure to bring before the Senate today the achievements of some of the most brilliant, inventive young minds in the United States. I take this time to acknowledge the 19 recipients of the 2009 Davidson Fellows Award, a scholarship awarded to exceptional students to assist them in furthering their education. These scholarships are given by the Davidson Institute for Talent Development to profoundly gifted individuals under the age of 18 who have completed academically rigorous projects that demonstrate a potential to make a significant, positive contribution to society. This year's recipients achieved academic distinction in the areas of science, literature, philosophy, out-of-the-box thinking, technology, and music. These young individuals are more than deserving of this honor and our recognition. I would like to take a few moments to describe what each recipient has accomplished.

In the realm of science, we have eleven remarkable young people, including Eric Sherman, from Ephrata, PA, who developed a technique that allows scientists to identify potential bone marrow donors for 6 percent of the cost and 1 percent of the time of traditional techniques. Using polymerase chain reaction and cycle sequencing, he sequenced the genes that determine a person's Human Leukocyte Antigen type. Eric then wrote a computer program to analyze the DNA sequence and return possible antigen matches. This technique can potentially be used to identify donors for other transplantable organs, such as kidney, liver, and lung, creating the opportunity to save hundreds of lives and millions of dollars each year. Eric is 15 years old.

A 17-year-old young woman from Albuquerque, NM, Erika DeBenedictis researched methods of identifying low-energy paths for spacecraft. By carefully planning the route a spacecraft will take, it is possible to reduce the amount of fuel needed by utilizing the natural gravity and motion of planets in the solar system. Erika developed an itinerary-based algorithm to reach specified destinations, which streamlines the process of finding low-energy paths. Such orbits are particularly useful for heavy spacecraft, in which self-propulsion is especially difficult. Use of

low-energy paths would allow these spacecraft to reach previously impractical destinations.

A 17-year-old young man from Rochester, MI, Rahul Pandey created a negative index refraction lens made of metamaterials. Metamaterials have the unique property to bend electromagnetic waves of a certain frequency backward, so an image is possible on the opposite side of a lens. He modeled the energy flow of negative index materials in terms of lens geometry, refractive index, focal length, and source distance, finding a perfectly linear relationship. Rahul's work has applications in stealth technology, antenna elements, radio frequency signal switching, and lenses that do not adhere to the diffraction limit.

Aditya Palepu, from Oakton, VA, developed a pattern classification algorithm that extracts linear and Gaussian relationships from raw data using a bottom-up approach. Given any data set, all possible models are generated, iteratively weeded down, and refined to better fit the data. This algorithm is effective on benchmark Iris data and synthetic distributions, and was designed so the model library can be expanded to more data sets. Aditya's work has applications in facial/object recognition, data mining, trend analysis, and was used to classify a Washington, DC crime database revealing the clustering of criminal activity. Aditya is 17 years old.

From Woodbury, MN, Prithwis Mukhopadhyay researched the molecular mechanism by which carrageenan may induce pre-malignant cell transformation. Carrageenan is an FDA-approved food additive found in dairy products, processed meats, dog food, infant formula, and cosmetics. Using mammary epithelial cells, he found carrageenan reduced ASB activity and increased sulfated sGAG, especially chondroitin sulfate, which induced cell migration and pre-malignant transformation. At 16 years old, Prithwis' work shows how carrageenan influences breast cancer cell proliferation and migration.

Fiona Wood, from North Haven, CT, explored the brain's ability to perceive and measure interval time using late-spiking (LS) neurons. She created the first biophysically realistic computational model of an LS neuron, and used it to construct neural networks that can accurately and realistically encode time. For all animals, an ability to perceive and measure time is essential for a wide variety of tasks. Fiona's work can lead to better understanding of brain diseases in which interval time encoding is impaired, such as Parkinson's, Huntington's, and schizophrenia. Fiona is 17 years old.

A 17-year-old young man from Winston Salem, NC, Darren Zhu worked to develop more efficient data storage technologies by exploring nanofabrication methods for spintronics.

Spintronics, or spin-based electronics, are inherently more powerful than electronics, as they exploit electron spin and subsequently are more sensitive than integrated circuit technology. He incorporated molecular self-assembled monolayers, or SAMs, into spintronics and performed surface analyses to find that isocyanide-based SAMs are a viable candidate for implementation in nanoscale spintronics fabrication. Darren's work has strong applications in nanotechnology, specifically in the field of nanolithography.

A 16-year-old young man from Addison, TX, Roman Stolyarov designed and produced an omnidirectional dielectric mirror for visible light using a unique one-step fabrication process. The mirror is composed of 12 ultrathin alternating layers of two chalcogenide glasses, which were deposited by thermal evaporation onto a transparent silicon dioxide glass substrate. Simulations show that doubling the number of alternating layers would produce near perfect reflectivity, a phenomenon impossible for silvered mirrors, given their inherent losses in the visible spectrum. Roman's process will allow for rapid manufacturing of wavelength specific mirrors with applications in radar filtration and fiber technologies.

From Teaneck, NJ, Yael Dana Neugut studied arsenic metabolism and renal function in an arsenic-exposed population in Bangladesh. She found that the association between urinary excretion of arsenic metabolites and creatinine is likely due to their shared metabolic pathway, and that creatine may be an effective way to prevent and treat long-term exposure to arsenic. More than 100 million people worldwide are chronically exposed to high levels of arsenic and are at risk of serious diseases, such as cancer and heart disease. A randomized trial of creatine supplementation is currently underway in Bangladesh. Yael is 17 years old.

A 17-year-old young man from East Setauket, NY, Jason Karelis studied an enzyme called MenD that plays a role in the biosynthesis of a lipid called menaquinone in *Staphylococcus aureus*, the bacterium that causes staph infections. Menaquinone is an electron carrier crucial to *S. aureus*. Jason constructed a mutant strain of *S. aureus* with a disrupted MenD gene and observed its growth on media only with menaquinone added, evidence that MenD is vital for *S. aureus*. Staph infections are a major public health concern and Jason's work provides a platform for a new class of antibiotics.

From Hilo, HI, Nolan Kamitaki designed a computer simulation to determine how viral characteristics and medical supply distribution patterns affect an epidemic's spread across a social network. Starting with a particle-based simulation to analyze basic

interaction rates, he moved to a small world network, modeling an epidemic's spread across a population. Nolan's findings showed that children, due to their greater degree of social connection, are most useful for prevention and are the most effective recipients of medical processes. Nolan is 16 years old.

In the area of literature, we have a young woman from North Potomac, MD. Amy Levine, a 16-year-old, examines the shades of gray between black and white in her literature collection, *Grayscale Unraveled*. She demonstrates how life choices that have the greatest impact initially do not appear to be choices at all, but have the potential to be the most transformative. Amy's portfolio explores the small yet important events that determine who we are and how we live, while breaking down the black and white decisions people make to show the grayscale that describes the world.

Also in the area of literature, we have Nicole Rhodes, a 17-year-old from Vancouver, WA, who created the portfolio *The Dictionary of Distance* to explore different facets of distance in writing. She considers the distance between a piece's narrator and characters, the space between the author and the work, and the space separating characters and other elements to determine how distance alters memory. Through this examination, Nicole is able to analyze the writing process, the writer's perspective, and the final written product. Her portfolio includes a variety of forms, styles, and subjects, united in this investigation.

From Indianapolis, IN, Doreen Xu explores the foundation of evil in her philosophy portfolio, *The Roots of Evil*. She delves into the human psyche to examine several distinct sources of evil, concluding that all human evil is caused by frustrated human desire. Doreen explores this newly defined dimension of evil with an enlightened perspective, fostering a new method of viewing evil. She hopes this will allow evil to be more effectively combated, leading to a more progressive and harmonious global society. Doreen is 16 years old.

The first recipient in the world of music is Melody Lindsay, from Honolulu, HI, who believes we celebrate mankind's best achievements through music. In her portfolio, *Harping Around the World: Cultural Leadership for the 21st Century*, she draws on her experience as a harpist to connect with audiences. She is particularly interested in inspiring young people to discover and pursue their own passion for classical music. Melody, at age 17, has performed on and serves as a Cultural Ambassador for NPR's "From the Top" and was a Focus on Youth Performer for the ninth and tenth World Harp Congresses.

From La Crescenta, CA, Connie Kim-Sheng seeks to convey the insights of

classical composers in her portfolio, *Inspired by Beauty: Piano Masterworks*. Her performance of pieces by Bach, Beethoven, Chopin, Debussy, and Ginastera provide musical texts that illuminate the span of human feeling and experience, demonstrating a multitude of complex harmonies. At 17 years old, Connie has performed on NPR's "From the Top," and for audiences in Sydney, Australia; Calgary, Canada; and Los Angeles. Through her music, Connie hopes to encourage greater respect for cooperation and pluralism in society.

A 13-year-old young woman from San Diego, CA, Sarina Zhang strives to show the beauty and emotional value of classical music in her portfolio, *Reaching out to the World with the Magic of Music*. Through performance, she strives to connect with her audience, moving them with the simple truth of classical music. A pianist and cellist attending The Juilliard Pre-College Division, she has been featured on NPR's "From the Top," performed at Carnegie Hall, and toured internationally with the San Diego Civic Youth Orchestra.

For exemplary works in the category of "Outside the Box," recipients include Allison Ross from Mercer Island, WA. She created a portfolio, *African and Western Heroes' Journeys in Literature: An Exemplification*. Against the backdrop of August Wilson's fiction and the constructs of Joseph Campbell's *Hero's Cycle*, she explores the relationship between classical Western and African hero mythologies. Allison, at 16, investigates the derivations, common motives and cultural differences between the two traditions offering original narratives and critical analysis. Through this work, Allison hopes that others will share her enthusiasm for exploring themes that unite our heritages.

And finally, in his "Outside the Box" project, a 15-year-old young man from Cupertino, CA, Anshul Samar seeks to make learning a side effect of fun with his project, *Igniting Interest in Chemistry with Elementeo Chemistry Card Game*. In *Elementeo*, players battle with their element army, activate reactions, create compounds, and conquer opponents using black holes and slippery bases. Anshul hopes that by introducing young people to chemistry in a fun and interactive manner, they will discover a passion for science and pursue it throughout their lives.

These brilliant young men and women are essential for the success of their generation. It is our duty to recognize, support, and nurture their progression through academia as they mature into the leaders of their generation. We should consider ourselves privileged that some of the triumphs of these ingenious young minds have already borne fruit. I would like to thank the Davidson Institute for making such

scholarships available and for taking the time to seek out these worthy candidates. I would also like to thank each winner and applicant of the Davidson Award for showing to us the promise and potential your generation holds. We can rest assured that our future is in good hands.

#### TRIBUTE TO ERNIE HARWELL

Mr. LEVIN. Mr. President, today I pay tribute to the man whose voice was the sound of summer, to the man who guided Michiganders through baseball seasons for more than 40 years. I rise in tribute to Ernie Harwell.

For those who love baseball and the Detroit Tigers, Ernie Harwell's easy Georgia drawl on a summer evening has been a tonic after a hard day's toil. He has been our eyes and ears at the corner of Michigan and Trumbull and, later, at the team's new downtown ballpark. Since 1960, when Ernie broadcast his first Tigers game, until today, perhaps no person, no player nor manager, has been more closely identified with Tigers baseball. Certainly none has formed so strong an emotional tie with the fans of our team.

Ernie grew up in Atlanta, and he often tells fans that as a boy he was tongue-tied, coping with a speech impediment, but with therapy and hard work, he turned his voice into a tool so powerful it brought the game to life. His first broadcasting job was with the minor league team in his hometown, but in 1948, when broadcasting legend Red Barber of the Brooklyn Dodgers fell ill, Dodgers general manager Branch Rickey called down to Atlanta. He asked if he could bring up young Ernie to fill Barber's seat at Ebbets Field. OK, the Atlanta general manager replied, but you will have to give me something in return. And so Ernie became the first and so far only broadcaster in baseball history to be included in a trade, sent to Brooklyn for a minor league catcher.

That was one of Branch Rickey's finest deals. In Brooklyn and then in Baltimore, Ernie honed his craft and won the admiration of fans. He was the television broadcaster for one of the most famous moments in baseball history, Bobby Thompson's "Shot Heard Round the World" in 1951. The national networks began to tap his talent for other events, such as pro and college football games and the Masters golf tournament.

And then, in 1960, he came to Detroit.

It is hard to describe to those who aren't from Michigan or fans of the Tigers just what Ernie Harwell meant to us over the next five decades. His voice on the radio guided us through good seasons and bad, through our city's times of prosperity and of tragedy. Through that ebb and flow he was a constant, his voice never too excited, never too downcast. We rejoiced when

he told us an opposing batter took strike three "like the house by the side of the road," chuckled as he reported a foul ball had become a souvenir for a fan from Detroit or Howell or Warren or Lansing, or another town Michigan fans recognized. In the first days of every March, at the opening of his very first broadcast of spring training, Ernie announced the official end of Michigan winter with a reading from the Song of Solomon:

"For lo, the winter is past, the rain is over and gone; the flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land."

But over the decades, Ernie became more to us than just a welcome voice on the radio. He became a friend. For as good as he was behind the microphone, he is an even better man, and the quality of his character shone brightly, on his broadcasts and on the countless times he greeted fans with a hearty hello, or treated a clubhouse attendant with the same respect and affection as the million-dollar ballplayer. We came to respect and honor his voice, but to cherish his great heart.

This beloved friend is hurting now. His illness, he tells us without a trace of bitterness, will soon take him from us. But as he faces what he calls the end of his journey, the greatness of his heart has once again shined forth.

Last night, the Tigers took a break from the heat of another pennant race to pay tribute to this legend and friend. Amid the cheers and tears, Ernie once again put the fans first. Here is what he said:

"In my almost 92 years on this earth, the good Lord has blessed me with a great journey, and the blessed part of that journey is it's going to end here in the great state of Michigan.

"I deeply appreciate the great people of Michigan. I love their grit. I love the way they face life. I love the family values they have. And you Tiger fans are the greatest fans of all. No question about that."

There is an example of true courage and grace for all of us to try to follow.

Soon, this great voice will be silenced, a great heart stilled. But Ernie Harwell's love of the game, his humanity, his courage, will remain with us always. I treasure the moments I have spent with him. I thank him for the hours of joy he has given me, my wife and children, and the people of Michigan. I wish him and his beloved wife Lulu all the joy they deserve.

#### HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS JARED C. MONTI

Mr. KERRY. Mr. President, I hope the Senate will take time today not just to remember but to honor the sacrifice and courage of SFC Jared C. Monti of Raynham, MA. It is a solemn privilege to do so for a man who has

been awarded our Nation's highest military decoration—the Medal of Honor.

Sergeant Monti joins an elite group of Americans who have received the Medal of Honor. Just 3,447 before him—all soldiers, sailors, marines, and airmen of uncommon courage, valor, and gallantry—have been so honored. He is the sixth to be awarded the Medal of Honor for the wars in Afghanistan and Iraq.

Millions of Americans have defended our Nation's liberty for more than two centuries. But these 3,447 and now Sergeant Monti—risked their lives above and beyond the call of duty. And 617, like Sergeant Monti, gave their lives for the cause of America's freedom.

Our soldiers, sailors, marines, and airmen perform acts of bravery every day. But some of those acts, like Sergeant Monti's on June 26, 2006, exceed even our country's highest expectations.

During his more than 12 years in the Army, Sergeant Monti was recognized by his superiors as a man with a career of unlimited potential ahead of him. But Sergeant Monti's final act of bravery, on that fateful day in June 2006, also showed him to be a selfless leader with uncommon courage.

Sergeant Monti was leading a patrol of 16 troops on a mountain range in Afghanistan when attacked by a Taliban force of more than 50 fighters. Sergeant Monti not only prevented the Taliban force from overrunning his unit but also positioned his forces to disrupt a flanking attempt.

The sergeant managed to call in air support which eventually forced the enemy to retreat and prevented the patrol from being overrun against overwhelming odds.

When he realized one of his fellow soldiers was missing, he went searching for him. He found him lying wounded and exposed in the open ground. Sergeant Monti exposed himself to heavy enemy fire three times trying to rescue the wounded soldier. On the third attempt, the sergeant was mortally wounded.

Sergeant Monti's ability to act quickly and decisively in the midst of enemy fire is testimony to his leadership, without which his patrol's casualty rate that day would have been substantially higher.

Courage is one of the virtues we as Americans admire most. That is why the highest military decoration—and one of the oldest—our country bestows on its soldiers is the Medal of Honor. It has been awarded only to the few possessing a special brand of courage, heroism, and patriotism, Americans like Sergeant Monti.

Sergeant Monti was an extraordinary American and an extraordinary soldier, one of extraordinary gallantry. By his actions, he has taken his rightful place in the revered company of our country's most selfless heroes.

By tradition, Medal of Honor winners are shown the highest respect with salutes by all ranks, from the Commander in Chief on down. It is a fitting tradition for we stand in awe of these brave warriors. So I am proud to join all those saluting Sergeant Monti this day, including the Commander in Chief. And on behalf of a grateful nation and his home State of Massachusetts, we also salute his parents, Paul and Janet, and express our gratitude to them for their sacrifice which cannot be expressed in words.

#### ADDITIONAL STATEMENTS

##### COMMENDING LEONID NEVZLIN

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to Leonid Nevzlin on his recent appointment to serve as international chair of the United Jewish Communities UJC/Jewish Federations of North America 2009 General Assembly in Washington, DC, beginning on November 8 of this year. Leonid's leadership in the Jewish community and his commitment to so many philanthropic causes around the world make him a natural for this important role. I am pleased to commend him today on this honor.

The UJC/Jewish Federations of North America plays an extraordinary role in inspiring a spirit of philanthropy and service. It has brought notable energy to the Save Darfur movement and continues to promote effective lobbying on a broad range of social justice issues. The UJC's General Assembly, which is held annually, is an event that brings people from across North America and the world together to discuss and to plan the organization's important work.

Leonid Nevzlin has shown a steadfast commitment to human rights, social justice, and democracy in his life and philanthropic work. Born and educated in Russia, Leonid began his philanthropic efforts by establishing the Moscow Jewish Cultural Center and worked to develop a number of Jewish educational programs that serve communities throughout Russia. As president of the Russian Jewish Congress, Leonid showed his leadership on a range of noteworthy causes, including preserving Jewish culture.

Leonid continued this service when he moved to Israel and established a charitable foundation dedicated to preserving and promoting Jewish heritage globally. Among other initiatives, Leonid founded a research center at Hebrew University in Jerusalem that adopts a multidisciplinary approach to the study of Jewish history. He has carried his commitment to education and cross-cultural exchange beyond universities and continues to have a meaningful impact on Jewish communities worldwide through the Jewish

People Policy Planning Institute, the Birthright Israel and Masa Israel Journey Programs, and his leadership in the redevelopment of Beit Hatfutsot, the Museum of the Jewish People, in Tel Aviv.

The Torah tells us that "Deeds of giving are the very foundation of the world." Leonid Nevzlin has built a strong foundation for so many Jewish communities around the world through his deeds of giving. He inspires us with his philanthropic and entrepreneurial spirit, and I congratulate him today on a well-deserved appointment.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 1713. An act to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley "Wes" Watkins.

H.R. 3246. An act to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy.

##### ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 1243. An act to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1713. An act to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry

Street in Bennington, Oklahoma, in honor of former Congressman Wesley "Wes" Watkins; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3246. An act to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy; to the Committee on Energy and Natural Resources.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1687. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3024. A communication from the Senior Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Track Safety Standards; Continuous Welded Rail (CWR)" (RIN2130-AB90) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3025. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "State Highway—Rail Grade Crossing Action Plans" (RIN2130-AC05) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3026. A communication from the Deputy Assistant General Counsel for Regulation and Enforcement, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" (RIN2105-AD89) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3027. A communication from the Senior Attorney and Advisor, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Administrative Wage Garnishment" (RIN2105-AD78) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3028. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components" (RIN2127-AK35) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3029. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Requirements and Procedures for Consumer Assistance to Recycle and Save Program" ((RIN2127-AK54) (49 CFR Part 599)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3030. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Requirements and Procedures for Consumer Assistance to Recycle and Save Program" ((RIN2127-AK53) (49 CFR Parts 512 and 599)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3031. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Air Brake Systems" (RIN2127-AJ37) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3032. A communication from the Deputy Chief Counsel of Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Air Cargo Screening" (RIN1652-AA64) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3033. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the United States Merchant Marine Academy's Board of Visitors; to the Committee on Commerce, Science, and Transportation.

EC-3034. A communication from the Acting Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's intent to enter into a contract with Trinity Technology Group, for screening services at (7) Montana airports; to the Committee on Commerce, Science, and Transportation.

EC-3035. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the clarification of license requirements for transfers (in country) to persons listed on the Entity List; to the Committee on Commerce, Science, and Transportation.

EC-3036. A communication from Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the OMB's request for the Board's views on H.R. 3371, the "Airline Safety and Pilot Training Improvement Act of 2009"; to the Committee on Commerce, Science, and Transportation.

EC-3037. A communication from the Chair of the Council on Environmental Quality, Executive Office of the President, transmitting, pursuant to law, a report relative to the Ocean Policy Task Force report regarding the nation's ocean policy; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1679. An original bill to make quality, affordable health care available to all Americans, reduce costs, improve health care quality, enhance disease prevention, and strengthen the health care workforce.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

\*David C. Jacobson, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Nominee: David C. Jacobson.

Post: Ambassador to Canada.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Donor, Recipient, date, and amount:

David Jacobson: SNR PAC, 3/2/2000, \$265; Wesley Clark, 11/25/2003, \$1,000; Wesley Clark, 10/31/2003, \$250; Barack Obama, 3/5/2004, \$250; John Kerry, 4/26/2004, \$1,000; Kerry Victory 2004, 7/20/2004, \$1,600; John Kerry, 10/22/2004, \$1,000; Barack Obama for Illinois, 2/24/2005, \$1,000; Matthew Brown, 3/28/2005, \$500; Debbie Stabenow, 3/31/2005, \$250; DSCC, 9/6/2005, \$2,000; Citizens for Joe Biden, 11/22/2005, \$2,000; Claire McCaskill, 12/31/2005, \$1,000; Matthew Brown, 1/25/2006, \$500; Nick Lampson, 2/15/2006, \$250; SNR PAC, 3/15/2006, \$1,400; Dan Seals, 3/19/2006, \$250; Dick Durbin, 6/28/2006, \$1,000; Joe Biden, 6/30/2006, \$900; DSCC, 10/13/2006, \$2,500; Dan Seals, 11/4/2006, \$250; Dan Seals, 11/4/2006, \$250; Dick Durbin, 3/29/2007, \$1,100; Dick Durbin, 3/29/2007, \$900; Barack Obama, 3/30/2007, \$2,300; Harry Reid, 3/31/2007, \$1,000; Tom Udall, 12/30/2007, \$1,000; Dick Durbin, 1/8/2008, \$500; Dick Durbin, 5/16/2008, \$900; Senate 08/Bruce Lunsford, 5/16/2008, \$1,000; Joe Biden, 6/23/2008, \$300; Joe Biden, 6/23/2008, \$200; Obama Victory Fund, 7/1/2008, \$2,300; Hillary Clinton, 7/14/2008, \$500.

Julie Jacobson: Barack Obama, 7/14/2004, \$500; Debbie Stabenow, 8/9/2005, \$500; Progressive Choices PAC, 7/24/2006, \$250; Barack Obama, 6/28/2007, \$1,000; Barack Obama, 12/17/2007, \$1,300; Obama Victory Fund, 7/1/2008, \$2,300.

Wynne Jacobson: None.

Jeremy Jacobson: None.

Winifred Jacobson: Deceased.

Jerry Jacobson: Deceased.

Jamie Wainwright: None.

David Wainwright: None.

Robin Nichols: DSCC, 10/17/2006, \$500; Dan Seals, 3/3/2006, \$300; Dan Seals, 10/20/2007, \$500; Wesley Clark, 11/25/2003, \$500; Wesley Clark, 1/27/2004, \$200; Dan Seals, 6/16/2006, \$500; Dan Seals, 7/24/2008, \$500; Dan Seals, 6/30/2008, \$500; Joe Biden, 11/18/2005, \$200; Barack Obama, 6/28/2007, \$1,000; John Kerry, 5/25/2004, \$500.

Jay Nichols: Dan Seals, 6/30/2008, \$500; Dan Seals, 9/21/2008, \$500; Obama Victory Fund, 7/1/2008, \$500; Obama Victory Fund, 9/18/2008, \$500; Barack Obama, 7/31/2008, \$500; Barack Obama, 9/30/2008, \$500.

\*Alan D. Solomont, of Massachusetts, to be Ambassador Extraordinary and Pleni-

potentiary of the United States of America to Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

Nominee: Alan D. Solomont.

Post: Spain and Andorra.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee: \$2,300.00, 2/16/2007, Allen, Tom for Senate; \$1,000.00, 6/17/2005, Allen, Tom for Congress; \$2,000.00, 5/4/2007, Ameripac: The Fund for a Greater America; \$2,300.00, 6/8/2007, Born Fighting PAC; (\$1,900.00), 6/1/2006, Brown, Matt for US Senate (Refund); \$900.00, 6/12/2005, Brown, Matthew for US Senate; \$2,000.00, 4/13/2005, Brown, Matthew for US Senate; \$2,000.00, 9/20/2005, Byrd, Friends of Robert C; \$5,000.00, 3/30/2005, Campaign for Our Country; \$2,100.00, 3/9/2005, Cantwell, Friends of Maria; \$2,000.00, 6/12/2005, Capuno for Congress; \$1,500.00, 9/6/2006, Cardin, Ben for Senate; \$1,000.00, 5/10/2005, Carper for Senate; (\$300.00), 1/18/2006, Casey, Bob for Pennsylvania (Refund); \$2,500.00, 5/22/2005, Casey, Bob for Pennsylvania—\$2,100 Casey, Bob for Pennsylvania; \$400 Casey, Bob for Pennsylvania; \$1,000.00, 5/1/2008, Childers for Congress; (\$200.00), 7/26/2005, Clinton, Friends of Hillary (Refund)\*; (\$1,600.00), 7/13/2005, Clinton, Friends of Hillary (Refund)\*\*; \$200.00, 6/20/2005, Clinton, Hillary, Friends of; \$1,000.00, 11/27/2005, DeLahunt for Congress; \$250.00, 6/29/2007, Democracy for America; \$25,000.00, 3/31/2005, Democratic Congressional Campaign Committee; \$28,500.00, 3/31/2007, Democratic Congressional Campaign Committee; \$5,000.00, 6/14/2005, Democratic Senatorial Campaign Committee; \$10,000.00, 5/17/2007, Democratic Senatorial Campaign Committee; \$10,000.00, 6/20/2005, DNC Services Corp/Democratic National Committee; \$10,000.00, 6/29/2007, DNC Services Corp/Democratic National Committee; \$10,000.00, 4/3/2007, DNC Services Corp/Democratic National Committee; \$2,500.00, 4/15/2005, Durbin, Friends of Dick Committee; \$1,000.00, 6/6/2005, Emily's List; \$1,000.00, 6/29/2007, Feder, Judy for Congress; \$1,000.00, 3/29/2007, Finegold, Barry for Congress; \$1,300.00, 6/26/2007, Finegold, Barry for Congress; \$2,300.00, 6/9/2007, Footlik for Congress; \$1,000.00, 7/6/2006, Frank, Barney Frank for Congress; \$1,000.00, 11/15/2008, Franken, Al; \$2,100.00, 10/9/2005, Harkin, Citizens for\*; \$300.00, 3/1/2007, Harkin, Citizens for; \$2,300.00, 5/10/2007, Hodes, Paul for Congress; \$5,000.00, 12/16/2005, Hopefund, Inc.; \$2,000.00, 3/3/2005, Kennedy for Senate 2012; \$4,200.00, 1/11/2007, Kerry, John for Senate; \$500.00, 10/23/2005, KIDSPAC; (\$2,100.00), 9/18/2006, Lampson, Nick for Congress (Refund); \$4,200.00, 8/16/2006, Lampson, Nick Lampson for Congress; \$1,000.00, 5/11/2007, Levin, Carl Friends of; \$2,100.00, 6/1/2005, Lieberman, Friends of Joe; \$2,300.00, 3/29/2007, Markey Committee; \$2,000.00, 6/24/2005, Markey Committee; (\$2,000.00), 12/26/2005, Markey Refund; \$5,000.00, 2/14/2005, McAuliffe, Friends of Chairman; \$2,000.00, 4/24/2005, McGovern, Re-Elect Committee; \$1,000.00, 5/5/2006, McCaskill, Claire for US Senate; \$2,000.00, 5/5/2005, Meehan, Marty for Congress; \$1,000.00, 5/8/2008, Merkley, Jeff for Oregon; \$1,000.00, 5/15/2006, Moore, Bean Moore JT. Committee—\$500 Melissa Bean, \$500 Dennis Moore; \$1,000.00, 11/1/2005, Nadler for Congress; \$1,000.00, 4/17/2005, Neal, Richard E. Committee; \$1,000.00, 11/21/2005, Nelson, Bill for

US Senate; \$2,100.00, 1/26/2007, Obama Exploratory Committee; \$2,500.00, 3/30/2007, Obama for America; (\$248.12), 11/3/2008, Obama Refund; \$2,000.00, 6/4/2005, Obey, Dave, A Lot of People for; \$1,000.00, 4/2/2007, Obrien, David for Congress; \$2,300.00, 3/5/2007, Oliver, John Citizens for; \$4,200.00, 11/1/2005, Pelosi, Nancy for Congress; \$4,200.00, 1/4/2006, Pelosi, Nancy for Congress (Refund); \$2,300.00, 5/18/2007, Reed Committee; \$1,000.00, 2/15/2007, Richardson for President; \$1,300.00, 6/26/2007, Richardson for President; \$2,300.00, 8/24/2007, Schwartz, Allyson for Congress; \$1,000.00, 3/7/2005, Schwartz, Allyson for Congress; \$2,000.00, 6/1/2005, Stabenow for US Senate; \$1,000.00, 3/31/2007, Tsongas, Nicki for Congress; \$1,000.00, 6/20/2005, Udall for Colorado; \$1,300.00, 6/26/2007, Udall for Colorado; \$1,000.00, 3/31/2007, Udall for Colorado; \$2,100.00, 1/22/2007, Vilsack, Tom for President; \$1,000.00, 11/25/2007, Warner, Friends of Mark; \$500.00, 11/13/2005, Welch for Congress; \$1,000.00, 4/25/2007, Welch for Congress.

\*Recorded incorrectly on FEC website as (\$100).

\*\*Recorded incorrectly on FEC website as a contribution made by Susan Solomont; should be attributed to Alan Solomont.

2. Spouse: Susan Lewis Solomont: \$1,000.00, 9/28/2007, Allen, Tom for Senate; \$1,000.00, 3/21/2006, Allen, Tom for Congress; \$1,000.00, 1/29/2006, Bingaman, Jeff A Lot of People For; \$1,000.00, 9/25/2005, Brown, Matt for US Senate; \$250.00, 1/29/2006, Brown, Matt Friends of (RI); \$1,000.00, 12/16/2006, Campaign for Our Country; \$2,000.00, 3/21/2006, Cardin, Ben for Senate; (\$1,500.00), 9/6/2006, Cardin, Ben for Senate (Refund); \$2,100.00, 5/1/2005, Clinton, Hillary, Friends of; \$25,000.00, 3/7/2006, Democratic Congressional Campaign Committee—\$9,000 Dem. Congressional Campaign Comte, \$6,000 Dem. Congressional Campaign Comte; \$10,000 Dem. Congressional Campaign Comte; \$28,500.00, 6/18/2007, Democratic Congressional Campaign Committee; \$7,500.00, 3/20/2008 Democratic Congressional Campaign Committee; \$10,000.00, 2/28/2006, DNC Services Corp/Democratic National Committee; \$28,500.00, 3/28/2008 DNC Services Corp/Democratic National Committee; \$1,000.00, 2/7/2008 Durbin, Friends of Dick; \$1,000.00, 9/28/2007, Footlik for Congress; \$2,000.00, 2/21/2006, Ford, Harold Ford Jr. for Tennessee; \$2,300.00, 11/2/2007, Franken, Al for Senate; \$2,000.00, 9/19/2005, Harkin, Friends of Tom; \$4,600.00, 3/1/2007, Harkin, Friends of Tom; \$1,000.00, 3/21/2006, Hodes, Paul for Congress; \$1,000.00, 10/5/2007, Hodes, Paul for Congress; \$5,000.00, 3/21/2006, Hopefund Inc.; \$20,000.00, 9/29/2006, House and Senate Victory Fund \*\*—\$10,000 DSCC, \$10,000 DCCC, —\$2,000.00, 3/3/2005, Kennedy for Senate 2012; \$1,000.00, 3/7/2006, Kennedy, Friends of Patrick; \$2,300.00, 7/26/2007, Kennedy, Friends of Patrick; \$4,200.00, 1/11/2007, Kerry, John for Senate; \$4,200.00, 12/31/2005, Lampson, Nick for Congress—\$2,100 Lampson, Nick for Congress; (\$4,200.00) 9/6/2006, Lampson, Nick for Congress (Refund); \$2,000.00, 12/22/2005, Markey Committee; \$2,000.00, 3/29/2006, Nelson, Bill for U.S. Senate; \$2,100.00, 1/26/2007, Obama Exploratory Committee; \$2,500, 3/30/2007, Obama for America; \$2,000.00, 6/4/2005, Obey, Dave, A Lot of People For; \$2,000.00, 3/12/2005, Oliver, Citizens for John for Congress; \$4,200.00, 12/31/2005, Pelosi, Nancy for Congress; \$1,000.00, 9/28/2007, Pingree for Congress; \$1,000.00, 10/26/2007, Polis, Jay for Congress; \$2,300.00, 7/12/2007, Reed Committee; \$1,000.00, 11/21/2007, Reed Committee; \$2,300.00, 9/30/2007, Richardson for President; \$2,300.00, 11/19/2007, Rockefeller, Friends of Jay; \$1,000.00, 12/29/2006, Sanders, Congressman Bernie for Senate; \$250.00, 3/21/

2006, Schultz, Debbie Wasserman-Schultz for Congress; \$2,000.00, 8/29/2005, Schwartz, Allyson for Congress; \$2,300.00, 9/20/2007, Shaheen, Jeanne for Senate; \$2,300.00, 11/26/07, Shaheen, Jeanne for Senate; \$2,000.00, 12/28/2005, Stabenow, Debbie for U.S. Senate; \$1,000.00, 3/18/2005, Stabenow, Debbie for U.S. Senate; \$1,000.00, 3/29/2006, Stabenow, Debbie for U.S. Senate; \$1,000.00, 3/21/2006, Tester, Jon Tester for Senate (MT); \$1,000.00, 3/29/2006, Tierney, John for Congress; \$1,000.00, 10/26/2007, Tsongas, Niki for Congress; \$2,300.00, 9/2/2007, Tsongas, Niki for Congress; \$2,300.00, 3/1/2007, Tsongas, Niki for Congress; (\$2,300.00), 5/7/2009, Tsongas, Nicki for Congress (Refund); \$2,100.00, 1/29/2006, Udall for Congress; \$2,100.00, 1/22/2007, Vilsack, Tom for President; \$500.00, 3/21/2006, Welch, for Congress.

\*Recorded incorrectly on FEC website as \$900.

\*\*Recorded incorrectly on FEC website as contribution made by Alan Solomont; should be attributed to Susan Solomont.

\*\*\*Recorded incorrectly on FEC website as \$1700.5

3. Children and Spouses: Rebecca Solomont: \$2,300.00, 7/14/2008, Clinton, Hillary for President; \$2,000.00, 9/3/2006, Ford, Harold Ford for Senate; \$2,000.00, 7/14/2008, Markey Committee; \$2,300.00, 3/30/2007, Obama for America; \$2,300.00, 3/31/2007, Obama for America; \$2,500.00, 7/21/2008, Reid, Friends of Harry. Stephanie Solomont: None.

4. Parents: Joseph Solomont: Deceased; Ethel Solomont: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: David and Joan Solomont: None. Jay and Deborah Solomont: None. Ahron and Sheera Solomont: None.

\*Lee Andrew Feinstein, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Nominee: Lee Feinstein.

Post: Ambassador to Poland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

Self: \$2300, Aug. 2008, Obama for America.

2. Spouse: n/a.

3. Children and Spouses: n/a.

4. Parents: n/a.

5. Grandparents: n/a.

6. Brothers and Spouses: Michael Feinstein: \$50, 2008, Obama for America; \$100, 2008, Obama for America; \$50, 2008, Obama for America; Alan Feinstein: \$250, 2007, Rockville Center Dem. Party.

7. Sisters and Spouses: Merrill Feinstein: \$50, 2008, Hillary Clinton for Pres.

\*Barry B. White, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway

Nominee: Barry B. White.

Post: Ambassador to the Kingdom of Norway.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Candidate, office, date, and amount:

Self: Patrick Murphy, Congress, March 2008, \$250; Chris Gregoire, Governor, April

2008, \$250; Nat'l Jewish Dem. Committee, Committee, June 2008, \$2,000; John Kerry, Senate, July 2008, \$1,000; Obama Victory Fund, Committee, July 2008, \$10,000; Mark Warner, Senate, August 2008, \$1,000; Scott Kleeb, Senate, September 2008, \$250; Tom Allen, Senate, September 2008, \$500; John Oliver, Congress, October 2008, \$250; Jeanne Shaheen, Senate, October 2008, \$1,000; Patrick Murphy, Senate, October 2008, \$250; Paul Hodes, Congress, October 2008, \$270; Obama Victory, President, September 2008, \$2,000; DNC Services, Committee, September 2008, \$2,000; Mark Begich, Senate, October 2008, \$250; Obama for America, President, October 2008, (—\$2300); Barney Frank, Congress, April 2008, \$1,000; Niki Tsongas, Congress, March 2008, \$1,000; N.H. Dem Party, Committee, December 2007, \$1,000; Paul Hodes, Congress, September 2007, \$1,000; Obama for America, President, March 2007, \$2,300; Niki Tsongas, Congress, June 2007, \$1,000; Niki Tsongas, Congress, October 2007, \$1,300; Hillary Clinton, President, July 2008, \$1,000; Niki Tsongas, Congress, March 2007, \$1,000; Niki Tsongas, Congress, March 2007, \$300; MA Democratic State Committee, Committee, April 2006, \$500; HopeFund, Committee, March 2006, \$1,350; Edward Kennedy, Senate, March 2006, \$1,000; Keeping America's Promise, Committee, March 2006, \$1,000; Rob Simmons, Congress, June 2006, \$1,000; Jon Tester, Senate, July 2006, \$1,000; Bill Delahunt, Congress, August 2006, \$1,000; Obama 2010, Senate, September 2006, \$1,000; Nancy Johnson, Congress, November 2006, \$1,000; Richard Neal, Congress, November 2006, \$1,000; John Larson, Congress, November 2006, \$1,000; Ed Markey, Congress, October 2006, \$1,000; Jeb Bradley, Congress, November 2006, \$1,000; Barney Frank, Congress, October 2006, \$1,000; HopeFund, Committee, March 2006, \$1,350; Paul Hodes, Congress, October 2006, \$500; Campaign for Country, Committee, April 2006, \$1,000; Edward Kennedy, Senate, March 2005, \$1,000; Edward Kennedy, Senate, March 2005, \$1,000; HopeFund, Committee, September 2005, \$1,000; Campaign for Country, Committee, December 2005, \$1,000; Nat'l Jewish Dem Committee, Committee, September 2005, \$500.

\*Attributed by the DNC mistakenly as \$5,400 for the DNC and \$4,600 for Obama for America. When the mistake was discovered, Obama for America refunded me \$2,300 in October, 2008. It is on the FEC report as a refund to Mr. Barry White.

\*\*FEC filings show this as a contribution of \$900 but it was \$1000.

2. Spouse: Eleanor G. White: MA Democratic State Committee, Committee, May 2009, \$500; Jon Tester, Senate, March 2009, —\$1,000; Niki Tsongas, Congress, March 2009, \$500; GREBPAC, Committee, —February 2009, \$500; Barney Frank, Congress, April 2008, \$1,000; GREBPAC, Committee, March 2008, \$250; Hillary Clinton, President, July 2008, \$1,000; Niki Tsongas, Congress, October 2008, \$125; Barney Frank, Congress, October 2007, \$250; Barney Frank, Congress, October 2007, \$250; Niki Tsongas, Congress, March 2007, \$1,000; GREBPAC, Committee, March 2007, \$250; Obama, President, June 2007, \$2,300; Niki Tsongas, Congress, June 2007, \$1,300; Niki Tsongas, Congress, October 2007, \$500; Obama, President, June 2007, \$1,300; Barney Frank, Congress, October 2006, \$250.

3. Children and Spouses: Joshua and Nicole White: none; Adam White: none; Benjamin White: Joe Biden, President, 2008, \$25; Obama, President, 2008, \$100.

4. Parents: Harold and Rosalyn White—deceased.

5. Grandparents: Louis and Sadie Schneider—deceased; Joseph and Bessie White—deceased.

6. Brothers and Spouses: Alan White and Christiana Taylor, none; Michael White and Elizabeth White: Obama, President, May 2007, \$2,000; John Morrison, Senate, April 2005, \$250; Don Young, Congress, October 2007, \$500; Maria Cantwell for Senate, Senate, July 2006, \$500; Nick Lampkin, Congress, Uncertain, \$500; Jon Tester, Senate, Uncertain, \$250.

\*Michael H. Posner, of New York, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

\*Robert D. Hormats, of New York, to be an Under Secretary of State (Economic, Energy, and Agricultural Affairs).

\*Robert D. Hormats, of New York, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 1679. An original bill to make quality, affordable health care available to all Americans, reduce costs, improve health care quality, enhance disease prevention, and strengthen the health care workforce; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. WHITEHOUSE:

S. 1680. A bill to amend titles XVIII and XIX of the Social Security Act to provide the authorized representative of a deceased beneficiary full access to information with respect to the deceased beneficiary's benefits under the Medicare and Medicaid programs; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. FEINGOLD, Ms. CANTWELL, Mr. DURBIN, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1681. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mr. NELSON of Florida):

S. 1682. A bill to provide the Commodity Futures Trading Commission with clear antimarket manipulation authority, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNETT:

S. 1683. A bill to apply recaptured taxpayer investments toward reducing the national debt; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1684. A bill to establish guidelines and incentives for States to establish criminal

arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS (for himself, Mr. LEAHY, Mr. WHITEHOUSE, and Mr. DODD):

S. 1685. A bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. DURBIN, Mr. TESTER, Mr. UDALL of New Mexico, Mr. BINGAMAN, Mr. SANDERS, Mr. AKAKA, Mr. WYDEN, Mr. MENENDEZ, and Mr. MERKLEY):

S. 1686. A bill to place reasonable safeguards on the use of surveillance and other authorities under the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHANNIS (for himself, Mr. VITTER, Mr. CHAMBLISS, Mr. BROWNBACK, Mr. INHOFE, Mr. BURR, Mrs. HUTCHISON, Mr. BARRASSO, Mr. HATCH, Mr. ENZI, Mr. ISAKSON, Mr. ROBERTS, Mr. BENNETT, Mr. ENSIGN, Mr. CRAPO, Mr. SHELBY, Mr. THUNE, Mr. GREGG, Mr. BUNNING, Mr. DEMINT, and Mr. GRAHAM):

S. 1687. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now; read the first time.

By Mr. BENNETT (for himself, Mr. ENZI, Mr. BUNNING, and Mr. CRAPO):

S. 1688. A bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1689. A bill to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LEAHY, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BROWN, Mr. CONRAD, Mr. FRANKEN, Mrs. HUTCHISON, Mr. BAUCUS, Mr. CASEY, Ms. STABENOW, Mr. BENNETT, Mr. JOHANNIS, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. THUNE, and Mrs. GILLIBRAND):

S. Res. 273. A resolution commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize; considered and agreed to.

By Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mr. HARKIN):

S. Res. 274. A resolution supporting the goals and ideals of Peace Day; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 162

At the request of Mr. FEINGOLD, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 162, a bill to provide greater accountability of taxpayers' dollars by curbing congressional earmarking, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 619

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 658

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.

769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 934

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 1042

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1042, a bill to prohibit the use of funds to promote the direct deposit of Veterans and Social Security benefits until adequate safeguards are established to prevent the attachment and garnishment of such benefits.

S. 1210

At the request of Mr. KAUFMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1210, a bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1319

At the request of Mr. COBURN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1446

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1446, a bill to amend title

XIX of the Social Security Act to provide incentives for increased use of HIV screening tests under the Medicaid program.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1538, a bill to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, and for other purposes.

S. 1539

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1539, a bill to authorize the National Oceanic and Atmospheric Administration to establish a comprehensive greenhouse gas observation and analysis system, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1643

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1643, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. RES. 226

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 226, a resolution designating September 2009 as "Gospel Music Heritage Month" and honoring gospel music for its valuable contributions to the culture of the United States.

S. RES. 272

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 272, a resolution commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize.

AMENDMENT NO. 2394

At the request of Mr. JOHANNES, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. BARASSO), the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. DEMINT), the Senator from Texas (Mrs. HUTCHISON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2394 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. FEINGOLD, Ms. CANTWELL, Mr. DURBIN, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1681. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, our Nation's antitrust laws exist to protect consumers. These laws promote competition, which ensures that consumers will pay lower prices, and receive more choices of higher quality products. The vast majority of the companies doing business in the U.S. are subject to the Federal antitrust laws.

A few industries have used their influence to obtain a special, statutory exemption from the antitrust laws, and the insurance industry is one of them. In the markets for health insurance and medical malpractice insurance, patients and doctors are paying the price, as costs continue to increase at an alarming rate. As the insurance industry prospers behind its exemption, patients and small businesses suffer. I am pleased to introduce today the Health Insurance Industry Antitrust Enforcement Act of 2009, which will repeal the antitrust exemption for health insurance and medical malpractice insurance providers.

The health care industry is the subject of a great deal of debate. There are

many proposals to bring competition to health insurance providers. While we are debating these solutions, we should not lose sight of the fact that the health insurance industry currently does not have to play by the same, good-competition rules as other industries. That is wrong, and this legislation corrects it.

The lack of affordable health insurance plagues families throughout our country, and the rising prices that hospitals and doctors pay for medical malpractice insurance drains resources that could otherwise be used to improve patient care. Antitrust oversight in these industries will provide consumers with the confidence that insurance companies are operating in a competitive marketplace.

There is simply no justification for health insurance and medical malpractice insurance companies to be exempt from Federal laws prohibiting price fixing. Subjecting health and medical malpractice insurance providers to the antitrust laws will enable customers to feel confident that the price they are being quoted is the product of a fair marketplace. This bill will prohibit the most egregious anti-competitive conduct—price fixing, bid rigging and market allocations—conduct that harms consumers and drives up health care costs.

In the 110th Congress, I introduced a much broader repeal of the McCarran-Ferguson Act with Senator Lott. While Congress did not reach consensus on that legislation, surely in this environment of rising health care costs, we can agree on this more narrowly tailored repeal. Insurers should not object to being subject to the same antitrust laws as everyone else. If they are operating in an appropriate way, they should have nothing to fear. American families, doctors and hospitals rely on insurance. It is important to ensure that the prices they pay for this insurance are established in a fair and competitive way.

I look forward to repealing the antitrust exemption in the health insurance and medical malpractice insurance industries.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1681

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Health Insurance Industry Antitrust Enforcement Act of 2009”.

#### SEC. 2. PURPOSE.

It is the purpose of this Act to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

#### SEC. 3. PROHIBITION OF ANTI-COMPETITIVE ACTIVITIES.

Notwithstanding any other provision of law, nothing in the Act of March 9, 1945 (15 U.S.C. 1011 et seq., commonly known as the “McCarran-Ferguson Act”) shall be construed to permit health insurance issuers (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91) or issuers of medical malpractice insurance to engage in any form of price fixing, bid rigging, or market allocations in connection with the conduct of the business of providing health insurance coverage (as defined in such section) or coverage for medical malpractice claims or actions.

#### SEC. 4. APPLICATION TO ACTIVITIES OF STATE COMMISSIONS OF INSURANCE AND OTHER STATE INSURANCE REGULATORY BODIES.

Nothing in this Act shall apply to the information gathering and rate setting activities of any State commission of insurance, or any other State regulatory entity with authority to set insurance rates.

By Ms. CANTWELL (for herself and Mr. NELSON, of Florida):

1682. A bill to provide the Commodity Futures Trading Commission with clear antimarket manipulation authority, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. CANTWELL. Mr. President, I rise today to introduce the Commodities Market Manipulation Prevention Act of 2009.

When bad-actors like Enron and Amaranth Advisors, LLC, manipulate commodities prices, it means that Americans pay more for commodities like oil, gasoline, heating oil, food, and natural gas. Unfortunately, current law does not protect our economy with a tough enough standard to prevent, deter, and enforce illegal market manipulation in critical commodity futures markets.

Current law makes it very difficult for the Commodities Futures Trading Commission to prosecute market manipulation cases. This is because current law requires the CFTC to meet a more rigorous standard to prove market manipulation than other financial market regulatory agencies such as the Securities and Exchange Commission, the Federal Energy Regulatory Commission, and the Federal Trade Commission.

Specifically, the Commodities Exchange Act requires the CFTC to prove “specific intent” to manipulate. That is a very difficult standard to reach. You would have to have a pretty dumb individual to, for example, write in an e-mail that you specifically intend to manipulate prices. But that’s what current law currently requires the CFTC to prove.

In addition, CFTC case law also requires that it prove an artificial price exists, that the defendant had market power to move the price, and that he or she actually did cause the artificial price. Particularly in today’s complex markets, proving “artificial price” can

be a daunting task, which more often than not comes down to a “battle of the experts” in court. Because these requirements are so onerous, the CFTC often ends up moving to a lesser charge of “attempted manipulation,” which requires only proving intent and some act showing that intent. This is still a high standard, but is much easier than proving a full manipulation case.

As a result, Federal courts have recognized that, with the CFTC’s weaker anti-manipulation standard, market “manipulation cases generally have not fared well.” In fact, the standard is so weak that in the CFTC’s 35-year history, it has only successfully prosecuted and won one single case of manipulation. That case is currently on appeal in Federal court.

The Securities and Exchange Commission, on the other hand, under section 10(b) of the Securities and Exchange Act of 1934, has a different, easier-to-prove manipulation standard that it has employed successfully for over 75 years. Basically, the SEC does not need to prove specific intent, as the CFTC does. The SEC just has to prove that the defendant acted “recklessly.”

This legislation would give the CFTC the same anti-manipulation standard currently employed by the SEC. This means that the CFTC would be empowered to prove a manipulation case under the same “reckless conduct” standard that the SEC, FERC, and FTC employ, in contrast to its current difficult-to-prove “specific intent” standard. That is, this legislation will repeal the affirmative rule that says you are allowed to act recklessly in the commodity futures markets as long as you have no specific intent to do harm.

Congress also recently granted this same authority to the FERC in 2005 and the FTC in 2007 in legislation I wrote that carefully tracked section 10(b) of the Securities and Exchange Act of 1934 to ensure the FERC and FTC would interpret and enforce their new market manipulation authorities consistent with the SEC. This legislation also carefully tracks section 10(b) of the Securities Exchange Act of 1934 in part because Federal case law is clear that when the Congress uses language identical to that used in another statute, Congress intended for the courts and the Commission to interpret the new authority in a similar manner.

In the words of the Supreme Court from the 1904 case of *Kepner v. United States*, “when a statute uses words whose meaning under the judicial decisions has become well-known and well-settled, it will be presumed that the Legislature used such words in the sense justified by long judicial sanction.” In the 75 years since the enactment of the Securities and Exchange Act 1934, a substantial body of case law has developed over the last half century around section 10(b). This will

provide certainty in how this legislation will be interpreted and applied by the Courts and the CFTC.

In fact, the Supreme Court has compared this body of law to “a judicial oak which has grown from little more than a legislative acorn.” So it’s worth noting that courts have held that the SEC’s manipulation authority is not intended to catch sellers who take advantage of the natural market forces of supply and demand; only those who attempt to affect the market or prices by artificial means unrelated to the natural forces of supply and demand.

In this country, our current standard in the futures arena just isn’t working. It is not sufficient to fully prosecute and deter abuses in the markets. We need to get the right standard to prevent, deter, and enforce market manipulation in these markets.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1682

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Derivatives Market Manipulation Prevention Act of 2009”.

#### SEC. 2. CIVIL PENALTIES FOR MARKET MANIPULATION.

Subsection (c) of section 6 of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended to read as follows:

“(c) PROHIBITION REGARDING MARKET MANIPULATION AND FALSE INFORMATION.—

“(1) PROHIBITION REGARDING MARKET MANIPULATION.—It shall be unlawful for any person, directly or indirectly, to use or employ, or attempt to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Derivatives Market Manipulation Prevention Act of 2009.

“(2) PROHIBITION REGARDING FALSE INFORMATION.—It shall be unlawful for any person to report information relating to any registration application, any report filed with the Commission, or any other information relating to a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit any material fact that is required to be stated in any application or report if the person knew, or reasonably should have known, the information to be false or misleading.

“(3) ENFORCEMENT.—

“(A) AUTHORITY OF COMMISSION.—If the Commission has reason to believe that any person is violating or has violated this subsection, or any other provision of this Act (including any rule, regulation, or order promulgated in accordance with this subsection or any other provision of this Act), the Commission may serve upon the person a complaint.

“(B) CONTENTS OF COMPLAINT.—A complaint under subparagraph (A) shall—

“(i) contain a description of the charges against the person that is the subject of the complaint; and

“(ii) have attached or contain a notice of hearing that specifies the date and location of the hearing regarding the complaint.

“(C) HEARING.—A hearing described in subparagraph (B)(ii)—

“(i) shall be held not later than 3 days after the date on which the person described in subparagraph (A) receives the complaint;

“(ii) shall require the person to show cause regarding why—

“(I) an order should not be made—

“(aa) to prohibit the person from trading on, or subject to the rules of, any registered entity; and

“(bb) to direct all registered entities to refuse all privileges to the person until further notice of the Commission; and

“(II) the registration of the person, if registered with the Commission in any capacity, should not be suspended or revoked; and

“(iii) may be held before—

“(I) the Commission; or

“(II) an administrative law judge designated by the Commission, under which the administrative law judge shall ensure that all evidence is recorded in written form and submitted to the Commission.

“(4) SUBPOENA.—For the purpose of securing effective enforcement of the provisions of this chapter, for the purpose of any investigation or proceeding under this chapter, and for the purpose of any action taken under section 12(f) of this title, any member of the Commission or any Administrative Law Judge or other officer designated by the Commission (except as provided in paragraph (6)) may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry.

“(5) WITNESSES.—The attendance of witnesses and the production of any such records may be required from any place in the United States, any State, or any foreign country or jurisdiction at any designated place of hearing.

“(6) SERVICE.—A subpoena issued under this section may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States in such manner as the Federal Rules of Civil Procedure prescribe for service of process in a foreign country, except that a subpoena to be served on a person who is not to be found within the territorial jurisdiction of any court of the United States may be issued only on the prior approval of the Commission.

“(7) REFUSAL TO OBEY.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction in which the investigation or proceeding is conducted, or where such person resides or transacts business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. Such court may issue an order requiring such person to appear before the Commission or member or Administrative Law Judge or other officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question.

“(8) FAILURE TO OBEY.—Any failure to obey such order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district wherein such person is an inhabitant or transacts business or wherever such person may be found.

“(9) EVIDENCE.—On the receipt of evidence under paragraph (3)(C)(iii)(II), the Commission may—

“(A) prohibit the person that is the subject of the hearing from trading on, or subject to the rules of, any registered entity and require all registered entities to refuse the person all privileges on the registered entities for such period as the Commission may require in the order;

“(B) if the person is registered with the Commission in any capacity, suspend, for a period not to exceed 180 days, or revoke, the registration of the person;

“(C) assess such person—

“(i) a civil penalty of not more than an amount equal to the greater of—

“(I) \$140,000; or

“(II) triple the monetary gain to such person for each such violation; or

“(ii) in any case of manipulation or attempted manipulation in violation of this subsection, subsection (d), or section 9(a)(2), a civil penalty of not more than an amount equal to the greater of—

“(I) \$1,000,000; or

“(II) triple the monetary gain to the person for each such violation; and

“(D) through an order of the Commission, require restitution to customers of damages proximately caused by violations of the person.

“(10) ORDERS.—

“(A) NOTICE.—The Commission shall provide to a person described in paragraph (9)(A) and the appropriate governing board of the registered entity notice of the order described in paragraph (9)(A) by—

“(i) registered mail;

“(ii) certified mail; or

“(iii) personal delivery.

“(B) REVIEW.—

“(i) IN GENERAL.—A person that has received notice of an order by the Commission may obtain a review of the order or such other equitable relief as determined to be appropriate by a court described in clause (ii).

“(ii) PETITION.—To obtain a review or other relief under clause (i), a person may, not later than 15 days after the date of receipt of a notice under clause (i), file a written petition to set aside the order with the United States Court of Appeals—

“(I) for the circuit in which the petitioner carries out the business of the petitioner; or

“(II) in the case of an order denying registration, the circuit in which the principal place of business of the petitioner is located, as listed on the application of the petitioner.

“(C) PROCEDURE.—

“(i) DUTY OF CLERK OF APPROPRIATE COURT.—The clerk of the appropriate court under subparagraph (B)(ii) shall transmit to the Commission a copy of a petition filed under subparagraph (B)(ii).

“(ii) DUTY OF COMMISSION.—In accordance with section 2112 of title 28, United States Code, the Commission shall file in the appropriate court described in subparagraph (B)(ii) the record theretofore made.

“(iii) JURISDICTION OF APPROPRIATE COURT.—Upon the filing of a petition under subparagraph (B)(ii), the appropriate court described in subparagraph (B)(ii) shall have jurisdiction to affirm, set aside, or modify the order of the Commission, and the findings of the Commission as to the facts, if

supported by the weight of evidence, shall in like manner be conclusive.”.

### SEC. 3. CEASE AND DESIST ORDERS, FINES.

Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended to read as follows:

“(d) If any person (other than a registered entity), directly or indirectly, is using or employing, or attempting to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Derivatives Market Manipulation Prevention Act of 2009, the Commission may, upon notice and hearing, and subject to appeal as in other cases provided for in sections 9 and 15 of this title, make and enter an order directing that such person shall cease and desist therefrom and, if such person thereafter and after the lapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the higher of \$140,000 or triple the monetary gain to such person, or imprisoned for not less than six months nor more than one year, or both, except that if such failure or refusal to obey or comply with such order involves any offense within subsection (a) or (b) of section 13 of this title, such person shall be guilty of a felony and, upon conviction thereof, shall be subject to the penalties of said subsection (a) or (b): Provided, That any such cease and desist order against any respondent in any case of under this subsection shall be issued only in conjunction with an order issued against such respondent under sections 9 and 15 of this title. Each day during which such failure or refusal to obey or comply with such order continues shall be deemed a separate offense.”.

### SEC. 4. MANIPULATIONS; PRIVATE RIGHTS OF ACTION.

Section 22(a)(1) of the Commodity Exchange Act (7 U.S.C. 25(a)(1)) is amended by striking subparagraph (D) and inserting the following:

“(D) who purchased or sold a contract referred to in subparagraph (B) hereof if the violation constitutes the use or employment of, or an attempt to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative device or contrivance in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Derivatives Market Manipulation Prevention Act of 2009.”.

### SEC. 5. DEFINITION OF SWAP.

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended by adding at the end the following:

“(35) SWAP.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘swap’ means any agreement, contract, or transaction that—

“(i) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or based on the value of, one or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind;

“(ii) provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

“(iii) provides on an executory basis for the exchange, on a fixed or contingent basis, of one or more payments based on the value or level of one or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any agreement, contract, or transaction commonly known as an interest rate swap, a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, currency swap, foreign exchange swap, total return swap, equity index swap, equity swap, debt index swap, debt swap, credit spread, credit default swap, credit swap, weather swap, energy swap, metal swap, agricultural swap, emissions swap, or commodity swap;

“(iv) is an agreement, contract, or transaction that is, or in the future becomes, commonly known to the trade as a swap; or

“(v) is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (iv);

“(B) EXCLUSIONS.—The term ‘swap’ does not include:

“(i) any contract of sale of a commodity for future delivery or security futures product traded on or subject to the rules of any board of trade designated as a contract market under section 5 or 5f;

“(ii) any sale of a nonfinancial commodity for deferred shipment or delivery, so long as such transaction is physically settled;

“(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

“(iv) any put, call, straddle, option, or privilege relating to foreign currency entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a));

“(v) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a fixed basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

“(vi) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a contingent basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless such agreement, contract, or transaction predicates such purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

“(vii) any note, bond, or evidence of indebtedness that is a security as defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a));

“(viii) any agreement, contract, or transaction that is—

“(I) based on a security; and

“(II) entered into directly or through an underwriter (as defined in section 2(a) of the Securities Act of 1933) (15 U.S.C. 77b(a)) by the issuer of such security for the purposes of raising capital, unless such agreement, contract, or transaction is entered into to manage a risk associated with capital raising; or

“(ix) any agreement, contract, or transaction a counterparty of which is a Federal Reserve bank, the United States government or an agency of the United States government that is expressly backed by the full faith and credit of the United States.

“(C) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—The term ‘swap’ shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a swap only with respect to each agreement, contract, or transaction under the master agreement that is a swap pursuant to subparagraph (A).”.

### SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by sections 2, 3, and 4 shall take effect on the date on which the final rule promulgated by the Commodity Futures Trading Commission pursuant to the Derivatives Market Manipulation Prevention Act of 2009 takes effect.

(b) DEFINITION OF SWAP.—The amendment made by section 5 shall take effect on the date of enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1684. A bill to establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join with Senator BOXER in introducing the Managing Arson Through Criminal History, MATCH, Act of 2009. This bill is a companion to a bill introduced in the House of Representatives by Representatives BONO MACK and SCHIFF.

The bill would establish Federal and State arson registries; require convicted arsonists and bombers to register and update certain specified information for 5 years after a first conviction, 10 years after a second conviction, and for life after a third conviction; and authorize grants and incentives through the Department of Justice so that these registries will be operational within 3 years.

Southern California just went through one of the worst fire disasters in its history. The Station Fire destroyed 160,500 acres, destroyed more

than 80 homes and threatened more than 12,000 homes. Right now, the fire is still burning in wilderness areas on its eastern flank in the Angeles National Forest.

Two firefighters, Fire Captain Tedmund "Ted" Hall, 47, of San Bernardino County, and Firefighter Specialist Arnaldo "Arnie" Quinones, 34, of Palmdale, served with dedication and courage. They were killed August 30th when their truck slipped off a winding dirt road high in the Angeles National Forest. Officials believe the truck might have been overrun by flames from the wildfire.

Though the incident is still under investigation, officials believe that Hall and Quinones may have ordered dozens of people to seek shelter while they fought through active flames to search for an escape route.

There is no doubt that the Station Fire, the largest wildfire in the history of Los Angeles County, was the result of arson after investigators examined forensic evidence from scorched landscape off Angeles Crest Highway. The spot is believed to be the source of origin of the Station fire and investigators have found incendiary material near the site.

This was a disaster of massive proportions—preliminary estimates indicate that these fires will cost \$100 million. In these tough economic times, this cost and its effect on the economy of California is enormous and will have an impact for years to come.

Although the Federal Government may foot 80 to 90 percent of the bill for fighting the fire, which broke out in national parkland, the state's share will hit at a time when California is in the grip of a fiscal crisis.

Unfortunately, this is not the first or last time that a wildfire in California is started by an arsonist. It doesn't need to be that way. The bill that I introduce today—the MATCH Act would assist fire investigators and law enforcement officials by giving them up-to-date information on potential arsonists and bombers.

The bill would require convicted arsonists and bombers to register and regularly update their personal information in a new arsonist registry. In the future this will allow law enforcement and fire investigators to have an accessible database they can use to either find or rule out people of interest.

This will allow them to more easily complete their investigations, find the person responsible, and ensure that more wildfires won't get started intentionally.

This bill represents common-sense legislation that will help law enforcement officers do their jobs. Hundreds of firefighters worked on controlling the Station Fire. We owe it to these brave men and women who put their lives on the line—and others like them who will do so in the future—to give fire inves-

tigators this important new tool, so they can help bring arsonists and bombers to justice.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1684

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Managing Arson Through Criminal History (MATCH) Act of 2009".

#### SEC. 2. CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRATION AND NOTIFICATION PROGRAM.

(a) REGISTRY REQUIREMENTS FOR JURISDICTIONS.—

(1) JURISDICTION TO MAINTAIN A REGISTRY.—Each jurisdiction shall establish and maintain a jurisdiction-wide arsonist and bomber registry in accordance with this section.

(2) GUIDELINES AND REGULATIONS.—The Attorney General shall issue guidelines and regulations to carry out this section.

(b) REGISTRY REQUIREMENTS FOR CRIMINAL ARSONISTS AND BOMBERS.—

(1) IN GENERAL.—A criminal arsonist or criminal bomber shall register, and shall keep the registration current in accordance with paragraph (3), in each jurisdiction in which the criminal arsonist or criminal bomber resides, is an employee, or is a student.

(2) INITIAL REGISTRATION.—A criminal arsonist or criminal bomber shall initially register—

(A) in addition to any jurisdiction described in paragraph (1), in the jurisdiction in which the criminal arsonist or criminal bomber was convicted; and

(B)(i) before completing a sentence of imprisonment with respect to the arson offense or bombing offense giving rise to the registration requirement; or

(ii) not later than 5 business days after being sentenced for the arson offense or bombing offense giving rise to the registration requirement, if the criminal arsonist or criminal bomber is not sentenced to a term of imprisonment.

(3) KEEPING THE REGISTRATION CURRENT.—

(A) IN GENERAL.—Not later than 10 business days after each change of name, residence, employment, or student status, a criminal arsonist or criminal bomber shall appear in person in at least 1 jurisdiction described in paragraph (1) and inform the jurisdiction of all changes in the information required for that criminal arsonist or criminal bomber in the arsonist and bomber registry involved.

(B) PROVISION TO OTHER JURISDICTIONS.—A jurisdiction receiving information under subparagraph (A) shall immediately provide the revised information to all other jurisdictions in which the criminal arsonist or criminal bomber is required to register.

(4) APPLICATION OF REGISTRATION REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in the guidelines established under subparagraph (B), the requirements of this section, including the duties to register and to keep a registration current, shall apply only to a criminal arsonist or criminal bomber who was—

(i) convicted of an arson offense or a bombing offense on or after the date of enactment of this Act; and

(ii) notified of the duties and registered in accordance with subsection (f).

(B) APPLICATION TO CRIMINAL ARSONISTS OR CRIMINAL BOMBERS UNABLE TO COMPLY WITH PARAGRAPH (2)(B).—

(i) GUIDELINES.—The Attorney General shall establish guidelines in accordance with this subparagraph for each jurisdiction for—

(I) the application of the requirements of this section to criminal arsonists or criminal bombers convicted before the date of the enactment of this Act, or the date of the implementation of this section in such a jurisdiction; and

(II) the registration of any criminal arsonist or criminal bomber described in subclause (I) who is otherwise unable to comply with paragraph (2)(B).

(ii) INFORMATION REQUIRED TO BE INCLUDED IN REGISTRY.—With respect to each criminal arsonist or criminal bomber described in clause (i) convicted of an arson offense or bombing offense during the 10-year period ending on the date of enactment of this Act, the guidelines under clause (i) shall provide for the inclusion in the arsonist and bomber registry of each applicable jurisdiction (and, in accordance with subsection (j), the provision by the jurisdiction to each entity described in subsection (j)) of—

(I) the name of the criminal arsonist or criminal bomber (including any alias used by the individual);

(II) the Social Security number of the individual;

(III) the most recent known address of the residence at which the individual has resided;

(IV) a physical description of the individual;

(V) the text of the provision of law establishing the arson offense or bombing offense giving rise to the duty of the individual to register;

(VI) a set of fingerprints and palm prints of the individual;

(VII) a photocopy of a valid driver's license or identification card issued to the individual by a jurisdiction, if available; and

(VIII) any other information required by the Attorney General.

(iii) NOTICE REQUIRED.—The guidelines under clause (i) shall require notice to each criminal arsonist or criminal bomber included in an arsonist and bomber registry pursuant to this subparagraph of such inclusion.

(5) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a criminal arsonist or criminal bomber to comply with the requirements of this section.

(6) AUTHORITY TO EXEMPT CERTAIN INDIVIDUALS FROM REGISTRY REQUIREMENTS.—A jurisdiction may exempt a criminal arsonist or criminal bomber who has been convicted of an arson offense or a bombing offense for the first time from the registration requirements under this section in exchange for the substantial assistance of the individual in the investigation or prosecution of another person who has committed a criminal offense. The Attorney General shall ensure that any regulations promulgated under this section include guidelines establishing criteria regarding when it is appropriate to exempt an individual from the registration requirements under this section.

(c) INFORMATION REQUIRED IN REGISTRATION.—

(1) PROVIDED BY ARSONIST OR BOMBER.—A criminal arsonist or criminal bomber shall provide to the appropriate officer of a jurisdiction in which the individual is required to register for inclusion in the arsonist and bomber registry of the jurisdiction—

(A) the name of the individual (including any alias used by the individual);

(B) the Social Security number of the individual;

(C) the address of each residence at which the individual resides or will reside;

(D) the name and address of any place where the individual is an employee or will be an employee;

(E) the name and address of any place where the individual is a student or will be a student;

(F) the license plate number and a description of any vehicle owned or operated by the individual; and

(G) any other information required by the Attorney General.

(2) PROVIDED BY THE JURISDICTION.—The jurisdiction in which a criminal arsonist or criminal bomber registers shall ensure that the arsonist and bomber registry of the jurisdiction includes—

(A) a physical description of the individual;

(B) the text of the provision of law establishing the arson offense or bombing offense giving rise to the duty of the individual to register;

(C) the criminal history of the individual, including the date of all arrests and convictions, the status of parole, probation, or supervised release, registration status, and the existence of any outstanding arrest warrants for the individual;

(D) a current photograph of the individual;

(E) a set of fingerprints and palm prints of the individual;

(F) a photocopy of a valid driver's license or identification card issued to the individual by a jurisdiction; and

(G) any other information required by the Attorney General.

(d) DURATION OF REGISTRATION REQUIREMENT; EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINALS.—

(1) DURATION OF REGISTRATION REQUIREMENT.—A criminal arsonist or criminal bomber shall keep the registration information provided under subsection (c) current in accordance with subsection (b)(3) for the full registration period.

(2) EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINALS.—

(A) IN GENERAL.—In the case of a criminal arsonist or criminal bomber described in subparagraph (B), a jurisdiction shall expunge the arson and bomber registry of the jurisdiction of information relating to the criminal arsonist or criminal bomber on the date that is 5 years after the last day of the full registration period for the criminal arsonist or criminal bomber.

(B) CRIMINAL ARSONIST OR BOMBER DESCRIBED.—A criminal arsonist or criminal bomber described in this subparagraph is a criminal arsonist or criminal bomber who—

(i) was a juvenile tried as an adult for the arson offense or bombing offense giving rise to the duty of the individual to register under this section; and

(ii) was not convicted of any other felony during the period beginning on the first day of the full registration period for the criminal arsonist or criminal bomber and ending on the last day of the 5-year period described in subparagraph (A).

(C) APPLICATION TO OTHER DATABASES.—The Attorney General shall establish a process to

ensure that each entity that receives information under subsection (j) with respect to a criminal arsonist or criminal bomber described in subparagraph (B) shall expunge the applicable database of the information on the date that is 5 years after the last day of the full registration period for the criminal arsonist or criminal bomber.

(e) ANNUAL VERIFICATION.—Not less than once during each calendar year during the full registration period, a criminal arsonist or criminal bomber required to register under this section shall—

(1) appear in person at not less than 1 jurisdiction in which the individual is required to register;

(2) allow the jurisdiction to take a photograph of the individual; and

(3) while present at the jurisdiction, verify the information in each arsonist and bomber registry in which the individual is required to be registered.

(f) DUTY TO NOTIFY CRIMINAL ARSONISTS AND CRIMINAL BOMBERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.—

(1) IN GENERAL.—An appropriate officer shall, shortly before release of a criminal arsonist or criminal bomber from custody, or, if the individual is not in custody, immediately after the sentencing of the individual for the arson offense or bombing offense giving rise to the duty of the individual to register—

(A) inform the individual of the duties of the individual under this section and explain those duties in a manner that the individual can understand in light of the native language, mental capability, and age of the individual;

(B) ensure that the individual understands the registration requirement, and if so, require the individual to read and sign a form stating that the duty to register has been explained and that the individual understands the registration requirement;

(C) if the individual is unable to understand the registration requirements, sign a form stating that the individual is unable to understand the registration requirements; and

(D) ensure that the individual is registered in accordance with this section.

(2) NOTIFICATION OF CRIMINAL ARSONISTS AND CRIMINAL BOMBERS WHO CANNOT COMPLY WITH PARAGRAPH (1).—The Attorney General shall prescribe rules to ensure the notification and registration in accordance with this section of criminal arsonists and criminal bombers who cannot be registered in accordance with paragraph (1).

(g) ACCESS TO INFORMATION THROUGH THE INTERNET.—

(1) IN GENERAL.—Except as provided in this subsection, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to law enforcement personnel and fire safety officers located in the jurisdiction, all information about each criminal arsonist and criminal bomber in the arsonist and bomber registry of the jurisdiction.

(2) COORDINATION WITH NATIONAL DATABASE.—Each jurisdiction shall—

(A) ensure that the Internet site of the jurisdiction described in paragraph (1) includes all field search capabilities needed for full participation in the national Internet site established under subsection (i); and

(B) participate in the national Internet site established under subsection (i) in accordance with regulations promulgated by the Attorney General under this section.

(3) PROHIBITION ON ACCESS BY THE PUBLIC.—Information about a criminal arsonist or

criminal bomber shall not be made available on the Internet to the public under paragraph (1).

(4) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure on the Internet site of the jurisdiction described in paragraph (1)—

(A) any information about a criminal arsonist or criminal bomber involving conviction for an offense other than the arson offense or bombing offense giving rise to the duty of the individual to register;

(B) if the criminal arsonist or criminal bomber is participating in a witness protection program, any information about the individual the release of which could jeopardize the safety of the individual or any other person; and

(C) any other information identified as a mandatory exemption from disclosure by the Attorney General.

(5) OPTIONAL EXEMPTIONS.—A jurisdiction may exempt from disclosure on the Internet site of the jurisdiction described in paragraph (1)—

(A) the name of an employer of a criminal arsonist or criminal bomber; and

(B) the name of an educational institution where a criminal arsonist or criminal bomber is a student.

(6) CORRECTION OF ERRORS.—The Attorney General shall establish guidelines to be used by each jurisdiction to establish a process to seek correction of information included in the Internet site of the jurisdiction described in paragraph (1) if an individual contends the information is erroneous. The guidelines established under this paragraph shall establish the period, beginning on the date on which an individual has knowledge of the inclusion of information in the Internet site, during which the individual may seek the correction of the information.

(7) WARNING.—An Internet site of a jurisdiction described in paragraph (1) shall include a warning that—

(A) information on the site is to be used for law enforcement purposes only and may only be disclosed in connection with law enforcement purposes; and

(B) any action in violation of subparagraph (A) may result in a civil or criminal penalty.

(h) NATIONAL CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRY.—

(1) IN GENERAL.—The Attorney General shall maintain a national database at the Bureau of Alcohol, Tobacco, Firearms, and Explosives that includes relevant information for each criminal arsonist or criminal bomber (including any information provided under subsection (j)). The database shall be known as the National Criminal Arsonist and Criminal Bomber Registry.

(2) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the national registry maintained under this subsection or otherwise) that updated information about a criminal arsonist or criminal bomber is immediately transmitted by electronic forwarding to all relevant jurisdictions.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this subsection such sums as may be necessary for each of fiscal years 2010 through 2014.

(i) NATIONAL ARSONIST AND BOMBER INTERNET SITE.—

(1) IN GENERAL.—The Attorney General shall establish and maintain a national arsonist and bomber Internet site. The Internet site shall include relevant information

for each criminal arsonist or criminal bomber. The Internet site shall allow law enforcement officers and fire safety officers to obtain relevant information for each criminal arsonist or criminal bomber by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

(2) PROHIBITION ON ACCESS BY THE PUBLIC.—Information about a criminal arsonist or criminal bomber shall not be made available on the Internet to the public under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this subsection such sums as may be necessary for each of fiscal years 2010 through 2014.

(j) NOTIFICATION PROCEDURES.—

(1) IN GENERAL.—Immediately after a criminal arsonist or criminal bomber registers in the arsonist and bomber registry of a jurisdiction, or updates a registration in the arsonist and bomber registry of a jurisdiction, an appropriate officer of the jurisdiction shall provide the information in the arsonist and bomber registry (other than information exempted from disclosure by this section or the Attorney General) about the individual to the entities described in paragraph (2).

(2) ENTITIES.—The entities described in this paragraph are—

(A) the Attorney General;

(B) appropriate law enforcement agencies (including probation agencies, if applicable) in each area in which the criminal arsonist or criminal bomber resides, is an employee, or is a student;

(C) each jurisdiction in which the criminal arsonist or criminal bomber resides, is an employee, or is a student; and

(D) each jurisdiction from or to which a change of residence, employment, or student status occurs.

(k) ACTIONS TO BE TAKEN WHEN CRIMINAL ARSONIST OR CRIMINAL BOMBER FAILS TO COMPLY.—

(1) JURISDICTIONS.—An appropriate officer of a jurisdiction shall—

(A) notify the Attorney General and appropriate law enforcement agencies if a criminal arsonist or criminal bomber fails to comply with the requirements of the arsonist and bomber registry of the jurisdiction; and

(B) revise the arsonist and bomber registry of the jurisdiction to reflect the nature of the failure.

(2) ENSURING COMPLIANCE.—If a criminal arsonist or criminal bomber fails to comply with the requirements of the arsonist and bomber registry of a jurisdiction, an appropriate officer of the jurisdiction, the Attorney General, and any law enforcement agency notified under paragraph (1)(A) shall take any appropriate action to ensure compliance.

(1) DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.—

(1) DUTY TO DEVELOP AND SUPPORT.—In consultation with the jurisdictions, the Attorney General shall develop and support software to enable jurisdictions to establish and operate arsonist and bomber registries and Internet sites described in subsection (g).

(2) CRITERIA.—The software described in paragraph (1) shall facilitate—

(A) immediate exchange of information among jurisdictions;

(B) access over the Internet to appropriate information, including the number of reg-

istered criminal arsonists or criminal bombers in each jurisdiction;

(C) full compliance with the requirements of this section; and

(D) communication of information as required under subsection (j).

(3) DEADLINE.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall make available to jurisdictions a fully operational edition of the software described in paragraph (1).

(m) PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.—

(1) DEADLINE.—A jurisdiction shall implement this section not later than the later of—

(A) 3 years after the date of enactment of this Act; or

(B) 1 year after the date on which the software described in subsection (1) is made available to the jurisdiction.

(2) EXTENSIONS.—The Attorney General may make not more than 2 1-year extensions of the deadline under paragraph (1) for a jurisdiction.

(3) FAILURE OF JURISDICTION TO COMPLY.—For any fiscal year after the expiration of the deadline specified in paragraph (1) (including any extension under paragraph (2)), that a jurisdiction fails to substantially implement this section, as determined by the Attorney General, the jurisdiction shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(n) ELECTION BY INDIAN TRIBES.—

(1) ELECTION.—

(A) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body, elect to carry out this section as a jurisdiction subject to its provisions.

(B) IMPLEMENTATION.—A federally recognized Indian tribe that, as of the date that is 1 year after the date of enactment of this Act, has not made an election described in subparagraph (A) shall, by resolution or other enactment of the tribal council or comparable governmental body, enter into a cooperative agreement to arrange for a jurisdiction to carry out any function of the tribe under this section until such time as the tribe elects to carry out this section.

(2) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(A) NONDUPLICATION.—A federally recognized Indian tribe subject to this section is not required to duplicate functions under this section that are fully carried out by 1 or more jurisdictions within which the territory of the tribe is located.

(B) COOPERATIVE AGREEMENTS.—A federally recognized Indian tribe, through cooperative agreements with 1 or more jurisdictions within which the territory of the tribe is located, may—

(i) arrange for the tribe to carry out any function of the jurisdiction under this section with respect to criminal arsonists or criminal bombers subject to the jurisdiction of the tribe; and

(ii) arrange for the jurisdiction to carry out any function of the tribe under this section with respect to criminal arsonists and criminal bombers subject to the jurisdiction of the tribe.

(3) LAW ENFORCEMENT AUTHORITY IN INDIAN COUNTRY.—Enforcement of this section in Indian country, as defined in section 1151 of title 18, United States Code, shall be carried

out by the Federal Government, tribal governments, and State governments under jurisdictional authorities in effect on the date of enactment of this Act.

(o) IMMUNITY FOR GOOD FAITH CONDUCT.—The Federal Government, a jurisdiction, a political subdivision of a jurisdiction, and an agency, officer, employee, and agent of the Federal Government, a jurisdiction, or a political subdivision of a jurisdiction shall not be held liable in any Federal or State court for any good faith conduct to carry out this section.

(p) CRIMINAL ARSONIST AND CRIMINAL BOMBER MANAGEMENT ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Attorney General shall establish and implement a Criminal Arsonist and Bomber Management Assistance program (in this subsection referred to as the “Assistance Program”), under which the Attorney General may make grants to jurisdictions to offset the costs of implementing this section.

(2) APPLICATION.—A jurisdiction desiring a grant under this subsection for a fiscal year shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(3) INCREASED GRANT PAYMENTS FOR PROMPT COMPLIANCE.—

(A) IN GENERAL.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this section not later than 2 years after the date of enactment of this Act is eligible for a bonus payment in addition to the amount of a grant to the jurisdiction under paragraph (1). The Attorney General may make a bonus payment to a jurisdiction for the first fiscal year beginning after the date on which the Attorney General determines the jurisdiction has substantially implemented this section.

(B) AMOUNT.—A bonus payment under this paragraph shall be—

(i) if the Attorney General determines that the jurisdiction has substantially implemented this section not later than the date that is 1 year after the date of enactment of this Act, in an amount equal to 10 percent of the amount of a grant to the jurisdiction under paragraph (1) for the fiscal year in which the bonus payment is made; and

(ii) if the Attorney General determines that the jurisdiction has substantially implemented this section after the date that is 1 year after the date of the enactment of this Act, and not later than 2 years after the date of enactment of this Act, in an amount equal to 5 percent of the amount of a grant to the jurisdiction under paragraph (1) for the fiscal year in which the bonus payment is made.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this subsection such sums as may be necessary for each of fiscal years 2010 through 2014.

(q) DEFINITIONS.—In this section:

(1) ARSONIST AND BOMBER REGISTRY.—The term “arsonist and bomber registry” means a registry of criminal arsonists and criminal bombers, and a notification program, maintained by a jurisdiction under this section.

(2) ARSON OFFENSE.—The term “arson offense” means any criminal offense for committing arson, attempting arson, or conspiracy to commit arson in violation of the laws of the jurisdiction in which the offense was committed or the laws of the United States.

(3) BOMBING OFFENSE.—The term “bombing offense” means any criminal offense for committing a bombing, attempting a bombing, or conspiracy to commit a bombing in violation of the laws of the jurisdiction in which

the offense was committed or the laws of the United States.

(4) **CRIMINAL ARSONIST.**—The term “criminal arsonist”—

(A) means an individual who is convicted of an arson offense; and

(B) does not include a juvenile who is convicted of an arson offense unless the juvenile was tried as an adult for the arson offense.

(5) **CRIMINAL BOMBER.**—The term “criminal bomber”—

(A) means an individual who is convicted of a bombing offense; and

(B) does not include a juvenile who is convicted of a bombing offense unless the juvenile was tried as an adult for the bombing offense.

(6) **CRIMINAL OFFENSE.**—The term “criminal offense” means a Federal, State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 10 U.S.C. 951 note)) or other criminal offense.

(7) **EMPLOYEE.**—The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

(8) **FIRE SAFETY OFFICER.**—The term “fire safety officer” means an individual serving in an official capacity as a firefighter, fire investigator, or other arson investigator, as defined by the jurisdiction for the purposes of this section.

(9) **FULL REGISTRATION PERIOD.**—

(A) **IN GENERAL.**—The term “full registration period” means the period—

(i) beginning on the later of—

(I) the date on which an individual is convicted of an arson offense or bombing offense;

(II) the date on which an individual is released from custody for conviction of an arson offense or bombing offense; or

(III) the date on which an individual is placed on parole, supervised release, or probation for an arson offense or bombing offense; and

(ii) ending—

(I) for an individual who has been convicted of an arson offense or bombing offense for the first time, 5 years after the date described in clause (i);

(II) for an individual who has been convicted of an arson offense or bombing offense for the second time, 10 years after the date described in clause (i); and

(III) for an individual who has been convicted of an arson offense or bombing offense more than twice, on the date on which the individual dies.

(B) **EXCLUSION OF TIME IN CUSTODY.**—Any period during which an individual is in custody shall not be included in determining the end of the period under subparagraph (A).

(10) **JURISDICTION.**—The term “jurisdiction” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Virgin Islands; and

(H) to the extent provided in and subject to the requirements of subsection (o), a federally recognized Indian tribe.

(11) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” has the meaning given that term in section 1204 of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796b).

(12) **RESIDES.**—The term “resides” means the location of the home of an individual or other place where an individual habitually lives.

(13) **STUDENT.**—The term “student” means an individual who enrolls in or attends an educational institution (whether public or private), including a secondary school, trade or professional school, and institution of higher education.

By Mr. FEINGOLD (for himself, Mr. DURBIN, Mr. TESTER, Mr. UDALL, of New Mexico, Mr. BINGAMAN, Mr. SANDERS, Mr. AKAKA, Mr. WYDEN, Mr. MENENDEZ, and Mr. MERKLEY):

S. 1686. A bill to place reasonable safeguards on the use of surveillance and other authorities under the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased today to introduce the Judicial Use of Surveillance Tools In Counterterrorism Efforts, or JUSTICE, Act of 2009. I have had the privilege of working closely on this bill with Senator DURBIN, as I have on so many of these issues over the years, and I welcome the support of Senators TESTER, TOM UDALL, BINGAMAN, SANDERS, AKAKA and WYDEN. I am also pleased that the bill has the support of organizations and activists across the political spectrum, from former Republican Congressman Bob Barr to the American Civil Liberties Union to the American Library Association.

At the end of this year, three provisions of the USA PATRIOT Act will sunset unless Congress acts to reauthorize them. In my view, Congress should take this opportunity to revisit not just those three provisions, but rather a broad range of surveillance laws enacted in recent years to assess what additional safeguards are needed.

The JUSTICE Act does just that: It takes a comprehensive approach to fixing the Patriot Act and the FISA Amendments Act, once and for all. It permits the government to conduct necessary surveillance, but within a framework of accountability and oversight. It ensures both that our government has the tools to keep us safe, and that the privacy and civil liberties of innocent Americans will be protected. Because we can and must do both. These are not mutually exclusive goals.

Indeed, the Department of Justice just this week acknowledged as much in a letter setting forth its views on Patriot Act reauthorization. The Department said: “We also are aware that Members of Congress may propose modifications to provide additional protection for the privacy of law abiding Americans. As President Obama said in his speech at the National Archives on May 21, 2009, ‘We are indeed at war with al Qaeda and its affiliates. We do need to update our institutions to deal with this threat. But we must

do so with an abiding confidence in the rule of law and due process; in checks and balances and accountability.’ Therefore, the Administration is willing to consider such ideas, provided that they do not undermine the effectiveness of these important authorities.”

I welcome the administration’s openness to potential reforms of the Patriot Act and look forward to working together as the reauthorization process moves forward this fall.

But I remain concerned that critical information about the implementation of the Patriot Act has not been made public—information that I believe would have a significant impact on the debate. During the debate on the Protect America Act and the FISA Amendments Acts in 2007 and 2008, critical legal and factual information remained unknown to the public and to most members of Congress—information that was certainly relevant to the debate and might even have made a difference in votes. And during the last Patriot Act reauthorization debate in 2005, a great deal of implementation information remained classified. This time around, we must find a way to have an open and honest debate about the nature of these government powers, while protecting national security secrets.

As a first step, the Justice Department’s letter made public for the first time that the so-called “lone wolf” authority—one of the three expiring provisions—has never been used. That was a good start, since this is a key fact as we consider whether to extend that power. But there also is information about the use of Section 215 orders that I believe Congress and the American people deserve to know. I do not underestimate the importance of protecting our national security secrets. But before we decide whether and in what form to extend these authorities, Congress and the American people deserve to know at least basic information about how they have been used. So I hope that the administration will consider seriously making public some additional basic information, particularly with respect to the use of Section 215 orders.

There can be no question that statutory changes to our surveillance laws are necessary. Since the Patriot Act was first passed in 2001, we have learned important lessons, and perhaps the most important of all is that Congress cannot grant the government overly broad authorities and just keep its fingers crossed that they won’t be misused. Congress has the responsibility to put appropriate limits on government authorities—limits that allow agents to actively pursue criminals, terrorists and spies, but that also protect the privacy of innocent Americans.

This lesson was most clear in the context of National Security Letters.

In reports issued in 2007 and 2008, the Department of Justice Inspector General carefully documented rampant misuse and abuse of the National Security Letter, NSL, authority by the FBI. The Inspector General found—as he put it—“widespread and serious misuse of the FBI’s national security letter authorities. In many instances, the FBI’s misuse of national security letters violated NSL statutes, Attorney General Guidelines, or the FBI’s own internal policies.” After those Inspector General reports, there can no longer be any doubt that granting overbroad authority leads to abuses. The FBI’s apparently lax attitude and in some cases grave misuse of these potentially very intrusive authorities is attributable in no small part to the USA PATRIOT Act. That flawed legislation greatly expanded the NSL authorities, essentially granting the FBI a blank check to obtain some very sensitive records about Americans, including people not under any suspicion of wrong-doing, without judicial approval. Congress gave the FBI very few rules to follow, and failed to adequately remedy those shortcomings when it considered the NSL statutes as part of the Patriot Act reauthorization process in 2005.

The JUSTICE Act, like the bipartisan National Security Letter Reform Act that I introduced in the 110th Congress, would finally provide the statutory safeguards needed to protect against abuse of NSLs. And it would remedy First Amendment violations in the NSL statutes that were identified last year by the U.S. Court of Appeals for the Second Circuit, in a decision where Justice Sotomayor participated on the panel.

Specifically, the JUSTICE Act restricts the types of records that can be obtained without a court order to those that are the least sensitive and private, and it ensures that the FBI can only use NSLs to obtain information about individuals with some nexus to a suspected terrorist or spy. It makes sure that the FBI can no longer obtain the sensitive records of individuals three or four times removed from a suspect, most of whom would be entirely innocent. It follows the road map laid out by the Second Circuit to make sure the gag orders that accompany NSLs do not violate the First Amendment.

It prevents the use of so-called “exigent letters,” which the IG found the FBI was using in violation of the NSL statutes. It requires additional congressional reporting on NSLs, and it requires the FBI to establish a compliance program and tracking database for NSLs. And it requires the Attorney General to issue minimization procedures for information obtained through NSLs, so that information obtained about Americans is subject to enhanced protections and the FBI does not retain information obtained in error.

The JUSTICE Act also fixes Section 215, one of the most controversial provisions of the Patriot Act and one of the three that is subject to the 2009 sunset. This provision permits the government to obtain court orders for Americans’ business records under the Foreign Intelligence Surveillance Act; it is often referred to as the “library” provision, although it covers all types of business records.

On Section 215, the legislation establishes a standard of individualized suspicion for obtaining a FISA business records order, requiring that the government be able to demonstrate the records have some nexus to terrorism or espionage, and it creates procedural protections to prevent abuses. The bill also ensures robust, meaningful and constitutionally sound judicial review of both National Security Letters and Section 215 business records orders, and the gag orders that accompany them.

The bill also ensures that Americans can feel safe in their homes by placing reasonable checks on the so-called “sneak and peek” search warrant provision of the Patriot Act. It would eliminate the overbroad catch-all provision that allows these searches to be used in virtually any criminal case, and it would shorten the presumptive time limits for notification that the search occurred. It also would create a statutory exclusionary rule, in recognition of the strong Fourth Amendment interests at stake with regard to this extraordinary exception to the usual requirement that law enforcement knock and announce themselves before executing a search warrant.

The JUSTICE Act also includes a number of reasonable safeguards to protect Americans’ private communications. It permits the FBI to use roving wiretaps under FISA, but provides safeguards to protect innocent Americans from unnecessary surveillance. It ensures that the FBI does not obtain sensitive information about Americans’ Internet usage without satisfying an appropriate standard, and subjects those authorities, called “pen registers and trap and trace devices”, to new procedural checks. It provides new safeguards for the Patriot Act provision on computer trespass, which allows computer owners who are subject to hacking to give the government permission to monitor individuals on their systems without a warrant.

The bill also addresses the FISA Amendments Act, FAA, which granted the government new, over-expansive surveillance authorities and provided immunity to any companies that cooperated with the blatantly illegal warrantless wiretapping program that went on for more than five years—and that the prior administration repeatedly misled Congress about. That legislation became law last year over my strong objection, but it is not too late for Congress to fix it.

I offered several amendments to the FISA Amendments Act on the Senate floor—amendments that would have helped to make sure that the privacy of Americans’ communications are properly protected. And now those amendments are part of the JUSTICE Act.

First, the bill would ensure that the FISA Amendments Act cannot be used to authorize the government to collect the content of all communications between the U.S. and the rest of the world. Under the FAA, millions upon millions of communications between innocent Americans and their friends, families, or business associates overseas could legally be collected, with absolutely no suspicion of any wrongdoing. The JUSTICE Act would ensure such bulk collection will never occur.

Second, the JUSTICE Act would include a meaningful prohibition on the practice of reverse targeting—namely, wiretapping a person overseas when what the government is really interested in is listening to an American here at home with whom the foreigner is communicating. It would do so by requiring the government to obtain a court order whenever a significant purpose of the surveillance is to acquire the communications of an American in the U.S.

Third, the bill would create potential consequences if the government initiates surveillance under the FAA using procedures that have not been approved by the FISA Court, and the FISA Court later finds that those procedures were unlawful. Say, for example, the FISA Court determines that the procedures were not even reasonably designed to wiretap foreigners outside the U.S., rather than Americans here at home. Under the bill, the FISA Court would have the discretion to place limits on how the illegally obtained information on Americans can be retained and used.

Fourth, this bill includes a provision that will help protect the privacy of Americans whose international communications will be collected in vast new quantities. On the Senate floor last year, I joined with Senator WEBB and Senator TESTER to offer an amendment to provide real protections for the privacy of Americans, while also giving the government the flexibility it needs to wiretap terrorists overseas. And that amendment is in this bill.

And finally with respect to the FAA, the bill would repeal the grant of immunity to any companies that participated in the illegal NSA wiretapping program. Senator DODD was a leader on this during debate on the FAA and deserves a great deal of credit for drawing attention to this issue. Granting immunity seriously undercut our statutory scheme, which relies on both the government and the private sector to follow the law in implementing surveillance techniques. That is exactly why

the surveillance laws have long provided liability protection for companies that cooperate with a government request for assistance, as long as they receive either a court order or a certification from the Attorney General that no court order is needed and the request meets all statutory requirements. But if requests are not properly documented, companies are supposed to refuse the government's request, and they are subject to liability if they instead decide to cooperate.

This framework, which has been in place for 30 years, protects companies that comply with legitimate government requests while also protecting the privacy of Americans' communications from illegitimate snooping. Granting companies that allegedly cooperated with an illegal program the retroactive immunity that was in the FAA undermines the law that has been on the books for decades—a law that was designed to prevent exactly the type of abuses that occurred. Repealing that provision helps bolster the statutory framework that has for so long helped to protect the privacy of Americans' communications.

The JUSTICE Act also provides additional congressional and judicial oversight of the Foreign Intelligence Surveillance Act. It ensures that the FBI provides some limited public reporting regarding its secret intelligence surveillance authority under FISA. It would give courts more authority to oversee the process for determining whether and how criminal defendants against whom FISA-derived evidence is being used should get access to the underlying applications and orders so they can mount a challenge.

The last title of the bill simply ensures that the law labels as terrorists only those people who truly wish to do this country harm—not domestic protesters who engage in civil disobedience or people who provide humanitarian assistance.

These concerns are not new. “Sneak and peek” searches, the need for reasonable limits on the FBI's use of roving wiretaps, access to business records, and the overly expansive computer trespass authority were all issues I first raised in the fall of 2001 as some of the reasons why I believed the PATRIOT Act was flawed and threatened fundamental constitutional rights and protections. Eight years later, it is time to finally get this right. Again and again, the previous administration requested and the Congress provided vast new surveillance authorities with minimal checks and balances. Many of these new tools were appropriate, and passage of this bill would leave in place surveillance authorities that are dramatically broader than what existed prior to 9/11. But what has been missing—what this bill finally provides—is the assurances that these new authorities are tailored to our national secu-

rity needs and subject to proper oversight. Every single one of the changes in this bill is reasonable, measured and justifiable. I urge my colleagues to support it.

Mr. BENNETT (for himself, Mr. ENZI, Mr. BUNNING, and Mr. CRAPO):

S. 1688. A bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States; to the Committee on Homeland Security and Governmental Affairs.

Mr. BENNETT. Mr. President, I am pleased to rise today to introduce this important legislation, The Fairness in Representation Act, with my colleagues Senators ENZI and BUNNING. Next year's decennial census will be an enormous and expensive effort to complete the constitutionally mandated “actual enumeration.” I am proud of our Census department and the many people around the nation that will work together to produce what we hope and expect will be a fair and accurate census.

Unfortunately, current 2010 Census questionnaires lack a critical question: Are you a U.S. citizen? How are we to accurately apportion representation in the House of Representatives and the Electoral College when no count of legal residents exists? Article 1 Section 2 of the U.S. Constitution mandates that a census be taken every 10 years expressly for the purpose of apportioning seats in the House of Representatives. However apportionment is based on each State's total population—including illegal aliens—relative to the rest of the country. Currently our census doesn't give us a count of the legal residents of this country. In the 1964 Supreme Court ruling, *Wesberry v. Sanders* the Court states that “The House of Representatives, the [Constitutional] Convention agreed, was to represent the people as individuals and on a basis of complete equality for each voter.” By counting citizens, legal residents and illegals alike, we are in effect eroding the power of the vote of those citizens who live in areas with fewer non-citizens. The large number of non-citizens in a district erases the principle of “one man, one vote” because it takes fewer votes to be elected to Congress.

The political costs of this broken system are great. I have drafted this legislation to require the decennial census to include a question regarding citizenship. The legislation will further direct the census to make such adjustments in the total population figures as may be necessary, in order that those who are not U.S. citizens or are not lawfully present in the U.S. are not count-

ed in tabulating population for the purposes of apportionment. Apportionment of congressional seats and the Electoral College will be based on the legal population, rather than unfairly advantaging those communities with high illegal populations. I urge my colleagues to support this legislation that will correct an inexcusable error and return our representation system to its constitutional roots.

By Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico):

S. 1689. A bill to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to rise today with my colleague Senator TOM UDALL to introduce the Organ Mountains-Desert Peaks Wilderness Act. This legislation will designate approximately 259,000 acres of wilderness in Doña Ana County, including the iconic Organ Mountains that overlook the City of Las Cruces. The legislation will also establish two Conservation Areas in Doña Ana County—the 86,600-acre Organ Mountains National Conservation Area on the east side of Las Cruces, and the 75,600-acre Desert Peaks National Conservation Area to the west, which adjoins the Prehistoric Trackways National Monument to its south.

The Organ Mountains are among the many scenic landscapes in Doña Ana County that define Southern New Mexico and the rich culture of its people. In addition to protecting the viewshed of the Organ Mountains from future development, this proposal seeks to preserve other important landscapes such as the Doña Ana Mountains, Robledo Mountains, and the ancient volcanic cinder cones and grasslands of the Potrillo Mountains. Many visitors also come to explore the caves, limestone cliffs, and winding canyons of the proposed Desert Peaks National Conservation Area.

While the public lands protected by this bill are important for their scenic and recreational values, they also represent a valuable economic resource for county residents, through ranching, hunting, and tourism that take place here. This proposal will preserve healthy habitat for game and sensitive species; quality grazing land; and cultural resources like petroglyphs and historical features. Even those who may never visit these areas will benefit from their protection by consuming the clean water that these major watersheds provide to the people living in the valleys below.

This proposal is the culmination of over 2 years of consensus building accomplished by listening to input from a

broad spectrum of the community. As a result, the proposal that has been developed meets the goals of conserving our treasured landscapes in Doña Ana County while addressing the valid concerns raised by frequent users of our public lands. I would like to take a moment to mention a couple of important changes we have made to the bill based on the input we received from the community to address both border security concerns as well as access issues for the ranchers who graze cattle in the region.

Doña Ana County shares its southern border with Mexico, and national security issues are always an important factor to consider in any legislation that involves border counties. For example, currently the West Potrillo Mountains Wilderness Study Area comes as close as a half-mile in some places from the U.S.-Mexico border, which has created challenges for both the Department of Interior and the Department of Homeland Security to meet the goals of their distinct, yet equally important missions. This legislation seeks to provide additional flexibility for Customs and Border Patrol to accomplish its mission of border enforcement by releasing from Wilderness Study Area status more than 16,000 acres along the southern border. By assisting Border Patrol with its mission, the Bureau of Land Management will be better suited to meet its goals of natural resource protection as well.

With regard to ranching, access to water infrastructure is critical in the hot climate of southern New Mexico. To this end, we worked closely with all grazing permittees in the area to ensure all roads that lead to water improvements, like windmills, solar wells, water troughs and pipelines, were excluded from new wilderness areas. Other major infrastructure, like corrals, have also been excluded, and the congressional grazing guidelines that are referred to in this legislation will provide ranchers with the ability to use motorized vehicles to maintain stock ponds, fences, and other improvements in wilderness areas and to respond to emergencies. It is my belief that this approach will allow for the protection of these public lands while ensuring that ranching will continue.

My constituents in Doña Ana County have long expressed their desire to strike a balance between development and the preservation of the public lands that they grew up enjoying or that attracted them to the area in the first place. As such, this proposal is supported by a wide array of constituencies ranging from conservation and sportsmen's groups, city and county officials, to the Hispano Chamber of Commerce. With enactment of this bill, it is my hope that while Doña Ana County continues to prosper and grow, our unique places will be protected for

generations to come. I am pleased that Senator UDALL has cosponsored this bill, and I urge all my colleagues to support the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1689

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Organ Mountains-Desert Peaks Wilderness Act".

## SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means each of the Organ Mountains National Conservation Area and the Desert Peaks National Conservation Area established by section 4(a).

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Conservation Areas developed under section 4(d).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of New Mexico.

## SEC. 3. DESIGNATION OF WILDERNESS AREAS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) ADEN LAVA FLOW WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 27,650 acres as generally depicted on the map entitled "Potrillo Mountains Complex" and dated September 16, 2009, which shall be known as the "Aden Lava Flow Wilderness".

(2) BROAD CANYON WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 13,900 acres as generally depicted on the map entitled "Desert Peaks National Conservation Area" and dated September 16, 2009, which shall be known as the "Broad Canyon Wilderness".

(3) CINDER CONE WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 16,950 acres as generally depicted on the map entitled "Potrillo Mountains Complex" and dated September 16, 2009, which shall be known as the "Cinder Cone Wilderness".

(4) ORGAN MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 19,400 acres as generally depicted on the map entitled "Organ Mountains National Conservation Area" and dated September 16, 2009, which shall be known as the "Organ Mountains Wilderness".

(5) POTRILLO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 143,450 acres as generally depicted on the map entitled "Potrillo Mountains Complex" and dated September 16, 2009, which shall be known as the "Potrillo Mountains Wilderness".

(6) ROBLEDO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of

Land Management in Doña Ana County comprising approximately 17,000 acres as generally depicted on the map entitled "Desert Peaks National Conservation Area" and dated September 16, 2009, which shall be known as the "Robledo Mountains Wilderness".

(7) SIERRA DE LAS UVAS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 11,100 acres as generally depicted on the map entitled "Desert Peaks National Conservation Area" and dated September 16, 2009, which shall be known as the "Sierra de las Uvas Wilderness".

(8) WHITETHORN WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 9,600 acres as generally depicted on the map entitled "Potrillo Mountains Complex" and dated September 16, 2009, which shall be known as the "Whitethorn Wilderness".

(b) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated by subsection (a) shall be administered by the Secretary in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of a wilderness area designated by subsection (a) that is acquired by the United States shall—

(1) become part of the wilderness area within the boundaries of which the land is located; and

(2) be managed in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) this Act; and

(C) any other applicable laws.

(d) GRAZING.—Grazing of livestock in the wilderness areas designated by subsection (a), where established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(e) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas designated by subsection (a), including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(f) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any wilderness area designated by subsection (a).

(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside any wilderness area designated by subsection (a) can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(g) POTENTIAL WILDERNESS AREA.—

(1) ROBLEDO MOUNTAINS POTENTIAL WILDERNESS AREA.—

(A) IN GENERAL.—Certain land administered by the Bureau of Land Management, comprising approximately 100 acres as generally depicted as “Potential Wilderness” on the map entitled “Desert Peaks National Conservation Area” and dated September 16, 2009, is designated as a potential wilderness area.

(B) DESIGNATION AS WILDERNESS.—

(i) IN GENERAL.—On the date on which the Secretary publishes in the Federal Register the notice described in clause (ii), the potential wilderness area designated under subparagraph (A) shall be—

(I) designated as wilderness and as a component of the National Wilderness Preservation System; and

(II) incorporated into the Robledo Mountains Wilderness designated by subsection (a)(6).

(ii) NOTICE.—The notice referred to in clause (i) is notice that—

(I) the communications site within the potential wilderness area designated under subparagraph (A) is no longer used;

(II) the associated right-of-way is relinquished or not renewed; and

(III) the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.).

(h) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in Doña Ana County administered by the Bureau of Land Management not designated as wilderness by subsection (a)—

(1) has been adequately studied for wilderness designation;

(2) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(3) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this Act; and

(C) any other applicable laws.

**SEC. 4. ESTABLISHMENT OF NATIONAL CONSERVATION AREAS.**

(a) ESTABLISHMENT.—The following areas in the State are established as National Conservation Areas:

(1) ORGAN MOUNTAINS NATIONAL CONSERVATION AREA.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 86,650 acres as generally depicted on the map entitled “Organ Mountains National Conservation Area” and dated September 16, 2009, which shall be known as the “Organ Mountains National Conservation Area”.

(2) DESERT PEAKS NATIONAL CONSERVATION AREA.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 75,600 acres, as generally depicted on the map entitled “Desert Peaks National Conservation Area” and dated September 16, 2009, which shall be known as the “Desert Peaks National Conservation Area”.

(b) PURPOSES.—The purposes of the Conservation Areas are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, geological, historical, ecological, wildlife, educational, recreational, and scenic resources of the Conservation Areas.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Areas—

(A) in a manner that conserves, protects, and enhances the resources of the Conservation Areas; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this Act; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Areas that the Secretary determines would further the purposes described in subsection (b).

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Areas shall be permitted only on roads designated for use by motorized vehicles in the management plan.

(ii) NEW ROADS.—No additional road shall be built within the Conservation Areas after the date of enactment of this Act unless the road is necessary for public safety or natural resource protection.

(C) GRAZING.—The Secretary shall permit grazing within the Conservation Areas, where established before the date of enactment of this Act—

(i) subject to all applicable laws (including regulations) and Executive orders; and

(ii) consistent with the purposes described in subsection (b).

(D) UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in this section precludes the Secretary from renewing or authorizing the upgrading (including widening) of an existing utility right-of-way through the Organ Mountains National Conservation Area—

(i) in accordance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) any other applicable law; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan for each of the Conservation Areas.

(2) CONSULTATION.—The management plans shall be developed in consultation with—

(A) State, tribal, and local governments;

(B) the public.

(3) CONSIDERATIONS.—In preparing and implementing the management plans, the Secretary shall consider the recommendations of Indian tribes and pueblos on methods for—

(A) ensuring access to, and protection for, traditional cultural and religious sites in the Conservation Areas; and

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the Conservation Areas.

(e) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of a Conservation Area designated by subsection (a) that is acquired by the United States shall—

(1) become part of the Conservation Area within the boundaries of which the land is located; and

(2) be managed in accordance with—

(A) this Act; and

(B) any other applicable laws.

(f) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally de-

picted as “Transfer from DOD to BLM” on the map entitled “Organ Mountains National Conservation Area” and dated September 16, 2009, shall—

(1) be transferred from the Secretary of Defense to the Secretary;

(2) become part of the Organ Mountains National Conservation Area; and

(3) be managed in accordance with—

(A) this Act; and

(B) any other applicable laws.

**SEC. 5. GENERAL PROVISIONS.**

(a) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Conservation Areas and the wilderness areas designated by section 3(a) with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(b) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Conservation Areas and the wilderness areas designated by section 3(a) shall be administered as components of the National Landscape Conservation System.

(c) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may designate zones where, and establish periods during which, hunting, or fishing shall not be allowed for reasons of public safety, administration, the protection for nongame species and their habitats, or public use and enjoyment.

(d) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights, the Federal land within the Conservation Areas, the wilderness areas designated by section 3(a), and the approximately 6,300 acres of land generally depicted as “Parcel B” on the map entitled “Organ Mountains National Conservation Area” and dated September 16, 2009, including any land or interest in land that is acquired by the United States after the date of enactment of this Act within such areas, is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) LIMITED WITHDRAWAL.—The approximately 1,300 acres of land generally depicted as “Parcel A” on the map entitled “Organ Mountains National Conservation Area” and dated September 16, 2009, is withdrawn in accordance with paragraph (1), except from disposal under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act” (43 U.S.C. 869 et seq.)).

**SEC. 6. PREHISTORIC TRACKWAYS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.**

Section 2103(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 431

note; Public Law 111-11; 123 Stat. 1097) is amended by striking "December 17, 2008" and inserting "July 30, 2009".

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in introducing Organ Mountains-Desert Peaks Wilderness Act. The bill celebrates and preserves a portion of the unique and delicate landscape of southern New Mexico. Wilderness and conservation areas in Dona Ana and Luna Counties will protect a vast number of archeological sites and riparian areas, maintain habitat and migration corridors for wildlife, and preserve some of the only Chihuahuan Desert in the United States.

Set in the heart of Dona Ana County, Las Cruces is New Mexico's second largest city, and growing. The citizens of Las Cruces and the surrounding communities want to ensure that the area will continue to develop in a way that preserves the surrounding pristine landscapes including the iconic Organ Mountains. The Organ Mountains-Desert Peaks Wilderness Act is consistent with the city and County's long-term growth plan, and will act to maintain growth patterns in a way that will allow all citizens to enjoy the impressive views and landscapes surrounding Las Cruces.

The Organ Mountains Wilderness and NCA, just one portion of this comprehensive legislation, will keep these impressive peaks available for the enjoyment of southern New Mexicans, and all who visit the area. This mountain range is strikingly unique and gives great character and identity to other surrounding landscape and to the city of Las Cruces itself. A vast range of individual and public and private organizations came together to work on the protection of the Organ Mountains and the seven other wilderness areas included in the bill. Hunters, anglers and conservationists worked with ranchers and city and county officials to determine what areas were in greatest need of protection. Nearby military facilities worked with the Bureau of Land Management on land exchanges that are reflected in the bill and will benefit the public and military entities. Recommendations from the Border Patrol on how to ensure that the new wilderness fit into their homeland security efforts were incorporated into the bill. Years of negotiation and co-operation have resulted in the legislation being introduced today.

In total, the Organ Mountains-Desert Peaks Wilderness Act will protect 421,344 acres of desert landscape including 162,270 acres of National Conservation Area, and 259,071 acres of Wilderness Area. This area of rare and beautiful landscapes will be valued for generations. From the jagged basalt lava

flows of the Cinder Cone Wilderness to the roaming hawks and scrambling javelinas of the Robledo Mountains, this unique piece of southern New Mexico has abundant natural value for its citizens.

With this legislation, we build upon the work of conservation greats like Aldo Leopold, a man who saw the beauty of New Mexico's untamed wilderness lands and sought to preserve them for future generations. It was Mr. Leopold who said, "Conservation is a state of harmony between men and land." With the Organ Mountains-Desert Peaks Wilderness Act, we move a step closer to achieving that state of perfect harmony. I thank Senator BINGAMAN for his work to preserve this landscape and urge my colleagues to support this important bill.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 273—COMMEMORATING DR. NORMAN BORLAUG, RECIPIENT OF THE NOBEL PEACE PRIZE, CONGRESSIONAL GOLD MEDAL, PRESIDENTIAL MEDAL OF FREEDOM, AND FOUNDER OF THE WORLD FOOD PRIZE

Mr. HARKIN (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LEAHY, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BROWN, Mr. CONRAD, Mr. FRANKEN, Mrs. HUTCHISON, Mr. BAUCUS, Mr. CASEY, Ms. STABENOW, Mr. BENNET, Mr. JOHANNES, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. THUNE, and Mrs. GILLIBRAND) submitted the following resolution; which was considered and agreed to:

S. RES. 273

Whereas Dr. Norman E. Borlaug was born on March 25, 1914, of Norwegian parents on a farm in Cresco, Iowa, and was educated in a 1-room school house throughout grades 1 through 8;

Whereas Dr. Borlaug attended the University of Minnesota, where he earned a Ph.D. degree in Plant Pathology;

Whereas, beginning in 1944, Dr. Borlaug spent 2 decades in rural Mexico working to assist the poorest farmers through a pioneering Rockefeller Foundation program;

Whereas Dr. Borlaug's research and innovative "shuttle breeding" in Mexico enabled him to develop a new approach to agriculture and a new disease-resistant variety of wheat with triple the output of grain;

Whereas this breakthrough achievement in plant production enabled Mexico to become self-sufficient in wheat by 1956, and concurrently raised the living standard for thousands of poor Mexican farmers;

Whereas Dr. Borlaug was asked by the United Nations to travel to India and Pakistan in the 1960s, as South-Asia and the Middle East faced an imminent widespread famine, where he eventually helped convince those 2 warring governments to adopt his new seeds and new approach to agriculture to address this critical problem;

Whereas, Dr. Borlaug brought miracle wheat to India and Pakistan, which helped

both countries become self-sufficient in wheat production, thus saving hundreds of millions of people from hunger, famine, and death;

Whereas Dr. Borlaug and his team trained young scientists from Algeria, Tunisia, Egypt, Jordan, Iraq, Turkey, and Afghanistan in this same new approach to agriculture, which introduced new seeds but also put emphasis on the use of fertilizer and irrigation, thus increasing yields significantly in those countries as well;

Whereas Dr. Borlaug's approach to wheat was adapted by research scientists working in rice, which spread the Green Revolution to Asia, feeding and saving millions of people from hunger and starvation;

Whereas Dr. Borlaug was awarded the Nobel Peace Prize in 1970 as the "Father of the Green Revolution" and is only 1 of 5 people to have ever received the Nobel Peace Prize, Presidential Medal of Freedom, and Congressional Gold Medal;

Whereas Dr. Borlaug headed the Sasakawa Global 2000 program to bring the Green Revolution to 10 countries in Africa, and traveled the world to educate the next generation of scientists on the importance of producing new breakthrough achievements in food production;

Whereas Dr. Borlaug tirelessly promoted the potential that biotechnology offers for feeding the world, while also preserving biodiversity, in the 21st century when the global population is projected to rise to 9,000,000,000 people;

Whereas Dr. Borlaug continued his role as an educator as a Distinguished Professor at Texas A&M University, while also working at the International Center for the Improvement of Wheat and Maize in Mexico;

Whereas Dr. Borlaug founded the World Food Prize, called by several world leaders "The Nobel Prize for Food and Agriculture", which is awarded in Iowa each October so as to recognize and inspire Nobel-like achievements in increasing the quality, quantity, and availability of food in the world;

Whereas the Senate designated October 16 as World Food Prize Day in America in honor of Dr. Borlaug; and

Whereas it is written of Dr. Borlaug that throughout all of his work he saved 1,000,000,000 lives, thus making him widely known as saving more lives than any other person in human history: Now, therefore, be it

*Resolved, That—*

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of Dr. Norman Borlaug; and

(2) the Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased.

#### SENATE RESOLUTION 274—SUPPORTING THE GOALS AND IDEALS OF PEACE DAY

Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 274

Whereas, beginning in 2002, the United Nations has designated September 21 of each year as the International Day of Peace, which is known in the United States as Peace Day;

Whereas the United Nations dedicates the International Day of Peace to the cessation of hostilities and nonviolence, and calls upon all Nations and people to commemorate the

day appropriately, including through educational efforts, and public awareness;

Whereas Peace Day activities around the world include vaccination campaigns, peace walks, concerts, peace-related discussions and debates, poetry readings, mass prayer ceremonies, art exhibitions, memorial services, school assemblies, and sporting events;

Whereas, on Peace Day 2006, the World Food Programme carried out a 60-ton food drop in Southern Sudan;

Whereas, on Peace Day 2007, the Peace One Day organization worked alongside the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), and the Afghan Ministry of Public Health to vaccinate 1,400,000 children of Afghanistan against the polio virus and, on Peace Day 2008, approximately 14,000 health workers and volunteers delivered polio vaccinations to 1,600,000 children under the age of 5 in 6 Afghan provinces;

Whereas, on Peace Day 2007, Star Syringe vaccinated children in rural areas against measles, diphtheria, tuberculosis, hepatitis, and whooping cough in 20 locations, including Uganda, India, Ethiopia, and Indonesia;

Whereas, on Peace Day 2007, in the conflict-torn South Kivu province of the Democratic Republic of Congo, UNICEF and other organizations provided insecticide-treated mosquito nets to protect 600,000 children from malaria, and also provided vitamin A, de-worming medication, and measles immunizations;

Whereas, on Peace Day 2007, there were 82 Peace Day initiatives in Afghanistan alone, involving more than 30 United Nations agencies, government departments, radio stations, and civil society organizations, and including arms handover ceremonies, community prayers for peace, painting schools white, educational activities, and a Peace Walk through the streets of Herat, Afghanistan;

Whereas the Peace One Day organization provides free educational materials to schools in the United States and worldwide that enable young people to prepare for and participate in Peace Day activities, learn the skills needed to resolve conflicts peacefully, and cultivate a sense of active global citizenship; and

Whereas the "One Day One Goal" initiative promotes soccer matches in all member states of the United Nations on Peace Day, and "One Day One Goal" soccer matches reflect cooperation, unity, and the power of soccer to bring people together as part of Peace Day in many countries, including Iraq, Uganda, Afghanistan, Burundi, Cambodia, the United Arab Emirates, the Côte d'Ivoire, the United States, and the United Kingdom: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its support for the goals and ideals celebrated on Peace Day, which is observed each year on September 21;

(2) supports continuing efforts to raise global awareness of the goals of Peace Day and to engage all sectors of society in the peaceful observance of the International Day of Peace, in accordance with United Nations General Assembly Resolution 55/282 of September 7, 2001, including work with United Nations agencies and non-governmental organizations to promote life-saving and humanitarian activities on Peace Day; and

(3) encourages people in the United States to observe Peace Day, September 21, 2009, with appropriate programs, ceremonies, and educational activities, in order to raise awareness of the need for peaceful resolution of conflicts of all kinds.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2423. Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2424. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2425. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2426. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2427. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2428. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2429. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2430. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2431. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2432. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2433. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2434. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2435. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2436. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2437. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2438. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2439. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2440. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2441. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2442. Mr. JOHNSON submitted an amendment intended to be proposed by him

to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2443. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2444. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 2423. Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: “: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844), \$170,800 shall be made available to the city of Prescott for a wastewater treatment plant construction project and \$129,200 shall be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled ‘Congressionally Designated Spending’ contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for the Konza Water Main Extension project”.

SA 2424. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used to construct a drinking water reservoir in Fayette County, Alabama.

SA 2425. Mr. MCCAIN submitted an amendment intended to be proposed by him

him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used for the Sewall-Belmont House in Washington, District of Columbia.

**SA 2426.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used for an interpretive center at the California National Historic Trail in Nevada.

**SA 2427.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used for rat eradication at the Palmyra Atoll National Wildlife Refuge in Hawaii.

**SA 2428.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used for a National Conservation Training Center in West Virginia.

**SA 2429.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used to manage excess sewage flows of the city of Plattsmouth, Nebraska.

**SA 2430.** Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used to relocate a Forest Service dispatch center in the Black Hills National Forest, South Dakota.

**SA 2431.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used for the State of Vermont for the Vermont Wood Products Collaborative.

**SA 2432.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used for the town of Moorefield, West Virginia, for wastewater treatment facility upgrades.

**SA 2433.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 6 and 7, insert the following:

#### GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

SEC. 2 \_\_\_\_\_. None of the funds made available by this Act may be used for any targeted infrastructure assistance grant under the State and Tribal Assistance Grants program.

**SA 2434.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 186, line 7, strike "\$15,000,000" and insert "\$10,000,000".

**SA 2435.** Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, line 16, before the period, insert the following "": *Provided*, That none of the funds made available under this Act may be used for a tropical botanical garden in the State of Hawaii".

**SA 2436.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, lines 1 through 4, strike "": of which" and all that follows through "of 2004".

**SA 2437.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, lines 2 through 10, strike "": *Provided further*," and all that follows through "drinking water system improvements".

**SA 2438.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, line 3, before the period, insert the following "": *Provided further*, That none of the funds made available under this Act may be used for trail improvements on the Reno-to-Reno Rim Trail in the State of Nevada".

**SA 2439.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, line 16, before the period, insert the following "": *Provided*, That none of the funds made available under this Act may be used to carry out the Native Hawaiian culture and arts program in the State of Hawaii".

**SA 2440.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### FUNDING LIMITATION

SEC. \_\_\_\_\_. None of the funds made available by this Act may be obligated for the purpose of implementing directives or policies of the Federal Government at the direction of the Assistant to the President for Energy and Climate Change (commonly known as the "White House Climate Change Czar").

**SA 2441.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 173, strike line 12 and all that follows through page 174, line 5, and insert the following:

"(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

"(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

"(2) PROPERTY REMOVAL.—

"(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

"(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area."

**SA 2442.** Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: "": *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements".

**SA 2443.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: "": *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, \$170,800 shall be made available to the city of Prescott for a wastewater treatment plant construction project and \$129,200 shall be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for the Konza Water Main Extension project".

**SA 2444.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4 \_\_\_\_\_. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking "Agricultural Research Service" and inserting "Agricultural Research Service and the Forest Service"; and

(2) by adding at the end the following:

"(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government."

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests.

The hearing will be held on Thursday, October 1, 2009, at 2:30 p.m., in

room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to: allison.seyferth@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488 or Allison Seyferth at (202) 224-4905.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 17, 2009, at 2:15 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 17, 2009, at 10 a.m., to hold a hearing entitled "Countering the Threat of Failure in Afghanistan."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate September 17, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 17, 2009, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON VETERANS' AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 17, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 17, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON CRIME AND DRUGS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on September 17, 2009, at 2 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Evaluating S. 1551: The Liability for Aiding and Abetting Securities Violations Act of 2009."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 17, 2009, at 2:30 p.m. to conduct a hearing entitled, "Improving Transparency and Accessibility of Federal Contracting Databases."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that Tomer Hasson, an environmental legislative fellow in my office, be granted floor privileges for the pendency of H.R. 2996, the Interior appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### COMMEMORATING DR. NORMAN BORLAUG

Mr. REID. Mr. President, I ask unanimous consent that we proceed to S. Res. 273.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 273) commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, the Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to re-

consider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 273) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 273

Whereas Dr. Norman E. Borlaug was born on March 25, 1914, of Norwegian parents on a farm in Cresco, Iowa, and was educated in a 1-room school house throughout grades 1 through 8;

Whereas Dr. Borlaug attended the University of Minnesota, where he earned a Ph.D. degree in Plant Pathology;

Whereas, beginning in 1944, Dr. Borlaug spent 2 decades in rural Mexico working to assist the poorest farmers through a pioneering Rockefeller Foundation program;

Whereas Dr. Borlaug's research and innovative "shuttle breeding" in Mexico enabled him to develop a new approach to agriculture and a new disease-resistant variety of wheat with triple the output of grain;

Whereas this breakthrough achievement in plant production enabled Mexico to become self-sufficient in wheat by 1956, and concurrently raised the living standard for thousands of poor Mexican farmers;

Whereas Dr. Borlaug was asked by the United Nations to travel to India and Pakistan in the 1960s, as South-Asia and the Middle East faced an imminent widespread famine, where he eventually helped convince those 2 warring governments to adopt his new seeds and new approach to agriculture to address this critical problem;

Whereas, Dr. Borlaug brought miracle wheat to India and Pakistan, which helped both countries become self-sufficient in wheat production, thus saving hundreds of millions of people from hunger, famine, and death;

Whereas Dr. Borlaug and his team trained young scientists from Algeria, Tunisia, Egypt, Jordan, Iraq, Turkey, and Afghanistan in this same new approach to agriculture, which introduced new seeds but also put emphasis on the use of fertilizer and irrigation, thus increasing yields significantly in those countries as well;

Whereas Dr. Borlaug's approach to wheat was adapted by research scientists working in rice, which spread the Green Revolution to Asia, feeding and saving millions of people from hunger and starvation;

Whereas Dr. Borlaug was awarded the Nobel Peace Prize in 1970 as the "Father of the Green Revolution" and is only 1 of 5 people to have ever received the Nobel Peace Prize, Presidential Medal of Freedom, and Congressional Gold Medal;

Whereas Dr. Borlaug headed the Sasakawa Global 2000 program to bring the Green Revolution to 10 countries in Africa, and traveled the world to educate the next generation of scientists on the importance of producing new breakthrough achievements in food production;

Whereas Dr. Borlaug tirelessly promoted the potential that biotechnology offers for feeding the world, while also preserving biodiversity, in the 21st century when the global population is projected to rise to 9,000,000,000 people;

Whereas Dr. Borlaug continued his role as an educator as a Distinguished Professor at Texas A&M University, while also working

at the International Center for the Improvement of Wheat and Maize in Mexico;

Whereas Dr. Borlaug founded the World Food Prize, called by several world leaders "The Nobel Prize for Food and Agriculture", which is awarded in Iowa each October so as to recognize and inspire Nobel-like achievements in increasing the quality, quantity, and availability of food in the world;

Whereas the Senate designated October 16 as World Food Prize Day in America in honor of Dr. Borlaug; and

Whereas it is written of Dr. Borlaug that throughout all of his work he saved 1,000,000,000 lives, thus making him widely known as saving more lives than any other person in human history: Now, therefore, be it

*Resolved*, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of Dr. Norman Borlaug; and

(2) the Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased.

#### PEACE DAY

Mr. REID. I ask unanimous consent that the Senate now proceed to S. Res. 274.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 274) supporting the goals and ideals of Peace Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 274

Whereas, beginning in 2002, the United Nations has designated September 21 of each year as the International Day of Peace, which is known in the United States as Peace Day;

Whereas the United Nations dedicates the International Day of Peace to the cessation of hostilities and nonviolence, and calls upon all Nations and people to commemorate the day appropriately, including through educational efforts, and public awareness;

Whereas Peace Day activities around the world include vaccination campaigns, peace walks, concerts, peace-related discussions and debates, poetry readings, mass prayer ceremonies, art exhibitions, memorial services, school assemblies, and sporting events;

Whereas, on Peace Day 2006, the World Food Programme carried out a 60-ton food drop in Southern Sudan;

Whereas, on Peace Day 2007, the Peace One Day organization worked alongside the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), and the Afghan Ministry of Public Health to vaccinate 1,400,000 children of Afghanistan

against the polio virus and, on Peace Day 2008, approximately 14,000 health workers and volunteers delivered polio vaccinations to 1,600,000 children under the age of 5 in 6 Afghan provinces;

Whereas, on Peace Day 2007, Star Syringe vaccinated children in rural areas against measles, diphtheria, tuberculosis, hepatitis, and whooping cough in 20 locations, including Uganda, India, Ethiopia, and Indonesia;

Whereas, on Peace Day 2007, in the conflict-torn South Kivu province of the Democratic Republic of Congo, UNICEF and other organizations provided insecticide-treated mosquito nets to protect 600,000 children from malaria, and also provided vitamin A, de-worming medication, and measles immunizations;

Whereas, on Peace Day 2007, there were 82 Peace Day initiatives in Afghanistan alone, involving more than 30 United Nations agencies, government departments, radio stations, and civil society organizations, and including arms handover ceremonies, community prayers for peace, painting schools white, educational activities, and a Peace Walk through the streets of Heart, Afghanistan;

Whereas the Peace One Day organization provides free educational materials to schools in the United States and worldwide that enable young people to prepare for and participate in Peace Day activities, learn the skills needed to resolve conflicts peacefully, and cultivate a sense of active global citizenship; and

Whereas the "One Day One Goal" initiative promotes soccer matches in all member states of the United Nations on Peace Day, and "One Day One Goal" soccer matches reflect cooperation, unity, and the power of soccer to bring people together as part of Peace Day in many countries, including Iraq, Uganda, Afghanistan, Burundi, Cambodia, the United Arab Emirates, the Côte d'Ivoire, the United States, and the United Kingdom: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its support for the goals and ideals celebrated on Peace Day, which is observed each year on September 21;

(2) supports continuing efforts to raise global awareness of the goals of Peace Day and to engage all sectors of society in the peaceful observance of the International Day of Peace, in accordance with United Nations General Assembly Resolution 55/282 of September 7, 2001, including work with United Nations agencies and non-governmental organizations to promote life-saving and humanitarian activities on Peace Day; and

(3) encourages people in the United States to observe Peace Day, September 21, 2009, with appropriate programs, ceremonies, and educational activities, in order to raise awareness of the need for peaceful resolution of conflicts of all kinds.

#### MEASURE READ THE FIRST TIME—S. 1687

Mr. REID. Mr. President, I understand that there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

A bill (S. 1687) to prohibit the Federal Government from awarding contracts, grants, or other agreements, or providing other Federal funds to or engaging in activities that promote the Association of Community Organizations for Reform Now.

Mr. REID. I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time the next legislative day.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to P.L. 110-229, the appointment of the following to be members of the Commission to Study the Potential Creation of a National Museum of the American Latino: Dr. Emma Sepulveda of Nevada vice Katherine Archuleta of Colorado.

The Chair announces, on behalf of the minority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senator as a member of the Senate National Security Working Group for the 111th Congress: the Honorable LINDSEY GRAHAM of South Carolina (co-chairman).

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, first of all, I appreciate very much the patience of the Presiding Officer and all the staff.

In prior years, before you arrived in the Senate, I used to spend a lot of time on the floor when I was the whip and we had one of the staff here who talked about how Senate time was dog time—1 minute is really 7 minutes. In fact, as his going away gift to me, my friend Jack, who was right down here, before he retired gave me a dog chain as a souvenir. I kept it in my desk here for years. But sometimes things take a long time to get worked out. It may not seem like much, but it took a long time to get this done.

#### NOMINATION OF ERROLL SOUTHERS

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the nomination of Erroll Southerns to be Assistant Secretary of Homeland Security be referred to the Committee on Commerce, Science, and Transportation; that upon the reporting out or

discharge of the nomination, it then be referred to the Homeland Security and Governmental Affairs Committee for a period not to exceed 30 calendar days; that if the Homeland Security and Governmental Affairs Committee has not reported the nomination at that time, then the Committee be discharged and the nomination be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR MONDAY, SEPTEMBER 21, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of Calendar No. 98, H.R. 2996, Interior appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes on Monday, as previously announced. Senators should expect the next vote to begin before the caucus on Tuesday.

#### ADJOURNMENT UNTIL MONDAY, SEPTEMBER 21, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Monday, September 21, 2009, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

##### DEPARTMENT OF HOMELAND SECURITY

ERROLL G. SOUTHERS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE EDMUND S. HAWLEY, RESIGNED.

##### DEPARTMENT OF JUSTICE

MICHAEL J. MOORE, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE MAXWELL WOOD.

CARMEN MILAGROS ORTIZ, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS, VICE MICHAEL J. SULLIVAN.

EDWARD J. TARVER, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE EDMUND A. BOOTH, JR.

#### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF STATE

LAURIE M. MAJOR, OF MAINE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF COMMERCE

ROBYN F. KESSLER, OF OHIO

#### DEPARTMENT OF STATE

SARAH AUDREY NELSON, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JUNE 29, 2009:

#### DEPARTMENT OF STATE

CHAD R. NORBERG, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF COMMERCE

ERIC G. CROWLEY, OF COLORADO

EMILY V. GEREFFI, OF VIRGINIA

DAMIAN J. FELTON, OF VIRGINIA

NANCY KREMERS, OF THE DISTRICT OF COLUMBIA

LISA WANG, OF VIRGINIA

#### DEPARTMENT OF STATE

FAREED A. ABDULLAH, OF GEORGIA

ROBERT ADELSON, JR., OF NEW YORK

JUANITA L. AGUIRRE, OF TEXAS

MICHAEL AHN, OF CALIFORNIA

TYSON DALE AIKEN, OF VIRGINIA

MAYRA ALEJANDRA ALVARADO TORRES, OF CALIFORNIA

JERRAD U. ANDERSON, OF VIRGINIA

KRISTER BERTN ANDERSON, OF MINNESOTA

ALICIA M. ANDREWS, OF VIRGINIA

MICHAEL C. ANNESE, OF VIRGINIA

CAROLYN M. AUZENNE, OF VIRGINIA

PAMELA L. AUZENNE, OF LOUISIANA

TERESA S. BALL, OF TENNESSEE

BRANDON C. BARRIENTEZ, OF KANSAS

BRANDON A. BATEMAN, OF VIRGINIA

DAWN ELIZABETH BEAUPAIN, OF VIRGINIA

ALBERT J. BECCACCIO, OF VIRGINIA

LAUREN BISHOP, OF VIRGINIA

MELANI M. BLECK, OF VIRGINIA

AJA C. BONSU, OF THE DISTRICT OF COLUMBIA

COREY BORDENKECHER, OF INDIANA

GABRIELLE ELIZABETH BRADEN, OF THE DISTRICT OF COLUMBIA

ANNE BRAGHETTA, OF CALIFORNIA

BRIGETTE BUCHET, OF MARYLAND

ROBERT H. BURNETT, OF TENNESSEE

SUZANNE L. BYRNE, OF VIRGINIA

ALYSSA M. CARALLA, OF GEORGIA

CHRISTIAN H. CARDONA, OF NEW YORK

MARCUS BLAIR CARPENTER, OF THE DISTRICT OF COLUMBIA

MARQUITA LEVONNE CASH, OF VIRGINIA

MARK STUART CHAMBERLAIN, OF VIRGINIA

ERIN JORDAN CLANCY, OF CALIFORNIA

TRAVIS JOHN COBERLY, OF KANSAS

DESIRE MICHELLE CORMIER, OF CALIFORNIA

ROYCE S. CRAYTON, OF VIRGINIA

JUAN CARLOS CRUZ, OF FLORIDA

DARREN DAPAS, OF NEW JERSEY

LAURA SONNET DAVIS, OF THE DISTRICT OF COLUMBIA

KAREN A. DICKERSON, OF MARYLAND

TRENTON BROWN DOUTHETT, OF OHIO

SADIE ELEN DWORAK, OF NEW HAMPSHIRE

PAULA VILLANOVA ENCARNACAO, OF MARYLAND

JOHANNA LOUISE FERNANDO, OF VIRGINIA

KYLE FIELDLING, OF WASHINGTON

ERIK T. FINCH, OF TEXAS

COLIN FISHWICK, OF WASHINGTON

JANET M. FLATLEY, OF FLORIDA

JOAN H. FLYNN, OF VIRGINIA

TIMOTHY J. FUNKE, OF VIRGINIA

JOSEPH GIORDONO-SCHOLZ, OF CALIFORNIA

ANGELA C. GJERTSON, OF THE DISTRICT OF COLUMBIA

CATHRYN MARGARET GLEASMAN, OF TEXAS

BRYAN F. GRANT, OF VIRGINIA

CATHERINE GRIFFITH, OF VIRGINIA

EMILY ELIZABETH GUEST, OF VIRGINIA

LORIANA GUIDI, OF VIRGINIA

CASSANDRA HAGAR, OF TEXAS

JAMES J. HAGENGROBER, OF WASHINGTON

KATHRYN FAYE HARPER, OF CALIFORNIA

CRAIG S. HEALY, OF ILLINOIS

GREGORY P. HENRY, OF VIRGINIA

PATRICIA ADRIENNE HILL, OF MASSACHUSETTS

ROBERT G. HOLMAN, JR., OF MARYLAND

LAUREN D. HOLMES, OF NORTH CAROLINA

KATHLEEN INGRID HOSIE, OF THE VIRGIN ISLANDS

LYNN M. HOUGHTON, OF VIRGINIA

MATTHEW JOHNSON, OF VIRGINIA

YOSHIKO K. KARLSEN, OF CALIFORNIA

GEORGE C. KAUFFER, OF VIRGINIA

CHRISTOPHER K. KING, OF VIRGINIA

LAWRENCE JOSEPH KORB, JR., OF CONNECTICUT

LORRAINE J. KRAMER, OF VIRGINIA

REBECCA M. LABANCZ, OF VIRGINIA

DEVAN TERESE LANGFORD, OF MARYLAND

JOHN F. LAPLUME, OF VIRGINIA

L. MICHAEL LEDBETTER, JR., OF VIRGINIA

ELIZABETH ERIN ANDERSON LEE, OF WEST VIRGINIA

KUANG YANG LI, OF VIRGINIA

FRANCES C. LIN, OF CALIFORNIA

SCOTT HAMILTON LINTON, OF COLORADO

JONATHAN L. LOW, OF THE DISTRICT OF COLUMBIA

W. GARY LOWMAN, JR., OF FLORIDA

AMANDA LUGO, OF TEXAS

MATTHEW R. MALOY, OF MONTANA

ARYANI ELISABETH MANNING, OF PENNSYLVANIA

IZAACK MARTIN, OF VIRGINIA

JOHN MCDANIEL, OF TEXAS

KELLY MCGUIRE, OF TEXAS

RYAN E. MCKEAN, OF WISCONSIN

ROBERT E. MELVIN, OF TEXAS

DAVID B. MILLAR, OF THE DISTRICT OF COLUMBIA

BEAU J. MILLER, OF MICHIGAN

SHANAZ MOHAMED, OF THE DISTRICT OF COLUMBIA

STEPHANIE MOLNAR, OF NEW JERSEY

ROBERT E. MORGAN, OF TEXAS

CHAD WILLIAM MORRIS, OF VIRGINIA

MILESSA NICOLE MUCHMORE, OF NEW MEXICO

MARK ROBERT NAYLOR, OF IOWA

PATRICIA NEARY, OF VIRGINIA

THOMAS ANDREW NIBLOCK, OF IOWA

NATANYA NOBEL, OF MARYLAND

ERIN O. O'NEILL, OF VIRGINIA

ALEXANDER R. ORR, OF NEW JERSEY

GERALD A. O'SHEA, OF VIRGINIA

BENNY A. PADILLA, OF CALIFORNIA

CHRISTOPHER JOHN PANUSKA, OF THE DISTRICT OF COLUMBIA

KEVIN J. PARNELL, OF VIRGINIA

ANDREW J. PARTIN, OF NEW HAMPSHIRE

EMILY PERTOSO, OF VIRGINIA

JESSICA BRIANNA PFLEIDERER, OF MINNESOTA

JULIAN I. PHILLIPPI, OF MASSACHUSETTS

ALISANDE L. PIPKIN, OF NEW YORK

PEDRO A. PLA-DAVILA, OF VIRGINIA

RICHARD JOHN POLNEY, OF NEVADA

THOMAS LEE RADKE, OF MISSOURI

HEIDI M. RAMSAY, OF CALIFORNIA

KATHERINE RAY, OF OREGON

NANCY FARQUHAR RHODES, OF TEXAS

JUSTO L. RIVERA, OF VIRGINIA

LASHANDA LELIA ROBERTS, OF MARYLAND

CHRISTOPHER RYAN RODRIGUEZ, OF VIRGINIA

TYLER J. ROGSTAD, OF MINNESOTA

JOSEPH SCHALLER, OF NEW YORK

JANET B. SCOTT, OF VIRGINIA

KIMBERLY SCRIVNER, OF NEVADA

PAUL D. SHAFFER, OF MARYLAND

JODI H. SHOUSE, OF VIRGINIA

AARON M. SINGLETERRY, OF WASHINGTON

MONICA M. SLAKEY, OF CALIFORNIA

STEPHEN B. SLICK, OF VIRGINIA

TAMMY LING SMITH, OF WASHINGTON

CHRISTINE SORENSON, OF VIRGINIA

JULIA E. SPEER, OF THE DISTRICT OF COLUMBIA

GEOFF SPENCER, OF ARIZONA

DANETTE I. SULLIVAN, OF TENNESSEE

SUSAN M. SWARTZ, OF MARYLAND

VANESSA ANNE TANTILLO, OF ILLINOIS

MICHAEL CHARLES TAPLEY, OF TEXAS

AMY L. TERRILL, OF VIRGINIA

BRETT FORSTER THURMAN, OF MICHIGAN

ROBERT EMIL TIBBETTS, OF MARYLAND

GRETCHEN L. TIETJE, OF TEXAS

NICOLE A. TOBIN, OF KANSAS

EMERITA F. TORRES, OF NEW YORK

MICHELLE T. TRAN, OF KANSAS

MATTHEW UPTON TRUMBULL, OF VIRGINIA

JOHN MICHAEL VASSALLO, OF VIRGINIA

JOHN S. VELA, OF VIRGINIA

DANIEL VILLANUEVA, OF FLORIDA

JOHN WALESIEWICZ, OF VIRGINIA

DAMIAN WAMPLER, OF NEW YORK

CORY A. WEISS, OF VIRGINIA

MATTHEW WESTBROOK, OF VIRGINIA

JUSTIN DREW WITT, OF VIRGINIA

STACEY E.V. WOOD, OF CALIFORNIA

CHRISTOPHER D. WOOSLEY, OF VIRGINIA

RUSSELL A. ZALIZNIAK, OF FLORIDA

VICKI LEIGH ZERFOSS, OF VIRGINIA

MARIA A. ZUNIGA, OF VIRGINIA

MARIA A. ZUNGIA, OF VIRGINIA

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be vice admiral

VICE ADM. BRUCE W. CLINGAN

#### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be major

DEREK D. BROWN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be major

STEPHANIE LATIMER

OANH K. TRAN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be major

MICHELLE H. MARTIN

MARGARET A. MOSLEY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be lieutenant colonel

ROBERT E. POWERS

NINO A. VIDIC

#### To be major

LISA A. DAVIS

MARK A. DOANE

TAN D. PHAM

TIMOTHY M. RUFF

IMRAN A. SETHI

UZMA M. SHARIF

MYSORE S. SHILPA

#### IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

NERI B. BARNEA

WILLIAM O. VOELKER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

#### To be lieutenant commander

ANITA AMINOSHARIAE

DENNY MARTIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

#### To be commander

TRACY D. EMERSON

CHRIS A. MINO

#### To be lieutenant commander

JOSEPH D. AYERS

JAMES M. T. CONNOLLY

DEREK A. NELSON

DAVID K. SHELLINGTON

## CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, September 17, 2009:

#### THE JUDICIARY

GERARD E. LYNCH, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

## EXTENSIONS OF REMARKS

### HONORING THE 50TH ANNIVERSARY OF ELK GROVE BAPTIST CHURCH

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 50th anniversary of Elk Grove Baptist Church located in Elk Grove Village in my Congressional district. Elk Grove Baptist Church was founded with the dedication and signing of the church's charter in 1959.

Through the last fifty years, Elk Grove Baptist Church has grown into a thriving congregation of 200 weekly attendees and has become an important part of the community. From weekly outreach events, to Sunday morning worship services and community service, the church has proved to be a driving force in the township's growth and prosperity.

Over the years, Elk Grove Baptist Church has grown its facilities to keep pace with its outreach and expanding ministry. Since its inception, there have been nine senior pastors in the church's history and I am pleased to recognize the hard work and faithful service of the current Pastor, Reverend Curt Hansen.

Madam Speaker and Distinguished Colleagues, please join me in recognizing the special occasion of this 50th Anniversary as we celebrate Elk Grove Baptist Church's legacy of faith, fellowship and service. I look forward to many more years of fruitfulness.

### RECOGNIZING THE GOVERNMENTS OF TURKEY AND ARMENIA

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. SESSIONS. Madam Speaker, I rise today to support the efforts underway to improve the relationship between the Republics of Turkey and Armenia.

Over the past several years, the two countries have been meeting quietly, with the assistance of Switzerland, to come to an agreement to normalize their relations and open the borders between Armenia and Turkey. I am pleased that these negotiations have been fruitful. A strong relationship between these two countries will benefit not only the citizens of Armenia and Turkey, but the region and world as well. I also encourage the two countries to continue to work together to finish this process.

I am optimistic that these efforts will lead to greater stabilization of the region, and I applaud and congratulate the governments of Armenia and Turkey on their efforts to date and

offer our friendship and help as they move on to the next steps in the process.

### COMMEMORATING THE 220TH ANNIVERSARY OF THE UNITED STATES MARSHALS SERVICE

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. COFFMAN of Colorado. Madam Speaker, I come to the floor today to commemorate the 220th Anniversary of the United States Marshals Service on September 24, 2009. The U.S. Marshals Service is our Nation's oldest and most versatile federal law enforcement agency. Since its national inception in 1789, the U.S. Marshals Service has served a unique place in America's history.

The first U.S. marshal in the Colorado Territory was appointed by President Lincoln and began his service on March 25, 1861. On August 1, 1876, Colorado became the 38th State, which created the Judicial District of Colorado. U.S. marshals and their deputies have served the District of Colorado since with great valor and courage. With their broad statutory law enforcement authority granted by the Judiciary Act of 1789, U.S. marshals and their deputies distributed presidential proclamations, tamed the American West, registered enemy aliens in time of war, helped conduct the national census, protected the President, and served on the front lines of the civil rights movement. More recently, deputy U.S. marshals have been called by Presidential orders and have served valiantly during national emergencies—large-scale natural disasters, hurricanes and to the terrorist attacks of September 11, 2001.

Today the men and women of the U.S. Marshals Service, District of Colorado, maintain their core mission to serve and protect our Federal courts. They ensure the safe conduct of judicial proceedings and protect Federal judges, jurors, and other members of the Federal judiciary. They provide for the safety and security of protected witnesses through the Witness Security Division. The U.S. Marshals Service also provides for the safe and secure transportation of federal inmates for federal court proceedings and to and from correctional facilities. Additionally, the U.S. Marshals Service is responsible for managing nearly 1.7 billion dollars worth of seized property illegally acquired through criminal means by maintaining and promptly disposing of assets through its Asset Forfeiture Program.

Most notably, the U.S. Marshals Service is the federal government's primary agency for conducting fugitive investigations. The men and women of the Marshals Service apprehend more federal fugitives than all other federal agencies combined. Working with law en-

forcement agencies at the federal, state and local levels, Marshals-led task forces arrested an additional 73,000 state and local fugitives, clearing 90,600 state and local felony warrants. The Marshals currently leads 82 district fugitive task forces and seven regional fugitive task forces dedicated to locating and apprehending wanted criminals. The U.S. Marshals Service has developed close working relationships with other law enforcement agencies on fugitive matters, and provides assistance, expertise and training to agencies on the federal, state, local and international levels. The U.S. Marshals Service is the premier agency to apprehend foreign fugitives believed to be in the United States, and it is the agency responsible for locating and extraditing American fugitives who flee to foreign countries.

In closing, Madam Speaker, I would therefore submit that we congratulate the U.S. Marshals Service on their 220th Anniversary for their past and present accomplishments, and that those men and women we recognize wear "America's Star" nationally in their selfless dedication to Justice, Integrity and Service.

### CONGRATULATIONS PEORIA CHRISTIAN ELEMENTARY ON BEING NAMED A NATIONAL BLUE RIBBON SCHOOL

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. SCHOCK. Madam Speaker, I rise today to honor Peoria Christian Elementary School in Peoria, Illinois on being named a 2009 National Blue Ribbon School by the U.S. Department of Education.

Peoria Christian joined only 49 other private schools, from a pool of more than 27,000, as a private recipient of this award; the school was nominated by the Council for American Private Education, also known as CAPE. By being recognized with the award, Peoria Christian has demonstrated its successes in ensuring students achieve exceptionally high national test scores.

I applaud the concerted effort it took to elevate the school's test scores to such an extraordinary level. As I honor this school I must remind this body that while this award is presented to Peoria Christian School, the award really reflects the combined efforts of all those involved with the school. As former Peoria School Board President, I know that every successful school has the trinity of skilled educators, committed students and involved parents as a base.

Also on a personal note, I always find it impressive to see a school allow for students' academic and personal development. As such, I must applaud the school's commitment to the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

mission of preparing their "students to lead Christ-like lives." I'm certain that Peoria Christian will not only continue to flourish as an institution for years to come, but that its young students will eventually become active leaders in Peoria, Illinois and throughout these United States.

Again, congratulations Peoria Christian.

#### NETWORKS PROMOTE PRESIDENT'S HEALTH CARE AGENDA

##### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2009

Mr. SMITH of Texas. Madam Speaker, National news programs have boosted the Administration's health care agenda and ignored the high costs of a government takeover of health care, according to a study by the Business and Media Institute (BMI).

BMI examined 224 health care stories on ABC, CBS, and NBC from over a five-month period.

The survey found that these stories favored proponents of the Administration's health care plan over critics of the plan by a margin of more than 2-to-1.

Yet the American people are split evenly for and against it, with the trend against it.

Only nine percent of stories mentioned the high cost of the Administration's plan.

And the networks frequently repeated the Administration's incorrect claim that there are 47 million uninsured people in America—a claim the President backed down from during his recent health care speech.

The national media should report the facts on health care, not tell Americans what to think.

#### RECOGNIZING MARJORIE HINES ON THE OCCASION OF HER BIRTHDAY

##### HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of Marjorie Elizabeth Hines on the occasion of her 90th birthday. Marjorie Elizabeth Hines was born on September 27, 1919 in Hickory Valley, Tennessee to Benjamin Tamlin & Mary Raines Lake. She would become the eldest of the farm family's seven children.

Marjorie studied at Lambuth College in Jackson, Tennessee and became an elementary school teacher. In 1943 she married Curtis W. Hines, a soldier from the Hopewell Community of Benton County, Mississippi. After his return from the war they began to farm land which had been in the Hines family for generations. Mr. Hines later became Chancery Clerk of Benton County. Mrs. Hines was his invaluable helpmate.

Mr. & Mrs. Hines reared two children, Beth Hines Davis of Iuka and Frank Lesley Hines of Hopewell. They also have six grandchildren and three great grandchildren.

Mrs. Hines is known for her charm, grace, beautiful smile and dedication to family and fellow man. She prepared marvelous meals for family, friends and strangers. I ask my colleagues to join me in paying tribute to Mrs. Marjorie Hines on her 90th birthday.

#### TRIBUTE TO MR. FRANK BATTEN SR.

##### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Mr. Frank Batten Sr., who was 82 when he passed away on September 10, 2009.

America lost an icon with the death of Frank Batten Sr. Frank will be remembered for his successful business career, steadfast community involvement, and selfless charitable endeavors. Nationally, he will be remembered as the founder of Landmark Communications Inc., which employed more than 10,000 people at its peak.

Born in 1927, Frank grew up in Norfolk and seemed destined to enter the newspaper industry lending to the influence of his uncle, Samuel L. Slover, who helped raise Frank and owned the publication that would become the Norfolk Ledger-Dispatch. Frank graduated from Culver Military Academy in Indiana in 1945. After serving in the U.S. Merchant Marine, Frank graduated from the University of Virginia and earned a master's degree from Harvard University in 1952. Two years later, at the age of 27, Frank became the publisher of two newspapers, the Virginian-Pilot and the Norfolk Ledger-Dispatch.

Batten's Virginian-Pilot was the only major Virginia newspaper to courageously oppose Governor Almond's 1958 orders to close six Norfolk secondary schools rather than accept court-ordered integration, and its editorials against the plan earned its editor the 1960 Pulitzer Prize.

Frank's company grew with the acquisition of other newspapers and media outlets, and in 1967, Landmark Communications, Inc. was born. Landmark's founder is perhaps best known for the audacious proposal to create a 24-hour weather channel, known as The Weather Channel. A now familiar household name, the Channel is a trusted source that has been relied upon by millions of Americans for more than 20 years when planning family vacations and in times of severe weather.

Education was the cause Frank Batten was most passionate about. After sitting on the State Council of Higher Education and serving as a trustee of Norfolk Academy, Frank became Old Dominion College's first rector in 1962. He guided the school until it achieved university status, and donated \$32 million to ODU in 2003. Frank also created the Access College Foundation in 1988, which is credited with sending 70,000 Hampton Roads high school students to college over 20 years. Frank also donated \$100 million to create the University of Virginia's Frank Batten School of Leadership and Public Policy.

At home, Frank was the proud husband of Jane Parke Batten since 1957. They had three

children—son Frank Jr., who followed his father's footsteps into the publishing business, and daughters Mary Elizabeth "Betsy" and Dorothy.

Frank's love for people and community will not soon be forgotten or easily replaced, and his contributions to our lives in Virginia will live on for generations.

#### HONORING DON FREELS FOR HIS THIRTY PLUS YEARS IN REALTOR SERVICE

##### HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. TIBERI. Madam Speaker, it is with great pleasure I rise to recognize the distinguished career of the CEO of the Ohio Association of REALTORS, Don Freels.

Homeownership has always been the cornerstone of the American Dream. When moving into a home of our own, we gain immeasurable independence and confidence, as faith in the future of our family and our community grows. The spread of ownership and opportunity helps give us a vital stake in the future of America and the chance to realize the great promise of our country. Therefore, those who contribute to the furtherance of the American Dream for others deserve to be honored for their service. The Ohio Association of REALTORS was created to help protect the investment Americans place in their homes, and for 17 years Don Freels has led this organization with honor and distinction.

Starting over 39 years ago, Don began serving as an active REALTOR in the Chicago area, working as the executive officer of two local boards. By 1985, due to his leadership and the remarkable reputation he built with his peers, Don was selected to head the Michigan Association of REALTORS. The success he achieved in this post caught the eye of REALTORS in the Buckeye State, and in 1992 Don was hired as CEO of the Ohio Association of REALTORS. Since then, Don's unparalleled leadership and passion for his craft has helped maintain the stature of Ohio's largest professional trade organization, improve the realty profession, and solidify its irreplaceable role in the furtherance of the American Dream.

Through commendable loyalty to his profession, Don stands as a pillar of his community. As a former REALTOR, I am very pleased to thank him for all he has done for Ohio.

I offer my congratulations to Don Freels for a career spent in service to REALTORS everywhere. I hope the spirit he daily brings forth in his life and work continues to inspire his friends and co-workers for years to come.

#### A TRIBUTE IN RECOGNITION OF PROFESSOR GEZA VERMES

##### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. ALEXANDER. Madam Speaker, I rise today in recognition of Professor Geza

Vermes, an internationally renowned biblical scholar.

His commitment to inspiring and educating the world has been unwavering, and he deserves our congratulations.

Among his impressive list of endeavors, Vermes is perhaps best known as publisher of the first English translation of the Dead Sea Scrolls. His latest work, "The Story of the Scrolls," is set to be published in February, 2010.

Since 1957, Vermes has been teaching in England. Today, he is Professor Emeritus of Jewish Studies and Emeritus Fellow for Wolfson College, and is a lecturer at Oxford University and throughout the world.

In addition, Vermes is a Fellow of the British Academy (1985) and the European Academy of Arts, Sciences and Humanities (2001), holder of an Oxford higher doctorate and honorary doctorates from the universities of Edinburgh (1989), Durham (1990), Sheffield (1994) and the Central European University of Budapest (2008).

On September 24, Vermes will be a guest lecturer at the University of Louisiana—Monroe. It is an honor to welcome such a distinguished and esteemed scholar to the 5th District.

Madam Speaker, I ask my colleagues to join me in saluting Professor Geza Vermes for his remarkable career and countless accomplishments.

**A PROCLAMATION HONORING PASTOR VICTOR A. MYERS FOR HIS 40TH ANNIVERSARY OF ORDINATION BY THE LUTHERAN CHURCH IN AMERICA**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. SPACE. Madam Speaker,

Whereas, the dedicated people of St. James Evangelical Lutheran Church celebrate Pastor Victor A. Myers' 40 years of service as an ordained minister of the Lutheran Church in America; and

Whereas, this milestone is the result of exemplary dedication to one's church and faith; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish that you will continue to present your work as an example to those called to the ministry everywhere; and

Whereas, you have demonstrated excellence in your calling as a minister, and we are proud to have you serving in our midst: Now, therefore be it

*Resolved*, That along with his friends, family, and the residents of the 18th Congressional District, I commend you for your unwavering labor and commitment, recognizing that such great achievements come with extraordinary effort. With great appreciation and respect, we wish you continued abundant grace as you continue to labor for your community and your faith.

**HONORING THE ACCOMPLISHMENTS OF JIMMY COBB**

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. CONYERS. Madam Speaker, I rise today to honor the career of my fellow jazz enthusiast, Jimmy Cobb. Born in Washington, D.C. in 1929, Jimmy has for more than fifty years moved audiences with his recordings and live performances.

Jimmy's passion for jazz began at an early age. He performed his first recording with Earl Bostic, and then played extensively with Dinah Washington, Billie Holiday, Pearl Bailey, Clark Terry, and Dizzy Gillespie.

In 1957, Jimmy Cobb joined Miles Davis, Bill Evans, Wynton Kelly, Paul Chambers, John Coltrane and Julian Adderley; two years later they recorded the groundbreaking Kind of Blue album. Kind of Blue stands in American history today as one of the most influential albums in jazz history, ranking number 12 in Rolling Stone magazine's 500 greatest albums of all time.

He collaborated with Wynton Kelly and Paul Chambers to produce the Wynton Kelly Trio Albums, and later released albums with Kenny Burrell, and J.J. Johnson, among others. Jimmy then worked with Sarah Vaughn for 9 years, and freelanced with other acclaimed artists worldwide throughout the 70s, 80s and 90s including, Sonny Stitt, Nat Adderly, Ricky Ford, Hank Jones, Ron Carter, George Coleman, Fathead Newman, The Great Jazz Trio, Dave Holland and Warren Bernhardt. Jimmy has also performed on Sketches of Spain, Someday My Prince will Come, Live at Carnegie Hall, Live at the Blackhawk, and Porgy and Bess.

Jimmy was honored for his contribution to the world of jazz in 2005 when New York's longest running jazz series Highlights in Jazz chose Jimmy Cobb for its annual salute to a living jazz legend. In 2008, Jimmy received the Don Redman Heritage award. He was one of six chosen on October 17, 2008 to receive the 2009 National Endowment for the Arts, NEA Jazz Masters award. He was also honored with his own album on the Marsalis Music Honors Series.

He currently performs and tours with his So What Band, featuring Miles Davis' protégé Wallace Roney on trumpet, Vincent Herring on alto saxophone, Javon Jackson on tenor sax, Larry Willis on piano, and Buster Williams on bass.

To commemorate the 50th anniversary of Kind of Blue, Jimmy and the So What Band will perform on September 24, 2009 in Washington, D.C. for the Congressional Black Caucus' Jazz Forum and Concert.

Today, Jimmy Cobb stands as the only surviving musician of the original Kind of Blue Sextet. His work remains a legendary standard in American jazz. Through the medium of music, he continues to inspire generations of performers and audiences.

**A PROCLAMATION HONORING CENTRAL PRIMARY ELEMENTARY SCHOOL**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. SPACE. Madam Speaker, Whereas, the Central Primary Elementary School in Logan, Ohio has displayed incredible dedication to creating well-rounded students; and

Whereas, the Central Primary School has been supportive of developing sharp young minds; and

Whereas, the Central Primary School has helped to plant the seeds of success in its students; and

Whereas, the Central Primary School has been an exemplary school in Appalachian Ohio: now, therefore, be it

*Resolved*, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Central Primary School of Logan, Ohio on being named a Blue Ribbon School by the U.S. Department of Education in recognition of its astounding academic excellence. We recognize the tremendous dedication of the school's students, teachers and staff in achieving this honor.

**HONORING MATTHEW POLNOW**

**HON. DONALD A. MANZULLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. MANZULLO. Madam Speaker, it is my distinct honor to take this opportunity to recognize a heroic resident of the 16th District of Illinois, Matthew Polnow of Rockford. Mr. Polnow works for the U.S. Postal Service and is a member of the National Association of Letter Carriers.

On June 11, 2008, as he was delivering mail on his postal route, Carrier Polnow witnessed a crushing three-vehicle accident. In a matter of seconds, he ran to the first car, checking to make sure that the occupants were not injured. Then he went on to the second vehicle, a truck, where fortunately no one needed assistance. Carrier Polnow continued to the third vehicle, a van used to transport handicapped and wheelchair-bound individuals, which was beginning to burn. The driver's airbag had deployed, and the driver alerted Carrier Polnow to a handicapped passenger still inside the smoke-filled van.

With smoke continuing to circulate and flames erupting from the engine, Carrier Polnow went to work. He managed to free the side door that had been jammed by a ramp. Maneuvering the ramp into place, he unhooked the restraining belts and dragged the wheelchair—and the now terrified woman passenger—from the vehicle. Once free from the smoke, Carrier Polnow located the controls on the chair and engaged them to move the woman to safety.

Acts of bravery and fortitude such as this should not go unnoticed. Carrier Polnow's heroism has led him to be recognized by the National Association of Letter Carriers with the

National Central Hero Award. I am privileged and humbled to represent great constituents like Carrier Polnow, and I wanted to take this brief opportunity today, Madam Speaker, to let my colleagues know of his great act of courage.

#### TRIBUTE TO ED HAMAN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Ed Haman of Stanhope, Iowa, on his dedication to the community of Stanhope and his retirement as Fire Chief at the Stanhope Volunteer Fire Department after forty-one years of service.

The community of Stanhope is celebrating the retirement of this extraordinary man, but I feel it is imperative that we as a Congress celebrate Ed as an example of incredible and valuable citizenship. His service to his community, Iowa, and our nation represents an ideal that should be an inspiration for all Americans.

I commend Ed Haman for his many years of loyalty and service to Iowa and to our country. It is an immense honor to represent Ed in Congress, and I wish him and his family in Stanhope, Iowa, a long, happy and healthy retirement.

#### CITY OF PLAINFIELD'S 10TH ANNUAL ENVIRONMENTAL FAIR

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. PALLONE. Madam Speaker, I proudly rise today to recognize the Plainfield Municipal Utilities Authority (PMUA). The Plainfield Municipal Utilities Authority has provided the City of Plainfield with a stable and affordable solid waste operation and sanitary sewer service for more than a decade. With many investments and accomplishments in the City of Plainfield, the utility authority is a mainstay in the community. It is not only the fifth largest employer of the City of Plainfield, it also holds an annual Environmental Fair. I am pleased to support Plainfield's continued efforts to positively impact both the economy and the environment.

I very much look forward to the Plainfield Municipal Utilities Authority's 10th Annual Environmental Fair on September 12, 2009. In its 10th year, this festive, community-based fair symbolizes a progressive shift toward bettering the environment. This is an important milestone for the City of Plainfield and it coincides with our hard work on energy issues.

The PMUA has done an excellent job over the years of promoting environmental awareness, particularly among the youth. The annual Environmental Fair demonstrates this achievement by featuring fun activities for children. The fair also provides the community with information about utilities, recycling and community services through vendors, public and environmental agencies and civic organizations.

This year's theme of "Conserve and Save" is a message by which we must all abide, for a safe, sustainable, clean energy future.

Congratulations to the Plainfield Municipal Utilities Authority and the City of Plainfield.

#### TRIBUTE TO CHERYL HAMAN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Cheryl Haman of Stanhope, Iowa, on her dedication to the community of Stanhope as a librarian since 1976.

The community of Stanhope is celebrating this amazing woman, but I feel that we in Washington should praise the contributions of librarians in America and recognize Mrs. Haman for her years of dedication to the town of Stanhope. Her service to the community, Iowa, and our nation represents an ideal that should be an inspiration for all Americans.

I commend Cheryl for her many years of loyalty and service to Iowa and to our country. It is an immense honor to represent Cheryl in Congress, and I know she will serve as a role model of valuable citizenship to Stanhope and all of Iowa.

#### TRIBUTE TO BILL HEFNER

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. ADERHOLT. Madam Speaker, it is an honor to pay tribute to a great American servant in light of his passing on September 2, 2009, former Congressman Bill Hefner, who died of a brain aneurysm at the age of 79 years old.

Bill Hefner served for 24 years in the House of Representatives and was a committed and devoted husband and father.

Mr. Hefner joined the U.S. House back in 1975 and was later considered the dean of North Carolina's U.S. House delegation. He represented the Eighth Congressional District of North Carolina, which includes cities like Charlotte suburbs, Kannapolis and Concord and other cities like Monroe and Laurinburg. He served in Congress from January 3, 1975 until January 3, 1999.

I had the honor to also serve with Bill Hefner on the House Appropriations Committee. As a member of the Committee he fought for funding for Fort Bragg in his home state when he was chairman and later ranking minority member of the military subcommittee.

Mr. Hefner also prided himself in working very hard on veterans' issues and transportation projects that benefited the entire East Coast.

Having spent much of his life growing up in the district I represent, Bill Hefner decided to retire in the Fourth Congressional District of Alabama. In 1998, Bill Hefner moved to Guntersville in Marshall County to enjoy the beauty that North Alabama has to offer.

After his time in Congress, his days of public service were not over. Congressman Hefner served from October of 2001 until November of 2002 as a District Commissioner for Marshall County, Alabama.

What most people don't know about Bill Hefner is that the 12-term Democratic Congressman was also a southern gospel singer and was a founding member of the very popular Harvesters Quartet, which began in 1953 in Charlotte, North Carolina.

Mr. Hefner was born in Elora, Tennessee and graduated from high school in Sardis, which is located in North Alabama. He graduated college from the University of Alabama in Tuscaloosa.

Mr. Hefner leaves behind his wife, Nancy, and two daughters, Stacey and Shelly. Our prayers and condolences go out to his family and the many fans of southern gospel music, like myself, who will always remember his great tenor voice.

#### HONORING THE MEMORY OF THE VICTIMS OF THE 9/11 TERRORIST ATTACKS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. RANGEL. Madam Speaker, I rise today in remembrance of the terrorist attacks that occurred on September 11, 2001. On this day eight years ago, those attacks struck a heavy blow to American citizens in an effort to crush the American spirit of freedom. The attacks were the first significant attacks on the continental United States since the burning of Washington in 1814 and the deadliest attack on American soil in our nation's history. On that day, nearly 3,000 people lost their lives in a senseless act of hatred and cowardice.

Today, let us remember those whose lives were lost. Let us remember the people who were trapped when the Twin Towers fell and the brave New York firefighters, policemen, policewomen and rescue workers who sacrificed their lives to help them. Let us remember the passengers onboard flights American 11, United 175, American 77 and United 93. Let us remember those who died in the attack on the Pentagon.

This horrible event filled us with outrage, loss and fear; outrage at the idea that our enemies would attack us while we went about our daily lives, loss as we remember those who did not survive, and fear that we were no longer safe. Instead of being consumed by fear and doubt, we remained strong and determined. Since that day eight years ago, we have worked hard to secure our country from those who would do us harm. Through our actions, we have returned the sense of security the attacks took from us.

Although these attacks left us shaken, they did not destroy us. We were able to rebound and grow stronger. We put aside our differences and banded together as a nation. On that day, we were not concerned with past disagreements or misunderstandings. This year, on September 11, let us not only remember those we lost with moments of silence and

memorial ceremonies. Let us also commemorate them by once again setting aside our differences and banding together as Americans.

#### TRIBUTE TO JACK READ

##### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Jack Read of Stanhope, Iowa, on his dedication to the community of Stanhope as a mayor of the town and as a member of the Stanhope Volunteer Fire Department for over fifty years.

The community of Stanhope is celebrating this incredible man, but I feel that we in the House of Representatives should praise the contributions of volunteer firefighters in Iowa and recognize Mr. Read for his years of dedication to the town of Stanhope. His years in public service, and his commitment to the safety of the citizens of Stanhope provide an incredible example of the importance of active citizen involvement in America.

I commend Jack for her many years of loyalty and service to Iowa and to our country. It is an immense honor to represent Jack in Congress, and I know he will continue to serve as a role model of valuable public service to all of Iowa.

#### A TRIBUTE TO JAY ROTH

##### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my very good friend, Jay Roth, National Executive Director of the Directors Guild of America, DGA, on the occasion of his recognition by the Government of France with its prestigious "Chevalier dans l'Ordre de la Legion d'Honneur."

I enjoy, with Jay, a relationship much deeper than simply that of a politician with the leader of an important guild. He has been—for many years—my wise advisor on issues relating to the creative community, the arts, and all aspects of intellectual property. I have been privileged to know him since his days as a prominent labor lawyer in Los Angeles.

Known for his tenacity and acuity in entertainment and labor law, Jay's experience and knowledge places him in a league of his own. Born and raised in New York City and a graduate of the University of Vermont and Boston University Law School, he practiced labor and entertainment law for 25 years prior to being selected by the DGA's National Board of Directors to guide the Directors Guild of America. As the Managing Partner of Taylor, Roth, Bush & Geffner, he specialized in representing entertainment guilds, labor organizations, and pension, health and welfare funds in entertainment, bankruptcy and transactional matters around the world.

He has skillfully represented all three U.S. Guilds—DGA, Screen Actors Guild, SAG, and

Writers Guild of America, WGA,—on many international copyright, bankruptcy, residuals and intellectual property rights issues for 20 years. As counsel, he represented many high-profile industries including the Motion Picture Industry and the Directors Guild/Producer Pension and Health Plans. Among his many clients were the United Teachers of Los Angeles, the International Association of Machinists and Aerospace Workers, and the International Alliance of Theatrical Stage Employees.

He is widely known for his dedication to the entertainment community, as Treasurer of the Motion Picture & Television Fund and a member of the Academy of Motion Picture Arts and Sciences. He is also a highly regarded advocate of the labor community, who has served as chair of the Labor Law Section of the Los Angeles County Bar Associations and as chair of the American Bar Association Airline-Railway Labor Law Committee. He was recently elected a Fellow of the College of Labor and Employment Lawyers, and he is also recognized as a noted lecturer around the world on matters related to entertainment, labor law, and intellectual property rights of directors, writers and actors.

Jay was appropriately recognized for his invaluable contributions to the DGA when he received the Honorary Life Member Award in 2008.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Jay Roth on the occasion of his recognition from the French Government of the French Legion of Honor.

#### DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAMS ACT OF 2009

##### HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. CLEAVER. Madam Speaker, today I am introducing the Deposit Restricted Qualified Tuition Programs Act of 2009. My bill establishes an avenue for those wanting to save for the college education of a child, grandchild or other related individual, to do so in a Federal Deposit Insurance Corporation (FDIC) insured deposit. At the present time, savers can only access the 529 college savings program through a securities based plan and my bill would not change this avenue.

However, following the recent crash of the stock market, many savers saw their accounts drop in value by fifty percent or more and as such are reluctant to place any more monies in a securities based plan. Furthermore, many small savers can find investing in securities based products both complex and intimidating. A FDIC insured deposit option would provide guaranteed principal return and a guaranteed return on the deposit, all from a commercial bank that the saver likely has a relationship with. This proposed legislation will help families across the United States save in a safe, sound and simple manner for their children and grandchildren's college education.

Again Madam Speaker, this bill does not make any changes to the current 529 college savings program nor the current delivery sys-

tem of the program through a securities based plan. It simply adds another 529 college savings program delivery option through an FDIC insured deposit.

#### TRIBUTE TO STEVE RINGLEE

##### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. LATHAM. Madam Speaker, I rise to recognize and congratulate Steve Ringlee, a resident of Ames, Iowa, for being honored as the Ames Tribune's 2009 Citizen of the Year.

For more than a decade, Steve has shown his compassion by sharing breakfast at McDonalds with the city's homeless and disadvantaged. His once a week breakfasts are filled with talk and prayer as a way to reach out to those in need. He is motivated by his strong Christian faith and follows the golden rule of loving your neighbor as yourself.

Steve moved to Ames in 1990 and has served as the president of the Ames Community School Board and vice chair of the Ames Education Foundation. Not only does Steve hold weekly prayer breakfasts, he helps men at the local shelter locate jobs and permanent housing. He helps with automobile repairs and directing men to Skunk River Cycles who assist shelter men with bicycle repairs.

I know my colleagues in the United States Congress join me in congratulating Steve Ringlee for receiving the Citizen of the Year Award. I thank Steve for his willingness to volunteer his time and uplift so many people in need within his community. I consider it a great honor to represent Steve in Congress and I wish him the best in his future service to those in need.

#### EARMARK DECLARATION

##### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. GALLEGLY. Madam Speaker, I wish to make the following disclosure in accordance with the Republican Earmark Transparency Standards requiring members to place a statement in the Congressional Record prior to a floor vote on a bill that includes an earmark that I have requested.

H.R. 2522, a bill to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes, which I introduced on May 20, 2009, contains one earmark as defined under House Rule XXI, clause 9. The earmark contained in H.R. 2522 would authorize additional appropriations for a project under Title XVI of Public Law 104-266, the Reclamation Recycling and Water Conservation Act of 1996.

The project authorized under H.R. 2522 would authorize an additional \$40 million in federal spending authority, not to exceed 25 percent of the total project cost, to allow the Calleguas Municipal Water District to fully

complete their Salinity Management Pipeline, which will generate an additional 27,000 acre feet per year of groundwater and facilitate the use of an additional 16,000 acre feet per year of recycled water in the area.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

**HONORING LISA CAMPBELL FOR  
HER EXEMPLARY SERVICE**

**HON. JERRY McNERNEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. McNERNEY. Madam Speaker, I am proud to recognize police specialist Lisa Campbell of San Ramon for acting on her intuition and training to jumpstart the series of events that unraveled an 18-year-old case and reunited a long-separated family. Ms. Campbell and her colleague Officer Allison Jacobs were able to make our community safer and save an innocent mother and her two young children from horrific circumstances.

As a child of only 11, Jaycee Dugard was kidnapped on her way to school. For 18 years, she suffered terribly and was denied contact with her loved ones and the outside world. Had it not been for Ms. Campbell's realization that something was awry with the man requesting a permit to hold an event on the UC Berkeley campus, the abuse of Jaycee and her daughters would not have stopped.

Lisa Campbell's and Allison Jacobs' quick action and good instincts prevented innocent people from experiencing further harm, led to the arrest of a dangerous person, and reunited a family tragically separated for almost two decades. I am honored to represent Ms. Campbell, and I am grateful for her dedicated public service.

**TRIBUTE TO DR. DEAN HARMS**

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Dr. Dean Harms of Ames, Iowa as the Ames Tribune's 2009 Unsung Hero.

The Unsung Hero award honors people who quietly but generously give their time and talents to help others. In 2003, as president of the Rotary Club in Ames, Dr. Harms began searching for ways to serve people. During his search he found that his friend, Doug Perry, who served with him in the U.S. Air Force, had started a mission in El Porvenir, Honduras. Doug welcomed Dr. Harms aboard and

he has since been volunteering his time off and on in Honduras for six years. Dr. Harms mostly conducts eye surgeries but does other procedures as well.

When Doug passed away, Dr. Harms took it upon himself to continue the mission along with his friends Chuck and Carolyn Jons, who nominated him for this award. With the help of his friends and the community, Dr. Harms also successfully spearheaded the construction of a high school library in El Porvenir and established reading and literacy programs for local citizens.

Dr. Harms' eagerness to utilize his talents to improve the lives of others serves as a wonderful example of human compassion. I consider it an honor to represent Dr. Dean Harms in the United States Congress, and I know my colleagues join me in commending Dr. Harms on his well-deserved award. I wish him all the best in his continued voluntary service and future endeavors.

**CELEBRATING THE 175TH ANNIVERSARY OF PHILLIPS LYTLE, LLP**

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. HIGGINS. Madam Speaker, I rise today to recognize Phillips Lytle LLP, a legal institution steeped in history which was founded in 1834 by Orsamus H. Marshall in Buffalo, New York.

While the firm name has evolved through time, its mission and philosophy have remained constant. Phillips Lytle is a full service law firm possessing extraordinary capabilities to service client needs.

Originally Marshall & Harvey, then Harvey & Bass, next Bass and Bissell; in 1874 future President of the United States, Grover Cleveland, joined the practice which then became Bass, Cleveland & Bissell LLP.

While a partner with Bass, Cleveland & Bissell, Grover Cleveland was elected mayor of the City of Buffalo in 1881. In 1883 Cleveland left the firm to become Governor of New York State and in 1885 Cleveland was elected as the 22nd President of the United States.

In 1906, Former State Supreme Court Justice, Daniel J. Kenefick joined the firm and in 1911, former Deputy Attorney General of New York State, Edward H. Letchworth signed on to practice law with Kenefick, Cooke, Mitchell & Bass.

The law practice grew significantly in the early 1930's as new partners emerged. In 1946, William E. Lytle joined and in 1960, additional partners were added including former Majority Leader of the New York State Senate, Walter J. Mahoney, who was later elected State Supreme Court Justice in 1965.

In 1970, under the name Phillips, Lytle, Hitchcock, Blaine & Huber, the firm was positioned for significant growth. Throughout the 1970's and 1980's, the Buffalo-based firm expanded across the State of New York partnering with a firms in Jamestown, Rochester, Fredonia and in 1982, an office was officially opened in New York City.

Several prominent Buffalo attorneys joined the firm in 2000 and in 2003, Phillips, Lytle, Hitchcock, Blaine & Huber was shortened to Phillips Lytle, LLP. The firm's unique approach has stood the test of time as they built practice groups around clients' needs in the areas of Commercial, Corporate, Family Wealth Planning, Labor & Employment and Trial law.

Today, Phillips Lytle has the largest geographic scope of any law firm in New York State, occupying seven (7) offices with over one hundred and seventy (170) attorneys representing some of the best companies in the United States. In total, there are over 450 individuals committed to the long standing tradition of providing exceptional legal services.

Steeped in history and experience, Phillips Lytle, LLP has remained a pillar firm in Western New York. It is my distinct honor, to recognize David McNamara, Firm Managing Partner, along with each and every talented Partner, Associate, and Staff Member of Phillips Lytle, LLP for their outstanding professional and civic contributions to Western New York.

Madam Speaker, I am pleased to have this opportunity to recognize Phillips Lytle, LLP a firm with a long tradition of commitment to defending the law, upon this, their 175th Anniversary.

**IN RECOGNITION OF THE 125TH ANNIVERSARY OF LAUREL GROVE BAPTIST CHURCH**

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 125th Anniversary of the Laurel Grove Baptist Church and to celebrate the triumph of human spirit that this church symbolizes.

Before the Civil War, Mrs. Jane Carroll, who was a slave of Dennis Johnston, received 10 acres of land from the estate of her owner. From these humble beginnings, a small but vibrant African American community developed.

In the mid 1800's, George Carroll, one of Jane Carroll's children, along with Thornton Gray and William Jasper, settled in what is now known as Franconia. These three men had been enslaved or were the direct descendants of those who had been enslaved in the Franconia area since the 1700's. The community that they founded became known as Carrolltown.

Carrolltown grew. Freed slaves settled there, bringing the talents and skills that form a community. A general store sprung up. A school was founded, the Laurel Grove Colored School, on land donated by William and Georgeanna Jasper. But there was no house of worship in the town. The people of Carrolltown had to worship in their homes or walk 13 miles to the Alfred Street Baptist Church in Alexandria City.

In 1884, a group of freed slaves and neighbors named George Carroll, Middleton Braxton, Thornton Gray, Laurenda Hunter, Elizabeth Lomax and William and Georgeanna Jasper, joined together in the quest to build a local place of worship. On May 10, 1884, William and Georgeanna Jasper donated a one-

half acre parcel of land for the express purpose of building a house of worship adjacent to the Laurel Grove Colored School. This church became the Laurel Grove Baptist Church and has been known by many as "The Little Church by the Side of the Road".

Since that time, over the course of 125 years, the Laurel Grove Baptist Church has ministered to neighbors, friends and descendants of the original founders and the community as a whole. Laurel Grove Baptist Church has stood witness to the history of African Americans in the United States. From the bondage of slavery, to the struggle for equal rights to the election of the first African American President, the spirit and faith of the African American community has been represented by the existence of the Laurel Grove Baptist Church. The determination of the congregants, past and present, has been symbolic of the fight for freedom, equality, fairness and respect.

Madam Speaker, I ask my colleagues to join me in congratulating Laurel Grove Baptist Church on the occasion of its 125th Anniversary and also in expressing our deepest respect and admiration for the triumph of spirit that is symbolized by this "Little Church by the Side of the Road".

MILDRED L. COX

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. PENCE. Madam Speaker, I rise today with a heavy heart to commemorate the life of a very important friend to my home State of Indiana, Mildred L. Cox.

For more than a quarter century, Millie, as she was known, tirelessly advocated for Indiana's credit unions and worked to ensure that they would provide the best financial services to their members.

Millie was born to William Clyde and Vonnie Pearl South in Jamestown, Tennessee on May 17, 1940. A graduate of Kennard High School in 1957, Millie's zest for life was obvious to all those who were fortunate to know her.

As the "Team Mom" of her late husband's little league teams and president of the Epsilon Sigma Alpha Sorority, Millie touched many lives. In her free time, Millie could often be found reading, gardening, or researching her family's genealogy; however, it was her work on behalf of Indiana credit unions that will cast Millie's most lasting legacy.

Millie joined the staff of the Indiana Credit Union League in February of 1977, serving as secretary in the Governmental Affairs Department. Due to her tremendous work ethic, Millie was first promoted in 1980 and two years later, she became the department's legislative coordinator. In this position, Millie began actively lobbying the Indiana Statehouse and U.S. Congress on behalf of Indiana's credit unions.

Millie soon became a recognizable figure both at the Statehouse and in Washington, D.C. She was known for her passionate convictions and spent a great deal of time educating others with regard to the legislative

process, as well as strongly encouraging political involvement.

In 1986, Millie became the Vice President of Governmental Affairs and served as a liaison between the credit unions and regulatory agencies that shape policy.

Upon her retirement in 2003, Millie had amassed a legacy of service that will be remembered for generations to come. Of the many honors she received, the late Governor of Indiana, Frank O'Bannon awarded Millie with the prestigious Sagamore of the Wabash.

The Indiana General Assembly adopted a resolution honoring Millie's service as the Vice President of Governmental Affairs in 2003, and each year, the Indiana Credit Union Foundation now awards the Millie Cox Award. It is presented to a deserving recipient that best exemplifies Millie's qualities in advocating on behalf of the credit unions.

Millie was also blessed with a loving family. She will be sorely missed by her son Curt, her brothers and sisters, extended family and all those who were fortunate enough to know her.

We have lost an important figure in our community and I have lost a dear friend.

Let us keep Millie Cox and her family in our thoughts and prayers as we mark her passing.

TURKEY-ARMENIA  
NORMALIZATION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. JOHNSON of Georgia. Madam Speaker, I come to the floor today to hail the efforts underway to heal past wounds between the Republics of Turkey and Armenia.

For several years, the two countries have quietly been meeting, with the assistance of Switzerland, to come to an agreement to normalize diplomatic relations and open the borders between Armenia and Turkey. I am quite pleased that these negotiations have been fruitful. I also encourage the two countries to continue to work together to finish the process quickly since it will not only benefit the citizens of these two countries, but the region and the world as well.

I would like to put into the RECORD an article by Hugh Pope from the International Crisis Group who calls this recent action by Turkey and Armenia as taking, "... a brave and statesmanlike step.

Like the International Crisis Group, I too am optimistic that these efforts will lead to greater stabilization of the region and am proud to stand here today and congratulate the governments of Armenia and Turkey on their efforts to date and offer our friendship and help as they move on to the next steps in the process.

THE EU-TURKEY-CYPRUS TRIANGLE: "TURKEY AND ARMENIA VOW TO HEAL PAST WOUNDS",  
BY HUGH POPE

1 SEPTEMBER 2009

It's been a long time coming, but Turkey and Armenia's vow on 31 August to establish diplomatic relations, open their long-closed border and begin to talk seriously about the past is excellent news. As laid out in our 14 April report Turkey and Armenia: Opening Minds, Opening Borders, normalization be-

tween Turkey and Armenia will benefit not just the bilateral relationship. If successful, it could win back for Turkey and its AKP government much of their recently faded prestige as domestic reformers, as regional peace-makers and as a country seriously intending to push forward with its accession process to the European Union.

The brief joint announcement from Ankara, Yerevan and the Swiss mediators in Bern said that two protocols had been initiated on the establishment of diplomatic relations and the development of bilateral relations. The two sides committed to seeing the protocols through to parliamentary ratifications within six weeks—that is, two days before a 14 October World Cup qualifier match between Armenia and Turkey due to be played in the western Turkish provincial city of Bursa. Turkey hopes that Armenian President Serzh Sargsyan will accept its invitation to attend, just as Turkish President Abdullah Gül initiated the current process by attending the first round match in Yerevan in September 2008.

Texts of the two protocols circulating in Turkey and Armenia set out a fully rounded and reasonable plan. In a "Protocol on the Establishment of Diplomatic Relations" the two sides promised to establish diplomatic relations on the first day of the first month after ratification; to exchange diplomatic missions; to reopen the border within two months of ratification; and to mutually recognize the existing border. In a "Protocol on Development of Relations"—to go into effect simultaneously with the diplomatic opening—the two sides promised to promote cooperation in all areas from energy infrastructure to tourism; to set up a mechanism of regular foreign ministry consultations, including a main intergovernmental commission and seven sub-commissions; to act jointly to preserve the cultural heritage of both sides; and to establish consular cooperation. The protocols are accompanied by a detailed timetable, in which all steps and commissions would be fully implemented and in motion within four months.

On the vexed question of how to describe the Ottoman-era massacres of Armenians in the First World War—widely known as the Armenian genocide, a label rejected by Turkey—the "Protocol on Development of Relations" agreed to "implement a dialogue on the historical dimension with the aim to restore mutual confidence between the two nations, including an impartial scientific examination of the historical records and archives to define existing problems and formulate recommendations." The timetable adds that this dialogue will be conducted under the aegis of the main intergovernmental commission in a "sub-commission on the historical dimension . . . in which Armenian, Turkish as well as Swiss and other international experts shall take part."

In short, Turkey and Armenia have taken a brave and statesmanlike step. Both will win if it succeeds. Armenia will overcome the sense that it is surrounded and under siege, will open a new commercial and psychological gateway westward to Europe, will be able to look better after the interests of the many tens of thousands of Armenians working in Turkey, will be able to market its electricity surplus and have easier access to the many Armenian cultural and religious sites in eastern Turkey. For Turkey, the gains are just as significant: the ability to show European and Western partners that it is working toward closure with Armenians on the contested matter of the First World War massacres; to add a new plank in its efforts to bring stability, prosperity and cooperation through relations with all three of

its Caucasus neighbours; and, finally, to achieve the satisfaction of full and public Armenian recognition of its borders.

The 31 August step towards normalisation was originally expected in April, but Turkey backed away from the deal. All that could be announced on 22 April 2009 was a vague road map. This hesitation was apparently due to pressure from Azerbaijan—a major supplier of cheap gas to Turkey, and with which Turkey shares close linguistic ties—and continued nationalist opposition to compromise with Armenia inside the Turkish political system. This coincided with a period in Turkey in which reforms towards EU accession had virtually halted; in which Prime Minister Erdoğan appeared disengaged with EU ambitions and to be pursuing alternatives in Russia and the Middle East; and in which Turkey appeared to be taking sides in Middle Eastern issues, with notably harsh criticism of Israel. Turkey also appeared to side fully with Azerbaijan against Armenia, and it remains unclear what will happen to Erdoğan's 14 May promise to the Azerbaijani National Assembly that there would be no opening of the Armenia-Turkey border until there is an Armenian withdrawal from occupied Azerbaijani territory.

The news that normalisation with Armenia is back on track, therefore, is a signal that Turkey may be changing direction again. In the past few months, Turkey and the AKP leadership have also begun to push hard for progress on two other difficult dossiers, coming to terms with the Kurdistan Regional Government in Iraq and firmly setting out a framework of reconciliation with its own substantial Kurdish community. Progress towards Turkey-Armenia normalisation has also been helped by the unusual way that the US and Russia appear to have been working separately toward a similar compromise outcome, and pushing more actively for progress toward a settlement of the Armenia-Azerbaijan conflict over Nagorno Karabakh.

The fact that Turkey is now leaning back towards a reconciliation with Armenia will do much to clear doubts about the country's posture and the priorities of Prime Minister Erdoğan. It will also do proper credit to the polls that showed 70 per cent of the Turkish population supported President Gü's gesture of visiting Armenia for last September's first round football match, and the great strides Turkey's intellectual and political elites have taken in the past decade to dismiss the old-fashioned narrative of nationalist denial towards the catastrophic Armenian massacres of 1915. Normalisation with Armenia will also give real substance to new Foreign Minister Ahmet Davutoğlu's stated goals of "zero problems" and "peace in the neighbourhood".

However, while reconciliation with Armenia will rightly attract great positive attention in Europe, the next test will not be long in coming. Turkey has to find a way to expedite a solution to the long-running Cyprus solution in the next several months, or see its EU accession process effectively grind to a halt.

**HONORING REVEREND ANNABELLE MCKUNE**

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Ms. CLARKE. Madam Speaker, Reverend Annabelle McKune was born in Brooklyn, New

York on November 16th, 1924. The youngest of Francis and Joseph Stanley's six children, she and her siblings Elizabeth, Louise, Eleanor, Vivian and Joseph, Jr. were raised with strong Christian values at Evening Star Baptist church. Reverend McKune was educated in Brooklyn Public Schools attending P.S. 25, P.S. 3 and graduating from Sarah J. Hale High School.

Her appreciation of music and dance led to her meeting her first husband, the late Micah Diego Chandler at the Savoy Ballroom. They were married in 1941 and the union produced two sons, the late Micah Diego Jr., and Paul Fitzgerald Chandler. Known for her strong work ethic, commitment and tender touch, Reverend McKune worked at several city hospitals, including Baptist Medical Center.

She met her second husband, Reverend Earl McKune at West Baptist Church where they both served as deacons. They were married in 1952 and together, they went on to found Christ Memorial, St. Marks Baptist Church and Fellowship Baptist Church. Following her calling, she became an Evangelist, and later, became the first woman ordained at Fellowship Baptist Church.

After 48 years of marriage, Reverend Earl McKune passed and although she remained a faithful member of Brooklyn's Fellowship Baptist church, she relocated to Florida in August 2008 and served as an Elder in New Bethlehem Missionary Baptist Church in Jacksonville, Florida.

Annabelle returned to New York in June 2009 and passed on the morning of August 1st, 2009. She will be remembered as a visionary who believed deeply in her work in the ministry. Her family and friends will remember her great culinary skills, her sense of style, her willingness to listen and her quick wit. Her legacy will live on through her children Donna, Sylvia, Eartha Lee, William, Bobby, Cynthia, Valerie, Yvonne, Jeffery and his wife Patricia and Paul and his wife Gloria. She is also survived by 14 grandchildren, 24 great-grandchildren, a host of loving god-children and numerous nieces, nephews and cousins.

**HONORING GAIL-BURNS SMITH**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Ms. DELAURO. Madam Speaker, I rise today to honor the life and achievements of Gail Burns-Smith, a tireless advocate for victims of sexual assault and abuse. When Gail passed away unexpectedly on September 5th, our country lost an unspoken hero for women everywhere.

As the Executive Director of Connecticut Sexual Assault Crisis Services for twenty-two years, Gail drew critical attention to the prevalence of sexual abuse and the need to end assault and support its victims. She successfully secured federal funding for organizations working to end sexual abuse and assist victims and was instrumental in passing numerous laws in Connecticut that work to protect our residents against assault. A leader in her field, Gail recognized early on the need for

collaboration between victim advocates and sex offender treatment providers.

On the national level, Gail worked with the Center for Treatment of Problem Sexual Behavior to develop the first Victim Advocate Program for sex offender treatment, which became recognized as the national model for such programs. She cofounded the National Alliance to End Sexual Violence, an organization that helped to secure passage of the National Violence Against Women Act. Gail also helped to establish the national Women of Color Leadership Project which evolved into the nonprofit Sisters of Color Ending Sexual Assault (SCESA).

While we have made great strides thanks to champions like Gail, the work to protect and support sexual assault victims is not over. Today, nearly one in five Connecticut residents has experienced a sexual assault. Twenty-six percent of Connecticut women and 10 percent of Connecticut men are sexual assault survivors. Further, many sexual assault treatment centers are experiencing dramatic cuts to their funding and have become limited in their outreach efforts. Just as Gail did, we must continue to champion efforts to end sexual assault and provide help and compassion to victims. She was a true role model and will be dearly missed.

**A PROCLAMATION HONORING  
150TH ANNIVERSARY OF ST.  
JAMES EVANGELICAL LUTHERAN  
CHURCH OF JEWETT, OHIO**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. SPACE. Madam Speaker, Whereas, the dedicated people of St. James Evangelical Lutheran Church celebrate the church's 150th anniversary with great joy; and

Whereas, this milestone is the result of what a tempered people began in 1859; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as an example to congregations and faith communities everywhere; and

Whereas, you have demonstrated excellence in your calling as a church, as anything less would have left you bereaved of such a jubilant occasion, and we are proud to have you as sons and daughters in the great state of Ohio and of our nation; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavering labor and commitment, recognizing that all great achievements come with extraordinary effort. With great appreciation and respect, we wish you continued abundant grace as you continue to labor for your community and your faith.

TO RECOGNIZE THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY FOR BEING NAMED A 2009 NATIONAL BLUE RIBBON SCHOOL

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Thomas Jefferson High School for Science and Technology for being designated a 2009 National Blue Ribbon School. In 2009, 314 schools from 47 states were named National Blue Ribbon Schools. Thomas Jefferson High School for Science and Technology is one of only two high schools from Virginia so honored for 2009 and in fact, is the only public high school in the Commonwealth to receive this prestigious designation.

The National Blue Ribbon School Program began in 1982 as part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices. Since the program's inception, over 6,150 American schools have received this coveted award. This award honors public and private elementary, middle and high schools that are either academically superior or have made dramatic gains in student achievement and helped close gaps in achievement among minority and disadvantaged students.

Thomas Jefferson High School for Science and Technology has a long history of academic excellence. It has fielded more National Merit Semifinalists than any other high school in America for most of the 1990s and 2000s. From 2000 to 2005, it fielded more United States of America Mathematical Olympiad qualifiers than any other high school in America and has a distinguished history of U.S. Physics Olympiad Team members and medal winners. In 2007 the school had more Intel Science Talent Search Semifinalists (14) than any other school and in 2009, this feat was repeated with 15 semifinalists.

Thomas Jefferson High School for Science and Technology was ranked as the top high school in the nation by PrepReview in 2004. In that same year, it had the highest average SAT score among all American high schools, both public and private.

It was also ranked number 1 among "America's Best High Schools" in a study by U.S. News and World Report in 2007 and again in 2008. For schools with more than 800 students in grades 10–12, TJHSST was cited as having the highest-performing AP Calculus BC, AP Chemistry, AP French Language, AP Government and Politics: U.S., and AP U.S. History courses among all schools worldwide.

It is fitting that Thomas Jefferson High School for Science and Technology can now add its designation as a National Blue Ribbon School to their extensive list of other extraordinary achievements.

Madam Speaker, I ask that my colleagues join me in congratulating Thomas Jefferson High School for Science and Technology on receiving this honor. I also ask my colleagues to join me in thanking the principal, Dr. Evan

Glazer along with the entire staff, student body and their families for their commitment to excellence in education.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SPECIALIST NATHAN SPANGENBERG

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Specialist Nathan Spangenberg, who died from an illness at Schofield Barracks in Hawaii on September 8, 2009 following his last deployment. He leaves behind his mother, Lois, his brother, Colin, sister, Megan and a niece and nephew.

Born in Tucson, Nathan attended Mountain View High School from 2004 to 2006, then transferred to Mountain Rose Academy charter school before joining the Army in 2007. SPC Spangenberg was an infantryman with the 2nd Stryker Brigade, 25th Infantry Division headquartered in Hawaii.

He and his unit returned there in February after a 15-month tour in Iraq. The Warrior Brigade, as they are known, was responsible for securing an 800 square mile area North of Baghdad that remains one of the most dangerous places for U.S. forces.

Appropriately, Nathan was a warrior. He survived his extended tour in Iraq only to be taken from us too soon.

We remember SPC Spangenberg and offer our deepest condolences and sincerest prayers to his mother, brother, sister, niece and nephew. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Nathan's legacy reaches beyond the desolate landscape of Iraq and the barracks of Hawaii and into the hearts of a grateful nation.

This body and this country owe Nathan and his family a debt of gratitude and it is vital that we remember him and his fellow servicemembers who have paid the ultimate price.

Nathan is a hero both to his country and to his wonderful family. We salute his selfless service and bravery. May he not be forgotten and may his mission continue in the work of this body and the hearts of all Americans.

**DR. ROBERT H. KNAPP**

**HON. VERNON J. EHLERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. EHLERS. Madam Speaker, I rise to honor the life of Dr. Robert H. Knapp who passed away suddenly on July 13, 2009. I extend my condolences to Dr. Knapp's wife of 31 years, Judy, and his daughters Megan and Sarah, as well as his extended family.

Dr. Knapp attended Wayne State University Medical School in Detroit, Michigan and was a

long-time pathologist in the Grand Rapids, Michigan area practicing at Spectrum Health and most recently Grandville Pathology Laboratory.

Dr. Knapp began his service to medicine at the local level. He served as President and Trustee of the Michigan Society of Pathologists and was a member of the Kent County Medical Society and the Michigan State Medical Society.

Dr. Knapp's leadership in pathology allowed him to demonstrate outstanding service to the profession of medicine and his community by serving as an advocate for the important role that pathologists play in improving the quality of health care for Americans.

In fact, Dr. Knapp was very active in advocacy efforts on behalf of both the College of American Pathologists and the American Society of Cytopathology. He visited with me and my staff numerous times over the past few years and hosted me for a laboratory tour at his facility last fall.

In addition to his professional career, Dr. Knapp was an avid cheesemaker and lover of opera.

Dr. Knapp was a dedicated, knowledgeable advocate and respected pathologist. He deserves to be remembered kindly for his legacy of service to the Grand Rapids community and to the medical profession.

INTRODUCTION OF "NEWSPAPER REVITALIZATION ACT OF 2009"

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mrs. MALONEY. Madam Speaker, today I am introducing the "Newspaper Revitalization Act of 2009," the companion to legislation introduced in the Senate by Senator CARDIN (D-MD). This legislation will help newspapers across the country that are closing down or facing bankruptcy at an alarming rate by allowing them to become non-profit 501(c)(3) organizations similar to public broadcasting. Large cities whose newspapers include, The Philadelphia Inquirer, The Seattle Post-Intelligencer, The Rocky Mountain News, San Francisco Chronicle, and The Baltimore Sun are at risk of losing their dailies. Unless something is done soon, it is possible that many metropolitan regions may have no local daily newspapers.

Many bloggers, Google news, and punditry get their original news from the diligent work of beat reporters for daily newspapers who have invested years on their beat and provide the best information on an issue from many perspectives. This type of beat reporting requires commitments of both time and money, and unfortunately, the current economic climate has only worsened the already precarious business situation for many newspapers. This bill would provide for a voluntary option for newspapers and a way for a community or foundations to step in and preserve their local papers that are rapidly disappearing.

Newspapers are an essential component to our free democratic society. Studies have shown that areas where daily newspapers

have gone out of business there has been a rise in corruption in government and plummeting civil engagement in politics. With the state of the current newspaper model, dependent on advertising and circulation revenue, it will be difficult for newspapers to maintain and produce high quality news without bold changes. I urge my colleagues to support this legislation as an important first step in saving them.

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#### NATIONAL GEAR UP DAY

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#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. ENGEL. Madam Speaker, I rise today to recognize the Gaining Early Awareness and Readiness for Undergraduate Program, or GEAR UP. This program has improved educational outcomes for over a million low-income students across the United States by providing college readiness partnerships and scholarships for low income students.

Tomorrow, September 18th, is the first annual "National GEAR UP Day" to acknowledge the success GEAR UP has had in providing students with the resources they need to go to college despite the challenges they may face in their communities. Over 1.5 million GEAR UP students have been served over the last ten years. GEAR UP offers comprehensive mentoring, tutoring, financial aid counseling and also provides information and activities regarding college admissions.

With my colleagues, Congressman CROWLEY and Congressman SERRANO, I would like to recognize the success of the Bronx Institute at Lehman College which administers three GEAR UP grants in more than 50 schools in the Bronx. These programs serve more than 8,500 Bronx students in grades 8, 9 and 11. They offer after school, weekend and evening classes and workshops for students and parents. Their project staff provides one to one counseling and college readiness support to all students and families. They have in place, and continue to develop and support, rigorous instructional programs that serve to prepare students for college level learning. Additionally, the Bronx Institute at Lehman College's technology program has distributed more than 6,500 laptops to students and will add to that number this year.

In the 110th Congress I was proud to have been a cosponsor and supporter of H. Res. 1311, expressing support for the designation of a National GEAR UP Day and am glad that it has come to realization.

Madam Speaker, I encourage my colleagues to join with me in recognizing and commending the students, families, education professionals, and business and community leaders involved in GEAR UP on its 10th anniversary.

#### MOUNT NOTRE DAME HIGH SCHOOL

#### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize the 150th Anniversary of Mount Notre Dame High School in Cincinnati, Ohio. On this date, 150 years ago, the Mount Notre Dame Academy, sponsored by the Sisters of Notre Dame de Namur, opened with 30 boarders. Mount Notre Dame is the oldest catholic girls' high school in the same location in the Archdiocese of Cincinnati.

Over the years, Mount Notre Dame has endured immense enrollment growth and has transitioned to an all girls high school with more than 750 students. The young women of this proud school come from four Ohio counties and 50 church parishes. Today, Mount Notre Dame offers 19 honors and 17 advanced placement courses. Ninety-Eight percent of graduates go on to college. Additionally, Mount Notre Dame was named a Blue Ribbon School of Excellence by the United States Department of Education in 1987.

Mount Notre Dame is also known for their success outside of the classroom. The Cougars have a combined twelve state championships in the team sports of basketball, golf, and volleyball. Just this past March, Mount Notre Dame won the 2009 Division I State Basketball Championship.

Madam Speaker, I ask you to join me in celebrating Mount Notre Dame 150th Anniversary and in wishing them continued success.

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#### MICROSOFT CORPORATION

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#### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. REICHERT. Madam Speaker, I rise today to recognize the Microsoft Corporation for receiving an award from the Department of Defense for its unending support of employees who serve in the National Guard and Reserve.

The Microsoft Corporation was presented with the 2009 Employer Support Freedom Award on September 17 along with 14 other employers across the United States. Specifically, Microsoft—among other things—initiated a Military Reservist Council, acknowledges employee service through different company newsletters and, in 2007, donated \$3.7 million to the National Guard Youth Foundation.

Microsoft's support for our servicemembers is a model that other employers should follow, and it is the paramount duty of Congress to do its part to help our servicemembers make a seamless transition back to civilian life from active duty. It is a priority that requires both private and public sector support. I was pleased that the House passed legislation I authored last Congress to improve the government's responsiveness to hiring difficulties our servicemembers face upon their return, and I hope that this body can continue to partner with private sector champions like Microsoft to

help provide a smooth transition for our servicemembers and veterans between military life and civilian life.

Again, I applaud the Microsoft Corporation for supporting their National Guard and Reserve employees and congratulate them on receiving the 2009 Secretary of Defense Employer Support Freedom Award. I know they will continue to provide outstanding support to Washington's servicemembers in the future, and I pledge to continue doing the same serving in this body. We must do all we can to provide for those who have bravely sacrificed so much to defend our freedoms.

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#### PERSONAL EXPLANATION

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#### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mrs. CAPPS. Madam Speaker, I was not able to be present for the following Rollcall votes on September 16, 2009, I would have voted as follows: rollcall No. 704: "yes"; rollcall No. 705: "yes"; rollcall No. 706: "yes"; rollcall No. 707: "yes"; rollcall No. 708: "no"; rollcall No. 709: "yes."

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#### PERSONAL EXPLANATION

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#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Ms. RICHARDSON. Madam Speaker, on rollcall vote No. 620, I am recorded as voting "aye". That was not my intention. It was my intention to vote "no" on the Hensarling Amendment.

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#### TRIBUTE TO KANSAS CITY, KANSAS, SCHOOL SUPERINTENDENT JILL SHACKELFORD

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#### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. MOORE of Kansas. Madam Speaker, during my years of serving in Congress, the Kansas City, Kansas, public schools have had two excellent superintendents. When Dr. Ray Daniels retired in 2005, he was succeeded by Dr. Jill Shackelford, assistant superintendent of schools, who became USD 500's first female superintendent. Although the Kansas City, Kansas, school district faces the same formidable challenges as other urban districts, one great advantage is the stable leadership it has enjoyed. Other districts in our area have had frequent changes of leadership and vision. The KCK School District has continued to pursue an effective and visionary course, made possible by the "First Things First" program funded by the Kauffman Foundation. This comprehensive school reform program has brought about heartening improvements in student performance and test scores.

We will miss Dr. Shackelford's warm and caring personality, but I am sure that the KCK Schools will choose another fine leader to succeed her. I am including with this statement a recent Kansas City Star article detailing Dr. Shackelford's announcement.

[From the Kansas City Star, Aug. 11, 2009]  
KCK SUPERINTENDENT, AN ADVOCATE FOR  
URBAN STUDENTS, ANNOUNCES RETIREMENT  
(By Dawn Bormann)

Kansas City, Kan., School District Superintendent Jill Shackelford—who has been a leading voice for urban, at-risk Kansas students—announced Tuesday that she would retire in June.

And it is fair to say that the district's first woman superintendent has left her mark. Students know her as the "lady in pink" who proudly wears pink shoes, pink skirts and a rhinestone lapel pin that spells "believe" in capital letters. Shackelford, a former reading teacher, praises their accomplishments and passes out hugs with the nurturing style of an elementary school teacher.

Education officials know her as the leader of a low-income district that led the charge for free all-day kindergarten and posted double-digit gains in assessments. The changes have stood out at least in part because 83 percent of the students qualify for free or reduced-cost lunch.

When Shackelford, 65, started five years ago, some casually mentioned that she might want to tone down her wardrobe and her feminine approach.

"You know you're the first female, so don't act too female-ish," she said, recalling that advice. "I was told to get into your closet and dig out all your black suits."

It lasted a few weeks. Shackelford had already survived Stage 3 breast cancer. She didn't need to wear black to prove herself, she said.

"Out came the pink. Out came my personality, and I was able to relax," Shackelford said.

So the superintendent didn't hide her tears Tuesday when she officially declared her retirement to her staff at the district's annual employee convocation. It surprised many but not everyone gathered at Memorial Hall. Shackelford has always maintained that she would step down after five years. It was something she made clear from day one.

"There are times in your life where you know it's somebody else's turn," she said.

In 2005, Shackelford replaced Ray Daniels, who was highly regarded for his leadership.

"In one sense, you'd say all she had to do was follow up on the path that Ray Daniels had set. There's some truth to that," said Bill Reardon, the district's lobbyist and a former state lawmaker. But he pointed out that "the more you achieve, the remaining improvements become really difficult."

However, she had a proven track record with curriculum reform for at-risk children.

Shackelford came to the district 13 years ago to work directly with curriculum. She was among the early leaders who helped implement First Things First. Thirteen years ago, the district was 11 percent proficient in reading and 3 percent proficient in math. Students are now 61 percent proficient in reading and 63 percent proficient in math, district officials said.

"There's no other district in the state that's gone from single digits to 60 (percent)," she said, praising the district's more than 19,500 students.

Shackelford credits the success to students, teachers, custodians, bus drivers and others.

## TRIBUTE TO PAUL BALLOU HOFER, JR.

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Ontario, California were exceptional. Today I ask that the House of Representatives honor and remember an incredible man and American patriot, Paul Ballou Hofer, Jr. Paul was a dear friend of mine and I was deeply saddened by his passing on July 8, 2009.

Paul was born to Paul Ballou Hofer and Frances Morgan Hofer on January 23, 1921 at the family ranch in Ontario, California. He attended Mountain View Elementary School, Chaffey High School and the University of Southern California. A natural athlete, at Chaffey he played varsity basketball for four years and was a halfback on the football team, receiving dual scholarships to USC for both sports.

During World War II Paul served in the U.S. Navy, commissioned as a Naval Aviator, with several thousand hours of flight time. In 1944 Paul married his high school sweetheart, Laura Jean Belcher, who preceded him in death. They had three sons, Paul III, John and Brett who grew up in the same house in which their father was born. Along with his brothers Morgan, also deceased, and Phillip, Paul was a fourth generation vineyard farmer at Hofer Ranch which was founded by his family in 1882. Paul always believed that the lessons learned from lifetimes of farming, hard work and determination, coupled with the deeply held and abiding belief that land is what endures, have been the anchor that has guided the family through seven generations on the ranch.

In addition to ranching, Paul was a man of many interests. He had a great love of the outdoors, with a passion for fly fishing and wing shooting. Paul was a member of the Masons, and also of the Republican Party. He collected antique farm and winery equipment, proudly adding to the collection at Hofer Ranch. In addition to his three sons, Paul is survived by his brother, Phillip, and his family; his grandchildren, Jason Hofer (Christina), Jacklyn Hofer Winton (Jeremy), Morgan Hofer and Laura Hofer; his great-granddaughter, Elizabeth; and other family members.

Paul's passion for his ranch, his family, and his community has contributed immensely to the betterment of Ontario, California. I was proud to call Paul a fellow community member, American and good friend. I hope his family knows that their father, brother, and grandfather, and the goodness he brought to this world, will always be remembered.

## TRIBUTE TO MARY L. NIRMAIER

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. LUETKEMEYER. Madam Speaker, I rise today to honor Mary L. Nirmaier and Rose Ross, two members of the only 300 remaining survivors of the Women's Airforce Service Pilots. I am proud to see these two remarkable women honored with the Congressional Gold Medal.

Women Airforce Service Pilots were the first women in history to fly America's military aircraft. Between the years 1942–1944, women were recruited to fly non-combat missions, so that male pilots could be deployed in combat. Through their actions, Women Airforce Service Pilots were a catalyst for revolutionary reform in the integration of women pilots into the U.S. Armed Services.

The Congressional Gold Medal is the highest and most distinguished award that the U.S. Congress can award to a civilian. Just as the Navajo Code Talkers and Tuskegee Airmen served with distinction and were awarded the Congressional Gold Medal, it is also appropriate for Congress to recognize and honor the service of the WASP with the Congressional Gold Medal.

Our soldiers, sailors, and pilots sacrifice everything they have in service to America and will serve as a permanent reminder of the bravery, loyal patriotism, and love of country.

In closing, Madam Speaker, I ask all my colleagues to join me in wishing Ms. Nirmaier and Ms. Ross our sincerest thanks and appreciation for their commitment, dedication, and service to our nation. It is an honor to represent them in the United States Congress.

## TRIBUTE TO GARY, LISA, JACKSON AND JESSICA WALTERS FOR THEIR SUPPORT FOR KINSHIP PARTNERS

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mrs. BACHMANN. Madam Speaker, I rise today to honor one of the most passionate families I have ever met, Gary and Lisa Walters and their children, Jackson (age 15) and Jessica (age 14). They are passionate about making a difference in their community. To raise awareness and funds for Kinship Partners, a mentoring program that relies only on donations, the Walters Family traveled from Brainerd, Minnesota to our capital, Washington, DC. But unlike most Americans who travel to Washington, D.C. for a cause, they chose an unusual mode of transportation. Gary and Jackson both rollerbladed across the country, while Jessica biked along side them.

From August 13th to September 7th, Gary and Jackson woke up and strapped on their trusty rollerblades, Jessica hopped on her bike and together, they embarked on this heartwarming adventure. They were sore; they were tired; but they were not discouraged by

challenges. For the past 7 years, in fact, Gary has put himself through some rigorous challenges to raise awareness for Kinship Partners, including walking the length of Minnesota, biking to New Orleans and camping out on the Brainerd, Minnesota water tower for more than a week. It is his unwavering dedication to Kinship Partners that has helped raise over 100,000 dollars and kept the program strong.

Kinship is a mentoring program in north-central Minnesota that matches children with caring adults based on mutual interests. For a few hours a week, they get together and spend time doing whatever it is they like. It's not a complicated formula, but it is a somewhat new take on mentoring programs. And Kinship Partners is seeing success stories in 24 Minnesota communities as a result of their back-to-basics strategy. In fact, there is even a waiting list. When children know that there is someone who is absolutely crazy about them and committed to their well-being, there are no limits to their success.

IN MEMORY OF DR. M. DELMAR  
EDWARDS

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to a man who I am proud to have called a friend, a constituent, and an inspiration: Dr. M. Delmar Edwards of Columbus, Georgia. Dr. Edwards was the first African-American to practice surgery in the city of Columbus and was one who blazed new trails for those who would follow him. On September 11, 2009, he passed away at the age of 83.

Dr. Edwards was born on December 19, 1926, in the state of Arkansas. He attended Morehouse College and went on to earn a Bachelor of Science from Central State University in Wilberforce, Ohio, in 1948. He received a master's degree from Atlanta University in 1952 and, in 1957, became the fifth black person to graduate from the University of Arkansas Medical School.

In 1964 he moved to Columbus and started his practice on the corner of Fourth Avenue, now Veterans Parkway, and Eighth Street. He eventually led the general surgery section at the Medical Center and served as chairman of the department of surgery. Later, he trained to be a surgeon at the Residency Training Program in General Surgery at the Tuskegee Veterans Administration Hospital.

In the early 1980s, Dr. Edwards was a founding trustee of the Morehouse School of Medicine in Atlanta, where a scholarship program was eventually named in his honor and has helped dozens of bright, young, aspiring physicians to achieve their goals of becoming a doctor.

In addition to his esteemed medical career, Dr. Edwards found the time to become a mentor to scores of African-American physicians in Columbus and was a driving force behind their decisions to stay and practice within the community. He was also a devoted community

leader, becoming the first African-American to serve on the Columbus Housing Authority Board and the second on the Muscogee County School Board.

Madam Speaker, Dr. M. Delmar Edwards served the people of Columbus with honor, respect, and integrity. His lifetime of altruistic care-giving has made him a legend in our community and an inspirational figure for us all. I consider it a privilege to honor his life today and his dedication and lifelong commitment to the welfare of others. He will be missed.

COMMEMORATING SEPTEMBER 11,  
2001

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Ms. McCOLLUM. Madam Speaker, today on the eighth anniversary of September 11, 2001, we honor the memory of the victims, extend our thoughts and prayers to the victims' families, and recognize the heroism and courage displayed during rescue and recovery missions. It is a day none of us will ever forget.

Our response to the attacks of September 11, 2001 will define the meaning of that terrible day, and it will define us as a country. While we remain focused on preserving America's security, we must be equally resolute in our commitment to protect the values and character that define America.

The legacy of September 11, 2001 will not be destruction, but instead a spirit of service that will strengthen our nation for generations to come. For this reason, the House of Representatives passed House Resolution 718, which calls on all Americans to observe September 11th as a National Day of Service and Remembrance in honor of those who were injured or lost their lives and in tribute to those who came to the aid of those in need. This resolution also challenges all Americans to continue to live with the same spirit of unity, service, and compassion that was exhibited following the attacks.

As we continue to mourn the victims of that awful tragedy eight years ago, I encourage all Americans to volunteer to serve their communities today and throughout the year.

INTRODUCTION OF THE HEALTH  
INSURANCE INDUSTRY ANTI-  
TRUST ENFORCEMENT ACT OF  
2009

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. CONYERS. Madam Speaker, today I am pleased to introduce the Health Insurance Industry Antitrust Enforcement Act of 2009. Both the House and Senate today have introduced identical language to reduce insurance prices for consumers. I want to thank my friend Senator LEAHY for his leadership on the

bill and for working with the House on this joint introduction.

I am joined in my efforts on the House side by the honorable Chairman of the Subcommittee on Courts and Competition Policy, Representative HANK JOHNSON of Georgia, and Representative DIANA DEGETTE of Colorado.

The purpose of this bill is to extend antitrust enforcement over health insurers and medical malpractice insurance issuers, which currently enjoy broad antitrust immunity under the McCarran-Ferguson Act. This immunity can serve as a shield for activities that might otherwise violate federal law.

This bill would specifically prohibit price fixing, bid rigging, and market allocation, pernicious practices that are detrimental to competition and result in higher prices for consumers.

The House Judiciary Committee held extensive hearings on the effects of the insurance industry's antitrust exemption throughout the 1980s and early 1990s. It became clear that policyholders and the economy in general would benefit from eliminating this exemption.

The bill I introduce today is intended to root out unlawful activity in an industry grown complacent by decades of protection from antitrust oversight. In doing so, we aim to make health insurance more affordable to more Americans.

SHEPHERDSTOWN FIRE  
DEPARTMENT

**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mrs. CAPITO. Madam Speaker, I rise today to honor the Shepherdstown Fire Department, for over 200 years of service by trained volunteers.

As the oldest fire department in Jefferson County, West Virginia, Shepherdstown Fire Department has been a staple of the area for over two centuries. As early as 1793, when Shepherdstown was known as Mecklenburg, the town passed a tax levy to secure money with the purpose of purchasing a fire engine. In 1804, a year after the engine was purchased, the department's first fire house was built. Devoted firefighters have selflessly given their services to the community and have been shown tremendous support in return from their neighbors.

On Saturday, September 12, 2009, Shepherdstown Fire Department held a day long celebration for the public to enjoy. The department hosted several events commemorating this milestone. The events included the final placement of the department's original 1894 fire bell and a rededication of the fire department.

It is an honor to recognize the Shepherdstown Fire Department. Reaching the 200-year mark is an impressive accomplishment. It says wonderful things about West Virginia to have people like these volunteer firefighters.

RECOGNIZING FORTY & EIGHT,  
HOMOSASSA, FLORIDA

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize the Forty & Eight organization. Throughout our Nation's history, we have turned time and again to our men and women in uniform; calling on them to preserve our freedom and uphold our democratic values. Time and again they have heeded the call and protected our Nation with honor and valor.

More than a million of our brave men and women have paid the ultimate sacrifice for their country. Joining the ranks of these heroes are the thousands who have been held as prisoners of war or whose fate has never been resolved. This loss was all the more difficult for their loved ones because it has never been determined whether they perished or survived.

However, their loved ones can take solace in knowing that their sacrifice was for a purpose, one that they were prepared to make. As President Reagan said on the 40th anniversary of D-Day, "You all knew that . . . one's country is worth dying for, and democracy is worth dying for . . . all of you loved liberty. All of you were willing to fight tyranny, and you knew the people of your countries were behind you".

Military families are the first line of support for our service men and women. They provide them the courage they need to march on in battle; and they fight for their legacy long after the battle has been won.

Organizations like Forty & Eight are part of the military family. Since 1920 they have worked tirelessly to insure that the legacies of our service members endure alongside the freedom that they fought so selflessly to defend.

On September 19th, Forty & Eight will come together in Citrus County to award a scholarship to the dependent of a known and verified POW or MIA. The scholarship is named in memory of Lance Corporal John Dewey Killen III, USMC. Lance Corporal Killen was declared missing in action while serving with the Third Reconnaissance Battalion in South Vietnam.

This scholarship is just one example of Forty & Eight's commitment to our veterans, both those who are still with us, those who have gone before us and those whose fate is still yet unknown.

I represent more veterans than any other Member of Congress. I am forever grateful to Forty & Eight, and organizations like them, for their continued commitment to our service men and women and their families.

TRIBUTE TO AL BALDOCK

**HON. KEVIN MCCARTHY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor Coach Al Bal-

dock, a legendary college football coach from my district, who passed away on Monday, September 14, 2009, at the age of 79.

Coach Baldock was born in Holly, Texas on December 17, 1929. He attended college at the University of Southern California, where he played football for the Trojans from 1948-1950. During his football career at USC, Al was a teammate of future National Football League MVP, Frank Gifford. In an act of service that would prove to be a theme of his life, he took two years off from college to serve our country in the Army. He then returned to USC for his final year in 1953.

Al's career as a head coach began at Allan Hancock College in Santa Maria, California in 1959. Leading the football team at Allan Hancock College, Coach Baldock had future Oakland Raiders head coach John Madden as one of his assistant coaches. When John Madden was inducted into the Pro Football Hall of Fame in 2006, he credited Coach Baldock as one of the influences in his life. Coach Baldock was the head coach at Allan Hancock College until 1961. Coach Baldock continued to succeed as a head coach, first at the College of the Sequoias from 1962 to 1968 and then at Los Angeles City College from 1972 to 1974.

The majority of Coach Baldock's coaching career was spent at Taft College. He was the head football coach at Taft College from 1976 until 1993. Under his leadership, the Cougars won 15 conference championships, six state championships, six Potato Bowls and two national crowns. For his outstanding leadership, Coach Baldock was inducted into the Bob Elias Kern County Sports Hall of Fame in 1997, the California Community College Football Coach's Association Hall of Fame in 1999 and the California Junior College Hall of Fame in 2000.

Coach Baldock also helped to shape lives off the field as an instructor at Taft College for 28 years. He is survived by his wife, Joyce, daughter Erin, and grandsons Nathaniel and Jonathon. He was a fixture in Taft and will be missed by our community.

CELEBRATING RUTH D. HUNT'S  
60TH BIRTHDAY AND INDUCTION  
INTO THE DAUGHTERS OF THE  
AMERICAN REVOLUTION

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. RANGEL. Madam Speaker, I rise today to salute and congratulate my dear friend Ruth Hunt in celebration of her 60th Birthday and her induction into the Daughters of the American Revolution (DAR).

On Saturday, September 19, and Sunday, September 20, friends, family and colleagues will gather at Gran Piatto d'Oro in Harlem and at Michael Anthony's in Newport Marina on the Hudson to salute and pay tribute to this remarkable African American woman of excellence.

In 1949, John and E. Patricia Hunt gave birth to their third child, Ruth at Kings County Hospital in Brooklyn, New York. She and her

eight siblings grew up in the Albany Houses on Troy Avenue. Ruth received a public school education at Isaac Newton P.S. 83, John Marshall Jr. High School 210 and graduated from the High School of Fashion Industries in New York City. Ruth also attended and graduated from the Vogue School of Charm and Modeling in Brooklyn in 1967, and began a professional modeling career at 17 years old. She completed her higher education at Brooklyn College and at the Fashion Institute of Technology (FIT) Manhattan.

Ruth was the first woman of color to model in the swimwear industry on Manhattan's 7th Avenue breaking barriers at Sirena Swimwear, Cole of California and Gottex of Israel. On the runway, Ms. Hunt modeled along with supermodels Naomi Simms and Iman. She was a Bill Blass model for both his Robes and Furs Collections. As a fashion expert, she was one of the first Fit models of color and since 1970; she has been represented by Model Service Agency. Ruth was the number one pick for JC Penney's Fit and has modeled for them over 20 years.

As a Fit model, she advises designers and technical teams of clothing manufacturers in the area of quality standards and fit, correcting pattern specifications to ensure the proper fit of imported and domestic garments before mass production. She has modeled for over 100 clothing Designers, and manufacturers including Essence by Mail and numerous fashion designer houses on 7th Avenue, including Calvin Klein and NYC's top department stores and industry trade shows.

Ruth Hunt joined and worked for the Jackie Robinson Foundation from its inception in 1977 and was privileged to be mentored by the illustrious Rachel Robinson. It was at the Foundation that Ruth learned the true meaning of service and humanity. Ruth developed and executed her skills in project management, where she coordinated special events and fund raisers, like the famous annual "Afternoon of Jazz" on the Jackie and Rachel Robinson estate in Stamford, Connecticut and the Jackie Robinson Foundation Awards Dinner at the Waldorf Astoria in New York City.

She continues to enjoy and cherishes the relationship with the Robinson family.

This experience propelled her into philanthropic efforts with the Doll League, Inc; Meharry Alumni; Women and AIDS Resource Network, American Cancer Society; American Lung Association, the Leukemia Society and Alvin Ailey Dance Company. All of these organizations have been beneficiaries of Ruth's time and expertise.

During her illustrious career, she also launched "Ruth Hunt Associates" and began a millinery business that travels the eastern seaboard and was featured in the Roanoke Times, Jersey Journal and the Tribune. Known as the "Hat Lady" in the tri-state area, Ruth has been featured at numerous churches throughout Brooklyn, Queens, and Manhattan, including her very own Abyssinian Baptist Church, where she is a member.

Ms. Hunt is a certified Image Consultant, Beauty Advisor and Model Coach. Drawing from her early days as an instructor for the Vogue School of Charm and Modeling and throughout her career she has conducted workshops for numerous New York City organizations such as: Youth and Action; Young

Unwed Mothers; Young Peoples Association; The New Muse; Jack and Jill of America; Girl Friends, Inc; The Delta's Youth; NYC Technical College; Zeta Amicae of Brooklyn; and Professional Re-employment and Outplacement Services.

Madam Speaker: Ruth D. Hunt is not only celebrating her 60th birthday and an illustrious career, but she is scheduled to be inducted into the Daughters of the Revolution this coming October. To become a member of this society, you have to prove your lineal, bloodline descent from an ancestor who aided in achieving American Independence, and through her love of genealogy she was able to trace her heritage. One of the highlights of Ruth's quest for retracing her family history came in 1997 when Ruth gave her father a gift of life. She was able to find her father's long lost World War II son, Barry in Wales, England. The family now enjoys an international relationship from across the ocean and today, Ruth conducts genealogy workshops for the New York Coalition of One Hundred Black Women, Convent Baptist Church, Woodhull Medical Center and Bellevue Hospital Center.

Continuing in her commitment to service and humanity at the New York City Health & Hospital Corporation (HHC), Ruth served as Coordinating Manager In Public Affairs and then as the Director of Marketing and Community Outreach at both Woodhull Hospital Center and Cumberland Diagnostic and Treatment Center. Ruth currently serves as the Assistant Director of Public Relations and Director of Community Affairs at the oldest public hospital in the country, Bellevue Medical Center. She has led the charge at Bellevue and helped raise over \$80,000 for the American Lung Association and the American Cancer Society.

Ruth also received KISS-FM's Phenomenal Woman Award. This honor stemmed from a live radio broadcast at Woodhull Medical Center for "Take Your Love One to the Doctor Day," which generated over 500 screenings. In addition, she supported the Borough President's "Take Your Man to the Doctor Day." To commemorate National Cancer Survivor's Day, at Woodhull, Ruth produced four of her well known, signature, hat fashion shows which included a luncheon.

Let us congratulate and salute this remarkable African American woman of excellence and distinction as we celebrate the 60th birthday and induction into the Daughters of the American Revolution of my dear friend Ruth D. Hunt.

#### TRIBUTE TO ALAN WAKEFIELD

##### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. CALVERT. Madam Speaker, I rise today to celebrate the life of Alan Wakefield, a close personal friend and valued member of my home town. Corona, California has been blessed by dynamic and dedicated leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work.

Alan was five years old and attending kindergarten in Titusville, a small town in western

Pennsylvania, when he first met a pretty young girl named Susan. For 58 years, Alan and Susan were best friends. For almost 39 years, they were husband and wife. Over the years, they have enjoyed a multitude of blessings, most importantly their son, Josh, and his wife, Jill, who have blessed Alan and Susan with two beautiful grandchildren. While Alan died long before we would have wished, Alan had some precious time to spend with his grandchildren. During those last months, Matthew and Garret witnessed the character of their "Poppy" that will serve them well for the rest of their lives. They learned that Alan was a man who loved to laugh but was not afraid to cry; that he would stand strong to defend the values that were important to him, but would melt in the face of another's sadness. The size of his heart belied his stature, and his generosity touched so many lives.

Since 1982, the Wakefields have owned ASJ Industrial Hose, whose name is an acronym for Alan, Susan and Josh. Alan would often say, "Hose is my life." It was not, of course. His family was his life, along with the many friendships he formed over the years. He was also passionate about golf, was a gourmet cook, and an avid gardener who referred to plants by their Latin names. While Susan has been active in just about every organization in Corona with three or more members, Alan for the most part remained in the background; he was not "a joiner." But a few years ago, he relented and joined the Corona Rotary Club, and was one of its most popular and active members.

Near the end of his life, visitors would find Alan to be more interested in what they were doing than talking about his health. When friends would mention they were considering a trip or a home improvement project, Alan would say, "Do it. Do it now." He was speaking from a perspective that the rest of us could only imagine, and some of us sensed that he was suggesting something more than that. Don't put off those trips and projects, but more than that, don't put off telling someone you care, righting a wrong and keep focused on your life's priorities.

On behalf of all those who knew him, it is my honor to offer these remarks as a tribute to the life and legacy of my friend Alan Wakefield. His life and presence will be sorely missed and I extend my condolences to his dear family and friends.

#### THE AMERICAN LEGION DAY

##### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. REICHERT. Madam Speaker, I rise today in recognition of a service organization that has done as much for America's veterans as any other organization or group in our Nation's history, The American Legion.

Yesterday, the House of Representatives passed a resolution rightly honoring this organization, proclaiming September 16, "The American Legion Day."

The American Legion was founded in 1919 and has proven a formidable organization in

the support of veterans of our Armed Forces. I am a proud member of American Legion Post 161 in Redmond, Washington, and appreciate their steadfast and ongoing support of veterans and their families. At a national level, the Legion has been active in supporting veterans through work such as the crafting of the G.I. Bill of Rights, and across the country the Legion is involved and committed in their communities. "Legionnaires" are known for and exemplify the spirit of service and this spirit continues to drive their actions long after they take off their uniforms. They create benevolence funds, host barbeques and involve themselves in civic projects. Legionnaires believe in service. They are the voice of our veterans and advocates for our men and women in uniform. I am grateful for the organization's 90 years of service and sacrifice to our country.

General George Washington said in a letter to the Provincial Congress, "When we assumed the soldier we did not lay aside the citizen," the American Legion exemplifies this attitude. In this body, we must continue supporting The American Legion and I urge Legionnaires to continue to reach out to lawmakers for our support.

#### RECOGNITION OF REVEREND TRACEY L. BROWN'S 10TH PASTORAL ANNIVERSARY

##### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 17, 2009*

Mr. PALLONE. Madam Speaker, I proudly rise today to pay tribute to Reverend Tracey L. Brown, of Ruth Fellowship Ministries in Plainfield, New Jersey. She was commissioned and installed as Pastor and Founder on April 17, 1999 and is being honored for her 10th Pastoral Anniversary.

Over many years, Rev. Brown has served her community well as an active leader. She is an International Pastor with the Lott Carey Baptist Foreign Mission Convention, serves as the Third Vice Moderator for the Middlesex Central Baptist Association, and as a Commissioner for the Plainfield Municipal Utilities Authority in Plainfield, New Jersey. She is also a former member of the Plainfield Board of Education.

Rev. Brown often preaches the value of our communities and how important it is that we work together, as a team, to make the City of Plainfield a better place. I think her team mentality comes from the lessons she learned on the basketball floor, where she was recently inducted into Montclair State University's Athletic Hall of Fame for Women's Basketball.

Rev. Brown has been a fixture in the Plainfield community as a role model for young women and a spiritual leader for the city. She continues to work every day with tremendous enthusiasm and energy.

Rev. Brown will be celebrating her 10th Pastoral Anniversary as the pastor and founder of the Ruth Fellowship ministries. I ask my colleagues to join me in recognizing Rev. Brown's great achievement and I wish her the best.

## HOUSE OF REPRESENTATIVES—Monday, September 21, 2009

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. WELCH).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 21, 2009.

I hereby appoint the Honorable PETER WELCH to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O Lord, You are faithful to those who are faithful to You. You are even faithful to those who choose to follow their own ways rather than turn to You in prayer. You let them wander in their indecision or confusion until they seek deeper wisdom.

Keep Your people from simple reaction. Afford them time to reflect on their deepest needs and then turn to You in their darkest hour. At that moment give them the strength to fight the battle of justice with truth and overcome all obstacles.

O Lord, give us light and dispel the darkness now and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 21, 2009, at 10:05 a.m.:

That the Senate passed with an amendment, requested a conference with the House, and appointed conferees, H.R. 3288.

Appointments:  
Senate National Security Working Group  
Commission to Study the Potential Creation of a National Museum of the American Latino

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 11, 2009.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 11, 2009, at 1:13 p.m.:

Appointments:  
United States Senate Caucus on International Narcotics Control.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

### COMMUNICATION FROM RANKING MEMBER, COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOE BARTON, Ranking Member, Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, September 18, 2009.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a subpoena, issued by the U.S. District Court for the Northern District of Texas, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOE BARTON,  
*Ranking Member.*

### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR SPEAKER PELOSI: This letter is to inform you that I have sent a letter to New York Secretary of State Lorraine Cortés Vázquez notifying her that I am resigning my position as the United States Representative for the 23rd Congressional District of New York, immediately prior to my appointment as Secretary of the Army. This resignation includes any boards upon which I have served by virtue of my position as a Member of Congress.

On September 16, 2009, I was confirmed by the United States Senate to be Secretary of the Army. It has been a great privilege to serve the residents of New York in the House of Representatives for the past 16 and one-half years. I have served during some of the most trying times in our history and have worked to help build a better future for our nation and my state. I am truly honored that the President and the Senate have provided me the opportunity to help lead the United States Army forward, and I am humbled by their support.

I also want to thank all of my colleagues in the House, and in particular, New York's Congressional delegation, as I have enjoyed working with them during my time in Congress. I look forward to continuing to work with you and our colleagues in my new role as Secretary of the Army.

With best wishes, I am,  
Sincerely yours,

JOHN M. MCHUGH,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 21, 2009.  
Hon. LORRAINE CORTÉS-VÁZQUEZ,  
*New York State Secretary of State,*  
Albany, NY.

DEAR SECRETARY CORTÉS-VÁZQUEZ: On September 16, I was confirmed by the United States Senate to be the Secretary of the Army. I am hereby resigning my position as the United States Representative for the 23rd Congressional District of New York, immediately prior to my appointment as Secretary of the Army.

It has been a great privilege to serve the residents of New York in the House of Representatives for the past 16 and one-half years. I have served during some of the most

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

trying times in our history and have worked to help build a better future for our nation and state. I am truly honored that the President and the Senate have provided me the opportunity to help lead the United States Army forward, and I am humbled by their support.

I want to thank you and all the State officials for our work together during my tenure in Congress.

With best wishes, I am,

Sincerely yours,

JOHN M. McHUGH,  
Member of Congress.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from New York (Mr. McHUGH), the whole number of the House is 433.

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 4 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 22, 2009, at 12:30 p.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3529. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami Yacht Club 2007 Conch Cup Regatta, Biscayne Bay, Miami, FL [COTP MIAMI 07-215] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3530. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of the Columbia River and Tillamook Bay Oregon and Washington Coastal Bars and entrances [CGD13-07-043] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3531. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; President of the United States Visit to Mobile, AL [COTP Mobile-07-027] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3533. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire—Gun Exercise, Atlantic Ocean, Miami, Florida [COTP Miami, Florida 07-196] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3534. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-199] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port of Miami, Miami, Florida [COTP Miami 07-201] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-210] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale and Miami, Florida [COTP Miami, Florida 07-230] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Biscayne Bay, Miami, Florida [COTP Miami 07-232] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Washington Township Summerfest, Ottawa River, Toledo, OH [CGD09-07-056] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3540. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; International Freedom Festival Target Fireworks, Detroit River, Detroit, MI [CGD09-07-063] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3541. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ex-TRIPOLI transiting the San Francisco Bay [COTP San Francisco Bay 07-053] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3542. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Underwater Ordnance Recovery, Monterey Bay, California [COTP San Francisco

Bay 08-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3543. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Detroit Zone [CGD09-07-064] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3544. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hornblower Cruises Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 08-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3545. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone; Barge CASCADE, in San Francisco Bay, California [COTP San Francisco Bay 08-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3546. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rincon Park Restaurant Fireworks Display, San Francisco, CA [COTP San Francisco Bay 08-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3547. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Juan Harbor Swim, Bahia de San Juan, San Juan, PR [COTP San Juan 07-039] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3548. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, USVI [Docket No.: COPT San Juan 07-068] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3549. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Veteran's Glass City Skyway Bridge, Maumee River, Toledo, OH [CGD09-07-066] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3550. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, USVI [Docket No.: COTP San Juan 07-070] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3551. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Detroit Zone [CGD09-07-067] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Celebrate Erie, Presque Isle Bay, Erie, PA [CGD09-07-104] (RIN: 1625-AA00 (safety zone)) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Americafest water-ski show, Fox River, Green Bay, WI [CGD09-07-068] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sault Ste. Marie 100th Year Celebration Fireworks, St. Marys River, Sault Ste. Marie, MI [CGD09-07-105] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Buffalo Zone [CGD09-07-070] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cheeseburger Festival Fireworks, Lake Huron, Caseville, MI [CGD09-07-107] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Columbia River Bar and Tillamook Bay Entrance on the Oregon Coast [CGD13-08-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay City Airshow, Saginaw River, Bay City, MI [CGD09-07-111] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Nautical Mile Ventian Festival Fireworks, Lake St. Clair, St. Clair Shores, MI [CGD09-07-112] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-08-004] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Emergency Salvage Operation of Fishing Vessel HAESHIN at the Gray's Harbor and entrance on the Washington Coast [CGD13-08-007] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Tillamook Bay Entrance on the Oregon Coast [CGD13-08-010] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Umpqua River Bar and entrance [CGD13-08-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Norfolk International Terminals, Norfolk, VA [CGD05-07-500] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chris Craft Silver Cup Races, St. Clair River, Algonac, MI [CGD09-07-113] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; annual Ft. Lauderdale Air & Sea Show, Ft. Lauderdale, FL [CGD07-07-024] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Antique Boat Show, Niagara River, Grand Island, NY [CGD09-07-070-AA00] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Recovery Dive Operations, Milwaukee River, Milwaukee, WI [CGD09-07-124] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old Club Cannonage, Lake St. Clair, Harsens Island, MI [CGD09-07-125] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: The Northern waters of the South Jetty of the Chetco River closed for Emergency Army Corps of Engineers Salvage Operations due to removal of Hazards to Navigation [CGD13-07-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-07-010] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Portland Zone [CGD13-07-021] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacoma Freedom Fair Air Show, Commencement Bay, Tacoma, Washington [CGD13-07-022] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Puget Sound Zone [CGD13-07-023] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Olympia Harbor Days Tugboat Race, Budd Inlet, Olympia, Washington [CGD13-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Puget Sound Zone [CGD13-07-033] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Todd Pacific Shipyards Vessel Launch, West Duwamish Waterway, Seattle, Washington [CGD13-07-034] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Champboat Grand Prix of Savannah; Savannah, GA [Docket No.: CGD07-07-209] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Marine Mammal Protection, Neah Bay, WA [CGD13-07-035] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; Columbia River, all waters within 100 yards radius around the

Barge Mauna Loa [CGD13-07-037] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Horry County, SC [Docket No.: CGD07-07-227] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of the Oregon and Washington Coastal River Bars and Entrances [CGD13-07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-07-104] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; Columbia River, all waters within 100 yards radius around the Barge HO'OMAKA HOU [CGD13-07-041] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Miles River, Talbot County, MD [CGD05-07-105] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Weather Forced Closure of the Columbia River, Tillamook Bay, Siuslaw and Umpqua River Bars and Entrances on the Oregon and Washington Coasts [CGD13-07-042] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC [CGD05-07-106] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest Harbor, Baltimore, MD [CGD05-07-110] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayfield Fireworks, Lake Superior, Bayfield, WI [CGD09-06-079] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Security Zone; Potomac River, Dogue Creek and Little Hunting Creek, Charles County, MD and Fairfax County, VA [CGD05-07-112] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Duluth Fireworks, Lake Superior, Duluth, MN [CGD09-06-080] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Party Fireworks, Irondequoit Bay, Webster, NY [CGD09-07-022] (RIN: 1625-AA00 (safety zone)) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway, Virginia Beach, Virginia [Docket No.: CGD05-07-114] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Renzi FoodService, Alexandria Bay, NY [CGD09-07-024] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Marys River, Lake Huron, Neebish Island, Michigan [CGD09-07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Village Fireworks Display, Sodas Bay, Sodas Point, NY [CGD09-07-048] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Anacostia River, Sousa Bridge, Washington, DC [CGD05-07-115] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Water Chestnut Relay, Seneca River, Baldwinsville, NY [CGD09-07-049] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3599. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Brewerton Fireworks, Brewerton, NY [CGD09-07-053] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3600. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Potomac River, Alexandria Channel, DC [CGD05-07-117] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3601. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River, College and Spa Creeks, Annapolis, MD [Docket No.: GCD05-07-118] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3602. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels in the Captain of the Port Charleston, South Carolina Zone [COTP Sector Charleston, SC 07-112] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3603. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the Captain of the Port Sector Charleston Zone [COTP Sector Charleston 07-114] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3604. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston Harbor, USS Yorktown, Patriots Point, Charleston, South Carolina [COTP Charleston 07-131] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3605. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Moncks Corner, South Carolina, Fireworks Display [COTP Charleston 07-162] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3606. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apra Harbor, GU [COTP Guam 07-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3607. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 08-001] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3608. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old Fuller Warren Bridge Demolition, St. Johns River, Jacksonville, FL [COTP Jacksonville 07-005] (RIN: 1625-A00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3609. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Veteran's Celebration Fireworks Display — Indian River, New Smyrna Beach, FL [COTP Jacksonville 07-074] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3610. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the Captain of the Port Jacksonville Zone [COTP Jacksonville 07-082] (RIN: 1625-AA00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3611. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Moose International Meeting, Fireworks Display, Orange Park, Florida [COTP Jacksonville 07-147] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3612. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA Rocket Launch; Port Canaveral, FL [COTP Jacksonville 07-180] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3613. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA Shuttle Launch; Port Canaveral, FL [COTP Jacksonville 07-181] [COTP Jacksonville 07-181] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3614. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Labor Day Celebration Fireworks Display, Atlantic Ocean, Flagler Beach, FL [COTP Jacksonville 07-186] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3615. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tug Island Fox and Barge U-791, Nassau Terminals, Fernandina, FL [COTP Jacksonville-07-194] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3616. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patrick Air Force Base 4th of July Freedom Fest Fireworks Display, Banana River, Patrick Air Force Base, FL [COTP Jacksonville 07-217] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3617. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea and Sky Spectacular 2007 — Atlantic Ocean, Jacksonville Beach, FL [COTP Jacksonville 07-228] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3618. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; World Space Expo-Banana River, Cape Canaveral, FL [COTP Jacksonville 07-231] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3619. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Liberty Island Conductor Removal, Sacramento River, California [COTP San Francisco Bay 07-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3620. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Stockton Fourth of July Celebration, San Francisco Bay, CA [COTP San Francisco Bay 07-028] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3621. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Eureka Fourth of July Fireworks Show, Humboldt Bay, CA [COTP San Francisco Bay 07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3622. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oakland World Music and Jazz Festival Celebration, San Francisco Bay, CA [COTP San Francisco Bay 07-035] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3623. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Diablo Jet Ski Action 2007 Summer Series, San Joaquin River, CA [COTP San Francisco Bay 07-039] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Delta Thunder Powerboat Race, Pittsburg, CA [COTP San Francisco Bay 07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3625. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Pittsburg Seafood Festival Activities, Pittsburg, CA [COTP San Francisco Bay 07-044] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3626. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July Fourth Fireworks Show, City of Sausalito, Sausalito, CA [COTP San Francisco Bay 07-021] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3627. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Weather-Forced Closure of Quillayute River, Washington Coastal Bar [CGD13-08-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3628. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2007 Miami Kayak Challenge, Intracoastal Waterway Lummus Island Cut, and Biscayne Bay, Miami, FL [COTP MIAMI 07-

241] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2265. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes (Rept. 111-258). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2522. A bill to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes (Rept. 111-259). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2741. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes (Rept. 111-260). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2802. A bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; with an amendment (Rept. 111-261). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3113. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes (Rept. 111-262). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. RANGEL, Mr. MICA, Mr. CAMP, Mr. COSTELLO, and Mr. PETRI):

H.R. 3607. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Mr. NUNES, Mr. RAHALL, Mr. BACA, Ms.

BERKLEY, Mrs. BONO MACK, Mr. BOREN, Mr. COLE, Mr. HERGER, Mr. KILDEE, Mr. KLINE of Minnesota, Mr. LEWIS of California, Mr. LUJÁN, Mr. MCCARTHY of California, Ms. MCCOLLUM, Mr. PALLONE, Mr. POMEROY, Mr. RADANOVICH, and Mr. SHULER):

H.R. 3608. A bill to amend the Internal Revenue Code of 1986 to codify the exclusion from gross income of medical care provided for Indians, and for other purposes; to the Committee on Ways and Means.

By Mr. MELANCON (for himself and Mr. TANNER):

H.R. 3609. A bill to amend the Internal Revenue Code of 1986 to clarify the capital gain or loss treatment of the sale or exchange of mitigation credits earned by restoring wetlands; to the Committee on Ways and Means.

By Ms. EDWARDS of Maryland (for herself, Mr. POE of Texas, Ms. RICHARDSON, Mrs. BACHMANN, Mr. HINCHAY, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. FRANK of Massachusetts, and Mr. GRIJALVA):

H. Res. 757. A resolution supporting the goals and ideals of a National Day of Remembrance for Homicide Victims; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. ROYBAL-ALLARD, Ms. HARMAN, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, and Ms. RICHARDSON):

H. Res. 758. A resolution commending the Water Replenishment District of Southern California for a job well done on the occasion of its 50th anniversary; to the Committee on Natural Resources.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 501: Mr. HASTINGS of Florida.  
H.R. 571: Mr. CARNEY and Mr. BRALEY of Iowa.  
H.R. 644: Mr. WEXLER.  
H.R. 646: Mr. MORAN of Virginia.  
H.R. 668: Mr. HILL.  
H.R. 678: Mr. POE of Texas.  
H.R. 690: Mr. SMITH of Nebraska.  
H.R. 1076: Mr. EDWARDS of Texas.  
H.R. 1179: Mr. OBERSTAR.  
H.R. 1182: Mr. DICKS, Mr. HODES, and Ms. TITUS.  
H.R. 1207: Mr. KILDEE.  
H.R. 1547: Mr. ROTHMAN of New Jersey.  
H.R. 1619: Mr. SESTAK.  
H.R. 1670: Mr. ARCURI.  
H.R. 1721: Mr. RYAN of Ohio and Mr. SIRES.  
H.R. 1770: Mr. SESTAK.  
H.R. 1866: Mr. BLUMENAUER.  
H.R. 1928: Mr. HOLT.  
H.R. 2055: Mr. SABLAN and Mr. BAIRD.  
H.R. 2115: Mr. TANNER.  
H.R. 2149: Mr. BACHUS.  
H.R. 2160: Mr. LATHAM.  
H.R. 2262: Ms. LEE of California, Mr. OLIVER, Mrs. LOWEY, and Ms. ZOE LOFGREN of California.  
H.R. 2329: Mr. WOLF and Mr. GRAVES.  
H.R. 2504: Mr. HALL of New York and Mr. LUJÁN.  
H.R. 2568: Ms. LEE of California.  
H.R. 2583: Mr. NYE.  
H.R. 2702: Mr. MAFFEL.  
H.R. 2743: Ms. KILPATRICK of Michigan.  
H.R. 2931: Mr. LUJÁN, Mr. MASSA, and Mr. ARCURI.  
H.R. 2935: Mr. KAGEN, Mr. GRAYSON, Mr. PASTOR of Arizona, Mr. ALEXANDER, Mr.

BUTTERFIELD, Mr. SPRATT, Mr. HIGGINS, Ms. MARKEY of Colorado, Mr. CLAY, and Mr. HARPER.

H.R. 2969: Ms. LEE of California.  
H.R. 2978: Mr. VAN HOLLEN.  
H.R. 3043: Ms. CLARKE.  
H.R. 3104: Mr. BURTON of Indiana.  
H.R. 3116: Mr. COBLE, Mr. MANZULLO, and Mr. WOLF.

H.R. 3168: Mr. PRICE of North Carolina.

H.R. 3381: Mr. MCMAHON.

H.R. 3382: Mr. PLATTS.

H.R. 3402: Mr. VAN HOLLEN.

H. Con. Res. 138: Mr. GENE GREEN of Texas, Mr. MCCAUL, and Mr. CULBERSON.

H. Con. Res. 151: Mr. CARDOZA, Mr. SHULER, Mr. BARROW, Mr. WALZ, Mr. TANNER, Mr. PAYNE, Ms. MARKEY of Colorado, and Mr. KRATOVIL.

H. Res. 20: Mr. AL GREEN of Texas.

H. Res. 159: Mr. MURTHA and Mr. BOUCHER.

H. Res. 494: Mr. ELLSWORTH, Mr. GUTHRIE, Mr. NYE, Ms. PINGREE of Maine, Mr. TEAGUE, Ms. TITUS, Mr. DRIEHAUS, Mr. LOEBSACK, Mr. GRIFFITH, and Mrs. HALVORSON.

H. Res. 561: Ms. SLAUGHTER, Mr. MCHUGH, and Mr. ROTHMAN of New Jersey.

H. Res. 562: Ms. SLAUGHTER, Mr. ROTHMAN of New Jersey, and Mr. MCHUGH.

H. Res. 563: Ms. SLAUGHTER, Mr. MCHUGH, and Mr. ROTHMAN of New Jersey.

H. Res. 727: Mrs. McMORRIS RODGERS and Mr. PASTOR of Arizona.

H. Res. 729: Mrs. HALVORSON, Mrs. KIRKPATRICK of Arizona, and Ms. LORETTA SÁNCHEZ of California.

H. Res. 739: Mr. MCGOVERN, Ms. HERSETH SANDLIN, Mr. BERRY, Mr. BACA, Mr. ENGEL, and Mr. COSTA.

H. Res. 740: Ms. BORDALLO and Mr. PETERSON.

**SENATE—Monday, September 21, 2009**

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of grace, awaken the Members of this body to the opportunities of this new day. Help them to hear Your call to move forward and accomplish great things for Your glory. Lord, enable them to discover unused resources among themselves that they can mobilize dreams that have yet to be awakened, and commitments that have yet to be made. Lord, kindle a divine light on the altar of their souls that will guide them in the pursuit of Your wisdom and truth. May they confidently face their duties knowing that You are their sufficient shield and defense. Make them willing to listen even to people with whom they expect to differ, united by the desire to represent You with exemplary conduct.

We pray in Your gracious Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, if any, the Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of the Interior appropriations bill. There will be no rollcall votes today. Senators should expect a vote or votes prior to the caucuses tomorrow.

At 3 o'clock, we will, as I have announced, return to the appropriations bill dealing with the interior. At that time, the two managers of the bill, Senator FEINSTEIN and Senator ALEXANDER, will be available to listen to Senators who want to speak on the bill or offer amendments. It is my understanding that Senator BINGAMAN has some amendments he wants to offer.

Senator FEINSTEIN was unable to be here on Friday because of the Jewish holiday. She will be here at 4 p.m. today. Between 3 and 4, whenever she gets here, Senator ALEXANDER, who is managing the bill with her, will be here to accept amendments. They have total trust of one another; that is, FEINSTEIN and ALEXANDER, and her not being here should not in any way alleviate the need for anyone to come and offer an amendment. We have all night tonight to offer amendments, and we have all day tomorrow.

We have to move past this bill, and we are going to do it fairly quickly because we have to move the Defense appropriations bill and other things before the end of the month. We would hope sometime this week the work on the Finance Committee health care bill will be far enough down the road they will report something out. I don't know if they will do it this week. It is anticipated it will be this week, but things always take longer than we expect. The main thing, though, is that in the next 24 hours people should be offering amendments on this Interior bill if they have any to offer.

Would the Chair be good enough to announce morning business.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators per-

mitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

**INTERIOR APPROPRIATIONS**

Mr. BINGAMAN. Mr. President, I realize we are not on the Interior appropriations bill at this point; we are in morning business, but I wanted to speak briefly about three amendments I plan to offer, when we do go on the Interior appropriations bill, and to alert colleagues about those amendments and, hopefully, persuade them that they are meritorious.

The first amendment incorporates the key provisions of the FLAME Act, which establishes a separate appropriations account to fund Federal emergency wildfire suppression costs in an effort to initiate a more sustainable effort for funding Federal firefighting activities.

We have seen a dramatic growth in the number, the size, and the severity of wildfires in recent years. The trend and the number of acres burned by wildfires each year has tripled over the last 25 years, exceeding 8 million acres in 4 of the last 5 years.

While the agencies consistently have put out about 98 percent of the fires quickly and inexpensively, we have seen many fires that have been so extreme it takes weeks and months of effort and many millions of dollars to get those fires under control. The recent Station fire in southern California is one example. It is now nearly 4 weeks since that fire started. It has burned more than 160,000 acres. It still is not 100 percent contained. At times, there have been over 5,000 personnel assigned to the fire. Fire crews have built more than 130 miles of fire line, with the support of more than two dozen helicopters and airplanes, hundreds of fire engines, and more than 65 bulldozers. The pricetag for these efforts is more than \$85 million and still counting.

The Forest Service's costs for fighting wildfires have increased sevenfold over the last 20 years. Yet we still budget for wildfires the same way we did 20 years ago. We take the average of the previous 10 years of fire suppression costs out of the agencies' budgets, and we make that their standard appropriation for each year. Back then, wildfire management accounted for less than 20 percent of the Forest Service's budget. That was 20 years ago. Today, wildfire management accounts for 50 percent of the Forest Service's budget.

Not surprisingly, the Forest Service has exceeded that budget every year

for more than a decade—as it is mathematically guaranteed to do with the wildfire trends we have seen. As a result, the agencies have had to borrow and to steal literally billions of dollars from other programs—such as recreation and grazing and wildlife and even fuels reduction—to pay for emergency wildfire suppression.

In sum, our wildfire budgeting practices are broken, and they are steadily breaking the Forest Service and the communities and businesses and natural resources that the Forest Service is committed to serving. These troubling trends are only expected to get worse as a result of continuing climate change and population growth in and around our national forests.

The amendment I plan to offer seeks to establish a new paradigm for funding Federal wildfire suppression activities. Under the amendment, the agencies would continue to rely on their regular appropriations accounts to fund their routine wildfire suppression costs; that is, the approximately 98 percent of fires they can either swiftly put out or can manage for a resource benefit. But when they end up battling a large and extreme wildfire—such as the fire in southern California—they could access a new emergency account to cover the exorbitant costs of fighting those kinds of fires.

If funded as intended, the new emergency account would ensure Congress would not have to raid the rest of the agencies' budgets to make appropriations for wildfire suppression. It also would ensure that the agencies would no longer have to steal funds from the other programs for which Congress has proposed funding in order to pay for unbudgeted costs of fighting the massive fires that require an emergency response.

Thanks to the leadership of the administration, Senator FEINSTEIN, and the Appropriations Committee, for the first time in many years, the underlying bill would provide an appropriate amount of money for wildfire suppression. As a result, the amendment I am offering merely shifts money into a new emergency account. It does not result in any increase in spending.

The amendment will be cosponsored by a number of other Members. I appreciate their support, as well as support of many dozens of interest groups. I would also like to mention that the FLAME Act passed the House of Representatives in March by a vote of 412 to 3. So I believe this is a proposal that has broad support on both sides of the aisle and on both sides of Capitol Hill.

The second amendment I plan to offer simply provides for the funds that are already allocated to the Forest Landscape Restoration Act to be deposited in the special fund that was established to carry out that act. This amendment also will be cosponsored by a number of other Members. I would

like to extend my sincere thanks to Chairman FEINSTEIN, who coauthored the Forest Landscape Restoration Act with me, and Senator Domenici and Ranking Member ALEXANDER for including funding for this important program.

Finally, Senator MURKOWSKI and I plan to offer an amendment that would make two technical improvements to the National Forest Foundation Act. Again, I hope these amendments will be adopted. I appreciate the consideration of the two managers of the bill for these three amendments.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE

Mr. KYL. Mr. President, during the last several months Congress has been engaged in a vigorous debate about how to achieve health care reform. Despite the President's repeated claims to the contrary, we all agree, Republicans and Democrats, that some reforms are necessary.

Costs are too high for families and businesses. Too many Americans lack access to affordable options. We need to make health insurance more affordable and more portable.

There are two basic approaches before Congress: reforms that impose much more government control over health care or reforms that provide consumers with more affordable options and keep control of health care decisions with families and doctors.

I happen to believe that the latter approach is better, that we must empower patients and doctors, not bureaucrats and politicians, to make health care decisions. I think it is clear that after the August recess, a majority of Americans rejected a Washington takeover of health care, along with the mountains of new taxes and debt and bureaucracy it would create.

While I appreciate the hard work of the Finance Committee chairman in trying to write a more acceptable bill, the end result is little better than the others, that is, the government's near total control over health insurance, and therefore the delivery of your health care.

Along the way, it would also spend nearly \$1 trillion and cut Medicare benefits by nearly half a trillion. The Finance Committee chairman's bill is a tangled web of federally documented insurance regulations which would control every aspect of health insurance

from covered benefits to permissible premiums.

The bill would centralize the power of medical decisions with politicians and bureaucrats, not patients and doctors. It would result in higher health insurance premiums, less consumer choice, and ultimately the rationing of health care.

How would the government take over health care under this bill? There are two key provisions that would result in government-run health care for practically all Americans, and empower bureaucrats at the expense of patients.

The first is a requirement that every American buy an insurance policy. The second is a regulatory entity called the insurance exchange. First, let's talk about this mandate for everyone to buy an insurance policy. The chairman's plan imposes this individual mandate for all individuals to purchase a government-approved policy. To repeat, not just any insurance, but government-approved and therefore government-defined insurance.

Those who do not comply face steep fees—or fines, I should say—ranging from a \$750 to a \$3,800 per-year fine. The mandate constitutes direct interference in health care with a host of new regulations that control the insurance plans that would become available to consumers.

Michael Cannon, a health policy expert at the Cato Institute, says that the individual mandate would be the "most sweeping and dangerous measure in any of the bills before Congress."

He goes on to say: "Compulsory health insurance is nationalized health insurance, with all that implies for health costs and quality."

The second control mechanism is an insurance exchange through which all small business and individual market policies must be sold, and eventually large plans would participate as well.

The exchange's core function is to impose a new set of Federal rules that literally control everything the companies can and must do. Here are some examples. All companies must offer two government-specified benefit options—they define it as a silver and gold plan—or else the insurer cannot offer any insurance at all. So they have to offer two specifically defined insurance plans. But they can't offer more than four specific types regardless of consumer needs or preferences. It is like telling the car companies they each have to make two kinds of cars and they can't make any more than four kinds of cars. That is exactly what we are talking about, the Federal Government telling the insurance companies: This is the way you have to offer it—you have to offer at least two and you can't offer any more than four.

All of the plans must comply with new Federal rating rules. That is how limits on premiums are established.

They have to issue coverage to everyone regardless of health status and not cap total coverage regardless of cost. They have to comply with mandatory limits on copays and deductibles. They have to cover a broad range of medical benefits in addition to State-mandated benefits regardless of whether consumers want them.

All of this is subject to change from Washington depending on what politicians or bureaucrats believe you need. Remember, it will be illegal for you not to buy this insurance. You will notice that all of these things are required, and it is Washington that is doing the requiring.

Under this plan, insurers would no longer retain the flexibility to design insurance products that would satisfy specific consumer preferences. The Federal Government would dictate that all policies must offer the same package of benefits, the same types of plans.

Rather than having the freedom to compete, insurers would in essence become prepaid health payment utilities since the Federal Government would, as the Wall Street Journal editorialized last Thursday, essentially be writing all insurance contracts. Since every aspect of insurance coverage would be controlled by Washington and everyone would have to buy the insurance, the government would control how your health care is paid for and therefore how it is delivered.

A final point about this insurance exchange. Since it will change the kind of insurance that can be sold, if you lose your current insurance, regardless of whether you bought the policy yourself or you got it through an employer, you will likely not be able to find that similar policy in the future. They will all be different. Insurers will have to comply with the new Federal rules, and that will change the coverage. This is one of the reasons the President was wrong when he repeatedly said: If you like your insurance, you get to keep it. That insurance simply is not going to be around anymore once the companies have to comply with the requirements of the exchange. There will be all new insurance policies written at that point.

The proponents of this radical change justify it on the assertion that it will bend the cost curve. In other words, it will reduce costs. But the problem is that massive new regulations will actually increase costs. The Council for Affordable Health Insurance found that mandating universal coverage and regulations in the bill, such as guaranteed issue and modified community rating, will increase the cost of health insurance between 75 and 95 percent.

In addition, note that the chairman's plan does not grandfather insurance plans currently offered by small businesses, so they would have to comply with these new Federal rating rules

over a 5-year period, so that in short order premiums would rise for many small businesses and their employees as well. Of course, the newly established mandated benefits would also add to the increased cost.

Suppose, for example, a healthy individual or family prefers to have a less comprehensive package with a higher deductible. Say a young family of four with two children and two 35-year-old parents wants to buy a CIGNA PPO plan from the individual market with a \$2,000 deductible. In my hometown of Phoenix, that plan currently costs \$512 a month. If the reforms included in the chairman's plan were implemented, the price of that plan would nearly double to \$998 per month.

The experts who said the cost of health insurance premiums would rise between 75 and 95 percent are right on the mark with regard to this real-life example I gave with a real-life insurance policy for a family of four in Phoenix. Instead of purchasing health care coverage that is personalized to their needs and budget, this family would be forced to purchase coverage they may not want for routine care that can be paid out of pocket or coverage for diseases and conditions that tend not to afflict their age group. Since insurers would not be allowed to charge according to risk, a low-risk family such as this one would have to pay more to make up for coverage needed by high-risk individuals.

Of course, I am not suggesting we turn a blind eye to the needs of Americans, for example, suffering from pre-existing health conditions. They struggle to purchase affordable health insurance. We have to address that issue. But that does not require a total Washington takeover of all insurance policies, and it doesn't require raising insurance premiums for millions of other Americans and small businesses.

In my view, despite all of these other problems I have discussed, the most damaging impact of this takeover by the Federal Government is the inevitable rationing, the delay and denial of health care to American citizens. Since new Federal mandates and requirements would raise health care costs, politicians will have to search for ways to control spiraling premiums. When traditional cost-containment measures fail, such as reducing provider reimbursements or reducing how much doctors get paid, the government's only option is to control how much health care everyone receives. That means rationing.

For a preview of how this plan would lead to rationing, we need only look to the State of Massachusetts where a law was passed in 2006 requiring all residents to obtain health insurance. In fact, the State insurance market now looks like the market that would be created by the chairman's bill, with its guaranteed issue and modified commu-

nity rating, State-approved plan types and benefit mandates.

Massachusetts health care spending is consuming an increasing share of the State's budget. The State passed a \$1-per-pack increase in the State's cigarette tax, \$89 million in fees and assessments on health care providers and insurers, and cost-sharing increases. It has even ordered insurers to cut provider reimbursements by 3 to 5 percent. But these measures still do not produce enough revenue to cover costs, leaving the State with few options. As a result, a special commission was created by the State legislature which developed a list of options to control costs, such as "exclud[ing] coverage of services of low priority/value" and "limit[ing] coverage to services that produce the highest value when considering both the clinical effectiveness and cost"—in other words, rationing. You ration health care when you say: We will figure in here how much it costs, how much we have available, and therefore how much we can afford to provide. People who have to have that care are therefore going to be the ones who suffer.

This is exactly what happens under the chairman's proposal as well. It would establish a panel of health care stakeholders to identify physician services that are overvalued in the Medicare physician fee schedule and create a Medicare commission that would propose automatic Medicare cuts, even if Congress fails to adopt them. Our constituents rely upon us to protect the benefits we have promised them, but what we are going to do in this legislation is establish a commission which would provide for automatic Medicare cuts. If Congress doesn't act affirmatively to somehow stop that from going into effect, it goes into effect. That is abdicating our responsibility to act as their representatives and, worse, putting somebody else in charge of deciding what is best for our Medicare constituents.

So when costs grow out of control, the government will adjust the volume of care provided based on how much it is willing to spend; that is to say, to ration your health care.

The fact that the Baucus bill does not include the so-called public option, the government-run insurance company, does not mean it does not otherwise totally regulate health care delivery. Together, an individual mandate to buy particular insurance and the regulatory insurance exchange, the two key provisions in the plan, facilitate the government's takeover of health care—some of it government run, all of it government controlled. No longer would families and doctors have the final say. It is almost unthinkable that this could happen in the United States.

Republicans have proposed ideas that would improve access and lower the cost of care, including real medical liability reform, allowing people to buy

lower cost insurance across State lines, making the tax treatment of health care more fair for those who purchase insurance on their own, and removing barriers to health savings accounts.

These are better alternatives than the entire takeover of the system as proposed in the chairman's bill. We all favor health care reform. Republicans favor measures that lower costs and improve access and, importantly, empower patients, not government bureaucrats.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, we are back on the fiscal year 2010 Interior appropriations bill, which we started on Thursday of last week. Chairman FEINSTEIN will be joining us shortly, but she asked me to say there is no reason why Members cannot come to the floor now and offer their amendments for the purposes of debate.

We have a busy schedule ahead of us and want to try to complete action on this bill and the remaining appropriations bills for fiscal year 2010, so I ask my colleagues to please come and offer your amendments and work with our respective staffs so we can get as much done today as possible.

Mr. President, I see no other Senator on the floor, so I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. But what I plan to do is, if a Senator comes with an amendment for the appropriations bill,

I will yield to that Senator, and then after that I will resume my remarks if I am not finished.

#### NUCLEAR POWER

Mr. President, if health care were not our first concern today, energy and climate change would be. It is lurking in the shadows, having had a lot of work done in the House, and it is about to come before the Senate. So as to the remarks I wish to make today, if I had to put a title on them, I would choose this: What the United States should really fear about nuclear power.

Communications experts say fear is the best way to get attention when you are trying to win an argument. Groups who oppose nuclear power have certainly mastered that technique by playing to economic, environmental, and safety fears.

So I wish to introduce a little element of fear into my argument here. I want to suggest what could happen if we do not adopt nuclear power as a more important part of our energy future, if Russia and China and India and a lot of other countries go with nuclear—as they are now—while we get left behind. Are we going to be able to compete with countries that have cheap, clean, reliable nuclear power while we are stuck with a bunch of windmills and solar farms, producing expensive, unreliable energy or, more likely, not much energy at all? The whole prospect of the United States ignoring this problem-solving technology that we invented is what I fear most about nuclear power.

Let me give you an idea of what I am talking about. A few years ago, in January 2006, the Chinese sent a delegation of nuclear scientists and administrators to the United States on a fact-finding mission. They toured the Idaho National Laboratory, the Argonne National Laboratory, and they visited GE and Westinghouse, trying to decide which technology to choose for their nuclear program.

Now you might wonder why anyone would be seeking our advice about nuclear power when we haven't issued a construction permit to build a new reactor in the past 30 years. But as Kathryn McCarthy, deputy director of the Idaho National Laboratory, said at the time:

The world still looks to us for leadership in this technology. They'd prefer to copy what we've already done. They don't like being on the cutting edge.

Well, that may have been true in 2006, but it's not anymore. The Chinese eventually chose Westinghouse technology for their first reactors. At the time, Westinghouse was an American company. In 2007, Toshiba bought Westinghouse, so now it is a Japanese-based company. Then when the Chinese got their Westinghouse reactor, they insisted on having all the specifications so they could see how it was put together. That is what we call "reverse

engineering." As you might guess, China's next wave of reactors is going to be built with Chinese technology.

By 2008, the Chinese had shovels in the ground. The first four Westinghouse reactors are scheduled for completion by 2011. They also bought a pair of Russian reactors, which should be finished around the same time. They started talking about building 60 reactors over the next 20 years and just recently raised it to 132. They're in the nuclear business.

What have we accomplished in the meantime? Well, people in the United States have been talking about a "nuclear renaissance" in this country since the turn of the century. In 2007, NRG, a New Jersey company, filed the first application to build a new reactor in 30 years. They're still at the beginning of what promises to be at least a 5-year licensing process before the Nuclear Regulatory Commission. No one really knows how long this will take, since as soon as the licenses are issued, opponents will file lawsuits and the whole thing will move to the courts. If they are lucky, they might have a reactor up and running by 2020. Other companies have followed suit, and there are now 34 proposals before the Nuclear Regulatory Commission, but nobody in the United States has yet broken ground. So it is not likely the Chinese will be coming to us any time soon for more tips on how to build reactors. In fact, we will probably be going to them.

That is one aspect of what is going on in the world today. Here is another. As countries began constructing new reactors, it quickly became clear that the bottleneck would be in forging the steel reactor vessels. These are the huge, three-story-high, forged steel units that hold the fuel assembly—the reactor core. That means forging steel parts that may weigh as much as 500 tons.

In 2007, the only place you could order a reactor vessel was at the Japan Steel Works, and they were backed up for 4 years. Everyone started saying: This is going to be what holds up the world's nuclear renaissance. They will never be able to produce enough of those pressure vessels.

So what happened? Well, first, Japan Steel Works invested \$800 million to triple its capacity. They are going to be turning out 12 pressure vessels a year by 2012. Then the Chinese decided to build their own forge. In less than 2 years, they put up a furnace that can handle 320-ton parts. They turned out their first components in June. Now they are building two more forges. So, you see, the Chinese will not be standing in line in Japan any time soon. The Russians are doing the same thing. They are in the midst of a big revival, planning to double the production of electricity from nuclear power by 2020. They are also building a forge and just

cast their first 600-ton ingot in June. France, Britain, South Korea, and India are all following suit. Very soon, every major nuclear country in the world is going to be able to forge its own reactor vessels, except one—and that is us, the United States.

No steel company in America is capable of forging ingots of more than 270 tons. We are still stuck in the 1960s. That means when it comes to building reactors, we will have to stand in line in Japan or somewhere else. In fact, just about everything in our first new reactors is going to be imported. The nuclear industry tells us that at least 70 percent of the materials and equipment that go into these first few reactors will come from abroad. That is because we have let our nuclear supply industry wither on the vine. In 1990, there were 150 domestic suppliers making parts for nuclear reactors. Today, there are only 40, and most of them do their business overseas. Of the 34 proposals before our Nuclear Regulatory Commission, 20 are designed by Westinghouse, now a Japanese company, and nine are from AREVA, the French giant. General Electric, the only American company left on the field, has partnered with Hitachi. They together sold five reactors to American utilities but fared poorly in the competition for Federal loan guarantees. Two utilities have now canceled those projects, and there are rumors that GE may quit the field entirely. They do not seem very enthusiastic anymore about nuclear anyway. Have you seen those GE ads for windmills? They are all over the place. Have you seen their ad for the smart grid, where a little girl says: "The sun is still shining in Arizona"? That was pretty good too. Now have you seen any GE ads, in this day of concern about climate change, that say that 70 percent of our carbon-free electricity comes from nuclear power? I certainly haven't.

Babcock & Wilcox is the one American company that stirred some interest recently when it announced plans for a new "mini reactor." This is a 125-megawatt unit that can be manufactured at the factory and shipped by rail to the site, where several units can be fit together like Lego blocks. This left the impression that America might be innovating again, forging back into the lead. But the complete prototype for the Babcock & Wilcox reactor is still 2 years away, and then it may take another 5 years to get the Nuclear Regulatory Commission's design approval. Meanwhile, the Russians are already building a mini reactor that will be floated into a Siberian village on a barge to produce power. The Russians have already got orders for mini reactors from 12 countries. So in spite of Babcock & Wilcox's fine effort—and I am certainly proud of them—the Russians are considerably ahead of us.

Let's take stock. There are 40 reactors now under construction in 11 coun-

tries around the world—not one of them in the United States of America. In fact, only two are in Western Europe: one in Finland and the other in France, both built by AREVA. All the rest are in Asia. Although we have not gotten used to it, Asia may soon be leading the world in nuclear technology.

Japan has 55 reactors and gets 35 percent of its electricity from nuclear energy, almost double the 19 percent we get here in the United States. The Japanese have two reactors under construction and plans for 10 more by 2018. The Japanese are finding they can build a reactor, start to finish, in less than 4 years. That is less time than it takes to get one American reactor through licensing at the Nuclear Regulatory Commission.

South Korea gets nearly 40 percent of its electricity from nuclear—that is twice as much as we do—and is planning another 8 reactors by 2015. So far, they have bought their reactors from the Japanese, but now they have their own Korean next-generation reactor—a 1,400-megawatt giant evolved from an American design. They plan to bring two of these on line by 2016. Taiwan also gets 18 percent of its electricity from nuclear and is building two new reactors.

In September, Bloomberg News reported that Japan Steel Works' stock had risen 8 percent on the Tokyo Stock Exchange because of China's decision to double future construction from 60 to 132 new reactors. They figure they will get some of the action at Japan Steel Works. Much of China's \$586 billion stimulus package is going toward developing nuclear power. "While China had been focusing on building new coal plants," said Bloomberg, "it has now shifted its focus to nuclear because of the environmental issue," said Ikuo Sato, president of Japan Steel Works, in Bloomberg.

Meanwhile, India is embracing thorium, a technology a lot of people think may eventually replace uranium as nuclear fuel. Thorium is twice as abundant as uranium and doesn't produce the plutonium everybody worries will be used to make a bomb. There is a lot of enthusiasm for thorium among scientists in our country. But it is India that is going ahead, with 6 reactors under construction and 10 more planned. They began with a Russian design, but they are also trying some American technology they acquired in signing their 2005 agreement with the Bush administration.

What about Chernobyl. Well, just like everybody else, Russia stopped all construction on new nuclear reactors after that horrible accident. But they learned their lesson and started constructing much safer reactors in the 1990s, completing the first in 2001. Now they have plans to expand along the lines of France, building two reactors every year from now through 2030.

They have a very good reason. Russia has huge natural gas supplies, but it is wasting them by using one-third of it to produce electricity. They could get six times the price by selling natural gas to Western Europe. So they are replacing gas generation with nuclear—which is exactly the opposite of what we are doing here. Since 1990, every major power plant built in this country burns natural gas. We now get 20 percent of our electricity from natural gas—more than nuclear's 19 percent, and the natural gas percent is still going up.

And be aware, all these countries that are developing nuclear just aren't building them for themselves. They are selling to the rest of the world as well. AREVA is building reactors in Finland, China, Italy, Brazil, and Abu Dhabi. The Russians have signed deals with China, Iran, India, Nigeria, and Venezuela. They are even selling to us. In July, Tenex, Russia's uranium corporation, signed a long-term contract to supply fuel to Constellation Energy, which has reactors in Maryland and upstate New York. It was the sixth contract Tenex signed with an American utility in the past 2 months.

How did the Russians end up supplying us with uranium? It is a long, interesting story and the most important players stood and worked on this Senate floor. In 1996, Senator Sam Nunn, Senator Pete Domenici, and Senator RICHARD LUGAR pioneered a remarkable deal with the post-Soviet Government, in which we would buy highly enriched uranium from old Soviet bomb stocks. The uranium would be sent to France, where it would be "blended down" from 90 percent fissionable material to 3 percent to be used in American reactors. For the last two decades, old Soviet stockpiles have supplied half our nuclear fuel. One out of every ten light bulbs in America is now powered by a former Soviet weapon—one of the greatest swords-into-plowshares efforts in history, although few people seem to know about it. Now the Russians have learned to do de-enrichment themselves. They have decided they don't need France. They say: Hey, we don't have to import this stuff anymore; we will produce it here. Of course, producing things is one way countries get rich and its citizens improve their standard of living.

Once upon a time we were pioneers in nuclear technology. Forty years ago, we were the only people in the world who knew how to deal with the atom. That is not true anymore. We have shied away from the technology while everyone else has forged ahead. Even Europe is coming back. The British have announced they are going nuclear. They have hired the French national electric company to help. Italy closed all its nuclear reactors right after Chernobyl but ended up importing 80 percent of their electricity at a

huge cost. Now they have announced they are going back to nuclear as well. France already gets 80 percent of its power from nuclear and has the cheapest electricity in Europe, not to mention the second lowest carbon emissions, behind Sweden, which is half nuclear. France also sells \$80 billion worth of electricity to the rest of Europe each year. Notice how well France did in the last turnaround—it barely went into recession at all. That is not because the French spend less on government or work harder than us or take fewer vacations. It is because nuclear power is helping to keep their whole economy afloat.

So does that mean we have fallen completely behind? Not at all. In fact, there is a great irony to all this. We still know how to run reactors better than anyone else in the world. Our fleet of 104 plants is up and running 90 percent of the time. No one else even comes close. France, for all its experience, is still at 80 percent. Other countries are even lower. We still understand the technology better than anyone else in the world. But because we have placed so many obstacles in our path, we aren't allowed to build reactors anymore. And that is what scares me. We are gradually losing our economic place in the world.

Now a lot of people say: Well, what is the difference? So what if we fall behind on nuclear technology. We will forge ahead with something else. Well, there are several reasons to be concerned:

First, there is energy security. America already spends \$300 billion a year importing two-thirds of our oil from other countries. If we remain on the current path of no new nuclear power or start depending on other countries to build our reactors and supply us with fuel, we are going to be even more vulnerable than we are today. The best way to reduce imported oil, aside from ramping up domestic production, will be to use electricity to power cars and trucks. At first, we can plug our electric vehicles in at night when there is much unused electricity. After that, we should be using nuclear. We can't have Americans going to bed every night hoping the wind will blow so they can start their cars in the morning.

Second, there is the matter of technological leadership. Americans produce, year in and year out, 25 percent of all the wealth in the world. Most of that wealth has been driven by new technologies. We were the birthplace of the telephone, the electric light, the automobile, the assembly line, radio, television, and the computer. But nuclear energy—perhaps the greatest scientific advance of the 20th century—is passing us by. The 21st century is going to run on clean, cheap, greenhouse-gas-free nuclear power. And, how can we criticize India and China for not reducing their carbon emissions when we

refuse to adopt the best technology ourselves?

Then there is weapons proliferation. In the 1970s, we gave up on nuclear reprocessing in the hope that by not dealing with plutonium, we would prevent nuclear weapons from spreading around the world. That has turned out to be an unwise decision. France, Britain, Russia, Canada, and Japan went right on reprocessing and no one has stolen plutonium from them. Instead, rogue countries, such as North Korea and Pakistan, have found their own ways to develop nuclear weapons. The technology of bomb making is no big secret anymore. The real problem is that by reneging on world leadership, we have left the field to others. For instance, right now the Russians are building a commercial reactor for Hugo Chavez in Venezuela. He is not exactly friendly toward the United States. To make things more interesting, Manhattan District Attorney Morgenthau recently wrote in the *Wall Street Journal* that his office has recently uncovered evidence that Iran may be providing Venezuela with missile technology.

But what worries me are these two issues: First, if we do decide to move toward a nuclear-based economy and we have to import 70 percent of the technology and equipment, how are we any better off than when we were importing two-thirds of our oil? We will just be creating jobs for steelworkers in Japan and China instead of the United States. Second, if we don't move toward a nuclear-powered economy but try to do everything with conservation and wind and solar, we are going to be sending American jobs overseas looking for cheap energy.

So to ensure we have enough cheap, clean, reliable, no-carbon electricity in this country to create good, high-quality, high-tech jobs, here is what I believe we have to do. The United States should double its production of nuclear power by building 100 nuclear reactors in 20 years. Nuclear today provides 70 percent of our carbon-free electricity. Wind and solar provide 4 percent. Nuclear plants operate 90 percent of the time. Wind and solar operate about one-third of the time.

The Obama administration's Nobel Prize-winning Energy Secretary, Steven Chu, says nuclear plants are safe and that used nuclear fuel can be safely stored onsite for 40 to 60 years while we figure out the best way to recycle it. Producing 20 percent of electricity from wind, as the Obama administration proposes, will require building 186,000, 50-story turbines—enough to cover an area the size of West Virginia—plus 19,000 miles of new transmission lines to carry electricity from remote to populated areas. One hundred new nuclear plants could be built mostly on existing sites.

To produce 3 percent to 6 percent of our electricity, the taxpayers will be

subsidizing wind to the tune of \$29 billion over the next 10 years. The 104 nuclear reactors we have today were built basically without taxpayer subsidies. It will cost roughly the same to build 100 new nuclear plants, which will last 60 to 80 years, as it would to build 186,000 wind turbines, lasting 20 to 25 years. And this doesn't count the cost of transmission lines for wind. Finally, there will be twice as many green jobs created building 100 nuclear reactors as there would be created building 186,000 wind turbines.

An America stumbling along on expensive, unreliable renewable energy, trying to import most of our energy from overseas, is going to be an America with fewer jobs and a lower standard of living.

Nuclear opponents continue to prey on fear of nuclear power. The truth is, if we want safe, cost-effective, reliable, no-carbon electricity, we can no longer ignore the wisdom of the rest of the world. The real fear is that we Americans are going to wake up on one cloudy, windless day, when the light switch doesn't work, and discover we have forfeited our capacity to lead the world in creating jobs because we ignored nuclear power, a problem-solving technology we ourselves invented.

Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I want to repeat for our colleagues and their staffs that the Interior appropriations bill, one of the most interesting pieces of legislation before the Congress, is before the Senate right now. We know some of our colleagues have amendments to offer. We have already received some of them.

If any Senator would like to come to the floor to speak on those amendments this afternoon, there is time for him or her to do that. If they have not offered their amendments, I encourage them to do that because we would like to move the bill along.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. LANDRIEU.) Without objection, it is so ordered.

AMENDMENT NO. 2460

Mrs. FEINSTEIN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. LEVIN, Mr. SCHUMER, Mr. ALEXANDER, Mr. COCHRAN, and Mr. BENNETT, proposes an amendment numbered 2460:

The amendment is as follows:

AMENDMENT NO. 2460

On page 219, line 5, before “and including” insert the following: “of which \$250,000 shall be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended;”.

Mrs. FEINSTEIN. Madam President, this amendment is cosponsored by the ranking member of this committee, Senator ALEXANDER, Senators BENNETT, COCHRAN, LEVIN, and SCHUMER. Representative CAROLYN MCCARTHY has been the leader in the House. I thank her for her leadership in enacting the Civil Rights History Project Act into law.

This is an amendment that would direct \$250,000 in salaries and expenses at the Smithsonian Institution to be used for the Civil Rights History Project. This is a project that was authorized by law in May of this year. It will give us a permanent historical record of the firsthand stories of the individuals who risked and sacrificed in the civil rights movement. The project is modeled after the Veterans History Project and will be housed in the Smithsonian's National Museum of African American History and the Library of Congress. So for generations to come, historians, students, and the public will be able to listen to civil rights pioneers tell their stories and describe a time that is quickly receding into history. If you think about it, this could be a very exciting teaching tool for future generations.

I am very pleased to support this amendment, along with the ranking member of this committee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from California for thinking of this. The late Alex Haley, the author of “Roots,” used to say: When an older person dies, it is like a library burning down. And many who participated in it or many who even saw the major events of the civil rights movement are growing older and their stories need to be told. So this is an important amendment with bipartisan support. I am glad the Senator from California so thoughtfully offered it.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. I thank the ranking member. I agree with him strongly. I believe it is important to hear the voices of the actual people so the students 20, 50, 75 years from now can really listen to what happened from the

mouths of the people who were actually there and participated.

You should, once again, know this has been authorized, and it is simply coming right out of salaries and expenses of the Smithsonian.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, are we in a quorum call?

The ACTING PRESIDENT pro tempore. We are not.

MCCHRYSTAL COUNTERINSURGENCY PLAN

Mr. MCCONNELL. Mr. President, eight years ago America was attacked at home by an enemy that we had underestimated for too long. As a result of this single planned attack, thousands of innocent people were killed, the Twin Towers were left in ruins, and our long-held confidence as a Nation in the security of our homeland was seriously shaken.

The horror of that day brought our country together, including lawmakers of every ideological stripe. And it was in this context of unity that we resolved to do everything in our power to ensure that America never experienced a day like September 11 again.

At the heart of that resolve was a recognition that al-Qaida and affiliated terrorist groups had been at war with the United States long before September 11, 2001. September 11 may have been the day that we saw the terrible consequences of inaction, but the pattern of smaller-scale attacks leading up to that day was also suddenly, undeniably clear. On 9/11, we saw that this was a war not of choice but a war of necessity that would take time and require great sacrifice, and that war continues.

From the very start, the centerpiece of our strategy has been the same: to deny al-Qaida and its affiliates sanctuary, and, crucially, to deny them a staging ground from which they can plan, prepare, or launch another attack on U.S. soil. We have carried out this strategy using the vast tools of intelligence, diplomacy, and force at our disposal, and our future success depends on our continued use of all these tools.

We have also recognized from the first moments of this fight that we can't succeed alone. America is not al-Qaida's only target, and we are not capable of defeating al-Qaida without the cooperation of many allies and friends, many of whom have experienced terrorism firsthand. The fight against al-Qaida is a global fight, and its success will continue to depend on a division of labor among many nations.

Nowhere is our reliance on partners and allies more apparent at the moment than in Afghanistan and Pakistan. Just as progress in Iraq depended on the training of an indigenous security force, so too does our progress in Afghanistan depend on the training of

security forces there; and so too does our success in Pakistan depend upon the ability of the Pakistani Army to fight terrorists in the tribal areas.

Still, while Afghanistan and Pakistan may now be at the center of the fight, it's important to realize that our success will mean continued reliance on the cooperation of other friends and allies across the globe, from our own borders to other distant places where our forces can not go or where our presence is of limited use.

This is why I and others have pointed out that our success in preventing inmates from Guantanamo from returning to the fight depends on cooperation from political leaders in places like Yemen and Saudi Arabia. And this is why many of us have pointed out that al-Qaida's presence is growing in Yemen and threatens Saudi Arabia, where al-Qaida claimed credit just last month for the first terrorist attack on a member of the Saudi royal family in recent memory.

Many countries are engaged in the same fight that we are. As the war on terror continues, these countries need to be assured of our cooperation just as much as we need to be assured of theirs.

So far on Afghanistan, the President has shown admirable consistency. He has not lost sight of the need to pressure al-Qaida's senior leadership; he has stated, rightly, in my view, that the core goal of the war there is the disruption, dismantling, and defeat of al-Qaida and the prevention of safe havens for terrorists. And he was wise earlier this year to appoint General Stanley McChrystal to command our forces in Afghanistan in pursuit of these goals.

By now, General McChrystal has had time to develop an initial assessment of the situation. That assessment, elements of which are now public, calls for a genuine counterinsurgency. Soon, he will make a formal request for the resources he needs to carry this strategy out. We don't know all the details yet, but we do know that much more hard work lies ahead. And we also know that, according to General McChrystal, “failure to provide adequate resources . . . risks a longer conflict, greater casualties, higher overall costs, and ultimately, a critical loss of political support . . . [and that] any of these risks, in turn, are likely to result in mission failure.”

Looking back, we can see that the work of fighting terrorism at home and abroad has been difficult, it has been long, and it has tested our resolve. But here is the good news: It has been a success. By searching out terrorists where they are, keeping up the pressure, and remaining flexible, our Armed Forces, intelligence professionals, and the help of our allies and friends has achieved something few people thought possible on September

11, 2001. America has not been attacked at home since.

But this much is also clear: al-Qaida remains intent on attacking the United States. Its terror network is lethal, resilient, determined, and mobile, and the day we lose sight of this is the day that our good fortune in preventing another attack may run out.

The President, to his credit, has not lost sight of this sobering reality. But any failure to act decisively in response to General McChrystal's request could serve to undermine the other good decisions the President has made.

General McChrystal has made clear that more forces are necessary. But even that won't be enough. Even with the best strategy and the finest implementation, our efforts in Afghanistan will not succeed without the support of the American people. This is why, in my view, the President must soon explain to the American people his reasons either for accepting the McChrystal Plan or, if he chooses an alternative, explain why he believes the alternative is better.

As the President has noted, any commitment of additional forces is a decision of the gravest importance. No President takes a decision like this lightly. And this is why General McChrystal and General Petraeus should also come to Washington to explain to Congress and to the American people how their strategy will work.

Despite our best efforts to defeat al-Qaida and deny them sanctuary in Afghanistan and Pakistan, they remain a serious threat. The Taliban is gaining ground. But if our recent experience with Iraq shows us anything, it is that our commanders in the field are in the best position to tell us what will work. General McCrystal says that without adequate resources, we will fail. In my view, we should listen to that advice.

Leading up to and during the surge in Iraq, many voices in Washington had given up hope of success. One prominent Senator said that a surge of American forces would do nothing. One of the Nation's top newspapers said that staying the course in Iraq would only make the situation more bloody and frightening, and that there was nothing ahead for Iraq but even greater disaster.

But we know what happened. By listening to our commanders in the field, the tide in Iraq began to turn. We salvaged our chances. And nearly 3 years later, a country and a war that many had given up for lost is showing strong signs of stability.

At the time, America was fortunate that in its moment of need, GEN David Petraeus came forward with a plan to secure Iraq and implemented it with the help of brave soldiers and marines in Baghdad and Anbar Province. General McChrystal has now sent his recommendation for a counterinsurgency strategy to protect the population and

defeat the Taliban in Afghanistan. Congress should support it.

The war ahead in Afghanistan would not be easy. Counterinsurgency is very demanding in terms of people, resources and vigilance. But the consequences of withdrawal, or even of a plan that is more narrowly focused on developing Afghan security forces, would likely be worse, since neither plan will lead to the defeat of al-Qaida or reverse the gains that the Taliban has made in Afghanistan and Pakistan.

By ceding Afghanistan to the Taliban and al-Qaida, we would all but ensure that the terrorists have the ability to plan and carry out another attack from the very same place that they plotted and carried out the attacks of 9/11; al-Qaida in Pakistan would serve as a magnet to every young man wishing to enter the jihad; and our ability to stop either of these frightening developments would be severely diminished.

The President has said he will not allow these things to happen: For the sake of our long-term security, we should support the McChrystal Plan. Anything less would confirm al-Qaida's view that America lacks the strength and the resolve to endure a long war. We have proved them wrong before. Let's prove them wrong again.

I yield the floor.

THE PRESIDING OFFICER (Mr. FRANKEN). The Senator from Delaware.

AMENDMENT NO. 2456

Mr. CARPER. I ask unanimous consent that the pending amendment be set aside in order to call up amendment No. 2456.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER], for himself, Mr. MERKLEY, and Ms. KLOBUCHAR, proposes an amendment numbered 2456.

The amendment is as follows:

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions)

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL  
PROTECTION AGENCY  
BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, shall carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" for operations and administration, the Administrator shall use up to \$2,000,000 to carry out this section.

Mr. CARPER. Mr. President, I would like to take the next several minutes to speak about an amendment that Senators MERKLEY and KLOBUCHAR and I have to the Interior and Environment appropriations bill. With this amendment, we are asking the Environmental Protection Agency to conduct a comprehensive study on something called black carbon emissions. This is very similar to a bipartisan bill I worked on with Senators INHOFE, BOXER, and KERRY that actually passed the Senate EPW Committee. Taking steps to reduce black carbon emissions is a win/win situation. We can lessen the threat of global warming, and at the same time we can improve global public health.

Black carbon emissions, sometimes called soot, are the dark particles emitted when fossil fuels, biomass, and biofuels are burned. In the United States we see mainly black carbon from old, dirty diesel engines. Internationally, black carbon comes from old cook stoves, inefficient industrial processes, and also dirty diesel engines. Black carbon contributes to serious global respiratory and cardiovascular health problems and even to death. Scientists also believe black carbon emissions contribute to global warming. In fact, it is estimated to be the second largest contributor to global warming after carbon dioxide. However, there is still a lot we don't know about black carbon.

Our amendment asks EPA to do several things: One, to identify global black carbon sources and cost-effective reduction technologies; two, to identify the public health, economic, and climate impacts of black carbon; three, to identify opportunities for current and possible international funding for mitigation; and four, to identify opportunities for future research and development.

We ask the EPA to use funds already allocated to them from their operations budget to fund this study.

Here in the United States we have made great progress in reducing black carbon by regulating the new diesel engines and through a voluntary national diesel retrofit program. We still have over 11 million old diesel engines without proper emission control technology. There is good news and bad

news about diesel engines. One is they last a long time. That is the good news. The bad news is they last a long time.

Black carbon remains a problem worldwide. This amendment will enable us to build on the progress we have already made and to use our resources wisely to reduce black carbon emissions at home and abroad.

I thank the managers of the bill for their interest in working with us on this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Senator WARNER of Virginia be added as a cosponsor on the civil rights oral history project amendment, amendment No. 2460, which is before this body.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I believe the ranking member will concur with this. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2460, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I send to the desk a modification of the amendment on the Smithsonian Civil Rights History Project, amendment No. 2460. What this amendment does is simply on line 2 change the word "shall" to "may."

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To support the participation of the Smithsonian Institution in activities under the Civil Rights History Project Act of 2009)

On page 219, line 5, before "and including" insert the following: "of which \$250,000 may be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended;"

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that at 12 noon Tuesday, September 22, the Senate proceed to vote in relation to amendment No. 2460, as modified, with no amend-

ment in order to the amendment prior to the vote, with the time until 12 noon equally divided and controlled between Senators FEINSTEIN and ALEXANDER or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, Jones Academy was founded over 100 years ago, in 1891, on the site of an earlier school operated by the Choctaw Nation. Its sister institution was the Wheelock Academy for Girls, founded earlier than Jones and providing an academic curriculum for girls. Both programs were federally funded through the Office of Indian Affairs—later renamed the Bureau of Indian Affairs—with many private and tribal donations.

Until 1950, the situation worked. While the Bureau of Indian Affairs technically ran the school, the relative isolation of the school and the constant presence of a large Indian Tribe meant that the children at Jones Academy received an education adequate for their academic and personal needs. In 1952, the Federal Government instituted the termination policy. In 1953, the BIA approached the Public School District of Hartshorne, OK. They offered to close the academic programs for Jones Academy and totally close Wheelock Academy. The children were to be bused to Hartshorne School District, in exchange for local public education of these children. The school district agreed, provided they continued to receive Johnson-O'Malley payments as well as impact aid payments for Indian students. Over tribal objections, this arrangement was instituted and Jones Academy became a dormitory-only program. It has remained such for 45 years.

An agreement between the Choctaw Nation and the Hartshorne School District was reached in 2003 to allow children in the lowest grades, 1–6, to attend classes on campus, at Jones Academy, thus receiving better support and avoiding lengthy busing. As part of this agreement, and to assist the children through better programs, the Choctaw Nation has constructed and equipped state-of-the-art facilities, and it did so without any Federal assistance. In recent years, the programs at Jones Academy School site have won numerous awards for being one of Oklahoma's highest achieving schools.

However, the Choctaw Nation is not able to implement control over the Jones Academy program or exercise self determination as other tribes do. They wish to do so, as a normal extension of Jones' recent success and the Choctaw Nation's desire to improve continuously. This can only be done if the tribe is allowed to actually operate Jones Academy academic program under its own policies and programs, reflecting its push for excellence.

Because of a moratorium enacted in 1995, which prevents any tribal school

from receiving Federal academic program support for any program not operated at that school, the Jones Academy is prevented from reestablishing their programs and entering the Federal grant schools system. This moratorium was originally enacted as a "temporary" halt to changes to allow the BIA time to develop and institute a new construction and facilities system. However, the moratorium has been continued as a provision of the law.

My Oklahoma colleague in the House, Mr. BOREN, has been working on this issue, and the House committee report accompanying the proposed fiscal year 2010 Interior appropriations bill contains language to address the issue in the form of a BIA study. I support the inclusion of this language and support the prompt completion of the study. I support the Choctaw Nation of Oklahoma and Chief Pyle on this issue.

#### MORNING BUSINESS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNIZING NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today in recognition of the 16th annual National Public Lands Day, which will be celebrated on Saturday, September 26. I am pleased to acknowledge the efforts of volunteers across our Nation who will come together to improve and restore one of America's most valuable assets, our public lands.

National Public Lands Day started in 1994 with 700 volunteers working in just a few locations. This year, over 130,000 volunteers will come together to work at more than 2,000 locations across all 50 States. These people come from all walks of life, holding a shared interest in protecting our public lands for the enjoyment of future generations.

Our Nation has a grand tradition of conservation. When Yellowstone National Park was established in 1872, it was the world's first national park. The idea of a national park was an American invention of historic proportions that led the way for global conservation efforts. President Teddy Roosevelt, one of our earliest and most energetic conservationists, dedicated 194 million acres of national parks and national preserves over the course of his Presidency. America has continued to build on this tradition with endeavors such as the operation of the Civilian Conservation Corps in the 1930s and 1940s, passage of the Wilderness Act in 1964, establishment of Earth Day in 1970, enactment of the National Wildlife Refuge Improvement Act in 1997,

and the signing into law of this year's Omnibus Public Land Management Act, to name just a few examples. National Public Lands Day provides an annual opportunity for the American public to devote a day to conservation and to give back to the public lands that give so much to us.

Public lands make up over one-third of our country and are places of continuous discovery, where we go to find ourselves, to uncover our history, and to explore for new resources. Our public lands provide wide open spaces, deep forests, dramatic vistas, and opportunities for solitude that not only fulfill us individually but form a fundamental part of the American character. Our public lands are part of who we are and the diversity of their uses, like the diversity of their landscapes, reflects our identity. In many areas, they provide timber, ore, and forage that are the economic bedrock of rural America. In other areas, Congress has designated them as wilderness, places "untrammelled by man, where man is a visitor who does not remain."

I recognize and thank the thousands of Federal employees who manage these lands year-round. The Bureau of Land Management, Forest Service, Fish and Wildlife Service, National Park Service, and other Federal land management agencies ensure that public lands in Nevada and across the Nation meet the changing needs of our communities. They provide a vital, though rarely reported, service to our nation.

I would also like to acknowledge and thank the many Nevadans who will spend September 26 improving our public lands. Volunteers across northern Nevada will be working to improve our public lands in places like the Carson and Truckee Rivers, Cain Spring, the East Fork of the Walker River, Eight Mile Creek, Dry Mountain, and Sacramento Pass. At the same time, southern Nevada volunteers will work in sites like Ash Springs, Gold Butte, Lake Mead, Pittman Wash, Red Rock Canyon, and the Great Unconformity.

The focus of National Public Lands Day this year is water on the public lands. Clean water is essential to the health of our environment and the health of our citizens. Many parts of our Nation have faced severe droughts in recent years, and caring for our water resources is as important as it has ever been. In Nevada, as the driest State in our Nation, we are particularly aware that water is a precious resource.

The preservation of our public lands is a priority for me. Mr. President, our public lands are part of what makes the United States a great nation. I voice my gratitude to all who will participate in National Public Lands Day this year.

#### WORLD ALZHEIMER'S DAY

Mrs. BOXER. Mr. President, today is World Alzheimer's Day, a day to raise awareness about this neurodegenerative disease that afflicts over 5 million Americans, including about 600,000 people in my home State of California.

It has been 100 years since Alzheimer's was first identified, yet there is still no cure and no proven way to prevent the disease. In fact, every 70 seconds another American develops Alzheimer's, this is alarming.

People who suffer from Alzheimer's disease experience symptoms that take an extreme toll on both those afflicted with this disease, and their loved ones.

Certainly the most well-known symptom of Alzheimer's is amnesia, or loss of memory, but Alzheimer's can also disrupt a person's ability to communicate or accomplish daily tasks. These debilitating symptoms create large challenges for Alzheimer's sufferers, their caretakers, and their loved ones.

Unfortunately these symptoms tell only half the story. Those afflicted may also suffer from psychiatric symptoms like personality changes, depression, hallucinations, and delusions. These terrible symptoms may cause people with Alzheimer's not to recognize familiar faces, including their own children and grandchildren. They may also become fearful, paranoid, irritable or withdrawn.

The number of people living with Alzheimer's disease is expected to triple by 2050. If nothing is done, Alzheimer's will cost Medicare and Medicaid \$19.89 trillion between 2010 and 2050. Already, Alzheimer's disease costs the nation \$175 billion annually, and caregivers spend 10 percent of their household income caring for a loved one who is suffering from this horrible disease.

That is why I have joined 29 of my colleagues in cosponsoring the Alzheimer's Breakthrough Act of 2009, which responds to this crisis by helping us learn more about Alzheimer's disease, develop better treatments, and prevent this disease. This legislation will help advance the study and treatment of Alzheimer's to make a difference in the lives of millions of Americans by equipping caregivers with the resources and support services they need to care for their loved ones.

This bill would double funding for Alzheimer's research at the National Institutes of Health, create the National Summit on Alzheimer's, support public education campaigns, and expand the Alzheimer's 24/7 call center, which provides assistance to caregivers.

I am also pleased to be joined by Senator COLLINS in sponsoring the Caring for an Aging America Act. This legislation would make critical investments in the workforce specially trained to care for older Americans, many of whom suffer from this disease. By

working to train more of these essential health professionals, I am hopeful that we can not only improve the quality of care for Alzheimer's patients, but also provide their caregivers and family with better resources to meet the needs of their loved ones.

On this World Alzheimer's Day I am happy to join the millions of people coming together across the globe to raise awareness about this devastating disease, and to support these two bipartisan bills, which are critical in the fight of our Nation, our Nation's citizens, and our families against this terrible affliction.

Mr. WHITEHOUSE. Mr. President, on World Alzheimer's Day, it is important that we pause to consider the devastating impact of this debilitating disease and the importance of scientific research into its causes, effects, and treatment.

More than 5 million Americans are affected by Alzheimer's, and it is estimated that this number will increase to between 11.3 and 16 million by the year 2050. One in 10 individuals has a family member with the disease.

I am a proud cosponsor of S. 1492, which would increase National Institutes of Health funding for Alzheimer's research to \$2 billion for fiscal year 2010 and provide grants for research designed specifically to help caregivers. This bill would establish a National Summit on Alzheimer's to examine promising research programs and raise awareness.

We must find ways to prevent this disease before it starts. The vital investments made by this bill will put us ahead of the curve, both in terms of research and increasing public understanding of the disease. On this day, when we remember those suffering from Alzheimer's disease and those who have succumbed to it, let us recommit ourselves to meet the challenge posed by this disease and do everything we can to alleviate the suffering it causes.

Mr. BOND. Mr. President, I rise today to increase awareness of a debilitating and ultimately fatal disease that right now, more than 5 million Americans and 35 million people worldwide live with—Alzheimer's.

Today is World Alzheimer's Day, a day when the individuals and families affected by this devastating disease around the globe unite to increase understanding about the disease and its impact. Unfortunately, as this disease continues to steal an ever growing number of memories and ultimately lives, this global recognition continues to grow in importance.

According to new data released in the 2009 World Alzheimer Report, the 35 million people worldwide suffering from Alzheimer's and dementia is a startling 10 percent increase over the 2005 number. This devastating number is only expected to grow. In fact, according to the newly released report,

the number of people with Alzheimer's is expected to nearly double every 20 years, to 65.7 million in 2030 and 115.4 million in 2050.

For too many years the millions of Americans living with this disease and their families suffered silently in a nation that misunderstood the tragedy of Alzheimer's and dementia. In 1994, the courage of one family changed the public face of Alzheimer's when in a letter to the American people Ronald Reagan announced he was one of the millions of Americans living with the disease. With this selfless act, the former President and his wife Nancy increased the public awareness of Alzheimer's and increased the awareness of the need for research into its causes and prevention.

Public awareness is a key part of the fight against this disease, which is why I thank actor David Hyde Pierce for being a vocal champion in the fight against Alzheimer's and Lisa Genova who wrote the moving book, "Still Alice," about a brilliant woman blindsided by the disease.

In 2004 Senator MIKULSKI and I first introduced legislation in honor of Ronald Reagan, who took public awareness of Alzheimer's to the national stage. This legislation—a living tribute to the courage of our 40th President—made a Federal commitment to increase research for Alzheimer's and increase assistance to Alzheimer patients and their families.

Today, Senator MIKULSKI and I are still leading the fight in the Senate to pass this critical legislation. This year we reintroduced the Alzheimer's Breakthrough Act. This bipartisan legislation strengthens our nation's commitment to Alzheimer's research and to finding cures and treatments for this devastating disease.

This legislation doubles funding for Alzheimer's research at the National Institutes of Health, NIH, to \$2 billion and makes Alzheimer's research a priority at NIH. The bill also provides support for families by providing caregivers with the vital resources and tools to assist them.

We can't afford to wait another 5 years to pass this bill. After all, in this country, someone develops Alzheimer's every 70 seconds. Experts estimate Alzheimer's could affect as many as 10 million baby boomers as they age. And in my State of Missouri, there will be as many as 110,000 people age 65 and older who will have Alzheimer's disease by 2010.

I urge my colleagues in the Senate to join me and Senator MIKULSKI in our fight against this terrible disease and cosponsor the Alzheimer's Breakthrough Act. I also ask that today you keep all those who have lost loved ones to Alzheimer's, all those living with Alzheimer's and all those carrying on the fight against Alzheimer's in your thoughts.

## HONORING OUR ARMED FORCES

SERGEANT YOUVERT LONEY

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of Army Sergeant Youvert Loney. Sergeant Loney, a member of the 2nd Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Carson, CO, died on September 5, 2009. Sergeant Loney was serving in support of Operation Enduring Freedom in Abad, Afghanistan, and sustained injuries when insurgents attacked his vehicle using small arms and rifles. He was 28 years old.

A native of Pohnpei, Federated States of Micronesia, Sergeant Loney moved to Fort Carson in 2006 when he was assigned to the 4th Infantry Division. Sergeant Loney joined the Army in October 2005. He served in Operation Iraqi Freedom from October 2006 until December 2007, contributing to renewed efforts to successfully secure Baghdad. He had served in Operation Enduring Freedom in Afghanistan with Fort Carson's Fourth Brigade Combat Team since June. Last month, his battalion worked to ensure security for Afghanistan's recent presidential elections.

During his nearly 4 years of service, Sergeant Loney distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent, bestowing on Sergeant Loney more than 12 awards and medals, including two Purple Heart Medals, the Bronze Star, the Army Commendation Medal, the Army Good Conduct Medal, and the National Defense Service Medal.

Sergeant Loney is remembered by those who knew him as a consummate professional and friend who they could turn to in times of need. Most of all, they remember his devotion to his wife, his children, and his country.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Sergeant Loney's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived without fear.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Loney will forever be remembered as one of our country's bravest.

To Sergeant Loney's father Loakim, his wife Flora, his children, and all his friends and family—I cannot imagine the sorrow you must be feeling. I hope that in time the pain of your loss will be eased by your pride in Youvert's service and by your knowledge that his

country will never forget him. We are humbled by his service and his sacrifice.

## COMMENDING SENATOR MEL MARTINEZ

Mr. CONRAD. Mr. President, I rise today to honor my colleague, Senator Mel Martinez, who recently resigned his Senate seat. Senator Martinez has represented the State of Florida in the Senate since his election in 2004.

Mel Martinez's inspiring personal story is an example of how the American dream can be attained through hard work and determination. Born in Sagua La Grande, Cuba, Mel fled to the United States when he was 15 years old after the Castro government came to power in his homeland. Arriving in Florida with one suitcase and limited English language skills, Mel spent the next few years in youth facilities and with foster families until he was later reunited with his parents in Orlando.

He went on to earn a law degree from Florida State University, and he practiced law in Orlando for over two decades. In 1998, Senator Martinez was elected chairman of Orange County. He went on to serve as the Secretary of Housing and Urban Development under President George W. Bush. Since 2004, Mel Martinez served the people of Florida in the U.S. Senate.

Reforming our immigration system was an issue close to Senator Martinez's heart. Mel worked vigorously with colleagues on both sides of the aisle to try to advance a solution to one of the most difficult problems confronting our Nation. As the only immigrant in the Senate, Senator Martinez brought a unique perspective to the immigration debate. By striving for comprehensive immigration reform, he hoped to share the American dream.

Senator Martinez was deeply concerned about advancing the cause of freedom in the most oppressive corners of the world. Mel experienced the loss of liberty that resulted from Castro's rise, and he often spoke out for those who lost their voices—not only for those in Cuba, but for those who suffered anywhere from tyranny and despotism.

In the aftermath of Hurricane Katrina and drought in the Midwest, Senator Martinez and I worked together in an attempt to bring relief to America's farm and ranch families. Even though agricultural production in North Dakota and Florida is far from similar, we were able to unite to support legislation that would have provided much-needed disaster assistance to affected farmers and ranchers throughout the country.

I thank Senator Martinez for his public service and wish him and his family the best in the future.

#### NOMINATION OF ALAN D. SOLOMONT

Mr. GRASSLEY. Mr. President. I, Senator CHUCK GRASSLEY, intend to object to the proceeding to the nomination of Alan D. Solomont to be Ambassador to Spain and Andorra at the Department of State for the following reasons.

I object to the proceeding to the nomination as I have yet to receive a full response to my letter(s) and document request(s). On June 12, 2009, I sent a letter requesting specific documents from the Corporation for National and Community Service (CNCS). Mr. Solomont is the chairman of CNCS's board of directors. My request called for documents relating to the firing of Gerald Walpin, the former inspector general at CNCS. Despite promises to be responsive under Mr. Solomont's leadership, CNCS has complied with my requests selectively, withholding entire categories of responsive documents and refusing to even provide a log to identify the particular documents being withheld and the specific reasons for withholding them.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO BETTY GILES

• Mr. ROCKEFELLER. Mr. President, today I wish to recognize the upcoming 75th birthday of a dear friend in Hinton, WV, Betty Giles.

Betty is a lovely person who has a strong sense of family and community. Through her work and volunteer activities she has made a difference.

Betty began her career at the hospital in Montgomery, WV. She then worked at the Hinton Hospital until it closed, and spent the rest of her career at the Greenbrier Valley Hospital in Fairlea. Compassionate and thoughtful, she was beloved by patients and colleagues alike.

Betty has always possessed a love of learning and curiosity that led her to learn more and do more, both in her work and in her life. She faces challenges straight on, and stands up for what she believes in. She has always been involved in community service, running the elementary school carnival when her children were young, singing in the ecumenical choir around the holidays, and spearheading a food pantry at her church that has been extremely important in times of hardship. When friends are ill, she is always there to lend a hand to help or an ear to listen.

She values family and friends, loyally supporting those she loves. Betty is the proud mother of two children, Ted and Terri. I was proud to have her daughter Terri as a member of my staff for many years. I treasure her friendship and wish her the best for her 75th birthday.●

#### 15TH ANNIVERSARY OF THE CHILE AND FRIJOLE FESTIVAL

• Mr. UDALL of Colorado. Mr. President, today I acknowledge an increasingly popular event that celebrates a truly unique aspect of western history and culture in Pueblo, CO. Fifteen years ago, Pueblo's Chamber of Commerce created a festival highlighting the anthropological significance of regionally important foods: chile and beans. Although one might think that this festival is just a celebration of an agricultural harvest of two crops, it is much more. These foods have been part of southern Colorado's history for centuries. From 1842 to 1854—in the same location this festival takes place today—French and American traders, native peoples, and Spanish and Mexican settlers traded these staples and several other goods, making the lower Arkansas River Valley in Colorado a major trading hub during Western settlement.

Now in its 15th year, the 3-day Chile and Frijole Festival celebrates and fortifies a vibrant and rich culture through traditional regional music and distinctive regional dishes, which truly makes Pueblo, CO, a cultural gateway to the American Southwest. It also emphasizes the importance of southern Colorado's agricultural community, which supplies the locally grown green chile and produce that is the center of this event.

Pueblo and southern Colorado have historically played an integral role in Colorado's economic and cultural development. From the days when native tribes traded with Hispanic, French and American settlers from Bent's Fort to Fort Pueblo, to more contemporary days as an industrial and agricultural powerhouse of Colorado, Pueblo and southern Colorado continue to evolve and contribute positively to Colorado's growth. The Chile and Frijole Festival in Pueblo is a true testament to the region's continuing contributions to our State.

I congratulate the Pueblo Chamber of Commerce and the city of Pueblo for another year of celebrating the region's heritage and future.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13224 ON SEPTEMBER 21, 2006—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2009.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.  
THE WHITE HOUSE, September 21, 2009.

#### MESSAGE FROM THE HOUSE

At 4:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 3221. An act to amend the Higher Education Act of 1965, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1687. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3038. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Meptyldinocap; Pesticide Tolerances" (FRL No. 8429-7) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3039. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerances" (FRL No. 8434-2) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3040. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tembotrione; Pesticide Tolerances" (FRL No. 8431-5) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3041. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiram; Pesticide Tolerance" (FRL No. 8431-9) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3042. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Sweet Oranges and Grapefruit from Chile; Technical Amendment" ((RIN0579-AC83)(Docket No. APHS-2007-0115)) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3043. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Interconnection of Distributed Resources" (RIN0572-AC07) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3044. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Policies on Specifications, Acceptable Materials, and Standard Contract Forms" (7 CFR Part 1755) received in

the Office of the President of the Senate on September 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3045. A communication from the Acting Chief of the Contracts Branch, Philadelphia District of the Corps of Engineers, Department of the Army, transmitting, a report relative to the awarding of a firm fixed price contract for Recovery—Maintenance Dredging, Delaware River, Philadelphia, Pennsylvania to Trenton, New Jersey; to the Committee on Armed Services.

EC-3046. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department of the Navy converting to contract the training and administrative support functions currently being performed by (78) military personnel at various locations; to the Committee on Armed Services.

EC-3047. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Home Equity Conversion Mortgage (HECM) Counseling Standardization and Roster" ((RIN2502-A134)(Docket No. FR-4989-F-02)) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3048. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Acquisition Regulation (HUDAR) Debarment and Suspension Procedures; Correcting Amendment" ((RIN2535-AA28)(FR-509-C-03)) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3049. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Delay of Effective Date" (RIN2501-AD16) (Docket No. FR-4998-F-05)) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3050. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Use of Project Labor Agreements for Federal Construction Projects" ((RIN2501-AD47)(FR-5331-F-01)) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3051. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Arbitration for Public Assistance Determinations Related to Hurricanes Katrina and Rita (Disasters DR-1603, DR-1604, DR-1605, DR-1606, and DR-1607)" ((44 CFR Part 206)(Docket No. FEMA-2009-0006)) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3052. A communication from the Deputy to the Chairman, Federal Deposit Insur-

ance Corporation, transmitting, pursuant to law, the report of a rule entitled "Annual Independent Audits and Reporting Requirements" (12 CFR Parts 308 and 363) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3053. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps" (RIN3235-AK26) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3054. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cuban Assets Control Regulations" (31 CFR Parts 515) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3055. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC-3056. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Prohibition on Market Manipulation" (RIN3084-AB128) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Energy and Natural Resources.

EC-3057. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Colorado; Revisions to the Denver Emergency Episode Plan" (FRL No. 8957-3) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC-3058. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Notice 24 for Significant New Alternatives Policy Program" (FRL No. 8959-2) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC-3059. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Diego Air Pollution Control District" (FRL No. 8956-9) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC-3060. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Air

Pollution Control District" (FRL No. 8956-8) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC-3061. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 8430-3) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC-3062. A communication from the Inspector General, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's inventory of commercial activities and inherently governmental functions for fiscal year 2009; to the Committee on Environment and Public Works.

EC-3063. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Limitation on Recoupment of Provider and Supplier Overpayments" (RIN0938-AN42) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Finance.

EC-3064. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disregarded Entities and Excise Taxes" (RIN1545-BH91) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Finance.

EC-3065. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0116—2009-0125); to the Committee on Foreign Relations.

EC-3066. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, (30) thirty reports relative to vacancy announcements in the Department of State, received in the Office of the President of the Senate on September 14, 2009; to the Committee on Foreign Relations.

EC-3067. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the United Nations and the UN Specialized Agencies employment of Americans during 2008; to the Committee on Foreign Relations.

EC-3068. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC-3069. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of the Requirements for Publication of License Revocation; Confirmation of Effective Date" (Docket No. FDA-2009-N-0100) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3070. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays" (Docket No. FDA-2009-N-0344) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3071. A communication from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment" (RIN1218-AC08) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3072. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 1D for Fiscal Years 2006 through 2009, as of March 31, 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3073. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Responses to Specific Questions Regarding the Department of Housing and Community Development's Home Purchase Assistance Program"; to the Committee on Homeland Security and Governmental Affairs.

EC-3074. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 3E for Fiscal Years 2007 through 2009, as of March 31, 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3075. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled "Managing for Engagement—Communication, Connection, and Courage"; to the Committee on Homeland Security and Governmental Affairs.

EC-3076. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled "Status of Telework in the Federal Government"; to the Committee on Homeland Security and Governmental Affairs.

EC-3077. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XR43) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3078. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XR40) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3079. A communication from the Deputy Assistant Administrator for Operations,

Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 29" (RIN0648-AX39) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3080. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye and Pink Salmon Fisheries; Notification of Inseason Orders; Correction" (RIN0648-AY02) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3081. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "The Western Pacific; Pelagic Fisheries; Squid Jig Fisheries" (RIN0648-AS71) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3082. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XR36) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3083. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-time Category" (RIN0648-XP75) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3084. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XR33) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3085. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XR37) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3086. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of

Alaska" (RIN0648-XR30) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3087. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer" (RIN0648-XQ95) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3088. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Mexico" (RIN0648-XR70) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3089. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts" (RIN0648-XR11) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3090. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands" (FCC 09-70) received on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3091. A communication from the Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Band and 14.0-14.5 GHz/12.2 GHz Bands" (IB Docket No. 02-10) received on September 14, 2009; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 942. A bill to prevent the abuse of Government charge cards (Rept. No. 111-76).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT:

S. 1690. A bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and

for other purposes; to the Committee on Indian Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Res. 275. A resolution honoring the Minute Man National Historical Park on the occasion of its 50th anniversary; to the Committee on Energy and Natural Resources.

By Mr. KOHL, (for himself, Ms. MIKULSKI, Mr. ENZI, Mr. CASEY, Mr. SANDERS, and Mrs. MURRAY):

S. Res. 276. A resolution designating September 22, 2009, as "National Falls Prevention Awareness Day"; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BROWNBACK, Mr. CARDIN, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. INHOFE, Mr. INUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. MENENDEZ, Mr. SHELBY, Mr. SPECTER, Mr. VITTER, Mr. WHITEHOUSE, and Mr. WICKER):

S. Res. 277. A resolution designating September 2009 as "National Prostate Cancer Awareness Month"; considered and agreed to.

By Mrs. GILLIBRAND (for herself and Mr. SCHUMER):

S. Res. 278. A resolution honoring the Hudson River School painters for their contributions to the United States Senate; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 213

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 639

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 639, a bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. BAYH) was added as a co-

sponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 795

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 883

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage,

sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 991

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 991, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a rule of naturalization under article I, section 8, of the Constitution.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1072

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1072, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1167

At the request of Mr. THUNE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1167, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1532

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1532, a bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes.

S. 1556

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1556, a bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes.

S. 1681

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1687

At the request of Mr. JOHANNIS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1687, a bill to prohibit the Federal Gov-

ernment from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

AMENDMENT NO. 2440

At the request of Mr. BUNNING, his name was added as a cosponsor of amendment No. 2440 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 2440 intended to be proposed to H.R. 2996, *supra*.

At the request of Mr. ROBERTS, his name was added as a cosponsor of amendment No. 2440 intended to be proposed to H.R. 2996, *supra*.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 275—HONORING THE MINUTE MAN NATIONAL HISTORICAL PARK ON THE OCCASION OF ITS 50TH ANNIVERSARY

Mr. KERRY submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 275

Whereas, since September 21, 1959, Minute Man National Historical Park has preserved key sites where the first battles of the American Revolutionary War occurred, and educated millions of people in the United States about the extraordinary events that led to the birth of the United States and the ideals embodied in the courageous actions that led to such events;

Whereas Minute Man National Historical Park encompasses more than 1,000 acres in the historic communities of Lexington, Lincoln, and Concord that were at the center of the American Revolution;

Whereas the events, places, and people recognized by the Minute Man National Historical Park have become enduring testaments to the values of the people of the United States and are among the most celebrated and cherished symbols in the history of the United States;

Whereas the Minute Man National Historical Park includes multiple sites and vistas along the route from Boston to Concord, known as the "Battle Road", where American militia and British soldiers fought several times on April 19, 1775;

Whereas American militia were first ordered to return British fire at Concord's North Bridge, a heroic action commemorated by the United States poet Ralph Waldo Emerson in his poem "The Concord Hymn" as the "shot heard round the world";

Whereas the park celebrates the legendary "midnight ride" of Paul Revere on April 18, 1775, that warned American colonists that British soldiers were marching to Concord to destroy key military stores; and

Whereas more than 1,000,000 people from States across the United States and from around the world visit Minute Man National

Historical Park each year to learn about the role that the New England communities of Lexington, Lincoln, and Concord played in the American Revolution: Now, therefore, be it

*Resolved*, that it is the sense of the Senate that—

(1) Minute Man National Historical Park serves an essential role in preserving the sites and vistas in New England where the American Revolution began and in educating the public about these historic events;

(2) Minute Man National Historical Park honors and commemorates the ideals of democracy, liberty, and freedom that are the foundation of the United States and sources of inspiration for people everywhere; and

(3) the creation of Minute Man National Historical Park 50 years ago represents a remarkable achievement that continues to benefit the people of the United States, to preserve the proud legacy of the American Revolution, and to serve as an enduring resource for future generations.

Mr. KERRY. Mr. President, I am pleased to submit a resolution to honor the 50th Anniversary of the Minute Man National Historical Park. Since September 21, 1959, the Minute Man National Historical Park has preserved landmarks from the earliest days of the American Revolutionary War. It has educated millions of visitors from around the world about these historic events that led to the birth of our nation and the ideals embodied in those courageous actions.

The Minute Man National Historical Park encompasses more than 1,000 acres in the historic communities of Lexington, Lincoln, and Concord, Massachusetts. It includes areas such as Concord's North Bridge, where the American militia were first ordered to fire on British soldiers, an event immortalized by Ralph Waldo Emerson in "The Concord Hymn" as "the shot heard round the world." It features Paul Revere's capture site, where his famous "Midnight Ride" to warn the colonists that British soldiers were marching to Concord came to its conclusion. The Park also features The Wayside, a house that was in turn home to celebrated authors Louisa May Alcott, Nathaniel Hawthorne and Margaret Sidney.

More than just preserving these treasured sites and landscapes, the Minute Man National Historical Park preserves the spirit of our nation's history, the American Revolution, the ideals of democracy, liberty, and freedom. The creation of Minute Man National Historical Park 50 years ago showed our commitment to honoring the proud tradition of the American Revolution and maintaining these historic sites for generations to come. I ask all my colleagues to honor our history and renew that commitment today by supporting this resolution.

# SENATE RESOLUTION 276—DESIGNATING SEPTEMBER 22, 2009, AS "NATIONAL FALLS PREVENTION AWARENESS DAY"

Mr. KOHL (for himself, Ms. MIKULSKI, Mr. ENZI, Mr. CASEY, Mr. SANDERS, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 276

Whereas older adults age 65 and over are the fastest growing segment of our population and whose numbers will increase from 35,000,000 in 2000 to 55,000,000 in 2020;

Whereas 1 in every 3 people in the United States who are 65 years of age or older falls each year;

Whereas falls are the leading cause of injury, deaths, and hospital admissions for traumatic injuries among adults 65 years of age and older;

Whereas, in 2007, approximately 1,900,000 people with fall-related injuries were treated in hospital emergency departments and approximately 492,000 were hospitalized after treatment;

Whereas, in 2006, more 16,600 people aged 65 and older died from injuries related to unintentional falls;

Whereas, in 2000, direct medical costs for fall-related injuries for adults aged 65 and older totaled more than \$19,000,000,000;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed, annual direct treatment costs under the Medicare program will reach \$32,400,000,000 by 2020;

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards;

Whereas research indicates that fall prevention programs for high-risk older adults have a net-cost savings of almost \$9 in benefits to society for each \$1 invested;

Whereas the Safety of Seniors Act of 2007 (Public Law 110-202) was enacted to amend the Public Health Service Act (42 U.S.C. 280b et seq.) to create a national education campaign aimed at older adults, their families, and healthcare providers, and injury prevention programs that focus on the reduction and prevention of falls among older adults; and

Whereas the Falls Free Coalition Advocacy Work Group and its numerous national and State supporting organizations should be commended for their efforts to raise awareness and to promote better understanding, research, and programs to prevent falls among older adults: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 22, 2009, as "National Falls Prevention Awareness Day";

(2) commends the Falls Free Coalition Advocacy Work Group and the 22 State falls coalitions for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older people in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating interventions to prevent falls

among older adults that can be used in effective community-based fall prevention programs;

(5) encourages State health departments to use their significant leadership to reduce injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals to reduce falls among older adults; and

(6) recognizes proven, cost effective fall prevention programs and policies and encourages experts in the field of fall prevention to share their best practices so that their success can be replicated by others.

# SENATE RESOLUTION 277—DESIGNATING SEPTEMBER 2009 AS "NATIONAL PROSTATE CANCER AWARENESS MONTH"

Mr. SESSIONS (for himself, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BROWNBACK, Mr. CARDIN, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. MENENDEZ, Mr. SHELBY, Mr. SPECTER, Mr. VITTER, Mr. WHITEHOUSE, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 277

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly-diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas in 2009, 192,280 men in the United States will be diagnosed with prostate cancer and 27,360 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old approximately every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than white males and double the prostate cancer mortality rates of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination and a prostate-specific antigen blood test can detect the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2009 as “National Prostate Cancer Awareness Month”;

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

#### SENATE RESOLUTION 278—HONORING THE HUDSON RIVER SCHOOL PAINTERS FOR THEIR CONTRIBUTIONS TO THE UNITED STATES

Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 278

Whereas the Hudson River School was a mid-19th century American art movement led by a group of landscape painters, whose aesthetic vision was influenced by the romanticism movement;

Whereas the Hudson River School is considered the first school of American art;

Whereas the major Hudson River School painters included Thomas Cole, Frederic Edwin Church, Asher Brown Durand, Jasper Francis Cropsey, Sanford Robinson Gifford, Albert Bierstadt, John Frederick Kensett, George Inness, Worthington Whittredge, and Thomas Moran;

Whereas the Hudson River School paintings captured the striking landscape and sweeping natural beauty of the Hudson River Valley and the surrounding New York areas, including the Catskill, the Adirondack, and the White Mountains;

Whereas Hudson River School paintings served a vital role in cultivating American identity in the mid-19th century and creating a sense of awe of the American landscape that endures to this day;

Whereas the Hudson River School painters influenced the environmental conservation movement and the establishment of the National Park System under President Theodore Roosevelt;

Whereas the Hudson River School's portrayal of the Hudson River Valley is a major source of tourism in the region;

Whereas 2009 marks the 400th anniversary of the voyages of discovery made by Henry Hudson and Samuel de Champlain, recognizing the important role that the Hudson River and the Hudson Valley played in the development and growth of the United States;

Whereas the Hudson River School painters depicted the Hudson River Valley during the opening of the Erie Canal, which linked the Hudson River with the Great Lakes and created a main trade route from New York that fostered the city's central place in the American economy;

Whereas the Hudson River School painters celebrated the ideals of American democracy, individuality, and progress;

Whereas the Hudson River School painters illustrated themes such as nature, conservation, civility, unity, education, family, chivalry, and development;

Whereas the Hudson River School painters expressed the sense that every generation of Americans should seek to preserve the naturalness of the continent; and

Whereas the Hudson River School painters accentuated the cardinal values of the 19th century, which can assist contemporary Americans in the rebirth of American culture: Now, therefore, be it

*Resolved*, That the Senate recognizes and honors the Hudson River School painters for their contributions to the United States.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2445. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2446. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2447. Mrs. HUTCHISON (for herself, Mr. ENSIGN, Mr. BROWNBACK, Mr. VITTER, Mr. DEMINT, and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2448. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2449. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2450. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2451. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2452. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2453. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2454. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2455. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2456. Mr. CARPER (for himself, Mr. MERKLEY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra.

SA 2457. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2458. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2459. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2460. Mrs. FEINSTEIN (for herself, Mr. LEVIN, Mr. SCHUMER, Mr. ALEXANDER, Mr. COCHRAN, Mr. BENNETT, and Mr. WARNER) proposed an amendment to the bill H.R. 2996, supra.

SA 2461. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2462. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2463. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2464. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2465. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2466. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2467. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2468. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2469. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2441 submitted by Mr. DORGAN and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2445.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

##### **SEC. 423. TAR CREEK SUPERFUND SITE.**

(a) IN GENERAL.—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the “site”), any purchase of chat (as defined in section 278.1(b) of title 40, Code

of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) **RESTRICTED INDIAN OWNERS.**—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) **APPLICABLE LAW.**—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for the use of chat promulgated by the Administrator of the Environmental Protection Agency).

**SA 2446.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 185, line 21, after “*Provided,*” insert “That, notwithstanding section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) or section 1452(f) of the Safe Drinking Water Act (42 U.S.C. 300j-12(f)), in the case of the funds appropriated under this heading, each State shall use not less than 30 percent of the amount of the capitalization grants of the State to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of those forms of assistance): *Provided further,*”.

**SA 2447.** Mrs. HUTCHISON (for herself, Mr. ENSIGN, Mr. BROWNBACK, Mr. VITTER, Mr. DEMINT, and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **PROHIBITION ON FCC REGARDING NET NEUTRALITY.**

The Federal Communications Commission shall not expend any funds from any account in fiscal year 2010—

(1) to implement any Internet neutrality or network management principles; or

(2) to promulgate any rules relating to such principles.

**SA 2448.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 10, before the period at the end, insert the following: “*Provided further,* that the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Conti-

ental Shelf Lands Act (43 U.S.C. 1344) is considered to have been approved by the Secretary as a final oil and gas leasing program”.

**SA 2449.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423.** **PROHIBITION ON USE OF FUNDS.**

None of the funds made available by this Act may be used to terminate or reduce any programs at the National Center for Environmental Economics.

**SA 2450.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423.** **PROHIBITION ON USE OF FUNDS TO DEVELOP REGIONAL CLIMATE CHANGE OFFICES.**

No funds made available by this Act may be used to develop Regional Climate Change offices within the Department of the Interior.

**SA 2451.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423.** **PROHIBITION ON USE OF FUNDS TO IMPLEMENT GREENHOUSE GAS RULE UNTIL EVALUATION OF POTENTIAL LOSS OR SHIFTS OF EMPLOYMENT COMPLETED.**

None of the funds made available under this Act shall be used to finalize or implement the proposed rule of the Administrator of the Environmental Protection Agency entitled “Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” (74 Fed. Reg. 18886 (April 24, 2009)) (referred to in this section as the “proposed rule”) until the Administrator of the Environmental Protection Agency conducts, in accordance with section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)), an evaluation of potential loss or shifts of employment that may result from the finalization or administration of the proposed rule.

**SA 2452.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending Sep-

tember 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423.** **PROHIBITION ON USE OF FUNDS TO REGULATE CARBON DIOXIDE EMISSIONS.**

No funds made available by this Act shall be used to regulate carbon dioxide emissions until the date on which China and India have both signed international agreements that provide regulations requiring reductions in carbon dioxide in China and India, respectively, in a percentage that is similar to the percentage reductions in carbon dioxide emissions required under Federal law in the United States.

**SA 2453.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 182, line 12, before the period, insert the following: “: *Provided,* That that the Administrator of the Environmental Protection Agency shall use \$1,000,000 of the amount made available under this heading to enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the cancer and noncancer health effects from exposure to formaldehyde and, not later than 60 days after the date of enactment of this Act, submit to the Committee on Appropriations, and the Committee on Energy and Natural Resources, of the Senate and the Committee on Appropriations, and the Committee on Energy and Commerce, of the House of Representatives, documentation of an executed contract to carry out the study”.

**SA 2454.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423.** **PROHIBITION ON USE OF FUND TO DELAY DRAFT PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM 2010-2015.**

None of the funds made available by this Act shall be used to delay the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

**SA 2455.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 10, before the period at the end, insert the following: “*Provided further,* that the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program

2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is considered to have been approved by the Secretary as a final oil and gas leasing program: *Provided further*, that not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall conduct at least 1 lease sale in the Atlantic Planning Area, 1 lease sale in the Pacific Planning Area, 1 lease sale in the Alaska Planning Area, and 3 lease sales in the Gulf of Mexico Planning Area unless the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production in the applicable planning area”.

**SA 2456.** Mr. CARPER (for himself, Mr. MERKLEY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL  
PROTECTION AGENCY  
BLACK CARBON

**SEC. 201.** (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, shall carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading “ENVIRONMENTAL PROGRAMS AND MANAGEMENT” for operations and administration, the Administrator shall use up to \$2,000,000 to carry out this section.

**SA 2457.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, strike line 6 and all that follow through page 180, line 9.

**SA 2458.** Ms. LANDRIEU submitted an amendment intended to be proposed

by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. WAIVER FOR MID-LEVEL ETHANOL BLENDS.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) MID-LEVEL ETHANOL BLEND.—The term “mid-level ethanol blend” means an ethanol-gasoline blend containing greater than 10 percent ethanol by volume that is for use in any conventional gasoline-powered onroad or nonroad vehicle or engine.

(3) WIDESPREAD USE.—The term “widespread use” has the meaning given the term by the Administrator in accordance with the determination of the Administrator under section 202(a)(6) of the Clean Air Act (42 U.S.C. 7521(a)(6)).

(b) WAIVER REQUIRED.—No funds made available by this Act shall be used to approve the introduction into commerce of a mid-level ethanol blend until the fuels and fuel additives waiver process under section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) has been completed.

(c) APPLICABILITY.—The approval under subsection (b) shall apply—

(1) to all conventional gasoline-powered onroad and nonroad vehicles and engines and engines in use as of the date of the approval under that subsection; or

(2) if the Administrator certifies that the mid-level ethanol blend will not violate section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)), to all conventional gasoline-powered onroad and nonroad vehicles and engines in widespread use in commerce as of the date of the certification by the Administrator.

**SA 2459.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. AGENCY ADMINISTRATIVE EXPENSES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term “administrative expenses” has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term “agency”—

(A) means an agency as defined under section 1101 of title 31, United States Code,—

(i) that is established in the executive branch; and

(ii) for which funds are appropriated or made available under this Act; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation

requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

**SA 2460.** Mrs. FEINSTEIN (for herself, Mr. LEVIN, Mr. SCHUMER, Mr. ALEXANDER, Mr. COCHRAN, Mr. BENNETT, and Mr. WARNER) proposed an amendment to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 219, line 5, before “and including” insert the following: “of which \$250,000 shall be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended;”.

**SA 2461.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, line 2, insert before the period at the end the following: “: *Provided*, That none of the funds made available under this Act may be used for the Des Moines Art Center in the State of Iowa”.

**SA 2462.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, line 2, insert before the period at the end the following: “: *Provided*, That none of the funds made available under this Act may be used for the Richard Olmstead Complex in Buffalo, New York”.

**SA 2463.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. (a)** Notwithstanding any other provision of this Act and except as provided

in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

**SA 2464.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** In the matter under the heading "NATIONAL PARK SERVICE" under the heading "DEPARTMENT OF THE INTERIOR" of title I—

(1) reduce the overall amount made available under the heading "NATIONAL RECREATION AND PRESERVATION" by \$1,000,000 by eliminating any funding for the Sewall-Belmont House; and

(2) increase the overall amount made available under the heading "CONSTRUCTION" by \$1,000,000 to be used to reduce the National Park Service maintenance backlog.

**SA 2465.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL.**

None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109-367) over the international land and maritime borders of the United States.

**SA 2466.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **PROHIBITION ON USE OF FUNDS TO DELAY THE DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LAND.**

None of the funds made available by this Act may be used to promulgate or implement any new regulation to delay, restrict, or halt—

(1) the development of renewable energy on public land; or

(2) the licensing and development of transmission lines on public land necessary to deliver electricity derived from renewable resources on public land.

**SA 2467.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **MAINTENANCE BACKLOG.**

Notwithstanding any other provision of this Act, any funds provided from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) to an agency under this Act for federal land acquisition shall be used by the agency to reduce the maintenance backlog of the agency.

**SA 2468.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **REPORT ON MAINTAINING FEDERAL LAND HOLDINGS.**

Not later than 120 days after the date on which the President submits to Congress the budget of the United States for fiscal year 2011, the President shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes—

(1) all Federal land holdings; and  
(2) the total cost of maintaining the Federal land holdings described under paragraph (1) for each of fiscal years 2008 through 2010, including an accounting of holdings and expenditures by each Federal agency with respect to the land holdings.

**SA 2469.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2441 submitted by Mr. DORGAN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 3 and all that follows through page 2, line 13, and insert the following:

"(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN A NATIONAL HERITAGE AREA.—

"(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in a National Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

"(2) PROPERTY REMOVAL.—

"(A) PRIVATE PROPERTY.—At the request of an owner of private property included in a

National Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the National Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

"(B) PUBLIC PROPERTY.—

"(i) INCLUSION.—Only on written notice from the appropriate State or local government entity may public property be included in a National Heritage Area.

"(ii) WITHDRAWAL.—On written notice from the appropriate State or local government entity, public property shall be immediately withdrawn from a National Heritage Area."

(b) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act shall be made available for a Heritage Area that does not comply with section 8004(g) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) (as amended by this section).

## PRIVILEGES OF THE FLOOR—H.R. 2996

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Michael Gauthier, a National Park Service fellow working on the staff of our Committee on Energy and National Resources this year, be granted the privilege of the floor today and for the remainder of the Senate's consideration of H.R. 2996.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Thursday, September 17, 2009, the Senate passed H.R. 3288, as amended, as follows:

### H.R. 3288

*Resolved*, That the bill from the House of Representatives (H.R. 3288) entitled "An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:*

### TITLE I

#### DEPARTMENT OF TRANSPORTATION

##### OFFICE OF THE SECRETARY

##### SALARIES AND EXPENSES

*For necessary expenses of the Office of the Secretary, \$100,975,000, of which not to exceed \$2,631,000 shall be available for the immediate Office of the Secretary; not to exceed \$986,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,359,000 shall be available for the Office of the General Counsel; not to exceed \$10,107,000 shall be available*

for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,559,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$26,265,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,123,000 shall be available for the Office of Public Affairs; not to exceed \$1,711,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,499,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$9,072,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$13,263,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

#### NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$1,100,000,000, to remain available through September 30, 2012: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural communities, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$300,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than \$250,000,000 of the funds provided under this heading shall be for projects located in rural communities: Provided further, That for projects located in rural communities, the minimum grant size shall be \$1,000,000 and the Secretary may increase the

Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010: Provided further, That the Secretary may retain up to \$25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

#### FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$5,000,000, to remain available until expended.

#### OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,667,000.

#### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$8,233,000.

#### WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$147,500,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

#### MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$353,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$570,000.

#### MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,074,000, to remain available until September 30, 2011: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

#### PAYMENTS TO AIR CARRIERS (AIRPORT AND AIRWAY TRUST FUND) (INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$125,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

#### ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 104. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 105. Such amounts as are required from amounts provided in this Act to the Office of the Secretary of Transportation for the Transportation Planning, Research and Development program may be used for the development, coordination, and analysis of data collection procedures and national performance measures.

#### FEDERAL AVIATION ADMINISTRATION OPERATIONS (AIRPORT AND AIRWAY TRUST FUND) (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,359,131,000, of which \$5,277,648,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,305,902,000 shall be available for air traffic organization activities; not to exceed \$1,236,565,000 shall be available for aviation safety activities; not to exceed \$14,737,000 shall be available for commercial space transportation activities; not to exceed \$113,681,000 shall be available for financial services activities; not to exceed \$100,428,000 shall be available for human

resources program activities; not to exceed \$341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed \$196,063,000 shall be available for staff offices; and not to exceed \$49,778,000 shall be available for information services: Provided, That the Secretary utilize not less than \$18,500,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: Provided further, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: Provided further, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: Provided further, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That not to exceed \$500,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation's Office of Inspector General through reimburse-

ment to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and \$120,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit.

#### FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,942,352,000, of which \$2,472,352,000 shall remain available until September 30, 2012, and of which \$470,000,000 shall remain available until September 30, 2010: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

#### RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

#### GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States

Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$93,422,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$22,472,000 shall be for Airport Technology Research and \$8,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

#### (RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2009, and prior years under sections 48103 and 48112 of title 49, United States Code, \$392,960,000 are permanently rescinded.

#### ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

FEDERAL HIGHWAY ADMINISTRATION  
LIMITATION ON ADMINISTRATIVE EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$415,396,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed \$3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed \$285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed \$3,124,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: Provided, That within the \$41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2010: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until

expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY  
ADMINISTRATION

SEC. 120. (a) For fiscal year 2009, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative take-down authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Ac-

countable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out

under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) **REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) **RATIO.**—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) **AVAILABILITY.**—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) **SPECIAL LIMITATION CHARACTERISTICS.**—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) **HIGH PRIORITY PROJECT FLEXIBILITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) **RESTORATION.**—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. There is hereby appropriated to the Secretary of Transportation \$165,000,000 for surface transportation priorities: Provided, That the amount provided by this section shall be made available for the programs, projects and activities identified under this section in the committee report accompanying this Act: Provided further, That funds provided by this sec-

tion, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds set aside by this section shall be 100 percent: Provided further, That the sums set aside by this section shall remain available until expended: Provided further, That none of the funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

SEC. 123. There is hereby appropriated to the Secretary of Transportation \$1,400,000,000, to remain available through September 30, 2012: Provided, That of the funds provided under this section, \$500,000,000 shall be made available to pay subsidy and administrative costs under chapter 6 of title 23, United States Code: Provided further, That after making the set-aside required under the preceding proviso, the funds provided under this section shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2010 is distributed among the States in section 120(a)(6) of this Act, and made available for the restoration, repair, construction, and other activities eligible under paragraph (b) of section 133 of title 23, United States Code: Provided further, That funds apportioned under this section shall be administered as if apportioned under chapter 1 of title 23, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds apportioned under this section shall be 80 percent: Provided further, That funding provided under this section shall be in addition to any and all funds provided for fiscal year 2010 in this or any other Act for "Federal-aid Highways" and shall not affect the distribution of funds provided for "Federal-aid Highways" in any other Act: Provided further, That the amounts made available under this section shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109-59 shall apply to funds apportioned under this heading.

SEC. 124. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 125. (a) **IN GENERAL.**—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) **EXCEPTIONS.**—

(1) **NUMBER OF TOLL LANES.**—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) **HIGH-OCCUPANCY VEHICLE LANES.**—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and

shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 126. Item 4866A in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended by striking "Repair and restore" and inserting "Removal of and enhancements around".

SEC. 127. Item 3923 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended by striking "to 4 lanes from I-10 to West U.S. 90".

SEC. 128. Funds made available for "Brentwood Boulevard/SR 4 Improvements, Brentwood, CA" under section 129 of Public Law 110-161 shall be made available for "John Muir Parkway Project, Brentwood, CA".

SEC. 129. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 3138 by striking the project description and inserting "Elimination of highway-railway crossings and rehabilitation of rail along the KO railroad to Osborne".

SEC. 130. Funds made available for "City of Tuscaloosa Downtown Revitalization Project—University Blvd and Greensboro Avenue, AL" under section 125 of Public Law 111-8 shall be made available for "City of Tuscaloosa Downtown Revitalization Project—University Blvd".

SEC. 131. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 4573 and inserting the following: "Design and construct interchange on I-15 in Mesquite".

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS**

**(LIQUIDATION OF CONTRACT AUTHORIZATION)**

**(LIMITATION ON OBLIGATIONS)**

**(HIGHWAY TRUST FUND)**

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(I) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$238,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$238,500,000, for "Motor Carrier Safety Operations and Programs" of which \$8,543,000, to remain available for obligation until September 30, 2012, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public

Law 109-59: Provided further, That an additional \$1,328,000 shall be appropriated from the General Fund for the execution and administration of motor carrier safety operations and programs: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress bi-annual reports on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

#### MOTOR CARRIER SAFETY GRANTS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (LIMITATION ON OBLIGATIONS)

##### (HIGHWAY TRUST FUND)

##### (INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, \$310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$310,070,000, for "Motor Carrier Safety Grants"; of which \$212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109-59; and \$8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, \$29,000,000 shall be available for audits of new entrant motor carriers: Provided further, That \$1,530,000 in unobligated balances are permanently rescinded.

#### MOTOR CARRIER SAFETY

##### (HIGHWAY TRUST FUND)

##### (RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$3,400,000 in unobligated balances are permanently rescinded.

#### NATIONAL MOTOR CARRIER SAFETY PROGRAM

##### (HIGHWAY TRUST FUND)

##### (RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$400,000 in unobligated balances are permanently rescinded.

#### ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually

on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

#### NATIONAL HIGHWAY TRAFFIC SAFETY

##### ADMINISTRATION

##### OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$135,803,000, of which \$31,670,000 shall remain available through September 30, 2011: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

##### OPERATIONS AND RESEARCH

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (LIMITATION ON OBLIGATIONS)

##### (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, \$105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$105,500,000 for programs authorized under 23 U.S.C. 403: Provided further, That within the \$105,500,000 obligation limitation for operations and research, \$26,908,000 shall remain available until September 30, 2010 and shall be in addition to the amount of any limitation imposed on obligations for future years.

#### NATIONAL DRIVER REGISTER

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (LIMITATION ON OBLIGATIONS)

##### (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$4,000,000 for the National Driver Register authorized under such chapter.

#### NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the "National Driver Register" as authorized by chapter 303 of title 49, United States Code, \$3,350,000, to remain available through September 30, 2011: Provided, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

#### HIGHWAY TRAFFIC SAFETY GRANTS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (LIMITATION ON OBLIGATIONS)

##### (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$619,500,000 for programs authorized

under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; \$25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; \$124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; \$34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; \$139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; \$18,500,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109-59; \$7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109-59; and \$7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109-59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: Provided further, That not to exceed \$750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

#### ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$2,299,000 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$14,004,000 in unobligated balances are rescinded.

#### FEDERAL RAILROAD ADMINISTRATION

##### SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$171,770,000, of which \$12,300,000 shall remain available until expended.

##### RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$34,145,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT  
FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT  
PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, \$25,000,000, to remain available until expended.

## RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, \$50,000,000, to remain available until expended: Provided, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

OPERATING GRANTS TO THE NATIONAL RAILROAD  
PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$553,348,000, to remain available until expended: Provided, That the Secretary shall not make the grants for the third and fourth quarter of the fiscal year available to the Corporation until an Inspector General who is a member of the Council of the Inspectors General on Integrity and Efficiency determines that the Corporation and the Corporation's Inspector General have agreed upon a set of policies and procedures for interacting with each other that are consistent with the letter and the spirit of the Inspector General Act of 1978, as amended: Provided further, That 1 year after such determination is made, the Council of the Inspectors General on Integrity and Efficiency shall appoint another member to evaluate the current operational independence of the Amtrak Inspector General: Provided further, That the Corporation shall reimburse each Inspector General for all costs incurred in conducting the determination and the evaluation required by the preceding two provisos: Provided further, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit to the Secretary, the Inspector General of the Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House

and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of the Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-year financial plan for fiscal year 2010 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the business plan shall include a description of the capital investments to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE  
NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$1,001,625,000, to remain available until expended, of which not to exceed \$264,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That of the funding provided under this heading, not less than \$144,000,000 shall be for bringing the stations on the Corporation's rail system into compliance with the Americans with Disabilities Act: Provided further, That grants shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: Provided further, That, the business plan shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement and expansion of the Amtrak fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities.

## CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, \$1,200,000,000, to remain available until expended: Provided, That none of the funds provided under this heading may be used for planning activities: Provided further, That not less than 75 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: Provided further, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: Provided further, That the Secretary shall not award grants under this heading sooner than 2 weeks after he has submitted to the Congress a national rail plan as required by section 103(j) of title 49, United States Code: Provided further, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: Provided further, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: Provided further, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: Provided further, That the Secretary shall give priority to applications under section 24406 of title 49, United States Code, to projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, or involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates: Provided further, That the Administrator of the Federal Railroad Administration may retain up to \$50,000,000 of the funds provided under this heading for the purposes of conducting research, development and demonstration of technologies and undertaking analyses supporting

development of high-speed rail in the United States, including implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: Provided further, That in lieu of the provisions of the subsection 24403(b) of title 49, United States Code, the Administrator of the Federal Railroad Administration may retain up to \$30,000,000 of the funds provided under this heading to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high speed rail.

#### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Federal Railroad Administrator shall submit a quarterly report on April 1, 2009, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate. The amounts made available in this title under the heading "Office of the Secretary, Salaries and Expenses" shall be reduced \$100,000 for each day after the first day of each quarter that the quarterly reports required by this section are not submitted to the Congress.

SEC. 155. Notwithstanding any other provision of law, funds provided in Public Law 111-8 for "Lincoln Avenue Grade Separation, Port of Tacoma, Washington" shall be made available for this project as therein described.

SEC. 156. The Administrator of the Federal Railroad Administration, in cooperation with the Illinois Department of Transportation (IDOT), may provide technical and financial assistance to IDOT and local and county officials to study the feasibility of 10th Street, or other alternatives, in Springfield, Illinois, as a route for consolidated freight and passenger rail operations within the city of Springfield.

SEC. 157. (a) FUNDING LIMITATION.—Notwithstanding any other provision of law, beginning

on the date of the enactment of this Act, amounts made available in this Act for the National Railroad Passenger Corporation (Amtrak) shall immediately cease to be available if after March 31, 2010, Amtrak prohibits the secure transportation of firearms on passenger trains.

(b) DEFINITION.—In this section, the term "secure transportation of firearms" means—

(1) if an Amtrak station accepts checked baggage for a specific Amtrak route, Amtrak passengers holding a ticket for such route are allowed to place an unloaded firearm or starter pistol in a checked bag on such route if—

(A) before checking the bag or boarding the train, the passenger declares to Amtrak, either orally or in writing, that the firearm is in his or her bag and is unloaded;

(B) the firearm is carried in a hard-sided container;

(C) such container is locked; and

(D) only the passenger has the key or combination for such container; and

(2) Amtrak passengers are allowed to place small arms ammunition for personal use in a checked bag on an Amtrak route if the ammunition is securely packed—

(A) in fiber, wood, or metal boxes; or

(B) in other packaging specifically designed to carry small amounts of ammunition.

#### FEDERAL TRANSIT ADMINISTRATION

##### ADMINISTRATIVE EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$97,478,000: Provided, That of the funds available under this heading, not to exceed \$1,809,000 shall be available for travel: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That \$75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: Provided further, That upon submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

##### FORMULA AND BUS GRANTS

##### (LIQUIDATION OF CONTRACT AUTHORITY)

##### (LIMITATION ON OBLIGATIONS)

##### (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,343,171,000 in fiscal year 2010.

##### RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$67,670,000, to remain available until expended: Provided, That \$10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$7,000,000 is available for university

transportation centers program under section 5506 of title 49, United States Code: Provided further, That \$50,170,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code: Provided further, That of the funds available to carry out section 5312 of title 49, United States Code, \$5,000,000 shall be available to the Secretary to develop standards for asset management plans, provide technical assistance to recipients engaged in the development or implementation of an asset management plan, improve data collection through the National Transit Database, and conduct a pilot program designed to identify the best practices of asset management.

##### CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, \$2,307,343,000, to remain available until expended, of which no less than \$200,000,000 is for section 5309(e) of such title: Provided, That \$2,000,000 shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of oversight contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

##### GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, \$100,000,000, to remain available through September 30, 2012: Provided, That priority shall be given to projects based on the total energy savings that are projected to result from the investments, and the projected energy savings as a percentage of the total energy usage of the public transit agency: Provided further, That the Secretary shall public criteria on which to base the competition for any grants awarded under this heading no sooner than 90 days after the enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010.

##### GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of Public Law 110-432, \$150,000,000, to remain available through September 30, 2012: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system, including but not limited to fixing the track signal system, replacing the 1000 series cars, installing guarded turnouts, buying equipment for wayside worker protection, and installing rollback protection on cars that are not equipped with this safety feature.

##### ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under "Federal Transit Administration, Capital Investment Grants" and for bus and bus facilities under "Federal Transit Administration, Formula and Bus Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital investment grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code, except that the Federal Transit Administration may continue to review comments received on the proposed rule (Docket No. FTA-2006-25737).

SEC. 165. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than \$4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 166. Hereafter, the local share of the costs of the Woodward Avenue Corridor projects funded under section 5309 shall include, at the option of the project sponsor, any portion of the corridor advanced with 100 percent non-Federal funds.

SEC. 167. The Secretary of Transportation shall provide recommendations to Congress, including legislative proposals, on how to strengthen its role in regulating the safety of transit agencies operating heavy rail on fixed guideway: Provided, That the Secretary shall include actions the Department of Transportation will take and what additional legislative authorities it may need in order to fully implement recommendations of the National Transportation Safety Board directed at the Federal Transit Administration, including but not limited to recommendations related to crashworthiness, emergency access and egress, event recorders, and hours of service: Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations a report outlining these recommendations and a plan for their implementation by the Department of Transportation no later than 45 days after enactment of this Act.

SEC. 168. Notwithstanding any other provision of law, the Secretary of Transportation shall not reallocate any funding made available for items 523, 267, and 131 of section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59).

SEC. 169. Notwithstanding any other provision of law, the limitation on the total estimated amount of future obligations of the Government

and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements under subsection 5338(g) of title 49, United States Code, may not be more than the sum of the amount authorized under sections 5338(a)(3) and 5338(c) of title 49, United States Code, for such projects and an amount equivalent to the last 5 fiscal years of funding allocated under subsections 5309(m)(1)(A) and 5309(m)(2)(A)(ii) of title 49, United States Code, for such projects, less an amount the Secretary of Transportation reasonably estimates is necessary for grants under section 5309 of title 49, United States Code, for those of such projects that are not covered by a letter or agreement.

SEC. 170. None of the funds provided or limited under this Act may be used to enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, in the State of Washington.

SEC. 171. Hereafter, for interstate multi-modal projects which are in Interstate highway corridors, the Secretary shall base the rating under section 5309(d) of title 49, United States Code, of the non-New Starts share of the public transportation element of the project on the percentage of non-New Starts funds in the unified finance plan for the multi-modal project: Provided, That the Secretary shall base the accounting of local matching funds on the total amount of all local funds incorporated in the unified finance plan for the multi-modal project for the purposes of funding under chapter 53 of title 49, United States Code and title 23, United States Code: Provided further, That the Secretary shall evaluate the justification for the project under section 5309(d) of title 49, United States Code, including cost effectiveness, on the public transportation costs and public transportation benefits.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

#### OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

#### MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

#### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$154,900,000, of which \$11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Schools Academies, and of which \$15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which \$59,057,000 shall be available for operations at the United States Merchant Marine Academy:

Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation and not a designee: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

#### SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$15,000,000, to remain available until expended.

#### ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110-417 or section 54101 of title 46, United States Code, \$17,500,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

#### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, \$14,000,000, of which \$10,000,000 shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That not to exceed \$4,000,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

#### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end "Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected

in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses."

PIPELINE AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION

ADMINISTRATIVE EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, \$19,968,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: Provided, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline safety information grants to communities" as authorized in section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$35,500,000, of which \$1,699,000 shall remain available until September 30, 2012: Provided, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$105,239,000, of which \$18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2012; and of which \$86,334,000 shall be derived from the Pipeline Safety Fund, of which \$47,332,000 shall remain available until September 30, 2012: Provided, That not less than \$1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: Provided, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(I) and 5128(b)-(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(I), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY

ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$13,179,000, of which \$6,036,000 shall remain available until September 30, 2012: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$75,389,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$28,332,000: Provided, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than \$27,082,000.

GENERAL PROVISIONS—DEPARTMENT OF  
TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respec-

tively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for "Ferry Boats and Ferry Terminal Facilities", "Federal Lands", "Interstate Maintenance Discretionary", "Transportation, Community and System Preservation Program", "Delta Region Transportation Development Program", "Rail Line Relocation and Improvement Program", "Rail-highway crossing hazard eliminations", "Capital Investment Grants", "Alternatives analysis", and "Bus and bus facilities".

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the

purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109-59: Provided, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of title 23, United States Code, is amended by striking "that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)" and inserting "all portions of the Interstate Highway System in the State, laws (including regulations)".

(b) PERIOD OF EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

(c) REVERSION.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a)(11) of title 23, United States Code, is amended by striking "all portions of the Interstate Highway System in the State, laws (including regulations)" and inserting "that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)".

SEC. 195. The Secretary shall initiate an independent and comprehensive study and analysis to supplement that authorized under section 108, division C, of Public Law 111-8: Provided, That the Department of Transportation shall work with and coordinate with the Departments of Energy, Commerce and Agriculture to develop a comprehensive understanding of the full value of river flow support to users in the Mississippi

and Missouri Rivers: Provided further, That subjects of analysis shall include energy (including hydropower and generation cooling), and water transport (including water-compelled rates, projected total transportation congestion considerations, transportation energy efficiency, air quality and carbon emissions) and water users (including the number and distribution of people, households, municipalities, and business throughout the Missouri and Mississippi River basins who use river water for multiple purposes): Provided further, That in addition to understanding current value, the Department is directed to work with appropriate Federal partners to develop recommendations on how to minimize impediments to growth and maximize water value of benefits related to energy production and efficiency, congestion relief, trade and transport efficiency, and air quality: Provided further, That the Department of Transportation shall provide its analysis and recommendations to the U.S. Army Corps of Engineers, the White House, and the Congress: Provided further, That \$2,000,000 is available until expended for such purposes.

SEC. 196. Notwithstanding any other provision of law, funds made available under section 330 of the Fiscal Year 2002 Department of Transportation and Related Agencies Appropriations Act (Public Law 107-87) for the Las Vegas, Nevada Monorail Project, funds made available under section 115 of the Fiscal Year 2004 Transportation, Treasury and Independent Agencies Appropriations Act (Public Law 108-199) for the North Las Vegas Intermodal Transit Hub, and funds made available for the CATRAIL RTC Rail Project, Nevada in the Fiscal Year 2005 Transportation, Treasury, Independent Agencies and General Government Appropriations Act (Public Law 108-447), as well as any unexpended funds in the Federal Transit Administration grant numbers NV-03-0024 and NV-03-0027, shall be made available until expended to the Regional Transportation Commission of Southern Nevada for bus and bus-related projects and bus rapid transit projects: Provided, That the funds made available for a project in accordance with this section shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable.

This title may be cited as the "Department of Transportation Appropriations Act, 2010".

## TITLE II

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### MANAGEMENT AND ADMINISTRATION

##### EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, \$25,969,000, of which not to exceed \$4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed \$778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed \$1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed \$2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed \$3,110,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed \$1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed \$1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed \$3,497,000 shall be available to the Office of the Assistant Sec-

retary for Housing, Federal Housing Commissioner; not to exceed \$1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed \$928,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: Provided, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

#### ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, \$537,897,000, of which not to exceed \$76,958,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed \$11,277,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed \$51,275,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed \$14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed \$35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed \$89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed \$3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed \$1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed \$2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed \$2,520,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed \$249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: Provided, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further,

That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

#### PERSONNEL COMPENSATION AND BENEFITS

##### PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, \$197,074,000.

##### COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, \$98,989,000.

##### HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, \$374,887,000.

##### OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, \$11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

##### POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, \$21,138,000.

##### FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, \$71,800,000.

##### OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

##### PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, \$7,151,000.

##### PUBLIC AND INDIAN HOUSING

##### TENANT-BASED RENTAL ASSISTANCE

##### (INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$14,137,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That of the amounts made available under this heading are provided as follows:

(1) \$16,339,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide re-

newal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to \$150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act;

(2) \$103,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: Provided, That the Secretary shall may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) \$1,550,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than \$1,500,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$50,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) \$20,000,000 for incremental voucher assistance through the Family Unification Program: Provided, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: Provided further, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services;

(6) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by

the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(7) up to \$50,000,000 provided under this heading maybe transferred to and merged with the appropriation for "Transformation Initiative".

#### HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be permanently cancelled.

#### PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$2,500,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: Provided further, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2010: Provided further, That of the amounts provided under this heading \$50,000,000 shall be for grants to be competitively awarded to public housing agencies for the construction, rehabilitation or purchase of facilities to be used to provide early education, adult education, job training or other appropriate services to public housing residents: Provided further, That grantees shall demonstrate an ability to leverage other Federal, State, local or private resources for the construction, rehabilitation or acquisition of such facilities, and that selected grantees shall demonstrate a capacity to pay the long-term costs of operating such facilities: Provided further, That of the total amount provided under this heading, \$40,000,000 shall be for supportive services, service coordinators and con-

gregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading up to \$8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

#### PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,750,000,000: Provided, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That of the amounts made available under this heading, up to \$15,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative".

#### CHOICE NEIGHBORHOODS

For competitive grants under the Choice Neighborhoods Initiative for transformation, rehabilitation and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, public assets, transportation and access to jobs, and schools, including public schools, community schools, and charter schools, \$250,000,000, to remain available until September 30, 2013: Provided, That grant funds may be used for resident and community services, community development and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amounts provided, not less than \$165,000,000 shall be awarded to public housing authorities: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That within 60 days of the enactment of this Act, HUD shall submit a plan to the House and Senate Committees on Appropriations, for approval, describing an array of performance measures that HUD will use in identifying functioning, sustainable, mixed-income neighborhoods and a plan for how HUD will work with other agencies: Provided further, That no more than ten percent of funds made available under this heading may be provided for planning grants to assist communities in developing comprehensive strategies for implementing this program in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities,

program requirements, protections and services for affected residents, and performance metrics.

#### NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$670,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: Provided further, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$18,000,000.

#### NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain available until expended: Provided, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

#### INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$7,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$919,000,000: Provided further, That up to \$750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

#### NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), \$1,044,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of

which is to be guaranteed, not to exceed \$41,504,255.

**COMMUNITY PLANNING AND DEVELOPMENT  
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS**

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$320,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

**COMMUNITY DEVELOPMENT FUND  
(INCLUDING TRANSFER OF FUNDS)**

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,450,000,000, to remain available until September 30, 2012, unless otherwise specified: Provided, That of the total amount provided, \$3,992,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$171,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2007, 2008 and 2009, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$22,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced explanatory statement under this heading in title II of division K of Public Law 110-161 is deemed to be amended by striking "Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the existing Old Town Boys and Girls Club accompanied by construction of new areas for the Club" and inserting "Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the Heights Boys and Girls Club".

The referenced explanatory statement under this heading in division I of Public Law 111-8 is deemed to be amended with respect to "Hawaii County Office of Housing and Community Development, HI" by striking "Senior Housing Renovation Project" and inserting "Transitional Housing Project".

The referenced explanatory statement under the heading "Community Development Fund" in title II of division K of Public Law 110-161 is deemed to be amended with respect to "Emergency Housing Consortium in San Jose, CA" by striking "for construction of the Sobrato Transitional Center, a residential facility for homeless individuals and families" and inserting "for improvements to homeless services and prevention facilities".

Of the amounts made available under this heading, \$150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: Provided, That \$100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: Provided further, That not less than \$25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: Provided further, That \$40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: Provided further, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: Provided further, That the Secretary will consult with the Secretary of Transportation in selecting grant recipients: Provided further, That up to \$10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs: Provided further, That of the amounts made available under this heading, \$25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: Provided further, That of the funding made available under the previous proviso, \$10,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: Provided further, That of the amounts made available under this heading, \$25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

**COMMUNITY DEVELOPMENT LOAN GUARANTEES  
PROGRAM ACCOUNT**

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974, any part of which is guaranteed,

shall not exceed a total principal amount of \$275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: Provided, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero, and such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974.

**HOME INVESTMENT PARTNERSHIPS PROGRAM**

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,825,000,000, to remain available until September 30, 2012: Provided, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

**SELF-HELP AND ASSISTED HOMEOWNERSHIP  
OPPORTUNITY PROGRAM**

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$85,000,000, to remain available until September 30, 2012: Provided, That of the total amount provided under this heading, \$27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That \$50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 may be made available for rural capacity building activities: Provided further, That \$8,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110-246.

**HOMELESS ASSISTANCE GRANTS  
(INCLUDING TRANSFER OF FUNDS)**

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,875,000,000, of which \$1,870,000,000 shall remain available until September 30, 2012, and of which \$5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the Shelter Plus Care Program and emergency shelter grants, shall be used for permanent housing for individuals and families: Provided further, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments

to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to \$6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That up to \$12,750,000 of the funds made available under this heading may be transferred to and merged with the appropriation for "Transformation Initiative": Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

#### HOUSING PROGRAMS

##### PROJECT-BASED RENTAL ASSISTANCE (INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$7,700,000,000, to remain available until expended, shall be available on October 1, 2009, and \$400,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That the amounts made available under this heading are provided as follows:

(1) Up to \$7,868,000,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than \$232,000,000 but not to exceed \$258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) Not to exceed \$20,000,000 provided under this heading may be transferred to and merged with the appropriation for "Transformation Initiative".

(4) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

##### HOUSING FOR THE ELDERLY (INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$785,000,000, to remain available until September 30, 2013, of which up to \$542,000,000 shall be for capital advance and project-based rental assistance awards: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: Provided further, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

##### HOUSING FOR PERSONS WITH DISABILITIES (INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$265,000,000, of which up to \$129,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30,

2013: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That, of the amount provided under this heading, \$87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

##### HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$100,000,000, including up to \$2,500,000 for administrative contract services, to remain available until September 30, 2011: Provided, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: Provided further, That of the amounts made available under this heading, not less than \$15,000,000 shall be awarded to HUD-certified housing counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

##### ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, \$75,000,000, to remain available until September 30, 2013: Provided, That \$20,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: Provided further, That \$20,000,000 shall be for the Multifamily Energy Pilot, directed at the multifamily housing market: Provided further, That \$35,000,000 shall be for the Local Initiatives Fund so as to leverage additional public and private sector capital to stimulate the development of model residential energy efficient retrofits in ten or more communities: Provided further, That selected communities shall have demonstrated capacity to conduct energy efficient retrofit activities, and no community shall receive more than \$10,000,000.

##### OTHER ASSISTED HOUSING PROGRAMS

##### RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, non-insured rental housing projects, \$40,000,000, to remain available until expended.

RENT SUPPLEMENT  
(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z-1) \$27,600,000 are rescinded hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES  
TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$16,000,000, to remain available until expended, of which \$7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION  
MUTUAL MORTGAGE INSURANCE PROGRAM  
ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of \$400,000,000,000: Provided, That for the cost of new guaranteed loans, as authorized by section 255 of the National Housing Act (12 U.S.C. 1715z-20), \$288,000,000; and, in addition, to the extent that new guaranteed loan commitments under section 255 will and do exceed \$30,000,000,000, an additional \$26,600 shall be available for each \$1,000,000 in such additional commitments (including a pro rata amount for any new guaranteed loan commitment amount below \$1,000,000): Provided further, That the Secretary shall reduce the principal limit factors applicable to mortgage loans insured under such section 255 in fiscal year 2010 by 5 percent from what was assumed for calculating the subsidy rates published in the President's budget for fiscal year 2010: Provided further, That during fiscal year 2010, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: Provided further, That the foregoing amount shall be for loans to nonprofit and governmental

entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses, of the federal housing administration \$188,900,000, of \$70,794,000 may be transferred to the Working capital fund, and of which up to \$7,500,000 shall be for education and outreach of FHA single family loan products: Provided further, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2010, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, \$8,600,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed \$15,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION  
GUARANTEES OF MORTGAGE-BACKED SECURITIES  
LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2011.

POLICY DEVELOPMENT AND RESEARCH

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(I) of Reorganization Plan No. 2 of 1968, \$48,000,000, to remain available until September 30, 2011.

FAIR HOUSING AND EQUAL OPPORTUNITY  
FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$72,000,000, to remain available until September 30, 2011, of which \$42,500,000 shall be to carry out activities pursuant to such section 561 of which up to \$2,000,000 shall be made available to carryout authorized activities to protect the public from mortgage rescue scams: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, \$500,000 shall be available to the Sec-

retary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND  
HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as Authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$140,000,000, to remain available until September 30, 2011, of which not less than \$20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, \$48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed: Provided further, That of the total amount made available under this heading, \$250,000 shall be allocated through the Office of Healthy Homes and Lead Hazard Control to conduct communications and outreach to potential applicants to the Lead Hazard Reduction Demonstration Grant program.

MANAGEMENT AND ADMINISTRATION  
WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$200,000,000, to remain available until September 30, 2011: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used for the purposes specified under this Fund,

in addition to the purposes for which such amounts were appropriated: Provided further, That up to \$15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

#### OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$126,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

#### TRANSFORMATION INITIATIVE

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for combating mortgage fraud, \$20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2013, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: "Public Housing Capital Fund", "Choice Neighborhoods Initiative", "Energy Innovation Fund", "Housing Opportunities for Persons With AIDS", "Community Development Fund", "HOME Investment Partnerships Program", "Self-Help and Assisted Homeownership Opportunity Program", "Housing for the Elderly", "Housing for Persons With Disabilities", "Housing Counseling Assistance", "Payment to Manufactured Housing Fees Trust Fund", "Mutual Mortgage Insurance Program Account", "General and Special Risk Program Account", "Research and Technology", "Lead Hazard Reduction", "Rental Housing Assistance", and "Fair Housing Activities": Provided, That of the amounts made available under this paragraph, not less than \$100,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: Provided further, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: Provided further, That of the amounts made available under this paragraph, not less than \$40,000,000 shall be available for technical assistance and capacity building: Provided further, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPE VI, Choice Neighborhoods, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Health Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: Provided further, That of the amounts made available for re-

search, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the housing needs of Native Americans: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include planning, demonstrations, or evaluations related to pre-purchase housing counseling and the Moving-to-Work demonstration program: Provided further, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: Provided further, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

#### GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (INCLUDING RESCISSION OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescission or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescission or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescission or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (I) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (I) of such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (I) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be

necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2011, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted

to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2009 and 2010, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by

the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g)), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD’s use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 219. Notwithstanding any other provision of law, the recipient of a grant under section 202(b) of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the

project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 220. (a) The amounts provided under the subheading “Program Account” under the heading “Community Development Loan Guarantees” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 221. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking “2009” and inserting “2010”; and

(2) in subsection (o), by striking “September 30, 2009” and inserting “September 30, 2010”.

SEC. 222. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 223. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 224. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 225. No official or employee of the Department of Housing and Urban Development

shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings “Executive Direction” and heading “Administration, Operations, and Management” as well as each account receiving appropriations for “personnel compensation and benefits” within the Department of Housing and Urban Development.

SEC. 226. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 227. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

#### PREPAYMENT AND REFINANCING

SEC. 228. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary’s consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by non-profit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

#### USE OF SURPLUS FEDERAL PROPERTY FOR THE HOMELESS

SEC. 229. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: Provided, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: Provided further, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: Provided further, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the

appropriateness of the group seeking to obtain the property to use such property to assist the homeless: Provided further, That, this section shall apply to properties in fiscal year 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

SEC. 230. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS). No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 231. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2010 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 232. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading "Personnel Compensation and Benefits" to any other account under this title under the heading "Personnel Compensation and Benefits" only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 233. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

#### REPORT ON COST OF GOVERNMENT-OWNED RESIDENTIAL HOMES

SEC. 234. (a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the "Department"), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

(b) CONTENT.—The report required by this section shall include—

(1) the number of residential homes that the Department owned during the years 2004 and 2009;

(2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance and acquisition of homes, of home ownership by the Department since 2004;

(3) a detailed explanation of the reasons for the ownership by the Department of the homes;

(4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and

(5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

SEC. 235. None of the funds made available in this Act shall be used to restrict implementation or enforcement of the community service requirements under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437(c)).

SEC. 236. The first numbered paragraph under the heading "Tenant-Based Rental Assistance" in the Department of Housing and Urban Development Appropriations Act, 2009 (Public Law 111-8) is amended by adding the following before the period at the end:

"Provided further, That up to \$200,000,000 from the \$4,000,000,000 which are available on October 1, 2009 may be available to adjust allocations for public housing agencies to prevent termination of assistance to families".

SEC. 237. The matter under the heading "COMMUNITY DEVELOPMENT FUND", under the heading "COMMUNITY PLANNING AND DEVELOPMENT", under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT" in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3601) is amended by striking "Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program".

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2010".

#### TITLE III RELATED AGENCIES ACCESS BOARD

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

#### FEDERAL MARITIME COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902, \$24,558,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

#### NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$19,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and

regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

#### NATIONAL TRANSPORTATION SAFETY BOARD SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) \$96,900,000, of which not to exceed \$2,000 may be used for official reception and representation expenses: Provided, That of funds provided under this heading, \$2,416,000 shall remain available through September 30, 2011: Provided further, That of the funds provided, up to \$100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2010 only, on an obligation incurred in fiscal year 2001 for a capital lease.

#### NEIGHBORHOOD REINVESTMENT CORPORATION PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$133,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: Provided, That section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by adding at the end of the first sentence, prior to the period, “, except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule”: Provided further, That in addition, \$45,000,000 shall be made available until expended for capital grants to build, rehabilitate or finance the creation of affordable housing units, including necessary administrative expenses: Provided further, That in addition, \$65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (“NRC”), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may

also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and

advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

#### UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$2,680,000.

#### TITLE IV

#### GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report

to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 30, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that

serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfield Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 414. All departments, agencies or other Federal entities funded under this Act shall notify the Senate and House of Representatives Committees on Appropriations no later than 7 days before any public or internet announcement by the Department or Administration regarding any new program or activity, including any changes to existing or proposed programs or activities.

SEC. 415. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 416. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

This Act may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010".

#### NATIONAL FALLS PREVENTION AWARENESS DAY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 276, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 276) designating September 22, 2009, as "National Falls Prevention Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 276) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 276

Whereas older adults age 65 and over are the fastest growing segment of our population and whose numbers will increase from 35,000,000 in 2000 to 55,000,000 in 2020;

Whereas 1 in every 3 people in the United States who are 65 years of age or older falls each year;

Whereas falls are the leading cause of injury, deaths, and hospital admissions for traumatic injuries among adults 65 years of age and older;

Whereas, in 2007, approximately 1,900,000 people with fall-related injuries were treated in hospital emergency departments and approximately 492,000 were hospitalized after treatment;

Whereas, in 2006, more 16,600 people aged 65 and older died from injuries related to unintentional falls;

Whereas, in 2000, direct medical costs for fall-related injuries for adults aged 65 and older totaled more than \$19,000,000,000;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed, annual direct treatment costs under the Medicare program will reach \$32,400,000,000 by 2020;

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards;

Whereas research indicates that fall prevention programs for high-risk older adults have a net-cost savings of almost \$9 in benefits to society for each \$1 invested;

Whereas the Safety of Seniors Act of 2007 (Public Law 110-202) was enacted to amend the Public Health Service Act (42 U.S.C. 280b et seq.) to create a national education campaign aimed at older adults, their families, and healthcare providers, and injury prevention programs that focus on the reduction and prevention of falls among older adults; and

Whereas the Falls Free Coalition Advocacy Work Group and its numerous national and State supporting organizations should be commended for their efforts to raise awareness and to promote better understanding, research, and programs to prevent falls among older adults: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 22, 2009, as "National Falls Prevention Awareness Day";

(2) commends the Falls Free Coalition Advocacy Work Group and the 22 State falls

coalitions for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older people in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating interventions to prevent falls among older adults that can be used in effective community-based fall prevention programs;

(5) encourages State health departments to use their significant leadership to reduce injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals to reduce falls among older adults; and

(6) recognizes proven, cost effective fall prevention programs and policies and encourages experts in the field of fall prevention to share their best practices so that their success can be replicated by others.

#### NATIONAL PROSTATE CANCER AWARENESS MONTH

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 277, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 277) designating September 2009 as "National Prostate Cancer Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 277

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly-diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas in 2009, 192,280 men in the United States will be diagnosed with prostate cancer and 27,360 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old approximately every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 per-

cent higher than white males and double the prostate cancer mortality rates of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination and a prostate-specific antigen blood test can detect the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as "National Prostate Cancer Awareness Month";

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 374, the nomination of J. Michael Gilmore; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF DEFENSE

J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### MEASURE PLACED ON THE CALENDAR—S. 1687

Mrs. FEINSTEIN. Mr. President, I understand that S. 1687 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1687) to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

Mrs. FEINSTEIN. Mr. President, I object to any further proceeding with respect to this bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

#### ORDERS FOR TUESDAY, SEPTEMBER 22, 2009

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, September 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate resume consideration of Calendar No. 98, H.R. 2996, the Interior appropriations bill; finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mrs. FEINSTEIN. Mr. President, under a previous order, at approximately 12 o'clock the Senate will proceed to a vote in relation to the Feinstein amendment, as modified.

For the information of all Senators, the official photograph of the 111th Congress will be taken at 2:15 tomorrow in the Senate Chamber. All Senators are encouraged to be seated at their desks at that time.

### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. FEINSTEIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Tuesday, September 22, 2009, at 10 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ELIZABETH M. ROBINSON, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE RONALD SPOEHEL, RESIGNED.

#### DEPARTMENT OF ENERGY

ARUN MAJUMDAR, OF CALIFORNIA, TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY—ENERGY, DEPARTMENT OF ENERGY. (NEW POSITION)

#### MILLENNIUM CHALLENGE CORPORATION

DANIEL W. YOHANNES, OF COLORADO, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION, VICE JOHN J. DANILOVICH, RESIGNED.

#### INTER-AMERICAN DEVELOPMENT BANK

GUSTAVO ARNAVAT, OF NEW YORK, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE MIGUEL R. SAN JUAN.

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be captain*

EDGARS AUZENBERGS  
KURT J. BEIER  
PAUL C. GARGIULO  
LAWRENCE H. HENDERSON  
GREGORY W. JOHNSON  
ERIC B. KRIETZ  
WILLIAM K. NOFTSKER  
MICHAEL P. SCHNEIDER  
MICHAEL F. WILSON

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 189:

##### *To be captain*

MELINDA D. MCGURER

##### *To be commander*

DAVID C. CLIPPINGER  
MICHAEL J. CORL

##### *To be lieutenant commander*

ROYCE W. JAMES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

##### *To be captain*

NICHOLAS A. BARTOLOTTA  
DENNIS S. BAUBY  
GEORGE G. BONNER  
ERIC L. BRUNER  
GREGORY A. BUXA  
GREGORY J. DEPINET  
SHERYL L. DICKINSON  
KATHLEEN A. DUIGNAN  
MICHAEL J. EAGLE  
DOUGLAS M. FEARS  
DAVID S. FIEDLER  
PATRICK FLYNN  
MARK A. FRANKFORD  
ROBERT L. GANDOLFO

MATTHEW J. GIMPLE  
PETER J. HATCH  
LARRY W. HEWETT  
MARK A. JACKSON  
DANIEL E. KENNY  
KEVIN C. KIEFER  
RONALD A. LABREC  
DANIEL L. LEBLANC  
STUART L. LEBRUSKA  
MICHAEL G. LUPOW  
PATRICK J. MAGUIRE  
ANDREA M. MARCILLE  
KENNETH D. MARIEN  
STEPHEN P. MCCLEARY  
MICHAEL P. MCCRAW  
PATRICIA A. MCFETRIDGE  
ROBERT E. MCKENNA  
DANIEL J. MCCLAUGHLIN  
PATRICK M. MCMILLIN  
BRENDAN C. MCPHERSON  
MARK S. MESERVEY  
KATHLEEN MOORE  
RICHARD L. MOUREY  
JIM L. MUNRO  
SEAN R. MURTAGH  
JOHN P. NADEAU  
JEFFREY P. NOVOTNY  
JOHN C. O'CONNOR  
JEFFERY M. PETERS  
TY W. RINOSKI  
DAVID J. ROKES  
THOMAS A. ROUTHIER  
MARK T. RUCKSTUHL  
KEVIN R. SAREAULT  
ADAM J. SHAW  
MATTHEW W. SIBLEY  
MICHAEL H. SIM  
ARTHUR J. SNYDER  
MATTHEW C. STANLEY  
DOUGLAS L. SUBOCZ  
DANIEL P. TAYLOR  
ROBERT K. THOMPSON  
ANDREW J. TIONGSON  
KATHERINE F. TIONGSON  
WILLIAM J. TRAVIS  
LEONARD R. TUMBARELLO  
ERIC J. VOGELBACHER  
ROBERT L. WHITEHOUSE  
ROBERT S. WILBUR  
JERALD L. WOLOSZYNSKI

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be vice admiral*

VICE ADM. DAVID J. DORSETT

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major*

ROBERT B. O. ALLEN  
TANYA A. BALLYEAT  
JESSE A. BENAVIDES  
CATHERINE A. BONHOFF  
BRAD C. BORDES  
JEREMY L. BRASWELL  
MICHAEL E. BROWN  
LAUREN HUDSON BYRD  
WALTER F. CATO  
JEFFREY S. CHAPERON  
MARK E. CLEVELAND  
ANTHONY W. CRANE  
BRENT J. CUNNINGHAM  
THEODORE A. DEAR, JR.  
PHILLIP C. DOUGLAS  
PETER B. FRENCH  
MARIA GILLIAMCKINNEY  
LYLE A. GOUDEAU  
MIGUEL A. GUEVARA  
DANIEL R. HENDERSON  
ANDREW A. HERMAN  
CHARLES S. HUGHES  
DAVID HUINKER  
KIRK T. JENKINS  
ERIN K. LAGEN  
JENNIFER M. LAVERGNE  
MAURICE F. LAWLOR IV  
THOMAS WARREN LESNICK  
DONALD E. LOFTON, JR.  
RONNIE C. MACK  
TESS ANN MARCIAL  
SEAN E. MARSHALL  
STEPHEN M. MATHIS  
LUZ A. MAYA  
MAURICE D. MAYS  
ALEXANDER L. MILLMAN  
LOTTIE C. MOON  
AIMEE L. MORALES  
DONALD A. NIEMEYER  
OSCAR A. OLIPANE, JR.  
RAYMUND S. RADA  
JAMIE E. STOWE  
LAURA A. STRATER  
TRACIE R. TIPPINS  
ERNESTINA E. VANLEER

ADRIANA M. VARGAS  
RONALD P. VESEY  
KEITH M. VOLLENWEIDER  
SHAR L. WAGAR  
WAYNE A. WHOLAEVER  
TED K. WINRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be lieutenant colonel*

JEFFREY K. ATKISSON  
RENE G. BOISSIERE  
JASON E. BUCKNER  
FRANK M. CAPOCCIA, JR.  
BOBBY L. CHRISTOPHER  
JOHN M. CROWE  
SARAH E. CUCITI  
LEE M. ERICKSON  
WILLIAM J. FECKE  
DOUGLAS A. GIMLICH  
MICKEY T. GOODBRIDGE  
JOHN P. HANNIGAN  
RICHARD B. HAYES, JR.  
STEVEN R. HOWELL  
CURTIS B. HUDSON  
PAGERINE L. JACKSON  
FREDDIE E. JENKINS  
ANDREW M. KACZMAREK  
CRAIG A. KEYES  
MARK R. LAMEY  
ZOYA L. LEEZERKEL  
WILLIAM P. MALLOY  
RUBEN A. MATOS  
ANN M. MCCAIN  
JOHN F. MCDONALD, XI  
GIGI A. SIMKO  
JAMES S. SMITH  
VITO S. SMYTH  
WAH WAI SZE  
KARI A. TURKALBARRETT  
JANET K. URBANSKI  
JUDY A. WEBBHAPGOOD  
TERRY W. WILLIAMSON  
ROGER L. WILLIS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be lieutenant colonel*

CHRISTOPHER C. ABATE  
LAIRD S. ABBOTT  
DAVID J. ABRAHAMSON  
DANIEL R. ABSHERE  
PHILIP F. ACQUARO  
TODD R. ALCOTT  
LOUIS C. ALDEN  
DETROL W. ALFORD  
JENNIFER J. ALLEE  
ANDREW L. ALLEN  
CHARLES L. ALLEN  
MARK A. ALLEN  
MICHAEL P. ALLISON  
JAMES JAY ALONZO  
AARON D. ALTWIES  
DAVID J. ANDERSON  
JASON C. ANDERSON  
JUDY P. ANDERSON  
MICHAEL P. ANDERSON  
NEIL E. ANDERSON  
TODD W. ANDRE  
DAMON A. ANTHONY  
RICHARD M. ANTOINE  
DAVID R. ANZALDUA  
THOMAS G. ARANDA  
RICHARD W. ARMSTRONG  
DOUGLAS W. ASHER  
LANCE W. AUG  
CHRISTOPHER E. AUSTIN  
JONATHAN F. AUSTIN  
TROY C. AUSTIN  
CHRISTIAN M. AVERETT  
MAURICE C. AZAR  
RENEE J. BACA  
BRIAN J. BACARELLA  
JASON T. BACHELER  
CHRISTOPHER A. BACON  
JAMES G. BAILEY  
JASON E. BAILEY  
RICHARD F. BAILEY, JR.  
STEPHEN G. BAILEY  
TRENT D. BAINES  
WILLIAM E. BAIRD, JR.  
BRIAN T. BALDWIN  
JEREMIAH W. BALDWIN  
CHAD A. BALETTE  
CHARA L. BALLARD  
DEAN L. BALSTAD  
CHRISTOPHER S. BARACK  
BRIAN C. BARKER  
JOHN V. BARLETT  
JENNIFER M. BARNARD  
WILEY L. BARNES  
JOHN R. BARNETT  
DAVID J. BARNHART  
DONALD J. BARRETT  
JEREME A. BARRETT  
WILLIAM A. BARRINGTON, JR.  
BENITO J. BARRON  
CORI E. BARRY

BRIAN Y. BARTEE  
 CHRISTIAN A. BARTHOLOMEW  
 JASON E. BARTOLOMEI  
 ROBERT R. BASOM  
 JAMES EARL BASS  
 MARK A. BASS  
 CHRISTOPHER B. BASSHAM  
 DYLAN S. BAUMGARTNER  
 DOUGLAS J. BAYLEY  
 ROYCE W. BEAL  
 TODD A. BEAN  
 ERIC V. BECK  
 JASON L. BECK  
 MITCHELL B. BEDESEM  
 GARY D. BEENE  
 ERIC J. BEERS  
 STEPHEN M. BEHM  
 SCOTT J. BELANGER  
 ANTHONY P. BELLIONE  
 ROBERT M. BENDER  
 CHRISTINE M. BENJAMIN  
 MICHAEL D. BENNES  
 BRIAN D. BENTER  
 ROBERT A. BENTON  
 JOSEPH A. BENUCCI  
 WILLIAM D. BETTS  
 KAREN L. BICE  
 CHRISTOPHER E. BIEGUN  
 MATTHEW J. BIEWER  
 ROGER C. BISHOP, JR.  
 MICHAEL R. BLACK  
 HEATHER W. BLACKWELL  
 BRETT R. BLAKE  
 TRAVIS F. BLAKE  
 DENNIS W. BLANCHARD  
 JAY C. BLOCK  
 TED L. BLOINK  
 STEVEN M. BOATRRIGHT  
 KIMBERLY C. BOEHM  
 MICHAEL C. BOGER  
 DAVID P. BOHNEN  
 RHETT CAMERON BOLDENOW  
 KENNETH D. BOLE  
 MICHAEL A. BOLE  
 ROBERT T. BOLINGER  
 BARTHOLOMEW G. BONAR  
 CHAD B. BONDURANT  
 NATALIE K. BONETTI  
 OLIVER C. BONNEY  
 CHRISTOPHER A. BOONE  
 STEVEN P. BORDING  
 BRAD W. BORKE  
 PHILLIP G. BORN  
 KENNETH L. BOTTARI  
 NOEL R. BOUCHARD  
 JOHN P. BOUDREAU  
 JEFFREY A. BOUNDS  
 KENNETH D. BOURLAND  
 SHANNON D. BOUVIER  
 NEAL E. BOWEN  
 JOSHUA D. BOWMAN  
 BRIAN L. BRACY  
 ROBERT J. BRADEEN, JR.  
 SEAN A. BRADLEY  
 RYAN P. BRANDT  
 KENNETH B. BRATLAND  
 JOHN E. BREMER, JR.  
 ROBERT C. BRENZEL, JR.  
 THEODORE A. BREUKER  
 DENIS BRICENO  
 DAVID E. BRICKLEY  
 JASON E. BRIGGS  
 ROBERT M. BRINKER  
 DOUGLAS F. BROCK  
 MICHAEL E. BROCK  
 PAUL J. BROCKWAY  
 CHRISTOPHER J. BROMEN  
 BRIAN R. BROWN  
 CHRISTOPHER J. BROWN  
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PATRICK L. REAGAN  
NICHOLAS J. REED  
ROBERT J. REED  
SHAD A. REED  
GREGORY T. REICH  
ADAM D. REIMAN  
CHRISTOPHER J. REIZ  
LENDY G. RENEGAR  
STEPHEN G. RENY  
KEITH REPIK  
TIMOTHY J. REUTIMAN  
KYLE A. REYBITZ  
JON M. RHONE  
DONALD W. RHYMER  
JESSICA N. RHYNE  
GLYNN E. RICHARDS  
DEAN A. RICHARDSON  
ALISA D. RICKS  
TAMMIE L. RIDDER  
ROBERT B. RIEGEL  
ROBB N. RIGTRUP  
MICHAEL S. RIMSKY  
RAMIRO RIOJAS  
MARK A. RISELLI  
JOSE L. RIVERAHERNANDEZ  
TEAKA J. ROBBA  
JASON I. ROBERSON  
MARCUS L. ROBERTS  
PAUL M. ROBERTS  
OSCAR G. ROBERTSON  
BRANDON J. ROBINSON  
DAVID J. ROBINSON  
MARK S. ROBINSON  
MATTHEW K. RODMAN  
GEORGE R. ROELKE IV  
KEITH M. ROESSIG  
JEREMIAH T. ROGERS  
JAMES G. ROHRBOUGH, JR.  
JOSEPH W. ROJAS  
AUGUST J. ROLLING  
JENNIFER A. ROLLINS  
JAMES L. ROMAG  
ROBERT E. ROMERO  
DAVID P. RONDEAU  
WILLIAM T. RONDEAU, JR.  
KEVIN D. ROOK  
FREDDIE R. ROSAS  
LEONARD T. ROSE  
CLINTON A. ROSS  
ROBERT J. ROSS  
ROBERT C. ROSSI  
KURT P. ROUSER  
RYAN L. ROWE  
JAMES S. ROWLEY  
JON K. RUCKER  
RIP M. RUCKER  
JOSHUA BRADFORD RUDDALL  
CLIFFORD R. RUDDER  
MARTIN F. RUDY  
JASON M. RUESCHHOFF  
RONALD H. RUPPEL  
CLAY T. RUSS  
CHRISTOPHER J. RUSSELL  
CHRISTOPHER J. RUSSELL  
TIMOTHY H. RUSSELL  
ANDREW P. RUTH  
ADAM L. RUTHERFORD  
ANDREW J. RYDLAND  
SHAUN G. SALYERS  
DAVID H. SANCHEZ  
JERRY D. SANCHEZ  
MATTHEW J. SANDELLIER  
GILBERT W. SANDERS  
KAREN L. SANDERS  
MICHAEL C. SANDERS  
STEPHEN T. SANDERS  
JASON R. SANDERSON  
KARSON A. SANDMAN  
ALEXANDER SANSONE  
GLENN V. SANTOS  
SUZANNE M. SAULS  
BRIAN E. SCHAEFFER

BRIAN M. SCHAFER  
NATHAN E. SCHALLES  
JAMES A. SCHARTZ  
GEORGE F. SCHERS, JR.  
TODD A. SCHERM  
JOCELYN J. SCHERMERHORN  
IAN G. SCHNELLER  
CHAD H. SCHOLES  
KARL R. SCHRADER  
THOMAS M. SCHRAMEL  
FRANK B. SCHREIBER  
JEFFREY T. SCHREINER  
ROBERT C. SCHROETER  
JOHN D. SCHULIGER  
RANDALL B. SEALY  
GEORGE H. SEBREN, JR.  
JOHN M. SEDLACEK  
CHARLES K. SEIDEL  
KEVIN L. SELLERS  
BRIAN D. SELLS  
JASON E. SEYER  
THOMAS P. SEYMOUR  
JEFFREY R. SGARLATA  
BRIAN R. SHAFFER  
DOUGLAS S. SHAHAN  
CHRISTOPHER M. SHEA  
GENE S. SHERER  
THOMAS S. SHIELDS  
TODD R. SHIELDS  
EDISON R. SHINN  
JOSEPH P. SHIRVINSKY  
TED V. SHOEPE  
RONALD E. SHOUSE  
STANTON C. SHUTTLEWORTH  
BRIAN D. SIDARI  
ERIC J. SIKES  
JAMES W. SIKRA  
PAUL T. SILAS  
JAE B. SIM  
RAYMOND L. SIMMONS  
MICHAEL J. SIMON  
STEVEN A. SIMONE  
COLIN J. SINDEL  
SANJIT SINGH  
JOSEPH B. SKIPPER  
PAUL M. SKIPWORTH  
FAE M. SKUYA  
SEAN R. SLAUGHTER  
BRIAN A. SMITH  
DARRELL L. SMITH  
ERIC A. SMITH  
JAMES A. SMITH  
JAMES P. SMITH  
JASON A. SMITH  
STEPHEN P. SNEELSON  
MICHAEL W. SNODGRASS  
MARK SOTALLARO  
RYAN M. SPARKMAN  
ERIC D. SPARKS  
CHRISTOPHER J. SPINELLI  
JOHN C. SPITZER  
ALAN R. SPRINGSTON  
MICHAEL R. STAPLES  
LAVERN A. STARMAN  
SHANE D. STEINKE  
ROBERT A. STENGER  
DAVID E. STEPHENS  
OWEN D. STEPHENS  
SCOTT A. STEVENS  
BRITTANY D. STEWART  
TRACE B. STEYAERT  
RUSSELL STILLING  
MARC A. STITZEL  
ADAM J. STONE  
ANDREW B. STONE  
DANIEL W. STONE  
KENNETH B. STONI  
THOMAS J. STRASSBERGER  
JEFFREY D. STREMEL  
ANTHONY R. STRICKLAND  
L. MICHELLE STRINGER  
JEFFREY E. STROMMER  
DAVID M. STRONG  
STEPHEN G. STURM  
JEFFREY A. STYERS  
GERALD D. SULLIVAN, JR.  
DAVID E. SUMERA  
KEITH E. SUROWIEC  
PATRICK J. SUTHERLAND  
RICHARD E. SUTTER  
RYAN J. SUTTLEMYRE  
SCOTT A. SVEINSSON  
JAMES A. SWEENEY  
RYAN S. SWEENEY  
PAUL E. SWENSON  
THOMAS K. SWOVELAND  
BENJAMIN J. TABOR  
DANIEL A. TADEVICH  
TRAVIS W. TANKERSLEY  
TIMOTHY N. TART, JR.  
ROBERT D. TARWATER  
BRYAN E. TASH  
KYLE M. TATE  
MARK E. TATE  
MICHAEL S. TATE  
JOSELITO C. TAYAO  
BEVERLY L. H. TEMPLEMAN  
BRIAN A. TEMPLIN  
FRANK A. TERSIGNI  
GARY L. THEISS  
ALAN F. THODE  
MARK J. THOMPSON

MICHAEL A. THOMPSON  
STEPHEN W. THOMPSON  
TIMOTHY W. THURSTON II  
MICHAEL D. TIEMANN  
DOUGLAS F. TIPPET  
STEVEN J. TITTEL  
TODD L. TOBERGTE  
GREG E. TOBIN  
JASON W. TODD  
STEVEN S. TODD  
GREGORY D. TOLMOFF  
BRIAN E. TOLSON  
DAVID G. TOOGOOD  
HEBER F. TORO  
CHRISTOPHER R. TORRES  
KATHY L. TRAVIS  
KEITH L. TRAVIS  
RICARDO L. TRIMILLOS  
TIMOTHY W. TRIMMELL  
SCOTT A. TRINRUD  
MICHAEL E. TUERS  
WALLACE R. TURNBULL III  
KEITH R. TURNER  
TROY M. TWESME  
BRIAN J. TYLER  
BRIAN V. UCCHIARDI  
WILLIAM K. UHRIG  
THOMAS R. ULMER  
THEODORE UNZICKER  
ERIC V. UPTON  
MICHELLE VANCOURT  
DONALD G. VANDENBUSSCHE  
TRICIA A. VANDENTOP  
BYRON J. VARIN  
SERGIO J. VEGA, JR.  
CAROL MUNIRA VERGARADURON  
DAVID G. VERNAL  
SCOTT A. VICKERY  
ROBERT A. VIETAS  
PAUL D. VILLAGRAN  
STEVEN E. VILPORS  
CRAIG A. VINCENT  
ROSS C. VINCENT  
JASON D. VIRAG  
MARK J. VITANTONIO  
WINCHESLEY R. VIXAMA  
NATHAN J. VOGEL  
ROBERT J. WAARVIK  
ROBERT S. WACKER  
SEAN C. WADE  
FREDERICK W. WAINWRIGHT, JR.  
MICHAEL J. WAITE  
ALEXANDER M. WALAN  
BRIAN J. WALD  
ROSALYN L. WALKER  
SEAN M. WALKER  
EUGENE M. WALL  
TREVOR A. WALL  
MARK WALLACE  
ADAM D. WALLIN  
DAVID R. WALLER  
DAVID C. WALLIN  
DAVID J. WALSH  
TERRENCE L. WALTER  
PATRICK A. WAMPLER  
MARTINE F. WANZER  
BONNIE S. WARD  
JASON T. WARD  
TRACY T. WARD  
BRENT H. WARDELL  
JESSE F. WARREN  
DANIEL J. WASILAUSKY  
RAQUEL C. WASILAUSKY  
BRIAN K. WATKINS  
EVAN T. WATKINS  
JEFFREY A. WAUGH  
ERNEST L. WEAREN, JR.  
MARK H. WEBB  
RODRICK L. WEBB  
DANIEL L. WEEKLEY  
MAX C. WEEMS  
THERESA E. WEEMS  
JAY A. WELBORN  
CHRISTOPHER S. WELCH  
SEAN T. WELSH  
PETER A. WENELL  
ROBERT D. WESTOVER  
WILLIAM H. WHARTON  
JON S. WHEELER, JR.  
RONALD W. WHEELER  
ANDREW K. WHIAT  
DALE R. WHITE  
JEFFREY J. WHITE  
JEROME K. WHITE  
NATHAN A. WHITE  
RICHARD T. WHITLOCK  
RAYMOND K. WHYTE  
DOUGLAS P. WICKERT  
STEPHEN D. WIER  
JASON B. WIERZBANOWSKI  
DANIEL R. WILCOX  
PAUL E. WILKERSON  
DAVID E. WILLIAMS, JR.  
KEITH P. WILLIAMS  
KEVIN L. WILLIAMS  
TRENT J. WILLIAMS  
DAVID A. WILLIAMSON  
DEAN G. WILLIAMSON  
JOHN T. WILLOUGHBY, JR.  
KEVIN P. WILSON  
LYNDA M. Z. WILSON  
KATHRINE M. WINANS

LORI L. WINN  
PATRICK C. WINSTEAD  
WILLIAM R. WINSTEAD  
LISA M. WOFFINDEN  
PAUL M. WOJTCOWICZ  
JOHN J. WOLF  
STEPHANE LAINE WOLFGEHER  
TIMOTHY G. WOLLER  
PAUL C. WOOD  
BRECK A. WOODARD  
BRINT A. WOODRUFF  
BRIAN J. WORTH  
SCOTT M. WURZBURGER  
DONN C. YATES  
JAMES N. YEPEZ  
MATTHEW W. YOCUM  
JIN B. YOON  
BANTA M. YORK III  
PAUL J. YUSON  
JOSEPH B. ZELL  
CHRISTOPHER J. ZUHLKE

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

BRUCE P. CRANDALL

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be colonel*

KENNETH E. DUVAL  
BRUCE H. STILLMAN  
WILLIAM M. THURMOND  
JOHN A. WEATHERLY  
RANDALL M. ZEEGERS

THE FOLLOWING NAMED OFFICERS FOR REGULAR ARMY APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be lieutenant colonel*

JENNIFER E. CHOATE  
JEFFREY A. GERRISH  
LYNDON E. MARSHALL  
JEFFREY A. MROCHEK  
DARRIN W. OLINGER  
VICTOR A. ORTIZ  
WILLIAM S. SAVAGE

#### *To be major*

RICHARD D. BUTLER  
GEORGE N. CARLSON  
JUAN F. MATA  
RODNEY E. RUDOLPH

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

#### *To be colonel*

BRADLEY L. LOWE

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be captain*

DANIEL A. FREILICH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be captain*

ROBERT R. LIU

#### *To be commander*

STEPHEN A. BELMONTE  
GREGG D. BRANHAM

#### *To be lieutenant commander*

RAYMOND V. DEMPSEY  
NATASHA L. FLEMENS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be commander*

IRWIN ELSTEIN  
RICHARD P. GIST  
ANN M. KOPELSON

#### *To be lieutenant commander*

OCTAVIAN R. ADAM  
WILLIAM A. CALABRIA  
JENNIFER C. FREEMAN  
DAVID R. GOFF

MARTIN D. KATZ  
PETER G. MAYER  
LUZ E. RODRIGUEZ  
DOUGLAS A. TOMLINSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant commander*

RUSSELL P. BATES  
LORI L. CODY  
JESSE HUBBART  
RAY A. JACKSON  
JEFFREY G. JORDAN  
FELIXBERTO C. MALACA  
TIMOTHY G. NASELLO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant commander*

OSCAR D. ANTILLON  
BRADLEY M. BAER  
MATTHEW L. BEDARD  
CHARLES W. BISGARD  
JOHN C. BROWN  
TROY M. BROWN  
RYAN P. CAREY  
AARON J. CHETELAT  
RICHARD R. CONTRERAS, JR.  
BRANDON N. COX  
CHRISTOPHER J. CROKE  
JAMES W. EVANS  
CATHERINE U. EYRICH  
AMY E. FLEMING  
BRIAN L. FOSTER  
TROY A. FRAZEE  
MICHAEL D. GOOLSBY  
LAKEEVA B. GUNDERSON  
MATTHEW C. GUNDERSON  
ANTHONY S. HAVERLY  
JOHN D. HERRIN  
WERNHER C. HEYRES  
CHRISTOPHER M. HOLZNER  
MICHAEL M. JAROSZ  
JARED A. JASINSKI  
GREGORY P. JENNINGS  
SAMUEL A. JOHNSON  
RYSZARD B. KACZMAREK  
STANLEY C. LAM  
STEPHEN M. LAMPERT  
CHRISTOPHER S. LANDESS  
JASON H. LOCKHART  
DAVID M. MATVAY, JR.  
MICHAEL W. MCCAIN  
REGINALD B. MCNEIL II  
GLEN R. MESSER  
DANIEL J. MULLER  
RAYMOND H. OVIEDO  
JEFFERY J. PARKER  
ADAM S. PERRINS  
WILLIAM M. PURCELL  
JEREMY D. RAMBERG  
MATTHEW A. RICHARDSON  
JEFFREY A. RICHER  
RAYMOND ROHENA  
WALTER C. SIBLEY  
JIMMY SOONG  
LETICIA SOTO  
CHRISTOPHER E. STEELE  
ROBERT D. STILES  
JULIANA M. STRIETER  
CRISTINA T. SUAREZ  
PRESTON D. TAYLOR  
AARON M. TURKE  
KENNETH L. VARGAS  
GRANT H. WATANABE  
SAMUEL W. WERSCHKY  
MATTHEW T. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant commander*

DOYLE S. ADAMS  
MICHAEL D. AMEDICK  
JOHN G. ANDERSON  
MICHAEL R. BAKER  
MATTHEW K. BERRENS  
JENNIFER D. BOWDEN  
ROBERT N. BURNS, JR.  
ALAN CAMERON  
JOHN A. CARTER  
GREGORY A. CATES  
STEPHEN M. COATES  
PATRICIA A. COLEY  
SAMUEL CONTRERAS  
JAMES L. DANCE  
DARIN D. DUNHAM  
RANDALL D. EKSTROM  
RUSSELL A. HALE  
DANIEL W. HALL  
ROBERT W. HALL  
JASON HEFNER  
CHRIS E. HESTER  
THOMAS A. IANUCCI  
CHARLES W. JOHNSON  
JAY J. KERSTEN  
PAUL B. KIM

KENNETH R. LEE, JR.  
 LOUIS C. LEE  
 JOHN R. LOGAN  
 PEGGY L. LOW  
 MARC H. MASSIE  
 JOHN E. MCKINNEY  
 AARON T. MILLER  
 WESLEY J. MODDER  
 ROBERT A. MOORE  
 FRANK P. MUNOZ, JR.  
 PHILIP N. PARK  
 ALFRED V. PENNA  
 JAMES M. PEUGH  
 MICHAEL L. PHILLIPS  
 WILLIAM S. RILEY  
 RONALD T. RINALDI  
 STEVEN L. ROBERTS  
 RICHARD L. ROE  
 JONATHAN A. ROZEMA  
 LESLIE K. SIAS  
 ALAN M. SNYDER  
 JAMIE J. STALLRYAN  
 WILLIAM M. STEWART, JR.  
 STEVEN E. STUGARD  
 GARRY R. THORNTON, JR.  
 TROY K. TODD  
 RICHARD A. TOWNES, JR.  
 DENISE L. WALLINGFORD  
 DENNIS M. WHEELER  
 EUGENE WOZNIAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

RYAN M. ANDERSON  
 JASON S. AYEROFF  
 MICHAEL BAHAR  
 JOHN M. BARTLETT, JR.  
 LAURA E. BISHOP  
 PHILLIP A. CHOCKLEY  
 MITCHELL D. EISENBERG  
 TIMOTHY E. FRENCH  
 JAIMICA M. GIARRAPUTO  
 TREVOR J. GRANT  
 PHILIP J. HAMON  
 ELIZABETH H. JOSEPHSON  
 KATHLEEN L. KADLEC  
 KIMBERLY J. KELLY  
 JAMES H. KIRBY  
 STUART T. KIRKBY  
 HAYES C. LARSEN  
 DAVID H. LEE  
 JUSTIN MCEWEN  
 DEREK MILLS  
 PAIGE J. ORMISTON  
 WILLIAM G. PARKER  
 TIMOTHY R. PARR  
 PETER P. PASCUCCI  
 KATHERINE S. PASIETA  
 ELIZABETH A. ROSSO  
 RYAN STORMER  
 MICHAEL J. STUTTS  
 RACHEL E. TREST  
 BRENT E. TROYAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

RUBEN A. ALCOCER  
 GREGORY M. ALEXANDER  
 RYAN P. ANDERSON  
 ALFRED F. APPLEWHAITE  
 JAYSON J. AURELIO  
 TARA L. BAKER  
 ALISHA R. BAUGH  
 MICHAEL T. BETHANY  
 JASON A. BLEVINS  
 CHRISTIAN K. BOOTH  
 JOANNA D. BRADLEY  
 BRADLEY A. BROOKS  
 KEVIN T. BROWN  
 JOHN W. BRYANT  
 CHRISTOPHER M. BUCZKOWSKI  
 WILLIAM L. CHAMLEE  
 CHIN Y. CHOE  
 DAVID E. COLLIS  
 CHRISTOPHER P. COUSINO  
 CHRISTIN E. CROWLEY  
 STEPHEN A. DARRING  
 DEBORAH K. DAVISREID  
 SHANE H. DERBY  
 MELANIO R. DIAZ  
 ERIC DIEGES  
 JERETTA R. DILLON  
 JOHN K. DINERO  
 PAMELA R. DUKES  
 TIMOTHY R. FREEMAN  
 TERRI L. GABRIEL  
 MICHAEL J. GARCIA  
 PETER F. HARRINGTON  
 JASON E. HASIS  
 PAMELA R. HEATER  
 JOHN M. HENSON  
 BRENDAN R. HOGAN  
 PETER J. HOLDORF  
 DAVID J. HUBER  
 EDELIO P. JOLOYA  
 BARI J. JONES

DAVID K. JONES, JR.  
 DESCON M. KELLY  
 FRANK D. KIM  
 TERESA M. KINYON  
 ROBERT A. KIRK  
 DALE KLAN  
 KEITH B. KLEMM  
 CARL W. KOCH  
 LANCE W. KOELKEBECK  
 ROBERT G. KOVACK, JR.  
 JOSHUA T. LANCASTER  
 CURT R. LAROSE  
 PHILIP R. LINDLEY  
 GREGORY M. LINSKY  
 ALVARO LUNA  
 TODD D. MALAKI  
 APRIL E. MALVEO  
 FRANK A. MAURER  
 AMY A. MCGOWAN  
 KEVIN L. MCGRAW  
 ALLEN H. MCKIBBEN II  
 PHILIP J. MOCK  
 JOHN MONTEMURNO  
 DAVID J. MUHL  
 BRIAN C. MURRAY  
 DAVID W. NORIEGA  
 BENJAMIN S. OFFUTT  
 TROY G. ORR  
 ALLEN M. OWENS, JR.  
 ERIK RANGEL  
 MANUEL R. REFUGIA, JR.  
 ROBERT E. ROBERTS, JR.  
 MICHAEL D. RUMINSKI  
 PAMELA R. SAUCEDO  
 MICHAEL R. SCHILLING  
 BRIAN J. SCHONS  
 CHRISTOPHER A. SCOTT  
 COLE B. SEIBEL  
 FRANKLIN B. SEMILLA  
 BRENT D. SIMMONS  
 PATRICK E. STACEY  
 TRISHA A. SUTTON  
 DOUGLAS H. THOMPSON  
 SETH D. THORNHILL  
 JAMES A. TROUT  
 LARRY S. WALLACE  
 REBECCA A. WASMER  
 RACHELE A. WHARTON  
 LARRY M. YOUNGER  
 MICHAEL P. YUNKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

ANACLATO B. ANCHETA, JR.  
 ACCURSIA A. BALDASSANO  
 JULIE M. BALENSIEFEN  
 BRIAN A. BARBER  
 RACHEL R. BAUDEK  
 KAREN A. BELCAR  
 SHYNELL D. BENNETT  
 GRETA L. BENTON  
 RAYMOND L. BONDS  
 KIRSTEN L. BOWEN  
 MARGARET W. BRAUS  
 TIMOTHY P. BRENDER  
 NATHAN S. BREZOVIC  
 JULIE A. BROOKS  
 CARMEN M. BROSKI  
 DAVID S. BURKS  
 DINORAH CELY  
 RUBY L. COLE  
 TYMESIA V. CORTEZ  
 JOANNE M. COSTELLO  
 COBY S. CROFT  
 RICHARD J. CURLEY  
 DAVID A. DEIKE  
 IMELDA R. DONOHUE  
 VALERIE V. ECKWOODANDERSON  
 PATRICE M. EWELL  
 STUART W. EWY  
 BRIDGETTE D. FERGUSON  
 JERVIA I. FICKENS  
 WILLIAM A. FIELDS  
 ALVIN G. GARCIA  
 JOHN B. GORE  
 DARLENE E. GOZUN  
 DEAN L. GRISHAM  
 ROBIN A. HARRIS  
 VIRGINIA C. HAZLETT  
 MARY K. HIXSON  
 AARON B. JACOB  
 TERRI L. JANDRON  
 HYELEE KIM  
 JENNIFER E. LEZCANO  
 CARLA A. LITTLE  
 JIAN H. LIU  
 COLLEEN P. MAHON  
 JILL M. MALDARELLIDREY  
 CHRISTI MARTI  
 FELECIA N. MCCRAY  
 BRENT M. MCDUFFIE  
 JOHN B. MCGLOTHAN  
 KAZMER MESZAROS, JR.  
 PATRICIA J. MILLER  
 DAWN E. MITCHELL  
 MICHAEL A. MITCHELL  
 FRANCIMAR C. MUTYA  
 SANDRA L. MYERS  
 TED U. PAGULAYAN

ERIC J. PAULI  
 GEOFFREY L. PLANT  
 WILLIAM G. POHLMAN  
 LYNDIA D. POTSWALD  
 NANCY D. POWELL  
 SHAWN W. PYLE  
 MICHELLE S. SANDERS  
 SEAN P. SCULLY  
 ERIC J. SEYBOLT  
 PRENTICE E. SHERROD, JR.  
 STEVEN J. SOARES  
 ELIOT D. SPENCER  
 JANE J. STAMEY  
 SCOTT R. STAUP  
 BRANDON K. STERNE  
 MARTIN J. SUMMERVILLE  
 SUSAN M. TILLMON  
 MATTHEW A. TRUDEAU  
 KRYSTAL M. TURNER  
 ANGELA V. TYNER  
 CRAIG A. TYSON, SR.  
 MICHAEL S. URTON  
 TONY A. WADE  
 JERROL B. WALLACE  
 JOEL P. WEMETTE  
 AMY C. WHITE  
 JANICE A. WHITE  
 JACQUELINE R. WILLIAMS  
 NOEL D. YSIP  
 MEGAN K. ZELLER  
 LAWRENCE S. ZOBACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

OSMEL ALFONSO  
 TIMOTHY D. BARNES  
 WILLIAM S. BARNETT LAVERGNE  
 TADD A. BAUS  
 MATT D. BEERY  
 RUSSELL L. BRADEN  
 KELLY L. BRICKO  
 KERRI L. BROWNE  
 SARA M. BUSTAMANTE  
 JUSTIN S. CAMPBELL  
 ROGER S. CARON  
 KATHERINE M. CARRICK  
 WILLIE D. CARTER  
 BRENT N. CASADY  
 DAVID CEPEDA  
 JON D. CHAMPINE  
 EDWIN A. CHAVEZ  
 LAKESHA A. CHIEVES  
 TIFFANY F. CLINE  
 CHRISTINE A. COETZEE  
 TIMOTHY J. COKER  
 MICHAEL L. CONNOR  
 JOHN P. CONZA  
 MARIA C. COON  
 CELERINA L. CORNETT  
 NOEL M. CORPUS  
 LESLIE R. COUNCILOR  
 TANAKA M. CROSS  
 RUSSELL C. DEASON III  
 RANDY S. DEE  
 ANGELIQUE C. DEMONCADA  
 ERICH J. DIETRICH  
 MARK L. DONALD II  
 CARRIE L. DREYER  
 EDWARD W. DRISH  
 DIANE M. EARLE  
 MARK A. EDWARDS  
 TOSHIHIRO F. ESTRADA  
 JOHN P. EVANS  
 JOSEPHINE C. FAJARDO  
 PHILIP G. FATOLITIS  
 TIMOTHY W. FERRELL  
 DAVID S. FORSYTH  
 THOMAS C. FOSTER  
 DIANA M. GARCIA  
 REBECCA V. GELS  
 JAMES R. GEORGE  
 WENDY A. GEORGE  
 MARGARET L. GIBSON  
 RICHARD GILLIARD, JR.  
 ROBERT D. GOAD  
 BRADEY R. GOTTO  
 DAVID B. GRIBBEN  
 JEFFERSON D. GRUBB  
 GERALD M. HALL  
 PHILLIP J. HANSON  
 PATRICK M. HARE  
 ERIC M. HARMON  
 ANDREW M. HAYES  
 OMAR J. HIPONIA  
 STACY L. HOFFMAN  
 JONATHAN A. HOILES  
 BRENT L. HOUSE  
 MATTHEW H. JAMERSON  
 MICHAEL S. JETTE  
 EDUARDO M. JIMENEZ, JR.  
 PAULA JOHNSTON  
 TOM A. JUDY  
 DANIEL KACHENCHAI  
 JOSEPH P. KASCAK  
 KYLE E. KEE  
 MICHELLE L. KEE  
 JOSHUA I. KEIL  
 CRAIG L. KNOTT  
 MOHAMMAD B. KOHISTANY

TIFFANY H. LANDIS  
MELISSA D. H. LAUBY  
STEVIE LEGETTE  
JESSICA Y. LIN  
STEPHEN E. LIZEWSKI  
MELISSA J. LODHI  
BRIAN E. LONG  
JAMES C. LONG  
DANIEL J. MALEY  
SHAWNA M. MALEY  
STEPHEN A. MARTY  
JOSEPH A. MASTRANGELO  
MARLA D. MCCLELLAN  
RONNIE R. MCGILLVERY  
ROBERT T. MCMAHON III  
KENNETH J. MEEHAN  
JOHN G. MEETING  
MATTHEW N. MERCER  
STACIE A. MILAVEC  
TYLER P. MILES  
JONATHAN D. MILLINER  
KELLY E. MOKAY  
NAUSHEEN MOMEN  
JASON T. MORAREND  
MARCY M. MORLOCK  
RICHARD J. OGNIEWSKI  
AMARYLLIS B. OLASEHINDE  
MUHAMMED A. OZEROGU  
JEREMY S. PYLES  
KELLEY A. QUINN  
ANTHONY M. RABAIOTTI  
JOHNNY RAMOS  
CHAD J. REES  
WILLIAM R. REYNOLDS  
CHARMIN N. RICKARDS  
TINSIKA I. RIGGS  
RODNEY L. ROBINSON  
JANEL B. ROSSETTO  
STEPHANIE SAMSON  
ENRICO L. SARMIENTO  
WILLIAM R. SCHEELER  
JASON P. SCHMITTSCHMITT  
STEVEN D. SCHUTT  
DOUGLAS P. SCHWEIKHART  
HENRY D. SCHWERTFEGER  
REED G. SELWYN  
ROBERT P. SENKO  
STEPHANIE A. SINCOCK  
ELIZABETH SMITH  
RICHARD C. STACEY  
JEFFREY E. SUBA  
KAREN M. SUPTKO  
TIMOTHY A. SWANSIGER  
DAVID A. VEENHUIS  
HENRY S. WARREN  
EVE G. WEBER  
KEVIN J. WETZEL  
ERIN R. WILFONG  
RODNEY WILSON  
SEAN W. WRIGHT  
MARJORIE A. WYTZKA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

WILLIAM M. ANDERSON  
YASIR F. BAHRANI  
MARK D. BREESE  
CECILIA M. BROWNBLAKE  
DEA L. BRUEGGEMEYER  
AMY L. BRYER  
KATHLEEN D. BUSS  
SHERRY A. CARAVEO  
MATTHEW B. CHESLER  
JAMES T. CORBETT  
BART M. CRAGEN  
MATTHEW C. DART  
KRISTI E. ERICKSON  
SHAWN M. FOX  
BRIAN J. GUERRIERI  
JEREMY D. HAYES  
MANDY L. JOHNSON  
BROOK W. JONES  
BYUNG J. JOO  
GREGORY L. KOONTZ  
ALLISON A. MILLINER  
MICHAEL T. MOONEY  
BRANDON K. PETERSON  
NICHOLAS J. PETERSON  
MIHAE P. RAVEY  
JOHN P. SULLIVAN  
IAN M. J. VALECRUZ  
JEFFREY R. WESSEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

PAUL J. ALEA  
ROBERT D. ALLISON  
ALEX T. ALLWEIN  
JEFFREY S. ALVIS  
BROCK A. ANDERSEN  
TERRENCE D. ANDERSON

LUIS A. ARCE  
JONATHAN D. AUTEN  
STEVEN R. BANKS  
BETH BEAL  
RICHARD L. BECKER  
HOWARD M. BENNETT  
STEVEN J. BERNICK  
DONALD S. BERRY  
SHAAN R. BHOJWANI  
KATHRYN L. BIDSTRUP  
ANTHONY M. BIELAWSKI  
KASINA J. BLEVINS  
JOY U. BLITZ  
JOANNA G. BOLTON  
ROGER BOODOO  
WESLEY D. BOOSE  
JOSEPH B. BORAWSKI  
JEFFREY J. BORUT  
SONYA L. BROCK  
DAREN R. BROOKS  
WILLIAM M. BROWN III  
KRISTIN M. BROWSE  
CAROL L. BUDZIK  
JEREMIAH D. BURNETT  
SHARI L. BUZOLICH  
KEVIN A. BYRD  
MARIA A. CAGGIANO  
JACOB J. CARMICHAEL  
MICHAEL J. CARUSO  
DARREN CHERRY  
EMILY M. CHRISTMAN  
PAUL S. CHUNG  
ROBERT N. CLAPP  
DELBERT D. CLARK  
EDMUND J. CLARK  
MAX A. CLARK II  
OTIS C. COLVIN  
JUSTIN M. COX  
WIRT W. CROSS, JR.  
MICHAEL A. DARRACQ  
MARK R. DEBUSE  
MICKEY B. DEEL  
JAMES G. DEMITRACK  
TAI A. DO  
JEREMY P. DOAK  
BENJAMIN J. DRINKWINE  
LINDA C. DUNN  
SUPAKUNYA K. EDMONSON  
MARCIA L. EHRLMANN  
JONATHAN N. ELLIOT  
DANIEL P. ELLIOTT  
OCTAVIANO ESPINOSA  
CHARLES C. FALZON  
DOMINICK R. FERNANDEZ  
MELISSA K. FISCHESSE  
KYLE R. FLANAGAN  
MICHAEL C. FLANAGAN  
DAVID T. FOSTER  
IAN M. FOWLER  
WARREN K. FREY  
DAVID L. FURMAN  
ERICKA GAIR  
GREGORY A. GATES  
JACOB J. GLASER  
JASON A. GORDON  
WENDY T. GORDON  
CONTESSA D. GRAY  
LESLIE M. GREEN  
DAVID E. GREENE  
STACY S. GRIFFIN  
MARAT V. GRIGOROV  
TIFANI C. GRIZZELL  
DAVID A. HAMPTON  
ROBERT B. HANSEN  
JAMES M. HARRISON  
MARGARET A. HARVEY  
JOSEPH D. HEBREO  
DAVID A. HELTZEL  
RICHARD E. HEYWOOD III  
OKSANA B. HIRNIAK  
THANH D. HOANG  
KATHERINE Z. HOLCOMB  
JAMES R. HOLLIS  
JENNIFER L. HOLMES  
ROBERT O. HOLMES, JR.  
JOHN M. HOLST  
WAYNE F. HOMAN, JR.  
BARBARA G. HOOVER  
AARON R. HUBER  
DONALD W. HURST  
WALT HWANG  
JENNIFER R. ISNER  
CHRISTOPHER R. JODLOWSKI  
GRETCHEN K. JOHNSON  
MARK D. JOHNSON  
JOANNE F. JOHNSTON  
JUSTIN E. JONES  
GRANT A. KIDD  
AILEEN KIM  
TAMARA J. KINDELAN  
LISA S. KLA  
JENNIFER F. M. KLIMPEL  
THAD D. KLIMPEL  
RICHARD A. KOCH  
ROBERT J. KRAUSE  
JAYRAM KRISHNAN  
BRIAN W. LEGENDRE

DANIEL Y. LESLEY  
JAMES M. LIANG  
RHONDA A. LIZEWSKI  
SERGIO R. LOMBARDO  
MARK F. LUND  
MONICA A. LUTGENDORF  
JONATHAN R. MAHRER  
SCOTT N. MARGRAF  
MERLE B. MARTIN  
JAMES MASTERSON  
ANNE R. MCDONOUGH  
JACQUELINE C. MCDOWELL  
JIAN M. MEI  
EDWIN T. MELENDEZMURPHY  
MICHAEL G. MERCADO  
ANIS MILADI  
BRANDON W. MILLER  
GEORGIANA L. MILLER  
ALICEA M. MINGO  
ROBERT R. MITCHELL  
JOHN D. MOORE  
EIMANEH MOSTOFIAN  
NICOLAS B. MOYADELPINO  
LOUIS J. MOYER  
CHRISTOPHER D. NGUYEN  
QUOC H. NGUYEN  
KATE E. OLIVER  
MARIUSZ A. OLSZEWSKI  
JUSTIN ONEESE  
EAMON B. OREILLY  
JULIANNE L. PALUMBO  
JOHN E. PEACOCK  
SOLOMON M. PEARCE  
CALEB J. PODRAZA  
GREGORY R. POMICTER  
MATTHEW D. POND  
SCOTT M. PUGH  
SUZANNE K. PUGH  
TODD A. QUACKENBUSH  
ALBIN S. QUIKO  
ERIK L. RAMEY  
LAURA B. RAMSAY  
JAMES C. RAPLEY III  
JENNIFER M. REEM  
DAVID L. RICH  
VERONICA C. RIOS  
DUSTIN J. ROBERTS  
JOHN J. ROBERTS  
JASON H. ROCKWOOD  
CHRISTOPHER J. ROGAN  
JESSE J. ROHLOFF  
DARIN M. ROLFE  
JAMES A. ROTHSCHILD  
ERICA L. SCHIPPER  
NICOLE L. SHARKEY  
PAUL E. SHATTUCK  
DAVID W. SHEPHERD  
SHANNON E. SHORT  
JOEL M. SLADE  
PAUL N. SLOVIN  
WAYNE R. SMITH  
EMILY S. SPAHR  
STEPHEN J. STAUB  
TIMOTHY G. STEGEMANN  
CHRISTINE R. STEHMAN  
TODD H. STERLING  
KRISTIN A. STEVENS  
SUSAN T. STEVENS  
HUNTER S. STOLLDORF  
VICTOR STONE  
ROBERT J. SUMMERLEE  
MATTHEW H. SWARTZ  
LUKASZ SWISTUN  
BRIAN D. TERRIEN  
JOSEPH B. THIES  
NICOLE L. TRAMONTINI  
JON R. VANDERWEELE  
ELLIE L. VENTURA  
MICHAEL L. VILLARROEL  
SARAH A. VILLARROEL  
RICHARD J. WACLAWSKI  
LESLIE A. WALDMAN  
KANE T. WALSH  
PATRICK D. WEBB  
SCOTT A. WELCH  
MONTE D. WILBER  
KIMBERLY D. WILLIAMS  
GEOFFREY W. WILSON

## CONFIRMATION

Executive nomination confirmed by  
the Senate, Monday, September 21,  
2009:

### DEPARTMENT OF DEFENSE

J. MICHAEL GILMORE, OF VIRGINIA, TO BE DIRECTOR  
OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT  
OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO  
THE NOMINEE'S COMMITMENT TO RESPOND TO RE-  
QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY  
CONSTITUTED COMMITTEE OF THE SENATE.

## EXTENSIONS OF REMARKS

### PERSONAL EXPLANATION

#### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 21, 2009*

Ms. SLAUGHTER. Madam Speaker, on roll-call 718, I inadvertently voted "no." I intended to vote "aye." I would like the RECORD to reflect that.

### EARMARK DECLARATION

#### HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 21, 2009*

Mr. TURNER. Madam Speaker, Statement for the CONGRESSIONAL RECORD on Member Requests in the FY2010, Departments of Defense, Transportation, Housing and Urban Development, Labor, and Health and Human Services Appropriations Acts.

1. Project—Integrated Electrical Starter/Generator (IES/G)

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&amp;E

Legal Name of Requesting Entity: GE Aviation Systems, Electrical Power

Address of Requesting Entity: 740 E. National Rd, Vandalia, OH 45377

Description of Request: Funding would be used to help develop a pre-prototype, sensorless IES/G to demonstrate the feasibility of supplying both main engine start function and the electrical power necessary to operate all aircraft systems.

2. Project—Production of Nanocomposites for Aerospace Applications

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&amp;E

Legal Name of Requesting Entity: NanoSpense, LLC

Address of Requesting Entity: 2000 Composite Drive, Kettering, OH 45420

Description of Request: Funding being requested will transition nano-materials technology into Air Force applications.

3. Project—Open Source Research Centers

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&amp;E

Legal Name of Requesting Entity: Radiance Technologies

Address of Requesting Entity: 3100 Presidential Dr, Suite 200, Fairborn, Ohio 45324

Description of Request: Funding being requested will provide support to government agencies that are already over-burdened with classified research requirements and do not have resources to meet the open source requirements.

4. Project—Tactical Metal Fabrication System (TacFab)

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Army, RDT&amp;E

Legal Name of Requesting Entity: BuyCASTINGS.com, Inc.

Address of Requesting Entity: 2411 Crosspointe Drive, Miamisburg, OH 45342

Description of Request: Funding being requested will help Tactical Metal Fabrication (TacFab) System design, develop and build a mobile, containerized foundry, deployable overseas as a companion to RMS, the Army's Rapid Manufacturing System.

5. Project—Ohio Clean & Green Statewide Bus Replacement Program

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3288

Account: Buses &amp; Bus Facilities

Legal Name of Requesting Entity: Ohio Department of Transportation

Address of Requesting Entity: 2208 Arlington Avenue, #3, Columbus, Ohio 43221

Description of Request: Funding will go toward a statewide bus replacement program. Specifically, funds will help replace 78 diesel buses in the Greater Dayton RTA's fleet that have exceeded their useful lives and will become economically inefficient to continue to operate.

6. Project—Renaissance Alliance Project—St. Mary Development Corporation building acquisition and demolition

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: St. Mary Development Corporation

Address of Requesting Entity: 713 West Grand Avenue, Dayton, OH 45406

Description of Request: Funding will go toward the acquisition and demolition of a total of three buildings on Salem Avenue, and five blighted residential buildings identified by the Five Oaks Neighborhood Improvement Association for redevelopment.

7. Project—The Murphy Theatre building renovation

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: The Murphy Theatre Community Center, Inc

Address of Requesting Entity: 50 West Main Street, Wilmington, OH 45177

Description of Request: Funding will go toward the complete renovation of The Murphy Theatre. The theater is the focal point of downtown Wilmington, Ohio.

8. Project—Wright-Dunbar Redevelopment Project building renovation

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Wright-Dunbar, Inc.

Address of Requesting Entity: 1105 West Third Street, Dayton, OH 45402

Description of Request: Funding will go toward the build-out of approximately three historic buildings in this neighborhood to make them tenant-ready for business occupancy.

9. Project—Wilmington College, Wilmington, OH for facilities and equipment

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Wilmington College

Address of Requesting Entity: 1870 Quaker Way, Wilmington, Ohio 45177

Description of Request: Funding will go toward the renovation and modernization of the existing facility at Wilmington College in Clinton County, Ohio, as well as a new addition that will feature laboratory, classroom, and conference space.

10. Project—DaytonDefense, Beavercreek, OH for a job training initiative

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3293

Account: Employment and Training Administration (ETA)—Training &amp; Employment Services (TES)

Legal Name of Requesting Entity: DaytonDefense

Address of Requesting Entity: P.O. Box 341414, Beavercreek, OH 45343-1414

Description of Request: Funds will go toward creation of a workforce center that will provide a unique capability for anticipatory response to workforce needs that are peculiar to the incoming new contracts generated by the BRAC; and subsequently in response to the accelerated workforce attrition within the defense sector.

11. Project—Workforce Services Unlimited, Inc., Circleville, OH for a job training initiative

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3293

Account: Employment and Training Administration (ETA)—Training &amp; Employment Services (TES)

Legal Name of Requesting Entity: Workforce Services Unlimited, Inc. d.b.a. 501(c)(3)

Address of Requesting Entity: 200 East High Street, P.O. Box 220, Circleville, Ohio 43113

Description of Request: This project will supplement existing Department of Labor Emergency Grant services to Wilmington Air Park workers and primary and secondary employers, where more than 10,000 jobs are lost as a result of DHL leaving the U.S. market. The funds will also assist with retraining of workers displaced from G.M., Delphi, Ford, and numerous auto-related parts companies in the same area.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF  
CONGRESSIONAL STAFF

**HON. JOHN M. McHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 21, 2009*

Mr. McHUGH. Madam Speaker, I rise today to thank and recognize the men and women who constitute my Congressional staff. I greatly appreciate their service to me and the people of New York's 23rd Congressional District, which I have had the privilege and honor to represent since 1993.

New York's 23rd Congressional District encompasses 11 counties in Northern and Central New York: Clinton, Essex, Franklin, Fulton, Hamilton, Jefferson, Lewis, Madison, Oneida, Oswego, and St. Lawrence. It is bounded by Lake Champlain on the east, the St. Lawrence River to the north, and Lake Ontario to the west. Additionally, it includes the Thousand Islands and most of the Adirondack Park, which have both long been world renowned for their incredible beauty. The District is also home to historic battlefields, such as Fort Ticonderoga, Ogdensburg, Plattsburgh and Sackets Harbor, and it has been the birthplace of national leaders including former Vice President William A. Wheeler of Malone and former House of Representatives Minority Leader Bertrand H. Snell of Colton. However, most importantly, it is where a capable, generous, independent, proud, and resourceful people reside.

During the time I have had the honor of representing the people of Northern and Central New York, I have been blessed to have had a dedicated and talented staff. Given my time as staff to former New York State Senator H. Douglas Barclay, I can well appreciate their efforts. While I value the efforts of everyone who has served on my staff, at this time I would like to recognize the following men and women who have served during the 111th Congress: Michael Backus, Donna Bell, Karen Brayton, Diane Henderson, Mike Holland, Anne LeMay, Mira Lezell, Jason Miller, Ruth Mary Orloff, Matt Satterley, John Sweeney, Robert Taub, Melanie Turpin, Stephanie Valle, and Kate Wehrle. As I have candidly confessed on more than one occasion, I simply could have never fulfilled the duties of my office without their tireless efforts. Accordingly, at this time, I wish to thank them for their excellent service and wish them my best for a productive future.

CONGRATULATING THE NATIONAL  
ASSOCIATION FOR THE AD-  
VANCEMENT OF COLORED PEOP-  
LE ON THE OCCASION OF THEIR  
100TH ANNIVERSARY

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 21, 2009*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the National Association for the Advancement of Colored People (NAACP) on the oc-

casation of their 100th anniversary, which is being celebrated at the annual Freedom Fund Banquet at Mohegan Sun at Pocono Downs in Plains Township, Luzerne County, Pennsylvania, on Thursday, September 24, 2009.

The NAACP, with more than a half million members, is the largest and oldest civil rights organization in the United States that dedicates itself to the advocacy of civil rights, social justice and equal opportunity under the law.

Founded on February 12, 1909, the NAACP is widely recognized and frequently conducts voter mobilization and advocates for equal opportunity in both the public and private sectors.

From the ballot box to the classroom, the dedicated workers, organizers and leaders who forged this great organization and maintain its status as a champion of social justice fought long and hard to ensure that the voices of all ethnic minorities would be heard. For 100 years, it has been the talent and tenacity of NAACP members that has saved lives and changed many negative aspects of American society.

As honorary co-chairs of this event, Robert Soper, president and CEO of Mohegan Sun at Pocono Downs and David Lee, president of the United Way of Wyoming Valley, deserve credit for raising awareness to the valuable place the NAACP holds in our American society.

Likewise, the founders and current officers and executive committee members of the Wilkes-Barre branch of the NAACP, deserve recognition and appreciation for the role they play in preserving the traditions of the NAACP and highlighting the organization's positive influence for future generations to emulate.

The Wilkes-Barre branch of the NAACP was formed February 10, 1930, when it received its first charter. That charter was re-activated in 1984 and the NAACP subsequently has provided uninterrupted service to northeastern Pennsylvania.

Since the re-activation of the local charter, presidents of the organization have included: Audrey Spence, Bob Crawford, Tyrone Edmunds, Constance Wynn, Bonnie Wynder and Ronald Felton, who has held the office of president since 1997 and is the longest serving president to date.

In 1998, President Felton was elected to the Executive Committee of the Pennsylvania State Conference of the NAACP Branches and he continues to serve in that capacity to this day.

Under President Felton's leadership, the Wilkes-Barre NAACP has handled complaints of racial discrimination, hosted racial summits, improved race relations, hosted diversity picnics, endeavored to increase representation of minority teachers in the region, raised awareness of constitutional rights, promoted voter registration and participation, promoted awareness of Rev. Dr. Martin Luther King Jr. and the holiday named in honor of him, promoted the first ever NAACP history tour to Colonial Williamsburg for NEPA high school students, advocated for juvenile rights in the justice system, participated in a presidential summit on America's Future headed by Gen. Colin Powell, participated in League of Women Voters discussions to encourage citizen participation

in the election process and helped raise awareness of the injustice associated with racial profiling.

Serving on the Wilkes-Barre NAACP executive committee are: David Barber, Peggy Felton, Clinton Harrison, Angel Jirau, David Wallin and Sid Williams.

Madam Speaker, please join me in congratulating the NAACP for 100 years of remarkable service to this nation. In fostering appreciation of and justice for racial minorities, the NAACP has become a champion for human rights and a beacon of human civility and deserves the respect and admiration of the entire nation.

INTRODUCING TRIBAL HEALTH  
BENEFITS CLARIFICATION ACT  
OF 2009

**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 21, 2009*

Mr. BECERRA. Madam Speaker, I rise to introduce the "Tribal Health Benefits Clarification Act of 2009" with Representatives DEVIN NUNES, NICK RAHALL, JOE BACA, SHELLEY BERKLEY, MARY BONO MACK, DAN BOREN, TOM COLE, WALLY HERGER, DALE KILDEE, JOHN KLINE, JERRY LEWIS, BEN RAY LUJÁN, KEVIN MCCARTHY, BETTY MCCOLLUM, FRANK PALONE, EARL POMEROY, GEORGE RADANOVICH, and HEATH SHULER. This bipartisan legislation will clarify that medical care and health coverage provided by Indian tribes for their members, as well as health care provided by the Indian Health Service, or IHS, are not taxable under the Internal Revenue Code.

The federal government has a longstanding policy of providing medical care to Indians. To effect this policy, 25 U.S.C. section 1601 states a "major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level," and specific authorization for IHS is provided in 25 U.S.C. section 13.

However, statistics on the health status of Native Americans compared with the general population are alarming. Native Americans have a life expectancy that is nearly 5 years shorter than other Americans, and death rates from diseases such as tuberculosis, alcoholism, and diabetes that are many times higher than in the general population.

Despite this overwhelming need, funds appropriated for IHS programs have been consistently inadequate to meet even basic health care requirements. In fact, IHS has found that per beneficiary, the IHS received 40 percent less funding than the average cost of a mainstream health insurance plan, thus limiting health care services and contributing to poorer health outcomes among the population it is intended to serve.

To address the needs of their people in the face of the IHS funding shortfall, many Indian tribal governments have dedicated portions of their revenues to funding health care programs. The IRS and federal courts have consistently held that payments made under similar social benefit programs for the promotion

of general welfare are not taxable. However, the test to determine whether a benefit falls under this doctrine is based on facts and circumstances and is difficult to apply. In addition, no formal guidance has been issued by the IRS to assist in these determinations. Statutory language is needed to clarify the tax treatment of these medical care benefits.

The "Tribal Health Benefits Clarification Act of 2009" would provide a statutory clarification that, consistent with the federal government's policy of providing health care services to Indians, neither health care provided by IHS nor medical care provided by an Indian tribe to its members is subject to income taxation.

I urge my colleagues to join us in supporting this important bipartisan legislation to further the federal government's stated goal of raising the health status of the Native American community.

CELEBRATING THE 60TH WEDDING  
ANNIVERSARY OF BOB AND  
CLEOLA RICHARDSON

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 21, 2009*

Mr. ENGEL. Madam Speaker, I rise today to celebrate the longstanding and happy marriage of two of my constituents, Bob Fred Calvin Richardson and Cleola Johnson Richardson. This August 20 they celebrated their 60th wedding anniversary.

Bob and Cleola took their wedding vows at a garden ceremony at Mrs. Richardson's home in Meadville, Pennsylvania on August 20, 1949. They have since moved to Mt. Vernon, NY, where they owned and operated their business Richardson Electronics. They have been residents of Mt. Vernon for 45 years.

Bob and Cleola have four wonderful children, Paula, Marilyn, Robert and Candice, ten grandchildren, as well as two great grandchildren. I want to congratulate Bob and Cleola Richardson on their 60th anniversary and wish them the best of luck as they spend the rest of their lives together.

NATIONAL POW/MIA RECOGNITION  
DAY

**HON. NIKI TSONGAS**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 21, 2009*

Ms. TSONGAS. Madam Speaker, I rise today to recognize September 18th as National POW/MIA Recognition Day and to honor and remember the members of our armed forces who were prisoners of war and those who to this day remain missing in action.

I want to take this opportunity to thank our veterans, especially our POWs and MIAs for their service, and show them our respect and gratitude for the sacrifice that they and their families have made for our country.

President Kennedy once said "a nation reveals itself not only by the men it produces,

but also by the men it honors, the men it remembers." We long remember our veterans and the lessons they teach us, and we recommit ourselves to never rest until every American who is believed to be imprisoned is freed, and every American who is missing is fully accounted for.

We also owe a debt of gratitude to the family members of POWs and MIAs for weathering agonizing uncertainty during such a difficult time. We, and countless people around the world, are the beneficiaries of their courage and their vigilance. This solemn day of recognition serves as an important reminder to always honor our duty to support those who serve.

PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 21, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor during the week of Monday, September 14, 2009.

Had I been present on Monday, September 14, 2009, I would have voted "aye" on rollcall vote No. 696 (on motion to suspend the rules and agree to H. Res. 6), "aye" on rollcall vote No. 697 (on motion to suspend the rules and agree to H. Res. 459), "aye" on rollcall vote No. 698 (on motion to suspend the rules and agree to H. Con. Res. 59).

Had I been present on Tuesday, September 15, 2009, I would have voted "Present" on rollcall vote No. 699 (On agreeing to H. Res. 744), "aye" on rollcall vote No. 700 (on motion to suspend the rules and agree to H. Res. 317), "no" on rollcall vote No. 701 (on motion to suspend the rules and agree to H.R. 22), "aye" on rollcall vote No. 702 (on motion to suspend the rules and agree to H.R. 3137).

Had I been present on Wednesday, September 16, 2009, I would have voted "no" on rollcall vote No. 703 (On agreeing to the resolution H. Res. 746), "aye" on rollcall vote No. 704 (on motion to suspend the rules and agree to H. Res. 260), "aye" on rollcall vote No. 705 (On agreeing to the Hall (TX) amendment to H.R. 3246), "aye" on rollcall vote No. 706 (On agreeing to the Donnelly (IN) amendment to HR. 3246), "aye" on rollcall vote No. 707 (On agreeing to the Massa amendment to H.R. 3246), "aye" on rollcall vote No. 708 (On motion to recommit with instructions to H.R. 3246), "no" on rollcall vote No. 709 (On passage of H.R. 3246).

Had I been present on Thursday, September 17, 2009, I would have voted "aye" on rollcall vote No. 710 (On agreeing to the Hoekstra amendment to HR. 3221), "aye" on rollcall vote No. 711 (On agreeing to the McMorris Rodgers amendment to HR. 3221), "aye" on rollcall vote No. 712 (On agreeing to the Foxx amendment to HR. 3221), "aye" on rollcall vote No. 713 (On agreeing to the Himes amendment to H.R. 3221), "aye" on rollcall vote No. 714 (On agreeing to the Minnick amendment to HR. 3221), "aye" on rollcall vote No. 715 (On agreeing to the Schauer amendment to H.R. 3221), "aye" on

rollcall vote No. 716 (On agreeing to the Teague amendment to HR. 3221), "aye" on rollcall vote No. 717 (On agreeing to the Guthrie amendment to HR. 3221), I would have voted "aye" on rollcall vote No. 718 (On motion to recommit with instructions to H.R. 3221) because as an original cosponsor and a strong supporter of H.R. 3571, the Defund ACORN Act, I agree that it is absolutely necessary to prevent all Federal taxpayer dollars from going to ACORN, and "no" on rollcall vote No. 719 (On passage of H.R. 3221).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 22, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

- 9:30 a.m.  
United States Senate Caucus on International Narcotics Control  
To hold hearings to examine prison gangs and their connection to the drug trade.  
SD-562
- 10 a.m.  
Homeland Security and Governmental Affairs  
To hold hearings to examine the Defense Contract Audit Agency, focusing on reform.  
SD-342
- Judiciary  
To hold hearings to examine reauthorizing the USA PATRIOT Act.  
SD-226
- 2:30 p.m.  
Commerce, Science, and Transportation  
To hold hearings to examine the nominations of Anne S. Ferro, of Maryland, to be Administrator of the Federal Motor Carrier Safety Administration, and Cynthia L. Quartermann, of Georgia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, both of the Department of Transportation.  
SR-253
- Judiciary  
To hold hearings to examine the nominations of Jacqueline H. Nguyen and Dolly M. Gee, both to be a United States District Judge for the Central

District of California, and Richard Seeborg and Edward Milton Chen, both to be a United States District Judge for the Northern District of California.  
SD-226

## SEPTEMBER 24

9:30 a.m.

## Banking, Housing, and Urban Affairs

To hold hearings to examine the Emergency Economic Stabilization Act, focusing on one year later.

SD-538

10 a.m.

## Armed Services

To hold hearings to examine the President's decision on missile defense in Europe.

SD-106

## Judiciary

Business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 1670, to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals, and an original bill to extend expiring provisions of the USA PATRIOT Act, and the nominations of Paul Joseph Fishman, to be United States Attorney for the District of New Jersey, Jenny A. Durkan, to be United States Attorney for the Western District of Washington, Florence T. Nakakuni, to be United States Attorney for the District of Hawaii, and Deborah K. R. Gilg, to be United States Attorney for the District of Nebraska, all of the Department of Justice, and Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, Roberto A. Lange, to be United States District Judge for the District of South Dakota, Irene Cornelia Berger, to be United States District Judge for the Southern District of West Virginia, and Charlene Edwards Honeywell, to be United States District Judge for the Middle District of Florida.

SD-226

## Joint Economic Committee

To hold hearings to examine the future of newspapers, focusing on the impact on the economy and democracy.

210-CHOB

10:30 a.m.

## Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the government, focusing on performance.

SD-342

2:30 p.m.

## Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine a review of United States diplomatic readiness, focusing on the staffing and foreign language challenges facing the foreign service.

SD-342

## Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine securitization of assets, focusing on problems and solutions.

SD-538

## Intelligence

Closed business meeting to consider pending intelligence matters.

S-407, Capitol

## SEPTEMBER 29

9:30 a.m.

## Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine comprehensive immigration reform, focusing on faith-based perspectives.

SD-226

10 a.m.

## Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine improving transparency and accessibility of federal contracting databases.

SD-342

2:30 p.m.

## Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine body building products and hidden steroids, focusing on enforcement barriers.

SD-226

## SEPTEMBER 30

9:30 a.m.

## Veterans' Affairs

To hold hearings to examine Veterans Affairs contracts for health services.

SR-418

10 a.m.

## Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Bartholomew Chilton, of Maryland, Jill Sommers, of Kansas, and Scott D. O'Malia, of Michigan, all to be a Commissioner of the Commodity Futures Trading Commission, Edward M. Avalos, of New Mexico, to be Under Secretary for Marketing and Regulatory Programs, Edward M. Avalos, and Harris D. Sherman, of California, to be Under Secretary for Natural Resources and Environment, both to be a Member of the Board of Directors of the Commodity Credit Corporation, both of the Department of Agriculture, and Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration.

SR-328A

## Health, Education, Labor, and Pensions

Business meeting to consider an original bill entitled "Ryan White HIV/AIDS Treatment Extension Act of 2009", and the nominations of Brenda Dann-Messier, of Rhode Island, to be Assistant Secretary for Vocational and Adult Education, and Alexa E. Posny, of Kansas, to be Assistant Secretary for Special Education and Rehabilitative Services, both of the Department of Education, and George H. Cohen, of Virginia, to be Federal Mediation and Conciliation Director, Federal Mediation and Conciliation Service.

SD-430

## Judiciary

To hold hearings to examine advancing freedom of information in the New Era of Responsibility.

SD-226

## OCTOBER 1

2:30 p.m.

## Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration.

SD-366

**SENATE—Tuesday, September 22, 2009**

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, we pray many prayers for many reasons, and we thank You for hearing us. Today, we ask You to give our Senators a spirit of wisdom that will save them from all false choices and will provide them with a straight path on which to walk without stumbling. Set a seal upon their lips so that no thoughtless words shall sting or harm another. May they meet today's tasks with courage and kindness, showing that they are Your children. Lord, empower them to see clearly the solutions they couldn't discover without Your help, as You remind them that all things are possible to those who believe in You. Help them to commit to You the challenges and decisions they will face, believing that You will enable them to serve with excellence.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first half, the majority will control the final half-hour.

Following morning business, the Senate will resume consideration of H.R. 2996, the Interior appropriations bill. At 12 o'clock, the Senate will proceed to a vote in relation to the Feinstein amendment. The Senate will then recess from 12:30 to 2:15 p.m. for the weekly caucus luncheons.

The official Senate photograph of the 111th Congress is at 2:15 p.m. today. Senators should be seated at their desks in the Chamber promptly at 2:15.

Several things. No. 1, on the Interior appropriations bill, today is the day for Members to offer amendments. They had Thursday, yesterday, and today, so this is the time they should act because I am not sure what we will do after today, but we are not going to spend more time on this bill. We shouldn't, at least. I hope we don't have to because we have to get to the Defense appropriations bill at the earliest possible date.

As to the photograph, normally what we do is we come in and convene at 2:15 and recess until the photograph is completed, and that is what we will do today, more than likely.

I would also say that, as we speak, the Finance Committee has been involved in a markup of that important piece of legislation for 1 hour now. They started at 9 o'clock. They probably will only make opening statements this morning before the weekly caucus luncheons. After that, the amendment process will start.

There will be a decision made, hopefully within the next several days, as to how we will proceed on this legislation. It is my hope we will have a bill reported out of that committee that will be brought to the floor, and then my responsibility will be to meld that bill with the HELP bill so we can have a piece of legislation on the Senate floor in the near future.

This is an important step in the process. It is a step I am confident will bring results that will be favorable to the country. If we can't work this out—to do something within the committee structure—then we will be forced to do the reconciliation. Of course, that will be a last resort. I know a number of steps we can take before we do that, but a reconciliation bill is there for us. It was put there by the Budget Committee.

If we can't come up with a bipartisan bill with the help of a few Republicans, then we will have to go the route of reconciliation. On reconciliation, under the order, there is only 20 hours of debate. It would be a free amendment process, which would take some time. We have done reconciliation on many different issues in recent years. We have done it on a number of health care issues, including the Medicare legislation. But it remains to be seen as to whether we will have to do reconciliation. I am confident and hopeful we won't have to do that but only time will tell.

I would also say, we have scheduled the recess for the Columbus Day week. The reason that is done is because if we don't have that break, there would be 11 weeks until Thanksgiving and that is difficult. The Senate has changed over the years. Many Senators' families are in places other than Washington and 11 weeks is difficult not to have a week you can go home. But whether we will be able to keep that whole week depends a lot on when we get to health care legislation. It is obvious that if we are in the middle of health care, we can't take a recess for 1 week. So we will see as time goes on.

We have CBO scoring and that will take a little bit of time and there are always difficulties that arise when you have a major piece of legislation such as this. But the schedule is as we have outlined it. We have given all interested parties the days that there will be no votes, and we do have that week scheduled now for a recess, but when that was done, we did it indicating it may not come to be. It is according to what happens with the schedule.

We have a number of must-do things, and hopefully some of those will be done before the end of the month. We have to make a decision on the highway bill, we have postal reform, and we have a continuing resolution because we won't be able to complete all the appropriations bills prior to the end of the month. So there are a lot of things to do, and we will do our best to get them all done.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**HEALTH CARE**

Mr. MCCONNELL. Mr. President, today, the Senate Finance Committee will start to amend the health care

proposal that its chairman, Senator BAUCUS, released last week. Before that work begins, I think it is important to remind Americans what this plan would mean for them.

Put simply, this plan calls for more and more government intrusion into the health care system and pays for it with \$350 billion in new taxes and hundreds of billions of dollars in Medicare cuts. So in the name of cutting costs, this plan raises taxes on virtually every American who uses our health care system.

Here are some of the tax increases in this plan: If you have insurance, this plan taxes you in the form of a new tax on insurance companies, which will then be passed on to consumers.

If you don't have insurance, this plan taxes you, too, by saying that the consequence of not maintaining insurance is an excise tax that could run as high as \$3,800 a year.

If you use a medical device—such as a hearing aid or an artificial heart—this plan taxes you, and it also includes new taxes on everything from MRIs to contact lenses.

If you need laboratory tests for prevention, screening or diagnosis, this plan taxes them too.

If you are an employer who can't afford to provide health insurance to your employees, this plan taxes you—a tax that businesses across the country have warned could kill more jobs in the middle of a recession.

If you, similar to tens of millions of other Americans, take prescription drugs, this plan taxes you too.

This plan also increases taxes on about 1 in 10 family insurance policies, according to one policy group, and this tax will extend to more and more plans over time.

In short, if you have health insurance or you don't, you are taxed. If you seek preventive care, you are taxed. If you need a medical device, well, that is taxed too. At a time when Americans are demanding lower health care costs, this plan would drive them even higher.

As I said earlier, this plan also contains hundreds of billions of dollars in Medicare cuts, which will hurt America's seniors. It contains \$130 billion in cuts to Medicare Advantage, a program that gives 11 million seniors more choices and options when it comes to their health care. One Democratic Senator described these cuts as "intolerable."

The President recently said that seniors currently on Medicare Advantage would be able to get coverage that is "just as good." Seniors, however, want to keep the insurance they already have.

This plan contains nearly \$120 billion in Medicare cuts for hospitals that care for seniors—cuts that organizations such as the Kentucky Hospital Association have warned against because of

the negative effect they would have on services to seniors in Kentucky and in other States.

This plan includes more than \$40 billion in cuts to home health agencies that let seniors receive care in their homes rather than having to go into a nursing home. This plan contains \$8 billion in cuts to hospice care, a service that provides dignity and comfort to seniors at the end of life.

Everyone agrees that Medicare needs reform but, instead of trying to address the problems at hand, this plan uses Medicare as a piggy bank to pay for new government programs that could very well have the same fiscal problems Medicare does.

Americans want reforms that make care more affordable and keep government out of health care decisions. They do not want a so-called reform that would actually make care more expensive and would put government bureaucrats in charge of health care decisions.

Americans have sent a clear message to lawmakers in Washington over the past months: No more trillion-dollar programs, no more debt, and no more taxes. This plan for health care fails all these tests. That is why it is so important for the Finance Committee to give this proposal serious and careful consideration. I have listed just a few of the things that concern people about this plan. With 564 amendments filed from both Democrats and Republicans, it is clear we need to slow down and take the time necessary to address the serious bipartisan concerns about the plan.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senator from New Hampshire and I be permitted to engage in a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### STUDENT LOANS

Mr. ALEXANDER. Mr. President, I don't think we can say it too often—

though some people may tire of hearing Republican Senators saying it—we have too much debt and too many Washington takeovers. Today, we want to talk about the latest Washington takeover, the latest huge addition to the national debt, which is the voluntary takeover of the Federal Family Education Loan Program.

Rather than describe the situation myself, let me go to the New York Times article, on September 14, to paint the picture.

Between financial rescue missions and the economic stimulus program, government spending accounts for a bigger share of the nation's economy—26 percent—than at any time since World War II. The government is financing 9 out of 10 new mortgages in the United States. If you buy a car from General Motors, you are buying from a company that is 60 percent owned by the government. If you take out a car loan or run up your credit card, the chances are good that the government is financing both your debt and that of your bank. And if you buy life insurance from the American International Group, you will be buying from a company that is almost 80 percent federally owned. Mr. Obama plans to argue, [the Obama administration says], that these government intrusions will be temporary.

If that is true, then why is the Obama administration insisting and the Democrats in the Senate and the House are insisting that we take the Federal student loan program which works very well and turn it wholly into a government-run program; borrow a lot more money, maybe \$500 billion or \$600 billion over the next 5 or 6 years, and turn the Secretary of Education into a competitor for banker of the year instead of educator of the year?

Just the size of this undertaking is enough to stagger the imagination. There are 19 million new student loans every year. They are made through 2,000 lenders at 4,421 schools. At 1,600 schools, one out of four of the student loans, you can get the money directly from the Federal Government. But ever since I was U.S. Secretary of Education in the early 1990s, students have preferred their local institutions. Now the President comes along and says we are going to have a lot of savings, we are going to have \$87 billion in savings over the next 10 years, so we should end the student loan program as we know it and turn it all over to the government and have people stand in line at the U.S. Department of Education each year to get 19 million loans.

The Senator from New Hampshire is the former chairman of the Budget Committee, the ranking member of the Budget Committee, perhaps the leading Senator in this body on budgetary matters. I would ask him this question: Is there really \$87 billion in savings over the next 10 years which the President and the Democratic majorities should be able to spend?

Mr. GREGG. Let me first congratulate the Senator from Tennessee for bringing this matter to the attention

of the Senate because if there were ever a shell game being played on the American people, this is it.

The administration has alleged they are going to save \$87 billion. Then they have gone out with great zeal and enthusiasm and spent every cent of it—spent every cent of it. It turns out there is not \$87 billion saved. CBO, when it looks at this and does so in a forthright way, using standard accounting procedures which we would use in most instances, determines the savings are closer to \$47 billion.

Mr. ALEXANDER. If I may interrupt the Senator for a moment, you mean the Congressional Budget Office, whose Director is appointed by the Democratic majority, has said that instead of \$87 billion in savings, it is \$47 billion; is that correct?

Mr. GREGG. That is correct. But they are subject to very arcane rules. They came up with the \$87 billion using the arcane rules. I asked them to look at this in an honest way, using standard accounting rules, the same rules used by the Congressional Budget Office for other credit events. They concluded that if we use those and were able to use those and were not bound by the arcane score-keeping rules—it is not their fault, they are bound by law to use a different standard here—the real savings is \$47 billion. That is what they said. They said that using the proper accounting methods for looking at this, the true savings is \$47 billion, which, of course, begs the question of, what are you going to use that for? They are going to spend \$87 billion, so actually they are going to run up a deficit on this whole exercise of a lot of money on the taxpayers in the claim that they are saving money.

Mr. ALEXANDER. This \$47 billion, just so I follow this, is the actual savings. Let me see if I can understand the figures a little better. The government's basic argument here is it can borrow money cheaper than banks can borrow money and then re-lend it to students, which is true. I think the government can borrow money at one-quarter of 1 percent. But the government is lending the money to students at about 6.8 percent depending on the loan. So even if it is \$87 billion or \$47 billion over 10 years, doesn't that mean the government is overcharging students who are getting student loans and then using that money for new programs?

Mr. GREGG. The Senator is going to the essence of what really drove this decision. This is not a decision about saving money, this is a decision about spending money. That may seem counterintuitive, but what you have to understand is that if the administration could get a score from CBO that says they are going to save \$87 billion or they are going to save \$47 billion, then they get to spend that money. So no money is being saved—none. The

money is being spent on different programs.

What should have happened here, if they were going to have integrity about their proposals, is exactly what the Senator from Tennessee is basically suggesting, which is the whole \$87 billion should have been saved. It should not have been spent, it should have been saved and added to reduce the debt.

There is no reason the government should be making \$47 billion off our students any more than they should be making \$87 billion off our students, if they are going to go solely to a Federal direct loan program.

Mr. ALEXANDER. These 19 million loans every year, we know who these people are. They are our sons and daughters. They are people in our families. Sometimes they have two jobs while they try to go to school. Maybe they have no job; they have gotten laid off and they are going back to school. They can get a student loan. But the government has borrowed the money at one-quarter of 1 percent and loaned it to them at nearly 7 percent and is taking that profit, whatever the amount is, and spending it on something else.

Mr. GREGG. The Senator from Tennessee is absolutely right. It truly is a cynical act because basically they are claiming savings when they are actually creating a capacity to spend more money, which they spend. This is Washington-speak at its worst. It reflects the attitude, really, of this administration, which is that they are not interested in controlling spending or reducing the debt. When they find \$87 billion, which they claim they have—they actually only have \$47 billion—they want to spend it as soon as they can, and they have. This spending has already occurred even though the program has not been put in place to save this money. They have already outlined how they are going to put this money out the door, not using it to reduce the debt.

But the Senator from Tennessee is right on a second point too. It should have been zero. In other words, there is no reason, if you are going to take this course of action and you are going to maintain intellectual integrity, that there should be any money being spent here. The full \$47 billion should flow to the benefit of the students.

Mr. ALEXANDER. I am not ready to say there is \$47 billion of savings. That assumes the U.S. Department of Education, which makes about a fourth of the current student loans in the country—which is 3 million loans a year, and it spends about \$700 million a year on that—can make 18 or 19 million student loans a year from the same amount of administrative costs. That doesn't sound likely to me. If that is true, then even the \$47 billion is a wrong number.

Mr. GREGG. No one is more expert in this area than the Senator from Ten-

nessee, having served as one of the leading Governors on the issue of education when he was Governor of Tennessee and then going on to be the Secretary of Education. He understands how the Department of Education works. I certainly subscribe to his view. It does not smell right. Clearly, if they are going to increase their activities by this size, they are going to have a massive increase in cost.

Another question on which I would be interested in the thoughts of the Senator from Tennessee is, what happens to the students? I know some people get a little frustrated just trying to get their driver's licenses renewed in this country. Can you imagine having to go find the Department of Education and getting a student loan from that Department? I would be interested to get the Senator's thoughts on what kind of nightmare that is going to be for our students.

Mr. ALEXANDER. That is a pretty big nightmare. The Senator and I both worked on ways of simplifying the Free Application for Federal Student Aid or FAFSA. There are millions of individuals and families this year in America who have to get this government form, fill it out, and tell all about themselves in order to get a Pell grant or apply for a student loan, one way or the other. That is very complicated. I have been trying to imagine how the U.S. Department of Education, one of the smallest departments in the country, which has in its higher education part of its division simply a mechanism for sending money out—Pell grants, paying bills—how it is going to make 19 million new loans a year.

In my State of Tennessee, the non-profit provider of student loans, one of the 2,000 lenders that exist in the country to serve students in New Hampshire or everywhere—these are some of the things they do. They have five regional outreach counselors to canvass Tennessee to provide college and career planning; they made 443 presentations through college fairs; they worked 12,000 students to improve their understanding of college admissions and financial aid; they provided training to over 1,000 school counselors so they could work with students; they sent out 1.5 million financial aid brochures for Tennessee students. I cannot imagine the Department of Education having the capacity to do that.

I think the Senator is right. I think we are going to see long lines of very upset students, starting in January—because that is when they start filling out those forms—saying: What has happened here? I have to line up at the U.S. Department of Education to get my student loan, 19 million of us?

Mr. GREGG. I think the Senator from Tennessee has hit one of the core issues here, independent of the fact that this is just a scam to create more room to spend more money to spend on

other programs, and it is scamming the students by hitting them with \$47 billion of interest payments which they should not have to pay if this is followed. But the Senator has raised another valuable question here, which is obviously students were reasonably comfortable with the system the way it worked because 75 percent of the students had opted to pursue the private sector loan process. Granted it was a little more expensive for them—not dramatically by student; obviously cumulatively it was, but not dramatically by student. But I think they took that option because it was so much more convenient.

In our society, which is reasonably capitalistic—but becoming less so under this administration; obviously we are moving down the road toward a Socialist state—but independent of that, people often pay a little more for the convenience of it, for the convenience of having an efficiently delivered loan, for the convenience of knowing whom to talk to when you have a problem, for the convenience of basically being able to go get answers quickly to your questions. Essentially, that is what these higher education authorities created in every State. Tennessee has one. New Hampshire has one. They are really good people. They are, for the most part, except for their executive director, volunteers. Their purpose is to make sure students have very prompt access to student loans which are significant enough for them to pay for their education and that it is also done in a way that is convenient so they do not have to end up just getting lost in a massive bureaucracy. I suspect every congressional office is going to have to become a massive clearinghouse for student loan problems. We don't have that now. We have problems with a lot of programs and agencies, but student loans is not one of them.

It really is a big issue of the marketplace having voted with their feet, so to say. The students in this country voted to use the guaranteed loan system, pay a little bit more for the purposes of the convenience they were being given by having that sort of easy access and substantive information right at hand, versus going to the government and getting overwhelmed by a government bureaucracy which is often indifferent to consumer issues and is difficult to deal with.

Mr. ALEXANDER. I appreciate the comments of the Senator.

In President Obama's address to us on health care the other day, he said:

My guiding principle is and always has been, the consumers do better when there is choice and competition. That is how the market works.

I guess he means except when we are talking about student loans.

Twenty years ago, we set up a system to give people a choice, and, as you said, they voted with their feet. This

past year, 14 million students made a choice to be under the regular student loan program. They are at 4,000 campuses, went to 2,000 lenders, they got a lot of extra services, I assume, or they could have come to the Department of Education, which about 4.5 million students chose to do. The Senator has made it clear that the excuse for doing—but, well, let me say this.

I guess the Senator has heard many times the President and people on the other side of the aisle say: Well, we inherited this problem. The reason we own General Motors, or 60 percent of it, is because we inherited it from President Bush. Or: The reason we are dealing with the American International Group Insurance Company is because we inherited that problem. Or: The reason we had to take over the banks is we inherited that problem.

Well, this is a completely voluntary Washington takeover, if I am not mistaken.

Mr. GREGG. The Senator is once again correct. There is a macro issue of economics here. Although it is tangential to the Senator's primary concern, which is the very legitimate concern of: Why are we taking all of this money from students if we are going to do this type of program? And why are we spending all of this money even before we take it in? And why are we putting students through having to stand in line like at the DMV to get a loan?

There is a macro issue here, which is for the government to take over all of this debt means we are going to add \$500 billion to \$600 billion to the government ledger. We are now nowhere near that in the student loan area because we are not primarily responsible for the debt.

As a result, you are going to have some significant crowding out. It could easily aggravate our ability to borrow money for the purposes of financing these massive deficits the President wants to run, the trillion-dollar deficits every year for the next 10 years that are in the budget.

I do not think it will be a massive issue, but it will be a significant issue. It could affect the rate of interest which we have to pay as a government. It could affect other nations looking at us and saying: Do we have too much debt on our books?

Most of this debt will go into a revolving fund, and hopefully it will be repaid, as it is traditionally. But the initial debt will still have to be put on the books at some point.

Mr. ALEXANDER. Well, I thank the Senator. I think what we have seen is getting to be too familiar around here, an action by the administration, another Washington takeover, more debt, to the tune of \$500 billion or \$600 billion, more debt. You said on the \$87 billion or \$47 billion spending of money we do not really have.

Mr. GREGG. Well, the \$87 billion is what has been spent. That is what they are going to spend.

Mr. ALEXANDER. They are going to spend the \$87 billion. As you have eloquently said: There is no \$87 billion. That adds to the debt.

Then there is the problem of 19 million students lining up at the Department of Education to get their student loans starting in January. Perhaps we need a piece of truth-in-lending legislation that would go on every student loan application that says: Congratulations. Your government is making you a student loan. We borrowed it at one-quarter of 1 percent, and we are going to loan it to you at 6.8 percent, and we are going to spend twice that much on new programs that we thought of while we take over the entire student loan program.

Mr. GREGG. I would say the Senator from Tennessee has hit on a very appropriate disclosure issue that should be on every one of those loans.

Mr. ALEXANDER. Unless the Senator from New Hampshire has further comments, I yield the floor.

Mr. GREGG. I appreciate the courtesy of the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. How much time is remaining?

The ACTING PRESIDENT pro tempore. There is 9½ minutes.

Mr. ALEXANDER. Please let me know when 1 minute remains.

#### NUCLEAR POWER

Mr. ALEXANDER. Mr. President, today President Obama told the countries of the world that the United States is ready to lead on climate change. But while he is reassuring world leaders, he has a lot of work to do with us in the Senate.

Only yesterday in The Wall Street Journal, John Bruton, the European Ambassador to the United States, chided the Senate, saying:

Is the U.S. Senate really expecting all the other countries to make a serious effort on climate change at the Copenhagen Conference in the absence of a clear commitment from the United States? Asking an international Conference to sit around looking out the window for months, while one chamber of the legislature of one country deals with its other business, is simply not a realistic political position.

Now I understand the Ambassador's frustration, but I hope he understands that the Senate has work to do other than deal with climate change and energy. Reforming health care involving one-sixth of our Nation's economy is not something the Senate is going to do in a hurry.

On the matter of climate change, however, he is asking a legitimate question. An even better question might be this: "How can the United States lecture other countries about climate change when we

won't take advantage of the one technology that shows the most promise of dealing with it?" I am talking, of course, about nuclear power, which produces 19 percent of all our electricity but 70 percent of our carbon-free electricity.

Coal-fired powerplants produce 36 percent of the carbon dioxide; the principal greenhouse gas that most scientists believe contributes to global warming. Of the top five countries that produce carbon, indeed that produce most of the carbon in the world, four, China, Russia, India and Japan, are committed to a bold program of expansion of nuclear power.

Only the United States is not. We are the country that invented nuclear power, and we have not started a new nuclear plant in 30 years even though the 104 reactors we built during the 1970s which produce 19 percent of all our electricity, and produce 70 percent of our carbon-free electricity.

So, if climate change is the inconvenient problem, as my fellow Tennessean Al Gore says, the other large carbon-emitting nations are posing a legitimate and truly inconvenient question: If we, they may say, are building dozens of carbon-free nuclear powerplants in an effort to deal with climate change, why are you lecturing us when you have not started a new plant in 30 years and your President and everyone in his administration seems to become tongue-tied or get a stomach ache whenever someone mentions the idea of nuclear power.

Everyone, that is, except the one member of the administration who knows the most about nuclear power, Dr. Steven Chu, the Nobel Prize winning scientist who heads the Energy Department. We have heard many say that the Bush administration did a poor job of listening to scientists. Well, then, perhaps it is fair for me to suggest that the Obama administration, including the President, might do more listening to their chief scientist, Dr. Chu.

In testimony before Congress, Dr. Chu has flatly said that nuclear powerplants are safe.

He has said that the used nuclear fuel from those plants, the nuclear waste, can be safely stored on site for 40-60 years while scientists engage in a mini-Manhattan Project like the one we had in World War II to find the best possible way to recycle nuclear fuel. Most likely that will mean that the waste's mass is reduced by 97 percent and it will only be radioactive for 300 years instead of 1 million, or that it will be continuously used over and over again so there is none of the plutonium that might be used to make bombs.

In an interview on National Public Radio the other day, Dr. Chu said that he would rather live down the river from a nuclear plant than other forms of producing energy. "There's less pol-

lution we know about that's very dangerous. The nuclear power plants' record in the United States is really very, very good," he said.

Our whole fleet of 104 reactors is up and running 90 percent of the time, which shows we know how to operate nuclear powerplants better and more safely than any other country. Even France does not run its reactors as well and they have got plenty of experience, they get 80 percent of their electricity from nuclear power.

But if we have learned to run reactors in this country, we still cannot bring ourselves to build any new ones. We have been stuck at about 100 reactors for 20 years now. We built those 100 reactors from 1970 to 1990 at a time when we had never built any before yet now that we have got all that under our belt we cannot seem to get started on the new generation.

But while we have not been able to start a new plant in 30 years, the rest of the world is taking the technology we invented and using it to create cheap, reliable, carbon-free electricity from nuclear plants. There are 44 reactors under construction right this minute, most of them in Asia. Asia? Yes, without most Americans realizing it, the center of gravity of nuclear innovation has moved to the Far East. China has four reactors under construction and has announced plans for 130 more. Russia intends to build two reactors a year in order to replace the 30 percent of their electricity they get from natural gas so they can sell the gas to Europe at six times the price they get at home. Japan already gets 36 percent of its electricity from nuclear, almost twice what we get, and is building two more reactors. South Korea gets nearly 40 percent of its electricity from nuclear and is planning eight more reactors by 2015. They have even got their own design now, a 1400-megawatt next generation reactor that evolved out of something they borrowed from us. India is developing thorium reactors instead of uranium and has a design for a mini-reactor that they are going to market to developed countries.

Just look down the list of the ten top carbon-emitting countries as listed in yesterday's Wall Street Journal. I have already mentioned that of the top five, China, the U.S., Russia, India and Japan, we are the only one that does not have an active nuclear construction program. Of the next four, Germany, Canada, the U.K., and South Korea, only Germany claims they do not want nuclear, but they are buying significant amounts of nuclear electricity from France.

Then there is the number 10 carbon emitter, Iran. Now that is an interesting case. A few months ago, President Obama said it was OK for Iran to develop a civilian nuclear power program, he did not have any problem

with that. But if it is alright for Iran to have a nuclear power program, why cannot we do the same thing over here?

Leading on climate change does not require passing a complicated cap-and-trade regime with renewable energy mandates that will impose a huge new tax on energy, stifle economic growth, and leave us with intermittent and unreliable alternative energy sources such as wind and solar. That is the wrong direction.

It is time to lead by example and not just words. It is time to embrace the one technology that truly has the possibility of powering a prosperous planet without ruining the environment or covering our treasured landscapes with energy sprawl. It is time to build 100 new nuclear plants in the next 20 years.

And the bonus is we will get plenty of so-called green jobs out of it, twice as many as building the 186,000 wind turbines that it would take to create an amount of electricity equal to 100 new nuclear plants. Building 100 new reactors is going to mean rebuilding a forgotten American infrastructure. We are going to have to build steel forges that can turn out these 600-ton reactor vessels, which is something we cannot do in this country right now. The Japanese and the Chinese and the Russians are all working on it, but we are not. We are going to need scientists, we are going to need construction workers, and we are going to need a whole new generation of nuclear engineers and technicians to replace the last generation that is getting ready to retire.

I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

But the prize we are going to get for it is stable, reliable, low-cost, as well as carbon-free electricity, that will once again allow us to manufacture things in this country again instead of shipping all those jobs overseas looking for cheap energy. We can put America back to work building a whole new infrastructure based on the greatest scientific discovery of the 20th century.

Then when our President visits the United Nations or Copenhagen, he might be able to lead on climate change and he might not receive so many lectures from other countries that are busy building nuclear powerplants because they understand that if climate change is the inconvenient problem, nuclear power is the inconvenient but best and most environmentally beneficial solution.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. I ask unanimous consent that I be permitted to speak for up to 10 minutes, followed by Senator DURBIN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## WATER INFRASTRUCTURE

Mr. CARDIN. I am happy that when morning business comes to an end we will resume consideration of the fiscal year 2010 Interior Appropriations bill.

I have come to the floor today to support the significant increase in funding for water infrastructure included in that legislation. We in Maryland have witnessed one more dramatic reminder that the water infrastructure of this country is in dire straits and in desperate need of new attention and greater investment.

This past Friday afternoon, water surged for hours from a broken 6-foot-wide water main in Dundalk, MD. The raging water covered streets, pouring water into basements of many homes in Baltimore County, causing significant property damage. The raging water washed out main roads in the area causing significant damage to the infrastructure of the community. Here we see the road being washed out by the water that flowed through this community.

This past Friday I was in Dundalk for the groundbreaking of a new housing development. This is a proud, historic community in Baltimore County. It was devastating, the damage that was done to this community as a result of infrastructure that failed. I would like to say this is an isolated episode but, unfortunately, this is not the first time in the past year we have witnessed instances such as this. Last December, a water main broke sending a 4-foot wall of water down a busy commuter road in Bethesda, MD, just outside of Washington. Here we see the headlines from the paper. Rescue workers were trying to rescue stranded drivers. This was River Road that turned into a river as a result of another water main break in Maryland. The water flowed with such force that Maryland State emergency workers had to rescue some drivers by boat and even by helicopter. Here we see a dramatic rescue. Fortunately, no one was injured, but we could have seen the loss of life.

We need to deal with infrastructure, the pipes of our Nation. While these incidents were perhaps some of the most dramatic, there have been hundreds of water main breaks, large and small, across Maryland over the last year alone, and we are likely to see more instances such as this in the future. According to the EPA's 2004 clean watershed needs survey, Maryland has nearly \$6 billion in wastewater infrastructure needs alone. But Maryland is not unique in facing a crisis when it comes to water infrastructure. These episodes have been repeated throughout the Nation. Our water infrastructure is reaching a tipping point in many places, having long outlived its 50-year lifespan. The American Society of Civil Engineers rated both wastewater and drinking water systems a D minus, the lowest rating of any infrastructure category.

These problems are compounded by a growing population and more frequent cycles of floods and droughts affecting communities. The Environmental Protection Agency estimates an additional \$6 billion per year will be needed to meet the Nation's wastewater infrastructure needs, and \$5 billion will be needed for drinking water needs.

This is a matter of protecting the safety of people. This is an issue of preventing property damage. Many don't have insurance to cover it because they didn't think they lived in a flood-prone area. They didn't expect a water main to cause a flood in their homes. We need it to save water. We are wasting a lot of water. We need it to save energy because we transport water in an inefficient energy way.

The Interior appropriations bill, which we will be considering today, makes a significant investment in our Nation's water infrastructure. It contains \$2.1 billion for improvements to wastewater infrastructure through the Clean Water State Revolving Fund. This amounts to \$1.4 billion more than Congress appropriated in the last fiscal year. The bill also contains almost \$1.4 billion for the Drinking Water State Revolving Fund. This is almost \$600 million more than Congress appropriated last year. These funding levels come on top of \$6 billion for water infrastructure that is going to States as part of the American Recovery and Reinvestment Act. Much of this new commitment is thanks to a new administration that has recognized the infrastructure crisis and is doing something about it. That commitment is echoed by my colleagues, Senators Feinstein and Alexander, who have included investments in the bill we are considering today. I thank them for their commitment, but new investment alone is not enough. That is why I have introduced, along with Senators Boxer, Inhofe, and Crapo, S. 1005, the Water Infrastructure Financing Act of 2009. This is a bipartisan effort, as it should be, to improve America's infrastructure.

The Water Infrastructure Financing Act of 2009 truly represents a watershed moment in the legislative history of the Clean Water Act and the Safe Drinking Water Act. First and foremost, the bill makes it possible for us to continue considerable investment in the Nation's aging infrastructure by significantly increasing authorizations for clean water and drinking water. The bill provides \$20 billion for the Clean Water State Revolving Fund and nearly \$15 billion for the Drinking Water State Revolving Fund over the next 5 years.

The bill goes further to develop new tools to address some of our pressing and growing water infrastructure needs. It allows new and important types of projects to qualify for funding, including efforts to secure wastewater

and drinking water facilities and green infrastructure that is often more effective and less expensive than traditional infrastructure. The bill provides additional flexibility in the Clean Water State Revolving Fund to help poor communities by providing loan forgiveness and improving financing, an ability that is especially important as budget cuts make critical infrastructure investment beyond the reach of many communities.

The legislation creates nearly \$2 billion in grant programs to make infrastructure upgrades that will reduce the number of combined and sanitary sewer overflows. These overflows are estimated to contribute 850 billion gallons of untreated sewage and storm water to the Nation's waterways every year. There is a new \$60-million-per-year nationwide grant program to provide funding to States and municipalities to reduce lead in drinking water to protect our children. The bill also contains a new \$50 billion nationwide grant program to address water quality issues associated with agriculture. The bill gives new incentives for water utilities to plan for the future so we don't face another crisis of failing infrastructure 20, 50, or 75 years down the road.

This legislation has the support of broad constituencies: utility construction contractors, engineers and manufacturers, labor organizations, environmental groups, the clean water agencies, regulators, academics, and local government.

The bill was reported out of the Environment and Public Works Committee by a voice vote, a strong bipartisan vote. Americans have the right to clean water flowing through their streams, rivers, and bays. We have the right to drinking water that is healthy.

While I proudly support H.R. 2996, the Department of Interior Appropriations Act of 2010, I hope the full Senate will have the opportunity to vote on the Water Infrastructure Financing Act of 2009 this year. If so, we will be keeping faith with the American people by providing the tools necessary to meet their basic human health and environmental needs. We will help provide water systems that can keep water running through the pipes rather than down the streets, as we saw in Dundalk this past weekend.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I commend the Senator from Maryland. The issue he has spoken of is one we can address in every single State where aging infrastructure is taking its toll in terms of the public services each family and business expects. It is something we can use to our advantage by channeling the resources of this country into building and rebuilding infrastructure and creating much needed jobs.

I thank the Senator from Maryland. I am more than happy to support his efforts.

#### HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I come to the floor to speak about an issue that looms over the Senate and the Capitol like no other. In the ebb and flow of the history of the Senate, many issues come and go, but few come before us with the importance of the issue of health care reform.

Earlier this month, the U.S. Census Bureau released data on the income, poverty, and health coverage of Americans. The number of Americans living without health insurance is staggering: 46.3 million people were uninsured last year. The issue of the uninsured is not a question of us versus them. The uninsured are everywhere in America. Most of the people without health insurance today are working or are in a family with someone who works.

Who are these people? They are not the poorest in America; we care for the poorest. We provide them health insurance known as Medicaid. They are not the fortunate ones such as myself or many others who have health insurance. They are folks who get up and go to work every day without the peace of mind of knowing that they have health insurance protection for themselves and their families. These are the people who made your bed and cleaned your hotel room this morning, the ones who fixed your breakfast and cleared the dishes off the table in the restaurant. They are watching your children and your grandchildren even as you go to work. They are taking care of your mom in an assisted living center and changing her bed linens. They include the realtor who helped you find your new home or sell the home. They include many veterans who served our country with pride and now find themselves in an unfortunate circumstance. In fact, 8 in 10 of the nonelderly uninsured live in families where the head of the family goes to work every single day. Not everyone who works for a large employer is lucky enough to have health coverage. Twenty-two percent of people in America working for firms with 500 or more employees are uninsured.

Here is another important part to understand. Many people without health insurance are not among the poorest. One-third of the families without health insurance are making more than \$44,000 a year. Despite making a moderate income, these individuals either work for an employer who doesn't offer health coverage or they can't find coverage they can afford. For the average U.S. family who has coverage, the worker and employer together paid an extra \$1,017 last year in health care premiums to compensate for the uninsured.

When the uninsured people reach a stage in life where they desperately need health care, they go to an emergency room. Hospitals don't turn them away; they treat them. Their expenses are not paid for. They are passed along to those with health insurance. It means those of us who pay health insurance premiums pay about \$90 a month more to cover uncompensated care for the uninsured. That is a reality.

The lack of insurance is not only about dollars though; it is also about lives. A study released last week by the American Journal of Public Health revealed that nearly 45,000 annual deaths in America are associated with lack of health insurance. In other words, the myth that people without insurance ultimately get the same care as everyone else is not true. The uninsured in America are more likely to die. I will give two examples. Things are getting worse for these families. This figure linking "uninsurance" or lack of insurance with premature death is 2.5 times higher than an estimate from the Institute of Medicine for just 5 years ago. Deaths associated with lack of health insurance now exceed those caused by many common killers. The increase in the number of uninsured and our Nation's eroding medical safety net for the disadvantaged help explain the substantial increase we have seen in the number of deaths associated with the lack of health insurance. The simple fact is that the uninsured are more likely to go without needed care, and that lack of health care coverage takes its toll.

Is this what America has come to? We have too many people who are unable to get health care when they need it. My constituents know the story well. Let me cite a story about a woman from Chicago. To protect her identity, I will call her Monica. Monica came to the State of Illinois after Hurricane Katrina destroyed her home and took her sister's life. Today she has a small tattoo of her sister's name on her arm with a hurricane over it. She came to Chicago, lived in FEMA-funded emergency housing but became homeless when the FEMA funds ran out. She stayed in overnight emergency shelters for 2 years. She found herself in desperate need of help. But when she thought things couldn't get worse, she was stabbed outside one of these overnight shelters and admitted to Sinai Hospital in Chicago. Sinai is one of the great hospitals that serves some of the poorest people in that great city. I commend all of the people who keep that hospital's doors open and work to keep quality services available for even the poorest in the city.

As it turned out, that stabbing saved her life. In the hospital, the medical team discovered she had hypertension and hepatitis C. The social worker enrolled Monica in a local program for

the homeless and uninsured with chronic medical conditions. With help from this program and the hospital's social worker, she learned where to go for medical care and how to find help to rebuild her life. That was last summer. Today Monica has her own apartment and is managing her health. She is one of thousands of people who walk around with life-threatening chronic conditions such as hypertension and hepatitis C, conditions that go undiagnosed and untreated because these people can't seek care without health insurance.

She is trying. Monica is doing her best. She wants to be self-sufficient. She wants to be a contributing member of society, a giver not a taker. But she still lives in fear of being one accident, one illness, one diagnosis away from losing everything she has been able to accumulate in her life.

That is the fear people face when they don't have insurance. Let me tell you of another fear. It is a fear that many families face every day, and Verta Wells' children know this fear.

Verta is a constituent of mine from the downstate area—right near my home in Springfield. She and her sister were adopted by loving parents, and she has grown up in the town I call home since she was 5 years old. Verta is a veteran of the U.S. Army. She raised two sons in Springfield and had a steady job. Health insurance was not a problem, and she was working.

As the parent of two boys, Verta's medical care was covered by Illinois Children's Health Insurance Program. It covers just not the kids but also a single mom such as Verta. She was a young and healthy mother. She worked at the local Steak n' Shake, which in my part of the world is the local restaurant to go for a hamburger and a milkshake. It is a great restaurant. It is clean and the help is always very good.

Working at that restaurant, she enrolled in school part time to become a medical assistant. She wanted to do better in her life. Without a pressing illness, she took the insurance card for granted because she did not need it. As time went on, though, she learned how valuable that insurance card could be.

One night, Verta, doing a self-examination, found a lump in her breast. Her youngest son was then 17 years old, which meant Verta had 1 more year of health insurance under the Children's Health Insurance Program. Thankfully, she was able to go to a doctor for a mammogram. Three days later, the doctors told her the sad news that the lump was malignant.

The All Kids Program—the version of CHIP in our State of Illinois—paid for her treatment, and Verta was happy to come out the other side as a healthy breast cancer survivor. Her son graduated from high school and life looked good. Unfortunately, this is not where the story ended.

For some time after her initial surgery for breast cancer, Verta experienced a pain in her chest. There was just one difference. With her kids now grown and over the age of 18, Verta did not have any health insurance anymore.

The pain grew worse. Verta knew she had lost her insurance, but she was aware of a program called the Breast and Cervical Cancer Early Detection Program—a program that provides free care to uninsured women in our community.

She enrolled in the program and went in for a mammogram. Despite the pain, the doctor did not find anything. Given her history, the doctor recommended, though, that she go see an oncologist at that point just in case, just to be absolutely sure.

Verta might have gone, but it worried her that the visit was not covered by any health insurance. She was worried about the bills that were starting to pile up. After all, that earlier mammogram was clean, and the program covers women with breast cancer, so she felt somewhat confident she did not have to go any further.

She loved working with her oncologist. The last thing she wanted to do was stick him with an unpaid bill. And she knew she could not pay a large medical bill on her waitress's salary. So she went on as if everything was OK.

But several months later, she felt another lump in her chest. Still thinking her mammogram was fine, still worried about medical care she could not pay for, Verta did not check in with her specialist, her oncologist—until one day when she felt so dizzy she was forced to go to the emergency room. They diagnosed Verta with metastatic cancer. That was just a few months ago. Today, Verta is no longer with us.

Is this what we have come to in America—a hard-working young mother without access to health insurance, afraid to go to the doctor, delaying care, and dying too soon? That is the reality.

So when we talk about health care reform, we talk about several needs here. Earlier on the floor, the Republican leader came and talked about the fact that we are talking about changes—basic changes—in the system, he said, that involved taxes, and certainly we have to be honest about the cost of any reform. But, unfortunately, most on the other side of the aisle have not joined us in this debate. They are not sitting down with us and trying to work out a bipartisan bill. And, sadly, very few, if any, of them have any alternative to the current health care system in this country.

Even if you are happy with your insurance today, most people have this lingering doubt about whether it will be there when they need it. Will that health insurance company turn you

down when you absolutely need to have them pay for a serious surgery or important medical work? Are they going to fight you over how much money they will pay? Will they go through your application for insurance and say: Oh, you didn't disclose a preexisting condition and, therefore, we are not going to cover you? That happens way too often. As it happens, more and more people end up in debt—sometimes crippling debt.

In the last few years, the number of individuals and families in America filing for personal bankruptcy because of medical bills has doubled. It went from 31 percent to 62 percent in just a few years. Of the 62 percent who filed for bankruptcy because they could not pay their medical bills, 78 percent of them had health insurance. It turned out to be health insurance that did not mean much. It was not worth much when they needed it.

That is the reality today. It turns out that many people who go to bed at night rest easy believing they have health insurance but find—because of that accident or that diagnosis—they are in a pitched battle with the health insurance companies, which they often lose. Losing it destroys their life savings and everything they have ever worked for.

That kind of uncertainty, that kind of insecurity is why we are in the midst of this important debate. It is why we should have both sides of the aisle looking for practical, common-sense solutions, focused on keeping people healthy and well in America, and giving them security and stability when it comes to their health insurance. But, instead, there is not enough conversation and dialogue in the Senate. Unfortunately, at many town meetings across America, there was much more shoving and shouting than there was real conversation about how to solve this challenge that faces America.

There are several things we need to do. We need to end insurance company discrimination. Insurance companies must be stopped from denying coverage to Americans with preexisting conditions, such as heart disease, cancer or diabetes. No longer should they be free to raise premiums or drop coverage when it turns out you are sick and need your health insurance.

We also need to lower health care costs and reduce the Federal deficit because if we do not tackle health care, believe me, the cost of Medicaid and Medicare and the overall cost to governments at every level will continue to escalate, and those who are genuinely concerned about the debt facing our country have to acknowledge this could drive America's debt out of control, unless we do something about the cost of health care.

The Congressional Budget Office estimates that one of the bills, being con-

sidered today in the Finance Committee, will lower premium costs for Americans purchasing coverage in the individual and small group markets. They say the bill effectively slows the growth of Federal health care spending over the long term and could save us up to \$49 billion over the next 10 years.

We need to also improve our focus on wellness and prevention. We need to work to change the focus of our health care from sickness to wellness, how we can avoid medical costs, keep people healthy, give them the independence of living at home with the peace of mind to know they are in good hands with a good doctor and good hospital, if they need it, but they are doing important things, making personal decisions to improve their own health. We do this in most of the bills before Congress, focusing on preventive care and wellness.

We need to ensure quality health care coverage for millions of Americans who go without every single day. This is not just a matter of economics; it is a matter of justice. To think that we live in this great and prosperous nation—even struggling with this recession—that we turn and find 46 million Americans without health insurance coverage has to be unacceptable. I know what I am about to say some will disagree with, but I think peace of mind and health care coverage should be a right in America, not a privilege for those lucky enough to work in the right place or have enough money.

We also need to cut down on fraud, waste, and abuse. There is a program called Medicare Advantage. The private health insurance companies came to us several years ago and said: Government, you are not running this government program well. Let us offer Medicare benefits, and we are going to show you something. We could offer more coverage, better care, at a lower cost than the government.

So Congress said: Be our guest. Today, the Medicare Advantage Program, which is supposed to be the private health insurance answer to Medicare, costs 14 percent more than the Medicare Program. We are paying a subsidy to private health insurance companies that set out to prove they could do it more cheaply than Medicare, when, in fact, they are charging us more.

Should we continue to subsidize these private health insurance companies to give them more profit or should we go back to the basic model, Medicare, that provides more cost-efficient care for most Americans who have reached the age of 65 and face disability? There are other examples of fraud and abuse, too, in this system. We can clean it up, and with those savings we can start to do more to help America.

We need to improve choice and competition. The five largest health insurance carriers in America have 82 percent of the business. In some communities, you do not have a choice. There is one dominant or two dominant health insurance companies, and if you do not like the way they do business, you do not have any choice. That is what it comes down to. Those of us in the Federal Employees Health Benefit Program—Members of Congress and 8 million Federal employees and their families—have real choice: open enrollment every year to choose from private insurance companies, to pick the one right for our family and right for our pocketbook. That is what every American should have. That is not a luxury or something over the rainbow.

For 8 million of us, Federal employees and Members of Congress, it is a reality. Why can't we offer that to every American, to say: You can keep the insurance you have if you want to. But if you want to look and shop, you should have some choices—some real choices—because of real competition. So we need reform that creates a competitive and transparent market that allows consumers to compare plans and choose what is best for them.

Finally, we need to modernize our health care system, to bring computers and the electronics of our modern age into hospitals and doctors' offices, so they have a complete record on each patient, so they understand if there is something in your background that should be noted and taken into consideration before they make a diagnosis and order a prescription or a test, to make certain in a hospital you are not given drugs you are allergic to that could take your life, to avoid medical accidents and death that is associated with them.

All these move us in a more efficient situation, a more competitive situation, and one which will bring better care to America and improve patient safety.

Let me conclude by saying health care is too often a luxury. In Cook County, we struggle to provide patients with timely access to care. In the area around Chicago, at the local public hospital, the waiting time for some specialty services can range from 6 months to 1 or 2 years right now—too long to wait for critical services.

Those who criticize this health care reform debate and say it is going to lead to lines and waiting and rationing are not accepting the reality of the current system. There are many waits that are unnecessary and some of them dangerous today. The stories I gave earlier about Monica and Verta demonstrate the need to reform our system. But there are millions more like them.

Too many individuals and families bypass health care because they cannot afford it. The high cost of health care

and the lack of insurance for millions of people are more than a financial problem, they are life threatening.

Today, about 11,000 Americans will lose their health insurance. Can you imagine at the end of the day coming home and facing your children or your family saying: I have bad news. Because I lost my job or because my employer no longer can provide it or because we cannot afford it, we don't have health insurance anymore. Keep your fingers crossed, folks, because this family is now living on the edge, just one accident or one diagnosis away from facing the grim reality of the cost of health care.

Every day in America, families are forced to choose a different doctor when their health care plan is changed because their employer cannot afford to provide health insurance. Every day in America, families see their health plan benefits erode because they cannot keep up with higher premiums, copays, and deductibles. Every day in America, people decide to skip a doctor's visit, medication, and treatment because they cannot afford it.

Families are confronted with losing their health insurance altogether because their employers cannot afford it, and year after year health care costs keep going up and up and up. Are we going to stand by and watch this happen? Are the people who have been elected to this Senate and the House of Representatives going to accept their responsibility to those who sent us here to tackle one of the toughest, most complicated, most controversial issues of our time but one we cannot afford to ignore?

I hope my friends on the other side of the aisle will join us in that effort. It is time to tell our constituents across America: It does not matter where you live, what you do or how much money you make, in the United States of America every American should have the opportunity to access health care they can afford, to give them the peace of mind they deserve.

I yield the floor.

THE PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Illinois.

Mr. BURRIS. Madam President, I ask unanimous consent to speak for 5 minutes in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I thank the Senator from California for the time yielded to me.

In the halls of power and in living rooms across America, on cable news and around the dinner table, everyone seems to be talking about health care reform. From coast to coast—and on both sides of the aisle—there seems to be broad consensus. The American people and their elected leaders see the clear need for reform. But we often disagree on how to meet such a challenge.

As we consider health care reform, and as we try to seek consensus, I believe we can find common ground on the need to address disparities in the health care system. I say we need to address the disparities in the health care system.

In a country founded on the principles of freedom and equality, we currently possess a health care system that is anything but free and equal. This is simply not right. We need to ensure that quality, affordable health care is available to all Americans. We need to cut down on the widening disparity between minority individuals and the wider population so no one is left behind because of their racial or ethnic identity.

People of color make up about a third of the population in the United States, but they represent half the Nation's uninsured. In Illinois alone, more than 21 percent of minorities do not have health insurance compared with 12 percent of Whites. It is time to correct this inequity and move toward a sustainable system that serves every single American regardless of skin color or economic background.

This begins before birth. Only 76 percent of Black mothers and 77 percent of Hispanic mothers have access to prenatal care in the first 3 months of pregnancy. For White mothers, the number stands at more than 88 percent. This is unacceptable. It demonstrates that minority individuals are at a clear disadvantage even before they are born. This places them at a greater risk for problems down the road, problems ranging from higher infant mortality to increased rates of chronic diseases in later life. Combine these risks with a higher poverty rate and lower insurance coverage and we have a recipe for disaster.

For no reason other than the color of their skin, millions of Americans are poor and uninsured. They have reduced access to health care and an elevated risk of illnesses such as high blood pressure and heart disease. This leads to a shortage of preventive care and forces some people to go to emergency rooms when they have nowhere else to turn. No wonder our health care system is strained to the limit. No wonder costs are through the roof, positive health outcomes are down, and we are unable to break this destructive cycle.

We must address these disparities as part of our responsible health care reform package. We must work hard to make sure all Americans can benefit from health care reform. This means eliminating barriers to Federal health programs for American Indian tribes. It means increasing access to quality care for children, pregnant mothers, and every legal resident of this country—I say every legal resident. It means expanding preventive care and

screening programs so we can stop diseases before they start. This is especially important for those who live below the poverty line.

As we move forward, it is our responsibility to make sure we include every member of society in our reform proposals. We must not rest until everyone is a part of the solution.

I urge my colleagues to join me in these efforts. If we work together, we can extend the promise of prosperity to every single American, regardless of race or ethnic background. We can make sure this country is more free, more fair, and more equal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask that the Interior bill be reported.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Feinstein modified amendment No. 2460, to support the participation of the Smithsonian Institution in activities under the Civil Rights History Project Act of 2009.

Carper amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Mrs. FEINSTEIN. Madam President, it is my understanding we are now on the bill and that the time until 12 o'clock noon will be equally divided. At noon, there will be a vote on the Feinstein amendment. So the floor is now open. I hope individuals who have amendments will come to the floor and that we will be able to offer those amendments and debate them as soon as possible.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the time in a quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. BROWN. Madam President, I have come to the Senate floor pretty much every day since the start of the session—for the last couple of months—sharing letters from Ohioans about health care. I just did a big townhall meeting in Cleveland yesterday and I did one in Columbus, Cincinnati, Youngstown, and I have done other meetings in Dayton and Cambridge and other places. But my office gets dozens—hundreds, really, a week—of letters from people who oftentimes were very pleased and satisfied with their health insurance, and then when they got particularly sick, they found out they lost their health insurance coverage.

I just want to read a couple of letters my office has received in the last couple of weeks or so.

James, from Hancock County, in northwest Ohio—in Findlay—writes:

When my kidneys began to fail, I was forced to leave my job as an engineer for an electronics company. I went on dialysis for several years and eventually had a transplant. I currently have health care because of my wife's employment. In trying to find a new job, I've had employers tell me my pre-existing conditions could drive up their health costs and that they could find other workers without health issues. I, and other people with chronic health problems, will never find good paying jobs with benefits. Please, I want to work and contribute to society. I didn't choose to get sick.

Several things are happening with James in this letter. First of all, we are outlining the whole idea of preexisting conditions. As the Presiding Officer from New York State knows, insurance companies will no longer be allowed to deny care for a preexisting condition or discriminate based on gender, disability, or geography. Companies will

not be able to put a lifetime or annual cap on coverage.

The second thing is that this legislation will help those small businesses that too often have one employee who is very expensive so that the small business will see its premiums jacked up so high they often have to cancel their insurance and then their other employees lose their insurance coverage. Our legislation will help those small businesses while eliminating these but through insurance company reforms, and then a public option, will help to enforce those rules.

Robert from Columbus writes:

Last year, I lost my job and, as a result, my wife, teenage son, and I needed to pick up private health insurance. After researching various companies, we applied to one insurer. My son and I were accepted, but my wife was rejected. Her sin? A preexisting condition. During a previous job while insured, she was diagnosed with mild and treatable high blood pressure. She had one office visit and one prescription a couple of years ago and she gets turned down today.

How absurd, Madam President, that someone with a very treatable preexisting health care problem—high blood pressure, but not a problem so chronic that she missed work or spent time in hospitals and all that, but a very treatable condition—was denied care as a result of this preexisting condition and then couldn't get coverage that her husband and her teenage son could get. Our legislation again, through these insurance company reforms, would make sure that doesn't happen.

Let me share one more letter because I know Senator ALEXANDER and Senator FEINSTEIN are going to call a vote in a minute. Georgene from Cuyahoga County, in the Cleveland area, writes:

My 52 year old sister inherited muscular dystrophy and has been on total disability for a few years. She's also had double knee replacement and hip replacement surgeries. Due to her condition, she's fallen several times and damaged her knees. The doctor recommended she get her leg amputated and fit with a prosthetic. Her husband's insurance covers her and approved the amputation surgery but is now denying her the prosthetic and wheelchair. They had to file for bankruptcy due mainly because of medical bills and now live in a small apartment. I could go on with personal stories from my own life or extended family, but you get the picture.

Madam President, this simply happens too much, where people such as Georgene have not been well served by the system. They have insurance, and they were relatively happy with it, but it has now become inadequate. Insurance isn't real insurance, it is not adequate insurance, if people get so sick or have such high costs that they get excluded from their insurance.

What happens too many times is bankruptcy. The most common cause for bankruptcy in this country is because of huge health care costs. The most common situation among those

who declare bankruptcy is because of health care costs, and the most common situation is among people who have insurance but their insurance simply doesn't cover everything. Their expenses are such that their insurance gets canceled and they end up in bankruptcy.

Madam President, I again urge my colleagues to look seriously at this bill as we move forward—the bill that came out of the Health, Education, Labor and Pension Committee, as it merges with the bill coming out of the Finance Committee—in the next week or two to get this bill to the President's desk this fall. In my State alone, 390 people every single day are losing their insurance. And for people around here trying to delay this, it is simply wrong. We need to move, not hurriedly, but at a steady pace to get this bill to the President's desk this fall.

Madam President, I yield the floor, and I thank Senator FEINSTEIN and Senator ALEXANDER.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that once the Senate reconvenes at 2:15 today, it then stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Obviously that is for the purpose of the Senate photograph.

Madam President, I note that 12 o'clock has arrived. We will have a vote on the Feinstein-Alexander amendment No. 2460. I will take a brief moment to describe it.

This is an amendment cosponsored by Senators ALEXANDER, LEVIN, SCHUMER, COCHRAN, BENNETT, WARNER, and I ask unanimous consent to add the name of Senator BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, this amendment simply makes \$250,000 available so the Smithsonian can carry out activities under the Civil Rights History Project Act of 2009. Obviously this means this has been authorized. It is also paid for.

This is a joint project between the Library of Congress and the Smithsonian, which aims to collect video and audio recordings of the personal histories and testimonials of individuals who participated in the civil rights movement.

By coordinating the effort at the national level, the project will build upon and complement previous and ongoing documentary work on the American civil rights movement. I think it is a very special effort because it essentially will mean that youngsters who are present in 20, 30, 40, or 50 years, will be able to have audios and videos that contain the actual photographs and actual wording of people who participated themselves in the great civil rights movement of this country.

I urge my colleagues to support the amendment.

If there are no other comments by the ranking member—would the ranking member like to make a comment? Then we will ask for the yeas and nays.

Mr. ALEXANDER. Madam President, I congratulate the Senator from California for her leadership. We Americans are united by our founding documents and our language and our history, not by our race or ethnicity or where we come from, so therefore we are very hungry for stories about ourselves. The great writers of American history, such as David McCullough, whose books are sold out immediately, would wish we had the same sort of documentation the Senator from California has proposed here about the writing of the Constitution or the American Revolution or the Civil War or the great world wars. Ken Burns would like to have more of it for his upcoming series on the national parks. This will mean we will have more of it for the great civil rights struggles of the 1950s and 1960s and 1970s. Alex Haley, the author of "Roots," said an older person dying is like a library burning down. This will help to make sure we keep those libraries.

Mrs. FEINSTEIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to a death in the family.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—95

Akaka	Corker	Johnson
Alexander	Cornyn	Kaufman
Barrasso	Crapo	Kerry
Baucus	DeMint	Klobuchar
Bayh	Dodd	Kyl
Begich	Dorgan	Landrieu
Bennet	Durbin	Lautenberg
Bennett	Ensign	LeMieux
Bingaman	Enzi	Leahy
Bond	Feingold	Levin
Boxer	Feinstein	Lieberman
Brown	Franken	Lugar
Brownback	Gillibrand	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Burr	Gregg	Menendez
Cantwell	Hagan	Merkley
Cardin	Harkin	Mikulski
Carper	Hatch	Murkowski
Casey	Hutchinson	Murray
Chambliss	Inhofe	Nelson (NE)
Cochran	Inouye	Nelson (FL)
Collins	Isakson	Pryor
Conrad	Johanns	Reed

Reid	Shelby	Vitter
Risch	Snowe	Voinovich
Roberts	Specter	Warner
Rockefeller	Stabenow	Webb
Sanders	Tester	Whitehouse
Schumer	Thune	Wicker
Sessions	Udall (CO)	Wyden
Shaheen	Udall (NM)	

NOT VOTING—4

Byrd	Kohl
Coburn	Lincoln

The amendment (No. 2460), as modified, was agreed to.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:34 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB.)

## RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 2:16 p.m., recessed subject to the call of the Chair and reassembled at 2:35 p.m. when called to order by the Presiding Officer.

## DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

Mr. REID. Mr. President, what is the matter before the Senate?

The PRESIDING OFFICER. Amendment No. 2456 offered by Senator CARPER.

AMENDMENT NO. 2494

Mr. REID. I ask unanimous consent that the amendment be set aside, and at this time I call up amendment No. 2494.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2494.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada)

On page 240, between lines 13 and 14, insert the following:

### SEC. 423. JUNGLO DISPOSAL SITE EVALUATION.

Using funds made available under this Act, the Director of the United States Geological Survey shall conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the "site"), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

Mr. REID. Mr. President, I offer this amendment to address a crisis affecting Native Americans served by the Indian Health Service's Schurz Service Unit in Nevada.

This amendment to H.R. 2996, the Interior, Environment and Related Agencies Appropriations Act, would direct the Indian Health Service to use any unobligated contract health service funds from fiscal year 2009 to pay the Service's obligations to private health providers who have treated Nevadans. The Service's Schurz Service Unit administers contract health funds for thousands of eligible Indian beneficiaries who receive care from the Fallon Tribal Health Center, Reno-Sparks Health Center, Pyramid Lake Health Center, Walker River Paiute Health Clinic, and other tribal health clinics and stations.

I understand that it may be difficult to coordinate care and referrals where the Indian Health Service administers contract health funds and the tribes enter Federal contracts or compacts to provide all other health services. But this arrangement does not relieve the Indian Health Service of its responsibilities—to provide timely responses and communications between patients, primary physicians, private health providers and specialists; to ensure that proper procedures and payment schedules are followed at the Indian Health Service Unit or the Phoenix Area Office or by the State of Nevada and private providers; and to complete payments and reimbursements in a timely and business-like manner. At the Schurz Service Unit, these responsibilities have not been fulfilled, and individuals have suffered because they have been denied care or decided not to seek care because they could not pay for the service.

This amendment would provide immediate relief for some of the problems identified by the Indian Health Board of Nevada, tribal leaders, and private health providers. It would direct the Indian Health Service to pay outstanding contract health obligations incurred by the Schurz Service within 90 days of enactment of this bill. Briefly, these obligations cover debts that the Indian Health Service has approved and date from fiscal years 2000, 2005,

2006, 2007, 2008 and 2009. The oldest obligations, those before October 1, 2008, total less than \$1.4 million, while the current fiscal year includes more than \$5 million in outstanding bills. There are hundreds of providers who have not been paid for services rendered—services that the Indian Health Service has determined should be paid.

In my home State, Native Americans rely on private and community health providers for a range of services. These providers are critical components in our Indian communities' network of health care. And, unlike other Indian Health Service Units in the Phoenix Area Office, there are no Indian Health Service hospitals in Nevada and Nevada's Indians are expected to travel to the Phoenix Indian Medical Center to be treated for serious health care problems. We must work with private providers so they continue to serve IHS-eligible patients and prevent further erosion of the health care network serving some of our most vulnerable citizens.

I will continue to fight for our Native Nevadans and health providers who are valued members of Indian country's health care team. This amendment does both, by helping the Indian Health Service deal with a critical problem at the federally operated service unit in Schurz and by honoring its obligations with our private care providers. And I believe that by directing this one-time payment, the Indian Health Service, working with tribes and health providers, will be able to implement necessary procedural and structural changes to better coordinate care and manage contract health funds for fiscal year 2010.

Mr. President, I ask unanimous consent to set aside the amendment for Senator McCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 2461

Mr. McCAIN. Mr. President, I ask unanimous consent that amendment No. 2461 be called up and the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2461.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of appropriated funds for the Des Moines Art Center in the State of Iowa.)

On page 135, line 2, insert before the period at the end the following: "Provided, That none of the funds made available under this Act may be used for the Des Moines Art Center in the State of Iowa."

Mr. McCAIN. Mr. President, this amendment would simply prohibit the use of funds for the Des Moines Art Center in Des Moines, IA—just one of the 308 earmarks contained in this bill which total \$246 million. This earmark is like most other earmarks posing as a national spending priority. Many of these earmarks were not authorized and were not competitively bid in any way, and no hearing was held to judge whether these are worthy of scarce taxpayers' dollars.

Every summer we hear news of major wildfires destroying people's homes and businesses across the country. According to the National Interagency Fire Center, over 5.5 million acres of land were scorched this year so far. Spending bills such as this one are vitally necessary for fire suppression activities and forest health programs—programs that save lives and property. As we look for ways to pay for the escalating cost of wildfires, we must also address the mixed messages we are sending to taxpayers about our spending priorities.

Buried in the committee report, as usual, is a \$200,000 earmark for historic preservation needs at the Des Moines Art Center in Iowa. I am all for preserving our Nation's historic buildings, but good intentions or not, the process of earmarking is how appropriators steer taxpayers' dollars to pet projects that wouldn't otherwise win a grant competition or pass a prioritization formula. They are placed above more deserving projects simply because of their "connections" in Washington.

According to an article in the Des Moines Register dated August 27, 2009, entitled "Look Out Below: Des Moines Art Center is Adding Space Underground," the Art Center is embarking on a \$7.5 million capital improvement project which includes building a \$3.5 million basement level "storage addition and a new glass elevator." The Art Center raised this money as part of its ongoing \$34 million fundraising campaign launched in 2005.

The multimillion dollar underground addition will double as a ground level "green roof," says the art center's director Jeff Fleming: "People can walk on it without even knowing it's a roof . . . a great space for outdoor gatherings."

The article also notes that the art center will gladly name the new addition to whichever benefactor closes out their \$34 million fundraising campaign.

Americans are hurting. The unemployment rate is nearly 10 percent. The deficit is estimated to be \$1.6 trillion for this year, and the projected 10-year deficit jumped from \$7.1 trillion to \$9 trillion, et cetera, et cetera. Obviously, it might be nice if we started thinking about the future of America and the future generations who are going to pay the tab for our continued spending.

I am offering this amendment on behalf of taxpayers who will rightfully

question what makes the Des Moines Art Center a national spending priority. Why is the Des Moines Art Center allowed to bypass the proper procedures for determining historic preservation spending? Why can't the Des Moines Art Center cough up \$200,000 from its \$7.5 million capital improvement project? Why can't they address this \$200,000 need in their \$34 million fundraising campaign?

I urge my colleagues to support this amendment.

I spent, as did many of my colleagues, the last few days at home in Arizona, traveling around my State. When this issue of earmarking and porkbarrel spending is brought up, there is a visible reaction. Americans are sick and tired of it. Sooner or later, while those who continue to vote for and support this unnecessary, unneeded porkbarrel spending while we have a 10-year \$9 trillion deficit, Americans are going to rise up in an even more vociferous fashion than they are today.

I believe what is going on around the country is not just the issue of health care. What is going on around the country is people are sick and tired of this unbridled spending in porkbarrel and earmark projects which have bred corruption here in our Nation's Capital. They figured it out. They have had enough of it.

I ask my colleagues to vote in support of this amendment, being aware that those on the Appropriations Committee will probably vote to turn down this amendment even though it is only a \$200,000 unnecessary spending project. So do so. You have done it in the past. I am going to continue, and the American people are going to continue, to demand some kind of accountability for this outrageous, out-of-control spending which has mortgaged future generations of Americans and, believe me, at least in the State of Arizona, they are sick and tired of it.

Mr. President, I ask for the yeas and nays on this amendment at a time to be determined by the majority leader.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays are ordered.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, I rise to call my colleagues' attention to a truly disturbing development in the health care debate. A colleague of ours—a colleague of ours—has called for an investigation into a major health care company because this company informed its customers of its concerns about health care legislation that this colleague of ours introduced.

Let me say that again. A colleague of ours has called for an investigation of a major health care company because this company disagreed with a bill our colleague introduced.

As a result, the Federal Government has now told all companies that provide Medicare Advantage to stop communicating with their clients about the effects of that legislation. Let me say that again. The Federal Government has now told these companies to stop communicating with their clients about the effects of a piece of legislation that is before us, even telling them what they can and cannot post on their Web sites. This gag order, enforced through an agency of the Federal Government at the request of a Senator, is wrong.

It started when a company based in my hometown of Louisville, KY—Humana—had the temerity in the eyes of some of our colleagues to explain to its customers that if Medicare Advantage is cut, as the chairman's mark requires, it may reduce benefits which, of course, is a commonsense conclusion.

This is America, the United States of America. Citizens, either as individuals or grouped together in companies, have a fundamental right—a fundamental right—to talk about legislation they favor or oppose in this country.

This is the core of the first amendment's protections of speech. Unfortunately, this is part of a troubling trend of efforts to dismiss the concerns raised by the American people over the past few months.

Over the summer, we saw American citizens who raised concerns about the health care proposals before Congress dismissed—utterly dismissed—as somehow un-American by leaders in Congress. That is bad enough, but using the full weight of the Federal Government's enforcement powers to stifle free speech should trouble all Americans—and all of us—even more. We cannot allow government officials to target individuals or companies because they do not like what they say.

The latest effort to squelch free speech raises several serious questions.

Is this what we have come to as a country; that an individual or company can no longer factually advocate their position on an incredibly important public policy issue? Is this what we have come to in America?

Shouldn't customers have a right to know the potential impact of a congressional action?

Is this what we believe as a Senate; that this body should debate a trillion-dollar health care bill that affects every single American while using the powerful arm of the government to shut down speech?

Is this how citizens and companies can expect to be treated if health care reform passes; that any health provider that disagrees with a powerful Senator will be subject to an investigation and

a gag order for disagreeing with a powerful Senator?

How is this any different than what the Washington Post and the New York Times have done in lobbying for a reporter shield law? Would we stand by if the Judiciary Committee asked the FBI to investigate the media for taking positions on pending legislation with which we do not agree? Of course not.

Humana is headquartered in my hometown of Louisville, and, yes, I care deeply about its 8,000 employees in Kentucky. But this gag order now applies to all Medicare Advantage providers. Shut up, the government says. Don't communicate with your customers. Be quiet and get in line.

I remind my colleagues that I have spent a good part of my career defending the first amendment rights of people to criticize their elected officials, including me. I would make the same argument if this were a company based in San Francisco or Helena, MT, or Chicago.

The right to free speech is at the core of our democracy. Free citizens have a first amendment right to petition their government for a redress of grievances. This gag order on companies such as Humana and those in all our States, in my view, is a clear violation of that right and it is wrong.

Employers who warn their customers about the effects of legislation are not the ones who should be getting warnings. They are not the ones who ought to be getting warnings. Senators who threaten first amendment rights are the ones who should be getting the warnings.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, before the Republican leader leaves, I congratulate him for his statement. Over the years, he has been a consistent defender of first amendment rights, even for a great many Americans with whom he disagreed. Senator BYRD, who is the constitutional conscience of the Senate, often encourages Senators to carry with us a little pocket version of the Constitution.

I am reading the first amendment to the Constitution, which the Senator from Kentucky spent a great deal of his career defending:

Congress shall make no law—

No law—

respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or of the right of people peaceably to assemble, and to petition the Government for a redress of grievances.

I ask the Senator through the Chair whether, as he understands the first amendment to the Constitution, it would be clearly unconstitutional for us to pass a law that would tell a major

health care company that if they objected to a piece of legislation by informing their customers of its consequences that there would be some penalty?

Mr. MCCONNELL. Mr. President, I say to my friend from Tennessee, he is absolutely correct. There are two obvious violations of the first amendment here. One is the right to speak freely and the other is the right to petition Congress for a redress of grievances.

Here you have an industry, the health insurance industry, at least one company of which is communicating with its customers the truth about this legislation and being threatened by a powerful Senator and a government agency to shut up.

Mr. ALEXANDER. Mr. President, as I understand it from reading it in the newspapers some of the big drug companies are lined up with the Obama administration with the Democratic health care bill. I wonder what the Republican leader would think if some Republican Senator called one of the big drug companies and said: You are going to suffer serious consequences or even went to one of the agencies of government and caused them to tell a big drug company that because of their speeches and remarks, they were going to suffer some consequences.

Mr. MCCONNELL. Mr. President, once again, I say to my friend from Tennessee, to call an agency of the government for the purpose of implementing a gag order against a company that is speaking freely about the impact of legislation on its business and its employees is an astonishing thing to behold in the United States of America.

I assume the particular industry the Senator from Tennessee is talking about, which has been out running millions of ads in support of what the administration is trying to do, is not getting such threats.

Mr. ALEXANDER. I assume, Mr. President, that the big drug companies that are running ads against Republican Senators for questioning the health care reform bill, they have a right to do that. I know what is happening in Memphis is people are seeing the ads and calling me and telling me: Continue to oppose what is going on. But that is part of our system.

I congratulate the Republican leader for bringing to the attention of all his colleagues this action.

Mr. MCCONNELL. I thank my friend from Tennessee. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senator from Delaware be permitted to speak in morning business not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

#### FIRST STATE ROBOTICS

Mr. KAUFMAN. Mr. President, imagine a robot that could play ball. Imag-

ine a robot that could actually pick up a ball from the ground, hold on to it, and then, when the time is right, successfully toss it to another robot. Finally, imagine that this robot was built by a group of high school students.

I recently met an extraordinary group of students who turned this vision into reality. As part of Delaware's Miracle Workers robotics team, students designed and built this robot to compete in the For Inspiration and Recognition of Science and Technology, for FIRST, national robotics competition.

The FIRST Program was founded in 1989 by inventor Dean Kamen to inspire young people to pursue careers in science, technology, engineering, and math, or STEM. Since that time, FIRST has grown significantly. In 2008, drawing from the support of thousands of volunteers and mentors, sponsorships from some of the world's largest and smallest companies, educational institutions, and the Federal Government, FIRST introduced nearly 160,000 students from all 50 States and 37 countries to the joys of problem solving and engineering.

In Delaware, participating students spent an entire school year building their robot, which is taller than some humans, decorated in green and black, and even wearing a bow tie. The first half of the year the team was dedicated to learning the basics of engineering, programming, and project management. The remainder of the year was slated for designing, building, testing, and refining the robot for competition. Students worked in specific subteams, including electrical, programming, mechanical, fundraising, publicity, scouting, 3-D animation, Web team, and more. Students engaged with adult volunteers—many of them engineering professionals—who helped train and mentor the team.

Incredibly, these types of programs are not just for those in high school. Delaware's First State Robotics organization oversees several other programs and provides engineering experience for students from prekindergarten through college. First State Robotics aims to inspire in young people, schools, and communities an appreciation for science, engineering, and technology.

The results are remarkable. Ninety-seven percent of First State Robotics participants have attended college, with 82 percent pursuing degrees in science and engineering. Many have earned credits at a local community college for their participation in the program, and several have earned scholarships applicable toward higher education.

Communities also benefit from these programs. Participating students take part in book drives, blood drives, and mentoring. They give robot demonstra-

tions in local schools and community events to promote recruitment and education.

It is clear that First State Robotics is having an incredible impact on students. Alumni of the program are more interested in pursuing careers in the sciences and engineering, and they are involved with their communities as volunteers. Many graduates say that participating in First State Robotics was the most positive and rewarding experience of their lives, and through these experiences they decided to pursue further study of engineering.

We must continue to encourage today's students to become tomorrow's engineers by highlighting and promoting programs such as First State Robotics. It is through comprehensive programs such as these that students learn that engineering can be a path to making a difference.

Through hands-on activities, students participating in First State Robotics are given the opportunity to learn that engineers, such as the Presiding Officer, are the world's problem solvers, do make a difference in people's lives and quality of life, and can help us reach the goal of clean water, lifesaving cures for cancer and disease, clean renewable energy, affordable health care, and environmental sustainability.

The national FIRST Program shows how important it is that the American people, the Federal Government, and industries united to support STEM initiatives. These educational programs will lead us not only to new frontiers in health, energy, technology, and security but to new jobs and, ultimately, a sustainable economic recovery.

I know that if given the opportunity, a new generation of engineers and scientists will lead us into the new frontiers, and many FIRST alumni have already done so.

I commend the students of First State Robotics and dedicated mentors for their shining examples of the miracles of engineering.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I compliment the Senator from Delaware. He did go 5 minutes.

I believe Senator BARRASSO has an amendment he wishes to offer.

The PRESIDING OFFICER. The Senator from Wyoming.

#### AMENDMENT NO. 2471

Mr. BARRASSO. Mr. President, I wish to speak on amendment No. 2471.

On Friday, September 11, the Washington Times ran a front-page story on an issue titled "Forest Fire Aid Allotted to DC, Western States Feel Burned."

That is about right. The story talks about the U.S. Forest Service plans to spend \$2.8 million of wildland fire management funds in the District of Columbia. This is ridiculous, it is outrageous, and we should not stand for it.

Mr. President, just to read the first paragraph:

Even with forest fires raging out west, the U.S. Forest Service this week announced it will spend nearly \$2.8 million of forest fire-fighting money in Washington—a city with no national forests and where the last major fire was probably lit by British troops in 1814.

The article continued:

The vast majority of the money—\$2.7 million—is going to Washington Parks & People, which sponsors park festivals and refurbishes urban parks in the Washington area.

Mr. President, in Wyoming, we have over 9 million acres of national forest land. There are seven national forests in our State. We face many management challenges in those forests. The agency struggles to meet its basic responsibilities. Over 1 million acres are infested with mountain pine beetle in Wyoming. That is just one species of beetle—a species that has killed over 1 million acres of trees. The devastation stretches well beyond the horizon in many places. And where the beetle infestation is at its worst—in the Medicine-Bow National Forest—the affected acres have doubled between 2007 and 2008. The problem is severe. It is growing exponentially, and we are facing extreme risk of wildland fire in Wyoming.

So when the U.S. Forest Service recommended \$500 million and received that amount of money for Wildland Fire Management in the stimulus package, one would think maybe the agency would use those funds to combat threats to forest health in its lands nationwide. One would think that maybe we would see some real results on the ground in Wyoming and in the State of Colorado. Instead, Wyoming was awarded zero dollars in the first round of U.S. Forest Service projects under the stimulus, and only after the congressional delegation and the Governor of Wyoming appealed to the Department of Agriculture were funds awarded for forest projects in Wyoming. Meanwhile, the agency wants to spend \$2.8 million on wildland fire in Washington, DC?

The people and forest communities in my State deserve better, and the people of America demand better. Wyoming boasts incredible wildlife populations, unique ecosystems, and breathtaking views. Over half the land in Wyoming is public land. One can see rangelands, alpine forests, glacial basins, and desert landscapes in Wyo-

ming. We host millions of visitors every year who will enjoy Wyoming's wilderness.

The District of Columbia is not under threat of wildland fire. In fact, the government's National Interagency Fire Center defines what qualifies as a wildland fire—and DC does not qualify. Clearly, the District should not receive wildland fire management funds. The U.S. Forest Service should not spend vital funds for wildfire fighting and for prevention in Washington, DC.

I have introduced this amendment with a number of other Senators from the West. Senator KYL and Senator ENSIGN and Senator MCCAIN are cosponsoring, and we want to make sure the U.S. Forest Service is not wasting management opportunities. We will not stand by and watch our States burn when resources are available to prevent that, and I would ask all Senators to support this amendment.

Mr. President, at this time, I ask unanimous consent to set aside the pending business and call up amendment No. 2471.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO], for himself, Mr. KYL, Mr. ENSIGN, Mr. MCCAIN, Mr. RISCH, and Mr. CRAPO, proposes an amendment numbered 2471.

The amendment is as follows:

(Purpose: To prohibit the use of wildland fire management stimulus funds in the District of Columbia)

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. PROHIBITION ON USE OF WILDLAND FIRE MANAGEMENT STIMULUS FUNDS IN THE DISTRICT OF COLUMBIA.**

Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) for wildland fire management shall be used in the District of Columbia.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Wyoming. He has a very good point and a very good amendment. This was not the intention of the Interior part of the stimulus bill. It is not the intention of this bill. Therefore, I think the amendment of the Senator from Wyoming is completely in order. It has been called up, and our side is prepared to accept it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to congratulate the Senator from Wyoming on his vigilance. There is no Senator—certainly on this side of the aisle, and I suspect not in this Chamber—who gets up earlier, works harder, or keeps in closer touch with what is going on in Wyoming and in this country than Senator BARRASSO, and he is exactly right on this issue.

The chairman, Mrs. FEINSTEIN, the Senator from California, has made fighting wildfires a major part of her effort this year. She and the administration have included within this appropriations bill the firefighting money that usually is set aside for emergency appropriations. So that money needs to be spent correctly, as it should be. I think Senator BARRASSO and the other Senators who cosponsored it are exactly right, and I agree with the chairman of the subcommittee that it is a good amendment.

Mrs. FEINSTEIN. So we will accept it, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2471) was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I thank the chairman and Senator ALEXANDER for their gracious reception and acceptance of this amendment in the Chamber with that resounding voice vote in support of the amendment.

AMENDMENT NO. 2472

Mr. President, I also filed amendment No. 2472, and I wish to speak on that amendment at this time.

Mrs. FEINSTEIN. Mr. President, is the Senator calling up that amendment?

Mr. BARRASSO. I am not at this point.

Mr. President, I have serious concerns about the recent Interior Secretarial Order No. 3289. This order will incorporate climate change into all decisionmaking at the Department of the Interior.

Although I commend the Secretary for attempting to address this issue, I have concerns that we are getting the cart before the horse. Congress has not passed a climate change bill. Yet sweeping regulations are being proposed by the Secretary of the Interior. These regulations put into question the future and past land management agreements regarding oil and gas development, renewable energy development, recreational use, and wildlife protection.

Under these rules, a dark cloud is placed over all existing agreements regarding these activities. In addition, all pending decisions regarding both energy development and recreational use will also be put on hold indefinitely. All this will occur through regulations that did not have the approval or the consent of the American people.

I would ask my colleagues, no matter where they stand on the issue of climate change, to vote for this amendment. We need to get the order right. First, a climate change bill that has the public's approval; then after that is voted upon, and if approved, let the

regulatory process at the agency level begin. That is what my colleagues are voting on if they vote for this amendment.

So I urge adoption of the amendment at the point when it is called up.

AMENDMENT NO. 2473

Mr. President, I also filed amendment No. 2473, and I will also speak on that at this time. That amendment would prevent the Environmental Protection Agency's endangerment finding from going into effect until the EPA grants the petition of the U.S. Chamber of Commerce to have an on-the-record, trial-like hearing on the scientific data behind the EPA's endangerment finding.

The chamber petitioned the EPA for a trial-like hearing on the scientific data behind the endangerment finding before an administrative judge or EPA official. The chamber stated in their petition that:

An endangerment finding would give rise to the most far-reaching rulemaking in American history. Before embarking on that long, costly process, the EPA ought to do everything possible to assure the American people of the ultimate scientific accuracy of its decision.

The on-the-record proceeding would be a great opportunity for EPA to ensure transparency. This administration claims to be the most transparent administration in history. What better opportunity to demonstrate this by authorizing the chamber's petition. The administrative proceeding is allowed by law. It will be a short on-the-record proceeding. To deny this request is an admission by the EPA that their work on endangerment can't stand scrutiny. This should be a concern for all Americans at this point.

AMENDMENT NO. 2474

Mr. President, I would like to move on to another amendment which I have filed—amendment No. 2474—and I will speak on it at this point.

This amendment would require the Environmental Protection Agency inspector general to complete an investigation into the treatment of Dr. Alan Carlin by his superiors at the Environmental Protection Agency. Under this amendment, the endangerment finding could not proceed until the investigation is completed.

Dr. Alan Carlin and a colleague prepared a 98-page analysis arguing that the EPA should "take another look" at the EPA's scientific data behind the endangerment finding that carbon dioxide is a threat to public health. According to a report by Kimberly Strassel with the Wall Street Journal, a senior EPA official suppressed this detailed account of the most up-to-date science on climate change.

These reports raise serious questions about the process behind and the substance of the EPA's proposed finding that greenhouse gases endanger public health and welfare. On August 21, In-

side Washington Publishers reported that the EPA is considering scrapping the National Center for Environmental Economics' role in scientific analysis. Well, this would essentially eliminate the EPA office that Dr. Carlin has worked in for years.

In an editorial in the Washington Times, the paper stated:

This attempt to marginalize a true whistleblower smacks of insincerity . . . and . . . its implications for economic and environmental policy are dangerous.

This is an administration that claims to put a premium on transparency and openness. Their actions to date have demonstrated neither. My colleague, Senator THUNE, has requested an inspector general's investigation into this matter. I believe the investigation should be conducted and completed before the EPA proceeds further with endangerment.

So, Mr. President, at this time I ask unanimous consent to set aside the pending business and call up amendment No. 2474.

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARRASSO. Mr. President, I am very concerned by what I am seeing today. My effort in offering this amendment is to promote transparency and good government. Dr. Carlin, a 38-year veteran of the EPA, wrote a report critical of the EPA's process behind the endangerment finding. He said the EPA relied solely on outside sources for their science. He also pointed out that the scientific data they are relying on is 3 years old.

The EPA tried to quash his report. Dr. Carlin's boss warned Carlin to drop the subject altogether. He was told:

With the endangerment finding nearly final, you need to move on to other issues and subjects. I don't want you to spend any additional EPA time on climate change. No papers, no research etcetera, at least until we see what EPA is going to do with climate.

Mr. Carlin was ordered not to have any direct communication with anyone outside his small group at EPA on the topic of climate change and was informed that his report would not be shared with the agency group working on that very topic. To not even allow the Senate to have a vote to decide whether to investigate this matter looks like political expediency. It is wrong and it should concern all of those who claim to care about transparency.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to make clear that it would be my intent, should the other two climate change amendments be called up, to object to them. However, this has nothing to do with the distinguished Senator, whom I respect enormously. It does have something to do with putting climate change on this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I would like to talk about an issue that is very important to our country. It involves our food supply and it involves thousands of jobs. While it may appear to affect just one State, the input we are getting from around the country is that this is very much a national issue.

I have an amendment to address it which I would like to discuss. This amendment, I believe, if we would take the time, we could find agreement. It addresses a major problem in the State of the Senator from California, but it also addresses a problem that affects the Nation's food supply by allowing us to focus on balancing jobs, the economy, and food with environmental laws.

As the chairman knows, there is a major water problem in California's Central Valley. Some very narrowly interested environmental groups have used the Endangered Species Act to shut off water to a region that produces 13 percent of the Nation's food supply. The result has been devastating. The land is dry, crops have been destroyed, and tens of thousands of jobs—tens of thousands of people are out of work. A recent University of California, Davis, study found that up to 40,000 jobs will be lost by the end of this year. In one city, the unemployment rate has reached 40 percent.

This is certainly a local water crisis, but it has also become a national issue. The problem has been the subject of several national television programs, and people across the country are beginning to realize that this problem on the west coast could touch us all in the form of higher food prices if we don't address it. It is also another precedent that affects my State, as environmentalists have really swung the balance away from good economy and jobs to something that seems much more radical to us—the development of our port in South Carolina, the passage of ships. And you see development all over the country being affected. So we need to focus on this issue in this bill. This is a good place for the amendment.

It is almost impossible to overstate the value of California's agriculture to the Nation's economy, most of which is produced—most of the food supply we are talking about—right in the Central Valley. This region provides the lion's share of California's crops, which account for, and I want to stress this, 94 percent of America's tomatoes, 93 percent of our broccoli, 89 percent of our

carrots, 86 percent of our garlic, 78 percent of our lettuce, 90 percent of our strawberries, and 88 percent of our grapes, just to name a few. We can hardly say this is the issue of one State. This is a national issue that we need to address.

People are also coming to realize that if we do not begin to bring a measure of balance back to our environmental laws, special interest groups and activist courts will be able to use this statute and others to destroy thousands of jobs at a time when our country is in recession.

I thank the chairman of the subcommittee for her work on this issue. The senior Senator from California has been a leader. She has pledged to work with the Department of Interior to find a solution, and she recently called for an independent review of the science underlying the two biological opinions that created this manmade drought.

My amendment today is very simple and represents a modest and balanced approach. It turns the water back on for 1 year to provide time for all leaders at the local, State, and Federal levels to find a long-term solution.

It will also give farmers the predictability they need to plan for next year's crops. They can't make the loans and get the seeds and plow the fields if they know in December the water will be turned off again and won't be turned back on until after July. One cannot farm with that type of unpredictability.

I know there are those who say there is no problem because the pumps are currently on. But those pumps are set to shut off in December, leaving Central Valley farms dry as planting season comes around.

My amendment has precedent. In fact, the last time this environmental provision was waived was in 2003, when water was turned off in New Mexico. That time the Senate voted unanimously for a bill that included a complete waiver of ESA for 2 years, which was even more aggressive than what I am proposing today.

I know this is a very important issue to the Senator from California. I hope she will support my amendment. I know many people are working on long-term solutions, but we need to do something now. The provision in the bill to study this is likely to take 2 years. We are likely to lose another 2 years of farm products as well as thousands of jobs in the Central Valley. This is not something I have made up on my own. A number of groups, farm groups in California, as well as the National Cotton Council of America, the Tulare County Farm Bureau, Fresno County Farm Bureau, Kings County Farm Bureau, Families Protecting the Valley, Westland Water District—I have a whole page of large groups that involves many jobs and families in California and across the country sup-

porting this amendment which won't cost taxpayers anything but will actually create jobs, put people back to work, and expand the Nation's food supply.

We cannot allow a judge or radical environmental group to cut off water to people who are producing the Nation's food supply. My amendment would address this in a very reasonable way. I call on the Senator from California to work with me in support of this amendment.

I ask unanimous consent to set aside the pending amendment and send my amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. After the Senator completes his remarks, I would like the opportunity to say why.

The PRESIDING OFFICER. The Senator from South Carolina.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2500

Mr. DEMINT. Mr. President, I am disappointed I was unable to offer the amendment. Certainly it relates to the underlying bill. Since there are so many people and jobs across the country depending on us doing something quickly, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] moves to recommit the bill H.R. 2996 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate forthwith with the following amendment No. 2500:

At the appropriate place, insert the following:

None of the funds made available by this Act may be used by the Secretary of the Interior to restrict, reduce, or reallocate any water, as determined in—

(1) the biological opinion published by the United States Fish and Wildlife Service and dated December 15, 2008; and

(2) the biological opinion published by the National Marine Fisheries Service and dated June 4, 2009.

Mr. DEMINT. Mr. President, I thank the Senator from California. I look forward to more discussion, because I know there are many people in the Senate concerned about the same issue. There may be better ways to resolve the problem. I am certainly open to work with anyone. This is an immediate problem. We cannot continue to spend trillions of dollars of taxpayer money to create jobs while we allow government agencies to shut down jobs and jeopardize food supply. We need to be able to act as a body to solve some small problems instead of what we are doing here, which is to totally revamp the health care system or major changes that do not address the problems right in front of our face. I encourage my colleagues to consider this. Let's debate it and discuss it. I believe we can come up with a solution.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am rather surprised about this. I don't think anyone in my State or in this body has spent as much time as I have on water in the State of California. The motion offered by the Senator from South California surprises me since no one from California has called, written, or indicated they wanted this on the calendar. No one has indicated to me, as chairman of the committee, in all of the time Senator ALEXANDER and I have been working on this bill that this is what they wanted. In fact, what this would do is prohibit the Secretary of Interior from expending appropriate funds to restrict, reduce, reallocate water supplies from the Central Valley Project and the California State Water Project under biological opinions issued by the Fish and Wildlife Service of the United States and the NOAA fisheries.

The Senator from South Carolina is venturing into a very complicated area. This would prohibit the approval on two gates. It would prohibit work on the intertie where water is now being transferred from one system, State-run, to Federal and back and forth based on need, water transfers in the hundreds of thousands of acre-feet. It would prohibit Interior from working on the Bay Delta Conservation Plan. It would prevent Federal agencies from working on water quality issues in the delta.

What is the delta? The delta is a large inland body of water in northern California. It is the drinking water for 16 million people. It is the source of water, some of which trickles down to southern California. The Metropolitan Water district, for example, in Los Angeles uses between 800,000 acre-feet and a million acre-feet a year of this water. Jurisdictions all over the State use some of this water. The agriculture community uses 80 percent of the water in the delta. There are enormous endangered species issues in the delta, the death of certain kinds of fish, the nonnative species of fish, deteriorating levees that when they deteriorate, the peat soil drifts into the water and creates all kinds of problems for treatment and would likely collapse in the instance of a major earthquake.

What is happening is a whole effort to restore the delta, to develop a management plan for the delta, how to rebuild it, how to shore it up, and also whether in fact there should be some conveyance around the delta to bring some of the water south. This is a very hot issue in California. It is not a hot issue in South Carolina, trust me.

It is interesting to me that groups go to the Senator from South Carolina instead of to the chairman of the committee for something which is preemptive and would handcuff the Secretary of Interior. The Secretary of the Interior has appointed his No. 2 person,

David Hayes, to handle western water. David Hayes has been in California. He has solved many problems. He came with me in August to a meeting in the southern Central Valley to discuss these problems and say what the Department was prepared to do about them.

On September 30 of this month, the Interior Secretary is holding a meeting to announce what actions he is going to take on 2 Gates, on the intertie, on water transfers. I don't understand why we would want to handcuff the Secretary of the Interior by saying no money can go for any of these things, that water has to be released to the Central Valley with no controls on it. This makes no sense to me.

I see a series of letters that have come in from people I have talked with. I know there is a problem with the biological opinions. There are 30 lawsuits against the biological opinions. I understand that. To that end, I have been asked to put \$750,000 in this bill to allow the National Academy of Sciences to come in and do an overarching but quick, within 6 months, look at the biological opinions and either say the opinions are founded in sound science or they are not. That is in the heart of this bill.

The ranking member has agreed to put this money in this bill for that purpose. Along comes something now which would totally handcuff the Secretary of Interior, which would mean no permits to move water between the California aqueduct and the Central Valley Project and back and forth and no permits for 2 Gates, two of the emergency solutions that have been put forward.

If this passes, we can be sure there will be court action, and we will most likely be enjoined. To my view, it makes no sense. We need the help of Interior. I have asked the Department of Interior, in terms of Federal agencies, to take the lead in dealing with California water. A specific person has been designated, the No. 2 person in the Department, David Hayes. A whole process has been entered into now for the administration, through the Secretary of Interior, to begin to put its hands on the problem and deal with it.

I cannot support legislation that says: Go ahead and release water, regardless of endangered species, regardless of any court that might come down on top of you and say stop. I can't do that. It isn't responsible to do so.

It is interesting to me—and I am looking at some of the letters—the people who I meet with, whose phone calls I respond to, who have never called and said: Look, this is what we need.

I don't quite understand what is going on here. That is the reason for my objection. I am not going to put the State of California and the bay delta in the threat of another lawsuit. We have

enough already. Water is a huge, complicated, and difficult issue. No one cares more about it than I do or has tried harder to sort out the problems.

In a way, this is a kind of Pearl Harbor on everything we are trying to do, which is to work together to put Interior in the lead, not to handcuff Interior. That is the reason I objected to the amendment.

I understand on the motion there will be a vote. I urge a no vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

#### AMENDMENT NO. 2461

Mr. HARKIN. Mr. President, I rise in opposition to the amendment offered by the senior Senator from Arizona. The amendment by Senator MCCAIN singles out one instance of congressionally directed funding that I had included in the bill now before us, fiscal year 2010 Interior appropriations. The Senator claims this earmark, which provides \$200,000 in funding for repair and renovation of the historic Des Moines Art Center, is somehow inappropriate and should be removed from the bill. Well, it comes as no surprise that I strenuously disagree.

First of all, as a constitutional matter, I take issue with the premise underlying the Senator's amendment—the idea that Congress has no business directing the expenditure of Federal moneys to earmarks, that there is something inherently wrong or evil in this traditional practice, and that only the executive branch should determine where Federal moneys are spent. Well, I beg to differ.

The Constitution, article I, section, 9, expressly gives Congress the power of the purse. The executive branch can't spend one nickel unless this Congress gives it the authority to do so. Over the centuries, over the last couple hundred years, we have given to the executive branch the authority to make budgets, spend money on different things through all the different departments and agencies, but if Congress wanted to, we could take it all back. We could take it all back because the Constitution gives Congress the sole power to spend money.

What is more, compared to executive branch individuals, Members of Congress have a much better understanding of where and how Federal funds can be spent most effectively in their respective districts and States, and that is certainly the case with the earmark in question.

I assume the Senator from Arizona doesn't know a lot about the Des

Moines Art Center. Well, let me explain it for the RECORD. The Des Moines Art Center encompasses three nationally significant buildings, two of which have been listed on the National Register of Historic Places since 2004. One of these buildings was designed by the famous architect, Eliel Saarinen, and another by the world renowned I.M. Pei. These buildings are architectural gems but, unfortunately, they have suffered from deterioration over the years.

So I secured the modest funding in this earmark—\$200,000—for the specific purpose of replacing windows that were causing inconsistent temperatures and high condensation, resulting in damage to the building's plaster, the wood paneling, and the floors. There is nothing the least bit wasteful or frivolous about these renovations. In fact, they will create jobs and put people to work.

I also wish to point out that this funding is awarded through an authorized program called Save America's Treasures. This program was established within the National Park Service to protect:

America's threatened cultural treasures, including historic structures, collections, works of art, maps and journals that document and illuminate the history and culture of the United States.

Money for the program is awarded both competitively through grants and through congressionally designated funding.

Over the years, the Save America's Treasures Program has helped to protect many important buildings and artifacts across our country. There is no question that the Des Moines Art Center is both worthy and in urgent need of this modest funding. The buildings of the center, as I said, are architectural masterpieces. They contribute mightily to making Iowa's capital city a livable, attractive urban center with a lively cultural scene.

Bear in mind that the Des Moines Art Center is a cultural institution in the State of Iowa, drawing hundreds of thousands of visitors not only from Iowa but from around the United States and from all over the world every year. In the last 12 months, the center has served nearly half a million people. School kids from all over our State come into Des Moines in buses from their schools out in the countryside, out in the small districts, to go to the art center to see these magnificent, wonderful works of art and the buildings themselves.

I wish to emphasize that in terms of fundraising for renovations and operations, the art center and the Des Moines community are more than pulling their own weight. The center currently is in the midst of a \$34 million fundraising campaign. However, only \$7.5 million of that is for capital and building improvement. The remaining \$26.5 million is for the center's operating endowment. That allows the art

center to be free and open to the entire community all year-round. Moreover, the \$200,000 in Federal funds will leverage \$1.9 million in public and private challenge grants—not a bad leveraging of Federal dollars.

The fact is, the Des Moines Art Center is struggling to meet its fundraising targets in any and all ways possible, including in relatively modest increments. The center has received \$275,000 from Polk County—that is the county encompassing our capital city of Des Moines. They received \$25,000 from the city of Des Moines. At this point, the center has exhausted their private fundraising options. So the \$200,000 grant from the Federal Government, along with the additional \$1.9 million that it will leverage, is critical to meeting the center's goal of renovation.

I appreciate this opportunity to share with our colleagues my reasons for including this earmark in the bill before us. I am proud of this congressionally directed funding. It would go to a worthy and urgent public purpose.

I believe the effort by Senator MCCAIN to remove this money from the bill is misguided, and I urge my colleagues to vote against the McCain amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, earlier while I was arguing the opposite side of the question of the DeMint amendment which is now before this body, I mentioned that there were 30 lawsuits pending against the biological opinions having to do with the bay delta. The number is actually 13. I apologize. I wish to have the record corrected. Thirteen is enough.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2498

Ms. COLLINS. Mr. President, I call up amendment No. 2498 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 2498.

Ms. COLLINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports biannually to Congress)

At the appropriate place, insert the following:

#### FUNDING LIMITATION

SEC. \_\_. None of the funds made available by this Act or any other Act may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless—

(1) the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters; and

(2) such official submits a report biannually to each congressional committee with jurisdiction over such matters, describing the activities of the official and the office of such official, any rule, regulation, or policy that the official or the office of such official participated or assisted in the development of, or any rule, regulation, or policy that the official or the office of such official directed be developed by the department or agency with statutory responsibility for the matter.

Ms. COLLINS. Mr. President, I rise today to call up an amendment to ensure that the so-called czars appointed by this administration can be held accountable to Congress and to the American people.

The effective functioning of our democracy is predicated on open government, on providing a transparent process for the people we serve. It cannot instill trust and confidence in its citizenry unless government fosters accountability. It is against that backdrop I raise my concerns regarding the administration's appointment of at least 18 new czars to manage some of the most complex issues facing our country.

I am not talking about traditional offices within the office of the President. I am not talking about, for example, the position of his Chief of Staff or the position of his press secretary. Similarly, I am not talking about officials who have responsibility to coordinate policy across agency lines that are specifically established in law. A good example of that is the Director of Na-

tional Intelligence. That is a position that was established by Congress and whose head is nominated by the President and confirmed by Congress. So I am not talking about those officials either.

What I am talking about are new positions not created in law that have been established and which have significant policy responsibilities, or so it seems. Part of the problem here is we don't know exactly what the responsibilities are. As I, along with several of my colleagues, including the ranking member of this subcommittee, Senator ALEXANDER, recently expressed in a letter to the President, I am deeply troubled because these czars fail to provide the accountability, transparency, and oversight necessary for our constitutional democracy.

The creation of czars within the Executive Office of the President and elsewhere in the executive branch circumvents the constitutionally mandated advise and consent role our Founding Fathers assigned to the Senate. They greatly diminish the ability of Congress to conduct meaningful oversight to hold officials accountable for their actions, and it creates confusion about which officials are responsible for the government's policy decisions.

For example, Nancy-Ann DeParle, an individual for whom I have great respect, is the health policy czar within the White House. Kathleen Sebelius is the Secretary of Health and Human Services. So who is making policy when it comes to health care? Who do we hold accountable? Well, we know we can call the Secretary of Health and Human Services before us to testify in open session at public hearings, but most likely we cannot call Ms. DeParle before us to testify, even though she has been great about coming up for private meetings.

Senators ALEXANDER, BOND, CRAPO, ROBERTS, and BENNETT joined me in writing to the President to raise these important issues. We have identified at least 18 czar positions where reported responsibilities may be undermining the constitutional oversight responsibilities of Congress or the express statutory assignments of responsibility to other executive branch officials.

Again, to be clear, I do not consider every position identified in various media reports to be problematic. Positions that are established by law or are subject to Senate confirmation, such as the Director of National Intelligence, the Homeland Security Advisor, and the Chairman of the Recovery Accountability and Transparency Board do not raise the same concerns about accountability, transparency, and oversight.

Furthermore, we all recognize that Presidents are entitled to rely on experts to serve as senior advisers. But those czar positions within the Executive Office of the President and in some

executive agencies are largely insulated from effective congressional oversight. Many of the czars appointed by this administration seem either to duplicate or dilute the statutory authority and responsibilities that Congress already has conferred upon Cabinet level officers and other senior executive branch officials.

Indeed, many of these new czars appear to occupy positions of greater responsibility and authority than some of the officials who come before us for Senate confirmation. Whether in the White House or elsewhere, these czar appointments are not subject to the Senate's constitutional advise and consent role. Little information is available concerning their responsibilities and authority. There is no careful Senate examination of their character and qualifications. We are speaking here of some of the most senior important positions within our government.

The appointment of so many czars has muddied the waters, causing confusion and risking miscommunication going forward. We need to know, with clarity: Who is responsible for what? Who is in charge—the czar or the Cabinet official? Who can the Congress and the American people hold accountable for government policies that affect their lives?

For these reasons, I offer an amendment that would prevent any more Federal funds from being made available for the administrative expenses of czars until two key conditions are met. I don't think these conditions are unreasonable. I don't think they are difficult for the President to meet, but they would make a real difference.

First, the amendment I am proposing would require the President to certify to Congress that every one of these positions will respond to reasonable requests to testify before or provide information to any congressional committee with jurisdiction over the matters the President has assigned to that individual.

Second, our amendment would require every czar to issue a public written report twice a year to these same congressional committees. This report would include a description of the activities of the official and the office, any rule, regulation, or policy that the official participated in the development of, or any rule, regulation, or policy that the official directed be developed by the department or agency with statutory responsibility for the matter.

This amendment would represent a significant step toward establishing an oversight regime for these positions that would provide the transparency and accountability our Nation expects from its leaders.

Beyond the specific requirements of this amendment, in the letter we sent to the President we implored the President to consult carefully with Congress prior to establishing any additional

czars or filling any existing vacancies for these positions.

We stand ready to work with the President to address the challenges facing our Nation and to provide our country's senior leaders with the authority, accountability, and legitimacy necessary to do their jobs. If there are problems, then the administration should come to us. We can work on re-vamping organizational structures to help eliminate those problems, but we must eliminate the serious problems with oversight, accountability, transparency, and vetting that are associated with the proliferation of these czars.

I urge my colleagues to support what I think is a very reasonable approach to this difficult issue.

Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to congratulate the Senator from Maine for her leadership on this issue. She has shown great respect for the President's authority under the Constitution. We all respect that. He has the right to appoint his own advisers, period, and to take their advice and, as a result, assert some executive privilege. And we don't inquire into that. He is entitled to that.

But under the Constitution, article II, section 2, states that the Cabinet officers and other appointments of significant policy positions should be appointed by the advice and consent of the Senate.

It is true a number of Republican Senators have raised a question about the 18 new czars appointed by President Obama who are not confirmed by the Senate, all of whom are new. They didn't exist before. This large number of new senior positions is of great concern.

Senator COLLINS, in her letter of September 14 to the President—written with great respect, signed by Senator BOND, Senator CRAPO, Senator ROBERTS, Senator BENNETT, and myself—basically made the argument she just made. She acknowledged the President's authority under article II to appoint his advisers and to be the leader of the country. But in terms of these specific responsibilities, the letter asks for information about the responsibilities of these 18 new czars; of how they were picked and how they were examined and whether they would be willing to testify before us.

In her remarks, Senator COLLINS pointed out if we have a Health Secretary and a health czar, who is in charge? If we have an Energy Secretary and an energy czar, who is in charge? Those are the big issues before us. Health care is nearly 20 percent of the economy. We have town meetings all over the country about it. Right after that comes energy and climate change, and those are going to be a massive

issues for our country. So it is important for us to know who is in charge so they can testify before the Congress and so we can effect their appropriations if we should choose to do so.

The main point I want to underscore is the fact that this is not just a concern on the Republican side of the aisle. The senior Senator in the Senate, and the senior Democrat—the President pro tempore—is Robert C. Byrd. Sometimes we call him the constitutional conscience of the Senate. Senator BYRD was the first Member of this body to raise questions about the czars. I am sure he would have done it if there had been a Republican President—he probably has many times before—but he also did it even though there is now a Democratic President.

I think it is important to reflect upon what he said in his February 23 letter to President Obama. Senator BYRD said:

As presidential assistants and advisers, these White House staffers are not accountable for their actions to the Congress, to cabinet officials, and to virtually anyone but the President. They rarely testify before congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege. In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability.

In speaking about the lines of authority between these new White House positions—these czars—and their executive branch counterparts, the Secretaries, Senator BYRD said this to the President:

Too often, I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

Senator BYRD went on to say:

As you develop your White House organization, I hope you will favorably consider the following: that assertions of executive privilege will be made only by the President, or with the President's specific approval; that senior White House personnel will be limited from exercising authority over any person, any program, and any funding within the statutory responsibility of a Senate-confirmed department or agency head; that the President will be responsible for resolving any disagreement between a Senate-confirmed agency or department head and the White House staff; and that the lines of authority and responsibility in the administration will be transparent and open to the American public.

Not only Senator BYRD, but Senator LIEBERMAN, who is the chairman of the committee on which Senator COLLINS is the ranking Republican, has expressed his willingness to hold hearings on this issue. Senator FEINGOLD of Wisconsin, a Democratic chairman of the Subcommittee on the Constitution, has written to the President expressing his concern. Senator FEINGOLD says:

The Constitution gives the Senate the duty to oversee the appointment of Executive officers through the Appointments Clause in Article II, section 2. The Appointments Clause

states that the President: "shall nominate and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

Senator FEINGOLD goes on to say:

This clause is an important part of the constitutional scheme of separation of powers, empowering the Senate to weigh in on the appropriateness of significant appointments and assisting in its oversight of the Executive branch.

Senator FEINGOLD and Senator BYRD and Senator COLLINS, and several of us who signed Senator COLLINS' letter, and Senator VITTER of Louisiana—we all respect the President's authority to be the President and to appoint his Cabinet members and other executive branch officers. But we expect that those officers, the people who are actually setting the policy and running the departments, should be accountable to those of us in the Senate because the Constitution says so.

As a practical matter, we all know in Washington most people in the executive branch measure their power by the number of inches they are from the President of the United States. In the White House, most of the scurrying around at the beginning of an administration is to see who can get the office closest to the Oval Office. So it is always an issue about the amount of power that begins to accumulate in the White House. When it begins to take away accountability and authority and responsibility and create confusion about whether the Cabinet Secretaries have the authority, that is the time that we begin to cross the constitutional line.

That is what Senator BYRD talked about in February, what Senator FEINGOLD talked about last week, and what Senator COLLINS is talking about today. I congratulate her on her amendment. I think it is constructive. I think it is respectful to the President. It acknowledges his role in the Constitution, but it reiterates the importance of the role of the Senate in accountability and in transparency. I look forward to supporting her amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I listened to the comments of the ranking member, the Republican manager of the bill. I agree with everything he said. I have great respect for the Senator from Maine. I find this amendment reasonable and our side is prepared to accept it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ISAKSON addressed the Chair.

Mrs. FEINSTEIN. Mr. President, we have one issue up right now, and then

we will be happy to call on the Senator from Georgia. I know he has an amendment. I will ask unanimous consent that directly following disposal of the amendment of the Senator from Maine we turn to the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum for just one moment.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Georgia, Mr. ISAKSON, and the Senator from Louisiana, Mr. VITTER, be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I thank the chairman of the subcommittee, the Senator from California, and the Senator from Tennessee for their kind comments.

I urge adoption of the amendment.

Mrs. FEINSTEIN. To understand this correctly, the intention is to take this by unanimous support. However, there is one thing that needs to be checked on. The clerks will do that, if the Senator from Maine is agreeable. In the meantime, we will proceed with the Senator from Georgia? Hearing no objection, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

AMENDMENT NO. 2504

Mr. ISAKSON. I ask unanimous consent we set aside the pending amendment and call up amendment No. 2504.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 2504.

Mr. ISAKSON. I ask further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage the participation of the Smithsonian Institution in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009)

On page 219, line 5, before "and including", insert the following: "of which \$5,000,000 may be made available to the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct schol-

arly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.;"

Mr. ISAKSON. First, I thank the chairman for the courtesy of allowing me to call up the amendment at this time and appreciate the courtesy of the Senator from Maine. I have requested in appropriations the designation which is included in this amendment which says the Secretary may—underline the word "may"—appropriate \$5 million to Morehouse College for the purpose of the curation and the care of the Martin Luther King, Jr., papers in Atlanta, GA, for the civil rights museum of history.

Briefly, not to belabor the point, a number of years ago, as you may know, the family of Martin Luther King put up the King papers for auction to the highest bidder. A number of people in the State of Georgia and the city of Atlanta determined that those papers belonged to the world and raised \$32 million amongst themselves to buy the papers to protect them forever for posterity. An issue came up in the U.S. House of Representatives to appropriate that money, and it didn't happen. Without those bidders, those papers would have gone to the highest bidder. Whether or not it would have remained in the public purview for posterity no one knows. But we do know because of the people and the mayor of Atlanta, Shirley Franklin, the distinguished Representative of our State, had the courage and fortitude and foresight to raise the money, and those papers are now under protection for the people of the world.

The money is being raised to build the civil rights museum, and it will start in the not too distant future at Centennial Park in Atlanta. It will house the papers of Martin Luther King, but there are 10,000 exhibits within the papers of Dr. King. Therefore, Morehouse College has been designated to be the curator and protector of those papers, much as our archivists in the country do for the great historical documents of the United States. This money would go to assist Morehouse College as the curator to protect those papers, which will be in the public domain forever.

I appreciate very much the distinguished chairman allowing me to offer the amendment. I hope at the appropriate time it will be adopted. I think it is an important contribution to the history of our country and future of civil rights and the world.

I yield the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2504, AS MODIFIED

Mrs. FEINSTEIN. I ask unanimous consent that Isakson amendment No. 2504 be modified with the changes that are at the desk, which are technical amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment as modified is as follows:

On page 219, line 5, before "and including", insert the following: "of which \$5,000,000 may be made available to the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.;"

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that at 5:45 p.m. today, the Senate proceed to vote in relation to the following amendments and motion; that prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that no amendments be in order to the amendments or motion prior to the vote; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each: McCain amendment No. 2461, DeMint motion to recommit, and Reid amendment No. 2494.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, that would be the Reid amendment as modified?

Mrs. FEINSTEIN. Right.

Mr. ALEXANDER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2494, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Reid amendment No. 2494 be modified with

the change at the desk and that once the amendment is modified, it be agreed to, as modified, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to, as modified.

The amendment (No. 2494), as modified, was agreed to, as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 423. JUNGLO DISPOSAL SITE EVALUATION.

Using funds made available under this Act, the Director of the United States Geological Survey may conduct an evaluation of the aquifers in the area of the Junglo Disposal Site in Humboldt County, Nevada (referred to in this section as the "site"), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2461

Mr. MCCAIN. Mr. President, I ask that we proceed to the regular order.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I believe the regular order is that I am allowed 1 minute. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Thank you, Mr. President.

This amendment strikes an earmark of \$200,000 for the Des Moines Art Center in Iowa. The center just began a \$7.5 million capital improvement project. It is time we got serious.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I join Senator HARKIN in urging a "no" vote. I think he argued quite eloquently on the floor.

I yield my time, and we can go straight to the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to a death in the family.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 70, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—27

Barrasso	Ensign	Kyl
Bunning	Enzi	LeMieux
Burr	Feingold	Lugar
Chambliss	Graham	McCain
Coburn	Gregg	McConnell
Corker	Hutchison	Risch
Cornyn	Inhofe	Sessions
Crapo	Isakson	Thune
DeMint	Johanns	Vitter

NAYS—70

Akaka	Franken	Nelson (FL)
Alexander	Gillibrand	Pryor
Baucus	Grassley	Reed
Bayh	Hagan	Reid
Begich	Harkin	Roberts
Bennet	Hatch	Rockefeller
Bennett	Inouye	Sanders
Bingaman	Johnson	Schumer
Bond	Kaufman	Shaheen
Boxer	Kerry	Shelby
Brown	Klobuchar	Snowe
Brownback	Kohl	Specter
Burris	Landrieu	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Cochran	McCaskill	Warner
Collins	Menendez	Webb
Conrad	Merkley	Whitehouse
Dodd	Mikulski	Wicker
Dorgan	Murkowski	Wyden
Durbin	Murray	
Feinstein	Nelson (NE)	

NOT VOTING—2

Byrd Lincoln

The amendment (No. 2461) was rejected.

MOTION TO RECOMMIT

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote in relation to the DeMint motion to recommit.

The Senator from California.

Mrs. FEINSTEIN. Madam President, both Senators from California, as well as the managers of this bill, urge a "no" vote on the DeMint amendment.

What this amendment would do is essentially prohibit the Secretary of the Interior from expending appropriated funds to restrict, reduce or reallocate water supplies from the Central Valley Project and the California State Water Project. In essence, South Carolina is telling California how to handle its water issues.

To handcuff the Secretary of the Interior will essentially prohibit transfers between the State and the Federal water projects, which transfers are being done to facilitate additional

water to go to a very needy farm belt in the great Central Valley of California. To put a prohibition on the Secretary to use any of the funds in this budget to reallocate or transfer this water is a mistake.

I urge a "no" vote, and I move to table.

The PRESIDING OFFICER. There is still time remaining. The Senator from South Carolina.

Mr. DEMINT. Madam President, this issue shines a spotlight on the utter stupidity of what this body does so often. Lawsuits cut off water to one of the most fertile farming communities in our country that supplies 13 percent of our food supply. About 40,000 people are now out of work because of this arbitrary lawsuit. Now President Obama has declared it a disaster area so we can spend more taxpayer money to bail out the small businesses we are putting out of business.

All this amendment does is restrict the use of funds to cut off water to the farmers in California that affect this whole Nation. It is not a California issue, it is an American issue. It makes no sense in a recession to put people out of work and to arbitrarily, with no good science involved here, cut off water from the farmers of America.

I have a list of farm bureaus throughout California, the National Cotton Council, and people all over this country who are saying enough is enough. Let us use some common sense. Please support this motion.

The PRESIDING OFFICER. Time has expired.

The majority leader.

Mr. REID. Madam President, this will be the last vote of the evening. I will file cloture tonight on this bill and, hopefully, we can move immediately to the Defense appropriations bill.

Mrs. FEINSTEIN. Madam President, I move to table this motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—61

Akaka	Boxer	Collins
Alexander	Brown	Conrad
Baucus	Burr	Dodd
Bayh	Cantwell	Dorgan
Begich	Cardin	Durbin
Bennet	Carper	Feingold
Bingaman	Casey	Feinstein

Franken  
Gillibrand  
Hagan  
Harkin  
Inouye  
Johnson  
Kaufman  
Kerry  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin

Lieberman  
McCaskill  
Menendez  
Merkley  
Mikulski  
Murray  
Nelson (NE)  
Nelson (FL)  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schumer

Shaheen  
Snowe  
Specter  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Voinovich  
Warner  
Webb  
Whitehouse  
Wyden

NAYS—36

Barrasso  
Bennett  
Bond  
Brownback  
Bunning  
Burr  
Chambliss  
Coburn  
Cochran  
Corker  
Cornyn  
Crapo

DeMint  
Ensign  
Enzi  
Graham  
Grassley  
Gregg  
Hatch  
Hutchison  
Inhofe  
Isakson  
Johanns  
Kyl

LeMieux  
Lugar  
McCain  
McConnell  
Murkowski  
Risch  
Roberts  
Sessions  
Shelby  
Thune  
Vitter  
Wicker

NOT VOTING—2

Byrd

Lincoln

The motion to table was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mr. ALEXANDER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2454.

Mrs. FEINSTEIN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2508

Mr. VITTER. Madam President, I find this very frustrating. As I understand it, the Chair who is handling the bill on the floor is not objecting personally but on behalf of Senator NELSON of Florida. I find it frustrating because this is a completely germane amendment to the bill. It is a limitation amendment which is completely germane to the bill. I don't think there is any reasonable argument that something so directly pertinent and germane should not be open for discussion and vote on the Senate floor.

I think, quite frankly, it is unreasonable for Senator NELSON to block an amendment in this way. Having been forced to do this, I now send to the desk a motion to recommit with instructions so that this amendment can be considered and heard in that manner.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] moves to recommit the bill, H.R. 2996, to the Committee on Appropriations of the Senate with instructions to report back the same to the Senate forthwith with the following amendment No. 2508.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to delay the implementation of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010-2015)

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. PROHIBITION ON USE OF FUND TO DELAY DRAFT PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM 2010-2015.**

None of the funds made available by this Act shall be used to delay the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010-2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

Mr. VITTER. Madam President, I will be happy to explain the substance of this amendment. Again, I am forced to file this motion to recommit simply to have this germane, relevant amendment heard and voted on with regard to the bill.

What does the amendment do? The amendment is very straightforward. It simply says:

None of the funds made available by this Act shall be used to delay the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program from 2010-2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act.

We all know we face enormous energy needs in this country. That became particularly acute and particularly obvious last summer when the price at the pump went through the roof and rose to \$4 a gallon for gasoline. At that time, people rightly became enraged that we were not doing more to control our own destiny and our own energy future. People started demanding that Congress act, that Congress do something with regard to oil and gas and other energy resources we have right here at home.

That is when the petition began: Drill here, drill now. That is when every Member of this Congress was deluged with calls and e-mails and letters saying: Let's get ahold of our own destiny and produce that energy which we have right here at home.

In that time period last year, Congress heard that message loudly and clearly. So for the first time in years, the moratorium on offshore oil and gas production was lifted by Congress, and President Bush similarly lifted a more limited executive moratorium on offshore production. So those barriers and those hurdles were finally lifted because of the demands of the American people, when the American people said very loudly, very clearly: This is ridiculous. We have resources here at home. We have domestic energy. Let's use that domestic energy rather than being held hostage by foreign powers. That was real progress. That was moving, certainly, in the right direction.

The problem is, the new administration and the new Secretary of the Interior have made it clear that—despite all of those actions, despite all of that clear communication by the American people, despite Congress taking that historic action of lifting the moratorium, despite the previous administration lifting the executive moratorium—they are not in any hurry and they are not going to take any action in the near future to move forward with the 2010 to 2015 offshore planning area and lease sales.

So what, unfortunately, Secretary Salazar has said pretty clearly is he is not going to take action in the foreseeable future to actually move forward with that going after domestic production and domestic resources. That is really a shame because, while the price at the pump has stabilized somewhat from last summer, and that is a good thing, the need—particularly the medium- and long-term need—is still there. Over the next 20 years, U.S. demand for energy is only going to grow. It is particularly going to grow as we get out of this recession and come back into a more normal economy. Overall, it is expected to grow at an annual rate of 1.4 percent. That is going to demand more energy. We need to conserve. We need to develop new technology. We need to develop new energy sources. But that need is still going to grow, so that short term we will have increased demand for the types of energy we use.

We have enormous potential right here at home. The question which this amendment poses is, are we going to tap that potential or are we going to use the resources we have so that we cannot be held hostage any longer by hostile foreign powers.

According to conservative estimates from MMS, there are about 288 trillion cubic feet of natural gas and 52 billion barrels of oil in the OFC, off the lower 48 States. That is an enormous amount of energy as yet untapped. That is enough oil to maintain current production for 105 years. That is enough natural gas to maintain production for 71 years. That is enough oil to produce gasoline for 132 million cars and heating oil for 54 million homes for 15 years. It is enough natural gas to heat 72 million homes for 60 years or to supply current industrial and commercial needs for 28 years or to supply current electricity generating needs for 53 years. Further, the MMS reports that the waters off Alaska's coast hold about 27 billion barrels of oil and 132 trillion cubic feet of natural gas. That is in addition to all of the potential, all of the resources I was just talking about.

Make no mistake about it, we need to move to a new energy future. We need to develop new technology. We need to develop new sources of energy. But we need a bridge to get to that future, and certainly current fuels—oil and natural

gas, particularly natural gas, which is a relatively clean-burning fuel—are an absolutely vital bridge to get to that future.

The American people are scratching their heads. We have enormous needs, particularly the need to build an energy bridge to a new, exciting energy future. The good news is we have enormous domestic resources that can help get us there, particularly natural gas. So why are we not matching those two things that should match up so well? The American people demanded that last summer. Because of their loud and clear voice, they got dramatic action out of Congress, lifting the moratoria. The problem is, the new administration and the new Secretary of the Interior are simply saying: We are not in any hurry to get there. We are not going to lift a finger to actually move forward with the concrete work that needs to be done.

That is really inappropriate. That is ignoring the clear clarion call of the American people. So, again, that brings us to my amendment, amendment No. 2454, which my motion to recommit would add to the bill. It simply says:

None of the funds made available by this Act shall be used to delay the draft proposed Outer Continental Shelf Oil and Gas Leasing Program for 2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act.

The American people have spoken: Drill here, drill now; build an important bridge to the future. No, it is not the future, but it is a necessary bridge to get us there. Let's adopt that common sense of the American people. Let's respond to that clear call of the American people dating back to last summer. Let's pass this clear limitation amendment, perfectly germane to this bill, so we can move forward with developing our domestic energy resources right here at home to build a more stable energy future.

I yield my time.

Mr. THUNE. Madam President, last summer President Bush signed into law a \$50 billion foreign aid—HIV/AIDS—bill. Included as part of the PEPFAR bill was a \$2 billion authorization that I, and a bipartisan group of Senators, worked to include that focused on the critical public safety, health care, and water needs in Indian country. All of the Senators who worked to include this provision in the final package, including now Vice President BIDEN and Secretary of State Clinton, recognized that there are great needs internationally, but that we have equal or maybe even greater needs here at home on our Nation's reservations.

The final PEPFAR bill created a \$2 billion 5-year authorization, beginning in fiscal year 2009, for the emergency fund for Indian safety and health. Over the 5-year authorization, \$750 million could be spent on public safety, \$250 million on health care, and \$1 billion

for water settlements. The need for increased funding in these three areas cannot be underestimated.

Nationwide, 1 percent of the U.S. population does not have safe and adequate water for drinking and sanitation needs. On our Nation's reservations this number climbs to an average of 11 percent and in the worst parts of Indian country to 35 percent. The Indian Health Service estimates that in order to provide all Native Americans with safe drinking water and sewage systems in their home they would need over \$2.3 billion.

The health care statistics are just as startling. Nationally, Native Americans are three times as likely to die from diabetes compared to the rest of the population. In South Dakota, 13 percent of Native Americans suffer from diabetes. This is more than twice the rate of the general population, where only 6 percent suffer from diabetes. On the Oglala Sioux Reservation in my home State of South Dakota, the average life expectancy for males is 56 years old. In Iraq it is 58, in Haiti it is 59, and in Ghana it is 60—all higher than right here in America. In South Dakota, from 2000 to 2005, Native American infants were more than twice as likely to die as non-Native infants.

Tragically, there are also great needs in the area of public safety and justice. One out of every three Native American women will be raped in their lifetime. According to a recent Department of Interior report, tribal jails are so grossly insufficient when it comes to cell space, only half of the offenders who should be incarcerated are being put in jail. That same report found that constructing or rehabilitating only those detention centers that are most in need will cost \$8.4 billion.

The South Dakota attorney general released a study last year on tribal criminal justice statistics and found homicide rates on South Dakota reservations are almost 10 times higher than those found in the rest of South Dakota. Also, forcible rapes on South Dakota's reservations are seven times higher than those found in the rest of South Dakota.

There is no better example of these public safety issues as Standing Rock Sioux Tribe, which is located on the North and South Dakota border. In early 2008, the Standing Rock Sioux Reservation had six police officers to patrol a reservation the size of Connecticut. This meant that during any given shift there was only one officer on duty. One day, the only dispatcher on the reservation was out sick. This left only one police officer to act both as a first responder and also as the dispatcher. This directly impacted the officer's ability to patrol and respond to emergencies, and prevented him from appearing in tribal court to testify at a criminal trial.

Later in the year, I was able to work with my Senate colleagues and the Bureau of Indian Affairs to bring additional police officers to the Standing Rock Sioux Reservation through Operation Dakota Peacekeeper. This effort increased the number of officers working on the reservation from 12 to 37. This operation, which was a success, was only possible because the Bureau of Indian Affairs was able to dramatically increase the number of law enforcement officials on the reservation during the surge. And this dramatic increase in officers was only possible because the Bureau had been given additional public safety and justice funds in 2008.

Since its enactment last year, I have been working with my colleagues to ensure that the emergency fund for Indian safety and health is funded as quickly as possible. Earlier this spring, 13 of us sent a letter to the chairman and vice chairman of the Appropriations Committee asking that the committee increase the allocations in three different bills, including the Interior appropriations bill that we are debating today. As a result of that letter, the allocations in both the Energy and Water Development and Interior appropriations bills were increased by \$50 million each, for a total of \$100 million.

While this funding increase is a positive sign, neither subcommittee directed this additional funding into the emergency fund as requested. Instead, the Energy and Water Development Subcommittee divided the additional funding up between a variety of water settlement projects, and the Interior Subcommittee provided \$25 million for public safety construction and \$25 million for "public safety and justice programs as authorized by the PEPFAR Emergency Fund."

While I am pleased to see that there has been a \$100 million increase in funding for Native American public safety and water projects, I think more could be done if we deposited funds directly into the emergency fund, which would be allocated to the areas of greatest need. The emergency fund, unlike general appropriations, is needed because the fund allows the relevant Federal agencies to spend the additional resources in those places where there are actual emergencies. It would allow agencies, like the Bureau of Indian Affairs, to begin additional operations, like Operation Dakota Peacekeeper, and bring immediate solutions to parts of our nation that are most in need.

That is why I filed my amendment, amendment No. 2503, today. I have filed an amendment that would simply transfer the \$50 million increase in public safety and public safety construction funding into the emergency fund. While I do not intend to seek a vote on this amendment today, I am committed to continuing to work in a

bipartisan manner for the much needed funding for the emergency fund. Toward that end, I am encouraged by the discussions I have had with several of my colleagues who are willing to continue this effort.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$32.1 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$19.7 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$34.3 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and is \$5 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	General purpose
Senate-Reported Bill:	
Budget Authority .....	32,100
Outlays .....	34,273
Senate-Reported Bill Compared To:	
Senate 302(b) allocation:	
Budget Authority .....	0
Outlays .....	-5
House-Passed Bill:	
Budget Authority .....	-200
Outlays .....	85
President's Request:	
Budget Authority .....	-225
Outlays .....	35

NOTE: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111-32).

The PRESIDING OFFICER. The Senator from California is recognized.

#### MORNING BUSINESS

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each. I ask unanimous consent for the Senator from Oklahoma to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. INHOFE. Madam President, let me thank the Senator from California for allowing me to go first in this group that I am sure will appear down here to talk in morning business.

As the cap and trade continues to languish in the Senate, President Obama is trying to salvage international climate change talks that are on the brink of collapse. So he gave a climate change speech at the United Nations, hoping to inspire hope in the process marred by failure. His speech, however, fell short of expectations, offering only to talk of rising sea levels and climate refugees, sort of resurrecting things that have been refuted in the old Gore speeches.

President Obama's speeches have been delivered against a backdrop of confusion and disagreement in the international community over climate change. The European Union is angry that the Senate is stalling cap and trade. China and India refuse to accept binding emissions cuts. The New York Times admits that global temperatures "have been stable for a decade and may even drop in the next few years." In other words, we are actually in a cooling period right now, maybe not as dramatic as the one I recall back so well in 1975, when they said another ice age is coming, nonetheless it is cooler. We are not involved in global warming right now.

He was addressing the global economic recession that has taken precedence over climate change in countries throughout the world. This global economic recession is one that has captured the interest of the people all over the world and has them looking to see: Is this science really there that they were talking about, going all the way back to the late 1990s and the Kyoto treaty? This is *deja vu* all over again. These are some of the same issues that have stymied climate talks ever since Kyoto.

We were told all rancor and disagreement would evaporate once the new administration assumed power in the United States. After all, the failure to achieve an international climate pact was simply George Bush's fault. President Obama would bring change and the ability to persuade the likes of China and India to transcend their national self-interest for the global good. That has not happened and is not going to happen.

I was surprised President Obama failed to define what success will mean in Copenhagen, so I will have to do it for him. From the standpoint of the Senate, success will not mean a vague, open-ended commitment on the emissions from India or China, the world's leading emitter. Success can only mean that China and other developing countries agree to mandatory emission cuts comparable to those required in America and that any treaty or agreement that did not avoid causing harm to our economy would not be acceptable. Unless those conditions are met, no such treaty or agreement will be approved by the Senate.

I remember the Senate resoundingly rejected exempting developing nations

such as China way back in 1997. That is still alive today. It passed 94 to 0. It said we will not agree to any treaty. At that time, Vice President Gore had signed the Kyoto treaty. They were trying to encourage us to ratify that treaty. President Clinton never brought it to the floor. It is because we had spoken loudly and clearly with a unanimous vote in the Senate that said we are not going to ratify anything that either doesn't force the developing countries such as India and China to have the same requirements as we have or that hurts us economically. That is the position—it was then and is today—of the U.S. Senate. I think that still commands support in the Senate. Any treaty the Obama administration submits must meet that resolution.

We hear that China is making progress in reducing emissions and that the administration will persuade China to agree to more aggressive steps in Copenhagen.

By the way, that is where they have the annual meeting, the big bash the United Nations puts on. I went to one of those back in about 2003, I guess it was, in Milan, Italy.

The administrations' climate change envoy, Todd Stern, is saying something different. On September 2—he is the person from the Obama administration—on September 2, he said: "It is not possible to ask China for an absolute reduction below where they are right now" because, as he said, "they are not quite at that point to be able to do that. And, in that respect, developing countries are different"—totally violating the intent of the 1997 agreement that this Senate had.

This is the first time someone from the administration has said let's treat developing countries different from developed countries.

Let me restate a bit. Stern is saying China simply can't make reductions that would be comparable to anything the United States accepts domestically. This is not a surprise considering China is now the world's largest emitter of carbon dioxide while U.S. emissions have remained relatively stagnant. Make no mistake here, China is unapologetic for its refusal to accept binding emissions cuts, and it will pursue an all-of-the-above strategy, including burning coal as it deems necessary; all of the above: oil, gas, coal, nuclear; they are very big in nuclear over there.

China also stated that before it accepts absolute, binding emissions reductions, developing countries must reduce their emissions by at least 40 percent by 2020.

Let me say that again. China won't accept absolute reductions until developing countries—that is, the United States, including the United States—reduce their emissions 40 percent below 1990 levels by 2020. This is really astounding considering that the Wax-

man-Markey bill only calls for a 14-percent reduction and they are saying they expect us to have a 40-percent reduction.

Accepting the Chinese position would mean certain economic disaster for the United States, for jobs and businesses—not to mention emissions—going to China.

Over the coming days and weeks, we will hear much about China's national mitigation plan, its 5-year plan to reduce emissions. We will hear stern warnings that China is outpacing the United States on clean energy. But this is a smokescreen to hide the chaos and failure of international climate change negotiations.

In the coming weeks, President Obama will reach some sort of bilateral agreement with China on climate change, but it won't require China to do anything other than business as usual. We have gone through this before. I can understand China's position. If I were in China, in that government, I would say the same thing. I would say: Let's go ahead and let's get the developed nations to have some kind of reductions so that will move manufacturing jobs to us, to China. I have to say this about the new Administrator of the Environmental Protection Agency, Lisa Jackson, in her honesty the other day in a public hearing—I asked her the question: If we were to pass one of these bills where we unilaterally pass something in the United States, like Waxman-Markey, if we did that, would that have any reduction in worldwide reductions in CO<sub>2</sub>? She said no, it would not have any effect. Obviously, it wouldn't.

Anyway, you could argue that if we were to pass Waxman-Markey, it would have the effect of increasing worldwide emissions because our manufacturing base would go to countries where they didn't have any emission requirements.

So, in the final analysis, President Obama's speech to the United Nations was a failure to define success, a failure to provide real solutions for international energy security, and a failure to sketch the outlines of a meaningful international climate change agreement that will pass the Byrd-Hagel test of 1997.

I think surely after the August recess, after so many people were beaten up on the fact that they did not want to have any type of a government-run health system, they certainly did not want to pass something that would be a cap and trade that would have the effect of providing the largest single tax increase in the history of America, a tax increase in the range of \$300 to \$366 billion a year.

I can remember back when we passed that very large tax increase in 1993. It was called the Clinton-Gore tax increase. It increased the marginal rates, increased capital gains, it increased the death tax, all of the other taxes. I

was pretty upset about it at that time. I talked on the Senate floor. I said that was a \$32 billion tax increase. This would be 10 times that size. So I do not think it is going to happen. This commission will listen to the speeches between now and Copenhagen. I plan to make a few myself.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ANGRY AMERICANS

Mr. SANDERS. Mr. President, my impression is that the American people are angry. In my view, they have every right in the world to be angry because what we are seeing in our country today is the kind of economic suffering and pain that we have not seen in this country since the Great Depression.

Recently, last week, Ben Bernanke, who is the Chairman of the Federal Reserve, said he thought it "very likely that the recession had ended."

I would suggest to Mr. Bernanke that before he makes statements like that, he might want to talk to the tens and tens of millions of people in this country who are suffering economically and who, in many respects, are not going to see a better day soon unless we as a Congress get our act together.

When you ask why the American people are angry, let me suggest to you why that is so. We went through 8 years which, in my view, were led by the worst administration in the modern history of the country. This is what happened during those 8 years before the financial crisis of last year. During the Bush-Cheney administration over 8 million Americans slipped out of the middle class and into poverty; median household income declined by over \$2,100; over 6.5 million Americans lost their health insurance; 5.4 million manufacturing jobs disappeared; and 4 million American workers lost their pensions. That is between 2000 and 2008.

Colleagues may have seen the other day in USA Today on their front pages unbelievable statistics which were geared toward age groups of young American workers seeing, during that 8-year period, huge declines in their median family income. That was before the financial crisis.

As we all know, about a year ago, Secretary of the Treasury Paulson came before the Congress and essentially said: I know that for 7 years we were telling you how robust and great the American economy was, but it seems we may have made a little bit of

a mistake. If you don't give us \$700 billion in the next few days, it appears that the entire world's financial system might collapse. It seems we may have made a mistake.

Thank God the financial system of the country and the world did not collapse. But on Wall Street, because of the greed, the irresponsibility, and the illegal actions of a handful of CEOs at the head of huge financial institutions, we have seen the most significant economic decline in this country since the 1930s. Since the beginning of the recession in December of 2007, 7.4 million Americans have lost their jobs. The official unemployment rate is 9.7 percent. Let me give a statistic which I think is enormously powerful and extremely frightening. If we count people who are officially declared as unemployed and if we add to that number those people who have given up looking for work, who are no longer counted as unemployed, and if we add to that number those people who want to work in full-time jobs but are now working part-time jobs, what we are looking at is 26 million Americans who are unemployed or underemployed. That is 17 percent of working-age Americans. As bad as the official statistic of 9.7 percent is, the reality is a lot worse than that. When we wonder why people are angry, I think when 26 million Americans are unemployed or underemployed, when millions more have lost their homes, when they have lost their pensions, when they have lost their health insurance, those people have a right to be angry.

In my view, we have been far too easy in terms of our response to what the people on Wall Street have done. It is beyond my comprehension that we did not begin an investigation weeks or at least months after the financial meltdown and ask what the cause of that meltdown was, who was responsible, hold them accountable, and if they broke the law, they deserved to find out what the American penal system is all about.

What we have to do right now—and I know there is an investigation beginning—is a thorough investigation—it is already very late in the process, and we should have done it earlier—to start holding those people who have caused so much suffering accountable, to understand that they just can't get away with it. What amazes me is that we have a handful of people whose greed and recklessness have caused this crisis. And have you heard one of them come before the American people to say: I am sorry. My greed, my recklessness, my illegal behavior has caused so much suffering in this country and around the world. I want to apologize.

On the contrary, what I have heard is lobbyists all over this place and the financial institutions spending millions and millions of dollars trying to make sure we do nothing and that they are

able to continue doing what they did, the same old ballgame which caused the crisis in the first place.

The first thing I think we need to do is a real investigation of this financial crisis. If there are CEOs, who made hundreds of millions of dollars, responsible for this disaster, this financial crisis, they have to be accountable. If they broke the law, they have to go to jail.

Second, in terms of real financial reform, I am more than aware that Congress passed legislation trying to bring more transparency and integrity to the credit card industry. All of us have received prospectuses from credit card companies telling us if we sign on the bottom line, we will have zero-interest-rate credit. They have sent out billions of these prospectuses every single year. Meanwhile, in tiny print on page 4, it appears they could raise their rates to any level they want for any reason. We have begun to deal with that, but we have not gone far enough.

When major financial institutions are charging the American people 29 percent interest rates on their credit cards, 30 percent interest rates in terms of payday lending, 40, 50 percent interest rates, we have to call it what it is. That is loan sharking. In the old days, a loan shark was somebody who lent you money and if you didn't pay it back on time, they broke your kneecaps. Now we have these guys on Wall Street who are doing exactly the same thing, and we call that providing credit. But it is not. It is loan sharking. It is usury. We need to bring back usury legislation, which we used to have but was done away with by a Supreme Court decision which allowed companies to go to States that don't have usury laws to be protected in terms of being able to charge high interest rates all over the country.

I have introduced legislation which imposes a maximum of 15 percent interest on credit cards. The reason I have done that is, in fact, credit unions for many decades now have been operating under that law. It is not the credit unions that are coming here for massive bailouts. It is our friends on Wall Street. I think if it has worked for the credit unions, it can work for private banks as well. We have passed credit card legislation which was a step forward, but I think we have to take another big step. We have to say that there has to be a maximum, a cap on interest rates. I believe an appropriate one is 15 percent.

Another issue we have to deal with is the phenomenon of too big to fail. The reason we provided hundreds of billions of dollars in a bailout to Wall Street is that the experts believed—the Secretary of the Treasury and the head of the Fed—that if we allowed these huge financial institutions to fail, they would bring down the entire system. That was a year ago. Maybe you know

more than I do, but I am not aware that we have taken any steps to begin breaking up these large financial institutions. If they were too big to fail a year ago, they are too big to fail right now.

What we have seen—and there have been a number of articles on this—is that these huge financial institutions have become even larger. What sense is that? We have to begin to learn what Teddy Roosevelt did 100 years ago. We have to start breaking up these guys. Because if we don't, we will be back here again, except next time the bailout will be even larger, because the financial crisis will be that much more severe.

Furthermore, it goes without saying that for years Alan Greenspan and Bob Rubin and all of those people who told us that the secret to financial success in America was to deregulate Wall Street, that what we really had to do was to get the government off of the backs of all of these big Wall Street companies, we had to do away with Glass-Steagall legislation, we had to allow investment houses to merge with commercial banks, to merge with insurance companies—all of that was going to be wonderful in terms of creating wealth and prosperity for the American people.

Our friends on Wall Street spent billions of dollars on lobbying to get that through. I was one of those in the House vigorously opposed to that approach. Needless to say, it is time to rethink that and, in a sensible way, to start the reregulation of Wall Street.

The bottom line is, these people on Wall Street are by and large concerned about one thing, and that is making as much money as they possibly can for themselves. And they have done phenomenally well. Some years ago 25 percent of all profits in America went to Wall Street, which has relatively few people. Obviously, as I think everybody knows, you had hedge fund guys making a billion dollars a year, CEOs making hundreds of millions of dollars a year. They have done very well. They don't care that manufacturing is disintegrating in America, that millions of workers have lost their jobs. They don't care that small businesses can't get credit. They don't care about trying to build a productive economy where working people are producing real products that people can consume. That is not where these guys are at. They are at it for short-term gains. If anybody believes otherwise, they don't understand history.

We have to set out a number of rules by which they have to play or else we are looking to bring back exactly what we just went through.

Another issue we have to deal with, as we get to financial reform, is the Fed. I am a member of the Budget Committee. Last year, when Mr. Bernanke came before the committee, I

asked him very simply if he could tell me which financial institutions were the recipients of some \$2 trillion in zero interest loans. During the financial crisis, Mr. Bernanke and the Fed provided \$2 trillion to large financial institutions. I asked him a pretty simple question: Can you please tell me which financial institutions received that money? I don't think that is a terribly radical question, putting \$2 trillion of taxpayer money at risk. And he said: No, I can't tell you.

On that particular day, I introduced legislation that would make him tell us. It is beyond comprehension that we are putting at risk trillions of dollars going to institutions, and we don't know who they are, what kind of conflicts of interest exist. We don't know what the terms of payment are. It is beyond comprehension.

On this issue, I must confess, I am working with somebody whose politics and ideology are very different than mine, my old friend RON PAUL, who is a very conservative Republican in the House. RON and I worked on some issues when I was there. He and I are working together on two pieces of legislation on the Fed. But one of them is going to tell the Fed they can't give away trillions of dollars with the American people not knowing what it is. We need an order to the Fed. We need transparency in the Fed, and we need accountability in the Fed.

There is another issue we want to deal with, and that is oil speculation. I come from a cold weather State. Many people heat with oil. Obviously, all over the country people are filling up their gas tanks to get to work. We have reason to believe that one of the causes of the volatility in oil prices has to do with speculation coming from Wall Street where our friends there are investing in oil futures. We have to begin to control that speculation so that people are not paying outrageous prices, heating their homes in winter or filling up their gas tanks.

Lastly, the issue of Wall Street in one sense is not radically different from the issue of health care or many other important issues, the incredible power these special interests have. The banking and insurance industries have spent over \$5 billion on campaign contributions and lobbying activities over the past decade in support of deregulation, and they are spending even more to try to prevent Congress from seriously regulating their industries. The American people want change. They want Congress to reform Wall Street. They want those people who caused this economic crisis to be held accountable. They want to make sure we prevent the country from ever going into a situation such as we were in last year. Whether we can do it remains to be seen, given the power of Wall Street and the incredible amounts of money they spend on campaign contributions and on lobbying.

Which brings me to the issue of campaign finance reform and my strong view that we need public funding of elections.

So, Mr. President, I just did want to say a word as to my perception of why the American people are angry, the fact that they have every reason in the world to be angry because in our great country what we are seeing, for the first time in our lifetimes, is the real likelihood that our kids will have a lower standard of living than our generation, and that is not something we should be happy about.

We have to ask the question why. We have to ask what policies contributed to that decline of the middle class, that increase in poverty. We have to ask why we are the only country in the world that does not have a national health care program guaranteeing health care to all people, why we have the highest rate of childhood poverty of any major country on Earth, why we have the greatest gap between the rich and everybody else of any major country on Earth.

We have to ask those questions, and we need to stand up to powerful special interests in bringing about the kinds of reforms we need.

Mr. President, I yield the floor.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. UDALL of Colorado. Mr. President, I rise today to give tribute to Senator Edward Kennedy.

It is impossible to sum up Senator Ted Kennedy in words or a speech. His life and work touched so many diverse interests and issues. Senator Kennedy was larger than life. He was a champion for the underdog—those in our society who just needed a hand up. For close to five decades, Senator Kennedy championed policies for American workers, minorities, parents, immigrants, gays and lesbians, people with disabilities and illnesses, among others. And I think I can safely say he was the greatest legislator in the history of the Senate.

In the words of Senator JOHN MCCAIN during his presidential bid, "I have described Ted Kennedy as the last lion in the Senate . . . because he remains the single most effective member . . . if you want to get results."

While he was known as a champion for liberal causes, Senator Kennedy's hallmark was to reach across the aisle, passing legislation with his Republican friends, such as ORRIN HATCH and JOHN MCCAIN. He never let partisanship stop him from doing what is right for the American people.

But his most important role was that of the patriarch of the Kennedy family, a family that faced tragedy that most of us never will experience and can never fathom. Despite the loss of three brothers, taken long before their time,

and the loss of a nephew a rising star, Ted Kennedy rose above the burdens of life and became the rudder of the Kennedy ship, the driving force of the family, a family dedicated to public service. Fortunately for all of us, that dedication has been passed on to the next generation and it has influenced families across our Nation, including mine.

The Kennedy family and my own family first crossed paths decades ago, and our family stories continue to be intertwined. My dad, Mo Udall, and uncle, Stewart Udall, supported John Kennedy in his race for President. Ted Kennedy was JFK's man on the ground in the southwest states.

In fact, the Udalls have been called the "Kennedys of the West." And as my Aunt Elma says, "we are flattered" by that comparison.

In many ways we are as different as they come. Kennedys are the East. Kennedys are the ocean. Kennedys are Catholic immigrants. Udalls are the West. Udalls are the desert. Udalls are Mormon dirt farmers.

But it is true that my family was drawn to the Kennedys' deep commitment to religious freedom and dedication to public service. My family also shares a commitment to public service. My Uncle Stewart served as President Kennedy's Secretary of the Interior. And my father ran for and won in a special election in 1960 Uncle Stewart's congressional seat. Some claim that his race was a referendum on the fledgling Kennedy administration, and that his victory was an affirmation of America's support for the goals of his presidency.

Whether that is true, it has proved to be a connection that would keep our families close for decades. And what binds the two families are the friendships that have been fostered over decades since friendships that cross generations and hopefully will continue into the next.

In 1971, my father ran for majority leader of the House of Representatives and lost. The same year, Senator Kennedy lost his bid for Senate whip. Soon after came a note to my father from Senator Kennedy which said, "Mo, as soon as I pull the liberal knives out of my back, I'll help you dig out the liberal buckshot from your backside."

My dad supported Ted Kennedy in his primary bid to become President in 1980.

He and Ted were friends for many decades, and in many ways, they were kindred spirits. They loved the outdoors, national parks, skiing in Colorado, and family touch football. We all will remember the photographs of Ted on his sailboat with his family his love of the ocean and boating and sharing it with generations of Kennedy children.

A few years after my dad lost his battle with Parkinson's disease, Senator Dennis DeConcini of Arizona sponsored legislation to establish the Morris K.

Udall Foundation. Senator Kennedy joined in sponsoring the measure. In speaking about my dad, he noted: "He will rank as one of the greatest Members of the House of Representatives of all time, and also as one of the most beloved . . . Somehow, for 30 years, whenever you probed to the heart of the great concerns of the day, you found Mo Udall in the thick of the battle, championing the rights of average citizens against special interest pressures, defending the highest ideals of America, and always doing it with the special grace and wit that were his trademark and that endeared him to Democrats and Republicans alike."

If my dad were alive today, I think he would use the same words to describe Senator Kennedy. They both brought people together to do what is right for our country.

Recently, as I have thought about Senator Kennedy's legacy, I have remembered my dad's 1980 speech at the Democratic National Convention. After a tough primary battle, the Democrats were digging in and fighting among themselves. They needed to set aside their differences and join together to win the election. My dad rose to give the keynote address to remind Democrats that they were in this fight together. "We do fight and we kick and yell and scream and maybe even scratch a bit, but we fight because we are a diverse party and because we've always tried to listen up to new ideas."

He concluded the speech with these comments: "This nation that we love will only survive, if each generation of caring Americans can blend two elements: change and the ability to adjust things to the special needs of our times; and second, stability, the good sense to carry forward the old values which are just as good now as they were 200 years ago."

These elements epitomize Ted Kennedy's legacy. He knew when a person or group of people needed a change in their circumstances.

His strong Catholic faith was the compass that guided his life. It was the driving force that led him to fight to make a difference in other people's lives, particularly those who were less fortunate.

Ted Kennedy's legislative successes are numerous and unquestionably have changed lives for the better. He fought to pass the Civil Rights Act of 1964 and Voting Rights Act of 1965. In the 1990s, he labored to pass the Family and Medical Leave Act. And he and Senator HATCH worked across the aisle to pass the Ryan White CARE Act. And it is his lifelong battle for universal health care coverage for Americans that he is best known for today.

The Kennedy and Udall ideals can live on through the younger generation. My cousin TOM and I served in the House of Representatives with PATRICK KENNEDY. Not only were we colleagues,

but we are friends. We grew up in political families and from an early age, public service was a way of life. I was a proud supporter of PATRICK's crusade to pass mental health parity legislation in the House. Fortunately, Senator Kennedy lived to see his son's work come to fruition, keeping faith with the special Kennedy credo: aid those who need a helping hand.

TOM, PATRICK and I, as well as the rest of the Kennedy and Udall family members, have big shoes to fill. Whether we can actually fill them remains to be seen, but we must certainly push the trail blazed by our aunts and uncles, fathers and mothers as far as our endurance allows.

Senator Ted Kennedy surely will be missed not only on the Senate floor, but in our lives. I deeply regret I will not serve with him in the Senate. He was a champion, a fighter, and a friend. I want to say "goodbye" not only for me, but for my dad his friend. And I send my thoughts and prayers to Vicki, PATRICK, and the rest of the Kennedy family.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JIMMY MEANS

• Mr. KERRY. Mr. President, today I congratulate Mr. Jimmy Means of Massachusetts for the quality of his service with the Massachusetts Highway Department and his contributions to the beautification of the Commonwealth.

Mr. Means began his career with the department as a toll collector on the Massachusetts Turnpike. And for the past 10 years, he has overseen the department's programs for collecting litter and beautifying the roadways in his native Worcester County.

This kind of public service is vital, because we know all too well that roadway litter remains a problem despite decades of antilitter efforts. Last year, more than 582 tons of litter were collected from along State roadways—an expense in the millions of dollars to Massachusetts taxpayers.

Massachusetts, like most States, encourages volunteer efforts to keep State roads and highways litter-free. At least once a month, from April 15 to November 15, volunteers "adopt" a 2-mile section of highway and remove litter.

But as important as the volunteers are, the beautification of Massachusetts highways depends largely on the work of people like Mr. Means. And in Worcester County, Mr. Means' friends and colleagues report that he in particular has built a reputation for responding quickly and efficiently to any highway blights, receiving praise from the local officials and the office of the Governor.

I congratulate Mr. Means for his work on behalf of the Commonwealth

of Massachusetts—work that all of us can take pride in and appreciate even more this time of year as tourists flock to New England to view our beautiful fall foliage. I applaud his efforts and his dedication in keeping Massachusetts roadways clean and safe—and wish him many more years of contributing to Massachusetts.●

#### MESSAGE FROM THE HOUSE

At 7:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 3548. An act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3221. An act to amend the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3092. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to procurement priorities provided by the Chiefs of the Reserve and National Guard components; to the Committee on Armed Services.

EC-3093. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Scott C. Black, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3094. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority for the Export Administration Regulations" (RIN0694-AE72) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3095. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Neligh, Nebraska" ((RIN2120-AA66) (9-3-9-8/0191/ACE-4)) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3096. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Establishment of Class E Airspace; Oooguruk, Alaska" ((RIN2120-AA66) (9-3/9-3/0196/AAL-3)) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3097. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lake Havasu, Arizona" ((RIN2120-AA66) (8-24/8-26/1099/AWP-10)) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3098. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64) (8-27/8-27/28035/NM-293)) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3099. A communication from the Senior Advisor for Regulations, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Authorization of Representative Fees" (RIN0960-AG82) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC-3100. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reasonably Foreseeable Default Standard for Commercial Mortgages Held by a REMIC/Investment Trust" (Rev. Proc. 2009-45) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC-3101. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modifications of Commercial Mortgage Loans Held by an Investment Trust" (Notice 2009-79) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC-3102. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modifications of Commercial Mortgage Loans Held by a Real Estate Mortgage Investment Conduit" (RIN1545-BG77) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC-3103. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 7874: Treatment of Certain Stock of the Foreign Acquiring Corporation" (Notice 2009-78) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC-3104. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2009-77) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Finance.

EC-3105. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting for Discharge of Indebtedness" (RIN1545-BH99) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC-3106. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Declaratory Judgments—Gift Tax Determinations Regulation" (RIN1545-DB67) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC-3107. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Office of Inspector General's budget request for the fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-3108. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's budget request for the fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 806. A bill to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes (Rept. No. 111-77).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED:

S. 1691. A bill to comprehensively regulate derivatives markets to increase transparency and reduce risks in the financial system; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. CARDIN, and Mr. KAUFMAN):

S. 1692. A bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1693. A bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to ensure the safety of school meals by enhancing coordination with States and schools operating school meal programs in the case of a recall of contaminated food; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 1694. A bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes;

to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 279. A resolution making minority party appointments for certain committees for the 111th Congress; considered and agreed to.

By Mr. SPECTER:

S. Res. 280. A resolution celebrating the 10th anniversary of the rule of law program of Temple University Beasley School of Law; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. CASEY, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. FRANKEN, and Mrs. BOXER):

S. Con. Res. 40. A concurrent resolution encouraging the Government of Iran to grant consular access by the Government of Switzerland to Joshua Fattal, Shane Bauer, and Sarah Shourd, and to allow the 3 young people to reunite with their families in the United States as soon as possible; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 451

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 546

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 604

At the request of Mr. THUNE, his name was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 642

At the request of Mr. BAYH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 642, a bill to require the Secretary of Defense to establish registries of members and former members of the Armed Forces exposed in the line of duty to

occupational and environmental health chemical hazards, to amend title 38, United States Code, to provide health care to veterans exposed to such hazards, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 725

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 725, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 795

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase aware-

ness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1132

At the request of Mr. LEAHY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1132, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1215

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1396

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1396, a bill to direct the Administrator of the United States Agency for International Development to carry out a pilot program to promote the production and use of fuel-efficient stoves engineered to produce significantly less black carbon than traditional stoves, and for other purposes.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1483

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1483, a bill to designate the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic".

S. 1649

At the request of Mr. LIEBERMAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1649, a bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes.

S. 1653

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1653, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1659

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1659, a bill to enhance penalties for violations of securities protections that involve targeting seniors.

S. 1668

At the request of Mr. BENNET, the names of the Senator from Colorado (Mr. UDALL) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Programs, and for other purposes.

S. 1672

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S.J. RES. 1

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. RES. 268

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 268, a resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

S. RES. 276

At the request of Mr. BURRIS, his name was added as a cosponsor of S.

Res. 276, a resolution designating September 22, 2009, as "National Falls Prevention Awareness Day".

AMENDMENT NO. 2447

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2447 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2454

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. JOHANNES) were added as cosponsors of amendment No. 2454 intended to be proposed to H. R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2455

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 2455 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2456

At the request of Mr. CARPER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 2456 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2460

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2460 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED:

S. 1691. A bill to comprehensively regulate derivatives markets to increase transparency and reduce risks in the financial system; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Comprehensive Derivatives Regulation Act of 2009, or the CDRA, which establishes for the first time a comprehensive regulatory framework to prevent derivatives trading activities from ever again contributing to

catastrophic failures in our financial system. One year ago this month our nation found itself on the verge of a total financial meltdown with decades-old financial institutions collapsing overnight and credit markets freezing up in large part because companies like AIG took huge and risky bets selling totally unregulated credit default swaps, bets that backfired when the housing bubble burst.

Derivatives are financial contracts that investors use to manage their risks or grow their portfolios. They are called derivatives because they derive their value from other things such as the price of corn at a future date, or whether a company fails to make good on its debts. While most derivatives offer companies the ability to better manage their risks, some irresponsible financial firms took huge risks in recent years using new, untested, and unregulated derivatives products. When these firms faltered, it sent shockwaves through our financial system and landed us in a recession. As a result, today families in Rhode Island and throughout the country struggle to keep their jobs and stay in their homes.

I have been working over the past year with my Senate colleagues to develop a series of critical reforms to the financial sector to ensure that we never face such a perilous situation again. As the Chairman of the Securities, Insurance, and Investment Subcommittee of the Senate Banking Committee, I have introduced bills to greatly strengthen oversight of credit rating agencies and hedge funds, which until now have been subject to relatively little regulation.

Introducing the CDRA is another key step in filling the huge regulatory gaps in our financial system. This bill would put in place a truly comprehensive framework for regulating all such products. Derivatives have been overseen by two market regulators, the Securities and Exchange Commission, SEC, which has broad responsibility for protecting investors and ensuring the integrity of securities markets, and the Commodity Futures Trading Commission, CFTC, which regulates commodity futures and the exchanges on which those products are traded.

In part because of this shared jurisdiction, large segments of the derivatives markets, such as credit default swaps, have gone entirely unsupervised by either agency. This bill will fill these regulatory gaps.

First, the bill would require standardized credit default swaps and other unregulated derivatives to be traded through a clearinghouse. This would protect the companies and the financial system from the risks posed by these instruments. Importantly, the bill also grants regulators the ability to oversee any new derivative product in the future, so dealers can no longer

create products that fall into holes in the law.

Second, the bill establishes robust capital and margin requirements for derivatives dealers and other major market participants, and subjects them to higher standards for products that are not traded on clearinghouses.

Third, the bill subjects firms to new conduct requirements to protect investors from abusive practices in the market. It also includes new recordkeeping and reporting requirements to ensure that regulators and investors have broad information about derivatives transactions and positions throughout the financial sector.

Fourth, the bill combats fraud and manipulation in derivatives markets by giving regulators new authority to set position limits and oversee the marketing of products to certain investors. The bill strengthens thresholds in place to ensure only sophisticated investors are engaging in certain types of trading.

Finally, the bill rationalizes the sharing of jurisdiction between the SEC and CFTC, and establishes a process for quickly assigning responsibility for new products so they do not fall through the cracks. Specifically, the bill provides the SEC with jurisdiction over all derivatives that are securities or can be used as synthetic substitutes for securities, because without such authority over products that can affect securities markets, the SEC cannot accomplish its mission to protect investors and ensure the integrity and fairness of markets. The bill provides the CFTC with jurisdiction over all other derivatives. The bill also provides a fast and efficient process for the U.S. Court of Appeals for the District of Columbia Circuit to resolve any differences in views between the agencies that might arise.

I hope my colleagues will join me in improving the oversight of credit default swaps and other derivatives products by cosponsoring this legislation and supporting its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1691

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Derivatives Regulation Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.

## TITLE I—REGULATION OF SECURITY-BASED DERIVATIVES

Sec. 101. Definitions.  
Sec. 102. Rationalization of financial product oversight.

- Sec. 103. Required clearing of standardized derivative through central counterparties and the use of trade repositories.
- Sec. 104. Prudential supervision and regulation of significant security-based derivatives market participants and incentives for trading on regulated exchanges.
- Sec. 105. Recordkeeping and reporting requirements for derivatives market participants.
- Sec. 106. Prohibition of market manipulation, fraud, and other market abuses.
- Sec. 107. Protections for marketing security-based swaps to certain persons.
- Sec. 108. Enforcement.
- Sec. 109. Enforceability of security-based swaps.
- Sec. 110. Transfer and rights of certain CFTC employees.

#### TITLE II—REGULATION OF COMMODITY-BASED DERIVATIVES

- Sec. 201. Definitions.
- Sec. 202. Rationalization of financial product oversight.
- Sec. 203. Required clearing of standardized derivatives through central counterparties and use of trade repositories.
- Sec. 204. Prudential supervision and regulation of significant commodity-based derivatives market participants and incentives for trading on regulated exchanges.
- Sec. 205. Recordkeeping and reporting requirements for derivatives market participants.
- Sec. 206. Prohibition of market manipulation, fraud, and other market abuses.
- Sec. 207. Protections for marketing commodity-based swaps to certain persons.
- Sec. 208. Commodity-based swap execution facilities.
- Sec. 209. Enforcement.
- Sec. 210. Enforceability of commodity-based swaps.

#### TITLE III—OTHER PROVISIONS

- Sec. 301. Margining and other risk management standards for central counterparties.
- Sec. 302. Determining the status of swaps.
- Sec. 303. Study and report on implementation.
- Sec. 304. Rulemaking.
- Sec. 305. Effective date.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) in recent years, the over-the-counter derivatives market has grown rapidly, but regulators have lacked key information and adequate authority to address systemic and other risks posed by unregulated derivatives trading;

(2) excessive risk taking among market participants, combined with limited regulatory oversight of such products, was a significant cause of the recent financial crisis;

(3) lack of transparency in the markets has contributed to market instability and uncertainty, and has resulted in a less efficient marketplace;

(4) customized derivative products provide key benefits to certain market participants and should be permitted under comprehensive regulation, but all derivatives activities should be accompanied by appropriate risk management and prudential standards; and

(5) the trading of derivatives on regulated exchanges should be encouraged because of

the significant associated market efficiencies.

#### TITLE I—REGULATION OF SECURITY-BASED DERIVATIVES

##### SEC. 101. DEFINITIONS.

(a) DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (10), by inserting “security-based swap,” after “security future,”;

(2) in paragraph (13), by adding at the end the following: “For any security-based swap, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.”;

(3) in paragraph (14), by adding at the end the following: “For any security-based swap, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.”; and

(4) by adding at the end the following: “(65) DERIVATIVE.—The term ‘derivative’ means—

“(A) any future, forward, swap, warrant, put, call, straddle, option, or privilege on or related to—

“(i) any security, or group or index of securities (including any interest therein or based on the value thereof); or

“(ii) any issuer of securities or group or index of issuers of securities (including any interest therein or based on the value thereof); and

“(B) any contract of sale for future delivery of any commodity (or option on such contract).

“(66) SWAP.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘swap’ means any agreement, contract, or transaction that—

“(i) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or based on the value of, 1 or more interest or other rates, currencies, commodities, indices, quantitative measures, or other financial or economic interests or property of any kind;

“(ii) provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

“(iii) provides on an executory basis for the exchange, on a fixed or contingent basis, of 1 or more payments based on the value or level of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, any such agreement, contract, or transaction commonly known as an interest rate swap, including a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, currency swap, equity index swap, equity swap, debt index swap, debt swap, credit

spread, credit default swap, credit swap, weather swap, energy swap, metal swap, agricultural swap, emissions swap, or commodity swap;

“(iv) is an agreement, contract, or transaction that is, or in the future becomes, commonly known to the trade as a swap; or

“(v) is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (iv).

“(B) EXCLUSIONS.—The term ‘swap’ does not include—

“(i) any contract of sale for future delivery traded on or subject to the rules of any board of trade designated as a contract market under section 5 of the Commodity Exchange Act (7 U.S.C. 7)—

“(I) on a commodity other than a security; or

“(II) that is not based on or subject to the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to such contract;

“(ii) any sale of any cash commodity or security for deferred or delayed shipment or delivery;

“(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based, in whole or in part, on the value thereof, whether physically or cash settled;

“(iv) any put, call, straddle, option, or privilege entered into on a national securities exchange registered pursuant to section 6(a) relating to foreign currency;

“(v) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a fixed basis, whether physically or cash settled;

“(vi) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a contingent basis, unless such agreement, contract, or transaction predicates such purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

“(vii) any note, bond, or evidence of indebtedness that is a security (as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1))) or paragraph (10) of this subsection);

“(viii) any agreement, contract, or transaction that is—

“(I) based on, or references, a security; and

“(II) entered into directly or through an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933 (15 U.S.C. 77b(a)(11))) by the issuer of such security;

“(ix) any security future product (as defined in paragraph (56));

“(x) any hybrid instrument that is predominantly a banking product, as provided in section 405 of the Commodity Futures Modernization Act of 2000 (Public Law 106-554; 114 Stat. 2763A-455), or any hybrid instrument that is predominantly a security, as provided in section 2(f) of the Commodity Exchange Act (as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009);

“(xi) any agreement, contract, or transaction that is an insurance or endowment policy or annuity contract or optional annuity contract issued by a corporation that is subject to the supervision of the insurance commissioner, bank commissioner, or any agency or officer performing like functions, of any State; or

“(xii) any identified banking product specified in paragraphs (1) through (5) of section 206(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note), mortgage or mortgage purchase commitment, or any sale of installment loan contracts or receivables, if any such product or instrument is not marketed or sold as an alternative to a swap.

“(67) ELIGIBLE CONTRACT PARTICIPANT.—The term ‘eligible contract participant’ means—

“(A) acting for its own account—

“(i) a financial institution (as defined in section 1a(15) of the Commodity Exchange Act (7 U.S.C. 1(a)(15)), as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009);

“(ii) an insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation, as determined by the Commission, including a regulated subsidiary or affiliate of such an insurance company;

“(iii) an investment company that is subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant);

“(iv) a commodity pool that—

“(I) has total net assets exceeding \$5,000,000; and

“(II) is formed and operated by a person that is subject to regulation under the Commodity Exchange Act (7 U.S.C. 1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the commodity pool or the foreign person is itself an eligible contract participant);

“(v) a corporation, partnership, proprietorship, organization, trust, or other entity—

“(I) that has total net assets exceeding \$10,000,000; or

“(II) that—

“(aa) has total net assets exceeding \$5,000,000; and

“(bb) enters into an agreement, contract, or transaction in connection with the conduct of the business of the entity or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the business of the entity;

“(vi) an employee benefit plan that is subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function that is subject as such to foreign regulation—

“(I) that has total assets exceeding \$5,000,000; or

“(II) the investment decisions of which are made by—

“(aa) an investment adviser or commodity trading advisor that is subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or the Commodity Exchange Act (7 U.S.C. 1 et seq.);

“(bb) a foreign person performing a similar role or function that is subject as such to foreign regulation;

“(cc) a financial institution (as defined in section 1a(15) of the Commodity Exchange Act (7 U.S.C. 1(a)(15)), as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009); or

“(dd) an insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company;

“(vii)(I) a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;

“(II) a multinational or supranational government entity; or

“(III) an instrumentality, agency, or department of an entity described in subclause (I) or (II),

except that such term does not include an entity, political subdivision, instrumentality, agency, or department referred to in subclause (I) or (III), unless the entity, political subdivision, instrumentality, agency, or department owns and invests on a discretionary basis \$50,000,000 or more in investments, provided that, with respect to any State or entity, political subdivision, agency, or department of a State, such amount is exclusive of any proceeds from any offering of municipal securities;

“(viii)(I) a broker or dealer that is subject to regulation under this title or a foreign person performing a similar role or function that is subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant, unless the broker or dealer or foreign person also meets the requirements of clause (v) or (xi);

“(II) an associated person of a registered broker or dealer concerning the financial or securities activities, of which, the registered person makes and keeps records under section 15C(b) or 17(h); and

“(III) an investment bank holding company (as defined in section 17(i));

“(ix) a futures commission merchant that is subject to regulation under the Commodity Exchange Act or a foreign person performing a similar role or function that is subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant, unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (xi);

“(x) a floor broker or floor trader that is subject to regulation under the Commodity Exchange Act in connection with any transaction that takes place on or through the facilities of a registered entity (as defined in section 1a(29) of the Commodity Exchange Act (7 U.S.C. 1(a)(29)), as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009, other than an electronic trading facility with respect to a significant price discovery contract), or an exempt board of trade operating under section 5d of the Commodity Exchange Act (7 U.S.C. 7a-3), or any affiliate thereof, on which such person regularly trades; or

“(xi) a natural person who—

“(I) owns and invests on a discretionary basis not less than \$10,000,000;

“(II) owns and invests on a discretionary basis not less than \$5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual; or

“(III) is an officer or director of an entity (or a person performing similar functions) and who enters into the agreement, contract, or transaction in order to manage the risk associated with the securities of such entity owned by the individual at the time of enter-

ing into the agreement, contract, or transaction;

“(B)(i) a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), acting as broker or performing an equivalent agency function on behalf of another person described in subparagraph (A) or (C); or

“(ii) an investment adviser that is subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), a commodity trading advisor that is subject to regulation under the Commodity Exchange Act (7 U.S.C. 1 et seq.), a foreign person performing a similar role or function that is subject as such to foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction; or

“(C) any other person that the Commission determines by rule, jointly with the Commodity Futures Trading Commission, to be an eligible contract participant, in light of the financial or other qualifications of the person.

“(68) PERSON ASSOCIATED WITH A SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANT.—

“(A) IN GENERAL.—The term ‘person associated with a significant security-based derivatives market participant’ or ‘associated person of a significant security-based derivatives market participant’ means—

“(i) any partner, officer, director, or branch manager of a significant security-based derivatives market participant (including any individual who holds a similar status or performs a similar function with respect to any partner, officer, director, or branch manager of a significant security-based derivatives market participant);

“(ii) any person that directly or indirectly controls, is controlled by, or is under common control with a significant security-based derivatives market participant; and

“(iii) any employee of a significant security-based derivatives market participant.

“(B) EXCLUSION.—Other than for purposes of section 15F(e)(2), the term ‘person associated with a significant commodity-based derivatives market participant’ or ‘associated person of a significant security-based derivatives market participant’ does not include any person associated with a significant security-based derivatives market participant, the functions of which are solely clerical or ministerial.

“(69) SECURITY DERIVATIVE.—The term ‘security derivative’ means—

“(A) any derivative, other than a derivative instrument swap, on or related to—

“(i) any security, or group or index of securities (including any interest therein or based on the value thereof); or

“(ii) any issuer of securities or group or index of issuers of securities (including any interest therein or based on the value thereof); and

“(B) any security that the Commission by rule, regulation, or order determines is a security derivative.

“(70) SECURITY-BASED SWAP.—The term ‘security-based swap’ means a swap, of which a material term—

“(A) is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein, other than interest rate or currency;

“(B) is dependent on the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence that is related to or based on a security, an interest in a security, an issuer of a security, or group or index of securities, or interests in securities or issuers of securities, or based on the value of any of the foregoing;

“(C) provides for the purchase or sale of 1 or more securities on a contingent basis, whether physically or cash settled, if such agreement, contract, or transaction predicates such purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction; or

“(D) allows for settlement of the swap by delivery of, or by reference to, any security.

“(71) SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANT.—The term ‘significant security-based derivatives market participant’ means—

“(A) any person (other than an investment company registered under the Investment Company Act of 1940) that is engaged in the business of purchasing or selling one or more security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) for such person’s own account or for others, or making a market in security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order), the purchases or sales of which are not solely for the purpose of managing the risk associated with—

“(i) an asset that is or is anticipated to be owned, produced, manufactured, processed, or merchandised;

“(ii) potential changes in the value of services to be purchased or provided, or anticipated to be purchased or provided; or

“(iii) a liability incurred or anticipated to be incurred by such person that is not, or is not related to, a security-based swap; or

“(B) any other person designated by the Commission, by rule, regulation, or order, after consultation with the Commodity Futures Trading Commission, as necessary or appropriate in the public interest, the protection of investors, or in furtherance of the purposes of this title.

“(72) TRADE REPOSITORY.—The term ‘trade repository’ means any person that collects, calculates, processes, or prepares information with respect to transactions or positions in security-based swaps or security derivatives by the Commission under section 17C(d)(1)(A)(ii).”

(b) DEFINITIONS UNDER THE SECURITIES ACT OF 1933.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(1) in paragraph (1), by inserting “security-based swap,” after “security future,”;

(2) in paragraph (3), by adding at the end the following: “Any offer or sale of a security-based swap (or other security derivative as the Commission determines by rule or regulation) by or on behalf of the issuer of the securities upon which such security-based swap or security derivative is based or is referenced, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell such securities.”; and

(3) by adding at the end the following:

“(17) The terms ‘derivative’, ‘swap’, ‘security derivative’ and ‘security-based swap’ have the same meanings as in paragraphs (65), (66), (69), and (70), respectively, of section 3(a) of the Securities Exchange Act of 1934.

“(18) The terms ‘purchase’ or ‘sale’ of a security-based swap, shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.”.

#### SEC. 102. RATIONALIZATION OF FINANCIAL PRODUCT OVERSIGHT.

(a) REPEAL OF SWAP AGREEMENT EXCLUSION.—

(1) REPEAL OF LAWS.—The following provisions of law are repealed:

(A) Sections 206A, 206B, and 206C of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note).

(B) Section 2A of the Securities Act of 1933 (15 U.S.C. 77b-1).

(C) Section 17(d) of the Securities Act of 1933 (15 U.S.C. 77q(d)).

(D) Section 3A of the Securities Exchange Act of 1934 (15 U.S.C. 78c-1).

(E) Section 9(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(i)).

(F) Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (Public Law 106-554; 114 Stat. 2763A-455).

(G) Section 16(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(g)).

(H) Section 20(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(f)).

(I) Section 21A(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1(g)).

(2) CONFORMING AMENDMENT TO THE SECURITIES ACT OF 1933.—Section 17(a) of the Securities Act of 1933 (15 U.S.C. 77q(a)) is amended by striking “or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)”.

(3) CONFORMING AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(A) in section 9(a) (15 U.S.C. 78i(a))—

(i) in paragraph (1)—

(I) by striking “For the” and inserting “for the”; and

(II) by striking the period at the end and inserting a semicolon; and

(ii) by striking paragraphs (2) through (5) and inserting the following:

“(2) to effect, alone or with 1 or more other persons, a series of transactions in any security registered on a national securities exchange or in connection with any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) with respect to such security creating actual or apparent active trading in such security, or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

“(3) if a broker or dealer, or other person selling or offering for sale or purchasing or offering to purchase the security to induce the purchase or sale of any security registered on a national securities exchange or any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security;

“(4) if a broker or dealer, or the person selling or offering for sale or purchasing or offering to purchase the security, to make, regarding any security registered on a na-

tional securities exchange or any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) with respect to such security, for the purpose of inducing the purchase or sale of such security or such security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which the broker, dealer, or such person knew or had reasonable grounds to believe was false or misleading;

“(5) for a consideration, received directly or indirectly from a broker or dealer, or other person selling or offering for sale or purchasing or offering to purchase the security, to induce the purchase of any security registered on a national securities exchange or any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security; or”.

(B) in section 10(b) (15 U.S.C. 78j(b))—

(i) by striking “or any securities-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act),”; and

(ii) by striking “Rules promulgated under subsection (b)” and all that follows through “as they apply to securities”;

(C) in section 15(c)(1) (15 U.S.C. 78o(c)(1))—

(i) in subparagraph (A) by striking “, or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act),”; and

(ii) in each of subparagraphs (B) and (C), by striking “swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)” each place that term appears and inserting “swap”;

(D) in section 16(a)(2)(C) (15 U.S.C. 78p(a)(2)(C)), by striking “swap agreement (as defined in section 206(b) of the Gramm-Leach-Bliley Act)” and inserting “swap (or security derivative, as the Commission determines by rule, regulation, or order)”;

(E) in section 16(a)(3)(B) (15 U.S.C. 78p(a)(3)(B)), by striking “security-based swap agreement” and inserting “swap (or security derivative, as the Commission determines by rule, regulation, or order)”;

(F) in section 16(b) (15 U.S.C. 78p(b))—

(i) by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)” each place that term appears and inserting “; (or security derivative, as the Commission determines by rule, regulation, or order)”;

(ii) by striking “swap agreement” each place that term appears and inserting “swap (or security derivative, as the Commission determines by rule, regulation, or order)”;

(G) in section 20(d) (15 U.S.C. 78t(d)), by striking “or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security” and inserting “, security futures product or swap”; and

(H) in section 21A(a)(1) (15 U.S.C. 78u-1(a)(1)), by striking “or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)”.

(b) RATIONALIZATION OF SECURITY FUTURES OVERSIGHT.—

(1) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(A) in section 3(a) of (15 U.S.C. 78c(a)), by striking paragraph (55) and inserting the following:

“(55) The term ‘security future’—

“(A) means a contract of sale for future delivery of a security or an index of securities, including any interest therein or based on the value thereof, or based on any financial, economic, or commercial occurrence, extent of an occurrence, contingency, or consequence that is related to or based on a security, an interest in a security, an issuer of a security, or group or index of securities, or interests in securities or issuers of securities, or based on the value of any of the foregoing, other than an exempted security under paragraph (12), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than a municipal security, under paragraph (29), as in effect on the date of enactment of the Futures Trading Act of 1982); and

“(B) does not include any security-based swap.”;

(B) in section 6 (15 U.S.C. 78f)—

(i) by striking subsections (g), (i), and (k);

(ii) by redesignating subsections (h) and (j) as subsections (g) and (h), respectively; and

(iii) in subsection (g), as so redesignated—

(I) in paragraph (2)—

(aa) by striking “(A)”; and

(bb) by striking “and (B) meet the criteria

specified in section 2(a)(1)(D)(i) of the Commodity Exchange Act”;

(II) in paragraph (3)(A), by striking “security of a narrow-based security” and inserting “of an”;

(III) in paragraph (3)(D), by striking “and the Commodity Futures Trading Commission jointly determine” and inserting “determines”;

(IV) in paragraph (3)(G), by striking “the prohibition against dual trading in section 4j of the Commodity Exchange Act (7 U.S.C. 6j) and the rules and regulations thereunder or”;

(V) in paragraph (4)(A), by striking “and the Commodity Futures Trading Commission, by rule, regulation, or order, may jointly” and inserting “may, by rule, regulation, or order,”;

(VI) in paragraph (4)(B), by striking “and the Commodity Futures Trading Commission, by order, may jointly” and inserting “may, by order,”;

(VII) in paragraph (6)—

(aa) by striking “and the Commodity Futures Trading Commission”;

(bb) by striking “jointly”; and

(cc) by striking “and the Commodity Exchange Act”;

(VIII) in paragraph (7)—

(aa) by striking subparagraph (A) and inserting the following:

“(A) Notwithstanding paragraph (2), until the compliance date, a national securities exchange or national securities association that is registered pursuant to section 15A(a) may trade a security futures product that does not conform with any listing standard promulgated to meet the requirement specified in subparagraph (E) of paragraph (3).”; and

(bb) in subparagraph (B), by striking “and the Commodity Futures Trading Commission shall jointly” and inserting “shall”;

(C) in section 7 (15 U.S.C. 78g)—

(i) in subsection (c)(2)(A)(ii), by striking “and the Commodity Futures Trading Commission shall jointly” and inserting “shall”;

(ii) in subsection (c)(2)(A), by striking “and the Commodity Futures Trading Commission have not jointly” and inserting “has not”; and

(iii) in subsection (c)(2)(B)—

(I) by striking “and the Commodity Futures Trading Commission shall jointly” and inserting “shall”; and

(II) by striking “and the Commodity Futures Trading Commission jointly deem” and inserting “deems”;

(D) in section 11A (15 U.S.C. 78k-1), by striking subsection (e);

(E) in section 12(k) (15 U.S.C. 78l(k))—

(i) in paragraph (1), by striking “If the actions described in subparagraph (A) or (B) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.”; and

(ii) in paragraph (2)(B), by striking “If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.”;

(F) in section 15 (15 U.S.C. 78o)—

(i) in subsection (b), by striking paragraphs (11) and (12); and

(ii) in subsection (c)(3)—

(I) by striking “(A) No” and inserting “No”; and

(II) by striking subparagraph (B);

(G) in section 15A (15 U.S.C. 78o-3), by striking subsections (k), (l), and (m);

(H) in section 17(b) (15 U.S.C. 78q(b))—

(i) in paragraph (1)—

(I) by striking “(1)” and all that follows through “All records” and inserting “All records”;

(II) by striking “of a—” and all that follows through “(A) registered” and inserting “of a registered”; and

(III) by striking “; or” and all that follows through the end of subparagraph (B) and inserting a period; and

(ii) by striking paragraphs (2) through (4);

(I) in section 17A(b) (15 U.S.C. 78q-1(b))—

(i) by striking paragraph (7); and

(ii) by redesignating paragraph (8) as paragraph (7);

(J) in section 19 (15 U.S.C. 78s)—

(i) in subsection (b)—

(I) by striking paragraphs (7) and (9); and

(II) by redesignating paragraph (8) as paragraph (7); and

(ii) in subsection (d), by striking paragraph (3);

(K) in section 21 (15 U.S.C. 78u), by striking subsection (i); and

(L) in section 28(e) (15 U.S.C. 78bb(e)), by striking paragraph (4).

(2) CONFORMING AMENDMENTS TO THE SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77 et seq.) is amended—

(A) in section 2(a) (15 U.S.C. 77b(a)), by striking paragraph (16) and inserting the following:

“(16) The terms ‘security future’ and ‘security futures product’ have the same meanings as in sections 3(a)(55) and 3(a)(56), respectively, of the Securities Exchange Act of 1934.”; and

(B) in section 3(a)(14)(A) (15 U.S.C. 77c(a)(14)(A)), by striking “or exempt from registration under subsection (b)(7) of such section 17A”.

(3) CONFORMING AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 2(a)(52) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(52)) is amended to read as follows:

“(52) The term ‘security future’ has the same meaning as in section 3(a)(55) of the Securities Exchange Act of 1934.”.

(4) CONFORMING AMENDMENT TO THE INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(27) of the Investment Advisers Act of 1940 (15

U.S.C. 80b-2(a)(27)) is amended to read as follows:

“(27) The term ‘security future’ has the same meaning as in section 3(a)(55) of the Securities Exchange Act of 1934.”.

(5) CONFORMING AMENDMENTS TO THE SECURITIES INVESTOR PROTECTION ACT OF 1970.—The Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) is amended—

(A) in section 3(a)(2)(A) (15 U.S.C. 78ccc(a)(2)(A))—

(i) in clause (i), by inserting “and” after the semicolon at the end;

(ii) in clause (ii), by striking “; and” and inserting a period; and

(iii) by striking clause (iii); and

(B) in section 16(14) (15 U.S.C. 78lll(14)), by striking “section 3(a)(55)(A)” and inserting “section 3(a)(55)”.

(c) CLARIFICATION OF THE STATUS OF EVENT CONTRACTS.—

(1) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—Section (3)(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)) is amended—

(A) by striking “term ‘security’ means any note” and inserting the following: “term ‘security’—

“(A) means—

“(i) any note”;

(B) by striking “or any certificate” and inserting the following: “; or

“(ii) any certificate”;

(C) by striking “any of the foregoing, but shall not” and inserting the following: “any security described in clause (i); or

“(iii) any agreement, contract, or transaction that is associated with a financial, economic, or commercial occurrence, extent of an occurrence, contingency, or consequence that is related to or based on a security, an interest in a security, an issuer of a security, or group or index of securities, or interests in securities or issuers of securities, or based on the value of any of the foregoing or any security described in clause (i) or (ii); and

“(B) does not”.

(2) AMENDMENTS TO THE SECURITIES ACT OF 1933.—Section (2)(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) is amended—

(A) by striking “means any note” and inserting the following: “means—

“(A) any note”;

(B) by striking “; or any certificate” and inserting the following: “; or

“(B) any certificate”;

(C) by striking “any of the foregoing,” and inserting the following: “any security described in subparagraph (A); or

“(C) any agreement, contract, or transaction that is associated with a financial, economic, or commercial occurrence, extent of an occurrence, contingency, or consequence that is related to or based on a security, an interest in a security, an issuer of a security, or group or index of securities, or interests in securities or issuers of securities, or based on the value of any of the foregoing or any security described in subparagraph (A) or (B).”.

#### SEC. 103. REQUIRED CLEARING OF STANDARDIZED DERIVATIVES THROUGH CENTRAL COUNTERPARTIES AND THE USE OF TRADE REPOSITORIES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 17B (15 U.S.C. 78q-2) the following new section:

#### “SEC. 17C. USE OF CLEARING AGENCIES AND TRADE REPOSITORIES FOR DERIVATIVES TRANSACTIONS.

“(a) FINDINGS.—Congress finds that—

“(1) the proliferation of over-the-counter security-based swaps poses unacceptable risks to the financial system;

“(2) clearing standardized security-based swaps through well-regulated central counterparties would reduce systemic risk in the financial system;

“(3) the markets for standardized security-based swaps suffer from a lack of reliable and accurate transaction information that is available to the public, investors, and regulators; and

“(4) weaknesses in the regulation of markets for standardized security-based swaps have detracted from the efficiency and transparency of trading in such markets and hampered the surveillance and oversight of such markets.

“(b) PURPOSES.—The purposes of this section are—

“(1) to establish well-regulated markets for standardized security-based swaps to promote efficiency and transparency of trading and enhance the surveillance and oversight of such markets; and

“(2) to promote the public interest, the protection of investors, and the maintenance of fair and orderly markets to assure—

“(A) the prompt and accurate clearance and settlement of transactions in standardized security-based swaps;

“(B) the prompt and accurate reporting of transactions in security-based swaps to a trade repository or a registered clearing agency;

“(C) the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, commodity options, and derivatives;

“(D) availability to the public, investors, and regulators of reliable and accurate quotation and transaction information in security-based swaps;

“(E) economically efficient execution of transactions in security-based swaps; and

“(F) fair competition among markets in the trading of security-based swaps.

“(c) USE OF DERIVATIVES CLEARING AGENCIES.—

“(1) IN GENERAL.—Any person that is a party to a security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) that the Commission determines is ‘standardized’ shall submit such instrument for clearing to a registered clearing agency within the period specified by rule of the Commission.

“(2) DEFINITION OF ‘STANDARDIZED’.—

“(A) IN GENERAL.—The Commission shall, by rule, define the term ‘standardized’ for purposes of this section.

“(B) FACTORS.—In defining the term ‘standardized’, the Commission shall—

“(i) be consistent with the public interest, the protection of investors, the safeguarding of securities and funds, the maintenance of fair competition among market participants and among clearing agencies, and the purposes of this section;

“(ii) consult with, and consider the views of, the Commodity Futures Trading Commission and the Board of Governors of the Federal Reserve System; and

“(II) seek to maintain comparability, to the maximum extent practicable, with the definition of the Commodity Futures Trading Commission of the term ‘standardized’ for purposes of section 4r of the Commodity Exchange Act; and

“(iii) to the extent applicable to a particular security-based swap or security derivative or class of security-based swaps or security derivatives, consider—

“(I) whether a clearing agency is prepared to clear the security-based swap or security derivative, and such clearing agency has in place effective risk management systems;

“(II) the availability or ability to facilitate standard documentation of terms of the security-based swap or security derivative;

“(III) the liquidity of the security-based swap or security derivative and its underlying security, security of a reference entity, or group or index thereof;

“(IV) the ability to value the security-based swap or security derivative, underlying security, or security of a reference entity, or group or index thereof consistently with an accepted pricing methodology, including the availability of intraday prices; and

“(V) such other factors as are consistent with the purposes of this section.

“(3) EXEMPTION AUTHORITY.—

“(A) IN GENERAL.—The Commission by rule or order, as the Commission deems necessary or appropriate in the public interest or for the protection of investors, may conditionally or unconditionally exempt from the requirements of this subsection and the rules issued under this subsection, any person, transaction, or security.

“(B) PRIOR CONSULTATION WITH THE COMMODITY FUTURES TRADING COMMISSION AND THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

“(i) CONSULTATION.—Before acting by rule or order to exempt any person, transaction, or security from the requirements of this subsection or the rules issued under this subsection, the Commission shall consult with, and consider the views of, the Commodity Futures Trading Commission and the Board of Governors of the Federal Reserve System concerning whether such exemption is necessary and appropriate for the reduction of risk and in the public interest.

“(ii) PROHIBITION ON ISSUANCE.—Not later than 45 days prior to issuing any exemption under this subparagraph, the Commission shall send a notice to the Commodity Futures Trading Commission and the Board of Governors describing such exemption. If either the Commodity Futures Trading Commission or the Board of Governors issues a finding under clause (i) that such an exemption does not meet the standard described in clause (i), the Commission may not issue such exemption.

“(iii) DEADLINE.—Any finding by the Commodity Futures Trading Commission or the Board of Governors of the Federal Reserve System shall be made and provided in writing to the Commission not later than 30 days after the date of receipt of notice of a proposed exemption by the Commission.

“(iv) NONDELEGATION.—Action by the Commodity Futures Trading Commission or the Board of Governors under this subparagraph may not be delegated.

“(d) TRADE REPOSITORIES.—

“(1) USE OF TRADE REPOSITORIES.—

“(A) IN GENERAL.—Any person that enters into or effects a transaction in a security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) shall submit such transaction for clearing to a registered clearing agency or report such transaction to a trade repository registered in accordance with this subsection within the period specified by rule of the Commission.

“(B) REQUIRED REPORTING AUTHORIZED.—The Commission may, by rule, require any person to report to any registered clearing agency and registered trade repository such transaction information as the Commission

deems necessary or appropriate, to permit such clearing agency or trade repository to meet the purposes of this section.

“(C) EXEMPTION AUTHORITY.—The Commission by rule, regulation, or order, as the Commission deems consistent with the public interest or the protection of investors, may conditionally or unconditionally exempt from the requirements of this paragraph and the rules issued under this paragraph any person, transaction, or security that enters into or effects a transaction in a security or class of securities.

“(2) REGISTRATION.—A trade repository may register for purposes of this subsection by filing with the Commission an application in such form as the Commission, by rule, may prescribe, containing the rules of the trade repository and such other information and documentation as the Commission, by rule, may prescribe as necessary or appropriate in the public interest, for the protection of investors, or for the prompt and accurate collection, calculation, processing, and preparation of information regarding security-based swaps or security derivatives.

“(3) COMMISSION PROCEDURES FOR APPLICATIONS.—

“(A) NOTICE.—On the filing of an application for registration pursuant to paragraph (2), the Commission shall publish notice of the filing and afford interested persons an opportunity to submit written data, views, and arguments concerning such application.

“(B) ACTIONS.—Not later than 90 days after the date of publication of a notice under subparagraph (A) (or within such longer period as to which the applicant consents), the Commission shall—

“(i) by order, grant such registration; or

“(ii) institute proceedings to determine whether registration should be denied.

“(C) PROCEDURE FOR DENIALS.—

“(i) IN GENERAL.—Proceedings instituted under subparagraph (B)(ii) shall—

“(I) include notice of the grounds for denial under consideration and provide an opportunity for a hearing; and

“(II) be concluded not later than 180 days after the date of publication of notice of the filing of the application for registration under subparagraph (A).

“(ii) ACTIONS.—At the conclusion of such proceedings, the Commission, by order, shall grant or deny the subject registration.

“(iii) EXTENSIONS.—The Commission may extend the time for conclusion of the proceedings under subparagraph (C) for—

“(I) not longer than an additional 60 days, if the Commission finds good cause for such extension and publishes its reasons for so finding; or

“(II) for such longer period as to which the applicant consents.

“(D) STANDARDS FOR GRANTING REGISTRATION.—The Commission shall grant the registration of a trade repository for purposes of this section if the Commission finds that the trade repository is so organized, and has the capacity to be able—

“(i) to assure the prompt, accurate, and reliable performance of its functions as a trade repository;

“(ii) to comply with the provisions of this title (including rules and regulations issued under this title); and

“(iii) to carry out the functions of a trade repository in a manner consistent with the purposes of this section.

“(E) STANDARDS FOR DENIAL.—The Commission shall deny the registration of a trade repository if the Commission does not make the findings described in subparagraph (D).

“(4) WITHDRAWAL OF REGISTRATION.—

“(A) IN GENERAL.—A registered trade repository may, upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors, withdraw from registration under this section by filing a written notice of withdrawal with the Commission.

“(B) CANCELLATION.—If the Commission finds that any trade repository is no longer in existence or has ceased to do business in the capacity specified in its application for registration under this section, the Commission, by order, shall cancel the registration.

“(5) ACCESS TO TRADE REPOSITORY SERVICES.—

“(A) NOTICE OF PROHIBITION OR LIMITATION.—

“(i) IN GENERAL.—If any registered trade repository prohibits or limits any person in respect of access to services offered, directly or indirectly, by the trade repository, the registered trade repository shall promptly file notice of the prohibition with the Commission, in such form and containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

“(ii) REVIEW BY COMMISSION.—Any prohibition or limitation on access to services with respect to which a registered trade repository is required by this subparagraph to file notice shall be subject to review by the Commission, on its own motion or upon application by any person aggrieved thereby, filed not later than 30 days after such notice has been filed with the Commission and received by such aggrieved person, or within such longer period as the Commission may determine.

“(iii) STAYS.—Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of a prohibition or limitation described in clause (i), unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments).

“(iv) EXPEDITED PROCEDURE.—The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

“(B) STANDARDS OF REVIEW.—In any proceeding to review the prohibition or limitation of any person in respect of access to services offered by a registered trade repository—

“(i) if the Commission finds after notice and opportunity for hearing, that such prohibition or limitation is consistent with the provisions of this title and the rules and regulations thereunder, and that such person has not been discriminated against unfairly, the Commission, by order, shall dismiss the proceeding; and

“(ii) if the Commission does not make any such finding, or if it finds that such prohibition or limitation imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of this title, the Commission, by order, shall set aside the prohibition or limitation and require the registered trade repository to permit such person access to the services offered by the registered trade repository to which the prohibition or limitation applied.

“(6) ADMINISTRATIVE PROCEEDING AUTHORITY.—If the Commission finds, on the record after notice and opportunity for hearing, that such action is necessary or appropriate in the public interest, for the protection of

investors, or otherwise in furtherance of the purposes of this title and that a registered trade repository has violated or is unable to comply with any provision of this title or the rules or regulations thereunder, the Commission, by order, may—

“(A) censure or place limitations upon the activities, functions, or operations of any registered trade repository; or

“(B) suspend for a period of not longer than 12 months or revoke the registration of any such trade repository.

“(7) RULEMAKING AUTHORITY.—No registered trade repository shall, directly or indirectly, engage in any activity as a trade repository in contravention of such rules and regulations as the Commission may prescribe as appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, including to assure that all persons may obtain on terms that are fair and reasonable and not unreasonably discriminatory such transaction and position information for security-based swaps and security derivatives as is disseminated by any clearing agency or trade repository.

“(8) CONSULTATION.—

“(A) IN GENERAL.—Prior to adopting any rules applicable to trade repositories pursuant to section 17(a), the Commission shall consult with, and shall consider the views of, the Commodity Futures Trading Commission.

“(B) COMPARABILITY.—The Commission and the Commodity Futures Trading Commission shall seek to maintain comparability, to the maximum extent practicable, of their respective recordkeeping and reporting requirements for trade repositories.

“(e) TIMING.—The Commission may, by rule, specify the date by which persons are required—

“(1) to submit transactions in standardized security-based swaps and security derivatives for clearing to a clearing agency pursuant to subsection (c); and

“(2) to submit transactions in security-based swaps and security derivatives for clearing to a clearing agency or report transactions in such instruments to a registered trade repository pursuant to subsection (d).

“(f) COLLECTION, CONSOLIDATION, AND DISSEMINATION OF INFORMATION ON TRANSACTIONS AND POSITIONS IN SECURITY-BASED SWAPS AND SECURITY DERIVATIVES.—

“(1) COMMISSION ACTION REQUIRED.—The Commission shall, consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets, and the purposes of this section, use the authority of the Commission under this title to facilitate—

“(A) the collection, consolidation, and dissemination of information on transactions and positions in security-based swaps and security derivatives; and

“(B) the establishment of coordinated facilities for the consolidation of information on transactions and positions in security-based swaps and security derivatives.

“(2) ACTIONS REQUIRED OF REGISTERED ENTITIES.—The Commission, by rule, regulation, or order is authorized to require each clearing agency that clears or proposes to clear transactions in security-based swaps and security derivatives, and each trade repository registered or applying to become registered under this section, in such form and frequency as the Commission shall prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title—

“(A) to disseminate certain transaction or position information in security-based swaps and security derivatives; and

“(B) to assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to transactions and positions, as appropriate, cleared by such clearing agency or reported to such registered trade repository.”.

#### **SEC. 104. PRUDENTIAL SUPERVISION AND REGULATION OF SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS AND INCENTIVES FOR TRADING ON REGULATED EXCHANGES.**

(a) REGULATION OF SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15E (15 U.S.C. 78o-7) the following:

#### **“SEC. 15F. REGULATION OF SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.**

“(a) REGISTRATION BY SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—It shall be unlawful for any significant security-based derivatives market participant to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), unless such significant security-based derivatives market participant has registered in accordance with subsection (b).

“(b) MANNER OF REGISTRATION OF SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—

“(1) IN GENERAL.—A significant security-based derivatives market participant may register for purposes of this section by filing with the Commission an application for registration, in such form and containing such information and documentation concerning such significant security-based derivatives market participant and any persons associated with such significant security-based derivatives market participant as the Commission, by rule, regulation, or order may prescribe as necessary or appropriate in the public interest or for the protection of investors.

“(2) COMMISSION ACTION.—

“(A) TIMING.—Not later than 45 days after the date of filing of an application under paragraph (1) (or within such longer period as to which the applicant consents), the Commission shall—

“(i) by order, grant registration; or

“(ii) institute proceedings to determine whether registration should be denied.

“(B) COMMISSION PROCEEDINGS.—Proceedings described in subparagraph (A)(ii) shall—

“(i) include notice of the grounds for denial under consideration and opportunity for hearing; and

“(ii) be concluded within 120 days of the date of the filing of the application for registration.

“(C) GRANT OR DENIAL.—At the conclusion of proceedings under this paragraph, the Commission, by order, shall grant or deny any application for registration.

“(D) EXTENSION AUTHORIZED.—The Commission may extend the time for the conclusion of proceedings under this paragraph for not longer than an additional 90 days if the Commission finds good cause for such extension and publishes its reasons for so finding, or for such longer period as to which the applicant consents.

“(E) CONDITIONS OF GRANT OR DENIAL OF APPLICATIONS.—The Commission shall—

“(i) grant an application for registration of a significant security-based derivatives market participant, if the Commission finds that the requirements of this section are satisfied; and

“(ii) deny such registration, if the Commission does not make a finding described in clause (i), or finds that if the applicant were so registered, its registration would be subject to suspension or revocation under subsection (e).

“(3) WITHDRAWAL AUTHORIZED.—Any person that has filed an application pursuant to paragraph (1) may, upon such terms and conditions as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, withdraw such application by filing a written withdrawal with the Commission.

“(c) BUSINESS CONDUCT REQUIREMENTS.—

“(1) PROHIBITION.—It shall be unlawful for any significant security-based derivatives market participant and such other persons as the Commission may determine, by rule, regulation, or order, to make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), unless such person complies with such business conduct requirements as the Commission and the Commodity Futures Trading Commission, in consultation with the appropriate regulatory authorities, may jointly prescribe, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of this title.

“(2) CONTENT.—Business conduct requirements under paragraph (1) shall—

“(A) establish the standard of care required for a significant security-based derivatives market participant and such other persons to verify that any counterparty meets the eligibility standards for an eligible contract participant or qualified institutional buyer;

“(B) require disclosure by the significant security-based derivatives market participant and such other persons to any counterparty to the transaction of—

“(i) material product-specific information about the risks and characteristics of the security-based swap (or security derivative, as the Commission determines by rule, regulation, or order);

“(ii) the source and amount of any fees or other material remuneration that the significant security-based derivatives market participant and such other persons would directly or indirectly expect to receive in connection with the security-based swap (or security derivative, as the Commission determines by rule, regulation, or order); and

“(iii) any other material incentives or conflicts of interest that the significant security-based derivatives market participant and such other persons may have in connection with the security-based swap (or security derivative, as the Commission determines by rule, regulation, or order);

“(C) establish a minimum standard of conduct for a significant security-based derivatives market participant and such other persons with respect to any counterparty, other than a qualified institutional buyer, for—

“(i) providing disclosure of the general risks and characteristics of any security-

based swap (or security derivative, as the Commission determines by rule, regulation, or order);

“(ii) communicating in a fair and balanced manner based on principles of fair dealing and good faith;

“(iii) assessing the appropriateness of any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) for the counterparty, except that, if the counterparty is an eligible contract participant, the significant security-based derivatives market participant may rely on a representation described in clause (iv)(VI) that the transaction is appropriate for such counterparty; and

“(iv) with respect to a counterparty that is an eligible contract participant within the meaning of subclause (I) or (II) of section 3(a)(67)(A)(vii), having a reasonable basis to believe that the counterparty has an independent representative that—

“(I) has sufficient knowledge to evaluate the transaction and risks;

“(II) is not subject to a statutory disqualification;

“(III) is independent of the significant security-based derivatives market participant;

“(IV) undertakes a duty to act in the best interests of the counterparty it represents;

“(V) makes appropriate disclosures; and

“(VI) will provide written representations to the eligible contract participant regarding fair pricing and the appropriateness of the transaction;

“(D) require the availability of information about any security or the issuer of any security referenced in a security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), or upon which such security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) is based; and

“(E) establish such other standards and requirements as the Commission, acting jointly with the Commodity Futures Trading Commission and in consultation with the appropriate regulatory authorities, may determine are necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

“(d) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a significant derivatives market participant to permit any associated person of such significant derivatives market participant who is subject to a statutory disqualification to effect or be involved in effecting transactions in security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) on behalf of such significant derivatives market participant, if such significant derivatives market participant knew, or in the exercise of reasonable care should have known, of such statutory disqualification.

“(e) ADMINISTRATIVE PROCEEDING AUTHORITY.—

“(1) IN GENERAL.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or reject the filing of any significant security-based derivatives market participant that has registered with the Commission pursuant to subsection (b) if it finds, on the record after notice and opportunity for hearing, that such action is in the public interest and that such significant security-based derivatives market participant, or any person associated with such significant security-based derivatives market participant effecting or

involved in effecting transactions in security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) on behalf of such significant security-based derivatives market participant, whether prior or subsequent to becoming so associated—

“(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of section 15(b)(4);

“(B) has been convicted of any offense specified in subparagraph (B) of section 15(b)(4) during the 10-year period preceding the date of commencement of the proceedings under this paragraph;

“(C) is enjoined from any action, conduct, or practice specified in section 15(b)(4)(C);

“(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of section 15(b)(4); or

“(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in section 15(b)(4)(G).

“(2) ASSOCIATED PERSONS.—With respect to any person who is associated, who is seeking to become associated, or at the time of the alleged misconduct, who was associated or was seeking to become associated, with a significant security-based derivatives market participant for the purpose of effecting or being involved in effecting any security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) on behalf of such significant security-based derivatives market participant, the Commission, by order, shall censure, place limitations on the activities or functions of such person, or suspend for a period of not longer than 12 months, or bar such person from being associated with a significant security-based derivatives market participant, if the Commission finds, on the record after notice and opportunity for a hearing, that such action is in the public interest, and that such person—

“(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of section 15(b)(4);

“(B) has been convicted of any offense specified in section 15(b)(4)(B) during the 10-year period preceding the date of commencement of the proceedings under this paragraph;

“(C) is enjoined from any action, conduct, or practice specified in section 15(b)(4)(C);

“(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of section 15(b)(4); or

“(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in section 15(b)(4)(G).

“(3) ADDITIONAL PROHIBITIONS.—It shall be unlawful—

“(A) for any person as to whom an order under paragraph (2) is in effect, without the consent of the Commission, willfully to become, or to be, associated with a significant security-based derivatives market participant in contravention of such order; or

“(B) for any significant security-based derivatives market participant to permit such a person, without the consent of the Commission, to become or remain, a person associated with the significant security-based derivatives market participant in contravention of an order under paragraph (2), if such significant security-based derivatives market participant knew, or in the exercise of

reasonable care should have known, of the order.

“(f) CAPITAL AND MARGIN REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any person to conduct business as a significant security-based derivatives market participant, unless such person meets at all times such minimum capital and margin requirements as the appropriate regulatory authorities shall jointly prescribe, by rule or regulation, as necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes of this title to provide safeguards with respect to the financial responsibility and related practices of the significant security-based derivatives market participant.

“(2) CAPITAL CONSIDERATIONS.—In setting capital requirements for significant security-based derivatives market participants, the appropriate regulatory authorities shall consider, among other things—

“(A) the liquidity of each security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), including whether such instrument is traded on a liquid market, and whether it is centrally cleared; and

“(B) whether the security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) is used to offset or hedge another instrument or asset owned by such significant security-based derivative market participant.

“(3) MARGIN REQUIREMENTS.—The appropriate regulatory authorities shall jointly prescribe margin requirements, which may permit the use of non-cash collateral, that apply to security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) entered into by a significant security-based derivatives market participant, as the appropriate regulatory authorities jointly deem necessary or appropriate for the purpose of, among other things—

“(A) preserving the financial integrity of markets trading security-based swaps (or security derivatives); and

“(B) preventing systemic risk.

“(4) COMMISSION RULES.—Nothing in this section prevents the Commission from prescribing capital and margin requirements that are higher or more restrictive than the joint rules adopted under this subsection for significant security-based derivatives market participants for which it is the appropriate regulatory authority.

“(g) APPROPRIATE REGULATORY AUTHORITY DEFINED.—For purposes of this section, the term ‘appropriate regulatory authority’ means—

“(1) the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) with respect to a significant security-based derivatives market participant that is an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), other than an affiliate of an insured depository institution;

“(2) the Federal Housing Finance Agency, with respect to a significant security-based derivatives market participant that is a regulated entity (as defined in section 1301 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502));

“(3) the Commodity Futures Trading Commission, with respect to a significant security-based derivatives market participant that is—

“(A) a futures commission merchant or an introducing broker (as defined in paragraphs

(20) and (23) of section 1a of the Commodity Exchange Act, respectively), other than a broker or dealer registered pursuant to section 15(b) of this title (other than paragraph (1) thereof) or an affiliate of an insured depository institution; or

“(B) a commodity pool operator or commodity trading advisor (as defined in paragraphs (5) and (6) of section 1a of the Commodity Exchange Act, respectively), other than an affiliate of an insured depository institution; and

“(4) the Commission, with respect to any other significant security-based derivatives market participant for which there is not another appropriate regulatory authority otherwise specified in this subsection.

“(h) ENFORCEMENT AUTHORITY.—Each appropriate regulatory authority shall have sole authority to enforce compliance with the rules adopted under subsection (f) in the case of each significant security-based derivatives market participant for which it is the appropriate regulatory authority, as defined in subsection (g).”

(b) EXEMPTION FROM BROKER OR DEALER REGISTRATION.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

“(13) EXEMPTION FOR SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—A person shall be exempt from the registration requirements of this section, to the extent that such person engages in transactions in security-based swaps, if such person would otherwise be required to register under this section only because such person effects transactions in security-based swaps with eligible contract participants and is a significant security-based derivatives market participant that has registered in accordance with section 15F(b).”

#### SEC. 105. RECORDKEEPING AND REPORTING REQUIREMENTS FOR DERIVATIVES MARKET PARTICIPANTS.

(a) RECORDKEEPING AND EXAMINATION REQUIREMENTS FOR SECURITY-BASED DERIVATIVE MARKET PARTICIPANTS.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following:

“(1) RECORDKEEPING BY MARKET PARTICIPANTS IN SECURITY-BASED SWAPS OR SECURITY DERIVATIVES; EXAMINATIONS.—

“(1) RECORDKEEPING.—

“(A) IN GENERAL.—Effective not later than 180 days after the date of enactment of this subsection, the Commission shall, by rule, regulation, or order, require each significant security-based derivatives market participant, and such other persons as the Commission, by rule, regulation, or order, determines, to create, keep current, and maintain for prescribed periods such records, furnish such copies thereof (and make and disseminate such reports) relating to security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) to the Commission, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

“(B) MINIMUM REQUIREMENTS.—At a minimum, the actions of the Commission under subparagraph (A) shall require, as applicable, the creation and maintenance of client information records, agreements, client ledger information, trade blotters, memoranda of agreements to enter into confirmations, position records, and communications relating to transactions in security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) and the reporting of transactions and position data.

“(2) EXAMINATIONS.—All records of significant security-based derivatives market participants and such other persons described in paragraph (1) are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission, as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.”

(b) REPORTING BY SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

“(m) REPORTING BY SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—

“(1) IN GENERAL.—For the purpose of monitoring the impact of transactions in security-based swaps and, as appropriate, security derivatives, and for the purpose of otherwise assisting the Commission in the enforcement of this title, any significant security-based derivatives market participant that purchases or sells security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) shall report such information as the Commission may, by rule, regulation, or order, prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

“(2) CONSIDERATIONS.—In exercising its authority under this subsection, the Commission shall take into account—

“(A) existing reporting systems;

“(B) the costs associated with reporting such information; and

“(C) the relationship between the United States and international securities and derivatives markets.

“(3) LIMITATION ON DISCLOSURE.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Commission may not be compelled to disclose any information required by Commission rule, regulation, or order to be reported to the Commission under this subsection.

“(B) EXCEPTION.—Nothing in this subsection shall—

“(i) authorize the Commission to withhold information from Congress; or

“(ii) prevent the Commission from complying with—

“(I) a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction; or

“(II) an order of a court of the United States in an action brought by the United States or the Commission.

“(C) TREATMENT FOR TITLE 5 PURPOSES.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.”

(c) BENEFICIAL OWNERSHIP REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(1) in subsection (d)(1), by inserting after “Alaska Native Claims Settlement Act,” the following: “or otherwise becomes or is deemed to become a beneficial owner of any of the foregoing, upon the purchase or sale of a security-based swap or security derivative that the Commission may define, by rule, and”; and

(2) in subsection (g)(1), by inserting after “subsection (d)(1) of this section” the following: “or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon

the purchase or sale of a security-based swap or security derivative that the Commission may define, by rule"; and

(3) in subsection (f)(1), by inserting after "section (13)(d)(1) of this title" the following: "; or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap or security derivative that the Commission may define, by rule.".

(d) INSTITUTIONAL INVESTMENT MANAGER REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(1) in subsection (f)(1), by inserting before "shall file reports" the following: "or security-based swaps or security derivatives that the Commission may define by rule, having such values as the Commission may determine, by rule"; and

(2) in subsection (f)(3), by inserting before "updated as" the following: "and security-based swaps or security derivatives that the Commission may define, by rule".

(e) REPORTING BY CORPORATE INSIDERS.—Section 16(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(f)) is amended by inserting "or security-based swaps" after "security futures products".

(f) RECORDKEEPING BY TRADE REPOSITORIES.—Section 17(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(a)(1)) is amended by inserting "registered trade repository," after "registered securities information processor,".

#### SEC. 106. PROHIBITION OF MARKET MANIPULATION, FRAUD, AND OTHER MARKET ABUSES.

(a) RULEMAKING AUTHORITY TO PREVENT FRAUD, MANIPULATION, AND DECEPTIVE CONDUCT IN SECURITY-BASED SWAPS AND SECURITY DERIVATIVES.—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i), as amended by this Act, is amended by adding at the end the following:

"(j) DECEPTIVE CONDUCT IN SECURITY-BASED SWAPS AND SECURITY DERIVATIVES.—

"(1) IN GENERAL.—It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security-based swap or security derivative, in connection with which such person engages in any fraudulent, deceptive, or manipulative act or practice, makes any fictitious quotation, or engages in any transaction, practice, or course of business which operates as a fraud or deceit upon any person.

"(2) RULEMAKING REQUIRED.—The Commission shall, for purposes of this subsection, by rule, regulation, or order, define and prescribe means reasonably designed to prevent transactions, acts, practices, and courses of business that are fraudulent, deceptive, or manipulative, and fictitious quotations.

"(3) CONSULTATION.—In adopting rules under this subsection, the Commission shall consult with the Commodity Futures Trading Commission and seek to maintain comparability of such rules with similar rules of the Commodity Futures Trading Commission."

(b) ADDITIONS OF SECURITY-BASED SWAPS TO CERTAIN ANTIMANIPULATION PROVISIONS.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) any transaction in connection with any security whereby any party to such transaction acquires—

"(A) any put, call, straddle, or other option or privilege of buying the security from or selling the security to another without being bound to do so;

"(B) any security futures product on or related to the security; or

"(C) any security-based swap involving the security or the issuer of the security;

"(2) any transaction in connection with any security with relation to which that person has, directly or indirectly, any interest in any—

"(A) put, call, straddle, option, or privilege described in paragraph (1);

"(B) security futures product described in paragraph (1); or

"(C) security-based swap described in paragraph (1); or

"(3) any transaction in any security for the account of any person who that person has reason to believe has, and who actually has, directly or indirectly, any interest in any—

"(A) put, call, straddle, option, or privilege described in paragraph (1);

"(B) security futures product with relation to such security described in paragraph (1); or

"(C) any security-based swap involving such security or the issuer of such security."

(c) POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS OR SECURITY DERIVATIVES.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 10A the following new section:

#### "SEC. 10B. POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS OR SECURITY DERIVATIVES.

"(a) RULEMAKING AUTHORITY.—

"(1) IN GENERAL.—As a means reasonably designed to prevent fraud or manipulation, the Commission, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, may—

"(A) prescribe requirements regarding the size of positions that may be held by or on behalf of any person or persons in any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) and any security on which such security-based swap (or security derivative) is based or referenced, or as to which the issuer of such security is referenced; and

"(B) require any person that effects transactions for his own account or the account of others in any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) and any security on which such security-based swap (or security derivative) is based or referenced, or the issuer of such security is referenced, to report such information as the Commission may prescribe regarding any position or positions in security-based swaps (or security derivatives) and any security on which such security-based swap (or security derivative) is based or referenced, or as to which the issuer of such security is referenced.

"(2) EXEMPTIONS AUTHORIZED.—The Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person or class of persons, any security-based swap (or security derivative) or class of security-based swaps (or security derivatives), or any transaction or class of transactions from any requirement that the Commission may establish under this subsection.

"(b) SELF-REGULATORY ORGANIZATIONS.—As a means reasonably designed to prevent fraud or manipulation, the Commission, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, may direct a self-regulatory organization—

"(1) to adopt rules regarding the size of positions in any security-based swap (or security derivative) and any security on which such security-based swap (or security derivative) is based or referenced, or as to which the issuer of such security is referenced that may be held by—

"(A) any member of such self-regulatory organization; or

"(B) any person for whom a member of such self-regulatory organization effects transactions in such security-based swap, security derivative, or other security; and

"(2) to adopt rules reasonably designed to assure compliance with requirements prescribed by the Commission under subsection (a)."

(d) STATE GAMING AND BUCKET SHOP LAWS.—Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended to read as follows:

"(a) STATE GAMING AND BUCKET SHOP LAWS.—

"(1) IN GENERAL.—Except as provided in subsection (f), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity, but no person permitted to maintain a suit for damages under the provisions of this title shall recover, through satisfaction of judgment in 1 or more actions, a total amount in excess of the actual damages of that person due to the act that is the subject of the action.

"(2) RULE OF CONSTRUCTION.—Except as otherwise specifically provided in this title, nothing in this title shall affect the jurisdiction of the securities commission (or any agency or officer performing like functions) of any State over any security or any person, to the extent that the exercise thereof does not conflict with the provisions of this title or the rules and regulations thereunder.

"(3) GAMING LAWS.—No provision of State law which prohibits or regulates the making or promoting of wagering or gaming contracts, or the operation of 'bucket shops' or other similar or related activities, shall invalidate—

"(A) any put, call, straddle, option, privilege, or other security that is subject to regulation under this title (except a security-based swap and any security that has a parimutual payout or otherwise is determined by the Commission, acting by rule, regulation, or order, to be appropriately subject to such laws), or apply to any activity which is incidental or related to the offer, purchase, sale, exercise, settlement, or closeout of any such security;

"(B) any security-based swap between eligible contract participants; or

"(C) any security-based swap effected on a national securities exchange that is registered pursuant to section 6(b).

"(4) SECURITY FUTURES PRODUCT.—No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security futures product, except that this paragraph may not be construed as limiting any State antifraud law of general applicability."

#### SEC. 107. PROTECTIONS FOR MARKETING SECURITY-BASED SWAPS TO CERTAIN PERSONS.

(a) TRADING IN SECURITY-BASED SWAPS.—Section 6 of the Securities Exchange Act of

1934 (15 U.S.C. 78f), as amended by this Act, is amended by adding at the end the following:

“(i) **ELIGIBLE CONTRACT PARTICIPANTS.**—It shall be unlawful for any person to effect a transaction in a security-based swap with or for a person that is not an eligible contract participant, unless such transaction is effected on a national securities exchange registered pursuant to subsection (b).”.

(b) **REGISTRATION OF SECURITY-BASED SWAPS.**—Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) is amended by adding at the end the following:

“(d) **REGISTRATION OF SECURITY-BASED SWAPS.**—Notwithstanding the provisions of section 3 or 4, unless a registration statement meeting the requirements of section 10(a) is in effect with respect to a security-based swap, it shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell, offer to buy, or purchase, sell, or buy a security-based swap to any person who is not an eligible contract participant, as defined in section 3(a)(66) of the Securities Exchange Act of 1934.”.

#### **SEC. 108. ENFORCEMENT.**

Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following:

“(j) **ENFORCEMENT OF PROVISIONS APPLICABLE TO DERIVATIVES MARKET PARTICIPANTS.**—

“(1) **IN GENERAL.**—In addition to enforcement by the Commission under the securities laws of compliance with sections 6(l), 13(m), 15F(a), 15F(c), 15F(d), 17(l), 17C(b)(1), and 17C(c)(1), compliance with such sections shall be enforced under—

“(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the appropriate Federal banking agency, in the case of an insured depository institution, as those terms are defined in section 3 of that Act (12 U.S.C. 1813), other than an affiliate of an insured depository institution, as defined in section 3 of that Act (12 U.S.C. 1813);

“(B) the Commodity Exchange Act (7 U.S.C. 1 et seq.), by the Commodity Futures Trading Commission, in the case of a futures commission merchant, introducing broker, commodity pool operator, or commodity trading advisor, as those terms are defined in sections 1a of the Commodity Exchange Act, other than an affiliate of an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

“(C) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), by the Federal Housing Finance Agency, in the case of a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

“(2) **VIOLATIONS TREATED AS VIOLATIONS OF OTHER LAWS.**—For purposes of the exercise by any agency referred to in paragraph (1), a violation of sections 6(l), 13(m), 15F(a), 15F(c), 15F(d), 17(l), 17C(b)(1), and 17C(c)(1) of this title shall be deemed to be a violation of a requirement imposed under that provision of law. In addition to its powers under any provision of law specifically referred to in paragraph (1), each of the agencies referred to in that paragraph may exercise, for the purpose of enforcing compliance with sections 6(l), 13(m), 15F(a), 15F(c), 15F(d), 17(l), 17C(b)(1), and 17C(c)(1) of this title, any other authority conferred on such agency by law.”.

#### **SEC. 109. ENFORCEABILITY OF SECURITY-BASED SWAPS.**

Section 29(b)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(b)(2)) is amended

by striking “and (B)” and inserting the following: “, (B) that no agreement, contract, or transaction that is a security-based swap shall be void, voidable, or unenforceable by either party to such security-based swap, and no party thereto shall be entitled to rescind, or recover any payment made with respect to, such security-based swap under this section or any other provision of securities laws based solely on the failure of either party to the agreement, contract, or transaction to satisfy its respective obligations under sections 6(l), 10B, 13, 15(b), 15F, 17, and 17C of this title with respect to such security-based swap, and (C)”.

#### **SEC. 110. TRANSFER AND RIGHTS OF CERTAIN CFTC EMPLOYEES.**

(a) **TRANSFER.**—Each employee of the Commodity Futures Trading Commission (in this section referred to as the “CFTC”) whose position and responsibilities would be more effectively utilized at the Securities and Exchange Commission (in this section referred to as the “SEC”), based on this Act and the amendments made by this Act, as determined by the Secretary of the Treasury, shall be transferred to the SEC for employment, not later than 60 days after the date of enactment of this Act. Such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) **GUARANTEED POSITIONS.**—

(1) **IN GENERAL.**—Each employee transferred under subsection (a) shall be guaranteed a position with equivalent status, tenure, pay and benefits as that held on the day immediately preceding the transfer, subject to paragraph (2).

(2) **NO INVOLUNTARY SEPARATION OR REDUCTION.**—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) **APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.**—

(1) **IN GENERAL.**—In the case of an employee of the CFTC occupying a position in the excepted service or the Senior Executive Service, such employee shall, on and after the date of transfer to the SEC, be deemed to be appointed under the appointment authority of the SEC for filling an equivalent position at the SEC, subject to paragraph (2).

(2) **DECLINING APPLICATION OF EQUIVALENT APPOINTMENT AUTHORITY.**—The Chairman of the SEC may decline the application of the equivalent appointment authority of the SEC to an employee of the CFTC occupying a position in the excepted service or the Senior Executive Service under paragraph (1) to the extent that the authority by which the employee was appointed by the CFTC relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advising character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) **REORGANIZATION.**—If the Chairman of the SEC determines, after the end of the 1-year period beginning on the date of enactment of this Act, that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected

employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

### **TITLE II—REGULATION OF COMMODITY-BASED DERIVATIVES**

#### **SEC. 201. DEFINITIONS.**

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by striking paragraphs (1), (25), (31), and (32);

(2) by redesignating paragraphs (2) through (4), (5) through (8), (9) through (24), (26) through (28), (29), (30), (33), and (34) as paragraphs (1) through (3), (7) through (10), (12) through (27), (28) through (30), (32), (33), (35), and (37), respectively;

(3) by inserting after paragraph (3) (as redesignated by paragraph (2) of this section) the following:

“(4) **COMMODITY-BASED SWAP.**—The term ‘commodity-based swap’ means a swap that is not a security-based swap, as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

“(5) **COMMODITY-BASED SWAP EXECUTION FACILITY.**—The term ‘commodity-based swap execution facility’ means a trading facility registered under section 5h.

“(6) **COMMODITY DERIVATIVE.**—The term ‘commodity derivative’ means any derivative that is a contract of sale for future delivery of any commodity (or option on a contract of sale for future delivery of any commodity) subject to the exclusive jurisdiction of the Commission under this Act, other than a swap.”;

(4) by inserting after paragraph (10) (as redesignated by paragraph (2) of this section) the following:

“(11) **DERIVATIVE.**—The term ‘derivative’ has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).”;

(5) by inserting after paragraph (30) (as redesignated by paragraph (2) of this section) the following:

“(31) **PERSON ASSOCIATED WITH A SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANT.**—

“(A) **IN GENERAL.**—The term ‘person associated with a significant commodity-based derivatives market participant’ means—

“(i) any partner, officer, director, or branch manager of a significant commodity-based derivatives market participant (including any individual who holds a similar status or performs a similar function with respect to any partner, officer, director, or branch manager of a significant commodity-based derivatives market participant);

“(ii) any person that directly or indirectly controls, is controlled by, or is under common control with a significant commodity-based derivatives market participant; and

“(iii) any employee of a significant commodity-based derivatives market participant.

“(B) **EXCLUSION.**—Other than for purposes of section 4s, the term ‘person associated with a significant commodity-based derivatives market participant’ does not include any person associated with a significant commodity-based derivatives market participant the functions of which are solely clerical or ministerial.”;

(6) in paragraph (32) (as redesignated by paragraph (2) of this section)—

(A) by striking subparagraph (D) and inserting the following:

“(D) a commodity-based swap execution facility registered under section 5h;”;

(B) in subparagraph (E), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(F) a significant commodity-based derivatives market participant; and

“(G) a trade repository under section 4r.”;

(7) by inserting after paragraph (33) (as redesignated by paragraph (2) of this section) the following:

“(34) SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANT.—

“(A) IN GENERAL.—The term ‘significant commodity-based derivatives market participant’ means—

“(i) any person that is engaged in the business of purchasing or selling 1 or more commodity-based swaps for the account of the person or for any other individual or entity, or making a market in commodity-based swaps, and the 1 or more purchases or sales of which are not solely for the purpose of managing the risk associated with—

“(I) an asset that is, or is anticipated to be, owned, produced, manufactured, processed, or merchandised;

“(II) potential changes in the value of services to be purchased or provided, or anticipated to be purchased or provided; or

“(III) a liability incurred or anticipated to be incurred by a person that is not, or is not related to, a commodity-based swap; or

“(ii) any other person designated by the Commission, after consultation with the Securities and Exchange Commission, by rule, regulation, or order as is appropriate to further—

“(I) the interests of the public;

“(II) the protection of market participants; or

“(III) the purposes of this Act.

“(B) EXCLUSION.—The term ‘significant commodity-based derivatives market participant’ does not include an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.)”;

(8) by inserting after paragraph (35) (as redesignated by paragraph (2) of this section) the following:

“(36) SWAP.—The term ‘swap’ has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).”;

(9) by adding at the end the following:

“(38) TRADE REPOSITORY.—The term ‘trade repository’ means any person that collects, calculates, processes, or prepares information with respect to 1 or more transactions or positions in 1 or more commodity-based swaps.”.

## SEC. 202. RATIONALIZATION OF FINANCIAL PRODUCT OVERSIGHT.

(a) CFTC AUTHORITY OVER COMMODITY-BASED SWAPS.—

(1) AMENDMENTS TO COMMODITY FUTURES MODERNIZATION ACT OF 2000.—

(A) DEFINITIONS.—Section 402 of the Commodity Futures Modernization Act of 2000 (7 U.S.C. 27) is amended by striking subsection (d).

(B) EXCLUSION OF COVERED SWAP AGREEMENTS.—Section 407 of the Commodity Futures Modernization Act of 2000 (7 U.S.C. 27e) is repealed.

(C) CONTRACT ENFORCEMENT.—Section 408 of the Commodity Futures Modernization Act of 2000 (7 U.S.C. 27f) is amended by striking subsections (b) and (c) and inserting the following:

“(b) PREEMPTION.—This title shall supersede and preempt the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of a hybrid instrument that is predominantly a banking product.”.

(2) AMENDMENTS TO COMMODITY EXCHANGE ACT.—

(A) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(i) in subsection (a)(1)—

(I) in the first sentence of subparagraph (A), by striking “subparagraphs (C) and (D) of this paragraph and subsections (c) through (i) of this section” and inserting “subparagraph (C) and subsections (c) through (e)”;

(II) in subparagraph (C), by striking clauses (ii) through (v) and inserting the following:

“(ii) CONTRACTS OF SALE FOR FUTURE DELIVERY.—This Act shall not apply to, and the Commission shall have no jurisdiction to designate a board of trade as a contract market for any contract of sale (or option on such contract) for future delivery—

“(I) of any security, or interest in a security or based on the value of a security (other than an exempted security under section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security, as defined in that section 3(a), as in effect on the date of enactment of the Futures Trading Act of 1982), or any group or index of such securities or any interest in a security or based on the value of a security; or

“(II) based on any financial, economic, or commercial occurrence, extent of an occurrence, contingency, or consequence that is related to or based on a security, an interest in a security, or an issuer of a security, or based on the value of any of the foregoing (other than an exempted security under section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security, as defined in that section 3(a), as in effect on the date of enactment of the Futures Trading Act of 1982), or any group or index of such securities, or interests in such securities or issuers of such securities, or based on the value of any of the foregoing.”; and

(III) by striking subparagraphs (D), (E), and (F);

(ii) by striking subsections (d), (e), (g), (h), and (i);

(iii) by inserting after subsection (c) the following:

“(d) COMMODITY-BASED SWAPS.—Nothing in this Act (other than subsections (a)(1)(B), (a)(1)(C), (e) and (f), sections 4a, 4b, 4b-1, 4c(a), 4c(b), 4o, 4r, 4s, 4t, 5b, 5c, 5h, 6(c), 6(d), 6c, 6d, 8, 8a, 9, 12(e)(2), 12(f), 13(a), 13(b), 21, and 22(a)(4) and such other provisions of this Act as are applicable by the terms of the provisions to registered entities and Commission registrants) governs or applies to a commodity-based swap.”; and

(iv) by redesignating subsection (f) as subsection (e).

(B) CONFORMING AMENDMENTS.—

(i) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 201(2)) is amended in paragraph (35) by inserting before the period at the end the following: “(as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009)”.

(ii) Section 5c(a)(1) of the Commodity Exchange Act (7 U.S.C. 7a-2(a)(1)) is amended by striking “, and section 2(h)(7) with respect to significant price discovery contracts.”.

(iii) Section 5d(a) of the Commodity Exchange Act (7 U.S.C. 7a-3(a)) is amended in the second sentence by striking “subparagraphs (C) and (D) of section 2(a)(1)” and inserting “section 2(a)(1)(C)”.

(iv) Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) is amended by striking “, or

revocation of the right” and all that follows through “significant price discovery contract.”.

(v) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended in the first sentence by striking “, or to revoke the right” and all that follows through “significant price discovery contract.”.

(vi) Section 22(b)(1)(A) of the Commodity Exchange Act (7 U.S.C. 25(b)(1)(A)) is amended by striking “section 2(h)(7) or”.

(vii) Section 408(2)(C) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 442(2)(C)) is amended—

(I) by striking “, 2(d), 2(f), or 2(g)”;

(II) by striking “2(h) or”.

(3) AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.—Section 206 of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by inserting “or” after the semicolon at the end;

(ii) in paragraph (5) by striking “; or” at the end and inserting a period; and

(iii) by striking paragraph (6);

(B) by striking subsection (b); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) RATIONALIZATION OF SECURITY FUTURES OVERSIGHT.—

(1) IN GENERAL.—

(A) RULEMAKING AUTHORITY TO ADDRESS DUPLICATIVE REGULATIONS OF DUAL REGISTRANTS.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended by striking subsection (c).

(B) REGISTRATION OF FUTURES COMMISSION MERCHANTS, INTRODUCING BROKERS, AND FLOOR BROKERS.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended—

(i) in paragraph (1), by striking “(1)”;

(ii) by striking paragraphs (2) through (4).

(C) DUAL TRADING.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j) is repealed.

(D) EXEMPTIONS FOR ASSOCIATED PERSONS OR SECURITIES BROKER-DEALERS.—Section 4k of the Commodity Exchange Act (7 U.S.C. 6k) is amended by striking paragraph (5) (as added by section 252(d) of the Commodity Futures Modernization Act of 2000 (114 Stat. 2763A-448)).

(E) ELECTION TO TRADE EXCLUDED AND EXEMPT COMMODITIES.—Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended by striking subsection (g).

(F) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 5c of the Commodity Exchange Act (7 U.S.C. 7a-2) is amended by striking subsection (f).

(G) DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.—Section 5f of the Commodity Exchange Act (7 U.S.C. 7b-1) is repealed.

(H) NOTIFICATION OF INVESTIGATIONS AND ENFORCEMENT ACTIONS.—Section 6 of the Commodity Exchange Act is amended by striking subsection (g) (7 U.S.C. 9c).

(I) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c of the Commodity Exchange Act (7 U.S.C. 13a-1) is amended by striking subsection (h).

(J) PUBLIC DISCLOSURE.—Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by striking paragraph (3).

(K) MARKET REPORTS.—Section 16 of the Commodity Exchange Act (7 U.S.C. 20) is amended by striking subsection (e).

(L) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended—

(i) by striking subsection (r); and

(ii) by redesignating subsection (q) (as added by section 233(5) of Public Law 97-444 (96 Stat. 2320)) as subsection (r).

(2) CONFORMING AMENDMENTS TO THE COMMODITY EXCHANGE ACT.—

(A) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 201(2)) is amended in paragraph (28), by striking the second sentence.

(B) Section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) is amended by striking “(except subparagraphs (C)(ii) and (D) of section 2(a)(1), except that the Commission and the Securities and Exchange Commission may by rule, regulation, or order jointly exclude any agreement, contract, or transaction from section 2(a)(1)(D))”.

(C) Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(i) in subsection (b)—

(I) in paragraph (2)—

(aa) by striking subparagraph (D); and

(bb) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(II) in paragraph (3)(B)(ii), by striking “or, if the person trades only security futures products on the facility, a national securities association registered under section 15A(a) of the Securities Exchange Act of 1934”; and

(ii) in subsection (e)(1), by striking “With respect to transactions other than transactions in security futures products, a” and inserting “A”.

(D) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended in the first sentence by striking “or section 5”.

(E) Section 12(e)(2) of the Commodity Exchange Act (7 U.S.C. 16(e)(2)) is amended—

(i) in subparagraph (A), by striking “an electronic trading facility excluded under section 2(e) of this Act” and inserting “a commodity-based swap execution facility”;

(ii) in subparagraph (B)—

(I) by striking “, 2(d), 2(f), or 2(g)” and inserting “or 2(e)”;

(II) by striking “2(h) or”; and

(III) by striking the period at the end and inserting “; and”; and

(iii) by inserting after subparagraph (B) the following:

“(C) a commodity-based swap.”.

#### **SEC. 203. REQUIRED CLEARING OF STANDARDIZED DERIVATIVES THROUGH CENTRAL COUNTERPARTIES AND USE OF TRADE REPOSITORIES.**

(a) IN GENERAL.—The Commodity Exchange Act is amended by inserting after section 4q (7 U.S.C. 60-1) the following:

#### **“SEC. 4r. REQUIRED CLEARING OF STANDARDIZED DERIVATIVES THROUGH CENTRAL COUNTERPARTIES AND USE OF TRADE REPOSITORIES.**

“(a) FINDINGS.—Congress finds that—

“(1) the proliferation of over-the-counter commodity-based swaps poses unacceptable risks to the financial system;

“(2) clearing standardized commodity-based swaps through well-regulated central counterparties would reduce systemic risk in the financial system;

“(3) the markets for standardized commodity-based swaps suffer from a lack of reliable and accurate transaction information that is available to the public, market participants, producers, and regulators; and

“(4) weaknesses in the regulation of markets for standardized commodity-based swaps have detracted from the efficiency and transparency of trading in the markets and hampered the surveillance and oversight of the markets.

“(b) PURPOSES.—The purposes of this section are—

“(1) to establish well-regulated markets for standardized commodity-based swaps that promote efficiency and transparency of trading and enhance the surveillance and oversight of the markets; and

“(2) to promote the public interest, the protection of market participants, and the maintenance of fair and orderly markets by ensuring—

“(A) the prompt and accurate clearance and settlement of transactions in standardized commodity-based swaps;

“(B) the prompt and accurate reporting of transactions in commodity-based derivative instruments to a trade repository or a derivatives clearing organization;

“(C) the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options on the contracts, commodity options, and derivatives;

“(D) the availability to the public, market participants, producers, and regulators of reliable and accurate quotation and transaction information in commodity-based swaps;

“(E) economically efficient execution of transactions in commodity-based swaps; and

“(F) fair competition among markets in the trading of commodity-based swaps.

“(c) USE OF DERIVATIVES CLEARING ORGANIZATIONS.—

“(1) IN GENERAL.—Any person that is a party to a commodity-based swap that the Commission determines is ‘standardized’ shall submit such instrument for clearing to a derivatives clearing organization within the period specified by the rules of the Commission.

“(2) DEFINITION OF ‘STANDARDIZED’.—

“(A) IN GENERAL.—The Commission shall by rule, define the term ‘standardized’ for purposes of this section.

“(B) FACTORS.—In defining the term ‘standardized’, the Commission shall—

“(i) be consistent with—

“(I) the public interest;

“(II) the protection of market participants;

“(III) the safeguarding of commodity-based swap transactions and funds;

“(IV) the maintenance of fair competition among market participants and among derivatives clearing organizations; and

“(V) the purposes of this section;

“(ii) (I) consult with, and consider the views of, the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System; and

“(II) seek to maintain comparability, to the maximum extent practicable, with the Securities and Exchange Commission definition of ‘standardized’ for purposes of section 17C of the Securities Exchange Act of 1934; and

“(iii) to the extent it is applicable to a particular commodity-based swap or class of commodity-based derivative swaps, consider—

“(I) whether a derivatives clearing organization is prepared to clear the commodity-based swap and the derivatives clearing organization has effective risk management systems;

“(II) the availability or ability to facilitate standard documentation of the terms of the commodity-based swap;

“(III) the liquidity of the commodity-based swap and the underlying commodity or group or index of the commodity-based swap;

“(IV) the ability to value the commodity-based swap, or underlying commodity, con-

sistently with an accepted pricing methodology, including the availability of intraday prices; and

“(V) such other factors as are consistent with the purposes of this section.

“(3) EXEMPTIONS.—

“(A) IN GENERAL.—The Commission, by rule or order, as the Commission considers appropriate in the public interest or the protection of market participants, may conditionally or unconditionally exempt from the requirements of this subsection and the rules issued under this subsection any person, transaction, or standardized commodity-based swap.

“(B) PRIOR CONSULTATION WITH SECURITIES AND EXCHANGE COMMISSION AND BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

“(i) CONSULTATION.—Before acting by rule or order to exempt any person, transaction, or standardized commodity-based swap from this subsection, the Commission shall consult with, and consider the views of, the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System concerning whether the exemption is appropriate for the reduction of risk and in the public interest.

“(ii) NOTICE REQUIRED.—Forty-five days prior to issuing any exemption, the Commission shall send a notice to the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System describing such exemption.

“(iii) PROHIBITION ON ISSUANCE.—If either the Securities and Exchange Commission or the Board of Governors of the Federal Reserve System issues a finding that such an exemption does not meet the standard in clause (i), the Commission shall not grant the exemption.

“(iv) DEADLINE.—Any finding by the Securities and Exchange Commission or the Board of Governors of the Federal Reserve System shall be made and received in writing by the Commission not later than 30 days after the date of receipt of a notice of a proposed exemption by the Commission.

“(v) NONDELEGATION.—Action by the Securities and Exchange Commission or the Board of Governors under this subparagraph may not be delegated.

“(d) TRADE REPOSITORIES.—

“(1) USE OF TRADE REPOSITORIES.—

“(A) IN GENERAL.—Any person that enters into or effects a transaction in a commodity-based swap shall submit the transaction for clearing to a derivatives clearing organization or report the transaction to a trade repository registered in accordance with this subsection within the period specified by any rule adopted under subsection (e).

“(B) INFORMATION.—The Commission may, by rule, require any person to report to derivatives clearing organizations and registered trade repositories such transaction information as the Commission considers appropriate to permit the derivatives clearing organizations and trade repositories to meet the purposes of this section.

“(2) REGISTRATION.—A trade repository may register for purposes of this subsection by filing with the Commission an application in such form as the Commission, by rule, may prescribe containing the rules of the trade repository and such other information and documents as the Commission, by rule, may prescribe as appropriate in the public interest, for the protection of market participants, or for the prompt and accurate collection, calculation, processing, and preparation of information regarding transactions and positions in commodity-based swap.

“(3) COMMISSION PROCEDURES FOR APPLICATIONS.—

“(A) IN GENERAL.—On the filing of an application for registration pursuant to paragraph (2), the Commission shall publish notice of the filing and afford interested persons an opportunity to submit written data, views, and arguments concerning the application.

“(B) ACTIONS.—Not later than 90 days after the date of the publication of the notice (or, with the consent of the applicant, a longer period), the Commission shall—

“(i) by order grant the registration; or

“(ii) institute proceedings to determine whether the registration should be denied.

“(C) PROCEDURE FOR DENIALS.—

“(i) IN GENERAL.—The proceedings described in subparagraph (B)(ii) shall—

“(I) include notice of the grounds for denial under consideration and an opportunity for a hearing; and

“(II) be concluded not later than 180 days after the date of publication of notice of the filing of the application for registration.

“(ii) ACTIONS.—At the conclusion of the proceedings the Commission, by order, shall grant or deny the registration.

“(iii) EXTENSIONS.—The Commission may extend the time for the conclusion of the proceedings for—

“(I) not more than 60 days if the Commission—

“(aa) finds good cause for the extension; and

“(bb) publishes a description of the reasons of the Commission for the finding; or

“(II) with the consent of the applicant, a longer period.

“(D) STANDARDS FOR GRANTING REGISTRATION.—The Commission shall grant the registration of a trade repository for purposes of this section if the Commission finds that the trade repository is so organized, and has the capacity—

“(i) to assure the prompt, accurate, and reliable performance of the functions of a trade repository;

“(ii) to comply with this Act (including rules and regulations issued under this Act); and

“(iii) to carry out the functions of a trade repository in a manner consistent with the purposes of this section.

“(E) STANDARD FOR DENIAL OF REGISTRATION.—The Commission shall deny the registration of a trade repository if the Commission does not make a finding described in subparagraph (D).

“(4) WITHDRAWAL OF REGISTRATION.—

“(A) IN GENERAL.—A registered trade repository may, on such terms and conditions as the Commission considers appropriate in the public interest or for the protection of market participants, withdraw from registration by filing a written notice of withdrawal with the Commission.

“(B) CANCELLATION.—If the Commission finds that any trade repository is no longer in existence or has ceased to do business in the capacity specified in the application of the trade repository for registration, the Commission, by order, shall cancel the registration.

“(5) ACCESS TO TRADE REPOSITORY SERVICES.—

“(A) NOTICE OF PROHIBITION OR LIMITATION ON ACCESS.—

“(i) IN GENERAL.—If any registered trade repository prohibits or limits any person access to services offered, directly or indirectly, by the trade repository, the registered trade repository shall promptly file notice of the prohibition or limitation with the Commission.

“(ii) CONTENT.—A notice under clause (i) shall be in such form and contain such information as the Commission, by rule, may prescribe as appropriate in the public interest or for the protection of investors.

“(B) REVIEW BY COMMISSION.—Any prohibition or limitation on access to services with respect to which a registered trade repository is required by subparagraph (A) to file notice shall be subject to review by the Commission on—

“(i) the motion of the Commission; or

“(ii) application by any person aggrieved by the prohibition or limitation filed—

“(I) not later than 30 days after the date on which the notice described in subparagraph (A) has been filed with the Commission and received by the aggrieved person; or

“(II) within such longer period as the Commission may determine.

“(C) STAYS.—

“(i) IN GENERAL.—Application to the Commission for review, or the institution of review by the Commission on the motion of the Commission, shall not operate as a stay of the prohibition or limitation, unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay.

“(ii) HEARING.—A hearing under clause (i) may consist solely of the submission of affidavits or presentation of oral arguments.

“(iii) EXPEDITED PROCEDURE.—The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

“(D) STANDARDS OF REVIEW.—

“(i) DISMISSAL OF PROCEEDINGS.—In any proceeding to review the prohibition or limitation of any person to access to services offered by a registered trade repository, the Commission, by order, shall dismiss the proceeding if the Commission finds, after notice and opportunity for hearing, that—

“(I) the prohibition or limitation is consistent with this Act (including rules and regulations); and

“(II) the person has not been discriminated against unfairly.

“(ii) ACCESS TO SERVICES.—If the Commission does not make a finding described in clause (i) or the Commission finds that the prohibition or limitation imposes any burden on competition that is not appropriate in furtherance of the purposes of this Act, the Commission, by order, shall—

“(I) set aside the prohibition or limitation; and

“(II) require the registered trade repository to permit the person access to the services offered by the registered trade repository to which the prohibition or limitation applied.

“(6) ADMINISTRATIVE PROCEEDING AUTHORITY.—The Commission, by order, may censure or place limitations on the activities, functions, or operations of any registered trade repository or suspend for a period not exceeding 12 months or revoke the registration of any trade repository, if the Commission finds, on the record after notice and opportunity for hearing, that—

“(A) the censure, placing of limitations, suspension, or revocation is appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act; and

“(B) the trade repository has violated or is unable to comply with any provision of this Act (including rules or regulations).

“(7) RULEMAKING AUTHORITY.—No registered trade repository shall, directly or indirectly, engage in any activity as a trade repository in contravention of such rules and

regulations as the Commission may prescribe—

“(A) as appropriate in the public interest;

“(B) for the protection of market participants; or

“(C) otherwise in furtherance of the purposes of this Act, including to ensure that all persons may obtain on terms that are fair and reasonable and not unreasonably discriminatory such transaction and position information for commodity-based swaps as is disseminated by any derivatives clearing organization or trade repository.

“(8) CONSULTATION.—

“(A) IN GENERAL.—Prior to adopting any rules applicable to trade repositories pursuant to subsection (g), the Commission shall consult with and consider the views of the Securities and Exchange Commission.

“(B) COMPARABILITY.—The Commission and the Securities and Exchange Commission shall seek to maintain comparability, to the maximum extent practicable, of applicable respective recordkeeping and reporting requirements for trade repositories.

“(e) TIMING.—The Commission may by rule specify the date by which persons are required—

“(1) to submit transactions in standardized commodity-based swaps for clearing to a derivatives clearing organization pursuant to subsection (c); and

“(2)(A) to submit transactions in commodity-based swaps for clearing to a derivatives clearing organization; or

“(B) to report transactions in the commodity-based derivative instruments to a registered trade repository pursuant to subsection (d).

“(f) COLLECTION, CONSOLIDATION, AND DISSEMINATION OF INFORMATION ON TRANSACTIONS AND POSITIONS IN COMMODITY-BASED SWAPS.—

“(1) COMMISSION ACTION REQUIRED.—The Commission shall, consistent with the public interest, the protection of market participants, the maintenance of fair and orderly markets, and the purposes of this section, use the authority of the Commission under this Act to facilitate—

“(A) the collection, consolidation, and dissemination of information on transactions and positions in commodity-based swaps; and

“(B) the establishment of coordinated facilities for the consolidation of information on transactions and positions in commodity-based swaps.

“(2) ACTIONS REQUIRED BY REGISTERED ENTITIES.—The Commission, by rule, regulation, or order, may require each derivatives clearing organization that clears transactions in commodity-based swaps, and each registered trade repository registered or applying to become registered, in such form and frequency as the Commission shall prescribe as appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act—

“(A) to disseminate certain transaction or position information concerning commodity-based swaps; and

“(B) to ensure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to transactions and positions, as appropriate, cleared by or reported to the derivatives clearing organization or the registered trade repository.

“(g) RECORDS, REPORTS, AND EXAMINATIONS.—

“(1) IN GENERAL.—Each registered trade repository shall make and keep for prescribed periods such records, furnish such copies of the records, and make and disseminate such

reports as the Commission, by rule, prescribes as appropriate in the public interest, or otherwise in furtherance of the purposes of this Act.

“(2) EXAMINATIONS.—All records with regard to commodity-based swaps of a registered trade repository shall be subject at any time to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission considers appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act.”.

(b) DERIVATIVES CLEARING ORGANIZATIONS.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a-1) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) REGISTRATION REQUIREMENT.—It shall be unlawful for a derivatives clearing organization, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization with respect to a contract of sale of a commodity for future delivery (or option on such a contract) or option on a commodity, or a commodity-based swap, in each case unless the contract, option, or commodity-based swap is not required to be cleared under this Act.

“(b) VOLUNTARY REGISTRATION.—A derivatives clearing organization that clears agreements, contracts, or transactions that are not required to be cleared under this Act may register with the Commission as a derivatives clearing organization.”.

(2) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

“(1) APPLICATION.—A person desiring to register as a derivatives clearing organization shall submit to the Commission an application in such form and containing the rules of the derivatives clearing organization and such other information and documents as the Commission, by rule, may prescribe as appropriate in the public interest or for the purpose of making the determinations required for approval under this section.”;

(B) in paragraph (2)—

(i) by striking subparagraph (B) and inserting the following:

“(B) FINANCIAL RESOURCES.—The applicant shall demonstrate that the applicant has adequate financial, operational, and managerial resources to discharge the responsibilities of a derivatives clearing organization and to manage all associated risks.”; and

(ii) by adding at the end the following:

“(O) MARKET PARTICIPANT ACCESS.—The applicant shall establish appropriate standards to ensure open and fair access to all persons that meet the ongoing and continuing participant eligibility standards of the organization with respect to commodity-based swaps and to accept for clearing from the participants all commodity-based swaps that meet the product eligibility standards of the organization, regardless of where the transactions are executed.”; and

(C) by adding at the end the following:

“(4) COMMISSION PROCEDURES FOR GRANTING REGISTRATION TO DERIVATIVES CLEARING ORGANIZATIONS FOR CLEARING COMMODITY-BASED SWAPS.—

“(A) IN GENERAL.—The Commission shall, on the filing of an application for registration pursuant to paragraph (2) for purposes of clearing commodity-based swaps, publish notice of the filing and afford interested persons an opportunity to submit written data,

views, and arguments concerning the application.

“(B) ACTIONS.—Not later than 90 days after the date of the publication of the notice (or, with the consent of the applicant, a longer period), the Commission shall—

“(i) by order grant the registration; or

“(ii) institute proceedings to determine whether registration should be denied.

“(C) PROCEEDINGS.—

“(i) IN GENERAL.—The proceedings described in subparagraph (B)(ii) shall—

“(I) include notice of the grounds for denial under consideration and opportunity for hearing; and

“(II) be concluded not later than 180 days after the date of publication of notice of the filing of the application for registration.

“(ii) ACTIONS.—At the conclusion of the proceedings the Commission, by order, shall grant or deny the registration.

“(iii) EXTENSIONS.—The Commission may extend the time for the conclusion of the proceedings for—

“(I) not more than 60 days if the Commission—

“(aa) finds good cause for the extension; and

“(bb) publishes the reasons of the Commission for the finding; or

“(II) with the consent of the applicant, a longer period.

“(iv) STANDARD FOR REGISTRATION.—

“(I) IN GENERAL.—The Commission shall grant the registration of a derivatives clearing organization if the Commission finds that the derivatives clearing organization is so organized, and has the capacity, to be able—

“(aa) to ensure the prompt, accurate, and reliable performance of the functions of a derivatives clearing organization;

“(bb) to comply with this Act (including rules and regulations); and

“(cc) to carry out the functions of a derivatives clearing organization in a manner consistent with the purposes and core principles of this section.

“(II) DENIAL.—The Commission shall deny the registration of a derivatives clearing organization if the Commission does not make a finding described in subclause (I).

“(5) WITHDRAWAL OF REGISTRATION.—For purposes of clearing commodity-based swaps, a derivatives clearing organization may, on such terms and conditions as the Commission considers appropriate in the public interest or for the protection of market participants, withdraw from registration by filing a written notice of withdrawal with the Commission.

“(6) ACCESS TO DERIVATIVES CLEARING ORGANIZATION TO CLEAR COMMODITY-BASED SWAPS.—

“(A) NOTICE OF PROHIBITION OR LIMITATION.—

“(i) IN GENERAL.—For purposes of clearing commodity-based swaps, if any derivatives clearing organization prohibits or limits any person access to services offered, directly or indirectly, by the derivatives clearing organization, the derivatives clearing organization shall promptly file notice of the prohibition or denial with the Commission.

“(ii) CONTENTS.—The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as appropriate in the public interest.

“(B) REVIEW BY COMMISSION.—Any prohibition or limitation on access to services with respect to which a derivatives clearing organization is required by subparagraph (A) to file notice shall be subject to review by the Commission on—

“(i) the motion of the Commission; or

“(ii) application by any person aggrieved by the prohibition or limitation filed—

“(I) not later than 30 days after the date the notice described in subparagraph (A) has been filed with the Commission and received by the aggrieved person; or

“(II) within such longer period as the Commission may determine.

“(C) STAYS.—

“(i) IN GENERAL.—Application to the Commission for review, or the institution of review by the Commission on the motion of the Commission, shall not operate as a stay of the prohibition or limitation, unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay.

“(ii) HEARING.—A hearing under clause (i) may consist solely of the submission of affidavits or presentation of oral arguments.

“(iii) EXPEDITED PROCEDURE.—The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

“(D) ACTIONS.—

“(i) DISMISSAL OF PROCEEDINGS.—For purposes of clearing commodity-based swaps, in any proceeding to review the prohibition or limitation of any person in respect of access to services offered by a derivatives clearing organization, the Commission, by order, shall dismiss the proceeding if the Commission finds, after notice and opportunity for hearing, that—

“(I) the prohibition or limitation is consistent with this Act (including rules and regulations); and

“(II) the person has not been discriminated against unfairly.

“(ii) ACCESS TO SERVICES.—If the Commission does not make a finding described in clause (i), or if the Commission finds that the prohibition or limitation imposes any burden on competition not appropriate in furtherance of the purposes of this Act, the Commission, by order, shall—

“(I) set aside the prohibition or limitation; and

“(II) require the registered trade repository to permit the person access to the services offered by the derivatives clearing organization to which the prohibition or limitation applied.

“(7) ADMINISTRATIVE PROCEEDING AUTHORITY.—The Commission, by order, may censure or place limitations on the activities, functions, or operations of any derivatives clearing organization that is clearing commodity-based swaps, or suspend for a period not exceeding 12 months or revoke the registration of any derivatives clearing organization, if the Commission finds, on the record after notice and opportunity for hearing, that—

“(A) the censure, placing of limitations, suspension, or revocation is appropriate in the public interest and for the protection of market participants or otherwise in furtherance of the purposes of this Act; and

“(B) the derivatives clearing organization has violated or is unable to comply with any provision of this Act (including rules or regulations).

“(8) RULEMAKING AUTHORIZATION.—For purposes of clearing commodity-based swaps, no derivatives clearing organization shall, directly or indirectly, engage in any activity as a derivatives clearing organization in contravention of such rules and regulations as the Commission may prescribe—

“(A) as appropriate in the public interest;

“(B) for the protection of market participants; or

“(C) otherwise in furtherance of the purposes of this Act.

“(9) RECORDS, REPORTS, AND EXAMINATIONS.—

“(A) IN GENERAL.—Each derivatives clearing organization shall, for purposes of clearing commodity-based swaps, make and keep for prescribed periods such records, furnish such copies of the records, and make and disseminate such reports as the Commission, by rule, prescribes as appropriate in the public interest, or otherwise in furtherance of the purposes of this Act.

“(B) EXAMINATIONS.—For purposes of clearing commodity-based derivative instruments, all records of a derivatives clearing organization shall be subject at any time to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission considers appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act.”

**SEC. 204. PRUDENTIAL SUPERVISION AND REGULATION OF SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS AND INCENTIVES FOR TRADING ON REGULATED EXCHANGES.**

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4r (as added by section 203(a)) the following:

**“SEC. 4s. REGULATION OF SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS.**

“(a) DEFINITION OF APPROPRIATE REGULATORY AUTHORITY.—In this section, the term ‘appropriate regulatory authority’ means—

“(1) the appropriate Federal banking agency (as defined in section 1813(q) of title 12, United States Code), with respect to a significant commodity-based derivatives market participant that is an insured depository institution (as defined in section 1813(c) of title 12, United States Code), but not an affiliate of an insured depository institution;

“(2) the Federal Housing Finance Agency, with respect to a significant commodity-based derivatives market participant that is a regulated entity (as defined in section 4502 of title 12, United States Code);

“(3) the Commission, with respect to a significant commodity-based derivatives market participant that is—

“(A) a futures commission merchant or an introducing broker, other than a futures commission merchant or an introducing broker registered pursuant to section 4f(a) or an affiliate of an insured depository institution; or

“(B) a commodity pool operator or commodity trading advisor, other than an affiliate of an insured depository institution; and

“(4) the Securities and Exchange Commission, with respect to a significant commodity-based derivatives market participant—

“(A) that is a broker or dealer, as those terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) (other than a broker or dealer registered under section 15(b)(11) of that Act (15 U.S.C. 78o(b)(11)) that is not an affiliate of an insured depository institution); or

“(B) for which there is not another appropriate regulatory authority otherwise specified in this subsection.

“(b) REGISTRATION BY SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS.—It shall be unlawful for any significant commodity-based derivatives market participant to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to in-

duce or attempt to induce a transaction in, any commodity-based swap unless the significant commodity-based derivatives market participant has registered in accordance with subsection (c).

“(c) MANNER OF REGISTRATION OF SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS.—

“(1) IN GENERAL.—A significant commodity-based derivatives market participant subject to the registration requirement of subsection (b) may register by filing with the Commission an application for registration in such form and containing such information and documents concerning the significant commodity-based derivatives market participant as the Commission, by rule, regulation, or order, may prescribe as appropriate in the public interest or for the protection of market participants.

“(2) ACTION BY THE COMMISSION.—

“(A) IN GENERAL.—Not later than 45 days after the date of filing of an application under paragraph (1) (or, with the consent of the applicant, a longer period), the Commission shall—

“(i) by order grant registration; or

“(ii) institute proceedings in accordance with subparagraph (B) to determine whether the registration should be denied.

“(B) PROCEEDINGS.—

“(i) IN GENERAL.—Proceedings initiated under subparagraph (B)(ii) shall include notice of the grounds for denial under consideration and opportunity for hearing.

“(ii) CONCLUSION.—Not later than 120 days after the date of the filing of the application for registration, the Commission shall conclude the proceedings and, by order, grant or deny the registration.

“(iii) EXTENSION.—The Commission may extend the time for the conclusion of a proceedings for up to 90 days (or, with the consent of the applicant, a longer period) if the Commission finds good cause for the extension and publishes the reasons for the extension.

“(C) BASIS FOR DETERMINATION.—

“(i) IN GENERAL.—The Commission shall grant the registration of a significant commodity-based derivatives market participant if the Commission finds that the requirements of this section are satisfied.

“(ii) DENIAL.—The Commission shall deny the registration if the Commission does not make a finding under clause (i) or if the Commission finds that if the applicant were registered, the registration of the applicant would be subject to suspension or revocation under subsection (f).

“(3) WITHDRAWAL.—Any person that has filed an application pursuant to paragraph (1) may, on such terms and conditions as the Commission determines appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act, withdraw the application by filing a written withdrawal with the Commission.

“(d) BUSINESS CONDUCT REQUIREMENTS.—

“(1) DEFINITION OF REGULATED PERSON.—In this subsection, the term ‘regulated person’ means—

“(A) a significant commodity-based derivatives market participant; and

“(B) any other class of persons that the Commission may determine by rule, regulation, or order to be subject to this subsection.

“(2) PROHIBITION.—It shall be unlawful for any regulated person to make use of the mails or any means or instrumentality of

interstate commerce to effect any transaction in, or to induce or attempt to induce a transaction in, any commodity-based swap, unless the regulated person complies with such business conduct requirements as the Commission and the Securities and Exchange Commission, in consultation with the appropriate regulatory authorities, may jointly prescribe by rule, regulation, or order, as appropriate in the public interest, for the protection of market participants, and otherwise in furtherance of the purposes of this Act.

“(3) REQUIREMENTS.—Business conduct requirements prescribed under this subsection shall—

“(A) establish the standard of care required for a regulated person to verify that any counterparty meets the eligibility standards for an eligible contract participant or qualified institutional buyer (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)));

“(B) require disclosure by the regulated person to any counterparty to the transaction of—

“(i) material product-specific information about the risks and characteristics of the commodity-based swap;

“(ii) the source and amount of any fees or other material remuneration that the regulated person would directly or indirectly expect to receive in connection with the commodity-based swap; and

“(iii) any other material incentives or conflicts of interest that the regulated person may have in connection with the commodity-based swap;

“(C) establish a minimum standard of conduct for a regulated person with respect to any counterparty, other than a qualified institutional buyer (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), for—

“(i) providing disclosure of the general risks and characteristics of any commodity-based swap;

“(ii) communicating in a fair and balanced manner based on principles of fair dealing and good faith;

“(iii) assessing the appropriateness of any commodity-based swap for the counterparty, except that in the case of a counterparty that is an eligible contract participant specified in clause (iv), the regulated person may rely on the representations described in clause (iv)(VI) that the transaction is appropriate for the counterparty; and

“(iv) with respect to a counterparty that is an eligible contract participant (within the meaning of subclause (I) or (II) of section 1a(15)(A)(vii)), having a reasonable basis to believe that the counterparty has an independent representative that—

“(I) has sufficient knowledge to evaluate the transaction and risks;

“(II) is not subject to a statutory disqualification;

“(III) is independent of the regulated person;

“(IV) undertakes a duty to act in the best interests of the counterparty that the independent representative represents;

“(V) makes appropriate disclosures; and

“(VI) will provide written representations to the eligible contract participant regarding fair pricing and the appropriateness of the transaction;

“(D) require the availability of information about any commodity referenced in a commodity-based swap or on which the commodity-based swap is based; and

“(E) establish such other standards and requirements as the Commission, acting jointly with the Securities and Exchange Commission and in consultation with the appropriate regulatory authorities, may determine are appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act.

“(e) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a significant commodity-based derivatives market participant to permit any associated person of the significant commodity-based derivatives market participant who is subject to a statutory disqualification to effect or be involved in effecting transactions in commodity-based swaps on behalf of the significant commodity-based derivatives market participant, if the significant commodity-based derivatives market participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

“(f) ADMINISTRATIVE PROCEEDING AUTHORITY.—

“(1) IN GENERAL.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or reject the filing of any significant commodity-based derivatives market participant that has registered with the Commission pursuant to subsection (d) if the Commission finds, on the record after notice and opportunity for hearing, that—

“(A) the censure, placing of limitations, or rejection is in the public interest; and

“(B) the significant commodity-based derivatives market participant, or any person associated with the significant commodity-based derivatives market participant effecting or involved in effecting transactions in commodity-based swaps on behalf of the significant commodity-based derivatives market participant, whether prior or subsequent to becoming so associated, has committed or omitted any act, or is subject to an order or finding, described in paragraphs (2) and (3) of section 8a.

“(2) ASSOCIATED PERSONS.—With respect to any person who is associated, who is seeking to become associated, or who, at the time of the alleged misconduct, was associated or was seeking to become associated with a significant commodity-based derivatives market participant for the purpose of effecting or being involved in effecting commodity-based swaps on behalf of the significant commodity-based derivatives market participant, the Commission, by order, shall censure, place limitations on the activities or functions of the person, or suspend for a period not exceeding 12 months, or bar the person from being associated with a significant commodity-based derivatives market participant, if the Commission finds, on the record after notice and opportunity for a hearing, that—

“(A) the censure, placing of limitations, suspension, or bar is in the public interest; and

“(B) the person has committed or omitted any act, or is subject to an order or finding, described in paragraphs (2) and (3) of section 8a.

“(3) PROHIBITION.—It shall be unlawful—

“(A) for any person with respect to whom an order under paragraph (2) is in effect, without the consent of the Commission, willfully to become, or to be, associated with a significant commodity-based derivatives market participant in contravention of the order; or

“(B) for any significant commodity-based derivatives market participant to permit a person described in subparagraph (A), without the consent of the Commission, to become or remain, a person associated with the significant commodity-based derivatives market participant in contravention of an order under paragraph (2), if the significant commodity-based derivatives market participant knew, or in the exercise of reasonable care should have known, of the order.

“(g) CAPITAL AND MARGIN REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any person to conduct business as a significant commodity-based derivatives market participant unless the person meets at all times such minimum capital and margin requirements as the appropriate regulatory authorities shall jointly prescribe, not later than 180 days after the enactment of this section, by rule or regulation as appropriate in the public interest or for the maintenance of fair and orderly markets and consistent with the purposes of this Act to provide safeguards with respect to the financial responsibility and related practices of the significant commodity-based derivatives market participant.

“(2) CAPITAL REQUIREMENTS.—In setting capital requirements for significant commodity-based derivatives market participants, the appropriate regulatory authorities shall consider among other things—

“(A) the liquidity of each commodity-based swap, including whether the commodity-based swap—

“(i) is traded on a liquid market; and

“(ii) is centrally cleared; and

“(B) whether the commodity-based swap is used to offset or hedge another instrument or asset owned by such significant commodity-based derivatives market participant.

“(3) MARGIN REQUIREMENTS.—The appropriate regulatory authorities shall jointly prescribe margin requirements, which may permit the use of noncash collateral, that apply to commodity-based swaps entered into by a significant commodity-based derivatives market participant, as the appropriate regulatory authorities jointly determine to be appropriate for the purpose of, at a minimum—

“(A) preserving the financial integrity of markets trading commodity-based swaps; and

“(B) preventing systemic risk.

“(4) COMMISSION RULES.—Nothing in this Act prevents the Commission from prescribing capital and margin requirements that are higher or more restrictive than the joint rules adopted under this subsection for significant commodity-based derivatives market participants for which the Commission is the appropriate regulatory authority.

“(h) ENFORCEMENT AUTHORITY.—Each appropriate regulatory authority shall have sole authority to enforce compliance with the rules adopted under subsection (g) in the case of each significant derivatives market participant for which the regulatory authority is the appropriate regulatory authority, as defined in subsection (a).”.

#### SEC. 205. RECORDKEEPING AND REPORTING REQUIREMENTS FOR DERIVATIVES MARKET PARTICIPANTS.

(a) IN GENERAL.—Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended by striking “SEC. 4g.” and all that follows through the end of subsection (a) and inserting the following:

#### “SEC. 4g. RECORDKEEPING AND REPORTING REQUIREMENTS FOR COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS.

“(a) IN GENERAL.—Each person registered under this Act as a futures commission merchant, introducing broker, floor broker, floor trader, or significant commodity-based derivatives market participant (or any other person that engages in transactions in commodity-based swaps as the Commission, by rule, regulation or order, designates) shall—

“(1) make such reports as are required by the Commission regarding the transactions and positions of the person, and the transactions and positions of the customers of the person, in commodities for future delivery on any board of trade in the United States or elsewhere, in any significant price discovery contract traded or executed on an electronic trading facility, in any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract, and in any commodity-based swap;

“(2) keep books and records pertaining to those transactions and positions in such form and manner and for such period as may be required by the Commission; and

“(3) make those books and records available for inspection by any representative of the Commission or the Department of Justice.”.

(b) DAILY TRADING RECORD.—Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(1) by striking subsections (c) and (d) and inserting the following:

“(c) DAILY TRADING RECORDS.—

“(1) IN GENERAL.—Each floor broker, introducing broker, futures commission merchant, significant commodity-based derivatives market participant, and any other person designated by the Commission pursuant to subsection (a) shall maintain daily trading records for each customer in such manner and form as to be identifiable with the trades referred to in subsection (b).

“(2) FORM AND REPORTS.—

“(A) IN GENERAL.—Daily trading records shall be maintained in a form suitable to the Commission for such period as may be required by the Commission.

“(B) REPORTS.—Reports shall be made from the records maintained at such time, in such manner, and at such places as the Commission may prescribe by rule, order, or regulation in order to protect the public interest and the interest of persons trading in commodity futures or commodity-based swaps.”; and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

#### SEC. 206. PROHIBITION OF MARKET MANIPULATION, FRAUD, AND OTHER MARKET ABUSES.

(a) POSITION LIMITS.—

(1) IN GENERAL.—Section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) is amended—

(A) by striking “SEC. 4a. (a) Excessive” and inserting the following:

#### “SEC. 4a. EXCESSIVE SPECULATION AS BURDEN ON INTERSTATE COMMERCE.

“(a) EXCESSIVE SPECULATION.—

“(1) IN GENERAL.—“Excessive”;

(B) by designating the first through sixth sentences as paragraphs (1) through (6), respectively;

(C) in paragraph (1) (as so designated), by striking “on electronic trading facilities with respect to a significant price discovery contract” and inserting “commodity-based swaps that perform or affect a significant price discovery function”;

(D) in paragraph (2) (as so designated)—

(i) by inserting “, including any group or class of traders,” after “held by any person”; and

(ii) by striking “on an electronic trading facility with respect to a significant price discovery contract,” and inserting “commodity-based swaps that perform or affect a significant price discovery function,”; and

(E) by adding at the end the following:

“(7) AGGREGATE POSITION LIMITS AND POSITION REPORTING FOR COMMODITY-BASED SWAPS.—The Commission may, by rule or regulation, establish limits (including related hedge exemption provisions) on, or otherwise prescribe requirements regarding, the aggregate number of positions in commodity-based swaps based on the same underlying commodity that may be held by any person, including any group or class of traders, for each month across—

“(A) contracts listed by designated contract markets;

“(B) contracts traded on a foreign board of trade; and

“(C) commodity-based swaps that perform or affect a significant price discovery function.

“(8) CONSIDERATIONS.—In making a determination whether a commodity-based swap performs or affects a significant price discovery function, the Commission shall consider the extent to which the commodity-based swap has a significant price linkage, price discovery relationship, or other significant price relationship with 1 or more contracts listed by designated contract markets.

“(9) REPORTS.—The Commission may, by rule or regulation, require any person that effects transactions for the account of the person or the account of others in any commodity-based swap to report such information as the Commission may prescribe regarding any position or positions in the commodity-based swaps.

“(10) EXEMPTIONS.—The Commission, by rule or regulation, may conditionally or unconditionally exempt any person or class of persons, any commodity-based swap or class of commodity-based swaps, or any transaction or class of transactions from any requirement the Commission establishes under this section with respect to position limits for commodity-based swaps.”.

(2) CONFORMING AMENDMENTS.—Section 4a(b) of the Commodity Exchange Act (7 U.S.C. 6a(b)) is amended—

(A) in paragraph (1), by striking “or electronic trading facility” and inserting “or 1 or more regulated electronic transparent trade execution systems”; and

(B) in paragraph (2), by striking “or electronic trading facility” and inserting “or regulated electronic transparent trade execution system”.

(b) PROHIBITIONS.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “or” after the semicolon at the end;

(B) in paragraph (2)(ii), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(3) for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, to effect any transaction in, or to induce or attempt to induce a transaction in, any commodity-based swap, in connection with which the person—

“(A) engages in any fraudulent, deceptive, or manipulative act or practice;

“(B) makes any fictitious quotation; or

“(C) engages in any transaction, practice, or course of business that operates as a fraud or deceit on any person.”; and

(2) in subsection (b)—

(A) by striking “Subsection (a)(2) of this section” and inserting the following:

“(1) IN GENERAL.—Subsection (a)(2);” and

(B) by adding at the end the following:

“(2) COMMODITY-BASED SWAPS.—

“(A) IN GENERAL.—For the purposes of subsection (a)(3), the Commission shall, by rule, regulation, or order, define and prescribe means reasonably designed to prevent—

“(i) such transactions, acts, practices, and courses of business as are fraudulent, deceptive, or manipulative; and

“(ii) such quotations as are fictitious.

“(B) REQUIREMENTS.—In adopting rules, regulations, or orders under subparagraph (A), the Commission shall—

“(i) consult with the Securities and Exchange Commission; and

“(ii) seek to maintain comparability of the rules, regulations, or orders with similar rules of the Securities and Exchange Commission.”.

#### SEC. 207. PROTECTIONS FOR MARKETING COMMODITY-BASED SWAPS TO CERTAIN PERSONS.

(a) DEFINITION OF ELIGIBLE CONTRACT PARTICIPANT.—Paragraph (15) of section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as redesignated by section 201(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting “(as defined in paragraph (18) as in effect on the date of enactment of the Comprehensive Derivatives Regulation Act of 2009)” after “financial institution”;

(B) in clause (iv)(I), by striking “total assets” and inserting “total net assets”;;

(C) in clause (v)—

(i) in subclause (I), by striking “total assets exceeding \$10,000,000” and inserting “total net assets exceeding \$10,000,000; or”;

(ii) by striking subclause (II);

(iii) by redesignating subclause (III) as subclause (II); and

(iv) in item (aa) of subclause (II) (as so designated), by striking “a net worth exceeding \$1,000,000” and inserting “total net assets exceeding \$5,000,000”;

(D) in clause (vii), by striking subclause (III) and the undesignated matter following that subclause and inserting the following:

“(III) an instrumentality, agency, or department of an entity described in subclause (I) or (II);

except that the term does not include an entity, political subdivision, instrumentality, agency, or department described in subclause (I) or (III) unless the entity, political subdivision, instrumentality, agency, or department owns and invests on a discretionary basis \$50,000,000 or more in investments, except that, with respect to any State or entity, political subdivision, agency or department of a State, that amount is exclusive of any proceeds from any offering of municipal securities;”;

(E) by striking clause (xi) and inserting the following:

“(xi) an individual who—

“(I) owns and invests on a discretionary basis not less than \$10,000,000;

“(II) owns and invests on a discretionary basis not less than \$5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual; or

“(III) is an officer or director of an entity (or a person performing similar functions)

and who enters into the agreement, contract, or transaction in order to manage the risk associated with the securities of the entity owned by the individual at the time of entering into the agreement, contract, or transaction;”;

(2) in subparagraph (C), by inserting “by rule, jointly with the Securities and Exchange Commission,” after “determines”.

(b) LIMITATION ON PARTICIPATION IN COMMODITY-BASED SWAPS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by section 202(a)(2)(A)) is amended by adding at the end the following:

“(f) LIMITATION ON PARTICIPATION IN COMMODITY-BASED SWAPS.—It shall be unlawful for any person, other than an eligible contract participant, to enter into a commodity-based swap.”.

#### SEC. 208. COMMODITY-BASED SWAP EXECUTION FACILITIES.

The Commodity Exchange Act is amended by inserting after section 5g (7 U.S.C. 7b-2) the following:

##### “SEC. 5h. COMMODITY-BASED SWAP EXECUTION FACILITIES.

“(a) REGISTRATION.—No person may operate a trading facility for commodity-based swaps, unless the trading facility is registered as a commodity-based swap execution facility under this section.

“(b) CRITERIA FOR REGISTRATION.—

“(1) IN GENERAL.—To be registered as a commodity-based swap execution facility, a facility shall demonstrate to the Commission that the facility meets the criteria specified in this section.

“(2) TRADING AND PARTICIPATION RULES.—The commodity-based swap execution facility shall—

“(A) establish and enforce trading and participation rules that will deter abuses; and

“(B) have the capacity to detect, investigate, and enforce the rules, including the capacity—

“(i) to obtain information necessary to perform the functions required under this section;

“(ii) to provide market participants with impartial access to the market; and

“(iii) to obtain information that may be used in establishing whether rule violations have occurred.

“(3) TRADING PROCEDURES.—The commodity-based swap execution facility shall establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders for commodity-based swaps on the facilities of the commodity-based swap execution facility.

“(4) FINANCIAL INTEGRITY.—The commodity-based swap execution facility shall establish and enforce rules and procedures to ensure the financial integrity of commodity-based swaps entered on or through the facilities of the commodity-based swap execution facility, including the clearance and settlement of commodity-based swaps pursuant to section 2(f).

“(c) PRINCIPLES FOR COMMODITY-BASED SWAP EXECUTION FACILITIES.—

“(1) COMPLIANCE.—

“(A) IN GENERAL.—To maintain registration as a commodity-based swap execution facility, the facility shall comply with the principles specified in this subsection.

“(B) DISCRETION.—Except in cases in which the Commission adopts rules or regulations pursuant to section 8a(5), the commodity-based swap execution facility shall have reasonable discretion in establishing the manner in which the facility complies with this subsection.

“(2) RULES.—The commodity-based swap execution facility shall monitor and enforce compliance with any of the rules of the facility, including—

“(A) the terms and conditions of the commodity-based swaps traded on or through the facility; and

“(B) any limitations on access to the facility.

“(3) PREVENTION OF MANIPULATION.—

“(A) IN GENERAL.—The commodity-based swap execution facility shall permit trading only in commodity-based swaps that are not readily susceptible to manipulation.

“(B) MONITORING.—The commodity-based swap execution facility shall monitor trading in commodity-based swaps to prevent price manipulation, price distortion through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

“(4) POSITION LIMITATIONS AND ACCOUNTABILITY.—

“(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion, and to eliminate or prevent excessive speculation (as described in section 4a(a)), the commodity-based swap execution facility shall adopt for each of the contracts of the facility, as appropriate, position limitations or position accountability for speculators.

“(B) LIMITATION LEVEL.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the commodity-based derivative execution facility shall set the position limitations of the facility at a level that is not higher than the Commission limitation.

“(5) INFORMATION SHARING.—The commodity-based swap execution facility shall—

“(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this subsection;

“(B) provide the information to the Commission on request; and

“(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

“(6) ACCESSIBILITY.—The commodity-based swap trade execution facility shall make public timely information on price, trading volume, and other trading data to the extent appropriate for commodity-based swaps.

“(7) MAINTENANCE OF RECORDS.—The commodity-based derivative instrument execution facility shall—

“(A) maintain records of all activities related to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of at least 5 years; and

“(B) submit to the Commission such reports as the Committee may require, at such time, in such manner, and containing such information as is determined by the Commission to be necessary for the Commission to perform the responsibilities of the Commission.

“(8) EMERGENCY AUTHORITY.—The commodity-based swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as appropriate, including the authority to suspend or curtail trading in a commodity-based swap.

“(9) CONFLICTS OF INTEREST.—The commodity-based derivative instrument execution facility shall—

“(A) establish and enforce rules to minimize conflicts of interest in the decision-making process of the facility; and

“(B) establish a process for resolving the conflicts of interest.

“(d) TRADING BY CONTRACT MARKETS.—A board of trade that operates a contract market shall, to the extent that the board of trade also operates a commodity-based swap execution facility and uses the same electronic trade execution system for trading on the contract market and the commodity-based swap execution facility, identify whether the electronic trading is taking place on the contract market or the commodity-based swap execution facility.”.

#### SEC. 209. ENFORCEMENT.

Section 6c of the Commodity Exchange Act (7 U.S.C. 13a-1) (as amended by section 202(b)(1)(I)) is amended by adding at the end the following:

“(h) ENFORCEMENT OF PROVISIONS APPLICABLE TO DERIVATIVES MARKET PARTICIPANTS.—

“(1) DEFINITION OF APPLICABLE PROVISION.—In this subsection, the term ‘applicable provision’ means any of section 4a(a), subsections (a), (c), and (d) of section 4g, sections 4r and 4s, and subsections (a) through (c)(1), (2), and (4) of section 5b.

“(2) ENFORCEMENT BY OTHER AGENCIES.—In addition to enforcement by the Commission under this Act of compliance with applicable provisions, to the extent applicable to commodity-based swaps, such compliance shall be enforced under—

“(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the appropriate Federal banking agency, in the case of an insured depository institution, as those terms are defined in section 3 of that Act (12 U.S.C. 1813), but not an affiliate of such an insured depository institution;

“(B) the securities laws, as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), by the Securities and Exchange Commission, in the case of—

“(i) a broker or dealer, as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) (other than a broker or dealer registered under section 15(b)(11) of that Act (15 U.S.C. 78o(b)(11)) that is not an affiliate of an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

“(ii) an investment adviser, as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a));

“(iii) an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3);

“(iv) any other entity for which the Securities and Exchange Commission is a primary regulator;

“(v) any affiliate of an insured depository institution; or

“(vi) any other person that is not—

“(I) a futures commission merchant or an introducing broker (except a futures commission merchant or an introducing broker registered pursuant to section 4f(a) of this Act or an affiliate of an insured depository institution);

“(II) a commodity pool operator or commodity trading advisor (except an affiliate of an insured depository institution); or

“(III) a person specified in subparagraph (A) or (C); and

“(C) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), by the Federal Housing Finance Agency, in the case of a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

“(3) VIOLATIONS TREATED AS VIOLATIONS OF OTHER LAWS.—

“(A) IN GENERAL.—For purposes of the exercise by any agency referred to in para-

graph (2) of the powers of the agency under any provision of law referred to in that paragraph, a violation of any applicable provision, as the provision applies to commodity-based swaps, shall be considered to be a violation of a requirement imposed under that provision of law.

“(B) ADDITIONAL AUTHORITY.—In addition to its powers under any provision of law specifically referred to in paragraph (2), each of the agencies referred to in that paragraph may exercise, for the purpose of enforcing compliance with applicable provisions, as the applicable provisions apply to commodity-based swaps, any other authority conferred on the agency by law.”.

#### SEC. 210. ENFORCEABILITY OF COMMODITY-BASED SWAPS.

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by striking paragraph (4) and inserting the following:

“(4) CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.—No agreement, contract, or transaction that is a commodity-based swap shall be void, voidable, or unenforceable by either party to the commodity-based swap, and no party to the commodity-based swap shall be entitled to rescind, or recover any payment made with respect to, the commodity-based swap under this section or any other provision of this Act based solely on the failure of either party to the agreement, contract, or transaction to satisfy its respective obligations under section 4a(a), subsections (a), (c), and (d) of section 4g, sections 4r and 4s, and subsections (a) through (c)(1), (2), and (4) of section 5b with respect to the commodity-based swap.”.

#### TITLE III—OTHER PROVISIONS

#### SEC. 301. MARGINING AND OTHER RISK MANAGEMENT STANDARDS FOR CENTRAL COUNTERPARTIES.

(a) AGENCY ACTIONS.—The Securities and Exchange Commission and the Commodity Futures Trading Commission shall each promulgate rules requiring each clearing agency (as defined in section 3(a)(23) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(23))) and derivatives clearing organization (as defined in section 1a(13) of the Commodity Exchange Act (7 U.S.C. 1a(13))) to have robust risk management controls, including risk margin collateral requirements, to assure the ability to meet their settlement obligations.

(b) CONSULTATION REQUIRED.—To assure regulation of risk management controls, the Securities and Exchange Commission and the Commodity Futures Trading Commission shall consult with each other and the Board of Governors of the Federal Reserve System, shall seek to maintain comparability of such rules, and shall give consideration to the recommendations of the Board of Governors of the Federal Reserve System before adopting rules under this section.

#### SEC. 302. DETERMINING THE STATUS OF SWAPS.

(a) PROCESS FOR DETERMINING THE STATUS OF A SWAP.—

(1) RULEMAKING.—The Securities and Exchange Commission and the Commodity Futures Trading Commission shall jointly issue rules establishing a process for resolving any disagreement between the agencies regarding the status of a derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative.

(2) CONTENT.—The rules adopted under this section shall—

(A) include a method for determining the status of a derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative within 90 days after the date of the commencement of the determination process; and

(B) require the agencies to consider, in making such determination, the nature of the derivative, the extent to which the derivative is economically similar to instruments that are subject to regulation by the Securities and Exchange Commission or the Commodity Futures Trading Commission, the appropriateness of regulation of the derivative under either the securities laws or the Commodity Exchange Act, and such other factors as the Securities and Exchange Commission and the Commodity Futures Trading Commission may prescribe.

(b) JUDICIAL RESOLUTION.—

(1) IN GENERAL.—If the Securities and Exchange Commission and the Commodity Futures Trading Commission are unable to determine the status of a derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative pursuant to the process established in subsection (a), either agency may petition the United States Court of Appeals for the District of Columbia Circuit for a determination of the status of the derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative.

(2) EXPEDITED REVIEW.—The United States Court of Appeals for the District of Columbia Circuit shall complete all action on a petition filed in accordance with paragraph (1), including rendering a final determination of the status of the derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative before the end of the 60-day period beginning on the date on which such petition is filed, unless all parties to such proceeding agree to any extension of such period.

(3) STANDARD OF REVIEW.—The court shall determine the status of a new derivative instrument as either a security-based derivative, a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative, based upon the factors described in subsection (a)(2), giving deference neither to the views of the Securities and Exchange Commission nor the Commodity Futures Trading Commission.

(4) SUPREME COURT REVIEW.—Any request for certiorari to the Supreme Court of the United States of any determination of the United States Court of Appeals for the District of Columbia Circuit with respect to a petition for review under this subsection shall be filed with the Supreme Court of the United States as soon as practicable after such determination is made.

(5) JUDICIAL STAY.—The filing of a petition pursuant to paragraph (1) shall operate as a judicial stay of the identification of a derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative until the date on which the determination of the court is final, including any appeal of such determination.

**SEC. 303. STUDY AND REPORT ON IMPLEMENTATION.**

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of—

(1) how the Commodity Futures Trading Commission and the Securities and Exchange Commission have implemented this Act and the amendments made by this Act;

(2) the extent to which jurisdictional disputes have created challenges in the process of implementing this Act and the amendments made by this Act; and

(3) the benefits and drawbacks of harmonizing laws implemented by the Commodity Futures Trading Commission and the Securities and Exchange Commission, and merging those agencies.

(b) REPORT REQUIRED.—Not later than 1 year after the date on which all rules are issued under section 304, the Comptroller General shall submit a report on the results of the study required by this section to Congress, the Commodity Futures Trading Commission, and the Securities and Exchange Commission.

**SEC. 304. RULEMAKING.**

The Securities and Exchange Commission, the Commodity Futures Trading Commission, and the appropriate regulatory authorities (as that term is defined in section 15F(g) of the Securities Exchange Act of 1934, as added by this Act, or section 4s(a) of the Commodity Exchange Act, as added by this Act), as applicable, shall issue rules under sections 15F(b), 15F(c), 15F(f), 17(l), 17C(c)(2), and 17C(d)(2) of the Securities Exchange Act of 1934 (as added by this Act), sections 4r(c)(2), 4r(d)(2), 4s(c), 4s(d), and 4s(g) of the Commodity Exchange Act (as added by this Act), and sections 301 and 302 of this Act, not later than 180 days after the date of enactment of this Act.

**SEC. 305. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b) or as specifically provided in the amendments made by this Act, this Act and the amendments made by this Act, shall become effective on the date of enactment of this Act.

(b) OTHER EFFECTIVE DATES.—The amendments made by sections 102(b) and 202(b) of this Act and the provisions of section 15F(a) of the Securities Exchange Act of 1934 (as added by this Act) and section 4s(b) of the Commodity Exchange Act (as added by this Act) shall become effective 6 months after the date of enactment of this Act.

By Mr. LEAHY (for himself, Mr. CARDIN, and Mr. KAUFMAN):

S. 1692. A bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, security and liberty are both essential in our free society. Benjamin Franklin wrote: “Those who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.” I have been mindful of this since the devastating attacks of September 11, and each time we have considered the USA PATRIOT Act. The American people of today and those of tomorrow—our children and grandchildren—depend on us to do our best to ensure both security and the preservation of our essential liberties.

After September 11, the Government’s power to gather information about those suspected of, or connected to, potential terrorists increased. Because such surveillance may, sometimes by mistake, sweep in U.S. citizens, we must vigilantly monitor these laws to ensure that they are implemented appropriately. This calls for public, judicial and congressional oversight to make sure we maintain the proper respect for security and liberty.

After September 11, I introduced the USA PATRIOT Act, Patriot Act, to give the Government the tools needed

to defend this country and aggressively pursue those who would do us harm. Even in those dark days, I insisted on oversight. Working with the then House Majority Leader, Republican Dick Armey, we included sunsets for some of the provisions of the bill that had the greatest potential to directly affect Americans.

We debated the reauthorization of the Patriot Act for several months in 2005 and 2006. I again fought to protect the civil liberties and constitutional rights of Americans. Unfortunately, after a series of short extensions, the reauthorization of 2006 lacked sufficient constitutional protections over the vast authorities it granted to the Government. I had worked to secure increased oversight and to include new sunsets in the bill.

With those sunsets expiring on December 31, 2009, we must once again consider the Patriot Act. Three provisions of the Patriot Act are slated to expire at the end of this year, including the authorization for roving wiretaps, the “lone wolf” measure, and orders for tangible things, commonly referred to as the “library” provision.

In March, I sent Attorney General Holder a letter requesting the administration’s views on these expiring provisions. I reiterated that request at a Senate Judiciary Committee oversight hearing in June. I have recently received a letter from the Attorney General urging us to extend the expiring authorities. I appreciate the President and the Attorney General’s emphasis on accountability and checks and balances, and their willingness to consider additional ideas.

Today I am introducing a bill with Senators CARDIN and KAUFMAN that does just that. It will extend the authorization of the three expiring provisions. The bill also updates checks and balances by increasing judicial review of the use of Government powers that capture information on U.S. citizens, and augments congressional oversight. We propose increasing Government accountability through more transparent public reporting of the use of surveillance, and by requiring audits of how these vast authorities have been used since they were last reauthorized. In addition, we propose that, given their extensive use abuse and intrusiveness, we include a sunset for National Security Letters, NSLs. I introduced a bill in 2006, after the most recent Patriot Act reauthorization, to impose a sunset on NSLs. This sunset provision, combined with a comprehensive audit by the Inspector General, will help to hold the Federal Bureau of Investigation, FBI, accountable in its use of this authority.

In developing this bill, I worked closely with Senators FEINGOLD and DURBIN to protect the rights and privacy of Americans, and to expand oversight. Senators FEINGOLD and DURBIN

have worked tirelessly over the years to protect the civil liberties of Americans, from the first debate over the Patriot Act in 2001, to the reauthorization in 2006, to the FISA Amendments Act enacted last year. I am pleased that Senators CARDIN, KAUFMAN and I have adopted some of the concepts they proposed in the SAFE Act of 2005, and that were included in the broader Patriot Act reauthorization bill they introduced last week, the JUSTICE Act.

I have long been concerned over the issuance and oversight of NSLs. National Security Letters are, in effect, a form of administrative subpoena. They do not require approval by a court, grand jury, or prosecutor. They are issued in secret, with recipients silenced, under penalty of law. Yet NSLs allow the Government to collect sensitive information, such as personal financial records. As Congress expanded the NSL authority in recent years, I raised concerns about how the FBI handles the information it collects on Americans. I noted that, with no real limits imposed by Congress, the FBI could store this information electronically and use it for large-scale, data-mining operations. We now know that the NSL authority was significantly misused. In 2008 the Department of Justice Inspector General issued a report on the FBI's use of NSLs revealing serious over-collection of information and abuse of the NSL authority.

We should reconsider the breadth of the NSL authority. This bill would also impose more judicial oversight and higher standards on the issuance of NSLs. It would require the FBI to include a statement of facts articulating why the information it is seeking is relevant to an authorized investigation.

The bill also addresses the constitutional deficiency recently identified by the Second Circuit Court of appeals in *Doe v. Musasey*. The Second Circuit found that the nondisclosure, or "gag orders," issued under NSLs are a constitutional infringement. I have long maintained that position. The bill establishes a procedure whereby the recipient of an NSL has 21 days to notify the Government that it wishes to challenge the nondisclosure requirement. The Government then has 21 additional days to apply for a court order to compel compliance with the nondisclosure requirement. This scheme corrects the constitutional defects found by the Second Circuit. The bill would shift the burden of defending the need for a gag order to the Government. This bill also eliminates the NSL nondisclosure provision that allows the Government to ensure itself of victory by certifying that, in its view, disclosure "may" endanger national security or "may" interfere with diplomatic relations. The bill further strengthens judicial review of nondisclosure or "gag orders" associated with NSLs by imposing a

one-year limitation on such orders. To protect on-going law enforcement investigations, it permits renewals of the nondisclosure orders in appropriate cases.

The power of the Government to collect records for tangible things under Section 215 of the original Patriot Act, commonly referred to as the "library records" provision, is another authority that I worked to reform during the last reauthorization. It is time to redefine the way we describe this authority to accurately reflect the broad scope of information it allows the Government to collect. Section 215 allows the FISA court to secretly require any entity to produce any document or other tangible thing with a minimal standard of relevance and a presumption in favor of the Government's showing of relevance. This bill correctly identifies Section 215 orders as orders for "tangible things" as opposed to only for "business records" as it is in current law.

This bill adopts the reasonable constitutional standard that I supported in 2006 for 215 orders. First, it would eliminate the presumption in favor of the Government's assertion that the records it is seeking are relevant to its investigation. This bill would require the Government to make a connection between the records or other things it seeks and a suspected terrorist or spy before it is able to obtain confidential records such as library, medical and telephone records. Section 215 orders for tangible things permit the Government to collect an even broader scope of information than NSLs. For that reason, it is critical that the Government show that the records it seeks are both relevant to an investigation and connected to at least a suspected terrorist or spy.

This bill would also establish more meaningful judicial review of Section 215 orders. First, it repeals the requirement in current law that requires a recipient of a Section 215 nondisclosure order to wait for a full year before challenging that gag order. There is no justification for this mandatory waiting period for judicial review, and this bill eliminates it. It also repeals a provision added to the law in 2006 stating that a conclusive presumption in favor of the Government shall apply where a high level official certifies that disclosure of the order for tangible things would endanger national security or interfere with diplomatic relations. These restraints on meaningful judicial review are unfair, unjustified, and completely unacceptable. I fought hard to keep these two provisions out of the 2006 reauthorization, but the Republican majority at that time insisted they be included.

This bill will strengthen court oversight of Section 215 orders by requiring court oversight of minimization procedures when information concerning a

U.S. person is acquired, retained, or disseminated. Requiring FISA Court approval of minimization procedures would simply bring Section 215 orders in line with other FISA authorities—such as wiretaps, physical searches, and pen register and trap and trace devices—that already require FISA court approval of minimization procedures. This is another common sense modification to the law that was drafted in consultation with Senators FEINGOLD and DURBIN. If we are to allow personal information to be collected in secret, the court must be more involved in making sure the authorities are used responsibly and that Americans' information and personal privacy are protected.

Finally, this bill addresses concerns over the use of pen register or trap and trace devices "pen/trap". The bill raises the standard for pen/trap in the same manner as it raises the standard for Section 215 orders. The Government would be required to show that the information it seeks is both relevant to an investigation and connected to a suspected terrorist or spy. This section also requires court review of minimization procedures, which are not required under current law, and adds an Inspector General audit of the use of pen/trap that is modeled on the the audits of Section 215 orders and NSLs.

I look forward to working with the members of the Judiciary Committee, the Senate, the House and with the administration as this bill moves forward, and I welcome the views of others.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1692

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "USA PATRIOT Act Sunset Extension Act of 2009".

#### SEC. 2. SUNSETS.

(a) SECTIONS 206 AND 215 SUNSET.—

(1) IN GENERAL.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "2009" and inserting "2013".

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 601(a)(1)(D) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)(D)) is amended by striking "section 501;" and inserting "section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1861 note);".

(B) APPLICATION UNDER SECTION 404 OF THE FISA AMENDMENTS ACT OF 2008.—Section 404(b)(4)(A) of the FISA Amendments Act of 2008 (Public Law 110-261; 122 Stat. 2477) is amended by striking the period at the end and inserting ", except that paragraph (1)(D) of such section 601(a) shall be applied as if it read as follows:

‘(D) access to records under section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1861 note);’.”

(C) **EFFECTIVE DATE.**—The amendments made by this paragraph shall take effect on December 31, 2013.

(b) **EXTENSION OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.**—

(1) **IN GENERAL.**—Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended to read as follows:

“(b) **SUNSET.**—

“(1) **REPEAL.**—Subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)), as added by subsection (a), is repealed effective December 31, 2013.

“(2) **TRANSITION PROVISION.**—Notwithstanding paragraph (1), subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) shall continue to apply after December 31, 2013 with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.”

(2) **CONFORMING AMENDMENT.**—

(A) **IN GENERAL.**—Section 601(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(2)) is amended by striking the semicolon at the end and inserting “pursuant to subsection (b)(2) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note);”.

(B) **EFFECTIVE DATE.**—The amendment made by subparagraph (A) shall take effect on December 31, 2013.

(c) **NATIONAL SECURITY LETTERS.**—

(1) **IN GENERAL.**—Effective on December 31, 2013, the following provisions of law are repealed:

(A) Section 2709 of title 18, United States Code.

(B) Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)).

(C) Subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u).

(D) Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(E) Section 802 of the National Security Act of 1947 (50 U.S.C. 436).

(2) **TRANSITION PROVISION.**—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1) shall continue to apply after December 31, 2013 with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(A) **TITLE 18.**—Title 18, United States Code, is amended—

(i) in the table of sections for chapter 121, by striking the item relating to section 2709;

(ii) by striking section 3511; and

(iii) in the table of sections for chapter 223, by striking the item relating to section 3511.

(B) **FAIR CREDIT REPORTING ACT.**—The Fair Credit Reporting Act (15 U.S.C. 1681) is amended—

(i) in section 626 (15 U.S.C. 1681u)—

(I) in subsection (d)(1), by striking “the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c)” and inserting “a consumer report respecting any consumer under subsection (c)”;

(II) in subsection (h)(1), by striking “subsections (a), (b), and (c)” and inserting “subsection (c)”;

(ii) in the table of sections, by striking the item relating to section 627.

(C) **NATIONAL SECURITY ACT OF 1947.**—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(i) in section 507(b) (50 U.S.C. 415b(b))—

(I) by striking paragraph (5); and

(II) by redesignating paragraph (6) as paragraph (5); and

(ii) in the table of contents, by striking the item relating to section 802.

(D) **EFFECTIVE DATE.**—The amendments made by this paragraph shall take effect on December 31, 2013.

### SEC. 3. FACTUAL BASIS FOR AND ISSUANCE OF ORDERS FOR ACCESS TO TANGIBLE THINGS.

(a) **IN GENERAL.**—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by striking “certain business records” and inserting “tangible things”;

(2) in subsection (b)(2), by striking subparagraphs (A) and (B) and inserting the following:

“(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii) (I) pertain to a foreign power or an agent of a foreign power;

“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(B) a statement of proposed minimization procedures.”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)” after “subsections (a) and (b)”;

(ii) by striking the second sentence; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking “and” at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(F) shall direct that the minimization procedures be followed.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **TITLE HEADING.**—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by striking “CERTAIN BUSINESS RECORDS” and inserting “TANGIBLE THINGS”.

(2) **TABLE OF CONTENTS.**—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to title V and section 501 and inserting the following:

“TITLE V—ACCESS TO TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

“Sec. 501. Access to tangible things for foreign intelligence purposes and international terrorism investigations.”.

### SEC. 4. FACTUAL BASIS FOR AND ISSUANCE OF ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

(a) **IN GENERAL.**—

(1) **APPLICATION.**—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(A) in paragraph (1), by striking “and” at the end; and

(B) by striking paragraph (2) and inserting the following:

“(2) a statement of facts showing that there are reasonable grounds to believe that the information likely to be obtained—

“(A) is relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(1) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(B)(i) pertains to a foreign power or an agent of a foreign power;

“(ii) is relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(iii) pertains to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(3) a statement of proposed minimization procedures.”.

(2) **MINIMIZATION.**—

(A) **DEFINITION.**—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

“(4) The term ‘minimization procedures’ means—

“(A) specific procedures that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

“(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1), shall not be disseminated in a manner that identifies any United States person, without such person’s consent, unless such person’s identity is necessary to understand foreign intelligence information or assess its importance; and

“(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.”.

(B) **PEN REGISTERS AND TRAP AND TRACE DEVICES.**—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(i) in subsection (d)—

(I) in paragraph (1), by inserting “, and that the proposed minimization procedures meet the definition of minimization procedures under this title” before the period at the end; and

(II) in paragraph (2)(B)—

(aa) in clause (ii)(II), by striking “and” after the semicolon; and

(bb) by adding at the end the following:

“(iv) the minimization procedures be followed; and”;

(ii) by adding at the end the following:

“(h) At or before the end of the period of time for which the installation and use of a

pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.”.

(C) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(i) by redesignating subsection (c) as (d); and

(ii) by inserting after subsection (b) the following:

“(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.”.

(D) USE OF INFORMATION.—Section 405(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)) is amended by striking “provisions of” and inserting “minimization procedures required under”.

#### SEC. 5. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (4) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office, may extend a nondisclosure requirement for additional periods of not longer than 1 year if, at the time of each extension, a new certification is made under paragraph (1)(B) and notice is provided to the recipient of the applicable request that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

“(4) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

“(B) TIMING.—

“(i) IN GENERAL.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request.

“(ii) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under paragraph (3) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of this title.

“(5) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the applicable time period of the nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

“(d) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (4) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request or order;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office, may extend a nondisclosure requirement for additional periods of not longer than 1 year if, at the time of each extension, a new certification is made under paragraph (1)(B) and notice is provided to the recipient of the applicable request or order that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

“(4) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

“(B) TIMING.—

“(i) IN GENERAL.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request or order.

“(ii) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under paragraph (3) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code.

“(5) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist

prior to the applicable time period of the nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (4) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism, or a designee.

“(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) EXTENSION.—The head of a government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism, or a designee, may extend a nondisclosure requirement for additional periods of not longer than 1 year if, at the time of each extension, a new certification is made under paragraph (1)(B) and notice is provided to the recipient of the applicable request

that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

“(4) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

“(B) TIMING.—

“(i) IN GENERAL.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request.

“(ii) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under paragraph (3) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code.

“(5) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the applicable time period of the nondisclosure requirement, an appropriate official of the government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iv) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

“(II) CERTIFICATION.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

“(aa) a danger to the national security of the United States;

“(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(cc) interference with diplomatic relations; or

“(dd) danger to the life or physical safety of any person.

“(ii) EXCEPTION.—

“(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(aa) those persons to whom disclosure is necessary in order to comply with the request;

“(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

“(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(II) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

“(III) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(iii) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office, may extend a nondisclosure requirement for additional periods of not longer than 1 year if, at the time of each extension, a new certification is made under clause (i)(II) and notice is provided to the recipient of the applicable request that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

“(iv) RIGHT TO JUDICIAL REVIEW.—

“(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

“(II) TIMING.—

“(aa) IN GENERAL.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request.

“(bb) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under clause (iii) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

“(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code.

“(v) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the applicable time period of the nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

“(b) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (4) is provided, no governmental or private

entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

“(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) EXTENSION.—The head of an authorized investigative agency described in subsection (a), or a designee, may extend a nondisclosure requirement for additional periods of not longer than 1 year if, at the time of each extension, a new certification is made under paragraph (1)(B) and notice is provided to the recipient of the applicable request that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

“(4) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

“(B) TIMING.—

“(i) IN GENERAL.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request.

“(ii) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under paragraph (3) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a)

makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code.

“(5) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the applicable time period of the nondisclosure requirement, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”.

#### SEC. 6. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking “a production order” and inserting “a production order or nondisclosure order”; and

(ii) by striking “Not less than 1 year” and all that follows;

(B) in clause (ii), by striking “production order or nondisclosure”; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

“(b) NONDISCLOSURE.—

“(1) IN GENERAL.—

“(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request, the recipient shall notify the Government not later than 21 days after the date of receipt of the request or of notice that an applicable nondisclosure requirement has been extended.

“(B) APPLICATION.—Not later than 21 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of particular information about the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for any district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and may issue a nondisclosure order for a period of not longer than 1 year, unless the facts justify a longer period of nondisclosure.

“(D) DENIAL.—If a district court of the United States rejects an application for a nondisclosure order or extension thereof, the nondisclosure requirement shall no longer be in effect.

“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include—

“(A) a statement of the facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person; and

“(B) the time period during which the Government believes the nondisclosure requirement should apply.

“(3) STANDARD.—A district court of the United States may issue a nondisclosure requirement order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.

“(4) RENEWAL.—A nondisclosure order under this subsection may be renewed for additional periods of not longer than 1 year, unless the facts of the case justify a longer period of nondisclosure, upon submission of an application meeting the requirements of paragraph (2), and a determination by the court that the circumstances described in paragraph (3) continue to exist.”.

(c) MINIMIZATION.—Section 501(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)) is amended—

(1) in paragraph (1), by striking “Not later than” and all that follows and inserting “At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.”; and

(2) in paragraph (2)(A), by inserting “acquisition and” after “to minimize the”.

#### SEC. 7. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.

(a) IN GENERAL.—Section 2709(b)(1) of title 18, United States Code, is amended—

(1) by striking “certifies in writing” and inserting “provides a written certification by the Director (or a designee)”; and

(2) by inserting “that includes a statement of facts showing that there are reasonable grounds to believe” before “that the name.”.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a), by striking “has determined in writing, that such information is sought for” and inserting “provides to the consumer reporting agency a written determination that includes a statement of facts showing that there are reasonable grounds to believe that such information is relevant to”; and

(2) in subsection (b), by striking “has determined in writing that such information is sought for” and inserting “provides to the

consumer reporting agency a written determination that includes a statement of facts showing that there are reasonable grounds to believe that such information is relevant to".

(c) **DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.**—Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) is amended by inserting "that includes a statement of facts showing that there are reasonable grounds to believe" before "that such information is necessary for".

(d) **FINANCIAL RECORDS.**—Section 114(a)(5)(A) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by striking "certifies in writing" and inserting "provides a written certification by the Director (or a designee)"; and

(2) by striking "that such records are sought for foreign counter intelligence purposes" and inserting "that includes a statement of facts showing that there are reasonable grounds to believe that such records are relevant to a foreign counterintelligence investigation".

(e) **REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.**—Section 802(a)(3) of the National Security Act of 1947 (50 U.S.C. 436(a)(3)), is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) shall include a statement of facts showing that there are reasonable grounds to believe, based on credible information, that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power;"

#### **SEC. 8. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.**

Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "concerning different United States persons"; and

(B) in subparagraph (A), by striking " , excluding the number of requests for subscriber information";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) **CONTENT.**—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B), each report required under this subsection shall include the total number of requests described in paragraph (1) requiring disclosure of information concerning—

"(i) United States persons;

"(ii) persons who are not United States persons;

"(iii) persons who are the subjects of authorized national security investigations; or

"(iv) persons who are not the subjects of authorized national security investigations.

"(B) **EXCEPTION.**—With respect to the number of requests for subscriber information under section 2709 of title 18, United States Code, a report required under this subsection need not provide information separated into each of the categories described in subparagraph (A)."

#### **SEC. 9. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.**

Section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) by inserting after subsection (a) the following:

"(b) **PUBLIC REPORT.**—The Attorney General shall make publicly available the portion of each report under subsection (a) relating to paragraphs (1) and (2) of subsection (a)."; and

(3) in subsection (e), as so redesignated, by striking "subsection (c)" and inserting "subsection (d)".

#### **SEC. 10. AUDITS.**

(a) **TANGLE THINGS.**—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "2006" and inserting "2012"; and

(B) in paragraph (5)(C), by striking "calendar year 2006" and inserting "each of calendar years 2006 through 2012";

(2) in subsection (c), by adding at the end the following:

"(3) **CALENDAR YEARS 2007 AND 2008.**—Not later than December 31, 2010, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for calendar years 2007 and 2008.

"(4) **CALENDAR YEARS 2009 THROUGH 2012.**—Not later than December 31, 2011, and every year thereafter through 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for the previous calendar year.";

(3) in subsection (d)—

(A) in paragraph (1), by striking "or (c)(2)" and inserting "(c)(2), (c)(3), or (c)(4)"; and

(B) in paragraph (2), by striking "and (c)(2)" and inserting "(c)(2), (c)(3), or (c)(4)"; and

(4) in subsection (e), by striking "and (c)(2)" and inserting "(c)(2), (c)(3), or (c)(4)".

(b) **NATIONAL SECURITY LETTERS.**—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 219) is amended—

(1) in subsection (b)(1), by striking "2006" and inserting "2012";

(2) in subsection (c), by adding at the end the following:

"(3) **CALENDAR YEARS 2007 AND 2008.**—Not later than December 31, 2010, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for calendar years 2007 and 2008.

"(4) **CALENDAR YEARS 2009 THROUGH 2012.**—Not later than December 31, 2011, and every year thereafter through 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the

Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for the previous calendar year.";

(3) in subsection (d)—

(A) in paragraph (1), by striking "or (c)(2)" and inserting "(c)(2), (c)(3), or (c)(4)"; and

(B) in paragraph (2), by striking "or (c)(2)" and inserting "(c)(2), (c)(3), or (c)(4)"; and

(4) in subsection (e), by striking "or (c)(2)" and inserting "(c)(2), (c)(3), or (c)(4)".

(c) **PEN REGISTERS AND TRAP AND TRACE DEVICES.**—

(1) **AUDITS.**—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2012.

(2) **REQUIREMENTS.**—The audits required under paragraph (1) shall include—

(A) an examination of each instance in which the Attorney General or any other attorney for the Government submitted an application for an order or extension of an order under title IV of the Foreign Intelligence Surveillance Act of 1978, including whether the court granted, modified, or denied the application (including an examination of the basis for any modification or denial);

(B) an examination of each instance in which the Attorney General authorized the installation and use of a pen register or trap and trace device on an emergency basis under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) whether the Federal Bureau of Investigation requested that the Department of Justice submit an application for an order or extension of an order under title IV of the Foreign Intelligence Surveillance Act of 1978 and the request was not submitted to the court (including an examination of the basis for not submitting the application);

(D) whether bureaucratic or procedural impediments to the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 prevent the Federal Bureau of Investigation from taking full advantage of the authorities provided under that title;

(E) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(F) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation or any other department or agency of the Federal Government;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 through 2012, an examination of the minimization procedures used in relation to pen registers and trap and trace devices under

title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), or to other Federal, State, local, or tribal government departments, agencies, or instrumentalities; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

(3) SUBMISSION DATES.—

(A) PRIOR YEARS.—Not later than December 31, 2010, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under this section for calendar years 2007 through 2009.

(B) CALENDAR YEARS 2010 THROUGH 2012.—Not later than December 31, 2011, and every year thereafter through 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under this section for the previous calendar year.

(4) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(A) NOTICE.—Not less than 30 days before the submission of a report under subparagraph (A) or (B) of paragraph (3), the Inspector General of the Department of Justice shall provide the report to the Attorney General and the Director of National Intelligence.

(B) COMMENTS.—The Attorney General or the Director of National Intelligence may provide such comments to be included in a report submitted under subparagraph (A) or (B) of paragraph (3) as the Attorney General or the Director of National Intelligence may consider necessary.

(5) UNCLASSIFIED FORM.—A report submitted under subparagraph (A) or (B) of paragraph (3) and any comments included under paragraph (4)(B) shall be in unclassified form, but may include a classified annex.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 1694. A bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that will help improve public safety communications.

September is a month when we remember. We remember that 8 years ago we witnessed the impossible horror of September 11th. We remember that 4 years ago we watched the watery devastation of Hurricane Katrina. We remember because even with the passage of time, these are wounds that do not heal and losses we will never forget.

These events also demonstrated the tremendous bravery of our public safety officials. Their courage awes and inspires. So when tragedy strikes, we want to make sure that those who wear the shield have the communications systems they need to do the job. We know now that public safety communications can mean the difference between security and harm.

Yet when it comes to public safety communications, we still have a lot of work to do. Four years ago, Congress took an important first step. In the Digital Television and Public Safety Act of 2005, Congress authorized the National Telecommunications and Information Administration, in consultation with the Department of Homeland Security, to implement the Public Safety Interoperable Communications Grant Program. This program provided a one-time, formula-based, matching grant opportunity for public safety agencies to improve interoperable communications systems.

Governors across the country lined up to designate State agencies to apply for and administer these funds. Under the program, funds were originally available for the purchase and deployment of communications equipment and training for system users. Later, in the Implementing Recommendations of the 9/11 Commission Act of 2007, Congress expanded the program to include planning and coordination activities.

But now millions of these dollars are at risk. The September 30, 2010, deadline for expending funds that is a hold-over from the original legislation could inadvertently jeopardize the effectiveness of public safety communications projects in States across the country. Many grantees spent the first year of the grant period developing required plans and justifications and then awaiting approvals from the Department of Homeland Security and the National Telecommunications and Information Administration. As a result, many grantees did not have the full 3-year award period to acquire and deploy interoperable communications equipment. They face the real possibility of reaching the September 30, 2010, deadline with communications projects incomplete. In short, it is no longer sensible to bind the States to this original deadline in 2010.

There is no need to take my word for it. The Inspector General at the De-

partment of Commerce reached exactly the same conclusion. In a report published in March 2009, the Inspector General found that grantees were unlikely to finish their communications projects within the statutory time frames. The Inspector General even recommended that the National Telecommunications and Information Administration work with Congress to extend the deadline for grantees to expend their communications funds from this program. Now the National Governors Association and the Association of Public Safety Communications Officials also have chimed in to support an extension.

I rise today so we can do something about it. By extending the September 30, 2010, deadline by one year and on a case-by-case basis two years, we can make sure that the funds are used exactly as Congress intended. We can make sure that public safety projects are not stranded due to arbitrary deadlines. We can make sure that our first responders have the first class communications systems they desperately need and deserve. For this reason, I urge my colleagues to join me and Senator HUTCHISON and support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed into the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1694

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.**

(a) Notwithstanding section 3006(a)(2) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note), sums made available to administer the Public Safety Interoperable Communications Grant Program under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) shall remain available until expended, but not beyond September 30, 2012.

(b) The period for performance of any investment approved under the Program as of the date of enactment of this Act shall be extended by one year, but not later than September 30, 2011, except that the Assistant Secretary of Commerce for Communications and Information may extend, on a case-by-case basis, the period of performance for any investment approved under the Program as of that date for a period of not more than 2 years, but not later than September 30, 2012. In making a determination as to whether an extension beyond September 30, 2011, is warranted, the Assistant Secretary should consider the circumstances that gave rise to the need for the extension, the likelihood of completion of performance within the deadline for completion, and such other factors as the Assistant Secretary deems necessary to make the determination.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 279—MAKING MINORITY PARTY APPOINTMENTS FOR CERTAIN COMMITTEES FOR THE 111TH CONGRESS

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 279

*Resolved*, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Bunning, Mr. Crapo, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, Mrs. Hutchison, and Mr. Gregg.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Isakson, Mr. Vitter, Mr. Brownback, and Mr. Johanns.

SPECIAL COMMITTEE ON AGING: Mr. Corker, Mr. Shelby, Ms. Collins, Mr. Hatch, Mr. LeMieux, Mr. Brownback, Mr. Graham, and Mr. Chambliss.

## SENATE RESOLUTION 280—CELEBRATING THE 10TH ANNIVERSARY OF THE RULE OF LAW PROGRAM OF TEMPLE UNIVERSITY BEASLEY SCHOOL OF LAW

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 280

Whereas in 1997, President William J. Clinton and President Jiang Zemin agreed at the Sino-American Summit to collaborative efforts to enhance legal exchanges between the United States and China;

Whereas in 1999, Temple University established a Master of Laws degree program in Beijing, the first foreign law degree granting program approved by the Chinese Ministry of Education, as a collaborative effort, first with China University of Political Science and Law, and subsequently with Tsinghua University School of Law;

Whereas in 1999, Temple University signed a cooperative agreement with the State Administration of Foreign Expert Affairs of China to deliver rule of law educational programs to Chinese government officials;

Whereas in 2000, Temple University signed a cooperative agreement with the Supreme People's Court of China to conduct judicial training;

Whereas in 2001, Temple University signed a cooperative agreement with the Supreme People's Procuratorate of China to conduct prosecutor training;

Where in 2002, Temple University began a series of scholarly roundtables directed at Chinese law and legal education, with topics including World Trade Organization, Internet, environmental, health, and private international law as well as nongovernmental organization advocacy and experiential legal education;

Whereas Justice Antonin G. Scalia visited Beijing and the Temple University rule of law program as part of a broad legal exchange between the United States and China;

Whereas in 2003, former Temple University School of Law dean Robert Reinstein received the National Friendship Award from Zhu Rongji, former Prime Minister of China in the Great Hall of the People;

Whereas in 2009, Temple University, Tsinghua University, and the State Administration of Foreign Expert Affairs of China will host events in Beijing to commemorate the 10-year anniversary of the rule of law program;

Whereas as of 2009, Temple has educated a total of 903 legal professionals in the rule of law program in China, 78 percent of whom work in the public sector; and

Whereas 391 Chinese legal professionals, including judges, National People's Congress and State Council legislative officers, prosecutors, government officials, law professors, and commercial lawyers have graduated from, or are currently enrolled in, Temple's Beijing Master of Laws program: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends and congratulates Temple University Beasley School of Law, its faculty, its alumni, its 10th graduating class, and all involved in the 10th anniversary of the China rule of law program; and

(2) recognizes that—

(A) the Temple University Beasley School of Law rule of law program has succeeded in furthering the goal of promoting collaborative legal exchanges between the United States and China; and

(B) Temple University and its partners in China represent the spirit of cooperation and friendship between these 2 great nations, and will surely continue to strengthen those bonds into the future.

Mr. SPECTER. Mr. President, I seek recognition to note the 10th anniversary of Temple University's China Rule of Law Program. The Beasley School of Law housed at Temple University stands as an outstanding leader in promoting cross-cultural partnership between legal professionals in the United States and China. This year, the Beasley School celebrates ten years of cooperation with Tsinghua University in Beijing. Temple University's China Rule-of-Law Program has awarded nearly 400 Master of Laws degrees to Chinese legal professionals to date. The first foreign law degree program to be approved by the Chinese Ministry of Education as well as the American Bar Association, Temple's Rule of Law Program represents a landmark program and step toward increased global understanding of legal procedure by educating Chinese legal professionals in the same manners and by the same standards as those practiced at American law schools. I respectfully submit this resolution to recognize Temple University's outstanding leadership in promoting cross-cultural exchange in the field of international law.

The partnership between Temple University and China's Tsinghua University predates the establishment in 1999 of the Master of Laws Degree program. Shortly after the official reestablishment of diplomatic relations between

the United States and China in January of 1979, Temple University awarded Vice Premier Deng Xiaoping with an honorary law degree. Educational and cultural exchange became the centerpieces of renewed cooperation between the two powers over the course of the last three decades. Shortly after President Clinton and President Zemin's mutual call for collaboration in legal exchange in 1997, Temple formally created the China Rule-of-Law Program that merits commendation today.

Cooperating to meet the demands of a global environment in which legal professionals are increasingly required to be trained in international legal standards, American faculty from Temple, Chinese faculty at Tsinghua University, and highly accomplished international practitioners teach courses entirely in English at Tsinghua's facilities in Beijing. The 30 credit curriculum concentrates on American and international law and in particular focuses on the subfields of criminal and business law. The program requires the same standards of scholarship of its Chinese students that ABA accredited American law institutions require at home and requires a full-time student to devote 15 months to complete the program. Students earning their degrees through Temple's Beasley-Tsinghua program participate in the same dialogue-based methods as students in American classrooms; they are also given access to the Lexis and Westlaw legal research tools during their studies. This means that Chinese students receiving the Master of Laws degree from Temple's Beasley Law School at Tsinghua become familiar with the same processes for solving legal puzzles and conducting legal research as those that mark the standard within international circles. Therefore, as a capacity building tool for Chinese professionals within the international legal environment, Temple's China Rule-of-Law program is indispensable.

As a means of promoting bilateral understanding over legal norms and standards, this type of program is even more vital. Legal norms and standards, we must remember, are formed and interpreted within social, cultural, and historical contexts. The continued growth of a strong partnership between our two nations is contingent upon a full understanding of this contextual environment because it serves as the setting in which legal standards are shaped and in which they are applied. In today's international climate, this cooperation is more important than ever before, and Temple should be regarded as an exemplar for its leadership in cultivating such cooperation.

The study abroad component of this program, which brings these Chinese students to Temple's Philadelphia campus during the summer after the first full year of study, is an important means of achieving this contextual understanding. However, this is just one

way in which this landmark program facilitates the integration of Chinese legal professionals into the international legal realm outside of the classroom. An extensive alumni network includes, as previously noted, nearly 400 degree holders, many of whom are involved with the Temple Law Alumni Association of China, which boasts around 550 members. The Rule of Law program has educated over 900 legal professionals through less formal means, including roundtables that have explored topics ranging from the subfields of Internet and Environmental Law to NGO Advocacy and the WTO. The partnership is currently working with the State Administration of Foreign Expert Affairs of China to host a series of events targeted to broadening this exchange in Beijing in the coming months as a celebration of ten successful years, marking an emphasis on continued growth and success.

As our two nations look for additional means of improving and promoting bilateral exchange, Temple University's innovative programming efforts must be celebrated and should be seen as a paradigm for future partnerships. Its increasing alumni network—both of degree holders and of other professionals that have benefited from the Rule of Law's various programs—must be looked upon as a growing web of future leaders that understand the international legal context upon which international stability, economic development, and global cooperation rely. I urge the Senate to recognize Temple University's contribution to American and Chinese bilateral relations and in setting a high standard for improved and constructive international dialogue.

**SENATE CONCURRENT RESOLUTION 40—ENCOURAGING THE GOVERNMENT OF IRAN TO GRANT CONSULAR ACCESS BY THE GOVERNMENT OF SWITZERLAND TO JOSHUA FATTAL, SHANE BAUER, AND SARAH SHOURD, AND TO ALLOW THE 3 YOUNG PEOPLE TO REUNITE WITH THEIR FAMILIES IN THE UNITED STATES AS SOON AS POSSIBLE**

Mr. SPECTER (for himself, Mr. CASEY, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. FRANKEN, and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

**S. CON. RES. 40**

Whereas, on July 31, 2009, officials of the Government of Iran took 3 United States citizens, Joshua Fattal, Shane Bauer, and Sarah Shourd, into custody near the Ahmed Awa region of northern Iraq, after the 3 United States citizens reportedly crossed into the territory of Iran while hiking in Iraq;

Whereas officials of the Government of Iran have confirmed that they are holding the 3 United States citizens; and

Whereas officials of the Government of Iran have not allowed consular access by the Embassy of the Government of Switzerland (in its formal capacity as the representative of the interests of the United States in Iran) to the 3 young United States citizens in accordance with the Vienna Convention on Consular Relations, done at Vienna April 24, 1963: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) encourages the Government of Iran to grant consular access by the Government of Switzerland to Joshua Fattal, Shane Bauer, and Sarah Shourd, and to allow the 3 young people to communicate by telephone with their families in the United States; and

(2) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

Mr. SPECTER. Mr. President, I seek recognition to discuss legislation I have introduced encouraging the Government of Iran to grant consular access to and promptly release three young Americans who have been detained in Iran for the past 8 weeks after they reportedly crossed into Iran while on a hike in Iraqi Kurdistan.

On July 31, 2009, University of California, Berkeley graduates Joshua Fattal, 27, Shane Bauer, 27, and Sarah Shourd, 30, went “on a hike near the border of Iraqi Kurdistan and Iran in an area known for beautiful views and a waterfall, along an unmarked section of the border that zigzags.” The three inadvertently crossed into Iranian territory and were detained by Iranian officials.

While the Government of Iran has confirmed it is holding Joshua, Shane and Sarah, it has yet to grant the Embassy of the Government of Switzerland, in its formal capacity as the representative of the interests of the United States in Iran, consular access to the three in accordance with the Vienna Convention on Consular Relations. Nor has the Government of Iran allowed Joshua, Shane and Sarah to telephone their families in the United States to let them know they are well.

Based on news accounts I have read, I have every confidence that the three entered Iranian territory accidentally, perhaps due to, as I understand it, the absence of clear border markers in the region near Ahmed Awa. On August 8, an Iraqi government official was quoted as saying the three young Americans crossed the border “unintentionally and mistakenly.”

The legislation which I have introduced encourages the Government of Iran to: Grant consular access by the Embassy of the Government of Switzerland to the three United States citizens in accordance with the Vienna Convention on Consular Relations; Allow Joshua, Shane and Sarah to communicate by telephone with their families in the U.S.; and Allow Joshua, Shane and Sarah to reunite with their

families in the U.S. at the soonest possible opportunity.

It is clear to me that Joshua, Shane and Sarah made a careless navigational mistake which they will not soon repeat. It is my sincere hope that the Government of Iran quickly comes to this conclusion and releases them so they can be reunited with their families in the U.S. at the earliest opportunity, as all have anguished too much already.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2470. Mr. NELSON, of Nebraska (for himself, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2471. Mr. BARRASSO (for himself, Mr. KYL, Mr. ENSIGN, Mr. MCCAIN, Mr. RISCH, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra.

SA 2472. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2473. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2474. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2475. Mr. BARRASSO (for himself, Mr. BENNETT, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2476. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2477. Mr. HARKIN (for himself, Mr. NELSON, of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2478. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2479. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2480. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2481. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2456 submitted by Mr. CARPER (for himself, Mr. MERKLEY, and Ms. KLOBUCHAR) to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2482. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2483. Mr. COBURN submitted an amendment intended to be proposed by him

to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2484. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2485. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3293, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2486. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1434, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2487. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1407, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2488. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1432, making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2489. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2490. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2491. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2492. Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. BAUCUS, Ms. MURKOWSKI, Mrs. MURRAY, Mr. UDALL, of Colorado, Mr. BENNET, Mr. AKAKA, Mr. UDALL, of New Mexico, Mr. BEGICH, Mr. MERKLEY, Ms. CANTWELL, Mr. TESTER, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2493. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mr. WYDEN, Mr. UDALL, of New Mexico, Mr. TESTER, Ms. CANTWELL, Mr. UDALL, of Colorado, Mr. MERKLEY, Mr. BENNET, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2494. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*.

SA 2495. Mr. SCHUMER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2496. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2497. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2498. Ms. COLLINS (for herself, Mr. VITTER, Mr. ISAKSON, and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the bill H.R. 2996, *supra*.

SA 2499. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2500. Mr. DEMINT (for himself and Mr. MCCAIN) proposed an amendment to the bill H.R. 2996, *supra*.

SA 2501. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2502. Mr. WHITEHOUSE (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2503. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2504. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*.

SA 2505. Mr. CARPER (for himself, Mr. MERKLEY, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2506. Mr. CARPER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2477 submitted by Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) and intended to be proposed to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2507. Mr. TESTER (for himself, Mr. BARRASSO, Mr. CRAPO, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2508. Mr. VITTER proposed an amendment to the bill H.R. 2996, *supra*.

SA 2509. Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

SA 2510. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2477 submitted by Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) and intended to be proposed to the bill H.R. 2996, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2470. Mr. NELSON of Nebraska (for himself, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

#### SEC. 423. E15 FUEL.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) E15 FUEL.—The term “E15 fuel” means transportation fuel that consists of—

(A) 85 percent gasoline; and

(B) 15 percent ethanol.

(3) TRANSPORTATION FUEL.—The term “transportation fuel” has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).

(4) WAIVER.—The term “waiver” means a waiver from the requirements of paragraphs (1), (2), and (3) of section 211(f) of the Clean Air Act (42 U.S.C. 7545(f)).

(b) WAIVER.—Not later than December 1, 2009, the Administrator shall issue a waiver for E15 fuel.

(c) FAILURE TO ISSUE A WAIVER.—If the Administrator fails to issue a waiver for E15 fuel under subsection (b) by the date specified in that subsection, none of the funds made available under this or any Act may be used by the Administrator to enforce section 211(f) of the Clean Air Act (42 U.S.C. 7545(f)).

SA 2471. Mr. BARRASSO (for himself, Mr. KYL, Mr. ENSIGN, Mr. MCCAIN, Mr. RISCH, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 240, between lines 13 and 14, insert the following:

#### SEC. 423. PROHIBITION ON USE OF WILDLAND FIRE MANAGEMENT STIMULUS FUNDS IN THE DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) for wildland fire management shall be used in the District of Columbia.

SA 2472. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

#### SEC. 423. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN ORDER OF THE SECRETARY OF THE INTERIOR RELATING TO CLIMATE CHANGE.

None of the funds made available by this Act shall be used to implement the order of the Secretary of the Interior relating to climate change numbered 3289 and dated September 14, 2009.

SA 2473. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. PROHIBITION ON USE OF FUNDS TO IMPLEMENT A CERTAIN GREENHOUSE GAS RULE UNTIL A PROCEEDING IS CONDUCTED.**

None of the funds made available by this Act shall be used to finalize or implement the proposed rule of the Administrator of the Environmental Protection Agency entitled "Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act" (74 Fed. Reg. 18886 (April 24, 2009)) until the Administrator of the Environmental Protection Agency conducts the proceeding requested by the U.S. Chamber of Commerce in the petition entitled "Petition of the Chamber of Comm. of the U.S.A. for EPA to Conduct Its Endangerment Finding Proceeding On The Record Using APA §§ 556 and 557" (EPA Docket No. EPAHQ-OAR-2009-0171-3411.1 (June 23, 2009)).

**SA 2474.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. PROHIBITION ON USE OF FUNDS TO IMPLEMENT A GREENHOUSE GAS RULE UNTIL A CERTAIN INVESTIGATION IS CONDUCTED.**

None of the funds made available by this Act shall be used to finalize, implement, or issue regulations based on the proposed rule of the Administrator of the Environmental Protection Agency entitled "Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act" (74 Fed. Reg. 18886 (April 24, 2009)) until the Inspector General of the Environmental Protection Agency conducts the investigation requested by Senator John Thune in the letter to Mr. Bill A. Roderick, Acting Inspector General, dated June 30, 2009, regarding the suppression by the Environmental Protection Agency of a report prepared by Dr. Carlin.

**SA 2475.** Mr. BARRASSO (for himself, Mr. BENNETT, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, strike lines 10 through 14 and insert the following:

**SA 2476.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, strike lines 11 through 13 and insert the following:

resources, \$1,245,786,000, to remain available until September 30, 2011, except as otherwise

provided herein: *Provided*, That not less than \$1,900,000 of that amount shall be for research on, and monitoring and prevention of, white nose bat syndrome: *Provided further*, That \$2,500,000 is for high-priority projects, which

On page 128, line 24, strike "\$82,790,000" and insert "\$81,390,000".

On page 129, line 4, after "2004", insert "and not more than \$1,400,000 shall be for the Wallkill National Wildlife Refuge".

**SA 2477.** Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL  
PROTECTION AGENCY  
RENEWABLE FUEL PROGRAM

**SEC. 201.** None of the funds made available for the Environmental Protection Agency under this title may be expended by the Administrator of the Environmental Protection Agency to carry out any activities relating to the inclusion of international indirect land use change emissions in the implementation of the renewable fuel program established under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)): *Provided*, That nothing in this section prevents the Administrator from promulgating renewable fuel requirements for calendar year 2010 or any subsequent calendar year under section 211(o) of that Act.

**SA 2478.** Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, line 2, strike "not more than \$1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: *Provided*, That" and insert "not more than \$4,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act (Public Law 108-421; 118 Stat. 2375): *Provided*, That \$2,500,000 of that amount shall be derived from amounts made available under this title for maintenance and facilities of the Department of the Interior: *Provided further*, That".

**SA 2479.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 22, strike "\$965,721,000" and insert "\$970,721,000".

On page 121, lines 15 through 17, strike "\$36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program" and insert "\$41,696,000 is for Mining Law Administration program operations (including the cost of administering the mining claim fee program), of which \$5,000,000, to be derived by transfer from unobligated amounts made available by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), shall be made available to hire additional staff to address permitting delays of filed mining claims".

On page 121, line 21, strike "\$965,721,000" and insert "\$970,721,000".

**SA 2480.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** In the matter under the heading "NATIONAL PARK SERVICE" under the heading "DEPARTMENT OF THE INTERIOR" of title I—

(1) reduce the overall amount made available under the heading "NATIONAL RECREATION AND PRESERVATION" by \$1,000,000 by eliminating any funding for the Sewall-Beumont House; and

(2) increase the overall amount made available under the heading "CONSTRUCTION" by \$1,000,000 to be used for maintenance, repair, or rehabilitation projects for constructed assets.

**SA 2481.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2456 submitted by Mr. CARPER (for himself, Mr. MERKLEY, and Ms. KLOBUCHAR) to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** (a) In this section, the term "conference" means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same Federal agency;

(3) is not held entirely at a facility of a Federal agency;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more Federal agencies, 1 or more organizations that are not Federal agencies, or a combination of such Federal agencies or organizations.

(b) Notwithstanding any other provision of this Act, the aggregate amount made available under this Act for expenses of the Environmental Protection Agency relating to conferences in fiscal year 2010, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed \$15,000,000.

**SA 2482.** Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 173, strike line 1 and all that follows through page 174, line 5, and insert the following:

NORTHERN PLAINS HERITAGE AREA,  
AMENDMENT

SEC. 115. (a) IN GENERAL.—Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking “subsection (i)” and inserting “subsection (j)”; and

(3) by inserting after subsection (f) the following:

“(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN A NATIONAL HERITAGE AREA.—

“(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in a National Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

“(2) PROPERTY REMOVAL.—

“(A) PRIVATE PROPERTY.—At the request of an owner of private property included in a National Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the National Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

“(B) PUBLIC PROPERTY.—

“(i) INCLUSION.—Only on written notice from the appropriate State or local government entity may public property be included in a National Heritage Area.

“(ii) WITHDRAWAL.—On written notice from the appropriate State or local government entity, public property shall be immediately withdrawn from a National Heritage Area.”.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act shall be made available for a Heritage Area that does not comply with section 8004(g) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) (as amended by subsection (a)).

**SA 2483.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** MAINTENANCE BACKLOG.

Notwithstanding any other provision of this Act, any funds provided from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) to an agency under this Act for Federal land acquisition shall be used by the agency for maintenance, repair, or rehabilitation projects for constructed assets.

**SA 2484.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 263, between lines 10 and 11, insert the following:

SEC. 9 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

**SA 2485.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3293, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 267, between lines 14 and 15, insert the following:

SEC. 4 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

**SA 2486.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1434, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 12 and 13, insert the following:

GENERAL PROHIBITION ON USE OF FUNDS

SEC. 70 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

**SA 2487.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1407, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, after line 24, insert the following:

SEC. 6 \_\_\_\_\_. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

**SA 2488.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1432, making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, between lines 14 and 15, insert the following:

TITLE IX—ADDITIONAL GENERAL  
PROVISIONS

SEC. 901. None of the funds made available under this Act may be distributed to the As-

sociation of Community Organizations for Reform Now (ACORN) or its subsidiaries.

**SA 2489.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

PROHIBITION ON USE OF FUNDS

SEC. 4 \_\_\_\_\_. None of the funds made available in this Act may be used to promulgate or implement any regulation of carbon dioxide emissions under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that will result in significant job loss in manufacturing- or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

**SA 2490.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

PROHIBITION ON USE OF FUNDS

SEC. 4 \_\_\_\_\_. None of the funds made available in this Act may be used to promulgate or implement any regulation of carbon dioxide emissions under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that will result in an increase in retail prices of fertilizer or fuels used for agricultural production.

**SA 2491.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. NATIONAL FOREST FOUNDATION.**

(a) MEMBERSHIP OF BOARD OF DIRECTORS.—Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking “fifteen Directors” and inserting “not more than 30 Directors”.

(b) ADMINISTRATIVE SERVICES AND SUPPORT.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j-3) is amended—

(1) in subsection (a), by striking “section 410(a)” and inserting “section 410”; and

(2) in subsection (b), by striking “section 410(b)” and inserting “section 410”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 410 of the National Forest Foundation Act (16 U.S.C. 583j-8) is amended to read as follows:

**“SEC. 410. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to the Secretary of Agriculture to carry out this title \$3,000,000 for fiscal year 2009 and each fiscal year thereafter, to be made available to the Foundation to match, on a 1-for-

1 basis, private contributions that are made to the Foundation.”.

**SA 2492.** Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. BAUCUS, Ms. MURKOWSKI, Mrs. MURRAY, Mr. UDALL of Colorado, Mr. BENNET, Mr. AKAKA, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. MERKLEY, Ms. CANTWELL, Mr. TESTER, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 197, line 11, strike “\$2,586,637,000” and insert “\$2,576,637,000”.

On page 198, line 10, strike “\$350,285,000” and insert “\$340,285,000”.

On page 200, between lines 13 and 14, insert the following:

COLLABORATIVE FOREST LANDSCAPE  
RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), \$10,000,000, to remain available until expended.

**SA 2493.** Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mr. WYDEN, Mr. UDALL of New Mexico, Mr. TESTER, Ms. CANTWELL, Mr. UDALL of Colorado, Mr. MERKLEY, Mr. BENNET, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 25, strike “\$979,637,000” and insert “\$904,637,000”.

On page 197, line 11, strike “\$2,586,637,000” and insert “\$1,827,637,000”.

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. FLAME FUND FOR EMERGENCY WILDFIRE SUPPRESSION ACTIVITIES.**

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term “Flame Fund” means the Federal Land Assistance, Management, and Enhancement Fund established by subsection (b).

(3) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(4) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(b) ESTABLISHMENT OF FLAME FUND.—There is established in the Treasury of the United States a fund to be known as the “Federal Land Assistance, Management, and Enhancement Fund”, consisting of—

(1) such amounts as are appropriated to the Flame Fund; and

(2) such amounts as are transferred to the Flame Fund under subsection (d).

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Flame Fund such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that the amounts appropriated to the Flame Fund for each fiscal year should be not less than the combined average amount expended by each Secretary concerned for emergency wildfire suppression activities over the 5 fiscal years preceding the fiscal year for which amounts are appropriated.

(C) AVAILABILITY.—Amounts appropriated to the Flame Fund shall remain available until expended.

(2) APPROPRIATION.—There is appropriated to the Flame Fund, out of funds of the Treasury not otherwise appropriated, \$834,000,000.

(3) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that—

(A) further amounts appropriated to the Flame Fund should be designated as amounts necessary to meet emergency needs; and

(B) the new budget authority and outlays resulting from the appropriations should not be considered for the purposes of titles III and IV of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.).

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees described in subsection (h)(2) if the Secretaries estimate that only 60 days worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDFIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts that—

(1) are appropriated to the Secretary concerned for wildfire suppression activities for the fiscal year; but

(2) are not obligated for wildfire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts in the Flame Fund shall be available to the Secretary concerned to pay the costs of emergency wildfire suppression activities that are separate from amounts annually appropriated to the Secretary concerned for routine wildfire suppression activities.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildfire suppression activity is eligible for funding from the Flame Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretaries under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; and

(II) the Secretaries determine that the fire has required an emergency Federal response

based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression activities for the Secretary concerned have exceeded the amounts appropriated to the Secretary concerned for those activities (not including funds deposited in the Flame Fund).

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.—After issuance of a declaration under paragraph (2) and on request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildfire suppression activities associated with the declaration.

(4) STATE, PRIVATE, AND TRIBAL LAND.—Use of the Flame Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PRE-DEFINED ACTIVITIES.—

(1) IN GENERAL.—Subject to subsection (e)(2)(B)(ii), the Secretary concerned shall continue to fund routine wildfire suppression activities within the appropriate agency budget for each fiscal year.

(2) CONGRESSIONAL INTENT.—It is the intent of Congress that funding made available through the Flame Fund be used—

(A) to supplement the funding otherwise appropriated to the Secretary concerned; and

(B) only for purposes in, and instances consistent with, this section.

(g) PROHIBITION ON OTHER TRANSFERS.—Any amounts in the Flame Fund and any amounts appropriated for the purpose of wildfire suppression on Federal land shall be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildfire suppression.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING SYSTEM.—The Secretaries shall establish an accounting and reporting system for the Flame Fund that is compatible with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—Annually, the Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate and make available to the public a report that—

(A) describes the use of amounts from the Flame Fund; and

(B) includes any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.—

(A) IN GENERAL.—Consistent with the schedule provided in subparagraph (C), the Secretaries shall submit to the committees described in paragraph (2) an estimate of anticipated wildfire suppression costs for the applicable fiscal year and the subsequent fiscal year.

(B) PEER REVIEW.—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic peer review to ensure compliance with subparagraph (D).

(C) SCHEDULE.—The Secretaries shall submit an estimate under subparagraph (A) during—

(i) the first week of February of each year;  
 (ii) the first week of April of each year;  
 (iii) the first week of July of each year;  
 and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) REQUIREMENTS.—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

(i) TERMINATION OF AUTHORITY.—The authority under this section shall terminate at the end of the third fiscal year in which no appropriations to or withdrawals from the Flame Fund have been made for a period of 3 consecutive fiscal years.

#### SEC. 424. COHESIVE WILDFIRE MANAGEMENT STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

(c) REVISION.—At least once during each 5-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretaries shall revise the strategy submitted under that subsection to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

SA 2494. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 240, between lines 13 and 14, insert the following:

#### SEC. 423. JUNGO DISPOSAL SITE EVALUATION.

Using funds made available under this Act, the Director of the United States Geological Survey shall conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the “site”), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and

sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—  
 (A) 95 years; and  
 (B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

SA 2495. Mr. SCHUMER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, line 13, insert before “: *Provided*” the following: “and of which \$2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b))”.

SA 2496. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROHIBITION ON USE OF FUNDS FOR THE NATIONAL ENDOWMENT FOR THE ARTS.

None of the funds made available under this Act may be used for the National Endowment for the Arts.

SA 2497. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROHIBITION ON USE OF FUNDS FOR CALIFORNIA NATIONAL HISTORIC TRAIL INTERPRETIVE CENTER, NEVADA.

None of the funds made available under this Act may be used for the California National Historic Trail Interpretive Center in the State of Nevada.

SA 2498. Ms. COLLINS (for herself, Mr. VITTER, Mr. ISAKSON, and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

#### FUNDING LIMITATION

SEC. \_\_\_\_ . None of the funds made available by this Act or any other Act may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless—

(1) the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters; and

(2) such official submits a report biannually to each congressional committee with jurisdiction over such matters, describing the activities of the official and the office of such official, any rule, regulation, or policy that the official or the office of such official participated or assisted in the development of, or any rule, regulation, or policy that the official or the office of such official directed be developed by the department or agency with statutory responsibility for the matter.

SA 2499. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 21, before the period at the end, insert “: *Provided further*, That if the Indian Health Service has reserved unobligated funds for contract health services for fiscal year 2009, the Service shall pay, not later than 90 days after the date of enactment of this Act, the Indian Health Service share of contract health service obligations that were approved for payment before October 1, 2009, and incurred after October 1, 1999, for contract health care provided to contract health service-eligible users in the Schurz Service Unit”.

SA 2500. Mr. DEMINT (for himself and Mr. MCCAIN) proposed an amendment to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

None of the funds made available by this Act may be used by the Secretary of the Interior to restrict, reduce, or reallocate any water, as determined in—

(1) the biological opinion published by the United States Fish and Wildlife Service and dated December 15, 2008; and

(2) the biological opinion published by the National Marine Fisheries Service and dated June 4, 2009.

SA 2501. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 122, line 11, insert before the period at the end the following: “: *Provided*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of \$2,000,000 made available for the Henry’s Lake ACEC in the State of Idaho (as described in the table entitled “Congressionally Designated Spending” contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho”.

**SA 2502.** Mr. WHITEHOUSE (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) The Senate finds that—

(1)(A) mercury was used in switches found in the convenience lighting and anti-lock brake systems of old cars, including models manufactured overseas before 1992 and models manufactured in the United States before 2003;

(B) if those switches are not removed from a car prior to crushing, the resulting scrap metal will contain mercury;

(C) every year, the steel industry melts down 12,000,000 to 14,000,000 used cars as valuable feedstock for steel;

(D) when the scrap is melted, mercury is released through the stacks of the furnaces and into the air people breathe;

(E) while each switch is small, the quantity of mercury found in the switches adds up quickly;

(F) in 2003, the cars recycled by the steel industry contained 8,500,000 switches and approximately 10 tons of mercury;

(G) steel is the fourth largest emitter of mercury in the United States; and

(H) vehicle switches are the largest source of mercury for the steel industry;

(2)(A) in August 2006, 9 organizations launched the National Vehicle Mercury Switch Recovery Program (referred to in this section as the “Program”) to increase the recovery of mercury-filled switches found in old cars, including—

(i) the American Iron and Steel Institute;

(ii) the Steel Manufacturers Association;

(iii) the Automotive Recyclers Association;

(iv) the Institute of Scrap Recycling Industries;

(v) the End of Life Vehicles Corporation;

(vi) the Environmental Defense Fund;

(vii) the Ecology Center;

(viii) the Environmental Council of the States; and

(ix) the Environmental Protection Agency;

(B) the Program is operating through the End of Life Vehicles Corporation (referred to in this section as “ELVS”), a nonprofit organization established and operated by automobile manufacturers and other founders of the national voluntary Program; and

(C) ELVS—

(i) educates scrapppers on how to recover mercury switches;

(ii) provides sealed containers for the scrapppers to use when shipping the switches to ELVS;

(iii) negotiates responsible disposal of the switches;

(iv) pays incentive bounties for each recovered switch; and

(v) handles the receipt and responsible disposal of switches from States with mandatory mercury switch recycling laws;

(3)(A) in February 2008, after 18 months of operation, the Program collected 1,000,000 switches; and

(B) collection has picked up since with more than 1,000,000 switches recovered during the 12 month-period beginning in August 2008; and

(4)(A) since August 2009, however, the bounty fund established by the auto and steel industry had been empty;

(B) funding for the operation of ELVS itself is in jeopardy; and

(C) the timing is particularly unfortunate in light of the success of the Cash for Clunkers Temporary Vehicle Trade-In Program, which has resulted in another 670,000 old cars being taken off the road and recycled.

(b) It the sense of the Senate that the Senate—

(1) supports the National Vehicle Mercury Switch Recovery Program; and

(2) urges the founders of the effective Program find a way to fund the Program so that the successful efforts of the Program to prevent mercury pollution may continue.

**SA 2503.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 144, strike line 11 and all that follows through page 146, line 23, and insert the following:

\$2,334,322,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,915,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$154,794,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$566,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which \$50,000,000 is appropriated to the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110–293 (25 U.S.C. 443c); and of which not to exceed \$60,958,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation

support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder’s trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2012: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, \$200,000,000, to remain available

**SA 2504.** Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 219, line 5, before “and including”, insert the following: “of which \$5,000,000 may be made available to the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.”.

**SA 2505.** Mr. CARPER (for himself, Mr. MERKLEY, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL  
PROTECTION AGENCY  
BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, may carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading “ENVIRONMENTAL PROGRAMS AND MANAGEMENT” for operations and administration, up to \$2,000,000 shall be—

(1) transferred to the account used to fund the Office of Air Quality Planning and Standards of the Environmental Protection Agency; and

(2) used by the Administrator to carry out this section.

**SA 2506.** Mr. CARPER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2477 submitted by Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 6 and all that follows through page 2, line 5, and insert the following:

SEC. 201. The funds made available for the Environmental Protection Agency under this title may be expended by the Administrator of the Environmental Protection Agency to promulgate regulations for the renewable fuel program established under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) only if the regulations take into consideration an appropriate characterization, as determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture and the Secretary of Energy, of the uncertainty in calculating the international indirect land use change emissions in the implementation of the renewable fuel program.

**SA 2507.** Mr. TESTER (for himself, Mr. BARRASSO, Mr. CRAPO, and Mr. BAUCUS) submitted an amendment in-

tended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, line 9, strike “\$1,556,329,000” and insert “\$1,552,429,000”.

On page 193, line 20, insert before the period at the end the following: “: *Provided further*, that \$282,617,000 shall be made available for recreation, heritage, and wilderness”.

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. CABIN USER FEES.**

Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

**SA 2508.** Mr. VITTER proposed an amendment to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 240, between lines 13 and 14, insert the following:

**SEC. 423. PROHIBITION ON USE OF FUND TO DELAY DRAFT PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM 2010-2015.**

None of the funds made available by this Act shall be used to delay the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010-2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

**SA 2509.** Mr. ROBERTS (for himself, Mr. BROWNBAC, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**BUYOUT AND RELOCATION**

SEC. 4 \_\_\_\_\_. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) is encouraged to consider all appropriate criteria, including cost-effectiveness, relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or

remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

**SA 2510.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2477 submitted by Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 6 and all that follows through page 2, line 5, and insert the following:

SEC. 201. The funds made available for the Environmental Protection Agency under this title may be expended by the Administrator of the Environmental Protection Agency to promulgate regulations for the renewable fuel program established under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) only if the regulations take into consideration an appropriate characterization of ranges, as determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture and the Secretary of Energy, of the uncertainty in calculating the international indirect land use change emissions in the implementation of the renewable fuel program.

**NOTICE OF HEARING**

**COMMITTEE ON ENERGY AND NATURAL  
RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing previously announced for September 17, 2009, has been rescheduled before the Senate Committee on Energy and Natural Resources. The hearing will now be held on Thursday, October 1, 2009, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Gina\\_Weinstock@energy.senate.gov](mailto:Gina_Weinstock@energy.senate.gov).

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

# AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 22, 2009, at 9 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 22, 2009, at 10 a.m. to conduct a hearing entitled "World at Risk: The Weapons of Mass Destruction Prevention and Preparedness Act of 2009."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 22, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate, on September 22, 2009, at 2:30 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Strengthening Security and Oversight at Biological Research Laboratories."

The PRESIDING OFFICER. Without objection, it is so ordered.

## MAKING MINORITY PARTY COMMITTEE APPOINTMENTS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 279, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 279) making minority party appointments for certain committees for the 111th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 279) was agreed to, as follows:

## S. RES. 279

*Resolved*, that the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Bunning, Mr. Crapo, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, Mrs. Hutchison, and Mr. Gregg.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Isakson, Mr. Vitter, Mr. Brownback, and Mr. Johanns.

SPECIAL COMMITTEE ON AGING: Mr. Corker, Mr. Shelby, Ms. Collins, Mr. Hatch, Mr. LeMieux, Mr. Brownback, Mr. Graham, and Mr. Chambliss.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to the provisions of Public Law 99-93, as amended by Public Law 99-151, appoints the Senator from Idaho, Mr. RISCHE, as a member of the United States Senate Caucus on International Narcotics Control.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 304, 428, 430, 431, 432, 433, and 434; that the nominations be confirmed en bloc and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

Carmen R. Nazario, of Puerto Rico, to be Assistant Secretary for Family Support, Department of Health and Human Services.

## DEPARTMENT OF STATE

David C. Jacobson, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Lee Andrew Feinstein, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Barry B. White, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

Michael H. Posner, of New York, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

Robert D. Hormats, of New York, to be an Under Secretary of State (Economic, Energy, and Agricultural Affairs).

Robert D. Hormats, of New York, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

Mr. SANDERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. Yes, we are.

Mr. REID. I ask unanimous consent that we terminate morning business and move to the legislation that is before the Senate.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill, (H.R. 2996) making appropriations for the Department of the Interior, environment and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

## CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk on the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move

to bring to a close debate on the committee substitute amendment to Calendar No. 98, H.R. 2996, the Interior Appropriations Act for Fiscal Year 2010.

Harry Reid, Dianne Feinstein, Patrick J. Leahy, Edward E. Kaufman, Debbie Stabenow, Patty Murray, Barbara A. Mikulski, Barbara Boxer, Daniel K. Inouye, Ben Nelson, Sherrod Brown, Michael F. Bennet, Tom Harkin, Bill Nelson, Richard J. Durbin, Sheldon Whitehouse, John F. Kerry.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk with respect to the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 98, H.R. 2996, the Interior Appropriations Act for Fiscal Year 2010.

Harry Reid, Dianne Feinstein, Patrick J. Leahy, Edward E. Kaufman, Debbie Stabenow, Patty Murray, Barbara A. Mikulski, Barbara Boxer, Daniel K. Inouye, Ben Nelson, Sherrod Brown, Michael F. Bennet, Tom Harkin, Bill Nelson, Richard J. Durbin, Sheldon Whitehouse, John F. Kerry.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorums required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with

Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 23, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, September 23; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 45 minutes and the Republicans controlling the second 45 minutes; that following morning business, the Senate resume consideration of Calendar No. 98, the Interior appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, there will be some rollcall votes during tomorrow's session, the extent of which has not been determined at this time. Cloture motions were filed earlier on the committee substitute amendment and on the bill itself. As a result, there is a filing deadline for first-degree amendments to H.R. 2996 of 1 p.m. tomorrow.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, September 23, 2009, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, September 22, 2009:

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

CARMEN R. NAZARIO, OF PUERTO RICO, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

##### DEPARTMENT OF STATE

DAVID C. JACOBSON, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

LEE ANDREW FEINSTEIN, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

BARRY B. WHITE, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

MICHAEL H. POSNER, OF NEW YORK, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

ROBERT D. HORMATS, OF NEW YORK, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, ENERGY, AND AGRICULTURAL AFFAIRS).

ROBERT D. HORMATS, OF NEW YORK, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## HOUSE OF REPRESENTATIVES—Tuesday, September 22, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 22, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### OVER ONE MILLION ATTEND “PAZ SIN FRONTERAS” CONCERT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Madam Speaker, on Sunday, a historic event took place in Havana, Cuba. An estimated 1.2 million people attended an all-star concert made up of many of the top Latin pop, rock and salsa stars from Latin America, Europe, Puerto Rico and Cuba.

The concert, known as Paz Sin Fronteras, or Peace Without Borders, was the dream of Colombian singer, songwriter and multiple Latin Grammy winner Juanes and his two primary collaborators Miguel Bose of Spain and Olga Tanon of Puerto Rico.

The message of the Peace Without Border concerts is to circumvent politicians, and using the medium of music, speak directly to young people and encourage them to think in fresh ways—to change their way of thinking—and leave behind the old politics, the old hatreds, prejudices and national enmities that have locked too many people into patterns of conflict, violence, poverty and despair, dividing them from one another. It is an at-

tempt to break down barriers and ask people to join in common purpose.

Both the United States and Cuban governments helped facilitate the concert, including providing Juanes and his company of 15 international and Cuban artists full control over message and staging. The Departments of State, Treasury and Commerce, and especially Secretary of State Hillary Clinton, are to be commended for providing in record time the various licenses and authorities required for U.S. musicians, technicians, musical and production equipment to travel and enter Cuba.

This is the second Peace Without Borders concert organized by Juanes in what he hopes will be a series of concerts in the hemisphere in places where people, if not politicians, might be open to a message of change, especially young people, who are more readily engaged by the language of rock-and-roll. The first such concert took place last year on the Peace Bridge on the border of Colombia and Venezuela when military tensions escalated between the two countries.

I applaud Juanes and all the participating artists for their courage, their vision and commitment to working together to communicate directly to the Cuban people through the language of music.

More than just a rock concert, this massive cultural event in Havana was a moving and emotional testament, even to many of its critics, about the power of the human spirit to reach across barriers during times of tension and opportunities. The ripples and waves created by this concert are just beginning to be felt in Cuba, the United States and throughout the hemisphere. I very much look forward to supporting other Paz Sin Fronteras initiatives in the future.

Madam Speaker, I include the following materials for the RECORD.

[From the Washington Post, Sept. 21, 2009]  
IN CASTRO COUNTRY, GIVING A CONCERT FOR  
PEACE

(By William Booth)

HAVANA.—Rock-and-roll diplomacy came to the communist isle on a smoldering afternoon, as hundreds of thousands of Cubans filled the Plaza of the Revolution on Sunday and sang along to a dozen international musical acts led by the Colombian singer and peace activist Juanes.

The free “Peace without Borders” concert was criticized by hard-line Cuban exiles in Miami as a propaganda coup for the Castro brothers, and that it might have been. But for thousands of young Cubans, it was a rare treat to hear a lineup of global Latin music

stars, such as Olga Tanon of Puerto Rico and Miguel Bosé of Spain.

Under the watchful gaze of a huge mural of Ernesto “Che” Guevara, and beneath the socialist slogan “Always Toward Victory!” on the side of the Ministry of Interior building, there was no trouble from the mostly young crowd. Many were dressed in white, in keeping with the peaceful vibe.

From the stage, framed by giant posters of a white dove, musicians offered hopeful but admittedly vague appeals for change, solidarity and, of course, peace. Bosé told the crowd that “the greatest dream we can live is to dream the dream of peace.” He also announced that there were more than a million people in the square, though there were no official estimates.

Tanon shouted that she brought greetings from Miami—home of many Cuban exiles who live in opposition to the Cuban government—and no one in the crowd booed, but instead whistled and cheered.

The United States has pursued a policy of economic embargo and diplomatic freeze against Cuba for almost 50 years, hoping to topple the government, to no avail. Despite promises by President Obama, change in the U.S.-Cuba relationship has been slow in coming.

In an interview aired Sunday on the Spanish-language network Univision, Obama acknowledged that the concert would only go so far. “I certainly don’t think it hurts U.S.-Cuban relations,” he said. “I wouldn’t overstate the degree that it helps.”

The plaza is iconic as the scene of some of Fidel Castro’s biggest rallies and longest speeches, though he has not been seen in public for almost three years, after intestinal surgery. Anti-Castro Cuban exiles in Miami have voiced heated opposition to the concert, saying it only served to support the government here, which would milk the event for publicity even as it imprisons hundreds of political dissidents.

Because of his participation, Juanes has received death threats. But some of the pressure on him eased when, earlier this month, 24 of the 75 Cuban opposition leaders arrested in a 2003 crackdown on dissent signed a letter saying the show must go on.

“We came to Cuba with love. We have overcome fear to be with you, and we hope that you too can overcome it,” Juanes told the masses. “All the young people, from Miami in the United States and in all the cities, must understand the importance of turning hate into love.”

More than 100 buses could be counted bringing young people to the concert. “This is the best concert to come to Cuba in, like, 50 years,” said Yelene Fernandez, a student at the University of Havana who was dancing with friends.

Sitting in his hotel room on the eighth floor of the Hotel Nacional the night before the show, Juanes was typing out messages for his Twitter followers. He was wearing a silver crucifix, jeans and a T-shirt. “It’s important to do this. I know this in my heart,” he said. “Our region, Latin America, is very complicated right now. We’re all going our separate ways because of our ideologies. It’s time to change our minds, to do something beyond politics, for young people.”

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Juanes had previously met with Obama administration officials, and being a 17-time Latin Grammy winner who has become a kind of roving diplomat in Latin America, he got to see Secretary of State Hillary Rodham Clinton. She gave her blessing to his participation in the concert.

"We asked what they thought, and they said, 'Go ahead.' She was very positive," he said. "Me, I am Colombian, so I didn't need to ask permission. But we did need permission for all our staff, and they said sure."

Juanes said he asked some artists to come, "but they were afraid. Latin artists, we live in Miami, and when you live in Miami, anything to do with Cuba is always a challenge. Some people in Miami are against anything to do with Cuba. Some are in the middle. And the young people, they definitely support cultural exchange."

Next up in that exchange: The New York Philharmonic is coming to play a series of concerts at the Teatro Amadeo Roldan in Havana at the end of October.

"I see an increase in these cultural exchanges, and I think it's healthy, it's a step in the right direction," said Bill Richardson, governor of New Mexico, in an interview. He traveled this month to Cuba to discuss trade issues with the government.

In Havana on Sunday, those who were not at the Plaza of the Revolution watched the concert on rickety old TV sets in airless living rooms—or sat in their front courtyards to catch the breeze and listened to the show on the radio.

The artists performed free and covered the cost of shipping stage and sound equipment from Miami for the mega-concert. The Cuban government provided logistical and technical support. Juanes insisted that the signal from the show is free to use, download or broadcast anywhere in the world.

Juanes performed his first "Peace without Borders" concert on the frontier between Colombia and Venezuela last year during a time of heightened animosity between the countries. He said he would like to perform a third peace concert at the border between El Paso and Ciudad Juarez, Mexico. A vicious battle between street dealers and drug cartels, fighting among themselves and against federal troops, has left more than 1,600 people dead this year, making Juarez the most violent city in the world.

Juanes said: "I am from Colombia. I have no idea what it means to live in peace."

[From the Miami Herald, Sept. 20, 2009]

#### THIS IS THE POWER OF MUSIC

(By Lydia Martin and Jordan Levin)

As a sea of revelers jammed Havana's Plaza de la Revolución, Puerto Rico's Olga Tañón opened the controversial Peace without Borders concert Sunday with a sentiment that, despite all the debate on both sides of the Florida Straits, simply could not be disputed:

"Together, we are going to make history!" she yelled. And the multitude, wearing white and hoisting colorful umbrellas that did little to alleviate the punishing heat, cheered. Then Tañón kicked off her performance with a merengue that, at least in Miami, seemed to carry a double meaning.

"Es mentiroso ese hombre," she sang. That man is a liar.

But whether she chose the lyrics as a dig to either or both of the Castro brothers seemed less relevant than the overall, palpable joy in the plaza.

Then, at the very end of the show, a major surprise from Colombian pop star Juanes, who was criticized by a segment of the exile

community for organizing the concert because they believed it would lend support to the Castro regime. Juanes, who had insisted the concert had nothing to do with politics, made it political after all, to much approval from Miami's naysayers.

He moved away from the day's ambiguities and shouted a straightforward "Cuba libre! Cuba libre!" (Free Cuba!) And then he chanted, "One Cuban family! One Cuban family!"

Reached by phone in Havana shortly after the concert ended, Juanes said the day was indeed about much more than music.

"There aren't words to talk about something so huge, something that's so beyond music," he said. "This is the power of art, the power of music. We're so happy because the people are happy, and that's what matters to us."

The crowd, which Juanes said from the stage was estimated at 1.1 million, was mostly young people; many had arrived as early as 7 a.m. to stake out spots near the stage. Although several trucks around the perimeter dispensed cold water, many people in the middle of the crowd could not reach them. Dozens of concertgoers who had been in the sun for hours passed out.

Yonder, 25, and his girlfriend Yaima, 19, retreated from the front of the stage after Yaima fainted. She lost a shoe in the crowd. "She bent down to try to find it but wound up grabbing somebody else's shoes that were lost," Yonder said. "There is a lot of pushing and shoving. There are shoes and sunglasses all over the ground."

(The couple did not want their last names printed.)

The likeness of communist hero Che Guevara towered over the plaza that has been the site of endless political harangues by Fidel Castro over 50 years of dictatorship. But judging from the dancing, singing and arm-waving, what mattered most in Havana, at least for a few hours, was the partying inspired by this unprecedented mega-concert.

#### MIXED REACTION

Toward the end of the show, U.S. Rep. Ileana Ros-Lehtinen (R-Miami) said in an interview with WLTV-Univision 23 that the event had been a triumph for the Castro regime, because there was no mention from the stage about Cuba's human-rights violations or about the many political prisoners who were behind bars for opposing the government. But many others in Miami called it a good start in trying to bridge the divide between the island and the exile community.

Whatever the show's lasting effects, it was still historic. All of Havana seemed mesmerized; as one walked the city's streets every TV set seemed to be blasting the concert. Never had the plaza, where Pope John Paul II addressed the Cuban people in 1998, been used for such a lighthearted purpose. Never had the Cuban people been treated to such a musical blowout by major foreign acts—something for which the island is always thirsty.

And never had Miami watched a live show from Havana. It was carried by local Spanish-language stations and by Univision.com. Channel 23 tagged it "Concert of Discord."

As with most matters related to Cuba, the gray shades of debate clouded the days leading up to the concert, which featured 15 artists from six countries, including such big stars from the island as Los Van Van and Silvio Rodríguez, government-backed and government-backing performers. Some Miami exiles criticized Juanes for agreeing to share the stage with them.

Members of the Cuban American National Foundation, which seeks to bring democracy

to the communist island, tuned in from the Kendall home of president Francisco "Pepé" Hernandez.

They watched in awe as Juanes performed, his lyrics and short speeches flirting with political commentary.

"To go to that same plaza—where [Cubans] have been forced to listen to things they don't believe in—for music? It's great," Hernandez said. To him, the concert symbolized a sharp turn away from isolationist policies used by pro-democracy Cuban exile groups during the last 50 years.

"I hope that all of the young people in the United States, in Miami, everywhere, lose their fear and change hate for love," Juanes told the audience.

Although the performers had agreed to not make overt political statements, the possibilities of political interpretation seeped into many of their songs. "Down with the control. Down with those who manipulate you" chanted a female rapper with X Alfonso, a Cuban rap and funk artist.

"We're all here together—for the dream of concord, for the dream of dialogue!" said Spanish pop singer Miguel Bosé. He was joined by Cuban singer-songwriter Carlos Varela for Varela's Muro (Wall), which Bosé has recorded, about longing for the outside world from Cuba's seawall.

#### SONG OF PEACE

No one's songs were more emotionally loaded than those of Juanes, who took the stage to chants of his name. "I can't believe it. This is the most beautiful dream of peace and love," he said. "Whatever differences we have, at the end we are all brothers." He then launched into A Dios le pido (I'll Ask God), his huge hit that pleads for peace. Most of his statements, until his strong words at the end, were general but carried the possibly of much meaning.

"Youth of Cuba, of Latin America, the future is in your hands, guys!" he said before singing No creo en el jamas (I Don't Believe in Never), which calls for hope against all odds. He turned the rocker Suenos (Dreams), about a kidnapping victim who longs for home, into a quiet ballad, telling the audience "this song is for everyone who is imprisoned unjustly and seeks liberty!"

"Juanes is so brave," said Gabriela, 14, who went to the show with her sister, mother and grandmother. "He didn't have to come here and confront all of those people who were against him. He did it because he wanted to sing for us. For Cuba."

Many Cubans in Miami watched with conflicted feelings.

"This is supposed to be a concert for peace, but there is no peace without political discourse or democracy in Cuba," said paralegal Blanca Meneses, who lives in the Doral area. "But I feel for the people in Cuba, because, obviously, they are enjoying this from a musical perspective. The truth is, I thought nothing good could come of this concert. But I did think that when Juanes and Bosé were singing 'Libertad, libertad,' that was a positive message to the people of Cuba."

[From the Miami Herald, Sept. 21, 2009]

#### A DAY AFTER JUANES' SHOW, EMOTIONS IN MIAMI STILL MIXED

(By Jordan Levin)

When Fabio Diaz settled in with 15 members of his extended Cuban family to watch Colombian singer Juanes' historic concert in Havana on television Sunday, he—and the rest of his clan—had mixed feelings. Diaz, who is 35 and came to Miami at 19, thought the event should have been staged in an

intermediary location between the island and Miami, as a bridge between the two sides. And he wanted Juanes to speak out directly about freedom in Cuba.

But as he and his family watched the show, which aired live from Havana on three Miami Spanish-language television stations—itsself an unprecedented event—Diaz said his feelings overpowered his doubts. “What I loved was seeing so much of the Cuban people—and I feel completely Cuban—all together for a celebration and not for something political,” Diaz says.

Much of Cuban and Latino Miami witnessed that celebration via their television and computer screens. Univision’s Channel 23 in Miami drew 220,000 viewers for their five-hour long broadcast, and 140,000 in the U.S. and Puerto Rico watched on the network’s website. Telemundo’s afternoon-long coverage on its Channel 51 in Miami drew triple their normal viewership, and more than 600,000 visits to their website which streamed the show—more than four times the usual web traffic for that time period.

Emotions in Miami were mixed about the show, which drew hundreds of thousands of people to pack Havana’s Plaza de la Revolucion on Sunday for performances by 15 artists from six countries. (Spanish singer Miguel Bosé announced from the stage that the audience was 1.15 million).

A protest by exile group which brought a small steamroller to Calle Ocho to run over Juanes’ CD’s, sparked a counter demonstration that led to physical clashes between the two sides.

Some callers to radio talk shows were happy that, as one woman put it, “young Cubans had the chance to feel happy for one day” while others felt that the joyful image on television was far from Cuban reality. And some exiles remained disenchanted and angry that the show did not directly address problems and repression in Cuba.

“It’s not about foreign musicians singing in Cuba,” said Esperanza Brigante. “A real concert for peace should start by denouncing the human rights violations that plague the island . . . because we all know this is a political show.”

But there was a strong, often emotional response at seeing the sea of young Cuban faces, and a sense that the concert signaled a turning point in exile attitudes towards Cuba. “I was very moved,” said Ana Maria Perez Castro, 38, who came from the island in 1979. She watched the entire concert at home with her 16-year-old son.

Castro said she cried during the performance of Cucu Diamantes, a Cuban-American singer with the U.S.-based group Yerbabuena. “She’s also Cuban and she left, and to see her going back and performing for her people in her country was very emotional,” Castro said. “I could totally connect to the message to break that barrier, that fear which is what keeps all this old mentality intact.”

Juanes, who was traveling Monday and could not be reached, was optimistic that the show had achieved his goal of helping to bring people together.

“Today the hearts of everyone here have changed. Cuba cannot be the same after this event,” the multi-Grammy winning rock star told *The Herald* from Havana Sunday evening. “This event reaffirmed the necessity for all of us to unite. . . . The government of the U.S. has to change and Cuba has to change too. But this show of love and peace and affection is so important for both sides.”

Juanes has said hopes to stage the next Paz Sin Fronteras concert on the U.S.-Mex-

ico border between Ciudad Juarez, where violent clashes between drug gangs and authorities have made the most violent city in the world, and El Paso, Texas.

That the Havana concert was allowed to take place at all, with so many people allowed to come together freely in the largest non-governmental gathering since the Pope visited Cuba in 1998, was itself indicative that Cuba was changing, said Fernand Amandi, executive vice-president of Bendixen & Associates, a public opinion research firm which specializes in the Cuban-American community.

“More than anything [the concert] underscores the fact that Cuba and relations with Cuba are undergoing a dramatic transformation that is irreversible,” Amandi said. “At the end of the day it is simply a concert . . . But you’re beginning to see a loosening of the very rigid, very totalitarian Cuba . . . while it is still totalitarian, the government is probably beginning to recognize that it cannot survive in the future by further isolating itself.”

Another change, said Amandi, was an increased acceptance of differing points of view in the exile community, and frustration with the strife that often seems to dominate discussion of Cuba. On radio talkshows people were critical of the media focus on the raucous clash between anti and pro concert demonstrators in Little Havana. Many more Cuban-Americans “that have never agreed with the hardline stance are no longer afraid to speak up,” Amandi said.

On the island, Cuba’s best-known blogger, Yoani Sánchez, gave an insider’s view of the concert in frequent posts on her website, [www.desdecuba.com](http://www.desdecuba.com), and her Facebook page. She also uploaded a video of the concert on YouTube—“from the people’s point of view” which shows she is wearing an olive green T-shirt with the Generation Y logo.

“I didn’t go dressed in white to the concert for peace, but I opted for the color of freedom, which is the color each of us chooses to wear,” she said. “The color each one of us chooses—that’s the color that I like.”

To Diaz, what finally mattered most was that the concert brought the world a glimpse of Cuba and its hopes to him and to the world. “We could tell that Juanes’s goal really was to bring a moment of happiness to the people,” he said. “And I think he did this. And I think the world should see 1,150,000 Cubans there who hope for change, for peace, for understanding of dialogue, and that history has to take another direction.”

#### REFORM NEEDED AT UNITED NATIONS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, Ambassador Susan Rice, our Permanent Representative to the United Nations, has emphasized that the U.S. is “taking a new approach” to the U.N. as part of its broader “new era of engagement.” Instead of protecting the investment of our tax dollars, instead of conditioning our contributions on real reform, the U.S. has adopted a strategy of “money now, maybe reform later.”

At the U.N. General Assembly as it begins its new session this week, there is perhaps no better time to evaluate

the effectiveness thus far of this so-called “new approach.”

Well, let’s see what has resulted. In March, the U.S. sent an observer to participate in the U.N.’s so-called Human Rights Council, which is dominated by dictatorships like China, Cuba and Saudi Arabia, and is notoriously anti-Israel.

Despite U.S. engagement, the Council stayed true to form. What did they do? Overwhelmingly passed five separate resolutions condemning Israel, passing no resolutions condemning human rights violations by the regimes in Iran and Syria, Sudan, Cuba, Zimbabwe or many other dictatorships.

True to form, the Council-appointed panel recently released a report accusing Israel of “war crimes” and “possibly, crimes against humanity” for defending its citizens against rocket and mortar fire from Islamic militants in Gaza.

When it comes to the Council’s biases and backwardness, there is no end in sight. There is no change in sight. Yet, the U.S. silently nods and sends millions of our taxpayer dollars, with no questions asked.

There is also UNRWA, the United Nations Relief Works Agency, the U.N.’s discredited, biased agency for Palestinian refugees. This year alone, we have given UNRWA a record of \$260 million. In return, UNRWA continues to compromise its strictly humanitarian mandate by engaging in propaganda against Israel and in favor of Hamas. In fact, UNRWA’s head says she doesn’t even consider Hamas to be a Foreign Terrorist Organization, and her predecessor even admitted that members of Hamas were on the payroll of UNRWA, saying “I don’t see that as a crime.”

Deputy Secretary of State Jacob Lew testified before our Foreign Affairs Committee in May, and he said UNRWA’s activities received “the highest level of scrutiny” by the State Department. But we don’t even require UNRWA to vet its employees and aid recipients through the U.S. watch lists.

Turning to the U.N. General Assembly, Madam Speaker, it remains silent in the face of intense repression and violent attacks by the Iranian regime against peaceful demonstrators. Yet, in late June, it moved swiftly to condemn and isolate the constitutional democratic government of Honduras for acting in accordance with and in protection of the rule of law.

As for the leadership of the new session of the General Assembly, it’s a “who’s who” of the world’s worst regimes. The President? The former foreign minister of Libya. One of the vice-presidents? From Sudan. A vice chair of the legal committee? Iran. But the U.S. has said nothing as such rogue regimes were selected for leadership positions at the U.N.

Administration officials have said, “The U.N. is essential to our efforts to

galvanize concerted actions that make Americans safer and more secure.” Libya, Sudan, Iran? Are you feeling secure now?

One of the greatest threats to the security of our Nation and an existential threat to our ally Israel comes from the Iranian regime and its nuclear program. This week, for the first time, a President of the United States will chair a meeting of the U.N. Security Council and will have a golden opportunity to raise the threat of Iran on the world stage. The Council will even be holding a special summit on the general issue of nuclear nonproliferation.

Yet the actions of specific countries such as Iran will be ignored. The U.S. will not use its presidency of the Council this month to push for increased sanctions on Iran or any other regime that pursues nuclear capabilities or sponsors violent extremist groups.

The International Atomic Energy Agency continues to provide nuclear technical assistance to Iran and Syria, and the U.S. remains silent.

The U.N. Development Program is accused of misusing funds in Zimbabwe, in Afghanistan and in North Korea, to name a few, and the U.S. continues to provide them with hundreds of millions of dollars every year in funding. No strings attached.

Madam Speaker, enough is enough. Let's put U.S. taxpayer dollars to work for the American people, and not for the U.N., where the inmates run the asylum.

#### EXCLUDING AMERICANS FROM HEALTH CARE BASED ON GEOGRAPHY

The SPEAKER pro tempore. The Chair recognizes the gentleman from the Northern Mariana Islands (Mr. SABLAN) for 1 minute.

Mr. SABLAN. Madam Speaker, I have been explaining the issue of health care reform in the United States territories. Here is the problem:

Reform is sorely needed for the American citizens living in the territories, but the bills currently before this House deny us that reform. Under these bills, we will be required to purchase health insurance, but we will not be eligible for the affordability credits that help pay for it, even though more than 40 percent of those in the Northern Mariana Islands live below the poverty level.

CHIP programs will be brought to an end, but without an exchange or public option in the territories, thousands of children will lose coverage. Our Medicaid program will remain criminally underfunded.

Madam Speaker, for health insurance reform to exclude some Americans simply because of geography is wrong. It is discriminatory. And until it is remedied, my colleagues should know this

“reform” leaves behind many of those who need it the very most.

#### A NEW PLAN NEEDED IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, 8 years ago, in the wake of the worst terrorist attack that we have ever faced in America's history, the United States sent troops to Afghanistan. These troops were sent to accomplish a difficult mission, but an achievable mission, and despite the gains that have been made to date, our mission has not been properly resourced and executed.

As such, 8 years later, the fight rages on and terrorists are still plotting to hijack our planes, blow up our bridges, wreak havoc on our cities, and murder innocent people. So the threat has not changed. Afghanistan remains a crucial theater in the war against terrorism and extremists who seek to destroy our way of life, and it deserves our utmost attention and adequate resources.

To his credit, President Obama recognizes that the war in Afghanistan does need these greater resources, but some within his administration and party are advocating a “small footprint” strategy, calling for a reduction in the number of U.S. troops on the ground and a sole focus on al Qaeda only, instead of on the Taliban-led insurgent coalition.

But a “small footprint” strategy did not work in Iraq. What did work was a robust counterinsurgency strategy backed by the surge of American troops. In fact, it was this strong presence of American soldiers in Iraq that encouraged Iraqis to come forward with valuable intelligence, which in turn led to more effective targeting of al Qaeda and other insurgent groups.

My colleagues, this can be done in Afghanistan, but it also must include support from our European allies and other freedom-loving countries who desire to rid the world of terrorism.

General McChrystal, the U.S. Commander in Afghanistan, is advocating an expanded military effort within a new counterinsurgency strategy that focuses on protecting Afghans from the intimidation tactics of the Taliban through a troop surge.

General McChrystal is a highly capable and accomplished officer with extensive counterinsurgency experience. Yesterday he warned that we need more forces within the next year and that without them, our mission in Afghanistan will “likely result in failure.”

When it comes to military strategy, we should listen to those who know firsthand what the situation on the ground is in Afghanistan. But, my colleagues, we must also look at the political infrastructure of Afghanistan and

be sure its political leaders are representing the best interests of the Afghan people and that political corruption is eliminated.

It is clear that the Afghan military needs our help—and our numbers. But currently there are only 173,000 men in the Afghan army and police. Compare that with Iraq. In that country, which is smaller and less populated, there are over 600,000 Iraqi army and police. Clearly we need to train more Afghan military personnel.

Unfortunately, though, for the past 8 years Afghanistan has not been a properly resourced war. The new strategy proposed by General McChrystal and General David Petraeus is focused on expanding and improving Afghan forces with better training and embedded advisers and forming a true partnership and trust between Afghan units and American units, with the end goal of growing the Afghan army and police to the point where U.S. troops could be reduced dramatically.

But before we put more American troops in Afghanistan, we need a more deliberate plan with the Afghan military that includes participation by our allies and adequate support from the Afghan people and legitimate political leaders.

The reality of the situation on the ground in Afghanistan is that it would take another 2 years to expand Afghanistan's forces to around 300,000 personnel. Experts suggest at least 360,000 Afghan troops and police are needed to adequately fight the counterinsurgency and to effectively police the country's 33 million inhabitants. This is the key to our success.

One thing we must not forget is that a withdrawal at this critical juncture would destabilize Pakistan, an ally in a region of instability and a country in possession of nuclear weapons.

So, my colleagues, we need a new strategy that can work, but this new strategy can work only if we ask for patience from the American people and the knowledge that a mission of this magnitude and importance is not going to be won overnight or from afar. The sacrifices we make overseas now will prevent another 9/11-style attack here at home in the future.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. DAVIS of Tennessee) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, how simply children learn to pray: "Thy will be done." Are they more dependent, innocent, and free compared to the rest of us? Or is it because they are more practiced in obedience? "Thy will be done."

As adults, Lord, do we try to convince You by our prayers to see events, problems, or others as we see them? Perhaps blinded by our own fears and guilt, we are easily convinced by the cumulative lies of selective history and the intellectual culture. So much so, that we insist on thinking that we are on an even match with You, Lord.

So, it is Your will against ours. How arrogant even Your people of faith can be.

In truth, make us humble of heart, Lord; or else You may find Your own way to humble us before You.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### CONGRATULATING CHIEF TIM MCELWEE

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, on August 28, Chief Tim McElwee of the Prescott Fire Department was named the 2009 Safety Officer of the Year by the International Association of Fire Chiefs. A 30-year PFD veteran, Chief McElwee heads his agency's training division. He literally wrote the book on safety and training requirements for the department.

Chief McElwee's accomplishments also extend beyond the Prescott Fire Department. He sits on the Arizona Wildfire Academy Board of Directors, helps oversee disaster response for his region, and has managed an organiza-

tion that provides training to fire departments throughout the area.

Chief McElwee will be retiring in May 2010, but his many contributions to the Prescott Fire Department and to Arizona will help keep our communities safe for years to come.

I congratulate Chief McElwee for this much-deserved honor.

#### JOB CORPS DAY CELEBRATING 45 YEARS OF PRODUCING PAYROLLS FOR AMERICA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Today marks a historic event for the Nation's most significant Federal job-training agency. The Job Corps celebrates its 45th anniversary today, recognizing the agency's many years of service to America during which it has helped launch the careers of nearly 3 million disadvantaged youths.

As part of the National Job Corps Association's celebration of this important anniversary, I'm proud to cosponsor Congressman JERRY MORAN's resolution, H. Con. Res. 163, to designate September 23 as National Job Corps Day.

Since 1964, the Job Corps has created a network of 123 Job Corps centers in 48 States, the District of Columbia, and Puerto Rico. As part of the 45th anniversary celebration, I am pleased that one of my area's Job Corps interns, Esmeralda Sanchez, will be shadowing me tomorrow.

Additionally, my local Homestead Job Corps center is hosting an open house event on Thursday, October 1, for the entire south Florida community to attend.

Both locally and nationally, the Job Corps has definitely benefited America by producing payrolls for our country.

#### UNEMPLOYMENT COMPENSATION EXTENSION ACT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, today the House will consider the Unemployment Compensation Extension Act. The legislation would extend unemployment benefits by up to 13 weeks for over 300,000 jobless workers who reside in high unemployment States and that are projected to run out of unemployment compensation by the end of September. This bill will serve as a lifeline, aiding those who are still struggling to find work in Las Vegas and other parts of Nevada.

The once recession-proof economy of my district of Las Vegas has not been spared from the effects of this downturn. In fact, Nevada has been hit hard-

er than any other State by the foreclosure crisis, and our unemployment rate has skyrocketed to over 13 percent, the second highest in the Nation. This legislation will bring much-needed relief to many jobless Nevadans.

It is absolutely critical that Congress step up and pass this federally funded extension of unemployment benefits. I support the bill we are considering today because it will help hardworking Nevadans get by until the situation improves—and it will—and they can return to work.

#### DEFENSE AUTHORIZATION

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. This week, the conference committee will meet on Defense authorization. Defense authorization: we are supposed to provide for the common defense. That is the number one job of this government, not all the social engineerings going on. And guess what? We're going to be having a discussion over a hate crimes bill in Defense authorization. We're going to be talking about defending America and, in the same bill, taking away the rights of Americans.

There is not one law that will be covered by that hate crimes bill that is not already in existence in every State in the Union. Every one of those crimes is covered.

James Byrd's defendants got the death penalty, the two most culpable. This will not do anything. But if you want to have a discussion on hate crimes, let's have it head up on hate crimes. Let's don't stick it into something as important as Defense authorization.

#### IN TRIBUTE TO ARMY PFC JEREMIAH J. MONROE

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. I rise today with the very sad duty of reporting the tragic passing of Army Private First Class Jeremiah J. Monroe. PFC Monroe was taken from us on September 17, 2009, by a roadside bomb in Afghanistan, just 2 months after his deployment.

Private First Class Monroe was assigned to the 630th Route Clearance Company, 7th Engineer Battalion, 10th Mountain Division, based in Fort Drum, New York. A beloved father, brother, son, friend, and soldier from Warren County, Jeremiah, will be sorely missed by the entire Adirondack and Fort Drum communities.

Jeremiah Monroe was just 31 years old. He quit his job last year as a tradesman to enlist in the Army. He wanted to support his daughter and the extended family and serve the Nation

he loved and the ideals for which he gave the ultimate sacrifice.

Private First Class Monroe was willing to give his life in service to all of us and to the country that he loved. The expression of our gratitude for his sacrifice to our Nation is beyond words.

Jeremiah is survived by his mother, Dolores Monroe; his brother, Robert Monroe, Jr.; his 9-year-old daughter, Delilah Rose; and her mother, Michelle. On behalf of a grateful Nation, our thoughts and prayers are with the entire Monroe family, who lost four relatives in the last 18 months, including Jeremiah's father, Robert Monroe, Sr.

As we stand on this floor and debate the profound issues of our time, let us never forget the true cost of the freedoms we so often take for granted.

#### KEEP GITMO OPEN

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Guantanamo Bay is a first-class detention center that cost American taxpayers \$100 million. But the administration is begging other countries around the world to accept the terrorists that are held there. In its attempt to farm out these terrorists, the administration may be sowing the seeds of future attacks, as the U.S. will have little say over how long these terrorists are held.

An interview with designated terrorist Abdul Haq should give all Americans cause for concern. Of the detainees who might be transferred to the island of Palau, at least eight have admitted that Haq was their leader.

In a recently translated interview, Haq is clear about his ties to the Taliban and al Qaeda. He glorifies attacks against Americans and our allies, and even blesses Osama bin Laden.

So, once again, why are we closing a first-class detention facility and putting terrorists in a position where they can do Americans harm?

#### THE PASSING OF RICHARD SHADYAC

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. I rise today to honor the life of Mr. Richard Shadyac, who passed away last Wednesday at the age of 80. He was the former chief executive officer of the American Lebanese Syrian Associated Charities, also known as ALSAC, which is the fundraising arm of St. Jude Children's Research Hospital.

Mr. Shadyac leaves a wife, Lynn, and two children; Richard, who will take on

his work at ALSAC, and a son Tom who is distinguished in the entertainment industry.

Mr. Shadyac served as CEO of St. Jude for over 13 years. He led an effort that raised millions of dollars for the purpose of research treating childhood cancers and other diseases.

St. Jude Children's Research Hospital is the leading hospital and research center on catastrophic illnesses in the Nation. It is located in Memphis, Tennessee. It was founded by Mr. Shadyac's good friend, Danny Thomas. After Mr. Thomas passed, Mr. Shadyac knew that they needed a new public face—and the new public face was the children—the children of St. Jude, who it serves.

Under his leadership, donations increased fourfold. He worked closely with the patients. He visited them often and stayed in touch with the families. He was a strong voice in the fight against cancer.

He was an important force here in Washington, where he represented the Lebanese Government at one point, and was one of the founders of the American Arab groups that worked to better relations with our Nation.

Our heart goes out to Mr. Shadyac's family and the St. Jude community. We will remember him for all of his good deeds and his work that will save many children's lives.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,  
*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, September 21, 2009 at 5:18 p.m., and said to contain a message from the President whereby he notifies the Congress he has extended the national emergency with respect to those who commit, threaten to commit, or support terrorism.

With best wishes, I am  
Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-64)

The SPEAKER pro tempore laid before the House the following message from the President of the United

States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2009.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.  
THE WHITE HOUSE, September 21, 2009.

□ 1415

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Recorded votes on postponed questions will be taken after 6:30 p.m. today.

#### CORAL REEF CONSERVATION ACT REAUTHORIZATION AND ENHANCEMENT AMENDMENTS OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 860) to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes, as amended.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 860

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Amendment of Coral Reef Conservation Act of 2000.

#### TITLE I—AMENDMENTS TO THE CORAL REEF CONSERVATION ACT

Sec. 101. Expansion of Coral Reef Conservation Program.

Sec. 102. Emergency response.

Sec. 103. National program.

Sec. 104. Report to Congress.

Sec. 105. Fund; grants; grounding inventory; coordination.

Sec. 106. Clarification of definitions.

Sec. 107. Authorization of appropriations.

#### TITLE II—UNITED STATES CORAL REEF TASK FORCE

Sec. 201. United States Coral Reef Task Force.

#### TITLE III—DEPARTMENT OF THE INTERIOR CORAL REEF AUTHORITIES

Sec. 301. Amendments relating to Department of the Interior program.

Sec. 302. Clarification of definitions.

#### SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT OF 2000.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

#### TITLE I—AMENDMENTS TO THE CORAL REEF CONSERVATION ACT

##### SEC. 101. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

(a) PROJECT DIVERSITY.—Section 204(d) (16 U.S.C. 6403(d)) is amended—

(1) in the heading by striking “GEOGRAPHIC AND BIOLOGICAL” and inserting “PROJECT”; and

(2) by striking paragraph (3) and inserting the following:

“(3) Remaining funds shall be awarded for—

“(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the United States Coral Reef Task Force; and

“(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.”.

(b) APPROVAL CRITERIA.—Section 204(g) (16 U.S.C. 6403(g)) is amended—

(1) by striking “or” after the semicolon in paragraph (9);

(2) by striking paragraph (10); and

(3) by inserting after paragraph (9) the following:

“(10) promoting activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those areas identi-

fied under section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs; or

“(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef ecosystems.”.

##### SEC. 102. EMERGENCY RESPONSE.

Section 206 (16 U.S.C. 6405) is amended to read as follows:

##### “SEC. 206. EMERGENCY RESPONSE ACTIONS.

“(a) IN GENERAL.—The Administrator may undertake or authorize action necessary—

“(1) to minimize the destruction of or injury to a coral reef, or loss of an ecosystem function of a coral reef, from—

“(A) vessel impacts, derelict fishing gear, vessel anchors, and anchor chains; and

“(B) from unforeseen or disaster-related circumstances as a result of human activities; and

“(2) to stabilize, repair, recover, or restore a coral reef that is destroyed or injured, or that has incurred the loss of an ecosystem function, as described in paragraph (1).

“(b) VESSEL REMOVAL; STABILIZATION.—Action authorized by subsection (a) includes vessel removal and emergency stabilization of the vessel or any impacted coral reef.

“(c) PARTNERING WITH OTHER FEDERAL AND STATE AGENCIES.—When possible, action by the Administrator under this section should—

“(1) be conducted in partnership with other government agencies as appropriate, including—

“(A) the Coast Guard, the Federal Emergency Management Agency, the Army Corps of Engineers, the Environmental Protection Agency, and the Department of the Interior; and

“(B) agencies of States; and

“(2) leverage resources of other agencies.

“(d) EMERGENCY RESPONSE ASSISTANCE BY OTHER FEDERAL AND STATE AGENCIES.—

“(1) IN GENERAL.—The head of any other Federal or State agency may assist the Administrator in emergency response actions under this section, using funds available for operations of the agency concerned.

“(2) REIMBURSEMENT.—The Administrator, subject to the availability of appropriations, may reimburse a Federal or State agency for assistance provided under paragraph (1).

“(e) LIABILITY FOR COSTS AND DAMAGES TO CORAL REEFS.—

“(1) TREATMENT OF CORAL REEFS UNDER NATIONAL MARINE SANCTUARIES ACT.—For purposes of the provisions set forth in paragraph (2), and subject to paragraph (5), each of the terms ‘sanctuary resources’, ‘resource’, ‘sanctuary resource managed under law or regulations for that sanctuary’, ‘national marine sanctuary’, ‘sanctuary resources of the national marine sanctuary’, and ‘sanctuary resources of other national marine sanctuaries’ is deemed to include any coral reef that is subject to the jurisdiction of the United States or any State, without regard to whether such coral reef is located in a national marine sanctuary.

“(2) APPLICABLE PROVISIONS OF NATIONAL MARINE SANCTUARIES ACT.—The provisions referred to in paragraph (1) are the following provisions of the National Marine Sanctuaries Act:

“(A) Paragraphs (6) and (7) of section 302 (16 U.S.C. 1432).

“(B) Paragraphs (1), (2), (3), and (4) of section 306 (16 U.S.C. 1436).

“(C) Section 307 (16 U.S.C. 1437).

“(D) Section 312 (16 U.S.C. 1443).

“(3) EXEMPTIONS.—The destruction, loss, or injury of a coral reef or any component thereof is not unlawful if it was—

“(A) caused by the use of fishing gear in a manner that is not prohibited under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) or other Federal or State law; or

“(B) caused by an activity that is authorized by Federal or State law, including any lawful discharge from a vessel of graywater, cooling water, engine exhaust, ballast water, or sewage from a marine sanitation device, unless the destruction, loss, or injury is a result of a vessel grounding, a vessel scraping, anchor damage, or excavation that is not authorized by a Federal or State permit; or

“(C) the necessary result of bona fide marine scientific research (including marine scientific research activities approved by Federal, State, or local permits), other than—

“(i) sampling or collecting; and

“(ii) destruction, loss, or injury that is a result of a vessel grounding, a vessel scraping, anchor damage, or excavation that is not authorized by a Federal or State permit; or

“(D)(i) caused by a Federal Government agency in—

“(I) an emergency that posed an unacceptable threat to human health or safety or to the marine environment;

“(II) an emergency that posed a threat to national security; or

“(III) an activity necessary for law enforcement purposes or search and rescue; and

“(ii) could not be avoided.

“(4) CLARIFICATION OF LIABILITY.—A person is not liable under this subsection if that person establishes that—

“(A) the destruction or loss of, or injury to, the coral reef or coral reef ecosystem was caused solely by an act of God, an act of war, or an act of omission of a third party, and the person acted with due care;

“(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

“(C) the destruction, loss, or injury was negligible.

“(5) STATE CONSENT REQUIRED.—

“(A) IN GENERAL.—This subsection shall not apply to any coral reef that is subject to the jurisdiction of a State unless the Governor of that State notifies the Secretary that the State consents to that application.

“(B) REVOCATION OF CONSENT.—The governor of a State may revoke consent under subparagraph (A) by notifying the Secretary of such revocation.

“(6) CONSISTENCY WITH INTERNATIONAL LAWS AND TREATIES.—

“(A) IN GENERAL.—Any action taken under the authority of this subsection must be consistent with otherwise applicable international laws and treaties.

“(B) ACTIONS AUTHORIZED WITH RESPECT TO VESSELS.—For purposes of subparagraph (A), actions authorized under this subsection include vessel removal, and emergency re-stabilization of a vessel and any coral reef that is impacted by a vessel.

“(7) LIABILITY UNDER OTHER PROVISIONS.—Nothing in this title shall alter the liability of any person under any other provision of law.”.

##### SEC. 103. NATIONAL PROGRAM.

(a) PURPOSE OF ACT.—Section 202 (16 U.S.C. 6401) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following:

“(2) to promote the resilience of coral reef ecosystems;”.

(2) by amending paragraph (4), as so redesignated, to read as follows:

“(4) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems including large-scale threats related to climate change, such as ocean acidification, to benefit local communities and the Nation, and to the extent practicable to support and enhance management and research capabilities at local management agencies and local research and academic institutions;”;

(3) by striking “and” after the semicolon at the end of paragraph (6), as so redesignated, by striking the period at the end of paragraph (7), as so redesignated, and inserting “; and”, and by adding at the end the following:

“(8) to recognize the benefits of healthy coral reefs to island and coastal communities and to encourage Federal action to ensure, to the maximum extent practicable, the continued availability of those benefits.”.

(b) **GOALS AND OBJECTIVES OF NATIONAL CORAL REEF ACTION STRATEGY.**—Section 203(b)(8) (16 U.S.C. 6402(b)(8)) is amended to read as follows:

“(8) conservation, including resilience and the consideration of island and local traditions and practices.”.

(c) **AMENDMENTS RELATING TO ACTIVITIES TO CONSERVE CORAL REEFS AND CORAL REEF ECOSYSTEMS.**—Section 207(b) (16 U.S.C. 6406(b)) is amended—

(1) in paragraph (3) by striking “and” after the semicolon;

(2) in paragraph (4)—

(A) by striking “cooperative conservation” and inserting “cooperative research, conservation;”;

(B) by striking “partners.” and inserting “partners, including academic institutions located in States;”;

(3) by adding at the end the following:

“(5) improving and promoting the resilience of coral reefs and coral reef ecosystems; and

“(6) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those areas identified in section 210(b).”.

(d) **CRITERIA FOR APPROVAL OF PROJECT PROPOSALS.**—Section 204(g) (16 U.S.C. 6403(g)) is further amended by striking “or” after the semicolon at the end of paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following:

“(11) improving and promoting the resilience of coral reefs and coral reef ecosystems; or”.

(e) **DATA ARCHIVE, ACCESS, AND AVAILABILITY.**—Section 207 (16 U.S.C. 6406) is amended—

(1) in subsection (b) (as amended by subsection (b) of this section) by striking “and” after the semicolon at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting “; and”, and by adding at the end the following:

“(7) centrally archiving, managing, and distributing data sets and providing coral reef ecosystem assessments and services to the general public with local, regional, or international programs and partners.”;

(2) by adding at the end the following:

“(c) **DATA ARCHIVE, ACCESS, AND AVAILABILITY.**—The Secretary, in coordination with similar efforts at other Departments and agencies shall provide for the long-term stewardship of environmental data, products,

and information via data processing, storage, and archive facilities pursuant to this title. The Secretary may—

“(1) archive environmental data collected by Federal, State, local agencies and tribal organizations and federally funded research;

“(2) promote widespread availability and dissemination of environmental data and information through full and open access and exchange to the greatest extent possible, including in electronic format on the Internet;

“(3) develop standards, protocols and procedures for sharing Federal data with State and local government programs and the private sector or academia; and

“(4) develop metadata standards for coral reef ecosystems in accordance with Federal Geographic Data Committee guidelines.”.

#### **SEC. 104. REPORT TO CONGRESS.**

Section 208 (16 U.S.C. 6407) is amended to read as follows:

#### **“SEC. 208. REPORT TO CONGRESS.**

“Not later than March 1, 2010, and every 5 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

“(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each fiscal year of the 5-fiscal-year period preceding the fiscal year in which the report is submitted;

“(2) a description of Federal interagency and cooperative efforts with States and non-governmental partner organizations to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reef ecosystems, including projects undertaken with the Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, and the Army Corps of Engineers;

“(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;

“(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

“(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs, including actions taken to address large-scale threats to coral reef ecosystems related to climate change.”.

#### **SEC. 105. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.**

The Act (16 U.S.C. 6401 et seq.) is amended—

(1) in section 205(a) (16 U.S.C. 6404(a)), by striking “organization solely” and all that follows and inserting “organization—

“(1) to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef strategy under section 203; and

“(2) to address emergency response actions under section 206.”;

(2) by adding at the end of section 205(b) (16 U.S.C. 6404(b)) the following: “The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including areas identified in section 210(b)(2).”;

(3) in section 205(c) (16 U.S.C. 6404(c)), by striking “the grant program” and inserting “any grant program or emergency response action”;

(4) by redesignating sections 209 and 210 as sections 217 and 218, respectively; and

(5) by inserting after section 208 the following:

#### **“SEC. 209. COMMUNITY-BASED PLANNING GRANTS.**

“(a) **IN GENERAL.**—The Administrator may make grants to entities that are eligible to receive grants under section 204(c) to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and scientific experts as high priorities for focused attention. The plans shall—

“(1) support attainment of one or more of the criteria described in section 204(g);

“(2) be developed at the community level;

“(3) utilize where applicable watershed-based or ecosystem-based approaches;

“(4) provide for coordination with Federal and State experts and managers;

“(5) build upon local approaches or models, including traditional or island-based resource management concepts; and

“(6) complement local action strategies or regional plans for coral reef conservation.

“(b) **TERMS AND CONDITIONS.**—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, ‘75 percent’ shall be substituted for ‘50 percent’.

#### **“SEC. 210. VESSEL GROUNDING INVENTORY.**

“(a) **IN GENERAL.**—The Administrator, in coordination with other Federal agencies, may maintain an inventory of all vessel grounding incidents involving coral reefs, including a description of—

“(1) the impacts to such resources;

“(2) vessel and ownership information, if available;

“(3) the estimated cost of removal, mitigation, or restoration;

“(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

“(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

“(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

“(b) **IDENTIFICATION OF AT-RISK REEFS.**—The Administrator may—

“(1) use information from any inventory maintained under subsection (a) or any other available information source to identify all coral reef areas that have a high incidence of vessel impacts, including groundings and anchor damage;

“(2) identify appropriate measures, including action by other agencies, to reduce the likelihood of such impacts; and

“(3) develop a strategy and timetable to implement such measures, including cooperative actions with other Government agencies and non-governmental partners.

#### **“SEC. 211. REGIONAL, STATE, AND TERRITORIAL COORDINATION.**

“(a) **REGIONAL COORDINATION.**—The Secretary and other Federal members of the United States Coral Reef Task Force shall work in coordination and collaboration with other Federal agencies and States to implement the strategies developed under section

203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overharvesting.

“(b) RESPONSE AND RESTORATION ACTIVITIES.—The Secretary shall enter into written agreements with any States in which coral reefs are located regarding the manner in which response and restoration activities will be conducted within the affected State’s waters. Nothing in this subsection shall be construed to limit Federal response and restoration activity authority before any such agreement is final.

“(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—All cooperative enforcement agreements in place between the Secretary and States affected by this title shall be updated to include enforcement of this title where appropriate.

#### “SEC. 212. AGREEMENTS.

“(a) IN GENERAL.—The Administrator may execute and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this title.

“(b) FUNDING.—Under an agreement entered into under subsection (a), the Secretary may fulfill the terms of the agreement by reimbursing or providing appropriated funds to, and may receive funds or reimbursements from, Federal agencies, instrumentalities and laboratories; State and local governments; Native American tribes and organizations; international organizations; foreign governments; universities and research centers; educational institutions; nonprofit organizations; commercial organizations; and other public and private persons or entities, as necessary for purposes identified in section 202 and actions taken under subsections (a) through (d) of section 206.

“(c) MULTIYEAR COOPERATIVE AGREEMENTS.—The Administrator may enter into multiyear cooperative agreements with the heads of other Federal agencies, States, local governments, academic institutions, including marine laboratories and coral reef institutes, and nongovernmental organizations to carry out the activities of the national coral reef action strategy developed under section 203 and to implement regional strategies developed pursuant to section 211.

“(d) USE OF OTHER AGENCIES’ RESOURCES.—For purposes related to the conservation, preservation, protection, restoration, or replacement of coral reefs or coral reef ecosystems and the enforcement of this title, the Administrator is authorized to use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency, or instrumentality of the United States, or of any State, local government, or Indian tribal government, or of any political subdivision thereof, or of any foreign government or international organization.

#### “SEC. 213. INTERNATIONAL CORAL REEF CONSERVATION STRATEGY.

“(a) INTERNATIONAL CORAL REEF ECOSYSTEM STRATEGY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Foreign Affairs of the House of Representatives, and publish in the Federal Register, an international coral reef ecosystem strategy, consistent with the purposes of this title and the national strategy required pursuant to sec-

tion 203(a). The Secretary shall periodically review and revise this strategy as necessary.

“(2) CONTENTS.—The strategy developed by the Secretary under paragraph (1) shall—

“(A) identify coral reef ecosystems throughout the world that are of high value for United States marine resources, that support high-seas resources of importance to the United States such as fisheries, or that support other interests of the United States;

“(B) summarize existing activities by Federal agencies and entities described in subsection (b) to address the conservation of coral reef ecosystems identified pursuant to subparagraph (A);

“(C) establish goals, objectives, and specific targets for conservation of priority international coral reef ecosystems;

“(D) describe appropriate activities to achieve the goals and targets for international coral reef conservation, in particular those that leverage activities already conducted under this title;

“(E) develop a plan to coordinate implementation of the strategy with entities described in subsection (b) in order to leverage current activities under this title and other conservation efforts globally;

“(F) identify appropriate partnerships, grants, or other funding and technical assistance mechanisms to carry out the strategy; and

“(G) develop criteria for prioritizing partnerships under subsection (c).

“(b) COORDINATION.—In carrying out this section, the Secretary shall consult with the Secretary of State, the Administrator of the Agency for International Development, the Secretary of the Interior, and other relevant Federal agencies, and relevant United States stakeholders, and shall take into account coral reef ecosystem conservation initiatives of other nations, international agreements, and intergovernmental and nongovernmental organizations so as to provide effective cooperation and efficiencies in international coral reef conservation. The Secretary may consult with the United States Coral Reef Task Force in carrying out this subsection.

“(c) INTERNATIONAL CORAL REEF ECOSYSTEM PARTNERSHIPS.—

“(1) IN GENERAL.—The Secretary may establish an international coral reef ecosystem partnership program to provide support, including funding and technical assistance, for activities that implement the strategy developed pursuant to subsection (a).

“(2) MECHANISMS.—The Secretary shall provide such support working in collaboration with the entities described in subsection (b).

“(3) CRITERIA FOR APPROVAL.—The Secretary may not approve a partnership proposal under this section unless the partnership is consistent with the international coral reef conservation strategy developed pursuant to subsection (a), and meets the criteria specified in that strategy.

“(d) PRIORITY FOR CERTAIN PROJECTS CONDUCTED BY STATES.—In implementing this section, the Secretary shall give priority consideration to regional initiatives and projects that States are participating in with other nations.

#### “SEC. 214. PERMITS.

“(a) IN GENERAL.—The Administrator may, in accordance with this section and regulations issued under this title, issue a permit authorizing the conduct of bona fide research.

“(b) EXEMPT ACTIVITIES.—No permit under this section is required for an activity that is exempt from liability under section 206(e).

“(c) TERMS AND CONDITIONS.—The Administrator may place any terms and conditions

on a permit issued under this section that the Administrator deems reasonable.

“(d) FEES.—

“(1) ASSESSMENT AND COLLECTION.—Subject to regulations issued under this title, the Administrator may assess and collect fees as specified in this subsection.

“(2) AMOUNT.—Any fee assessed shall be equal to the sum of—

“(A) all costs incurred, or expected to be incurred, by the Administrator in processing the permit application, including indirect costs; and

“(B) if the permit is approved, all costs incurred, or expected to be incurred, by the Administrator as a direct result of the conduct of the activity for which the permit is issued.

“(3) USE OF FEES.—Amounts collected by the Administrator in the form of fees under this section shall be collected and available for use only to the extent provided in advance in appropriations Acts and may be used by the Administrator for issuing and administering permits under this section.

“(4) WAIVER OR REDUCTION OF FEES.—For any fee assessed under paragraph (2) of this subsection, the Administrator may—

“(A) accept in-kind contributions in lieu of a fee; or

“(B) waive or reduce the fee.

“(e) FISHING.—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activity that is not prohibited by this title or regulations issued under this title.

#### “SEC. 215. REGULATIONS; APPLICATION IN ACCORDANCE WITH INTERNATIONAL LAW.

“(a) REGULATIONS.—The Administrator may issue such regulations as are necessary and appropriate to carry out the purposes of sections 206 and 214.

“(b) RELATIONSHIP TO INTERNATIONAL LAW.—This title and any regulations promulgated under this title shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.”.

#### SEC. 106. CLARIFICATION OF DEFINITIONS.

Section 218, as redesignated by section 105 of this Act (relating to definitions; 16 U.S.C. 6409), is further amended—

(1) by amending paragraph (2) to read as follows:

“(2) CONSERVATION.—The term ‘conservation’ means the use of methods and procedures that are necessary to preserve or sustain coral reefs and associated species as resilient diverse, viable, and self-perpetuating coral reef ecosystems, including—

“(A) all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat;

“(B) mapping;

“(C) monitoring of coral reef ecosystems;

“(D) development and implementation of management strategies for marine protected area or networks thereof and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

“(E) law enforcement;

“(F) conflict resolution initiatives;

“(G) community outreach and education; and

“(H) activities that promote safe and ecologically sound navigation.”;

(2) by amending paragraph (3) to read as follows:

“(3) CORAL.—The term ‘coral’ means species of the phylum Cnidaria, including—

“(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organ-pipe corals and others), Alcyonacea (soft corals), and Helioporacea (blue coral), of the class Anthozoa; and

“(B) all species of the families Milleporidae (fire corals) and Stylasteridae (stylasterid hydrocorals), of the class Hydrozoa.”;

(3) by amending paragraph (4) to read as follows:

“(4) CORAL REEF.—The term ‘coral reef’ means a limestone structure, in the form of a reef or shoal, comprised in whole or in part by living coral, skeletal remains of coral, and other associated sessile marine plants and animals.”;

(4) by amending paragraph (5) to read as follows:

“(5) CORAL REEF ECOSYSTEM.—The term ‘coral reef ecosystem’ means a system of coral reefs and geographically associated species, habitats, and environment, including mangroves and seagrass habitats, and the processes that control its dynamics.”; and

(5) by redesignating paragraphs (7) and (8) in order as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following:

“(7) CORAL REEF COMPONENT.—The term ‘coral reef component’ means any part of a coral reef, including individual living coral, skeletal remains of coral, and other associated sessile marine plants and animals, and any adjacent or associated seagrasses.”.

#### SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

Section 217, as redesignated by section 105 of this Act (relating to authorization of appropriations; 16 U.S.C. 6408), is further amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce to carry out this title \$30,000,000 for fiscal year 2010, \$32,000,000 for fiscal year 2011, \$34,000,000 for fiscal year 2012, and \$35,000,000 for fiscal years 2013 and 2014.”;

(2) in subsection (b) by striking “\$1,000,000” and inserting “\$2,000,000”;

(3) by striking subsection (c) and inserting the following:

“(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209, \$8,000,000 for fiscal years 2010 through 2014, to remain available until expended.”; and

(4) by striking subsection (d) and inserting the following:

“(d) DEPARTMENT OF THE INTERIOR.—There is authorized to be appropriated to the Secretary of the Interior to carry out this title \$10,000,000 for each of fiscal years 2010 through 2014.”.

#### TITLE II—UNITED STATES CORAL REEF TASK FORCE

##### SEC. 201. UNITED STATES CORAL REEF TASK FORCE.

(a) ESTABLISHMENT.—There is hereby established the United States Coral Reef Task Force.

(b) GOAL.—The goal of the Task Force shall be to lead, coordinate, and strengthen Federal Government actions to better preserve and protect coral reef ecosystems.

(c) DUTIES.—The duties of the Task Force shall be—

(1) to coordinate, in cooperation with State and local government partners, academic partners, and nongovernmental partners if appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, restoration of coral reefs and coral reef ecosystems;

(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in Executive Order 13089 and the national coral reef action strategy developed under section 203 of the Coral Reef Conservation Act of 2000, as amended by this Act; and

(3) to work with the Secretary of State and the Administrator of the Agency for International Development, and in coordination with the other members of the Task Force, to—

(A) assess the United States role in international trade and protection of coral species; and

(B) encourage implementation of appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide.

(d) MEMBERSHIP, GENERALLY.—The Task Force shall be comprised of—

(1) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force;

(2) the Administrator of the Agency of International Development;

(3) the Secretary of Agriculture;

(4) the Secretary of Defense;

(5) the Secretary of the Army, acting through the Corps of Engineers;

(6) the Secretary of Homeland Security;

(7) the Attorney General;

(8) the Secretary of State;

(9) the Secretary of Transportation;

(10) the Administrator of the Environmental Protection Agency;

(11) the Administrator of the National Aeronautics and Space Administration;

(12) the Director of the National Science Foundation;

(13) the Governor, or a representative of the Governor, of the Commonwealth of the Northern Mariana Islands;

(14) the Governor, or a representative of the Governor, of the Commonwealth of Puerto Rico;

(15) the Governor, or a representative of the Governor, of the State of Florida;

(16) the Governor, or a representative of the Governor, of the State of Hawaii;

(17) the Governor, or a representative of the Governor, of the Territory of Guam;

(18) the Governor, or a representative of the Governor, of the Territory of American Samoa; and

(19) the Governor, or a representative of the Governor, of the Virgin Islands.

(e) NONVOTING MEMBERS.—The President, or a representative of the President, of each of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau may appoint a nonvoting member of the Task Force.

(f) RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.—

(1) IN GENERAL.—The Federal agency members of the Task Force shall—

(A) identify the actions of their agencies that may affect coral reef ecosystems;

(B) utilize the programs and authorities of their agencies to protect and enhance the conditions of such ecosystems; and

(C) assist in the implementation of the National Action Plan to Conserve Coral Reefs,

the national coral reef action strategy developed under section 203 of the Coral Reef Conservation Act of 2000, as amended by this Act, the local action strategies, and any other coordinated efforts approved by the Task Force.

(2) CO-CHAIRS.—In addition to their responsibilities under paragraph (1), the co-chairs of the Task Force shall administer performance of the functions of the Task Force and facilitate the coordination of the Federal agency members of the Task Force.

(g) WORKING GROUPS.—

(1) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and duties of this title. The Task Force may request the co-chairs to establish such a working group.

(2) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow a nongovernmental organization or academic institution to participate in such a working group.

(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(i) DEFINITIONS.—The definitions in section 218 of the Coral Reef Conservation Act of 2000, as amended by this Act, shall apply to this section.

#### TITLE III—DEPARTMENT OF THE INTERIOR CORAL REEF AUTHORITIES

##### SEC. 301. AMENDMENTS RELATING TO DEPARTMENT OF THE INTERIOR PROGRAM.

(a) AMENDMENTS AND CLARIFICATIONS TO DEFINITIONS.—

(1) FISH AND WILDLIFE COORDINATION ACT.—Section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b) is amended by inserting before the period at the end the following: “, including coral reef ecosystems (as such term is defined in section 218 of the Coral Reef Conservation Act of 2000) located in any unit of the National Park System, any unit of the National Wildlife Refuge System, or any Marine National Monument designated under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431) (popularly known as the ‘Antiquities Act’)”.

(2) FISH AND WILDLIFE ACT OF 1956 AND FISH AND WILDLIFE IMPROVEMENT ACT OF 1978.—With respect to the authorities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and the authorities under the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l), references in such Acts to “wildlife” and “fish and wildlife” shall be construed to include coral reef ecosystems (as such term is defined in section 218 of the Coral Reef Conservation Act of 2000, as amended by this Act) located in any unit of the National Park System, any unit of the National Wildlife Refuge System, or any Marine National Monument designated under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431) (popularly known as the “Antiquities Act”).

(b) CORAL REEF CONSERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary of the Interior may provide technical assistance and, subject to the availability of appropriations, financial assistance for the conservation of coral reefs.

(2) DEFINITIONS.—In this subsection each of the terms “conservation” and “coral reef” has the meaning that term has under section 218 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6409), amended by this Act.

##### SEC. 302. CLARIFICATION OF DEFINITIONS.

Section 218, as redesignated by section 105 of this Act (relating to definitions; 16 U.S.C. 6409), is further amended—

(1) by amending paragraph (1) to read as follows:

“(1) ADMINISTRATOR.—The term ‘Administrator’—

“(A) except as provided in subparagraph (B), means the Administrator of the National Oceanic and Atmospheric Administration; and

“(B) in sections 206, 209, 212, 214, and 215, means the Secretary of the Interior for purposes of application of those sections to national park units and national wildlife refuges.”; and

(2) by amending paragraph (7) to read as follows:

“(7) SECRETARY.—The term ‘Secretary’—

“(A) except as provided in subparagraphs (B) and (C), means the Secretary of Commerce;

“(B) in section 206(e), means—

“(i) the Secretary of the Interior, with respect to any coral reef or component thereof that is located in—

“(I) any unit of the National Park System;

“(II) any unit of the National Wildlife Refuge System; or

“(III) any Marine National Monument designated under any of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 695j-1 et seq.) and the provisions of law enacted by that Act, and the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431) (popularly known as the ‘Antiquities Act’) and that is under the administrative jurisdiction of the Secretary of the Interior; and

“(ii) the Secretary of Commerce, with respect to any other coral reef or component thereof that is located in any Marine National Monument designated under a law referred to in clause (i)(III); and

“(C) in sections 203, means the Secretary of Commerce and the Secretary of the Interior.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, last year the release of the Monaco Declaration made it apparent that ocean acidification is inevitable and will cause severe damage to coral reef ecosystems. This consensus of over 150 scientists from 26 nations is a clear statement that we must take action now to reduce and eliminate stresses on corals so that they can be conserved for future generations. H.R. 860, the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009, enhances the Federal Government's ability to respond to emergency situations and to protect reefs from damage caused by vessel groundings. It also codifies the U.S. Coral Reef Task

Force, which has worked tirelessly to build partnerships and strategies for on-the-ground and in-the-water actions to conserve these ecosystems.

There is an urgent need to pass H.R. 860 to improve our ability to reduce and eliminate the stresses on these precious coral reef ecosystems. Mr. Speaker, my district of Guam is one of the several U.S. Coral Reef Task Force jurisdictions. The health of coral reefs in the waters surrounding the island jurisdictions and off the State of Florida is key to our economic standing and to the protection of our environment. H.R. 860 is, therefore, of particular importance to my district. Reauthorizing the law will afford the territories the opportunity and the resources necessary to continue to develop and implement local action strategies for the conservation of our coral reefs in partnership with the Federal Government. So with that, Mr. Speaker, I ask Members on both sides to support its passage and look forward to the opportunity of working with leaders in the other body to enact this bill into law in this Congress.

I reserve the balance of my time.

I submit for the RECORD the following exchange of letters between the Committee on Natural Resources and the Committee on Foreign Affairs and the Committee on Science and Technology concerning H.R. 860.

COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, July 9, 2009.

Hon. NICK J. RAHALL II,  
Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 860, the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009.

H.R. 860 contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right mark up these bills. I do so with the understanding that by waiving consideration of H.R. 860, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bills which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation. I would ask that you place this letter into the committee report on H.R. 860 and insert the letters in the Congressional Record when the House has this bill under consideration.

I look forward to working with you as we move these important measures through the legislative process.

Sincerely,

HOWARD L. BERMAN,  
Chairman.

COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, July 9, 2009.

Hon. HOWARD BERMAN,  
Chairman, Committee on Foreign Affairs,  
Washington, DC.

DEAR HOWARD: Thank you for your willingness to expedite floor consideration of H.R. 860, the Coral Reef Conservation Act Reau-

thorization and Enhancement Amendments of 2009.

I appreciate your willingness to waive rights to further consideration of H.R. 860, even though your Committee has a jurisdictional interest in the matter and would receive a sequential referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Foreign Affairs if a conference is held on this matter.

This exchange of letters will be placed in the committee report and inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,  
Chairman, Committee on Natural Resources.

COMMITTEE ON SCIENCE  
AND TECHNOLOGY,  
Washington, DC, September 22, 2009.

Hon. NICK RAHALL,  
Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 860, To reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

Our committee recognizes the importance of H.R. 860 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and your response acknowledging our jurisdictional interest in the bill will be included as part of the Congressional Record during consideration of this bill by the House.

The Committee on Science and Technology also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

BART GORDON,  
Chairman.

COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, September 22, 2009.

Hon. BART GORDON,  
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to expedite floor consideration of H.R. 860, the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009.

I appreciate your willingness to waive rights to further consideration of H.R. 860, even though your Committee has a jurisdictional interest in the matter and would receive a sequential referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee

on Science and Technology if a conference is held on this matter.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,

*Chairman, Committee on Natural Resources.*

Mr. CHAFFETZ. I yield myself such time as I may consume.

H.R. 860 reauthorizes the Coral Reef Conservation Act of 2000. That act provided grants for locally based actions to address locally identified threats to coral reefs. While H.R. 860, as introduced, was not a bill that Ranking Member HASTINGS could support, I appreciate the efforts by subcommittee Chair Ms. BORDALLO to address the concerns on our side of the aisle and to make this a much better piece of legislation than it was before. This legislation has a long way to go and faces hurdles in the Senate. I hope that we will be able to continue to work cooperatively across the aisle to make sure this legislation does not create new regulatory burdens on those activities that only indirectly affect coral reefs and does not create a new industry for litigation based on coral reef conservation.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. CHAFFETZ. I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 860, the reauthorization of the Coral Reef Conservation Act. In addition to having the tremendous honor of representing the Florida Keys here in the United States Congress, I'm also pleased to boast that my district is home to one of the most diverse ecosystems in the Nation, if not the world. The waters surrounding my district, Florida's 18th Congressional District, is home to America's only living barrier coral reef, which is also the second-largest coral reef tract in the world. The bill before us today, H.R. 860, would continue the Federal Government's efforts to protect and preserve the coral reef systems in the Florida Keys as well as in Hawaii and in Guam.

Coral reefs provide many economic, environmental and cultural benefits, particularly in my home district, where tourism brings in hundreds of millions of dollars every year. As the reefs sustain more damage every day, the tourism and ecosystem they help to maintain are threatened. This bill, in particular, will increase Federal

oversight over the monitoring and rehabilitation efforts of our coral reef system while also promoting community-based conservation initiatives. In effect, local stakeholders and Federal agencies will work together to develop regionally approved and appropriate management plans.

One of the most important ways that this bill will help to protect coral reefs is by authorizing emergency responses to the physical damages that are sustained by coral reefs due to vessel groundings and impacts from derelict fishing gear. Having the distinct pleasure of taking part in two scuba diving missions to the Aquarius Undersea Laboratory in the Florida Keys, I witnessed just how important our coral reefs are not only to the environment but also for the education of our young people. In today's hyperlinked world, elementary students from Idaho can tune in to educational broadcasts on the dangers of coral bleaching and offshore drilling by the aquanauts working in the Aquarius. During one of my two visits to Aquarius, I had the pleasure of participating in a live question-and-answer session with local elementary school students on the issue of coral reef preservation.

Coral reefs are important to all Americans, not just to those of us who are fortunate enough to live in coastal areas. That is why I join my colleagues here today in strong support of H.R. 860, a bill which reaffirms the role of our Federal Government in protecting these precious coral resources for today and tomorrow's generations. Thank you for the time, my good friend from Utah, and I thank my wonderful friend from Guam, once again, for fighting for our Nation's environment.

Mr. CHAFFETZ. I reserve the balance of my time, Mr. Speaker.

Ms. BORDALLO. Mr. Speaker, I thank my colleagues, the gentlelady from Florida, Congresswoman ROS-LEHTINEN, for her very strong words in support of this bill and, of course, from the opposite side of the aisle, the manager of the bill here, Mr. CHAFFETZ of Utah. I want to thank them for their support.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 860, legislation to reauthorize the Coral Reef Conservation Act of 2000. I want to commend the gentlelady from Guam who is my good friend and Chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, Congresswoman BORDALLO, for her leadership on this important issue. I also want to commend Chairman RAHALL and members of the Natural Resources Committee for bringing this important bill before the House for consideration.

Mr. Speaker, much has been said about how our coral reefs are in a critical state but it must be reemphasized that the conservation of coral reef is a national priority, especially given its ecological, social, economic and scientific value.

Known also as the "rainforests of the sea," coral reefs provide support to about 4,000 documented fish species, 800 species of hard corals, and hundreds of other species, which is more species per unit area compared to any other marine ecosystem.

Economically, coral reefs provide the basis for an estimated \$400 billion global fishing and tourism industry. For the Territories in the South Pacific Region, the economic value of coral reefs is even steeper. For example, estimates of annual economic value of coral reefs in Guam (\$127.3 million), the Commonwealth of the Northern Mariana Islands (\$61.7 million), and American Samoa (\$5.8 million), demonstrate the importance of this resource to island economies.

But even more significant, there is increasing interest in research on corals for possible cures for cancer, arthritis, human bacterial infections, viruses and other diseases. In addition, corals which live 300 years or more may contain environmental data that can assist scientists to better understand climate change and also improve studies on ocean acidification.

Yet, more than 28 percent of the world's coral reefs have been lost forever. The list of environmental threats facing coral reefs is long including overfishing and destructive fishing practices; ship groundings and debris; impacts of human population growth and shoreline development; polluted runoff and degraded water quality; and siltation and impaired water clarity.

In addition, more studies have revealed climate change also poses serious threats, including ocean acidification and warming of tropical and subtropical coastal waters. Such is the seriousness of threat on coral reefs that the global community declared 2008 as the International Year of the Reef. This was even recognized by the House in the last Congress through the unanimous passage of House Resolution 1112.

To address these many threats to coral reefs, Congress passed the Coral Reef Conservation Act which established the Coral Reef Conservation Program within the National Oceanic and Atmospheric Administration (NOAA) to fund coral reef conservation activities. H.R. 860 follows this successful model in place and provides additional tools and mechanisms to better protect our coral reefs.

In addition, I am especially encouraged that this bill also recognizes the importance of providing funding and resources to institutes that are directly impacted and also pursuing further exploration and research of coral reefs. Under this bill, universities and research centers, such as coral reef institutes or other educational institutions such as the University of Guam or American Samoa Community College, will be given resources and support to conduct ecological research and monitoring that builds capacity for more effective resource management.

I cannot reemphasize enough the importance of coral reefs to our nation and the rest of the world. I urge my colleagues to vote yes on H.R. 860 and help protect our coral reefs.

Mr. KIRK. Mr. Speaker, today I offer my strong support for the Coral Reef Conservation Act Reauthorization and Enhancement Amendments. Coral reefs are unique ecosystems that support over one million species

globally, offer essential protection from hurricanes, typhoons, and tsunamis, and attract millions of vacationers each year. Unfortunately, these reefs face unparalleled dangers today from pollution, overfishing, coastal development, disease, habitat fragmentation, ship groundings, and warming waters.

Ten percent of coral reefs have already disappeared from U.S. waters alone while over seventy percent of the world's reefs are threatened. If this trend continues, more than forty percent of global coral reefs will be lost in the next two to ten years.

The Coral Reef Conservation Act Reauthorization addresses the coral reef crisis by taking strong actions in response to physical damages to reefs by developing scientific management strategies to promote reef resilience. I urge my colleagues to join me in support of this legislation critical to conserving our oceans' greatest treasures.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in strong support of H.R. 860, the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009. I also want to thank the lead sponsor of the legislation and distinguished chair of the Insular Affairs, Oceans and Wildlife Subcommittee, Ms. Bordallo, for all her tireless efforts to protect our natural resources and insular areas.

Mr. Speaker, coral reefs are among the most diverse, biologically complex, and valuable ecosystems on earth. In my home State of Florida, we are fortunate to have the third largest barrier reef in the world. The importance of coral reefs to south Florida cannot be overstated. In addition to erecting a vital first-line of defense against hurricanes and storm surges for our coastal communities, coral reefs have an immeasurable environmental value. They provide awe and inspiration to divers and snorkelers from all over the world, and are a driving force for our tourism and fishing industries. In Broward County alone, coral reefs contribute over \$2 billion annually to our local economy.

Coral reefs, however, are in nothing short of a crisis. Faced with dangers both man-made and natural, including global warming, overfishing, coastal pollution, and bleaching, coral reefs are dying in alarming numbers. In fact, scientists estimate that 60 percent of coral reefs may disappear before 2050.

That's why I'm proud to support the legislation before us today. H.R. 860 will reauthorize the landmark Coral Reef Conservation Act of 2000, which created the Coral Reef Conservation Program to directly issue grants to States, territories, and other partners for coral reef conservation projects. The act also requires the development of a Coral Reef Action Strategy and authorizes NOAA to undertake research, mapping, management, and education and outreach activities to protect coral reef ecosystems.

In addition to reauthorizing these important provisions, H.R. 860 will make important changes to the Coral Reef Conservation Act of 2000. One will be to take advantage of the vast resources and expertise at our prestigious universities and research institutes. For example, the three U.S. Coral Reef Institutes at Florida, Puerto Rico, and Hawaii conduct outstanding scientific research, and support State and local coral reef resource managers and local action strategies.

I personally can attest to their great work because the National Coral Reef Institute, NCRI, is located in my backyard, in Ft. Lauderdale, FL. NCRI and the other institutes serve as a ready source of knowledge, research, monitoring, and management support for corals and coral reefs via partnerships between academia, NOAA, and other Federal, State, and local managers.

Another important aspect of this legislation will be to authorize NOAA to respond to vessel groundings. Since 1994, we've seen 12 large ships run aground on sensitive coral reefs near Ft. Lauderdale. The last one, occurring almost 2 years ago, involved a freighter that left a 20-foot swath of destruction about 100 feet long. Whatever coral that once lived there sadly is now gone.

Part of the solution to vessel groundings is adopting better prevention strategies, such as closing anchorage sites in shallow waters that are close to coral reefs. But we also need to respond faster when a vessel runs aground because the sooner the corals can be restored, the better chances it has for survival. Expanding NOAA's authority to act will allow NOAA to utilize their experience and resources to both assess the damage and restore the reefs.

Mr. Speaker, we, in this distinguished body, frequently debate contentious issues that divide America. But not with this bill and not with this issue. Protecting a national treasure such as coral reefs brings people together because everyone understands their vital importance—Democrats and Republicans alike. That's why I am confident that we'll have broad bipartisan support to pass H.R. 860. I thank my colleagues in advance.

Ms. BORDALLO. Mr. Speaker, I rise today to address concerns over the definition of "coral reef" in H.R. 860, which were raised by the gentleman from Oklahoma, a co-chairman of the Congressional Sportsmen's Caucus, Congressman DAN BOREN, during a Committee on Natural Resources mark-up on April 22, 2009.

My colleague was concerned that the definition of "coral reef" inappropriately included references to limestone structures that could have been interpreted to include sea floor habitat beyond what is commonly recognized as a coral reef.

The bill, which was amended and adopted in the whole House by voice vote on Tuesday, September 22, 2009, includes revisions to this definition that better capture the physical structure and biological elements of coral reefs. The new definition also limits the geographic scope of coral reefs to those features that appear as reefs and shoals. In this regard, this new definition makes it clear that areas which are composed mainly of limestone bedrock, such as large areas of seabed on the continental shelf of the Gulf of Mexico, are not coral reefs for the purposes of this Act.

This definition is supported by the Congressional Sportsmen's Foundation, the American Sportfishing Association, and the National Marine Manufacturers Association and I appreciate their collaboration in developing this compromise.

I am confident that this new definition will provide clear guidance to the National Oceanic and Atmospheric Administration in their

interpretation of this Act, and I thank my colleague, Congressman BOREN for providing constructive clarification of this definition.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, having no other speakers, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill. I thank them for their support on the floor here.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 860, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ILLEGAL, UNREPORTED, AND UNREGULATED FISHING ENFORCEMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1080) to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1080

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009".*

#### SEC. 2. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

*(a) ADMINISTRATION AND ENFORCEMENT.—Section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g) is amended by inserting before the first sentence the following:*

*"(a) IN GENERAL.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce this title, and the Acts to which this section applies, in accordance with this section. Each such Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel services, equipment (including aircraft and vessels), and facilities of any other Federal agency, and of any State agency, in the performance of such duties.*

*"(b) ACTS TO WHICH SECTION APPLIES.—This section applies to—*

*"(1) the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et seq.);*

*"(2) the Dolphin Protection Consumer Information Act (16 U.S.C. 1385);*

*"(3) the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.);*

*"(4) the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5001 et seq.);*

*"(5) the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.);*

*"(6) the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2431 et seq.);*

*"(7) the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.);*

“(8) the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.); and

“(9) the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.).

“(c) ADMINISTRATION AND ENFORCEMENT.—The Secretary shall prevent any person from violating this title, or any Act to which this section applies, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of and applicable to this title and each such Act.

“(d) SPECIAL RULES.—

“(1) IN GENERAL.—Notwithstanding the incorporation by reference of certain sections of the Magnuson-Stevens Fishery Conservation and Management Act under subsection (c), if there is a conflict between a provision of this subsection and the corresponding provision of any section of the Magnuson-Stevens Fishery Conservation and Management Act so incorporated, the provision of this subsection shall apply.

“(2) ADDITIONAL ENFORCEMENT AUTHORITY.—In addition to the powers of officers authorized pursuant to subsection (c), any officer who is authorized by the Secretary, or the head of any Federal or State agency that has entered into an agreement with the Secretary under subsection (a), to enforce the provisions of any Act to which this section applies may, with the same jurisdiction, powers, and duties as though section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861) were incorporated into and made a part of each such Act—

“(A) search or inspect any facility or conveyance used or employed in, or which reasonably appears to be used or employed in, the storage, processing, transport, or trade of fish or fish products;

“(B) inspect records pertaining to the storage, processing, transport, or trade of fish or fish products;

“(C) detain, for a period of up to 5 days, any shipment of fish or fish product imported into, landed on, introduced into, exported from, or transported within the jurisdiction of the United States, or, if such fish or fish product is deemed to be perishable, sell and retain the proceeds therefrom for a period of up to 5 days;

“(D) make an arrest, in accordance with any guidelines which may be issued by the Attorney General, for any offense under the laws of the United States committed in the person's presence, or for the commission of any felony under the laws of the United States, if the person has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

“(E) search and seize, in accordance with any guidelines that are issued by the Attorney General; and

“(F) execute and serve any subpoena, arrest warrant, search warrant issued in accordance with rule 41 of the Federal Rules of Criminal Procedure, or other warrant or civil or criminal process issued by any officer or court of competent jurisdiction.

“(3) DISCLOSURE OF ENFORCEMENT INFORMATION.—The Secretary may disclose, as necessary and appropriate, information, including information collected under joint authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 71 et seq.) or the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.) or other statutes implementing international fishery agreements, to any other Federal or State government agency, the Food and Agriculture Organization of the

United Nations, the secretariat or equivalent of an international fishery management organization or arrangement made pursuant to an international fishery agreement, or a foreign government, if—

“(A) such government, organization, or arrangement has policies and procedures to protect such information from unintended or unauthorized disclosure; and

“(B) such disclosure is necessary—

“(i) to ensure compliance with any law or regulation enforced or administered by the Secretary;

“(ii) to administer or enforce any international fishery agreement to which the United States is a party;

“(iii) to administer or enforce a binding conservation measure adopted by any international organization or arrangement to which the United States is a party;

“(iv) to assist in any investigative, judicial, or administrative enforcement proceeding in the United States; or

“(v) to assist in any law enforcement action undertaken by a law enforcement agency of a foreign government, or in relation to a legal proceeding undertaken by a foreign government.

“(e) PROHIBITED ACTS.—It is unlawful for any person—

“(1) to violate any provision of this title or any regulation or permit issued pursuant to this title;

“(2) to refuse to permit any officer authorized to enforce the provisions of this title to board, search, or inspect a vessel, aircraft, vehicle, or shoreside facility subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this title, any regulation promulgated under this title, or any Act to which this section applies;

“(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection described in paragraph (2);

“(4) to resist a lawful arrest for any act prohibited by this section or any Act to which this section applies;

“(5) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of an other person, knowing that such person has committed any act prohibited by this section or any Act to which this section applies; or

“(6) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with—

“(A) any observer on a vessel under this title or any Act to which this section applies; or

“(B) any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this title or any Act to which this section applies.

“(f) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (e) shall be liable to the United States for a civil penalty, and may be subject to a permit sanction, under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858).

“(g) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under subsection (e)(2), (e)(3), (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense punishable under section 309(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859(b)).

“(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—

(b) ACTIONS TO IMPROVE THE EFFECTIVENESS OF INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.—Section 608 of such Act (16 U.S.C. 1826i) is amended by—

(1) inserting before the first sentence the following: “(a) IN GENERAL.—”;

(2) in subsection (a) (as designated by paragraph (1) of this subsection) in the first sentence, inserting “, or arrangements made pursuant to an international fishery agreement,” after “organizations”; and

(3) adding at the end the following new subsections:

“(b) DISCLOSURE OF INFORMATION.—The Secretary may disclose, as necessary and appropriate, information, including information collected under joint authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 71 et seq.), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), any other statute implementing an international fishery agreement, to any other Federal or State government agency, the Food and Agriculture Organization of the United Nations, or the secretariat or equivalent of an international fishery management organization or arrangement made pursuant to an international fishery agreement, if such government, organization, or arrangement, respectively, has policies and procedures to protect such information from unintended or unauthorized disclosure.

“(c) IUU VESSEL LISTS.—The Secretary may—

“(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing or fishing-related activities in support of illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization or arrangement made pursuant to an international fishery agreement, that—

“(A) the United States is party to; or

“(B) the United States is not party to, but whose procedures and criteria in developing and maintaining a list of such vessels and vessel owners are substantially similar to such procedures and criteria adopted pursuant to an international fishery agreement to which the United States is a party; and

“(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management agreements and trade agreements.

“(d) REGULATIONS.—The Secretary may promulgate regulations to implement this section.”.

(c) NOTIFICATION REGARDING IDENTIFICATION OF NATIONS.—Section 609(b) of such Act (16 U.S.C. 1826j(b)) is amended to read as follows:

“(b) NOTIFICATION.—The Secretary shall notify the President and that nation of such an identification.”.

(d) NATIONS IDENTIFIED UNDER SECTION 610.—Section 610(b)(1) of such Act (16 U.S.C. 1826k(b)(1)) is amended to read as follows:

“(1) notify, as soon as possible, the President and nations that have been identified under subsection (a), and also notify other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act.”.

(e) EFFECT OF CERTIFICATION UNDER SECTION 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C. 1826j(d)(3)(A)(i)) is amended by striking “that has not been certified by the Secretary under this subsection, or”.

(f) EFFECT OF CERTIFICATION UNDER SECTION 610.—Section 610(c)(5) of such Act (16 U.S.C. 1826k(c)(5)) is amended by striking “that has not been certified by the Secretary under this subsection, or”.

## (g) IDENTIFICATION OF NATIONS.—

(1) SCOPE OF IDENTIFICATION FOR ACTIONS OF FISHING VESSELS.—Section 609(a) of such Act (16 U.S.C. 1826j(a)) is amended—

(A) in the matter preceding paragraph (1) by striking “2 years” and inserting “3 years”;

(B) in paragraph (1), by inserting “that undermines the effectiveness of measures required by an international fishery management organization, taking into account whether” after “(1)”; and

(C) in paragraph (1), by striking “vessels of”.

(2) ADDITIONAL GROUNDS FOR IDENTIFICATION.—Section 609(a) of such Act (16 U.S.C. 1826j(a)) is further amended—

(A) by redesignating paragraphs (1) and (2) in order as subparagraphs (A) and (B) (and by moving the margins of such subparagraphs 2 ems to the right);

(B) by inserting before the first sentence the following:

“(1) IDENTIFICATION FOR ACTIONS OF FISHING VESSELS.—”; and

(C) by adding at the end the following:

“(2) IDENTIFICATION FOR ACTIONS OF NATION.—Taking into account the factors described under section 609(a)(1), the Secretary shall also identify, and list in such report, a nation—

“(A) if it is violating, or has violated at any point during the preceding three years, conservation and management measures required under an international fishery management agreement to which the United States is a party and the violations undermine the effectiveness of such measures; or

“(B) if it is failing, or has failed at any point during the preceding three years, to effectively address or regulate illegal, unreported, or unregulated fishing in areas described under paragraph (1)(B).

“(3) APPLICATION TO OTHER ENTITIES.—Where the provisions of this Act are applicable to nations, they shall also be applicable, as appropriate, to other entities that have competency to enter into international fishery management agreements.”.

(3) PERIOD OF FISHING PRACTICES SUPPORTING IDENTIFICATION.—Section 610(a)(1) of such Act (16 U.S.C. 1826k(a)(1)) is amended by striking “calendar year” and replacing with “three years”.

## (h) AUTHORIZATION OF APPROPRIATIONS.—

(1) Section 609(f) of such Act (16 U.S.C. 1826j) is amended by—

(A) striking “2007” and inserting “2010”; and

(B) striking “2013” and inserting “2015”.

(2) Section 610(f) of such Act (16 U.S.C. 1826k) is amended by—

(A) striking “2007” and inserting “2010”; and

(B) striking “2013” and inserting “2015”.

## (i) TECHNICAL CORRECTIONS.—

(1) Section 607(2) of such Act (16 U.S.C. 1826h(2)) is amended by striking “whose vessels” and inserting “that”.

(2) Section 609(d)(1) of such Act (16 U.S.C. 1826j(d)(1)) is amended by striking “of its fishing vessels”.

(3) Section 609(d)(1)(A) of such Act (16 U.S.C. 1826j(d)(1)(A)) is amended by striking “of its fishing vessels”.

(4) Section 609(d)(2) of such Act (16 U.S.C. 1826j(d)(2)) is amended—

(A) by striking “for certification” and inserting “to authorize”;

(B) by inserting “the importation” after “or other basis”;

(C) by striking “harvesting”; and

(D) by striking “not certified under paragraph (1)” and inserting “issued a negative certification under paragraph (1)”.

(5) Section 610 of such Act (16 U.S.C. 1826k) is amended as follows:

(A) In subsection (a)(1), by striking “practices,” and inserting “practices—”.

(B) In subsection (c)(1)(A), by striking “, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs”.

(C) In subsection (c)(4), by striking all preceding subparagraph (B) and inserting the following:

“(4) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure to authorize, on a shipment-by-shipment, shipper-by-shipper, or other basis the importation of fish or fish products from a vessel of a nation issued a negative certification under paragraph (1) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

“(A) are comparable to those of the United States, taking into account different conditions; and”.

**SEC. 3. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT.**

(a) NEGATIVE CERTIFICATION EFFECTS.—Section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a) is amended—

(1) in subsection (a)(2), by striking “recognized principles of” after “in accordance with”;

(2) in subsection (a)(2)(A), by inserting “or, as appropriate, for fishing vessels of a nation that receives a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j) after “(1)”;

(3) in subsection (a)(2)(B), by inserting before the period the following: “, except for the purposes of inspecting such vessel, conducting an investigation, or taking other appropriate enforcement action”;

(4) in subsection (b)(1)(A)(i), by striking “or illegal, unreported, or unregulated fishing” after “driftnet fishing”;

(5) in subsection (b)(1)(B) and subsection (b)(2), by striking “or illegal, unreported, or unregulated fishing” after “driftnet fishing” each place it appears;

(6) in subsection (b)(3)(A)(i), by inserting “or a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))” after “(1)(A)”;

(7) in subsection (b)(4)(A), by inserting “or issues a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))” after “paragraph (1)”;

(8) in subsection (b)(4)(A)(i), by striking “or illegal, unreported, or unregulated fishing” after “driftnet fishing”; and

(9) in subsection (b)(4)(A)(i), by inserting “, or to address the offending activities for which a nation received a negative certification under section 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))” after “beyond the exclusive economic zone of any nation”.

(b) DURATION OF NEGATIVE CERTIFICATION EFFECTS.—Section 102 of such Act (16 U.S.C. 1826b) is amended by—

(1) striking “or illegal, unreported, or unregulated fishing”; and

(2) inserting “or effectively addressed the offending activities for which the nation received a negative certification under 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))” before the period at the end.

**SEC. 4. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF 1950.**

Section 8 of the Tuna Conventions Act of 1950 (16 U.S.C. 957) is amended—

(1) in subsection (a) by striking “knowingly”;

(2) by striking subsections (d) through (g) and inserting the following:

“(d) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”; and

(3) by redesignating subsection (h) as subsection (e).

**SEC. 5. AMENDMENTS TO NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.**

(a) UNLAWFUL ACTIVITIES.—Section 810 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5009) is amended—

(1) in paragraph (5), by inserting “, investigation,” after “search”; and

(2) in paragraph (6), by inserting “, investigation,” after “search”.

(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—Section 811 of the Northern Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5010) is amended to read as follows:

**“SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**

“For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

**SEC. 6. AMENDMENTS TO THE PACIFIC SALMON TREATY ACT OF 1985.**

Section 8 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3637) is amended—

(1) in subsection (a)(2)—

(A) by inserting “, investigation,” after “search”; and

(B) by striking “this title,” and inserting “this Act.”;

(2) in subsection (a)(3)—

(A) by inserting “, investigation,” after “search”; and

(B) by striking “subparagraph (2)” and inserting “paragraph (2)”;

(3) in subsection (a)(5), by striking “this title; or” and inserting “this Act.”;

(4) by striking subsections (b) through (f) and inserting the following:

“(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

**SEC. 7. AMENDMENTS TO THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.**

The Western and Central Pacific Fisheries Convention Implementation Act (title V of Public Law 109-479) is amended—

(1) in section 503(a) (16 U.S.C. 6902(a)), by striking “one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council and the Pacific Fishery Management Council” and inserting “one of whom shall be a member of the Western Pacific Fishery Management Council, and one of whom shall be a member of the Pacific Fishery Management Council”;

(2) in section 503(c)(1) (16 U.S.C. 6902(c)(1)), by striking “shall be considered to be Federal employees” and all that follows through the end of the sentence and inserting “shall not be considered Federal employees except for purposes of injury compensation and tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”;

(3) in section 503(d)(2)(B) (16 U.S.C. 6902(d)(2)(B)), by amending clause (ii) to read as follows:

“(ii) shall not be considered Federal employees while performing service except for the purposes of injury compensation and tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”;

(4) by amending section 506(c) (16 U.S.C. 6905(c)) to read as follows:

“(c) **ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”; and

(5) in section 507(a)(2) (16 U.S.C. 6906(a)(2)) by striking “suspension, on” and inserting “suspension, of”.

**SEC. 8. AMENDMENTS TO THE SOUTH PACIFIC TUNA ACT OF 1988.**

The South Pacific Tuna Act of 1988 is amended—

- (1) in section 5(a) (16 U.S.C. 973c(a))—
- (A) in paragraph (8), by inserting “, investigation,” after “search”; and
- (B) in paragraph (10), by inserting “, investigation,” after “search”; and
- (2) by striking sections 7 and 8 (16 U.S.C. 973e and 973f) and inserting the following:

**“SEC. 7. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**

“For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

**SEC. 9. AMENDMENTS TO THE ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT.**

The Antarctic Marine Living Resources Convention Act of 1984 is amended—

- (1) in section 306 (16 U.S.C. 2435)—
- (A) in paragraph (3), by striking “which he knows, or reasonably should have known, was”; and
- (B) in paragraph (4), by inserting “, investigation,” after “search”; and
- (C) in paragraph (5), by inserting “, investigation,” after “search”; and
- (2) in section 307 (16 U.S.C. 2436)—
- (A) by inserting “(a) **IN GENERAL.**—” before the first sentence; and
- (B) by adding at the end the following:

“(b) **REGULATIONS TO IMPLEMENT CONSERVATION MEASURES.**—

“(1) **IN GENERAL.**—Notwithstanding subsections (b), (c), and (d) of section 553 of title 5, United States Code, the Secretary of Commerce may publish in the Federal Register a final regulation to implement any conservation measure for which the Secretary of State notifies the Commission under section 305(a)(1)—

“(A) that has been in effect for 12 months or less;

“(B) that is adopted by the Commission; and

“(C) with respect to which the Secretary of State does not notify Commission in accordance with section 305(a)(1) within the time period allotted for objections under Article IX of the Convention.

“(2) **ENTERING INTO FORCE.**—Upon publication of such regulation in the Federal Register, such conservation measure shall enter into force with respect to the United States.”; and

(3) by striking sections 308 and 309 (16 U.S.C. 2437 and 2438) and inserting the following:

**“SEC. 308. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**

“For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

**SEC. 10. AMENDMENTS TO THE ATLANTIC TUNAS CONVENTION ACT.**

The Atlantic Tunas Convention Act of 1975 is amended—

- (1) in section 6(c)(2) (16 U.S.C. 971d(c)(2)(2))—
- (A) by striking “(A)” and inserting “(i)”;
- (B) by striking “(B)” and inserting “(ii)”;
- (C) by inserting “(A)” after “(2)”;
- (D) by adding at the end the following:

“(B) Notwithstanding the requirements of subparagraph (A) and subsections (b) and (c) of section 553 of title 5, United States Code, the Secretary may issue final regulations to imple-

ment Commission recommendations referred to in paragraph (1) concerning trade restrictive measures against nations or fishing entities.”;

(2) in section 7 (16 U.S.C. 971e) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (e);

(3) in section 8 (16 U.S.C. 971f)—

- (A) by striking subsections (a) and (c); and
- (B) by inserting before subsection (b) the following:

“(a) For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”;

(4) in section 8(b) by striking “the enforcement activities specified in section 8(a) of this Act” each place it appears and inserting “enforcement activities with respect to this Act that are otherwise authorized by law”; and

(5) by striking section 11 (16 U.S.C. 971j) and redesignating sections 12 and 13 as sections 11 and 12, respectively.

**SEC. 11. AMENDMENTS TO THE HIGH SEAS FISHING COMPLIANCE ACT OF 1965.**

Section 104(f) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5503(f)) is amended to read as follows:

“(f) **VALIDITY.**—A permit issued under this section for a vessel is void if—

“(1) any other permit or authorization required for the vessel to fish is expired, revoked, or suspended; or

“(2) the vessel is no longer documented under the laws of the United States or eligible for such documentation.”.

**SEC. 12. AMENDMENTS TO THE PACIFIC WHITING ACT OF 2006.**

(a) **SCIENTIFIC EXPERTS ON JOINT TECHNICAL COMMITTEE.**—Section 605(a)(1) of the Pacific Whiting Act of 2006 (16 U.S.C. 7004(a)(1)) is amended to read as follows:

“(1) **IN GENERAL.**—The Secretary, in consultation with the Secretary of State, shall appoint no more than two individuals to serve as scientific experts on the joint technical committee, at least one of whom shall be an official of the National Oceanic and Atmospheric Administration.”; and

(b) **TREATMENT AS FEDERAL EMPLOYEES.**—Section 609(a) of the Pacific Whiting Act of 2006 (16 U.S.C. 7008(a)) is amended by striking “shall be considered to be Federal employees while performing such service, only for purposes of—” and all that follows and inserting “shall not be considered Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

**SEC. 13. AMENDMENTS TO THE DOLPHIN PROTECTION CONSUMER INFORMATION ACT.**

The Dolphin Protection Consumer Information Act (16 U.S.C. 1385) is amended by amending subsection (e) to read as follows:

“(e) **ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

**SEC. 14. AMENDMENTS TO THE NORTHERN PACIFIC HALIBUT ACT OF 1982.**

(a) **PROHIBITED ACTS.**—Section 7 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773e) is amended—

(1) in paragraph (a) by redesignating subparagraphs (1) through (6) as subparagraphs (A) through (F);

(2) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively;

(3) by in paragraph (1)(B), as so redesignated, by inserting “, investigation,” before “or inspection”; and

(4) by in paragraph (1)(C), as so redesignated, by inserting “, investigation,” before “or inspection”;

(5) in paragraph (1)(E), as so redesignated, by striking “or” after the semicolon; and

(6) in paragraph (1)(F), as so redesignated, by striking “section.” and inserting “section; or”.

(b) **ENFORCEMENT POWERS.**—Section 11 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773i) is amended by adding at the end the following:

“(g) In addition to the powers of officers authorized pursuant to subsection (b), any officer who is authorized by the Secretary, or by the head of any Federal or State agency that has entered into an agreement with the Secretary under subsection (a), to enforce the Convention, this Act, or any regulation adopted under this Act, may—

“(1) search or inspect any facility or conveyance used or employed in, or which reasonably appears to be used or employed in, the storage, processing, transport, or trade of fish or fish products;

“(2) inspect records pertaining to the storage, processing, transport, or trade of fish or fish products; and

“(3) detain, for a period of up to 5 days, any shipment of fish or fish product imported into, landed on, introduced into, exported from, or transported within the jurisdiction of the United States, or, if such fish or fish product is deemed to be perishable, sell and retain the proceeds therefrom for a period of up to 5 days.”.

**SEC. 15. AMENDMENTS TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.**

Section 207 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5606) is amended—

(1) in the section heading, by striking “**AND PENALTIES**” and inserting “**AND ENFORCEMENT**”;

(2) in subsection (a)(2), by inserting “, investigation,” before “or inspection”; and

(3) in subsection (a)(3), by inserting “, investigation,” before “or inspection”; and

(4) by striking subsections (b) through (f) and inserting the following:

“(b) **ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).”.

**SEC. 16. AMENDMENT TO THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.**

Section 307(1)(Q) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(Q)) is amended by inserting before the semicolon the following: “or any treaty or in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party”.

**SEC. 17. INTERNATIONAL COOPERATION AND ASSISTANCE PROGRAM.**

(a) **INTERNATIONAL COOPERATION AND ASSISTANCE PROGRAM.**—The Secretary of Commerce, acting through the National Marine Fisheries Service, may establish an international cooperation and assistance program, including grants, to provide assistance for sustainable fishery management capacity building efforts.

(b) **AUTHORIZED ACTIVITIES.**—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to other nations to assist them in addressing illegal, unreported, or unregulated fishing activities;

(2) provide funding and technical expertise to other nations to assist them in reducing the loss and environmental impacts of derelict fishing gear, reducing the bycatch of living marine resources, and promoting international marine resource conservation;

(3) provide funding, technical expertise, and training to other nations to aid them in building

capacity for enhanced fisheries management, fisheries monitoring, catch and trade tracking activities, enforcement, and international marine resource conservation;

(4) establish partnerships with other Federal agencies or non-governmental organizations, as appropriate, to ensure that fisheries development assistance to other nations is directed toward projects that promote sustainable fisheries; and

(5) conduct outreach and education efforts in order to promote public and private sector awareness of international fisheries sustainability issues, including the need to combat illegal, unreported, or unregulated fishing activity and to promote international marine resource conservation.

(c) **GUIDELINES.**—The Secretary may establish guidelines necessary to implement the program.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$5,000,000 for each of fiscal years 2010 through 2015 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I rise in support of my bill, H.R. 1080, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009. The United States demonstrates strong leadership in fisheries management both nationally and internationally. However, despite these efforts, many marine fish stocks around the world are exploited or depleted, which is driven, in part, by the persistence of illegal, unreported, and unregulated (or IUU) fishing. With an annual global value of over \$10 billion, IUU fishing undermines the United States' fisheries management efforts and its fishermen, as well as efforts to sustainably manage fisheries in other countries.

IUU fishing in recent years has impinged, for example, the U.S. Exclusive Economic Zone surrounding my district of Guam and our neighboring Mariana Islands. This is a problem, Mr. Speaker, that has increasingly evidenced itself elsewhere in the U.S. EEZ and must be addressed. H.R. 1080 would strengthen and improve the enforcement authorities of various U.S. fisheries acts and would authorize a cooperation-and-assistance program to help other countries develop the technical expertise to confront IUU fishing. The bill is strongly supported by the U.S. fishing industry, the administration, and marine conservation interests.

With that, Mr. Speaker, I ask Members on both sides to support its passage.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1080 will give the United States more tools to combat illegal, unregulated, and unreported (or IUU) fishing. This pirate fishing has had a negative impact on important fisheries and has hurt those fishermen and fishing nations that play by the rules. The only concern I have with this legislation is that we need to make sure our government, in setting the example to the world for transparency, does not sacrifice proprietary information from our domestic industries that would erode our competitiveness in the world's seafood market. This legislation walks that fine line, but we need to keep an eye on those who will implement this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield the gentleman from Washington (Mr. BAIRD) as much time as he may consume.

Mr. BAIRD. I thank the gentlelady. I rise in strong support of H.R. 1080, and I also would like to speak in support of the prior bill on coral reefs. In the marine sciences, there is a phenomenon known as the shifting baseline, which is where you look today and say, What's the status of this ecosystem?

You tend to look 10 years back, on the assumption that that's a good window of time. The fact, however, is that the 10-years-back window may be substantially degraded from 10 years prior, which was degraded from 10 years prior, et cetera. So as we try to restore these ecosystems, we need to understand that many of them have been profoundly degraded over time, this shifting baseline is going in a negative direction, and it's very hard to know where we're at.

This legislation, H.R. 1080, and the prior legislation regarding coral reefs, is a shift in a positive direction. We are actually improving the protection of our marine resources, which are so critical. I would say to my colleagues that if they learn and remember nothing else about our marine ecosystems, it would be the following number: 50 percent. As we speak today, 50 percent of the oxygen we are breathing comes from the oceans—every other breath. Yet the oceans are subject to assault, ranging from ocean acidification to temperature increase, to overfishing, which this legislation deals with, to runoff, to harmful algal blooms, to hypoxia, et cetera.

I commend the gentlelady and gentleman for their leadership on this. I urge passage. We must make preservation of our oceans a much higher priority, not only for this body but for this country. I urge passage of both this and the prior bill.

□ 1430

Mr. CHAFFETZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 1080, legislation to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing. I thank the Chairwoman of the Subcommittee on Insular Affairs, Wildlife, and Oceans for her leadership on this important issue. I also want to thank Chairman RAHALL and members of the Natural Resources Committee for bringing this important bill for House consideration.

Mr. Speaker, the practice of illegal, unreported, and unregulated fishing (IUU) poses serious threats to our marine ecosystems and undermines our efforts to conserve and manage our ocean resources, and our fishing industry. Estimated at an annual global value of \$10 to \$23.5 million, IUU affects fish migration between the U.S. Exclusive Economic Zone (EEZ) and the high seas, and adversely impacts the catch for our own fishing boats and subsequently restricts our fish supply. Overall the increasing problem of IUU clearly compromises any benefits from our domestic fisheries management efforts.

This bill, H.R. 1080, provides the framework to better track and monitor IUU. On an international level, the publication of vessels who have engaged in IUU and identifying and listing nations who have not complied with terms of the international fisheries agreements, will ensure that nations will make it a high priority to improve their efforts in the conservation and management of fisheries resources. It also strengthens the cooperation between the U.S. and the international fisheries organizations throughout the world by providing the necessary technical expertise and funding in collaborative efforts to build capacity and to better enforcement. Importantly, this legislation authorizes and provides funding for a stronger enforcement mechanism to ensure that the U.S. complies with the many international fisheries treaties and agreements that the U.S. is a part of.

I know for a fact that this has had great impact on the island nations in the Pacific where fishing vessels from other nations or pirate ships who illegally entered their waters and fished and then transport and exchanged their catch in the high seas. Illegal fishing as such has had a great impact on the local communities and the cultures that heavily rely on subsistence fishing. I have personally witnessed in my District the fact that more and more local fishermen have returned from long trips without any catch. This depletion is evident in the short supply of fish for our struggling local canneries which is the largest private employer in American Samoa. This is a clear example of the impacts of IUU and without the strong enforcement and regulation of our fisheries treaties and agreements, we will lose our fish stocks, thus, impacting our marine ecosystems and for most in the Pacific, their way of life.

This legislation reinforces the fact that U.S. will not tolerate the ongoing onslaught of illegal fishing on our fisheries worldwide. I urge my colleagues to support H.R. 1080.

Mr. SABLON. Mr. Speaker, I rise today in support of H.R. 1080, the Illegal, Unreported,

and Unregulated Fishing Enforcement Act of 2009.

This act provides much-needed, new tools to law enforcement to protect our fisheries and other marine resources and increases the penalties for environmental crimes.

Unfortunately, we continue to see illegal fishing in the Exclusive Economic Zone (EEZ) around the Mariana Islands. Just last month NOAA and the coast guard apprehended a Taiwanese vessel illegally fishing in the EEZ of the Mariana Islands with ten tons of shark on board.

The owner was fined \$500,000 dollars, but only had to pay \$200,000 now. After three years, if the owner can show an inability to pay the remaining \$300,000, NOAA may waive the fine.

More amazing, the owner was allowed to keep the illegal catch.

This is neither a punishment nor a deterrent.

Mr. Speaker, I want to thank Chairwoman BORDALLO for her extraordinary leadership on this legislation and ensuring our fisheries and marine resources are protected. I urge my colleagues to support H.R. 1080. Let's send a strong message to high seas criminals that their actions will have real consequences. And let's help our enforcement personnel with the tools they need to do their jobs.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1080, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### JOHN ADAMS MEMORIAL FOUNDATION AUTHORITY EXTENSION

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2802) to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2802

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR MEMORIAL ESTABLISHMENT.

(a) LEGISLATIVE AUTHORITY.—Section 1(c) of Public Law 107-62 is amended by striking “accordance with” and all that follows through the period at the end and inserting the following: “accordance with chapter 89 of title 40, United States Code, except that any reference in section 8903(e) of that chapter to the expiration at the end of or extension be-

yond a seven-year period shall be considered to be a reference to an expiration on or extension beyond December 2, 2013.”

(b) TECHNICAL AMENDMENTS.—Public Law 107-62 is amended—

(1) in section 1(e), by striking “(40 U.S.C. 1001, et seq.)” and inserting “(40 U.S.C. 8901, et seq.)”; and

(2) in section 2, by striking “(40 U.S.C. 1002)” and inserting “(40 U.S.C. 8902(a))”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Among the many statues and monuments in this city, there are none that honor our second President, John Adams, nor the contributions made by his family to our Nation's history.

In 2001, Congress authorized the Adams Memorial Foundation to establish a memorial in the District of Columbia and its environs. This authority will expire on December 2, 2009, but several more years are required to complete fundraising, final design, and construction.

H.R. 2802, introduced by our distinguished colleague from Massachusetts, Representative DELAHUNT, would extend the legislative authority necessary for this important endeavor for 4 additional years, as recommended by the administration.

Mr. Speaker, we commend Representative DELAHUNT for his efforts in this legislation. We support passage of H.R. 2802 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2802 has been adequately explained by the majority, and we support the legislation. We commend the work of Mr. DELAHUNT and the gentleman that he is.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2802, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### UPPER ELK RIVER WILD AND SCENIC STUDY ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3113) to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3113

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Upper Elk River Wild and Scenic Study Act”.

#### SEC. 2. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

“( ) ELK RIVER, WEST VIRGINIA.—The approximate 5-mile segment of the Elk River from the confluence of the Old Field Fork and the Big Spring Fork in Pocahontas County to the Pocahontas and Randolph County line.”

#### SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

“( ) ELK RIVER, WEST VIRGINIA.—Not later than 3 years after funds are made available to carry out this paragraph, the Secretary of Agriculture shall complete the study of the 5-mile segment of the Elk River, West Virginia, designated for study in subsection (a), and shall submit to Congress a report containing the results of the study. The report shall include an analysis of the potential impact of the designation on private lands within the 5-mile segment of the Elk River, West Virginia, or abutting that area.”

#### SEC. 4. EFFECT.

(a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Consistent with section 13 of the Wild and Scenic Rivers Act (16 U.S.C. 1284), nothing in the designation made by the amendment in section 2 shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) EFFECT ON STATE AUTHORITY.—Consistent with section 13 of the Wild and Scenic Rivers Act (16 U.S.C. 1284), nothing in the designation made by the amendment in section 2 shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

## GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3113, introduced by the chairman of the Committee on Natural Resources, Mr. NICK RAHALL, reflects the continuing efforts by the people of Pocahontas County, West Virginia, to preserve and protect the most significant natural and historic resources that they are blessed with in that area.

The pending legislation would have the National Forest Service conduct a study on a segment of the Elk River within the county to determine its eligibility for designation under the Wild and Scenic Rivers Act.

On behalf of Chairman RAHALL, I would like to commend the Pocahontas County Commission for its leadership in this matter.

With that, I ask Members on both sides to support passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

We believe that the bill has been adequately explained and studied, and we commend the efforts of Mr. RAHALL in his working with the Members on both sides of the aisle.

I have no further requests for time, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, the pending legislation would provide for a study to determine the feasibility and suitability of including a segment of the Elk River as a component of the Wild and Scenic River System.

The Elk River is one of West Virginia's premier natural resource assets. It is the longest river in West Virginia with its boundaries entirely within the State. The study that would be authorized by this legislation, however, would focus only on that segment of the Elk where it begins at the confluence of two streams—Old Field Fork and Big Spring Fork—at the community of Slatyfork and flows North for approximately five miles to the Pocahontas/Randolph County line. The study would be conducted by the U.S. Forest Service.

I would point out that this legislation was initiated by the Pocahontas County Commission which unanimously voted on February 4, 2009, to request that a study be conducted on the segment of the Elk River within their county. In this regard I commend Commissioners Martin V. Saffer, David M. Fleming and Reta J. Griffith for their initiative.

The "Slaty" segment of the Elk River that would be the subject of the study authorized by this bill, named in reference to the community of Slatyfork where the river begins, was

described in a January 2009 letter written by local resident Tom Shipley to the Pocahontas County Commission as follows: "History abounds around, near and on the banks of the Elk River. She is, in a literal sense, very much as she was back in the early 1800s . . . one of the last rivers on the East Coast that has three naturally reproducing species of wild trout . . . Brook, Brown and Rainbow. As Big Spring Fork and Old Field merge, they form an impressive gateway to the Upper Elk . . . a gift from God to Pocahontas County."

Indeed, the Slaty segment is a superb fishery, and the West Virginia Division of Natural Resources does a good job in the area. While what is being proposed is a study—not a designation—and while the Wild and Scenic Rivers Act is very clear that nothing in the statute "shall affect the jurisdiction or responsibilities of the State with respect to fish and wildlife," I am including in the legislation being introduced today a reaffirmation that the mere act of studying this segment of the Elk River will not change the status quo with respect to State jurisdiction.

In my view, most people associated with this segment of the Elk River want to keep it the way it is. As Mr. Shipley wrote, the river is "a gift of God to Pocahontas County" and I would add, to the State of West Virginia and the Nation as a whole.

I urge the adoption of the pending legislation.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3113.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### MAGNA WATER DISTRICT WATER REUSE AND GROUNDWATER RECHARGE ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2265) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2265

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Magna Water District Water Reuse and Groundwater Recharge Act of 2009".

#### SEC. 2. MAGNA WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities

Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

#### "SEC. 16. MAGNA WATER DISTRICT WATER REUSE AND GROUNDWATER RECHARGE PROJECT, UTAH.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Magna Water District, Utah, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to provide recycled water in the Magna Water District.

"(b) COST SHARING.—

"(1) FEDERAL SHARE.—The Federal share of the capital cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(2) NON-FEDERAL SHARE.—Each cost incurred by the Magna Water District after January 1, 2003, relating to any capital, planning, design, permitting, construction, or land acquisition (including the value of reallocated water rights) for the project described in subsection (a) shall be credited towards the non-Federal share of the costs of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$12,000,000."

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 16 the following:

"Sec. 16. Magna Water District water reuse and groundwater recharge project, Utah."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Guam.

## GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2265, introduced by my colleague who is assisting me in managing the bills on the floor today, Representative CHAFFETZ from the State of Utah, would direct the Bureau of Reclamation to participate in the planning, the design, and the construction of the Magna Water District water reuse and groundwater recharge project. When constructed, this project will remove perchlorate from the contaminated groundwater and create a new water supply for the community. Title XVI water recycling projects like H.R. 2265 allow local communities to stretch their limited water supplies.

I ask my colleagues to support the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the kind words and comments from my colleague Ms. BORDALLO, and I thank my Democratic colleagues for supporting this bill to help the Magna Water District meet unfunded Federal mandates.

My legislation authorizes limited Federal assistance to help a community remove arsenic and perchlorate while producing more high-quality drinking water. We have very limited water supplies in the West, and we need every tool in the water toolbox to help meet our water supply needs. This and similar legislation before us today will help stretch our supplies to meet the growing needs of our communities.

I urge my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this very important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2265.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### RAISING FEDERAL COST SHARE OF CALLEGUAS WATER DISTRICT RECYCLING PROJECT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2522) to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2522

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13(d)) is amended—

(1) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

and

(2) by adding at the end the following:

“(3) In the case of the Calleguas Municipal Water District Recycling Project authorized by section 1616, the Federal share of the cost of the Project may not exceed the sum determined by adding—

“(A) the amount that applies to the Project under paragraph (1); and

“(B) \$40,000,000.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2522, introduced by our colleague Representative ELTON GALLEGLY, would raise the existing authorization ceiling to authorize funds for phases 2 and 3 of the Calleguas Municipal Water District Recycling Project. When these phases are completed, it is expected that the project will produce 43,000 acre-feet of water annually.

At a time when reported water is unreliable, the title XVI water recycling program is a tool that communities can use to create a reliable local supply to meet all of the future demands.

I ask my colleagues to support passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise today to support H.R. 2522, legislation introduced by my Natural Resources Committee colleague, ELTON GALLEGLY, and cosponsored by Congresswoman LOIS CAPPs.

This legislation extends limited Federal participation in the Calleguas Municipal Water District Water Recycling Project. This project is already underway to help over 600,000 water consumers with their water supply needs by recycling wastewater. The residents of the region are entirely dependent on imported water, and this bill will help alleviate that dependence by extending the Federal financial cap on the project.

Because he's flying back to Washington, DC, from his California district, Congressman GALLEGLY is unable to be here for debate on this bill; therefore, his statement will be included in the RECORD.

I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I would like to express my strong support for H.R. 2522, which is a bill introduced earlier this year that would raise the ceiling on the Federal share of the cost of completing the Calleguas Municipal Water District Recycling Project.

I believe most of the country knows about the water shortage plaguing the state of California. In my district, maintaining adequate

water supplies has also become increasingly problematic, especially as the traditional sources of imported water have become unreliable. For this reason, I introduced H.R. 2522, which will assist the Calleguas Municipal Water District with the development of new water sources.

Specifically, this legislation would authorize an additional \$40 million in funding for the Bureau of Reclamation to support the completion of a salinity management pipeline, also known as a brine line. This pipeline will collect salty water generated by desalting facilities and excess recycled water and then transport that water for reuse elsewhere. The result will be both improved water quality and an enhanced supply of local groundwater.

The increased use of recycled water will expand the water available for approximately 600,000 of my constituents and, at the same time, reduce dependence on water from the sensitive Bay-Delta ecosystem. In an era of drought and water shortages throughout California, local water districts need to do all they can to reduce their dependence on increasingly scarce supplies of imported water.

I want to thank Chairman RAHALL and Ranking Member HASTINGS, along with their staffs, for their assistance with moving this important legislation.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2522.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING INTERIOR DEPARTMENT PARTICIPATION IN OREGON WATER RECYCLING PROJECT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2741) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2741

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by inserting after section 16\_\_\_ the following:

**"SEC. 16. CITY OF HERMISTON, OREGON, WATER RECYCLING AND REUSE PROJECT.**

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Hermiston, Oregon, is authorized to participate in the design, planning, and construction of permanent facilities to reclaim and reuse water in the City of Hermiston, Oregon.

"(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project described in subsection (a)."

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the item relating to section 16 the following:

"Sec. 16. City of Hermiston, Oregon, water recycling and reuse project."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

□ 1445

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 2741, introduced by our colleague, Representative GREG WALDEN, would authorize the Secretary of the Interior, through the Bureau of Reclamation, to participate in the planning, the design, and the construction of the city of Hermiston water recycling and reuse project.

This legislation is a good example of how the Title 16 water recycling program can be used in a predominantly agriculture community to meet water quality standards, create a new water supply for irrigation, and help endangered species in the Umatilla River.

I ask my colleagues to support passage of this legislation.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise to support legislation offered by our colleague, the gentleman from Oregon (Mr. WALDEN). This bill authorizes limited Federal participation in a water recycling project for the city of Hermiston, Oregon. The goal of the bill is to help the city recycle wastewater, to provide extra water for endangered salmon, and deliver water for irrigated crops. It also helps the city meet unfunded Federal mandates.

I urge my colleagues to support this bill.

Mr. CHAFFETZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I want to thank my colleagues from Utah and Guam, as well as the chairwoman of the subcommittee, GRACE NAPOLITANO from California, and the ranking member, TOM MCCLINTOCK from California, and their staffs for working with me and the folks from the city of Hermiston, Oregon, to move this bill through the committee process in a rather expedited way where it was unanimously approved and now awaits floor action today.

As the author of the bill, I stand in strong support of H.R. 2741, which authorizes the Bureau of Reclamation to work with the city in the planning, design, and construction of the city of Hermiston's new water recycling and reuse project.

In short, this is one of those bills that is good for farmers and it is good for fish. It helps meet the Endangered Species Act, a requirement for a listed salmon species in the Umatilla River, and addresses long-term community growth in the process. It has strong local support from very diverse interests and is exactly the type of partnership and project that deserves investment from the Federal Government.

The existing wastewater facilities in Hermiston are 30 years old; and after 30 years, those facilities have served the community well and outlived their usefulness. With new environmental requirements and needs, the community has come together with many parties to come up with this proposal, and this legislation will help move that forward with a nice cost share between the Federal Government at 25 percent and the local community at 75 percent.

This project will achieve a list of objectives important to both the local community and Federal environmental obligations.

First, it will enable the city to reliably meet new pollution reduction requirements for the next 20-plus years.

Second, it will increase wastewater treatment capacity to match the growth in the region's economy and the human population.

Third, 3,400 acre feet of top quality, class A water will return to the Umatilla River and provide additional protections for threatened salmon species. This is one of the key reasons that the Confederated Tribes of the Umatilla Indian Reservation support the legislation. I thank them for that and would like to enter into the RECORD their letter of support for H.R. 2741.

CONFEDERATED TRIBES OF THE  
UMATILLA INDIAN RESERVATION,  
Pendleton, OR, July 15, 2009.

ED BROOKSHIER,  
City Manager, City of Hermiston, Hermiston,  
OR.

DEAR MR. BROOKSHIER: the Confederated Tribes of the Umatilla Indian Reservation

(CTUIR) thank you for the opportunity to review the proposed improvements to the Hermiston waste water treatment plant. We understand that in addition to upgrades at the plant itself this project includes moving the location of effluent discharge to the Umatilla River and a new discharge to the West Extension Irrigation District. We appreciate the City's coordination with us on this important project that will improve the water quality of the Umatilla River over time.

As you know the CTUIR has treaty fishing rights in the Umatilla River. The Tribes value the health of Umatilla fisheries and the Umatilla River that is enjoyed by all residents of the Umatilla Basin. We are aware that Hermiston is working with the Oregon Department of Environmental Quality and other resource protection agencies to minimize negative impacts to the river and maximize the benefits of the project. We also understand that the Oregon Department of Environmental Quality has requested a priority pollutant scan of the facility's effluent and that the new discharge locations be characterized for toxic contaminants. We ask that you share the results of those studies with the Confederated Tribes so that we can advance our mutual interest in better understanding the conditions of the Umatilla River.

We understand that the City of Hermiston is also seeking to obtain federal funding that might offset the costs of this substantial project. We support the City's efforts and hope your request will be successful.

While the new summer discharge to the West Extension Irrigation District will result in a decrease in summer Umatilla River flows, the Tribes are working with Umatilla basin partners including the City of Hermiston to restore Umatilla River stream flows to natural levels. The CTUIR appreciates your consultation with us and looks forward to the successful completion of the improvements to Hermiston's waste water treatment plant.

Sincerely,

ANTONE C. MINTHORN,  
Chairman, Board of Trustees.

The final component of the project is the drought-resistant water delivery of recycled water to the diverse agriculture community in the west extension irrigation district. This water will supplement current allocations. We all know a little extra water in a dry climate can help our farmers and their crops in a big way.

The proposed project will comply with all applicable laws and regulations, and the city has already completed the required supporting environmental and biological assessments.

The Federal partnership in the local investment will be of enormous assistance as the project moves forward from drawing board to construction.

I thank you for your support and the opportunity to speak in favor of H.R. 2741, and I look forward to continuing to work with you and the city of Hermiston to ensure that this project of great importance becomes a reality.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. CHAFFETZ. Mr. Speaker, we have no additional speakers, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2741.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### HONORING MINUTE MAN HISTORICAL PARK ON 50TH ANNIVERSARY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 599) honoring the Minute Man National Historical Park on the occasion of its 50th Anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 599

Whereas, since September 21, 1959, Minute Man National Historical Park has preserved key sites where the first battles of the American Revolutionary War occurred, and educated millions of Americans about the extraordinary events that led to the birth of the Nation and the ideals embodied in those courageous actions;

Whereas Minute Man National Historical Park encompasses more than 1,000 acres in the historic communities of Lexington, Lincoln, and Concord that were at the center of the American Revolution;

Whereas the events, places, and people recognized by the Minute Man National Historical Park have become enduring testaments to American values and are among the most celebrated and cherished symbols in the history of the Nation;

Whereas the Minute Man National Historical Park includes multiple sites and landscapes along the route from Boston to Concord, known as the Battle Road, where American Militia and British soldiers fought numerous times on April 19, 1775;

Whereas American militia were first ordered to return British fire at Concord's North Bridge, a heroic action commemorated by American poet Ralph Waldo Emerson in his poem "The Concord Hymn" as the "shot heard 'round the world";

Whereas the park celebrates Paul Revere's legendary "midnight ride" of April 18, 1775, to warn American colonists that British soldiers were marching to Concord to destroy key military stores; and

Whereas more than one million Americans from States across the Nation and people from around the globe visit Minute Man National Historical Park every year to learn about the role that these New England communities played in the American Revolution: Now, therefore, be it

*Resolved*, that it is the sense of the House of Representatives that—

(1) Minute Man National Historical Park serves an essential role in preserving the sites and landscapes in New England where the American Revolution began, and in educating the public about these historic events;

(2) Minute Man National Historical Park honors and commemorates the ideals of de-

mocracy, liberty, and freedom that are the foundation of the Nation and sources of inspiration for people everywhere; and

(3) the creation of Minute Man National Historical Park 50 years ago represents a remarkable achievement that continues to benefit Americans around the Nation, to preserve the proud legacy of the American Revolution, and to serve as an enduring resource for future generations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, House Resolution 599 was introduced by our colleague from Massachusetts, Representative ED MARKEY, and would recognize the 50th anniversary of the establishment of Minute Man National Historical Park in Concord, Massachusetts.

Minute Man National Historical Park was established 50 years ago yesterday. It preserves for Americans and the world the places and the landscapes along the route from Boston to Concord, known as the Battle Road, where the first battles of our War of Independence were fought. The park also memorializes the renowned American soldiers, the Minutemen, trained volunteers who were always ready to march at a minute's notice.

Mr. Speaker, House Resolution 599 commemorates the enduring legacy of this Nation's fight for freedom, liberty and democracy and pays tribute to a park that celebrates the birthplace of American independence.

I commend Representative MARKEY and his cosponsor, Representative NIKI TSONGAS, for their timely and diligent work on this resolution. I ask my colleagues to support passage of this measure.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

On April 19, 234 years ago, the British commander in Boston sent a detachment of troops to nearby Lexington and Concord to impose what I am sure he thought was a perfectly reasonable gun control measure. After all, there wasn't any reason to allow people to possess guns in the park-like green commons of those pleasant little towns.

Unfortunately for General Howe, the patriots disagreed. Fortunately for us, the men who stood their ground at

Lexington, at Concord, and later at Trenton, at Saratoga and at Yorktown are the men who wrote our Constitution.

And when they met in Philadelphia a decade later to form a more perfect Union, they still believed that we are endowed by our Creator with certain inalienable rights. They therefore set out to devise a government with only limited, enumerated powers so that they and their descendants would, they hoped, be citizens of a free Republic, not submissive subjects of an ever-expanding government.

Our Constitution was written and ratified by the very Minutemen and patriots who fought for freedom in New England, the Middle Atlantic States and the South. That is why we have the Bill of Rights. They knew that private property rights, free exercise of religion, the individual right to keep and bear arms, and State's rights will always have opponents. That's why they are in the Constitution.

So it is appropriate that we take time to honor the Minutemen who left us a legacy of freedom on this, the 50th anniversary of the Minute Man National Historical Park.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. CHAFFETZ. Mr. Speaker, with no additional speakers, I yield back the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise in strong support of this resolution, which I have introduced with the gentlewoman from Massachusetts, Ms. TSONGAS, to honor the Minute Man National Historical Park on its 50th anniversary. Since its inception on September 21, 1959, the park has played a vital role in protecting and preserving the sites in the towns of Lexington, Lincoln, and Concord where the American Revolution began. For 50 years, the park has educated millions of Americans about the extraordinary events that led to the birth of our Nation.

On April 19, 1775, American colonists in "every Middlesex village and farm" rose up to throw off the yoke of the English king and claim their inherent right to govern themselves. The Minute Man National Park preserves not just the sites, buildings, and landscapes where these momentous events took place but also the ideals of liberty, democracy, and self-determination that they embodied. The beliefs held in the actions of those spring days in April 1775 remain the cornerstone of our Nation and an inspiration to people everywhere.

The Minute Man National Historical Park is comprised of 1,038 acres, which include 8 miles of trails and 136 historic structures. The park preserves multiple sites along the "Battle Road," the 22-mile route from Boston to Concord where British soldiers and American militia first clashed on April 19, 1775.

The park includes the famed North Bridge, in Concord, where American militia were first ordered to return the fire of the British

regulars. Down the road, in Lexington, is the Lexington green, where the first shot was fired that morning and where eight American patriots lost their lives in the opening battle of the Revolutionary War.

The park commemorates Paul Revere's "midnight ride" of April 18, 1775, to raise the alarm that the British were marching to destroy military stockpiles and includes the site where Paul Revere was captured by a British patrol. Paul Revere's message was carried on to Concord by his colleagues, William Dawes and Dr. Samuel Prescott, and that message resonates to this day—taught to school children everywhere—"A cry of defiance, and not of fear, a voice in the darkness, a knock at the door, and a word that shall echo for evermore!" in the verse of the famous poem by Henry Wadsworth Longfellow.

The park contains the Barrett farm in Concord, which was the home of Colonel James Barrett, and contained the militia weapons and munitions that British soldiers were marching on Concord to destroy. The park also includes the Wayside, which was once home to Nathaniel Hawthorne and Louisa May Alcott, and celebrates the writings of the first great American authors, whose voices were those of a free people.

More than 1 million people visit the park every year to learn about these events that have become iconic symbols to every American. Thomas Boylston Adams, a descendent of President John Quincy Adams and the former president of the Massachusetts Historical Society, described the Battle Road as "a long road, leading even to the present." The Battle Road was the first road marched by a people in search of liberty and the road that continues to prove to all people everywhere to this day that freedom is possible.

The Minute Man National Historical Park continues to serve as a vital resource for future generations of Americans and a reminder of the role that Massachusetts played in the creation of the most free and democratic nation in the world. I commend the fantastic work of the park in upholding these values that remain at the core of our American character and I urge my colleagues to adopt the resolution.

Ms. TSONGAS. Mr. Speaker, I am very pleased to be speaking on behalf of H. Res. 599, a resolution honoring the Minute Man National Historical Park on the occasion of its 50th anniversary.

The park, located in Concord, Lexington, and Lincoln, Massachusetts, was established by Congress on September 21, 1959, and has enriched the lives of millions of visitors by preserving and sharing New England's seminal cultural and historical significance.

Home to Hartwell's Tavern and the recent addition of Colonel James Barrett's farm, the park is where the "shot heard 'round the world" was fired, commencing the first battle of the American Revolution in 1775. It is the inspiration for the creative work of Ralph Waldo Emerson and a priceless educational tool for students of all ages.

The success of the park is a true testament to the collaborative efforts of the local and Federal Government and countless volunteers that dedicate themselves to ensuring that the park remains a true national treasure. This

past Sunday, I attended the 50th anniversary gala to celebrate the success of the park and the hard work of all involved. I want to especially recognize Superintendent Nancy Nelson whose dedication to this national treasure has helped preserve its integrity and make certain that its historical significance will inspire many future generations.

I would like to thank Mr. MARKEY for working with me on this important resolution and Chairman RAHALL for bringing it to the floor.

I urge my colleagues to support H. Res. 599 to celebrate the past 50 years of one of our country's true historical riches and to recognize the park as valuable resource for future generations to enjoy.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 599.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### SUPPORTING NATIONAL WILD HORSE AND BURRO ADOPTION DAY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 688) expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 688

Whereas in 1971, in Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.), Congress declared that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West;

Whereas, under that Act, the Secretary of the Interior and the Secretary of Agriculture have responsibility for the humane capture, removal, and adoption of wild horses and burros;

Whereas the Bureau of Land Management and the Forest Service are the Federal agencies responsible for carrying out the provisions of the Act;

Whereas a number of private organizations will assist with the adoption of excess wild horses and burros, in conjunction with the first National Wild Horse and Burro Adoption Day; and

Whereas there are approximately 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses awaiting adoption: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals of a National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretary of Interior and the Secretary of Agriculture;

(2) recognizes that creating a successful adoption model for wild horses and burros is consistent with Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1331 et seq.) and beneficial to the long-term interests of the people of the United States in protecting wild horses and burros; and

(3) encourages citizens of the United States to adopt a wild horse or burro so as to own a living symbol of the historic and pioneer spirit of the West.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

##### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution that is now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H. Res. 688, introduced by the gentlewoman from Nevada, Representative DINA TITUS, expresses support for the goals and the ideals of the first annual National Wild Horse and Burro Adoption Day, which takes place on September 26, 2009.

In 1971, Congress passed the Wild Free Roaming Horse and Burro Act, which sought to prevent the disappearance of these horses and burros from the western range and created the Wild Horse and Burro Adoption Program.

H. Res. 688 supports the first annual National Wild Horse and Burro Adoption Day. It recognizes that a successful adoption program is vital to managing these animals, and that more must be done to promote the program and educate the public. I would also note that in support of the goals of that 1971 act, I am proud to be a co-sponsor of H.R. 1018, the Restore our American Mustangs, or ROAM Act, introduced by House Natural Resources Committee Chairman RAHALL and passed by this House in July.

Mr. Speaker, House Resolution 688 is important in drawing attention to the vital role of adoption in saving America's wild horses and burros. I commend Representative TITUS for shining a light on this important event, and I ask my colleagues to support passage.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I rise in support of H. Res. 688, and I yield myself such time as I may consume.

I want to commend the Nevada delegation for this resolution urging the public to adopt the 18,000 wild horses waiting for adoption. However, it is a little confusing. Just 2 months ago, both the Democratic sponsor and co-sponsor of this bill voted in favor of

H.R. 1018, a bill that even the Obama administration said would make the problem worse, not better.

I am also perplexed, with Nevada's unemployment rate at 13.2 percent, how both of our Democratic colleagues from that hard-hit State could vote for a bill that would spend close to a billion dollars to expand a failed welfare program for wild horses.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as she may consume to Representative TITUS, the sponsor of this resolution.

Ms. TITUS. Mr. Speaker, I would like to thank Chairman RAHALL and subcommittee Chairman GRIJALVA for bringing this timely resolution to the floor today.

I rise in strong support of H. Res. 688, a resolution I introduced with my colleagues from the Nevada congressional delegation in support of the goals and ideals of National Wild Horse and Burro Adoption Day.

Wild horses and burros are living symbols of the independent, free spirit of the American West. My State of Nevada is home to more than half the wild horses in the country, and our State quarter depicts a trio of wild mustangs.

The Wild Free Roaming Horses and Burros Act, which became law in 1971, gave the Secretaries of Agriculture and the Interior responsibility for the humane capture, removal, and adoption of wild horses and burros. The agencies ensure that healthy herds thrive on healthy rangelands. But because these animals have no natural predators, herd sizes can increase dramatically in very short periods of time.

In order to maintain balance on the rangelands, wild horses and burros are gathered and offered for adoption and sale. Currently, there are some 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses available for adoption.

□ 1500

Although reasonable people might disagree on the appropriate number of horses that should be allowed to roam free, ranchers, wild horse advocates, environmentalists, animal lovers, and taxpayers alike can agree that there is a pressing need to improve upon the adoption programs to remove horses from these holding facilities and place them in good adoptive homes.

On September 26, 2009, a number of private organizations will assist with the adoption of excess wild horses and burros in conjunction with the first National Wild Horse and Burro Adoption Day. State BLM offices, as well as rescue centers, wild horse groups, environmentalists, and volunteers from all walks of life will be engaged in activities leading up to and on this important day.

BLM, the American Horse Protection Association, the Mustang Heritage

Foundation, the Humane Society of the United States, and Wild Horses 4Ever all support National Wild Horse and Burro Adoption Day, and more than 65 adoption and educational events will take place across the country in support of its goals. Wild horse advocates have set a 1,000 horse and burro adoption goal for National Wild Horse and Burro Adoption Day. This will save taxpayers \$1.5 million. This process has already begun as we saw last weekend with a successful adoption event in Pahrump, Nevada.

The resolution we are considering today supports the goals of National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretaries of Interior and Agriculture. It also recognizes that creating a successful adoption model for wild horses and burros is consistent with the Wild Free-Roaming Horse and Burros Act of 1971 and beneficial to the long-term interests of the people of the United States in protecting wild horses and burros.

Lastly, my resolution encourages Americans to adopt a wild horse or burro and own a living symbol of the historic and pioneer spirit of the American West, just as my sister, Rho Hudson, did when she adopted a wild burro, Sadie, who is a nice addition to her ranch in Pea Vine Canyon, Nevada.

More than 220,000 wild horses and burros have been adopted since 1973. By placing this renewed emphasis on the importance of wild horse adoption programs, we will protect the welfare of these majestic animals and save taxpayer dollars at the same time.

I urge passage of this important resolution.

Mr. CHAFFETZ. Mr. Speaker, I urge the passage of H. Res. 688.

Having no additional speakers on this topic, I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I rise today in support of our nation's wild horses and burros. These graceful and social wild animals have captured the hearts and minds of many Americans. They are stunning to watch as they roam free on public lands and remain an historical national treasure. It is imperative that we protect and ensure a viable future for them.

Ensuring a strong adoption program for wild horses and burros is one important step toward addressing the current ineffective, inhumane and expensive practices the Bureau of Land Management, BLM, has employed to manage the population. As such, I support this bill and will continue to work to ensure the success of the adoption program.

However, adoption alone will not offset the damage caused by the failed herd management practices of the BLM. Despite efforts to adopt out horses and burros, BLM has more than 30,000 wild horses in holding areas. In October 2008, the GAO released a report entitled "Effective Long-Term Options Needed to Manage Unadoptable Wild Horses." This report affirms that BLM will continue to face

budget shortfalls if long-term corrections to current management practices are not put in place. The bulk of these shortfalls are anticipated to result from the current management methods that round up wild horses and burros from Herd Management Areas, HMA, to long- and short-term holding areas.

The BLM maintains that removal of the horses from the BLM lands is necessary to "maintain a thriving ecological balance." However, the BLM has a history of using this statutory goal as justification for failed herd management practices.

When Congress enacted the Wild Free-Roaming Horses and Burros Act of 1971, 54 million acres were dedicated for use by wild horses and burros. Currently, they roam on 29 million BLM acres and 2.5 million Forest Service acres. Additional state, tribal, and private lands bring the total acreage to 34.3 million, a reduction of 19.2 million acres. Approximately 13 million of the 19.2 million closed acres were under BLM ownership and closed to wild horses and burros because of new laws and regulations as well as BLM's own land use planning decisions. This clearly defies congressional intent and shows a pattern of behavior on the part of BLM that reduces the land on which wild horses and burros roam.

BLM's decision to reduce land available to the wild horses and burros is called into question by the facts. A 1990 Government Accountability Office (GAO) report concluded that removals had not been demonstrated to improve range conditions, in part because livestock cause greater degradation to riparian areas and consume higher levels of forage. Furthermore, the Congressional Research Service states that the extent of damage by wild horses and burros as compared to livestock suffers from a "lack of definitive data on forage consumed and range degradation." Yet there are approximately 33,000 wild horses and burros on 34 million acres of land, while there are at least 6.4 million cattle, sheep and other livestock that graze on 160 million acres of BLM land. The density of the livestock population far exceeds that of the population of wild horses and burros. But BLM continues to argue that the horses and burros threaten BLM's ability to maintain ecological balance.

Recently, the BLM justified a roundup of wild mustangs on the Pryor Mountain Range of Montana and Wyoming with the "thriving ecological balance" argument. The Pryor Mountain Range wild mustangs are reported to have a genetic link to the Spanish horses of the Conquistadors brought to America in 1500. Their DNA makes them a unique wild horse that is a distinct part of America's history.

According to equine geneticist, Gus Cothran of Texas A&M University, who has been studying the wild horse population of the Pryor Mountains for many years, the single most important factor "in maintaining genetic variation in a managed population is effective population size." Genetic diversity is vital to the long term survival of any herd. BLM's decision to roundup the Pryor Mountain Range horses threatens the effective population size which compromises the genetic diversity of the herd.

Mr. Speaker, I urge my colleagues to vote in favor of H. Res. 688 and pledge to continue to work to correct the failed management practices of the BLM.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 688.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING THE 75TH ANNIVERSARY OF HAWK MOUNTAIN SANCTUARY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 670) congratulating and saluting the Hawk Mountain Sanctuary for celebrating its 75th anniversary, commending the Hawk Mountain Sanctuary for its contributions to the preservation of wildlife and the native ecology of the Appalachian Mountains and eastern Pennsylvania, and commending the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 670

Whereas Hawk Mountain Sanctuary is a year-round wildlife sanctuary that introduces students and visitors to the natural beauty of the central Appalachian Mountains of eastern Pennsylvania;

Whereas the 2,600 acres of woodland in the sanctuary and more than 13,000 acres of private and public lands in the area comprise one of the largest protected tracts of contiguous forest in eastern Pennsylvania;

Whereas the sanctuary consists of 8 miles of ridge and valley trails for visitors to hike and explore;

Whereas Hawk Mountain Sanctuary was the first refuge for birds of prey in the world;

Whereas over 12,000 raptors of various species find refuge in the Hawk Mountain Sanctuary every year;

Whereas during the autumn months, visitors have the unique opportunity to view numerous raptors of various species participating in a yearly migration through Pennsylvania;

Whereas Hawk Mountain Sanctuary is internationally known as a global information hub and a leader in the field of raptor biology and raptor conservation;

Whereas the sanctuary has a full-time staff of 16 employees and a volunteer workforce of more than 200 dedicated members;

Whereas the sanctuary staff works continually with world-class raptor scientists, conservationists, graduate students, and international interns to collaborate, collect, and analyze information and to formulate and test new conservation strategies;

Whereas Hawk Mountain Sanctuary offers weekend programs for local residents, guided programs for students and groups, and fully

accredited college-level courses in cooperation with Cedar Crest College, located in Allentown, Pennsylvania;

Whereas the sanctuary makes a concerted effort to work with local and regional conservationists in researching and preserving the ecology of the Appalachian Mountains;

Whereas the springs, ephemeral streams, vernal pools, and four small ponds of the mountains, as well as the nearby Little Schuylkill River and Kettle Creek, provide a crucial habitat for rare plants, invertebrates, and amphibians;

Whereas amateur ornithologist Richard Pough first noticed the area as an important location for raptor activity and brought attention to the area and its rich population of raptors by photographing the controversial hunting of hawks for sport;

Whereas in 1934, national conservationist Rosalie Edge visited Hawk Mountain after viewing photographs taken by Richard Pough, and with the guidance of bird conservationists Maurice and Irma Broun, advocated for an end to the sport hunting of hawks on the land before purchasing the land and opening it as a sanctuary for public use;

Whereas Rosalie Edge deeded the 1,400 acres to the Hawk Mountain Sanctuary Association, which was incorporated in Pennsylvania in 1938 as a nonprofit organization;

Whereas in 1965, the Secretary of the Interior designated the Hawk Mountain Sanctuary as a registered natural landmark;

Whereas in 1976, the Conservation Internship Program of the sanctuary was initiated, and the program has since trained 280 young conservationists representing 52 countries on 6 continents;

Whereas in 1987, Hawk Mountain Sanctuary received the prestigious Chevron Conservation Award; and

Whereas in 2002, the Acopian Center for Conservation Learning opened and the Wings of Wonder Gallery was dedicated: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates and salutes the Hawk Mountain Sanctuary for celebrating its 75th anniversary;

(2) commends the Hawk Mountain Sanctuary for its contributions to the preservation of wildlife, especially birds of prey, and the native ecology of the Appalachian Mountains and eastern Pennsylvania; and

(3) commends the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

##### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, this year marks the 75th anniversary of the

Hawk Mountain Sanctuary, a critical wildlife sanctuary, a research area, and environmental education center. Established in 1934 as the first refuge for birds of prey in the world, the sanctuary, which is located in eastern Pennsylvania, provides a rest area for over 12,000 raptors every year during their migrations. It also attracts scientists and students to explore new conservation strategies for birds of prey. The sanctuary's 2,600 acres also provide year-round public access to pristine woodland trails, overlooks, and education programs that give students an up close and personal view of these majestic birds.

I commend Congressman DENT from Pennsylvania for introducing this resolution, and I urge its passage.

With that, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 670 would congratulate the Hawk Mountain Sanctuary on the 75th anniversary of its establishment as the world's first refuge for birds of prey.

From its humble beginnings in 1934 when Miss Rosalie Edge deeded 1,400 acres to the private nonprofit Hawk Mountain Sanctuary Association, more than 60,000 people visit this sanctuary each year to enjoy the majestic flights of more than 12,000 eagles, falcons and hawks that live there.

This resolution also commends the sanctuary for its dedication to the conservation of wildlife and for its efforts to educate the public and the international community on the vital role that birds of prey play in the ecosystems throughout the world.

I would like to compliment Congressman CHARLIE DENT of Allentown, Pennsylvania, for his outstanding leadership in proposing this legislation. I am happy to join with him in congratulating the Hawk Mountain Sanctuary on its 75th birthday.

I urge an "aye" vote, and I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I would like to thank those supporting this legislation today.

Mr. Speaker, I rise today in strong support of this resolution, which I introduced with my colleague from Pennsylvania, TIM HOLDEN.

This fall, Hawk Mountain Sanctuary, located in beautiful Berks County, Pennsylvania, is celebrating its 75th anniversary. Located at the boundary of three counties—Berks, Schuylkill and Lehigh—and as the world's first refuge for birds of prey, Hawk Mountain has an extremely rich history in eastern Pennsylvania and has become one of the preeminent wildlife sanctuaries in the United States.

In 1934, noted wildlife conservationist Rosalie Edge was drawn to Hawk Mountain after learning large numbers of hawks were being killed as they migrated along the Appalachian Mountains' Kittatinny Ridge. After this initial visit, Edge leased 1,400 acres of the ridge for a mere \$500 and opened it to the public as a place for local residents to view birds of prey in their natural habitat. Later, the property was deeded to the Hawk Mountain Sanctuary Association, which oversaw the preservation of the land and protection of its wildlife.

Since its modest beginnings in the 1930s, Hawk Mountain has remained a year-round wildlife sanctuary that introduces students and visitors to the natural beauty of the Appalachian Mountains and the many birds of prey that call the range home. Today, 16 full-time employees and a volunteer workforce of over 200 dedicated members help educate thousands of visitors each year about the value of preserving the native ecology of eastern Pennsylvania.

With the goal of providing a unique and engaging educational experience for its visitors, Hawk Mountain offers weekend programs for local residents, guided programs for students and groups, and fully accredited college-level courses in cooperation with Cedar Crest College located in my congressional district.

In addition to educating the public, the employees and volunteers at Hawk Mountain have contributed greatly to the development of effective conservation practices that help preserve vital ecosystems throughout the world. The sanctuary staff works with world-class raptor scientists, conservationists, graduate students, and international interns to collect and analyze important information as well as formulate and test new conservation strategies.

The natural beauty and value of Hawk Mountain and the achievements of the sanctuary's devoted staff have not gone unnoticed over the years. In 1965, Hawk Mountain was designated a Registered National Natural Landmark by the U.S. Department of Interior, ranking it as one of the best examples of biological and geological features in America. Over 20 years later, the sanctuary received the prestigious Chevron Conservation Award, North America's oldest private conservation honor, which recognizes significant contributions to the preservation of natural resources in the United States.

Mr. Speaker, today's consideration of the resolution couldn't come at a more appropriate time. During the autumn months, visitors to Hawk Mountain have the unique opportunity to view numerous raptors of various species participate in their yearly migration through Pennsylvania. Currently, the sanctuary is in the midst of its annual Hawk Watch, which runs from August

15 to December 15. In this period, the sanctuary records the number of raptors migrating past its scenic north lookout. Yesterday, visitors spotted over 600 hawks of varying species, 26 ospreys, four bald eagles, and a single falcon in the skies over Berks County. Clearly, Hawk Mountain provides a remarkable chance for bird enthusiasts and novices alike to view the migration of critical and sometimes rare bird species.

Mr. Speaker, I commend Hawk Mountain Sanctuary for its contributions to the preservation of wildlife, especially birds of prey, as well as the native ecology of the Appalachian Mountains and eastern Pennsylvania. I also applaud the sanctuary for its dedication to educating the American public and international community about wildlife conservation. In fact, a celebration of Hawk Mountain's 75th anniversary just occurred a week ago on Saturday, September 12. It was a joyous occasion for all who attended. I know I enjoyed it thoroughly, as did many hundreds of others who came to celebrate time at Hawk Mountain.

Finally, I would encourage my colleagues to join me in officially congratulating and saluting Hawk Mountain on its 75th anniversary and wish the sanctuary and its staff many, many more years of achievement. And I wish the visitors all happy and engaging times there.

Mr. HOLDEN. Mr. Speaker, I rise in support of H. Res. 670, congratulating and saluting the Hawk Mountain Sanctuary for celebrating its 75th anniversary, commending the Hawk Mountain Sanctuary for its contributions to the preservation of wildlife and the native ecology of the Appalachian Mountains and eastern Pennsylvania, and commending the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation.

Hawk Mountain Sanctuary is a wild bird sanctuary near Kempton, Pennsylvania, in my district. Hawk Mountain is located along the Appalachian flyway, which is one of several very important flyways located in the U.S. It has been called the "center of the universe" for hawk watchers along the Appalachian flyway, bringing an average of 20,000 hawks, eagles, and falcons past the lookouts during late summer and fall every year.

Visitors to the sanctuary, who number about 60,000 annually, learn about conservation of the raptor population. Hawk Mountain Sanctuary is the world's oldest wildlife sanctuary exclusively committed to the protection and observation of birds of prey. The sanctuary's annual count of hawks, eagles and falcons, which is the world's longest record of raptor populations, provides valuable information on changes in raptor numbers in northeastern North America.

Hawk Mountain Sanctuary plays an important role in conserving birds of prey worldwide, providing leadership in raptor conservation science and education, and maintaining a model observation, research and education facility. Therefore, I am pleased to honor the 75th anniversary of Hawk Mountain Sanctuary.

Mr. CHAFFETZ. Mr. Speaker, with no additional speakers, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill.

I want to thank my colleague from Utah (Mr. CHAFFETZ) for managing the bills on the floor today with me.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 670.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### HONORING CATHOLIC SISTERS

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 441) honoring the historical contributions of Catholic sisters in the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 441

Whereas the social, cultural, and political contributions of Catholic sisters have played a vital role in shaping life in the United States;

Whereas such women have joined in unique forms of intentional communitarian life dedicated to prayer and service since the very beginnings of our Nation's history, fearlessly and often sacrificially committing their personal lives to teaching, healing, and social action;

Whereas the first Catholic sisters to live and work in the United States were nine Ursuline Sisters, who journeyed from France to New Orleans in 1727;

Whereas at least nine sisters from the United States have been martyred since 1980 while working for social justice and human rights overseas;

Whereas Maura Clark, MM, Ita Ford, MM, and Dorothy Kazel, OSU were martyred in El Salvador in 1980;

Whereas Joel Kolmer, ASC, Shirley Kolmer, ASC, Kathleen McGuire, ASC, Agnes Mueller, ASC, and Barbara Ann Muttra, ASC were martyred in Liberia in 1992;

Whereas Dorothy Stang, SNDdeN was martyred in Brazil in 2005;

Whereas Catholic sisters established the Nation's largest private school system and founded more than 110 United States colleges and universities, educating millions of young people in the United States;

Whereas there were approximately 32,000 Catholic sisters in the United States who taught 400,000 children in 2,000 parochial schools by 1880, and there were 180,000 Catholic sisters who taught nearly 4,500,000 children by 1965;

Whereas today, there are approximately 59,000 Catholic sisters in the United States;

Whereas Catholic sisters participated in the opening of the West, traveling vast distances to minister in remote locations, setting up schools and hospitals, and working

among native populations on distant reservations;

Whereas more than 600 sisters from 21 different religious communities nursed both Union and Confederate soldiers alike during the Civil War;

Whereas Catholic sisters cared for afflicted populations during the epidemics of cholera, typhoid, yellow fever, smallpox, tuberculosis, and influenza during the 19th and early 20th centuries;

Whereas Catholic sisters built and established hospitals, orphanages, and charitable institutions that have served millions of people, managing organizations long before similar positions were open to women;

Whereas approximately one in six hospital patients in the United States were treated in a Catholic facility;

Whereas Catholic sisters have been among the first to stand with the underprivileged, to work and educate among the poor and underserved, and to facilitate leadership through opportunity and example;

Whereas Catholic sisters continue to provide shelter, food, and basic human needs to the economically or socially disadvantaged and advocate relentlessly for the fair and equal treatment of all persons;

Whereas Catholic sisters work for the eradication of poverty and racism and for the promotion of nonviolence, equality, and democracy in principle and in action;

Whereas the humanitarian work of Catholic sisters with communities in crisis and refuge throughout the world positions them as activists and diplomats of peace and justice for the some of the most at risk populations; and

Whereas the Women & Spirit: Catholic Sisters in America Traveling Exhibit is sponsored by the Leadership Conference of Women Religious (LCWR) in association with Cincinnati Museum Center and will open on May 16, 2009, in Cincinnati, Ohio: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors and commends Catholic sisters for their humble service and courageous sacrifice throughout the history of this Nation; and

(2) supports the goals of the Women & Spirit: Catholic Sisters in America Traveling Exhibit, a project sponsored by the Leadership Conference of Women Religious (LCWR) in association with Cincinnati Museum Center and established to recognize the historical contributions of Catholic sisters in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present House

Resolution 441 for consideration. This legislation honors and commends Catholic sisters for their humble service and courageous sacrifice throughout United States history and additionally supports the goals of the "Women & Spirit: Catholic Sisters in America" traveling exhibit.

The measure before us was introduced on May 14, 2009 by my colleague and friend, Representative MARCY KAPTUR of Ohio, and was favorably reported out of the Oversight Committee on September 10, 2009 by unanimous consent. Notably, this measure enjoys the support of over 60 Members of Congress.

Mr. Speaker, House Resolution 441 honors the altruistic Catholic sisters, whose passion for public service has helped shape our Nation's social and cultural landscape. Since arriving in the United States almost 300 years ago, Catholic sisters have established schools, colleges, hospitals, orphanages, homeless shelters, and various other institutions to provide for those in need. These unsung heroes have served millions of Americans as nurses, as teachers, social workers, and they continue to do so today. The Catholic sisters have also helped to educate countless young Americans by establishing the Nation's largest private school system and founding over 110 colleges and universities.

□ 1515

Moreover, in 2005 roughly one in six hospital patients in the United States was treated in a Catholic facility. There are many, many accomplishments which I could cite in support of this resolution and of this traveling exhibit, but I think it's important to note just a few:

The first Catholic sisters in our country to live and work here in the service of our people were nine Ursuline Sisters who journeyed from France to New Orleans in 1727. At least nine sisters of the United States' orders have been martyred since 1980 while working for social justice and for human rights overseas. Dorothy Stang, sister of Notre Dame, was martyred in Brazil in 2005.

There were 32,000 Catholic sisters in the United States who taught 400,000 children at 2,000 parochial schools by the year 1880. There were 180,000 Catholic sisters who taught nearly 4.5 million children in 1965. Today, there are approximately 59,000 Catholic sisters still serving in the United States.

I owe much of my own education to the good sisters of Notre Dame, who taught me the fear of God, and I am forever in their debt. I ask all of our Members to support this resolution.

I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 441, honoring the

Catholic sisters in the United States, who have contributed greatly to the Catholic church and to the communities where they have lived and worked.

The first Catholic sisters to live in the United States came from France in 1727 and settled in New Orleans. From this small beginning, their presence and contributions to society grew over the years. Today, there are about 59,000 Catholic sisters in the United States. Although their numbers have decreased over the years, their influence is strong and vital.

Catholic sisters founded, staffed and managed the largest private school system in the United States. They founded more than 110 colleges and universities in the United States, thus providing educational opportunity for millions of young people. In addition to schools, the Catholic sisters established hospitals, orphanages and other charitable institutions that have served millions of Americans.

Catholic sisters have long been recognized for their fair and equal treatment of all persons. They have worked tirelessly for the eradication of racism and poverty in the United States and around the world.

In recognition of the women who have added substantially to the lives of many of our citizens, I stand to recognize the Catholic sisters for their untiring dedication and for their many contributions to the fabric of the United States of America.

Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I ask my friends on both sides of the aisle to take a moment to recognize the priceless contributions of the Catholic sisters in America and to thank them for their humble service and courageous sacrifices throughout United States history by agreeing to House Resolution 441.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H. Res. 441, honoring the historical contributions of Catholic sisters in the United States. I urge my colleagues to vote in favor of this important resolution.

Catholic sisters have been instrumental in bettering our communities and our society. Their efforts are felt time and time again in my hometown of Cleveland, Ohio. I am forever indebted to the charity and compassion of the Catholic sisters who made a big difference in my childhood and continue to amaze and inspire me today. Catholic sisters have made incredible contributions including, to name just a few, educating our nation's youth, instilling the importance of human rights and dedicating themselves to charitable efforts that help to meet the needs of the underserved. In addition, they serve as reminders of the important contributions of women in the United States and around the world.

My own success in life is due to the love, caring, tutelage and discipline of Catholic nuns who taught me at the many schools I attended

in the Cleveland area, including at St. Peter's, Holy Name, Parmadale, St. Aloysius', St. Colman's and St. John Cantius. At each and every grade level, I learned the principles of Christian charity, practiced through the generosity and the humility of nuns who taught me. I would like to pay special tribute to Sister Mary Donna, Sister Leona, Sister Agnes Joseph, Sister Sabina, Sister Valerie, Sister Estelle, Sister Justica, Sister Concepta, Sister Emmeline, Sister Genevieve, Sister Paulette, Sister Lucien, Sister Judith, Sister Luke and Sister Narcissa. Each and every one of these holy women had an impact on my life, for which I will always be grateful.

I also wish to pay tribute in particular to the benevolent work of Catholic Sisters are Maryknoll Sisters Maura Clarke and Ita Forde, Ursuline Sister Dorothy Kazel, and Maryknoll Lay Missioner Jean Donovan. Sister Dorothy and Jean Donovan were both from my hometown of Cleveland. In 1980 these women of faith were murdered by members of the armed forces of El Salvador while carrying out missionary work in the country. Three of the five officers involved were graduates of the School of the Americas. Their murders resonated with me personally as they did with many of my constituents. We understand that women on missions of social and economic justice take huge personal risks. These women must always be remembered and revered.

I rise in strong support of this bill and urge my colleagues to vote in favor of H. Res. 441.

Mr. SOUDER, Mr. Speaker, I am pleased to rise in support of the gentlewoman from Ohio's resolution (H. Res. 441) recognizing the contributions of the Catholic Sisters to the United States.

The efforts of Catholic Sisters have had an incredible impact on my district in northeast Indiana. Saint Mother Theodore Guerin was one of the first brave souls to leave France in response to the call of Bishop Simon Brute of the Diocese of Vincennes to come to Indiana and help establish a system of schools for education.

Bishop Brute's motivation for seeking the support and involvement of religious women for this calling came from his experience working with another religious Sister, Saint Elizabeth Ann Seton.

Saint Mother Theodore traveled across the wilds of then-frontier Indiana and established many parish schools across the State, including in Fort Wayne, Indiana. Along with the Holy Cross Brothers and Fathers based at the University of Notre Dame, Saint Mother Theodore had a major impact on the creation of parish schools throughout northeast Indiana. That we have a successful Catholic school system in my district is due in no small part to her early efforts.

Sts. Theodore and Elizabeth Ann Seton have left lasting legacies in my district. The Catholic parish across from my kids' alma mater is dedicated to St. Elizabeth Ann Seton and the relatively new Latin Mass community in Fort Wayne is named for Saint Mother Theodore Guerin.

The foundation of education laid down by these pioneering sisters is today embodied by the example of the University of Saint Francis and its president, Sister Elise Kriss, OSF. You will not find a more humble and devoted serv-

ant than Sister Elise, who has led her institution through a period of rapid growth. She is a strong example of Christian leadership for both her students and the entire Fort Wayne community.

The Religious Sisters' contribution to my district extends well beyond education. St. Joseph Hospital was founded by Fort Wayne Bishop John Henry Luers in 1869. The Poor Handmaidens of Jesus Christ subsequently responded to his call to help serve the German-speaking immigrants of the area and continued assisting the hospital and many area parishes. They now lead the St. Joseph Community Health Foundation which has been a key partner with me and my staff as we work to address the plight of Fort Wayne's increasing Burmese refugee population.

My district originally included Huntington County, which is home to the motherhouse of Our Lady of Victory Missionary Sisters. The Victory Knoll Sisters would always write to me about the cause of peace and justice and the plight of different people around our country and the world.

These are just a few of the many dedicated religious women that are faithfully serving in the Diocese of Fort Wayne-South Bend, but are a good representation of the important legacy they provide our region. I would like to thank the gentlewoman from Ohio for introducing this resolution and urge my colleagues to join me in supporting the important contributions these women have made and continue to make across the country.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 441, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### JOHN J. SHIVNEN POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2215) to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shiven Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2215

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. JOHN J. SHIVNEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 140

Merriman Road in Garden City, Michigan, shall be known and designated as the "John J. Shiven Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John J. Shiven Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, as chairman of the subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 2215 for consideration. This legislation will designate the United States Postal facility located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shiven Post Office Building."

Introduced on April 30, 2009, by my colleague, Representative THAD MCCOTTER of Michigan, H.R. 2215 was favorably reported out of the Oversight Committee on September 10, 2009, by unanimous consent. Additionally, this legislation enjoys the support of the entire sitting Michigan delegation.

Mr. Speaker, the dedication of the Garden City Post Office in honor of John J. Shiven is particularly fitting in light of Mr. Shiven's dedicated and unparalleled service to the United States Postal Service and to his beloved Garden City community.

Specifically, Mr. Shiven served as the postmaster of Garden City for 30 years until his retirement in 1996. In addition, Mr. Shiven was an active member of the National Association of Postmasters of the United States for over 40 years, during which time he served in multiple leadership capacities, including area and county director, legislative chairman, parliamentarian, and postmaster representative. Moreover, Mr. Shiven played an instrumental role with respect to the site selection and construction of the current Garden City Post Office.

In addition to his professional contributions to the Garden City community, Mr. Shiven also demonstrated a lifelong commitment to community service. During his stewardship of the Garden City Post Office, Mr. Shiven established an annual Christmas Basket program through which disadvantaged local families received much needed gift and food donations. Mr.

Shivnen was also a dedicated member of the Garden City Lions Club service organization. Following his retirement, he remained an active member of several other community groups until his health no longer allowed him to continue.

Notably, among Mr. Shivnen's last community service projects was the creation of a replica of a rural post office located at the Garden City Historical Museum. In support of this effort, Mr. Shivnen purchased a majority of the replica items, performed much of the restoration work himself, and even paid for a portion of the contract work.

In recognition of Mr. Shivnen's contributions to the project, which was completed shortly before his passing, the Garden City Historical Museum Board honored Mr. Shivnen's legacy by hosting his wake at the museum. Regrettably, Mr. Shivnen passed away in January of 2007.

Mr. Speaker, it is my hope that we can honor his lifelong commitment to public and community service through the passage of this legislation to designate the Garden City Post Office in his honor. I urge my colleagues to join me in supporting H.R. 2215.

I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2215, a resolution to designate the facility of the United States Postal Service, located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shivnen Post Office Building." I also commend Representative McCOTTER for bringing this forward to this body.

A graduate of Garden City High School, John Shivnen believed in hard work, humility and community service, and he lived with these three qualities in mind throughout his life.

Appointed postmaster as a young man, Mr. Shivnen served for 30 years, making him the longest-serving postmaster in Garden City. As postmaster, he was actively involved in the site selection and construction of the current Garden City Post Office. He was also an active member of the National Association of Postmasters of the U.S. for 41 years, serving in numerous leadership positions.

Mr. Shivnen's passion for community service was shown through his many efforts to help the community where he spent most of his life. He established the Garden City Post Office annual Christmas Basket program, and was an active member of the Garden City Lions Club.

Generous and compassionate, Mr. Shivnen's deep commitment to his community did not end after his retirement in 1996. He volunteered at the local senior center as a handyman, and his last large community project was his creation of a replica of a rural post office for the Garden City Historical Museum. Purchasing most of the rep-

lica items and working with others, the project continued until his declining health prevented him from leaving his home.

His dedication and service for his community is exemplary, and it is fitting to name the post office in Garden City, Michigan, in his honor.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I again urge my colleagues to support Mr. McCOTTER and us in honoring Mr. John J. Shivnen through the passing of H.R. 2215. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2215.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### NATIONAL JOB CORPS DAY

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 163) expressing support for designation of September 23, 2009, as "National Job Corps Day".

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 163

Whereas over the course of 45 years, nearly 3,000,000 youth in the United States have been provided a safe living and learning environment on Job Corps campuses nationwide;

Whereas 123 Job Corps campuses educate and train 60,000 youth in the United States each year;

Whereas throughout its more than four decades of existence, Job Corps has successfully provided the Nation's economically disadvantaged youth with critical residential, academic, and vocational services;

Whereas Job Corps is considered the Nation's largest and most successful high school dropout recovery and youth empowerment program;

Whereas youth enrolled in Job Corps, receive intensive academic remediation, gain employability, learn life skills, and receive job placement assistance;

Whereas Job Corps builds the lives of youth, many of whom are high school dropouts, read slightly below the 8th grade reading level, and have never held a full-time job;

Whereas in an average 8 month stay at Job Corps the vast majority of youth leave with a high school diploma or equivalency, improve their literacy by more than two grade

levels, and 75 percent of Job Corps graduates secure employment or enter the military;

Whereas Job Corps' successful model of preparing youth in the United States has included partnerships and linkages with employers and labor representatives;

Whereas this public-private partnership of American ingenuity has led to local and large employers and labor representatives providing Job Corps students hands-on, practical experience through internships and helping during the transition from student to employee;

Whereas Job Corps students and staff have contributed to their communities through millions of hours of community service, signaling the importance of giving back to the communities in which they live;

Whereas dedicated Job Corps staff invest their time and talents in the lives of students and without whom Job Corps could not fulfill its mission;

Whereas the economic benefits of a local Job Corps center generate 100 permanent jobs, thus producing 15,000 qualified and dedicated staff in 48 States, the District of Columbia, and Puerto Rico; and

Whereas September 23, 2009, would be an appropriate day to designate as "National Job Corps Day", in honor of the 45th anniversary of Job Corps: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) supports the designation of "National Job Corps Day"; and

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of Job Corps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Oversight Committee, I am pleased to present House Concurrent Resolution 163 for consideration. This legislation expresses support for the designation of September 23, 2009, as "National Job Corps Day."

The measure before us was introduced on July 8, 2009, by my colleague, Representative JERRY MORAN of Kansas, and it was favorably reported out of the Oversight Committee on September 10, 2009, by unanimous consent. Additionally, this legislation currently enjoys the support of over 65 Members of Congress.

Mr. Speaker, House Concurrent Resolution 163 supports the designation of September 23 as "National Job Corps Day." Administered by the United States Department of Labor, the Job Corps is the Nation's largest career technical training and educational program for young people over the age of

16. The Job Corps offers a wide array of services, including career planning, on-the-job training, job placement, residential housing, food services, and driver education.

Since its inception via the 1964 Economic Opportunity Act, the Job Corps has provided countless young Americans with the academic, vocational and social skills training needed to help them obtain meaningful jobs and to pursue further educational opportunities.

In light of the recent economic crisis, the various services and programs offered by the Job Corps have never been more important for America's youth and for the entire Nation. The Job Corps helps to ensure that America's workforce remains capable of handling the challenges of our rapidly changing world.

Notably, the Job Corps boasts 123 centers nationwide, including centers in the District of Columbia and Puerto Rico. Of these 123 centers, my own congressional district is the proud home of the Job Corps' Boston regional office. This terrific regional office oversees Job Corps centers in Connecticut, Maine, Massachusetts, New Jersey, New York, Puerto Rico, Rhode Island, and Vermont.

In closing, I am delighted to support House Concurrent Resolution 163, and I urge all of our friends and Members to join me in recognizing the continuing success of the Job Corps.

I reserve the balance of my time.

□ 1530

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise today to discuss House Concurrent Resolution 163, expressing support for the designation of September 23, 2009, as National Job Corps Day.

The Job Corps organization has been training young adults for careers since 1964. Job Corps's mission is to "attract eligible young people, teach them the skills they need to become employable and independent, and place them in meaningful jobs or further education." By committing to this mission, Job Corps is able to successfully train thousands of youth in the United States each year.

Job Corps involves youth and a free career development program, which integrates the teaching of academic, vocational, employability skills and social competencies. This gives young people the opportunity to prepare themselves for a fruitful future, with help from the dedicated employees who ensure this program runs smoothly and effectively. These people should also be commended.

Keeping our Nation's youth in productive programs like Job Corps helps to steer the youth of the United States in the right direction. The staff and students have contributed to their communities millions of hours of com-

munity service, showing the importance of giving back to the United States of America.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I again urge my colleagues to support the designation of September 23, 2009, as National Job Corps Day by agreeing to House Concurrent Resolution 163.

Mr. MORAN of Kansas. Mr. Speaker, I rise in support of H. Con. Res. 163. This legislation designates tomorrow, September 23, 2009, as "National Job Corps Day." I introduced this resolution to commemorate the 45th anniversary of Job Corps and to recognize the program for its successes.

I firmly believe that the world is changed one person at a time. At Job Corps' 123 centers across the country, the program is changing lives each day. Close to three-quarters of the students who enroll in Job Corps are high school dropouts. Many have never held a full-time job. These young people come from difficult circumstances, with skills and abilities not yet discovered or fully developed.

Yet, Job Corps recognizes the potential in these individuals. It gives them the opportunity to improve their education and learn an employable skill. It provides the care, encouragement, and support these youths need to turn their lives around.

In an average 8 month stay at Job Corps, the majority of students leave with a high school diploma or equivalency and improve their literacy by more than two grade levels. About 75 percent of Job Corps graduates secure employment or enter the military.

Young people need Job Corps now more than ever. While it can be difficult for a young person who lacks the proper skills and education to find work in good economic times, it becomes even more of a challenge in times of economic uncertainty. The unemployment rate in August for those ages 16 to 19 was a staggering 25.5 percent. For 20 to 24 year olds, the jobless rate was just over 15 percent.

While Job Corps reaches some 60,000 youths each year, it cannot serve all those in need. Sadly, many young people still fall through the cracks and the cost to these individuals and society is immense.

Studies tell us that over the course of the next decade, the 12 million students who are projected to drop out of high school will cost our economy more than \$3 trillion.

Here on this floor, we have been talking a lot lately about health care. Studies show that each class of dropouts costs states \$17 billion in publicly-subsidized health care over the course of their lives.

In addition, individuals lacking more than a high school education make up close to the entirety of our Nation's prison population and account for 90 percent of incarceration spending.

But it's about more than dollars and cents. It's about more than employment statistics. It's about people. It's about helping people achieve a better life. And that is what Job Corps does.

Young people are our country's future. We have a responsibility to care for and educate them. Job Corps helps us do that.

So I urge my colleagues to support this resolution and join me in recognizing Job Corps

for the work it does for young people who need it most.

Mr. BLUMENAUER. Mr. Speaker, I am proud to join my colleagues in celebrating the 45th anniversary of Job Corps. Since its inception in 1964, Job Corps has educated over 3 million people, helping them secure their high school diplomas, improve literacy and find secure employment.

Oregon has six Job Corps centers, one of which is in the Third Congressional District of Oregon. The Springdale Job Corps Center houses over 120 students and offers services to an additional fifty day students. The Center helps prepare students for careers in the culinary, administrative, security, automotive and health care fields, as well as assists students with their high school diplomas or equivalent. I am impressed by the energy, thoughtfulness and passion of those who work at the Springdale Center and the discipline and drive of the students they prepare.

On the 45th anniversary of Job Corps founding, I would like to acknowledge the great work being done in Springdale, Oregon and across the country.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H. Con. Res. 163, a resolution expressing support for September 23 to be recognized as "National Job Corps Day."

In my home district of San Bernardino, California, we have an Inland Empire Job Corps center that has helped thousands of young people improve the quality of their lives through career, technical, and academic training.

These young people have been able to give back to their local communities by becoming productive members of society, and with countless hours of community service organized through Job Corps.

In fact, over the last 45 years, nearly 3 million youth across the Nation have been provided a safe living and learning environment on Job Corps campuses nationwide.

Job Corps is America's largest and most successful high school dropout recovery and youth empowerment program.

75 percent of Job Corps graduates secure either permanent employment or enter into military service.

It is only fitting that Congress moves to recognize this highly successful program—and continues to support it during these financially troubling times.

I urge my colleagues to express their support for the Job Corps Program; and for the hardworking men and women who make a positive difference in the lives of America's young people.

Vote in favor of H. Con. Res. 163.

Mr. POMEROY. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 163, legislation commending Job Corps on their 45th Anniversary and declaring September 23, 2009 as "National Job Corps Day."

For 45 years, Job Corps has served our Nation's at-risk youth by providing desperately needed residential, academic and vocational services to help economically disadvantaged students secure a job and build critical life skills. As a co-chair of the Friends of Job Corps Caucus, I proudly support Job Corps and salute this unique program for helping

nearly three million youth pursue their dreams of an independent life.

One of our country's most significant challenges is helping America's forgotten youth. Thirty percent of our youth do not graduate from high school and 40 percent of those who do complete high school are unprepared for work or higher education. Taken together, this means that an astounding three out of five American youth leave traditional schools without the skills they need to succeed in work or post-secondary education.

The Job Corps model remains out-of-school youths' best chance for success. For over four decades, Job Corps has been considered the Nation's largest and most successful dropout recovery program. Each year, more than 60,000 youths choose to enroll in Job Corps to receive the support they need. The vast majority of students leave with a GED or high school diploma and over 85 percent of Job Corps graduates obtain jobs, enlist in the military or pursue higher education.

In addition to helping students, Job Corps stimulates the economy through local economic activity. Job Corps funding is immediately invested in local economies across the nation through its 15,000 staff and the money local centers spend regionally on supplies and services. Every dollar invested in Job Corps stimulates \$1.91 in local economic activity.

I have seen first-hand the difference the Job Corps program has made in my own district through my work with the Quentin Burdick Job Corps Center in Minot, North Dakota. This center serves approximately 250 students in the region, and has been one of the top performing centers in the country for over five years. I am proud of the work the Burdick Job Corps Center has done in my community, giving disadvantaged youths the skills they need to succeed in today's workforce—at no cost to them or their families.

For all of these reasons, I want to commend Job Corps students and staff on their 45th anniversary, and urge my colleagues to join me today in supporting this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 163, which expresses support for the designation of September 23, 2009 as National Job Corps Day. The Job Corps is an essential program that provides vocational training for thousands of young Americans each year, helping to integrate them into the U.S. workforce.

The Job Corps was created under the Department of Labor in 1964 as a part of President Lyndon B. Johnson's War on Poverty. The Job Corps was modeled after the Civilian Conservation Corps (CCC), which was established during the Great Depression in an effort to house, train, and find employment for young people. Like the CCC before it, Job Corps seeks not only to provide vocational training but also to teach life skills and build character in participants. The Job Corps helps to foster professionalism by maintaining a strict zero-tolerance policy with regards to criminal activity for admitted participants as well as a code of conduct that includes rules for appearance.

I am proud of the four Job Corps campuses in my home state of Texas. Job Corps has a regional headquarters in Dallas, Texas and operates campuses in the North, Central, South, and West regions of Texas. The Gary

Job Corps center in San Marcos, Texas was inaugurated in 1964 by President Johnson. Today, the Gary campus has the largest GED program in the state of Texas. The Job Corps has provided thousands of Texans with the education and training they need to be successful at work and in life.

I also want to mention the job fairs that I have hosted in my district of Houston, TX to help counter rising unemployment, designed to help all in need, including the young people that Job Corps assists. At the job fair in Houston last weekend, over 50 companies and government agencies attended and held on-site interviews. These events were incredible successes and embodied the spirit of the Job Corps program.

Over its 45 year history, the Job Corps has helped nearly 3 million young people join the American workforce. The Job Corps operates 123 campuses across the United States, assisting nearly 60,000 students each year. The Job Corps is a refuge for high school dropouts, providing academic remediation and empowering them to join the workforce through career preparation and development. For that reason, the Job Corps has been called the largest and most successful high school dropout recovery program in the U.S.

The success of the Job Corps program in changing the lives of its participants is evident in the following statistics. After eight months in the Job Corps program, the average participant will have a high school diploma and an improved literacy level. Seventy-five percent of Job Corps graduates will secure employment or enter into military service.

The benefits of the Job Corps go beyond the impact on the lives of the youth who participate in the program. The Job Corps enhances the workforce in communities across the country by partnering with labor organizations and employers to develop specifically requested skills. These partnerships include internships and other hands-on training experiences that enhance the youth participants' employability. The benefits of Job Corps also extend to the community where youths perform millions of hours of community service, instilling the value of giving-back to the community.

Finally, it is important that we note that National Job Corps Day also honors the 15,000 staff members who work hard to ensure that the participants get the best training possible. Without the hard work of these men and women, Job Corps would not have been able to help millions of young people enter the workforce and become productive citizens.

Mr. SABLON. Mr. Speaker, I rise today in support of H. Con. Res. 163, which designates September 23, 2009, as "National Job Corps Day." Across the nation, thousands of youth are participating in programs that bring positive change to their communities, to their peers, and to themselves. Job Corps volunteers earn money to support themselves and their families, work towards high school diplomas, improve their own literacy, learn valuable new job skills, and secure employment or military commissions.

But volunteers like the young people in Job Corps can affect members of their community in ways that can last a lifetime. When I was growing up in the Northern Mariana Islands, I

strengthened my English skills by talking with and learning from Peace Corps volunteers. One of those Corps members gave me my first book of English Literature. These dedicated young volunteers, like the young people in Job Corps, make an enormous difference in the lives of so many. Even in places like the Northern Marianas, eight thousand miles away from Washington, their help is needed, and where they have been, their presence is still remembered and deeply appreciated.

I congratulate the Job Corps program on its 45th anniversary, and wish it many more to come. I urge my colleagues to support this resolution.

Ms. SUTTON. Mr. Speaker, I rise today in support of H. Con. Res. 163, to support the designation of September 23, 2009, as National Job Corps Day.

Since 1964, Job Corps has trained young adults for meaningful careers, improving their lives through vocational and academic training.

Each year, Job Corps serves over 60,000 young people and nearly three million Americans have benefited from this service over the past 45 years.

Job Corps is considered the Nation's largest and most successful high school dropout recovery and youth empowerment program.

To celebrate Job Corps' 45th anniversary, I am hosting Sean Barnett in my office on September 23rd.

Sean was one of 60 students selected nationwide to shadow Members of Congress for the day.

Sean is currently an Advanced Career Training (ACT) student at the Cleveland Job Corps Academy. He is majoring in business and hopes to become an investment banker.

Sean has held several important student leader positions including Floor Leader in his dorm, Sergeant at Arms of the Student Government Association, Proctor, and Treasurer of the Student Government.

It is an honor to host a current Job Corps student and to designate the day that Sean Barnett interned in my office as National Job Corps Day. I wish Sean the best of luck and congratulate him for his involvement with Job Corps.

Mr. LYNCH. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 163.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DR. MARTIN LUTHER KING, JR.  
POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2971) to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2971

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DR. MARTIN LUTHER KING, JR. POST OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, shall be known and designated as the "Dr. Martin Luther King, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Martin Luther King, Jr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

**GENERAL LEAVE**

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield time to the gentleman from North Dakota (Mr. POMEROY) so that he may speak on the bill that just passed.

Mr. POMEROY. I thank my friend, because I wanted to say some words on behalf of Jobs Corps and missed by moments, apparently, the formal opportunity to do that. I will add a statement to the RECORD.

But let me say as co-Chair of the Friends of Job Corps Caucus, I believe so strongly in the promise of Job Corps and admire its 45-year track record in providing at-risk youth the core job skills they need so that they might move forward and make something of their lives.

My statement will include data, including the 60,000 youth every year choosing to enroll in Job Corps, the 85 percent of Job Corps graduates that obtain the high school diploma or GED equivalent, graduate with jobs and job-related skills, pursuing service in the military, other alternatives.

I have seen firsthand in the Quentin Burdick Job Corps Center in Minot, North Dakota, youth that are getting after the business of turning their lives

around and the new sense of self-esteem as they acquire skills, skills that will bring them jobs, jobs that will pay living wages so that they might have, for the first time, often, in the life of their family, a shot at breaking the cycle of poverty and leaving a better future for the children and grandchildren to follow.

There is a reason why for 45 years Republicans and Democrats alike have supported Job Corps: It works.

The President has told people contemplating walking away from school, not continuing their education, you are not only quitting on yourself, you are quitting on your country, because we need those skills. Well, for our country, I must say we must not quit on these young people, and that is why I look forward to the next 45 years of Job Corps support.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my strong support for this bill designating the post office located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the Dr. Martin Luther King, Jr. Post Office.

Dr. Martin Luther King, Jr., became one of the most important public figures of our times. His leadership during the Civil Rights Movement helped to make America the country it is today. Because of Dr. King's many accomplishments in the pursuit of justice and liberty, it is clear that he deserves this honor and recognition.

Dr. King began his career as a Baptist minister who was also a leading civil rights leader during the 1950s and 1960s. It's hard to forget Dr. King's stirring and often quoted "I Have a Dream" speech that established him as one of the great American orators of all time.

Dr. King's lifelong crusade to end all forms of racial inequity was instrumental in turning the entire country towards civil rights for all citizens. His cry against segregation and other forms of discrimination brought this issue to the forefront of American culture.

Dr. King was awarded the Nobel Peace Prize in 1964, which helped show the world that racial discrimination could be ended through nonviolent means. He was also awarded the Presidential Medal of Freedom and Congressional Gold Medal. In recognition of his many accomplishments for our country, in 1983, Congress established a national holiday as a tribute to his memory.

As one of the most pivotal figures in the battle to end bigotry and discrimination on the basis of race, Dr. King led the Montgomery Bus Boycott in 1955, helped found the Southern Christian Leadership Conference in 1957, and was instrumental in orchestrating the famous Birmingham, Alabama, protests. Realizing that his message of

freedom applied to all impoverished Americans, Dr. King expanded his crusade for fair treatment for all citizens. Dr. King expanded his message to apply to impoverished Americans.

Towards the end of his life, he expanded his outreach to all races and cultures. Dr. King dedicated his life to ensuring these principles this country holds so dear, those of liberty and justice for all citizens.

I would like to thank my respected colleague, EARL BLUMENAUER, for introducing this important legislation.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I am pleased to present H.R. 2971 for consideration. This legislation, as my colleague noted, will designate the United States postal facility located at 630 Northeast Killingsworth Avenue, in Portland, Oregon, as the Dr. Martin Luther King, Jr. Post Office.

Introduced on June 19, 2009, by my colleague, Representative EARL BLUMENAUER of Oregon, H.R. 2971 was favorably reported out of the Oversight and Government Reform Committee on July 10, 2009, by unanimous consent. Additionally, this legislation enjoys the support of the entire Oregon House delegation.

My friend from Utah has articulated very well the events, the life and legacy of Dr. King, from his leadership in helping to organize the Montgomery Bus Boycott in 1955 to his riveting "I Have a Dream" speech in front of the Lincoln Memorial not far from this spot, and also the passion of his pursuit of nonviolent protest to change opinions, attitudes and opportunity in this country.

Dr. King served to remind this Nation of its fundamental responsibility to safeguard the natural, God-given rights of all men and women, so that all people in this country would be free to pursue our goals and aspirations without limit.

Mr. Speaker, it is my hope that we can further honor the great life and legacy of Dr. King by joining our colleague from the State of Oregon and supporting the passage of this legislation to designate the Northeast Killingsworth Avenue post office in his honor.

I urge my colleagues to join me in supporting H.R. 2971.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I again urge my colleagues to join me in honoring Dr. Martin Luther King, Jr., through the passage of H.R. 2971.

Mr. BLUMENAUER. Mr. Speaker, in June, I introduced a bill to name a post office in my district, northeast Portland, Oregon, the "Dr. Martin Luther King, Jr. Post Office." Located at 630 Northeast Killingsworth Avenue, this post office shall serve as a daily reminder of the civil rights leader who, even now, inspires our Nation and serves as a catalyst for change.

In fact, this bill itself is a result of a community-led effort, and the hard work of two local letter carriers. In 2007, Mr. Jamie Partridge and Mr. Isham Harris collected employee signatures supporting this naming, as well as letters of support from several neighborhood associations. I am pleased to carry this effort forward in D.C., with the full support of the entire Oregon congressional delegation.

I thank the Committee on Government Oversight and Reform for working with me to ensure speedy passage of this bill through the House. I look forward to equally expeditious consideration in the Senate.

Mr. LYNCH. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2971.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3548

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Unemployment Compensation Extension Act of 2009".

#### SEC. 2. ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(d) FURTHER ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter ‘additional emergency unemployment compensation’) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘further additional emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

“(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if such a period would then be in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970 if—

“(A) section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) section 203(f) of such Act were applied to such State—

“(i) regardless of whether or not the State had by law provided for its application;

“(ii) by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(iii) as if it did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) COORDINATION RULE.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any further additional emergency unemployment compensation, if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of additional emergency unemployment compensation.

“(4) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) by striking “then section 4002(c)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such section)” and inserting “paragraph (2) of such subsection (c) or (d) (as the case may be))”.

(c) TRANSFER OF FUNDS.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “Act;” and inserting “Act and the Unemployment Compensation Extension Act of 2009”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

#### SEC. 3. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking “through 2009” in paragraph (1) and inserting “through 2010”; and

(2) by striking “calendar year 2010” in paragraph (2) and inserting “calendar year 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

#### SEC. 4. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.

(a) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”.

(b) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42

U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

#### (c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect six months after the date of enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

#### SEC. 5. COLLECTION IN ALL STATES OF UNEMPLOYMENT COMPENSATION DUE TO FRAUD.

(a) IN GENERAL.—Subsection (f) of section 6402 of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to refunds payable on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Kentucky (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 3548.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, across America, there are people who are hanging on by a thin, economic lifeline called unemployment insurance. Without the passage of this bill, that thread will break for over 1 million workers before the end of this year, plunging them and their families into an economic abyss and threatening to reverse the positive signs we are beginning to see in the economy. We can prevent that this afternoon by passing this bill.

This legislation will provide an additional 13 weeks of extended benefits to individuals in hard-hit States, specifically those with a 3-month average unemployment rate at or above 8.5 percent. It's important to note that this legislation is fully offset and does not increase the deficit.

At the beginning of this year, America felt the bare-knuckled brunt of what has already been called the Great

Recession. Nearly three-quarters of a million jobs were lost in the month of January alone, and we met the crisis head on.

The steps we took earlier this year helped us turn away from an economic catastrophe and toward recovery. Don't take my word for it. Former JOHN MCCAIN economic adviser Mark Zandi said, "Without the stimulus, job losses would be measurably worse." But even as economic indicators show improvement, we know we cannot replace 7 million lost jobs overnight.

□ 1545

Recovery will take time. There are still six unemployed workers for every available job, so extended unemployment compensation isn't a convenience; it's a necessity.

Since I introduced this legislation 2 weeks ago, my office phones have been ringing nonstop with calls from Americans all across the country who have exhausted or soon will exhaust their benefits, asking, When is it going to pass?

I heard it from paralegals who could not find a job because attorneys are competing against them for employment; from contractors who are still reeling from the collapse of the housing market; and from school teachers whose local school districts could not afford to keep them on the payroll.

Without quick action, they will become unable to afford their mortgages or health coverage. Providing these Americans with a modest economic lifeline is not only the humane thing to do, but it's in the economic interest of the country.

Every UI dollar generates \$1.64 in positive impact in the economy. That supports existing jobs and our fragile housing market. In other words, UI, unemployment insurance, is a win for every American.

I urge all Members to support this bipartisan, budget-neutral bill to extend unemployment benefits.

I reserve the balance of my time.

Mr. DAVIS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3548, the Unemployment Compensation Extension Act. This legislation provides up to 3 months' additional Federal extended unemployment benefits to long-term unemployed individuals in States where the unemployment rate is 8.5 percent or higher. That's on top of the 18 months of State and Federal unemployment benefits already available in places with unemployment at those levels. With the passage of this bill, folks who are unemployed could potentially receive up to 21 months of combined unemployment benefits.

Right now, more than half of the States will benefit from this bill. An incredible 29 States are struggling with unemployment rates of 8.5 percent or

higher. In my home State of Kentucky, the unemployment rate is 11.1 percent, leaving more than one out of every 10 Kentuckians out of work.

That's a staggering number. The fact that we're here today discussing a measure that will provide Americans with nearly 2 years' worth of unemployment benefits is yet another sign of the failure of this administration's stimulus plan to create jobs. Nothing establishes that more clearly than the economic trends in States like the Commonwealth of Kentucky.

Since February, 2009, when the stimulus law was signed, almost 38,000 Kentuckians have been added to the unemployment rolls, and the unemployment rate has surged from 9.3 percent in February, to 11.1 percent today.

Over the past year, nearly 123,000 Kentuckians have claimed emergency unemployment benefits after their traditional benefit allowances expired. Every week, between 800 and 1,200 Kentucky residents are running out of unemployment benefits.

Earlier this month, Kentucky Governor Steve Beshear sent a letter to the Kentucky delegation stating that the loss of unemployment benefits would be devastating to many families. It will only sink Kentucky further behind in the race toward economic recovery. State and Federal unemployment accounts are already drained, and we are headed for more than \$100 billion deficits in these supposed "trust funds" by the end of 2010, with \$200 billion deficits by the end of 2012.

All of that spending will come at a huge price, which could require a doubling or more of State payroll taxes and possibly Federal tax hikes as well. Payroll tax hikes mean a tax on jobs—and ultimately on job creation—which brings us back to the real point: jobs.

In February, the administration promised its stimulus plan would create 3.5 million jobs. We're still waiting. While the administration claims to have "created or saved" 1 million jobs, in the real world, Americans have witnessed the continued destruction of 3 million jobs since the beginning of this year.

The administration promised with its stimulus bill that national unemployment would not exceed 8 percent. It's now 9.7 percent nationally, and the President has said he now expects it to exceed 10 percent by the end of the year.

Earlier this month, Larry Summers, Chair of the President's National Economic Council, said that the level of unemployment is unacceptably high and will remain so for a number of years.

It's time to provide much needed help and assistance to millions of Americans who are struggling in States with outrageous unemployment rates. They should not be made to suffer for the failure of this administration's policies

that have failed to create the promised jobs.

I support these extended benefits in H.R. 3548 to help long-term unemployed workers in Kentucky and other States where jobs are hardest to find. But we need to move beyond this secondary debate to the primary task of creating jobs, instead of undermining job creation. Until we do that, we're missing the point. What Americans want are jobs, not handouts from the government. But that's sure not what they're getting right now.

I reserve the balance of my time.

Mr. McDERMOTT. I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from Washington, the Chair of the subcommittee, for yielding. I thank Mr. DAVIS for his support in facilitating this coming to the floor.

Mr. Speaker, 8 months into the 111th Congress and the Obama Presidency, it's clear to me, and I think others, that the economic policies that we've put in place are helping to pull our country out of the recession.

This month, the Blue Chip economic survey confirmed that 81 percent of leading economists believe that the recession is over. Federal Reserve Chairman Ben Bernanke recently stated that he agrees.

Nonpartisan economic analysts agree that the actions taken by the Obama administration and our Congress, including the American Recovery and Reinvestment Act, were critical to stabilizing our economy and putting us back on a path to recovery.

The nonpartisan Congressional Budget Office, Moody's, and the Council of Economic Advisers all concluded that our economy has approximately 1 million more jobs than it would have had if the Recovery Act had not been passed.

Last week, Mr. Speaker, the Center on Budget and Policy Priorities found that the Recovery Act kept 6 million Americans from falling below the poverty line and reduced the severity of poverty for 33 million Americans.

Whether we're Republicans or Democrats, those are results we can all cheer because they mean economic security to the people we represent.

However, Mr. Speaker, it's clear to all of us that unemployment remains a problem for millions of American families. The headlines may say that our recession is over; but for those individuals who remain out of work, this is still a time of hardship and struggle.

According to the CBO, it has also become clear that the hole we are climbing out of was deeper than we knew. Now we know that the economy was in even worse shape than economists realized when President Obama took office in January.

Though unemployment continues to strain families in all of our districts,

job losses have been steadily decreasing the last 3 months under this administration, with last month's figures the best in over a year.

But while job losses are slowing, it will take some time before we can reverse the losses that economists agree began nearly 2 years ago and start creating enough jobs for people who have been out of work.

Long-term unemployment, Mr. Speaker, remains at its highest rate since we began measuring in 1948. Over 33 percent of the total unemployed have been out of work for more than 26 weeks, thereby requiring this legislation.

Even as our country emerges from an economic crisis, hundreds of thousands of Americans and their families face a more personal crisis. At the end of this month, if we do not act, their unemployment insurance will run out, even though they continue to look for work. Many of these workers are middle class Americans. Many of them lost their jobs without notice.

According to a recent unemployment survey conducted by the Heldrich Center for Workforce Development at Rutgers: "Six in 10 of those whose employer had let them go had no advanced warning, adding to the pain for many. Nearly four in 10 said they had been employed by their company for more than 3 years and one in 10 for more than a decade."

In other words, Americans who had what they thought were stable jobs—and made commitments based on these jobs, like mortgages, college payments, auto payments—found themselves out of work without warning, leaving them and their families in dire straits.

For their sake, this bill extends for up to 13 weeks the unemployment benefits of more than 300,000 American workers. Our fellow citizens, through no fault of their own, find themselves without a job, without a livelihood, without a way to support themselves and their families.

I know that some argue that unemployment insurance can be an incentive not to seek a job at all. But that argument doesn't hold water for the workers who are the target of this bill: workers in the States with unemployment rates over 8.5 percent, the States in which an honest effort to find work is most likely to be frustrating.

We chose to target those workers who are still having difficulty finding a job, not because they're failing to give their best effort, but because the economic climate of their State is still difficult.

Very frankly, Mr. Speaker, my State will not qualify. That's the good news. But for those unemployed, the bad news, perhaps. But not only is supporting job-seeking workers the right thing to do; extending unemployment insurance benefits all of us. That's because the money provided is quickly

spent on necessities, which provides an immediate boost to local economies.

Mr. Speaker, an extension of unemployment insurance is supported by a bipartisan coalition of Governors, who understand its benefits for their economies and their families. They write that the unemployment benefits have "offered relief each month to struggling families across the country and have played a critical role in stabilizing the economy," and that these benefits, they say, must be extended. I would also add that because this bill is fully paid for, it doesn't add to the deficit.

In 8 months, we have come a long way, a long way in recovering from the recession inherited by this administration. But we cannot forget, we must not forget those whom the recovery has not yet reached, which is why I urge my colleagues to support this important bill, and why I thank Mr. McDERMOTT and Mr. DAVIS for their leadership in bringing this bill to the floor in an appropriate time frame so that we can get relief to those people before their benefits run out.

Mr. DAVIS of Kentucky. Mr. Speaker, I will insert in the RECORD a recent article about an innovative and bipartisan Georgia program designed to help unemployed workers get back on the job quickly. The program is called Georgia Works. It allows unemployed workers to go to work for selected businesses for up to 24 hours a week for 8 weeks.

Unemployment benefits serve as the workers' salaries and the State pays an additional stipend of up to \$300 a month to cover child care, transportation, and related work costs.

Employers win because they get to test out qualified workers they might hire. Workers get a solid foot in the door to a new job and maintain and build work skills. And taxpayers get lower taxes in the form of shorter unemployment benefits and a quicker return to work.

This is a win-win program that other States would do well to replicate to help workers get back to work more quickly.

#### GA. WORK PROGRAM GROWS, ATTRACTS FOLLOWERS

(By Christine Vestal)

As states struggle to help legions of jobless workers find employment, some are seeking advice from Georgia, where a growing number of people are landing jobs as a result of free tryouts sponsored by the state unemployment system. The program, dubbed Georgia Works, is so simple that experts say other states should have no problem replicating it.

"It's a brilliant little program. There's no cost to the employer and the only cost to the state is a small stipend for transportation," said Don Peitersen, workforce director for the American Institute for Full Employment, which advises states on employment issues. "I go out and actively recruit states to recreate the Georgia model," he said. Officials from at least 15 states have told Georgia's labor department they are considering the option.

Started in 2003, Georgia Works allows people collecting unemployment benefits to work for selected businesses up to 24 hours a week for eight weeks at no cost to the employers. When not working, unemployment recipients are expected to search for other jobs.

Unemployment benefit checks serve as the workers' salaries and the state pays for workers' compensation insurance when needed. The state also gives job seekers as much as \$240 to cover child-care, transportation or clothing costs—a stipend slated to increase to \$300 this month.

All employers have to do is certify that they intend to immediately hire for the position and follow up with a performance evaluation, whether they hire the worker or not. Georgia considers the program valuable on-the-job training, but unlike other training programs, it is not federally funded under the Workforce Investment Act. As a result, Georgia Works is open to all job seekers, not just low-income, disabled or dislocated workers who qualify under federal rules. In addition, there is no need for participating companies to fill out reams of paper to be certified. In Georgia, no legislation was required to launch the unique program.

Critics argue that the unemployment insurance system that funds Georgia Works was not intended to help businesses create jobs, but federal officials say they approve. "It's an innovative program and it's a good one. We think it's a plus all the way around," said the U.S. Department of Labor's southeastern director Pete Fleming. Under the program, job seekers get a chance to show employers their skills and businesses can test prospective workers before hiring them. So far, more than 3,000 Georgians have landed permanent jobs through the program.

With the recession creating a much larger pool of unemployed workers, Labor Commissioner Michael L. Thurmond aims to quadruple that number over the next year. "Stimulus job creation is not sustainable. Georgia's economy will not rebound unless we jump-start private-sector hiring," Thurmond told Stateline.org.

He said plans are under way to make Georgia Works the state's lead re-employment strategy by aggressively recruiting businesses to get on board and offering job try-out options to every job seeker. In its six years of operation, Georgia's program has grown primarily through word of mouth, with some job applicants proposing it to prospective employers as a way to get their foot in the door. Successful job seekers have also recommended Georgia Works to unemployed friends, and workforce agencies have proposed it to a small number of businesses and unemployment recipients.

Under the expansion, Thurmond says the state will post signs saying "Ask me about Georgia Works" at all workforce centers, frontline staff will offer the option in initial interviews with job seekers, and a marketing campaign will target some 6,000 small- and medium-sized businesses across a broad spectrum of industries, including retail, hospitality, construction, manufacturing, transportation and public utilities.

In the process, Thurmond says, the program will help struggling companies get back on their feet and start hiring. As in the rest of the nation, layoffs have subsided in Georgia, but thousands of jobs remain unfilled, in part because employers

are uncertain about their economic future. Even as the number of jobless workers soared to nearly 15 million nationwide last month, some 2.6 million jobs remained open, according to the U.S. Department of Labor.

By taking some of the risk and expense out of hiring, Thurmond says Georgia can leverage unemployment trust fund dollars to stimulate job growth. Instead of simply serving as income support, benefit checks become a job seeker's investment in new employment and an opportunity for companies to lower the cost of hiring and training. "That's two for the price of one," Thurmond said.

But advocates for workers say the unemployment trust fund was not designed to subsidize jobs. Instead, the insurance is intended to support people while they search for the best possible work. "I don't buy the idea that pushing unemployed workers to fill just any opening is better than searching for a suitable job," said Andrew Stettner, deputy director of the National Employment Law Center, which advocates for workers.

Still, some workers say they would rather get back to work quickly than live with the uncertainty and frustration of a drawn-out job search.

Randall Crenshaw was one of those people. At 41, he lost his job of 22 years last January at hair-products company Goody Products, in Columbus, Ga. After two months of job searching, he said, "I was in shock because I was used to getting up and going to work every morning." So, when his adviser at the employment center suggested he enter the Georgia Works program, Crenshaw jumped at the opportunity.

"There were about 50 of us in the room when he invited us to stay after class if we were interested in hearing more about the program. Only two or three people took him up on it. So many people got up and walked out. I was just amazed by that," Crenshaw said.

Acknowledging the program is not for everyone, Thurmond says the soon-to-be announced expansion will set a goal of enrolling 10 percent of the state's approximately 200,000 jobless workers. With the program's historic success rate of placing more than 60 percent of participants in permanent positions, the program should result in new jobs for some 12,000 unemployed workers.

Crenshaw got the job he tried out for at a home health-care company in Columbus, and his salary of \$35,000 is only \$2,500 less than he was making in his last job. He said he'd recommend Georgia Works to anyone.

According to data from the state's department of labor, Georgia Works has helped lower the average amount of time it takes jobless workers to find new employment, reducing the draw on the trust fund by \$6 million. After program expenses, including worker's compensation insurance and stipends, the net savings as of March 2009 was \$3.7 million.

The U.S. Department of Labor maintains state-by-state data on the average length of time unemployed workers remain on benefits, but allows states to set their own rules limiting the number of weeks each worker can receive a check. While experts consider average duration of benefits a measure of state performance in helping people find work, the availability of jobs is a bigger factor.

Georgia currently requires participants in the Georgia Works program to have at least 14 weeks of state unemployment benefits left. That way, if they land a job during the eight-week trial, it will save the state money

on benefits. But Thurmond says he plans to broaden the program to include people closer to the end of their state benefits and those already on federally funded extensions. In addition, the trial period may be shortened to six weeks, since most companies hire applicants they like in the fourth to sixth week, so they won't take a job somewhere else.

Although stanching the drain on the unemployment trust fund is still a goal, Thurmond said he is more concerned about spurring private-sector hiring and reviving the state's economy.

Georgia has been cited by two organizations—UWC Strategic Services on Unemployment & Workers' Compensation and the American Institute for Full Employment—for its innovative approach to helping people on unemployment benefits find work.

"We're in an unprecedented job market so it's a unique opportunity to see if we can make this work," Thurmond said. "Often-times in government you have to step back and recalibrate. It's not so much a new idea, but an improvement on a good one. We're flying this airplane while we build it."

The biggest objection Thurmond said he hears from other states and potential business partners is that the program sounds "too good to be true." It involves scant paper work and a minimal investment.

But simple, low-cost ideas are often the best. "One of the great strengths of the unemployment insurance system is that states provide 50 separate incubators of innovation and change," Fleming of the labor department said.

I reserve the balance of my time.

Mr. McDERMOTT. I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. It is vital this bill be before us, and I congratulate our chairman and our ranking member for bringing it here. They and our leader have outlined the facts: almost 125 million unemployed, the highest since 1939, and about one-third have been long-term unemployed 6 months or more. In August, 27 States saw their unemployment rates increase, and 42 States saw losses in jobs.

So I urge we have three alternatives. We can say to the millions who are unemployed: get looking; get lost; or you're getting some help.

Get looking. They're looking. They're looking. It's a requirement of unemployment comp.

I want to read something that was said over the phone to us this morning. A gentleman by the name of Larry Szpanelewski from Madison Heights, Michigan, out of work since May of 2008. He has 10 weeks of benefits left, and if we don't extend it, he'll exhaust those benefits before the end of the year.

This was taken down by my office: "You know, I never thought this would happen to me. I have never been unemployed before. This economy is unlike anything I could ever imagine. I am very grateful for each extension of benefits. But I really want to get back to work. There is this misconception that people like me are sitting back and waiting for the next unemployment

check. I really, really want to get back to work. I want to get back to doing my part and earning a paycheck. This unemployment is agony; it really is. I'm just waiting for the right phone call. Come to work."

□ 1600

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. McDERMOTT. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. LEVIN. Thank you. And I will repeat what he said to conclude, I am just waiting for the right phone call. Come to work.

So I don't think this first alternative, "get looking," applies. He, like millions of others, are looking. Six for every job. I don't think we can say to Larry Szpanelewski or the millions of others, "Get lost." That is not this country. So what we're saying today is, You're going to be getting some help. You've worked for it. He worked 20 years, a steelworker, and I think never unemployed before. I'm glad this is bipartisan. This needs a bipartisan response in the best traditions of this House and in the best traditions of our beloved country.

Mr. DAVIS of Kentucky. Mr. Speaker, I continue to reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank Chairman McDERMOTT for yielding. I also want to commend him and the ranking member for expeditiously getting this legislation to the floor. Mr. Speaker, when President Obama took office, we were in the middle of an economic recession which showed itself for real in December of 2007. Notwithstanding economic recovery activities, stimulus activities, green initiatives and other efforts that are beginning to take hold, we still hear the song. And I turned my radio on just the other day, and I heard a song from probably the seventies that said, Every morning about this time, she bring my breakfast to the bed crying, get a job.

It said, When I read the papers, I read it through and through, trying to see if there is any work for me to do.

Unfortunately for many people, there is no work for them to do at the moment, but we know that the time is coming. But in the meantime, they need help. And the help that we can give them today is the help of knowing that their unemployment benefits are extended. That's the very least that we can do while we continue to work to try to make sure that our economy re-groups, re-energizes itself so that that song does not have to be played, "Get a Job."

Mr. DAVIS of Kentucky. Mr. Speaker, I continue to reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I have no more speakers. So if Mr. DAVIS wants to speak to end, and I will speak, we will be done.

Mr. DAVIS of Kentucky. Mr. Speaker, as I said in my opening statement, I truly urge support for H.R. 3548, to extend benefits to help long-term unemployed workers in States with the highest unemployment rates, which include my home State of Kentucky. We also need to redouble our efforts to focus on the task of creating jobs, especially like those that would be coming from allowing Americans to take an all-of-the-above energy policy to create jobs across the board. As our Democratic majority leader in the State House says, If we were to do that, we could have a third industrial revolution across the heartland.

What Americans really want are jobs, not handouts. Even as we help those in places where jobs are the hardest to find, promoting job growth should be our broader goal and our number one priority as we move forward in this Congress.

With that, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I want to begin by thanking the minority on the subcommittee for being supportive of bringing this bill out here. We did not go through some of the usual procedures. We brought it out straight to the floor. I think that their cooperation should be recognized because it is a reflection of the fact that everybody in this House cares about the American people. We all want people to have a job, and we want them to have some way to sustain themselves until this economy begins to open up again.

One of the interesting things about this period in our economic history, as has been pointed out by some economists, there have been three real recessions. One was 1930, and in that recession, many workers never returned to the work they did before. Rather than going back to the farms, they moved to the cities, and that was a major shift in what was happening. In the 1980 recession, many workers were able to go back to the work that they had done before. The question that our country faces right now is: Will we be able to go back to what we had before, or will we create a new economy? And I think that this bill will give us a chance to get the industries, the new industries, the green industries and so forth, up and running so that we can return people to gainful employment.

Mr. BLUMENAUER. Mr. Speaker, with record 12.2 percent unemployment, Oregon has one of the highest unemployment rates in the country. That translates into 236,000 Oregonians without work. In the Portland region, nearly 140,000 residents are out of work. For those without work, the average weekly unemployment benefit in Oregon is \$310. Each week, I receive letters indicating how much of a lifeline these unemployment benefits are.

Tragically for many families, this benefit is running out. Without this legislation, 6,000 Oregonians will have exhausted their unemployment benefits by the end of September. Each week thereafter 500 more will lose their coverage. Unless we authorize this extension, federal aid for these Oregonians will end.

The economic losses from unemployment will last long after these workers—and the millions like them around the country—have again found work. Income losses for workers who are let go in a recession can persist for as long as two decades, sometimes longer. During this recession, older workers' wages will likely fall farther than those of younger workers. Those without college degrees will likely do worse than those with.

These challenging economic conditions are only the tip of an economic iceberg. The typical American household made less money last year than the typical household made a full decade ago. Median household income fell to \$50,303 last year; in 1998, the median income was \$51,295. With six job seekers for every opening, these numbers are not likely to improve soon. Every year, our constituents have to do more with less.

Every day in America jobs are being created and jobs are being lost. The real question is the balance between job growth and job loss. Since 1940, Republicans have been in charge of the United States more years than Democrats, 36–33. But, despite that fact, in terms of actual job creation, you can go back and look at the Department of Labor's statistics, for those 33 years, Democrats created 64.2 percent of the jobs in this country. Republicans were responsible for 35.8 percent of the jobs.

The Obama administration has inherited the worst financial collapse in American history since the Great Depression, with the effects that are still being felt on the State and local level and will continue to ripple throughout the economy even after it is corrected. In response, President Obama produced a strong economic recovery package that the Congress passed in a few days. The current credit crisis facing the United States is one of the greatest economic challenges that the country has faced. It can be squarely traced to the ideology of economic deregulation, which left the government with few tools to address the reckless actions of many financial institutions until too late.

It is time to rebuild the foundations of our economy, to improve America's fiscal fitness. I'm proud that the Recovery Act has begun this process. I look forward to working with my colleagues to invest in good jobs, improve wages, and create a nation where every family is safe, healthy, and economically secure.

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 3548, the "Unemployment Compensation Extension Act." This bill will provide much-needed relief to the millions of unemployed American workers who are struggling to find jobs today. With the adoption of this bill, Congress will provide up to 13 additional weeks of desperately needed unemployment benefits to workers who are about to run out of unemployment benefits, particularly focusing on those people who live in states where unemployment rates are highest.

California has the 4th highest unemployment rate in the Nation and in terms of my district the numbers are staggering:

Carson—12.6 percent  
Compton—20.9 percent  
Long Beach—13.7 percent  
Signal Hill—9.4 percent

Mr. Speaker, although job losses have begun to decline more recently, unemployment is still too high, and the American people need relief now. With the national unemployment rate at 9.7 percent, we must enact legislation that will assist the American people during this precarious economic time of availability at an all-time low. At least 300,000 will run out of their unemployment benefits by the end of September and over 1 million people will run out of their benefits by the end of December.

It is very important that we pass H.R. 3548, but let us not forget that our real task in the coming months is to ensure that every American that wants a job has one. I have been working in Congress to continue to create and pass meaningful reform that will spur job growth and help communities in crisis. One of the most powerful pieces of legislation that we have already passed is the American Recovery & Reinvestment Act, which helped create and save 3.5 million American jobs.

The American people are struggling to make ends meet while they search for new jobs in this challenging economy. I urge my colleagues to support this necessary and timely legislation. If we do not pass this bill, we will not only face a financial crisis but a moral deficit in this country as well. We cannot allow that to happen. I urge all members to vote "aye" on H.R. 3548, the Unemployment Compensation Extension Act.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 3548—the Unemployment Compensation Extension Act of 2009. In light of the devastating impact the recession has had on families and communities across the country, this legislation is critical to ensure that jobless workers continue to collect unemployment benefits while they rebuild their lives and try to find gainful employment. This is a very important bill, and I commend Representative JIM McDERMOTT for bringing this measure before the floor.

Although Federal Reserve Chairman Ben Bernanke announced last week that the recession is very likely over, he and other members of the Obama administration caution that unemployment may continue to rise before we start to see significant job creation next year. And today, many people across the country remain jobless and are relying on their unemployment benefits to support their families.

Unless Congress acts, over 300,000 jobless workers living in high unemployment states are projected to exhaust their unemployment benefits by the end of September. California is ranked among the states leading in double digit unemployment rates. According to the U.S. Department of Labor, as of August 2009, California's unemployment rate reached 12.2 percent. Moreover, the Department of Labor reports the state has lost well over 700,000 jobs over the past year.

I have received countless distressing calls and letters from my constituents. I have heard horror stories about foreclosed homes, displaced families, and even death due to unforeseen illness because of an inability to pay for medical care. These stories give a face to the statistics.

This recession has been particularly devastating on communities of color. The unemployment rate for African Americans is 15.1 percent, and for our Hispanics and Latinos, the rate is 13.1 percent. When you consider the nationwide unemployment rate is 9.7 percent, our minority communities are clearly fairing far worse. These communities are in desperate need for further assistance as provided under this measure.

Mr. Speaker, I am pleased to add my voice of support for H.R. 3548. And I look forward to working with my colleagues in Congress to ensure that our Federal government's economic recovery programs are effective and actually achieve their intended goals.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to offer my strong support for H.R. 3548, the Unemployment Compensation Extension Act of 2009.

The unemployment rate in my state of Illinois is 10 percent. Illinois' unemployment rate is higher than the national average of 9.6 percent; and within Illinois, the rate in the Chicago area is higher still, at 10.6 percent.

It is true that there are signs the economy is beginning to recover: fewer jobs were lost in August than in previous months. But we still have a long way to go in terms of job creation, and in the meantime, we need to help those who are looking for work but can't find it.

Three hundred thousand Illinoisans have lost their jobs in the last year. Five million Americans have been out of work longer than six months. The bill before us would extend an additional 13 weeks of unemployment compensation for those individuals in high unemployment states who are exhausting their unemployment benefits. With nearly six people out of work for every available job, this assistance is imperative.

H.R. 3548 would help at least 20,000 Illinoisans who are exhausting their benefits by the end of September and more than 50,000 whose benefits would otherwise expire by the end of the year.

Extending unemployment compensation will help job-hunting Americans pay their bills and prevent more foreclosures, further bolstering the economy. According to Mark Zandi, chief economist of Moody's Economy.com, every \$1 spent on unemployment benefits generates \$1.63 in new economic demand.

I urge my colleagues to support H.R. 3548. Mr. LINDER. Mr. Speaker, this legislation would extend unemployment benefits to as long as 21 months in States where the unemployment rate is 8.5 percent or higher. That's about half the country, and the number is likely to grow.

And we aren't even close to the end of the road. On September 11, 2009, Larry Summers, chair of the President's National Economic Council, said today's level of unemployment is "unacceptably high" and will remain so "for a number of years." How high? Today's unemployment rate is 9.7 percent. The Administration's August Midsession Review foresees 10 percent at the end of 2009, 9.7 percent in late 2010, and 8.0 percent in late 2011.

It's highly unlikely Congress will stop paying extended benefits then. We need to ask how long can this go on, and what does any of this have to do with helping people get back to

work? Since this extended benefits program was created in June 2008 and expanded twice, unemployment rose from 5.8 to 6.8 to 7.6 to now 9.7 percent, even though the Administration swore it wouldn't exceed 8 percent under their stimulus law. There are now 6 million more unemployed, including 3 million more long-term unemployed, than when this program was created.

We are perpetuating unemployment, not solving it. Larry Summers also has stated that unemployment benefits "contribute to long-term unemployment . . . by providing an incentive, and the means, not to work. Each unemployed person has a 'reservation wage'—the minimum wage he or she insists on getting before accepting a job. Unemployment insurance and other social assistance programs increase that reservation wage, causing an unemployed person to remain unemployed longer."

A senior Labor official in the Clinton administration reflected on what that meant in terms of when unemployed workers find new jobs: "There are large spikes in the escape rate from unemployment at 26 weeks and at 39 weeks for UI recipients. Spikes of similar magnitude at 26 and 39 weeks are not apparent for UI non-recipients." What happens after 26 and 39 weeks of unemployment? State and Federal unemployment benefits end, and there are "large spikes" in people finding new jobs.

Is ending a long spell of unemployment easy? Of course not. Does everyone quickly find a job? Unfortunately not. Do those who return to work always make what they did before? No. But government cannot solve all ills, and sometimes makes things worse by trying to. Recent articles have noted that a majority of the unemployed are willing to take a pay cut to get back to work, that "there is a huge traveling workforce that follows the jobs," and that States have innovative options to get unemployed workers back on the job.

But extending benefits to 21 months undermines those return to work incentives, leaving workers worse off, and employment prospects more depressed going forward.

Just currently approved unemployment spending has drained the State and Federal unemployment accounts, and will lead to deficits totaling more than \$100 billion by late 2010 and nearly \$200 billion by late 2012. Further extensions and expansions will add massively to that tide of red ink. That undermines job creation by requiring even more massive tax hikes to pay for all the continued benefit spending. Already State unemployment taxes are poised to double in the coming years. Extending benefits even more will require even greater job-killing tax hikes, hurting especially the long-term unemployed we are trying to help.

We can and must do better. It's well past time for us to review how we can really increase jobs so laid off workers get paychecks, not unemployment checks.

Mr. STARK. Mr. Speaker, I rise today in support of the 300,000 workers who will lose unemployment benefits by the end of the month if we do not act.

The economic crisis that President Obama and this Congress inherited has caused unemployment to spike throughout the country. Competition for jobs is intense, with six jobless

workers for each new job. The result is that an estimated 50 percent of unemployed individuals have been jobless for more than 6 months. The Unemployment Insurance system has done a good job of helping families make ends meet during the recession, but we must protect those who still cannot find work and whose benefits are about to run out.

The Unemployment Compensation Extension Act (H.R. 3548) would provide immediate relief to millions of workers by extending unemployment benefits for an additional 13 weeks in states with high unemployment rates. In my state, California, the unemployment rate is at 12.2 percent—a 70 year high. If Congress does not act, nearly 70,000 Californians will run out of benefits by the end of this month and a total of 154,000 Californians will exhaust benefits by the end of the year. In total, 1 million workers around the country will exhaust benefits by the end of the year. We cannot allow that to happen. While the economy begins to recover and the economic stimulus starts to take hold, Congress has an obligation to ensure that families can put food on their tables and pay their bills.

I am a co-sponsor of the Unemployment Compensation Extension Act and I urge all of my colleagues to support this important legislation.

Mr. DINGELL. Mr. Speaker, I rise today in strong and full support of H.R. 3548, the Unemployment Compensation Extension Act of 2009. This legislation is sorely needed in my home State of Michigan and I urge all of my colleagues to lend their support.

This legislation comes before the House at a critical time for many of our families. By the end of this month more than 300,000 jobless workers are expected to run out of unemployment compensation. The National Employment Law Project estimates that by the end of the year nearly 1.5 million workers will have used up their benefits. In Michigan it is expected that more than 62,000 will run out of their benefits by the end of December.

For the families that I represent this loss of benefits comes at a time when Michigan is continuing to struggle with over 15 percent unemployment. In the metro Detroit area unemployment is even higher at 17.1 percent unemployment. These are not families looking for a handout, rather they are relying on these benefits to pay their mortgage and put dinner on the table. I can think of thousands of workers in my district alone who can confirm that \$310 a week does not stretch far.

Although it is easy to lose sight of an individual family in the crowded pages of statistics and multi-colored graphs we use to try to quantify unemployment in this country, hearing the thousands of stories of my constituents struggling to stay afloat in these still-difficult times is enough to argue the necessity of this bill. One of those stories was told to me by a man named Dave from Taylor. Dave is 58 years old, but is unable to retire due to both a lengthy period of unemployment as well as being a victim of identity theft. He moved back to Michigan to be close to his daughter, but still struggles to find work despite, in his words, "trying just about everything." Folks like Dave are not simply sitting around and idly hoping for a job. They are actively searching every day and we must give them more time to do so.

Another story highlighting the need for this extension was told to me by a man who introduced himself as Will at the Southeast Michigan Rehiring, Retraining, and Relief Fair I hosted in early September. Will was a Senior Information Technology Project Manager with GM for 19 years, but despite a great deal of time and effort to both network and go through traditional channels, he continues to struggle to find employment. Although Will is following leads on jobs he discussed with recruiters at the job fair, his situation is emblematic of the displaced auto workers from all sectors of the industry who will likely require retraining to find a new job as well as the continued unemployment benefits throughout that process to support themselves and their families.

Under this legislation States that have a three-month average of total unemployment rate of 8.5 percent will be eligible for up to 13 weeks of extended unemployment benefits. This would bring the total amount of potential Emergency Unemployment Compensation to 46 weeks for 29 States.

The additional 13 weeks of benefits included in this legislation is far from being enough to solve the problem of unemployment, however, it will provide some peace of mind for our families and give our workers additional time for their job search. And with six people looking for each available job, we know that this extension will be valuable.

For those that doubt the need for this extension, consider that both Moody's Economy.com and the Congressional Budget Office have found that such an extension is an effective economic stimulus. For every dollar of unemployment benefits, \$1.64 is provided in economic stimulus.

Mr. Speaker, as a cosponsor of this legislation and as the federal representative for the State with the highest unemployment, I urge all of my colleagues to express their support for this extension and vote in favor of H.R. 3548. Please do not let Congress's holiday gift to our families in need be the exhaustion of their unemployment benefits.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this legislation to temporarily extend unemployment insurance benefits.

Unemployment rates remain historically high. However, we are beginning to see signs of economic recovery. Though the August 2009 jobs report announced that 216,000 jobs were lost, it was the fewest jobs losses in a year. We are seeing rebounds in the housing and stock markets. The gross domestic product is stabilizing. It is becoming increasingly clear that the Recovery Act that Congress passed earlier this year prevented a severe economic collapse and is a success by putting money back into the economy, creating jobs, and providing tax relief to 95 percent of Americans. While this economic progress is welcome news, much work remains to be done in rebuilding our economy.

Too many Americans remain out of work at no fault of their own. They are still struggling to make ends meet. If we do not act to extend unemployment benefits, thousands of American workers will run out of unemployment compensation by the end of September, and over one million will exhaust benefits by the end of the year. These benefits help workers who have lost their jobs to buy basic neces-

sities for their families as well as continue their mortgage payments.

Mr. Speaker, we must continue to help those in need during this economic recovery. I urge my colleagues to support this much-needed legislation.

Mr. HOLT. Mr. Speaker, I rise today in strong support of an emergency extension of unemployment benefits for states with high rates of unemployment like my home state of New Jersey.

I hear all the time from Central New Jersey residents who are working hard each day to find a new job. Recently, a Mercer County resident wrote me to say his wife had been out of work for 11 months. He wrote to say, "The jobs are just not available for her to go back to work." This bill answers his plea and the pleas of countless other out of work New Jersey residents to extend unemployment benefits while they continue to search for employment.

In tough economic times, Congress and the President have worked together to extend unemployment benefits when needed. The previous extensions of unemployment insurance during this current recession has helped many New Jersey residents keep a roof over their head and food on the table when times were tough. In this tight job market and with the economy just starting to show signs of recovery, there are still six unemployed workers for each job opening and more than five million people who have been unemployed for more than six months.

The Unemployment Compensation Extension Act of 2009, H.R. 3548, would extend an additional 13 weeks of unemployment benefits to individuals who have exhausted their current benefits in states with unemployment rates above 8.5 percent. With New Jersey's unemployment rate at 9.4 percent, by the end of September it is estimated that 22,000 New Jerseyans will have exhausted their unemployment benefits and have nowhere else to turn. This bill will provide them with direct relief during a difficult time.

Our government must help those in need as they seek new work. Morally, it is the right thing to do and the economists tell us that unemployment benefits are one of the most cost-efficient and fast-acting forms of economic stimulus.

The bill does not add to the deficit, by offsetting its cost with a one year extension of an employment tax that has been in place for 30 years.

Once this bill is signed into law it is estimated that by December, this 13-week extension of unemployment would benefit 1 million Americans—including 42,000 New Jersey residents—who will be looking for work and have exhausted their existing unemployment benefits.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 3548, the Unemployment Compensation Extension Act of 2009, which will provide an additional 13 weeks of unemployment benefits to individuals in states with unemployment rates of 8.5 percent or higher. This bill provides a critical boost to the many Rhode Islanders, and Americans across the nation, who are struggling to find employment. In order to receive these benefits, workers must have lost a job through no fault of their

own, be actively searching for a job, be able to work, and must have worked twenty weeks prior to being laid off. Only unemployed workers who become eligible for the additional weeks of benefits before January 1, 2010, will qualify for this extension.

I am encouraged by reports that our country's recession is easing, but that is little consolation to the many people still suffering in my home state. In Rhode Island, the unemployment rate has reached 12.8 percent, which is the third highest rate in the country. It is also estimated that nearly 4,500 Rhode Islanders will exhaust their benefits before the end of this year. With recent reports estimating that there are six job seekers for every job opening, Congress must act to help workers through this challenging time.

I understand the hardships Rhode Islanders are facing, and that is why rebuilding our economy is the top priority for me and this Congress. The American Recovery and Reinvestment Act has saved the jobs of teachers, police officers, and nurses across our state and has created jobs through new highway and infrastructure projects, with more coming online in the next few months. I am also pleased to see that the programs we have passed are being turned into smart investments in our future, such as the creation of clean energy jobs in our state through weatherization and offshore wind development.

As the President has stated, it may take some time before we see significant improvements in our unemployment rate, but I am confident that the programs we are putting into place will yield results over the next several months, while the longer-term investments we're making will ensure that our workforce and our job market are stronger in the years to come. While unemployment benefits and stimulus programs help jumpstart our economy in the short term, Congress must also work to build a new foundation for a lasting recovery. That is why we are making much needed reforms to our health care and financial systems and investing in our education and workforce training systems.

As Members of Congress, we have the power to give hard-working Americans another chance to continue their job search and provide for their families. I encourage my colleagues to pass this bill to help those who are most vulnerable during these trying times.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of this legislation and thank Chairman McDERMOTT for his leadership on this bill. H.R. 3548 provides an extension of unemployment benefits for up to 13 weeks for Americans across the country in states with the highest unemployment rates.

As of August 2009, the unemployment rate in America is a staggering 9.7 percent. Jobs are continuing to be shipped overseas, with the manufacturing sector boasting the biggest losses. Over 216,000 jobs were lost just last month. Ohio is one of 15 states with an unemployment rate above the national average and the Economic Policy Institute is projecting that racial disparities in high unemployment states will continue to worsen in 2010.

In recent weeks, I have received numerous calls from constituents who have already run out of unemployment benefits or are on the verge of doing so. This legislation provides a critical, if temporary fix to their problems.

Twenty-nine states currently qualify for the 13 week unemployment extension under this legislation, with more states sure to follow suit. I strongly support this legislation and urge my colleagues to vote in favor of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 3548, "to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes." Though the American Recovery and Reinvestment Act of 2009 has allowed us to see the light at the end of the tunnel on our road to recovery, we still have a long road ahead. H. Res. 3548 allows States to extend their helping hand to pull America out of this deep recession.

In the midst of what has been categorized as the longest and deepest economic downturn since the Great Depression, many Americans still find themselves struggling to get by. Although the unemployment rates in some areas around the country have shown signs of leveling off, in my home State of Texas, many are still fighting to get on the right track. American's of all ethnicities and socioeconomic backgrounds are tired of struggling to feed, clothe, and provide shelter their families. I cite my mentor and predecessor Barbara Jordan who noted, "We are a people trying not only to solve the problems of the present: unemployment, inflation . . . but we are attempting on a larger scale to fulfill the promise of America."

With an unemployment rate in Texas of 8.2 percent, which is just below the national average, we in Texas are working diligently in a legislative capacity for the benefit of our constituents. The unemployment rate of my home district of Houston is just above the state average, at 8.4 percent, and I will not cease to take every effort to combat the problem. Over this past weekend we held our 2nd job fair in three months, where we called upon over 50 public and private sector representatives to bring employment opportunities to those in need throughout the Houston area. I saw lives change that weekend. The American people need a helping hand now; it is not time of partisan antics that delay assistance to those whom we represent.

H. Res. 3548 will allow States to extend the assistance offered to their unemployed constituents so that families may continue their pursuit of the American dream. H. Res. 3548 sets forth a formula for determining if a state is in an extended benefit period and authorizes a state to pay extended compensation to an eligible individual before any additional Emergency Unemployment Compensation, EUC, if such individual claimed extended compensation for at least one week of unemployment after the exhaustion of additional EUC.

Ms. SUTTON. Mr. Speaker, I rise in strong support of H.R. 3548, the Unemployment Compensation Extension Act. And, I want to commend my colleague Representative McDERMOTT for his leadership on this issue.

The financial and economic collapse last year put this country in the worst economic recession since the 1930s.

And while we have seen signs that the economy is stabilizing, millions of Americans and their families continue to struggle.

Struggle to pay their monthly rent or mortgage.

Struggle to pay for their prescriptions. Struggle to pay for food and other of life's basic necessities. . . .

H.R. 3548 will assist workers who have lost their jobs through no fault of their own and who continue to look for work in states with high unemployment.

Ohio is one of those states . . . the current jobless rate in Ohio is 10.8 percent.

It is estimated that 11,642 Ohioans will run out of unemployment compensation by the end of the month and 64,545 will exhaust their benefits by the end of the year. H.R. 3548 will extend benefits for these workers whose safety net is running out.

There are 5 million Americans who have been searching for work for longer than 6 months.

And unfortunately, when it comes to getting back to work, prospects are dim. There are 6 unemployed workers for every available job in the U.S.

These figures and the severity of the economic recession make it critical for Congress to extend unemployment benefits.

We must help our workers, families, neighbors and communities weather these tough economic times.

We must continue to provide the financial assistance needed to help cushion the impact of the recession.

I urge a "yes" vote on H.R. 3548.

Mr. COLE. Mr. Speaker, I rise today to speak in opposition to H.R. 3548, the Unemployment Compensation Extension Act. While I have supported unemployment extensions in time of economic emergency, and will continue to do so, I will not give my support to this particular legislation because it unfairly taxes states with strong economies to pay for workers in states that have engaged in poor economic planning.

As you know, the bill would extend unemployment benefits for an additional 13 weeks in states where the average unemployment rate is over 8.5 percent. To pay for this extension, the legislation extends the 0.2 percent Federal Unemployment surtax for one more year. This is a tax that all employers are required to pay regardless of the state unemployment rate. In other words, citizens in states with low unemployment will be paying for benefits in states that have been fiscally irresponsible or have mishandled their own unemployment fund.

Currently, Mr. Speaker, there are 27 states with an unemployment rate of over 8.5 percent. But many states have engaged in commonsense approaches to economic development to avoid this catastrophe. In my home state of Oklahoma, for example, our unemployment rate, though rising, is still only at 6.8 percent. As many of you know, Oklahoma suffered a major economic downturn in the 1980s due to the oil bust. However, during the late 1980s and early 1990s, the state of Oklahoma and business community learned from this experience and made great strides in economic diversification. In the years following, housing prices in Oklahoma remained stable and infrastructure grew. Today, Oklahoma's energy, agricultural and entertainment industries are strong and help to support a robust, diversified economy.

At the same time, the state of Oklahoma has worked hard to ensure that its unemployment fund remains solvent. Though many states' unemployment funds were not prepared for a major recession, Oklahoma is one of the only states that will not have to borrow from the federal fund to repay benefits to unemployed workers. In fact, Madam Speaker, the state is not raising the unemployment payments next year. It is entirely inappropriate to force the citizens of states like this to pay a tax in order to pay for the irresponsibility of others. Oklahoma already pays more in unemployment taxes than they receive back from the system, and this extension only makes the situation worse.

In closing, Mr. Speaker, I again would like to emphasize that I am not opposed to ensuring that Americans have means to support themselves in economic hardship. However, I do believe that it is unwarranted to tax the citizens of the 23 other states who have produced good economic growth and responsible governance.

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of H.R. 3548, the Unemployment Compensation Extension Act.

This critical legislation would extend unemployment benefits by up to 13 weeks in states with high unemployment, such as my home state of California, where the unemployment rate has reached a record 12.2 percent.

In California alone, this bill will provide additional benefits for over 150,000 jobless workers who would otherwise exhaust their unemployment benefits before the end of this year.

These new benefits will help the millions of Californians who have lost their jobs through no fault of their own feed their families, heat their homes and pay their mortgages.

Extending these benefits is also one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly. According to Moody's Economy.com, every \$1 spent on unemployment benefits generates \$1.63 in new economic demand.

There is no question that this legislation is needed. Yes, our economy is beginning to recover. But millions are still out of work and struggling to stay afloat.

I support this bill because it will provide real money for real workers who need it in California and across the nation.

I urge my colleagues to join me in voting yes on H.R. 3548.

Mr. McDERMOTT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 3548, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 o'clock and 30 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 324, SANTA CRUZ VALLEY NATIONAL HERITAGE AREA ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-263) on the resolution (H. Res. 760) providing for consideration of the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 441, by the yeas and nays;

H.R. 2971, by the yeas and nays;

H.R. 3548, by the yeas and nays.

Proceedings on H.R. 2215 and House Concurrent Resolution 163 will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## HONORING CATHOLIC SISTERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 441, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 441, as amended.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 720]

YEAS—412

Ackerman	Davis (AL)	Johnson, Sam
Aderholt	Davis (CA)	Jones
Adler (NJ)	Davis (IL)	Jordan (OH)
Akin	Davis (KY)	Kagen
Alexander	Davis (TN)	Kanjorski
Altmire	Deal (GA)	Kaptur
Andrews	DeFazio	Kennedy
Arcuri	DeGette	Kildee
Austria	DeLauro	Kilpatrick (MI)
Baca	Dent	Kilroy
Bachmann	Diaz-Balart, L.	Kind
Bachus	Diaz-Balart, M.	King (IA)
Baird	Dicks	King (NY)
Baldwin	Dingell	Kingston
Barrow	Doggett	Kirkpatrick (AZ)
Bartlett	Donnelly (IN)	Kissell
Barton (TX)	Doyle	Klein (FL)
Bean	Dreier	Kline (MN)
Becerra	Driehaus	Kosmas
Berkley	Duncan	Kratovil
Berman	Edwards (MD)	Kucinich
Berry	Edwards (TX)	Lamborn
Biggert	Ehlers	Lance
Bilbray	Ellison	Langevin
Bilirakis	Ellsworth	Larsen (WA)
Bishop (GA)	Emerson	Larson (CT)
Bishop (NY)	Engel	Latham
Blackburn	Eshoo	LaTourette
Blumenauer	Etheridge	Latta
Blunt	Fallin	Lee (CA)
Boccieri	Farr	Lee (NY)
Boehner	Fattah	Levin
Bonner	Filner	Lewis (CA)
Bono Mack	Flake	Lewis (GA)
Boozman	Fleming	Linder
Boren	Forbes	Lipinski
Boswell	Fortenberry	LoBiondo
Boucher	Foster	Lofgren, Zoe
Boustany	Fox	Lowey
Boyd	Frank (MA)	Lucas
Brady (PA)	Franks (AZ)	Luetkemeyer
Brady (TX)	Frelinghuysen	Lujan
Braley (IA)	Fudge	Lummis
Bright	Gallegly	Lungren, Daniel
Broun (GA)	Garrett (NJ)	E.
Brown (SC)	Giffords	Lynch
Brown, Corrine	Gingrey (GA)	Mack
Brown-Waite,	Gohmert	Maffei
Ginny	Gonzalez	Maloney
Buchanan	Goodlatte	Manzullo
Burgess	Gordon (TN)	Marchant
Burton (IN)	Granger	Markey (CO)
Butterfield	Graves	Markey (MA)
Buyer	Grayson	Marshall
Calvert	Green, Al	Massa
Camp	Green, Gene	Matheson
Campbell	Griffith	McCarthy (CA)
Cantor	Guthrie	McCarthy (NY)
Cao	Hall (NY)	McCaul
Capito	Hall (TX)	McClintock
Capps	Halvorson	McCollum
Cardoza	Hare	McCotter
Carnahan	Harman	McDermott
Carson (IN)	Harper	McGovern
Carter	Hastings (FL)	McHenry
Cassidy	Heinrich	McIntyre
Castle	Heller	McKeon
Castor (FL)	Hensarling	McMahon
Chaffetz	Herger	McMorris
Chandler	Herseth Sandlin	Rodgers
Childers	Higgins	McNerney
Chu	Hill	Meeks (NY)
Clarke	Himes	Melancon
Clay	Hinche	Mica
Cleaver	Hinojosa	Michaud
Clyburn	Hirono	Miller (FL)
Coble	Hodes	Miller (MI)
Coffman (CO)	Hoekstra	Miller (NC)
Cohen	Holden	Miller, Gary
Cole	Holt	Miller, George
Conaway	Honda	Minnick
Connolly (VA)	Hoyer	Mitchell
Conyers	Hunter	Mollohan
Cooper	Inglis	Moore (KS)
Costa	Inslee	Moore (WI)
Costello	Israel	Moran (KS)
Courtney	Issa	Moran (VA)
Crenshaw	Jackson-Lee	Murphy (CT)
Crowley	(TX)	Murphy (NY)
Cuellar	Jenkins	Murphy, Patrick
Culberson	Johnson (GA)	Murphy, Tim
Cummings	Johnson (IL)	Murtha
Dahlkemper	Johnson, E. B.	Myrick

Nadler (NY)	Roskam	Stupak
Napolitano	Ross	Sullivan
Neal (MA)	Rothman (NJ)	Sutton
Neugebauer	Roybal-Allard	Tanner
Nunes	Royce	Taylor
Nye	Ruppersberger	Teague
Oberstar	Ryan (OH)	Terry
Obey	Ryan (WI)	Thompson (CA)
Olson	Salazar	Thompson (MS)
Olver	Sanchez, Linda	Thompson (PA)
Ortiz	T.	Thornberry
Pallone	Sanchez, Loretta	Tiahrt
Pascarell	Sarbanes	Tiberi
Pastor (AZ)	Scalise	Tierney
Paul	Schakowsky	Titus
Paulsen	Schauer	Tonko
Payne	Schiff	Towns
Pence	Schmidt	Tsongas
Perlmutter	Schrader	Turner
Perriello	Schwartz	Upton
Peters	Scott (GA)	Van Hollen
Peterson	Scott (VA)	Velázquez
Petri	Sensenbrenner	Vislosky
Pingree (ME)	Serrano	Walden
Pitts	Sessions	Walz
Platts	Sestak	Wamp
Poe (TX)	Shadegg	Wasserman
Polis (CO)	Shea-Porter	Schultz
Pomerooy	Sherman	Waters
Posey	Shinkus	Watson
Price (GA)	Shuler	Watt
Price (NC)	Shuster	Waxman
Putnam	Simpson	Weiner
Quigley	Sires	Welch
Rahall	Skelton	Westmoreland
Rangel	Slaughter	Wexler
Rehberg	Smith (NE)	Whitfield
Reichert	Smith (NJ)	Wilson (OH)
Reyes	Smith (TX)	Wilson (SC)
Richardson	Smith (WA)	Wittman
Rodriguez	Snyder	Wolf
Roe (TN)	Souder	Woolsey
Rogers (AL)	Space	Yarmuth
Rogers (KY)	Speier	Young (AK)
Rogers (MI)	Spratt	Young (FL)
Rooney	Stark	
Ros-Lehtinen	Stearns	

## NOT VOTING—20

Abercrombie	Grijalva	Meek (FL)
Barrett (SC)	Gutierrez	Radanovich
Bishop (UT)	Hastings (WA)	Rohrabacher
Capuano	Jackson (IL)	Rush
Carney	Kirk	Schock
Delahunt	Loeb sack	Wu
Gerlach	Matsui	

□ 1856

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DR. MARTIN LUTHER KING, JR.  
POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2971, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2971.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 721]

## YEAS—411

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Billray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culbertson  
Cummings  
Dahlkemper

Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driebaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Heinrich  
Heller  
Hensarling  
Herger  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam

Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano

Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pine (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam

Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark

Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Yarmuth  
Young (AK)  
Young (FL)

## NOT VOTING—21

Abercrombie  
Barrett (SC)  
Bishop (UT)  
Capuano  
Carney  
Delahunt  
Gerlach

Grijalva  
Gutierrez  
Hastings (WA)  
Hereth Sandlin  
Radanovich  
Rohrabacher  
Rush  
Loeb sack  
Wu

Marshall  
Meek (FL)  
Murphy (CT)  
Carnahan  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driebaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNEMPLOYMENT COMPENSATION  
EXTENSION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3548, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 3548, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 331, nays 83, not voting 18, as follows:

[Roll No. 722]

## YEAS—331

Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Baird  
Baldwin  
Barrow  
Bartlett  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Billray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Bonner  
Bono Mack  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driebaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison

Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Forbes  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Giffords  
Gonzalez  
Gordon (TN)  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (NY)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Heinrich  
Heller  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Inglis  
Inslee  
Israel  
Issa  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E.B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Luetkemeyer  
Luján  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney

Manzullo  
Markey (MA)  
Marshall  
Massa  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meeks (NY)  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano

Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak

## NAYS—83

Akin  
Bachmann  
Bachus  
Barton (TX)  
Berry  
Boehner  
Boozman  
Boren  
Boswell  
Brady (TX)  
Braley (IA)  
Broun (GA)  
Burgess  
Cantor  
Carter  
Chaffetz  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Courtney  
Culberson  
Deal (GA)  
Duncan  
Fallin  
Flake  
Fleming  
Fortenberry

## NOT VOTING—18

Abercrombie  
Barrett (SC)  
Bishop (UT)  
Capuano  
Carney  
Delahunt

Sutton  
Tanner  
Taylor  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp

Moran (KS)  
Moran (VA)  
Murphy (CT)  
Neugebauer  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Perlmutter  
Perriello  
Pitts  
Poe (TX)  
Price (GA)  
Roskam  
Ross  
Latta  
Linder  
Lucas  
Lummis  
Mack  
Marchant  
Markey (CO)  
Matheson  
McCaul  
McClintock  
Melancon  
Miller (FL)

Loeb sack  
Meek (FL)  
Radanovich  
Rohrabacher  
Rush  
Wu

Had I been present, I would have voted "yea" on rollcall votes 720, 721 and 722.

## PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, during the vote on H.R. 3548, the Unemployment Compensation Extension Act of 2009, I was unavoidably detained—had I been present I would have voted for this legislation.

Americans are struggling to make ends meet in this economy. Retirement savings are disappearing, families have seen their portfolios drop, and according to the Illinois Department of Employment Security, the unemployment rate in Illinois is at 10 percent—.3 percent higher than the national average has been in 26 years.

I support giving unemployment benefits to people who lost their jobs. In tough economic times, the federal government should offer additional assistance and H.R. 3548 does that by extending unemployment benefits for an additional 13 weeks for individuals living in States with unemployment rates above 8.5 percent.

## HONORING SHANE HORNER

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today in sorrow over a young life lost in a tragic car accident. Shane Horner, son of Maria and G. Edward Horner of Brockway, Pennsylvania, passed away September 13 at age 18. Shane had completed his work to achieve the rank of Eagle Scout, which included a project cleaning, painting and restoring the Brockway Sportsmen's Club Pavilion.

This young man had been active in his Scout troop, holding various positions, including assistant senior patrol leader, chaplain's aide, and junior assistant scoutmaster. Shane had applied to continue with his troop as an assistant scoutmaster. He was also a youth representative to the Brockway Borough Council.

Shane was a multi-sport letter winner at his high school. He was part of the 2009 District 9 boys basketball team champions, but he was also involved in the spring musicals and a member of the student council. He planned to attend Pennsylvania State University and continue on to law school.

He was a member of St. Tobias Roman Catholic Church of Brockway and was active with youth ministry. My thoughts and prayers are with the Horner family as they seek solace in their memories of a son who gave them so many reasons to be proud.

□ 1915

## IN HONOR OF MINNESOTA'S THIRD CONGRESSIONAL DISTRICT'S BLUE RIBBON SCHOOLS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, I rise to congratulate two schools in my congressional district: Our Lady of Grace in Edina and Thomas Jefferson Senior High School in Bloomington. They were both recently named 2009 National Blue Ribbon Schools. They were just two of 314 schools nationwide to receive this honor.

The Blue Ribbon Schools Program honors elementary, middle, and high schools that display superior academic achievement or demonstrate dramatic gains in student achievement.

Both of these schools are carrying on a proud tradition we have in Minnesota. Our students consistently score at the top in national assessments and tests, and our educational experience from birth to adulthood rates among the best in the Nation.

The Blue Ribbon Schools designation is one of the highest awards the school can ever receive. I congratulate the students, the teachers, the administrators, and the parents who've earned this honor for both Our Lady of Grace and Thomas Jefferson Senior High School.

## THE LITTLE FELLOW FROM THE DESERT AND HIS ITCHY FINGER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the little fellow in the desert has been at it again. Iran's usurper President Ahmadinejad that calls the Holocaust a myth has made it clear he wants nuclear weapons and intercontinental ballistic missiles to destroy Israel and the United States. And now the tiny tyrant is in New York City spreading hate at the U.N.

A leaked document says that Iran has all the elements they need to build a nuclear weapon. They have been working with North Korea on missiles, missiles with more distance and more accuracy.

The unstable situation demands that we put a complete missile defense system in place. We are leaving ourselves and our allies vulnerable, but the administration last week scrapped our missile defense system that's based in Poland, and they also cut our radar systems in the Czech Republic. Believe it or not, this country cannot stop a missile fired at us. One would think that would be a priority.

Why are the American people left vulnerable to any tin pot totalitarian with an itchy trigger finger? The government's main job is to defend the

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1911

Mr. TERRY changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HASTINGS of Washington. Mr. Speaker, on rollcall No. 722, I was inadvertently detained. Had I been present, I would have voted "yea."

Stated against:

Mr. BISHOP of Utah. Mr. Speaker, on rollcall No. 722, I was unavoidably detained. Had I been present, I would have voted "nay."

American people, even from gun-toting little thugs who are determined to have an international shoot-out with the United States.

And that's just the way it is.

#### LISTEN TO OUR COMMANDERS ON THE GROUND

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, our military men and women are fighting in Afghanistan to defeat terrorists overseas and protect families here at home. Having visited my former unit, the 218th Brigade of the South Carolina Army National Guard, during their year-long deployment, I know firsthand that our servicemembers in Afghanistan are doing incredible work along with the Afghani police and army units they train.

In March, when President Obama announced his strategy for Afghanistan, I commended the President for moving forward with the plan based on the counsel of military leadership on the ground. In light of the recent reports that General Stanley McChrystal has requested additional forces, I hope we continue to heed the advice of our commanders in Afghanistan. We must provide the level of force and resources necessary to help our brave military complete their mission. We cannot allow the terrorists to establish a safe haven from which to attack America and our allies.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### WE NEED AN EXIT PLAN FOR AFGHANISTAN—NOT AN ESCALATION PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, a report written by General McChrystal, the commander of American and NATO forces in Afghanistan, was leaked to the press yesterday. In this report, General McChrystal warns that the conflict in Afghanistan "will likely result in failure" if we don't send in more troops.

The leak was an apparent attempt to put pressure on the White House and the Presidency to escalate the conflict.

But, to its credit, the administration didn't go there and did not cave in.

President Obama said that he is skeptical that sending in more troops will do any good. And he said, "I'm certainly not somebody who believes in indefinite occupations of other countries."

Madam Speaker, I'm relieved that we have somebody in the White House who will think long and hard before sending America's men and women into harm's way. But the President will certainly face a lot more pressure in the coming weeks to increase troop levels. I urge him to resist the idea for three very good reasons.

First, there is no military solution in Afghanistan. We tried it for over 8 years. Our troops have fought with incredible skill and courage. But sending in more troops will only fuel anti-Americanism, and it will convince the Afghan people that the United States is an occupying force that must be resisted.

Second, poll after poll shows that the American people are overwhelmingly opposed to sending more troops to Afghanistan, and the majority now believe that the war in Afghanistan is simply not worth fighting.

Third, Madam Speaker, we cannot afford to keep pouring hundreds of billions of dollars into this conflict. We need every one of those dollars to meet our urgent domestic needs here at home. We need to use our resources to dig out of the recession, not dig into a quagmire in Afghanistan.

For all these reasons, the President and his advisers must rethink our mission in Afghanistan and look at changing our strategy.

The Rand Corporation has produced a study of extremist groups that should help us develop the right strategy. Rand studied the history of 648 extremist groups, finding that military force was effective against these groups only 7 percent of the time. Two strategies that work better were negotiated political settlements and the use of intelligence and police agencies to dismantle extremist networks. Combined, these two strategies were effective 83—83 percent of the time. That's about 12 times better than the military option.

Rand also applied its analysis to the current situation in Afghanistan and concluded that "policing and intelligence should be the backbone of U.S. efforts" against al Qaeda in that region.

That's why policing and intelligence are two key components of my national security plan, which is described in House Resolution 363, the Smart Security Platform for the 21st Century. My plan also emphasizes economic development, infrastructure, jobs, education, and better governance for Afghanistan.

Madam Speaker, by refusing to be rushed and sending more troops to Af-

ghanistan, President Obama has shown that he is willing to change course. And we must change course. The American people want an exit strategy for Afghanistan, not an escalation strategy.

#### REDESIGNATE THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, in each Congress since 2001, I have introduced legislation aimed at giving the Marine Corps the recognition it deserves as one of the official branches of the military. This year, I introduced H.R. 24, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. Then the Secretary of the Navy would be the Secretary of the Navy and the Marine Corps.

On June 25, 2009, the language of H.R. 24 was passed by the House as part of H.R. 2647, the House version of this year's National Defense Authorization Act.

In a matter of days, Members of the Senate and House Armed Services Committee will meet to work out a final version of this bill, and the language of H.R. 24 will become law if the Senate agrees to the House position. Right now, Madam Speaker, the Senate is opposed to this language.

With the help of Senator PAT ROBERTS, a former marine who introduced S. 504, a companion bill in the Senate, and the bill's 308 cosponsors in the House, I'm hopeful that this will be the year the Senate will support the House position and the Marine Corps will be recognized as an equal partner of the United States Navy and Marine Corps team.

During my 15 years in Congress, whenever a chief of naval operations or commandant of the Marine Corps has come to testify before the House Armed Services Committee, I have heard that the Navy and the Marine Corps are "one fighting team." If this is true, then why should not the team bear the name of Navy and Marine Corps?

Changing the name of the Department of the Navy to the Department of the Navy and Marine Corps is a symbolic gesture, but it is important to the team. This change has received support from at least three former Navy Secretaries, the Marine Corps League, Veterans of Foreign Wars, the Fleet Reserve Association, MarineParents.com, and many other individuals and groups.

As a Chicago Tribune editorial titled, "Step up for the Marines," noted: "The Marines have not asked for complete autonomy. Nothing structurally needs

to change in their relationship with the Navy, which has served both branches well. The Corps only asks for recognition. Having served their Nation proudly and courageously since colonial days, the leathernecks have earned a promotion."

□ 1930

In closing, Madam Speaker, I would like to show what this change could mean to the members of the United States Marine Corps, including the 41,000 marines and nearly 3,000 sailors stationed in my district at Marine Corps Base Camp Lejeune. On August 19, 2009, in the Jacksonville Daily News, an article titled "Navy Secretary Visits Local Troops" described Secretary Mabus' recent visit with Camp Lejeune marines and sailors deployed to Iraq. It was touching to read about the Secretary's visit to see firsthand the terrific work of the United States Navy and Marine Corps team in Iraq. Yet I couldn't help but think the team's unity would be better illustrated if the title could have read, "Secretary of the Navy and Marine Corps Visits Local Troops."

Madam Speaker, right now I'm going to show that this is the actual news release. It says, Secretary of the Navy visits local troops, and it talks about the marines in Iraq and the Navy. If this should ever become law, what it would have said: "Navy and Marine Corps Secretary Visits Local Troops in Iraq and Afghanistan."

Madam Speaker, before I close, I regret that the Senate does not see the importance of giving this recognition to the Marine Corps. So if I can close by saying this, as I do every night on the floor, God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, in your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. Dear God, I ask you to please bless the President of the United States with the wisdom and courage that he will do what's right for this country. And three times I will ask, God please, God please, God please continue to bless America.

#### TAXING MEDICAL DEVICE COMPANIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. In my district there is a wonderful little town of around 12,000 people called Warsaw, Indiana. It's in Kosciusko County, a county with 100 lakes, including our biggest natural lake in the State of Indiana and many other sizable lakes. Tippecanoe, Syracuse, Webster Lake, North Webster, Big and Little Chapman as well as many other lakes. At this point I

would like to insert into the RECORD from The Wall Street Journal "Sticks and Stones May Break Bones, but Warsaw, Indiana, Makes Replacements."

[From the Wall Street Journal, Oct. 26, 2006]

STICKS AND STONES MAY BREAK BONES, BUT WARSAW, IND., MAKES REPLACEMENTS

(By Timothy Aepfel)

WARSAW, IN.—When Don Running and his two partners decided to start up a company specializing in orthopedic plates and screws to mend broken wrists two years ago, it was a given that they would set up shop here.

Silicon Valley has computers. Detroit has cars. But in orthopedic devices, the undisputed world capital is Warsaw, a city of 12,500 with a silver-domed 19th-century courthouse and pickups angled into the curb on Main Street.

Three of the world's five largest makers of artificial joints and related surgical tools have their headquarters here amid the lakes and fields of northeastern Indiana. The local industry has grown so much that it's now a regional force, with orthopedics companies popping up in nearby farm towns and the suburbs of Fort Wayne, about 50 miles to the east.

"How many orthopedic-implant engineers do you find walking around most places?" asks Mr. Running. "Well around here, you bump into them in the supermarket."

Memphis, Tenn., and northern New Jersey are other industry hotspots, but none rivals Warsaw for sheer concentration. And while major orthopedics companies are looking overseas for cheaper places to produce items such as basic bone screws and metal plates, the U.S. retains a firm grip on the industry.

A big reason is that the U.S., with its population of fast-aging baby boomers, injury-prone weekend athletes and overweight people, is by far the world's biggest market for artificial hips and knees. The U.S. represents an estimated \$14 billion of the annual spending in a global market of \$22.9 billion, according to Knowledge Enterprises Inc., a Chagrin Falls, Ohio, market research firm.

The U.S. also effectively protects manufacturers in the sector with strict regulations for devices that go inside the human body. Rather than risk problems—and crippling lawsuits—U.S. health-care providers buy their artificial joints from companies they know, which generally means buying American.

Profits are so good in the orthopedics industry that there isn't much pressure on suppliers to shave costs by going to low-cost countries. "The reason this business is in Warsaw and not Mexico is because margins are 70% or better," says Ron Clark, an orthopedic surgeon who founded his own company in Fort Wayne, which is on the other side of the state from his home in Valparaiso, in part so he could be closer to Warsaw. Dr. Clark says savings from going abroad just aren't worth it.

To be sure, the industry's dynamics may be starting to change. Health-care providers are starting to push back against the industry's steady price increases, raising concerns among investors about whether profits for Warsaw companies and others can keep up the brisk growth.

There are other shadows over Warsaw's future. The U.S. Justice Department has opened two probes of orthopedics makers in the past two years, including an antitrust investigation in which Smith & Nephew PLC, of the U.K., has confirmed that one of its independent sales representatives tried to initiate an industry-pricing strategy in re-

sponse to a U.S. hospital's bid request. Other producers, including those in Warsaw, have said they didn't respond to the suggestion.

The big implant makers also received a separate batch of subpoenas in early 2005 regarding an investigation of any financial ties between them and surgeons who recommend their products. Doctors work closely with device makers to develop and refine artificial joints, and the companies have long paid surgeons as consultants and designers.

At least for now, though, Warsaw's orthopedics businesses continue to hum. The industry got its start here over a century ago, when a Canadian pharmacist, Revra DePuy, came up with the idea of making flexible splints to replace the wooden barrel staves then used to set broken bones.

The company he created thrived and exists today as DePuy Inc., a unit of Johnson & Johnson. It eventually spawned other companies, as people left to start competing operations. Indeed, Warsaw's largest employer is Zimmer Holdings Inc., founded by a DePuy salesman who broke out on his own in the 1920s. Today, about 60% of the workers who live within seven miles of Warsaw are directly or indirectly engaged in orthopedics manufacturing, says Joy McCarthy-Sessing, president of the local chamber of commerce.

Such a concentration of one industry in such a small town is unusual, but the larger phenomenon isn't unusual at all. Many of the strongest U.S. manufacturers set up production far away from urban centers, with their high taxes, labor, and utility costs, and instead look for locations in small towns, close to major highways and railways. Proximity to transportation hubs allows for smooth logistics in an age of just-in-time deliveries. Warsaw, for instance, sits astride a highway, U.S. 30, connecting Fort Wayne and Chicago.

Economists have long known that businesses thrive when they congregate in one place. Think of Hollywood movie studios, or the Route 128 technology ring around Boston. The same holds true in manufacturing. "Companies that operate in clusters have greater access to talent," explains Jeffrey Grogan, partner at the Monitor Group, a Boston strategy consulting firm. They also serve as fertile ground for start-ups.

Mr. Running's company, Deo Volente Orthopaedics LLC, is a prime example. Mr. Running first met his partners, Rod Mayer and Jeff Ondrla, when the three were working together at DePuy in the early 1990s. Mr. Running and Mr. Ondrla are engineers and inventors, and Mr. Mayer's background is in sales.

Mr. Mayer got the idea for the company after seeing that the market for "extremity" devices, such as plates and screws for fixing broken wrists, wasn't then as developed as it was for major joints, such as hips and knees. The three were eager to get away from big-company bureaucracy.

And as often happens in the close confines of Warsaw, the partners' connections stretch into their personal lives: They were attending the same evangelical church in 2004 when they launched the company. Deo Volente means "God willing" in Latin.

The three men agree it is a hefty advantage to have so much of what they need at their fingertips. "It's a lot easier to drive across town and visit a supplier than it is to pick up the phone and try to talk through some complicated issue," says Mr. Ondrla.

Warsaw is dotted with small support businesses, from packaging firms that specialize in super-clean processes to machine shops. There are even multiple manufacturers of

the plastic trays and cases needed to pack orthopedic kits. A total hip replacement, for instance, can require up to 22 cases of equipment and each case and tray is specially designed.

The region surrounding Warsaw has long been home to the U.S. automotive and machinery industries, churning out a stream of skilled machinists, toolmakers and industrial engineers. Orthopedics makers opening up shop in Warsaw found a ready supply of skilled workers, particularly in recent years as the more-traditional sectors have slumped.

Whole companies in the region have switched over to serving the orthopedics industry in recent years, including the small factory contracted to do most of the production for Deo Volente. Three years ago, Micropulse Inc., of nearby Columbia City, Ind., stopped doing any work for the automotive and other old-line industries—which once accounted for over half of its business—to focus on orthopedics.

“Half of our customers were closing, so we divorced them all,” says Brian Emerick, president of Micropulse. His company is now growing 25% a year, he says.

Mr. SOUDER. In 1895, in this small town—which at that point was a lot smaller—a man named Revra DePuy founded DePuy Manufacturing in Warsaw. The problem back then was that they were using wooden barrel staves to do hips. So he thought a fiber splint would be better. So DePuy went on—and now is part of Johnson & Johnson—to become a major player there. In 1926, Justin Zimmer, a sales manager for DePuy, felt that he had a better idea for different types of splints, and he broke off and developed Zimmer Manufacturing, now based in Warsaw. In 1997, Dr. Dane Miller and a small group of innovators and entrepreneurs formed Biomet in Warsaw.

Today these three companies are headquartered in Warsaw, Indiana, and are three of the five biggest orthopedic companies in the entire world. Zimmer, for example, employs 8,300 people and has \$33.9 billion in sales in 100 countries around the world. In addition in Warsaw, other companies have come up—a division of Medtronic that does spinal research and production; Orthopediatrics specializes in anatomically appropriate, unique instrumentation and biologics for pediatric and small-stature patients because they're going to take different sized elbows, shoulders and knees.

In addition, we have many tier one and tier two suppliers who are centered in this region—Paragon Medical, Micropulse and Symmetry are tier one suppliers to the orthopedic industry. C&A Tool, one of the remaining large-sized machine tool manufacturers in America, makes highly detailed parts that go into your body, takes tremendous precision, as they also do for NASA and for defense contractors because they've managed to survive by upgrading and putting in million-dollar equipment.

Now Warsaw and Kosciusko County, along with the State of Indiana and the

Lily Foundation, are proposing to develop a BioCrossroads project. This is the type of cluster that we need in America. We can't all be hamburger flippers. We can't all work in retail stores. You have to have R&D centers and clusters that you fight as a community, as a State and as a Nation to protect, just like other countries fight to protect those. Now the reason that all of a sudden this has become relevant is that last week, a health care proposal was floated in the other body that proposes to tax medical device companies 10 to 30 percent. I would like to insert into the RECORD from The Wall Street Journal “The Innovation Tax” editorial.

[From the Wall Street Journal, Sept. 8, 2009.]

#### THE INNOVATION TAX—HOW MAX BAUCUS KNIFED THE MEDICAL DEVICES INDUSTRY

Supposedly the Senate's version of ObamaCare was written by Finance Chairman Max Baucus, but we're beginning to wonder if the true authors were Abbott and Costello. The vaudeville logic of the plan is that Congress will tax health care to subsidize people to buy health care that new taxes and regulation make more expensive.

Look no further than the \$40 billion “fee” that Mr. Baucus wants to impose on medical devices and diagnostic equipment. Device manufacturers would pay \$4 billion a year in excise taxes, divvied up among them based on U.S. sales. This translates to an annual income tax surcharge anywhere from 10% to 30%, depending on the corporation.

Why \$40 billion? No reason in particular, except that Mr. Baucus needs to finance nearly \$900 billion in new spending and so he'll grab anything within arm's reach. While there are some exemptions, such as tongue depressors and eyeglasses, most of the devices tax will fall on hundreds of thousands of products that are basic components of modern medicine. Some are routine—surgical equipment, diabetes testing supplies—while others are cutting-edge technologies, like replacement joints, pacemakers, stents, and MRI and CT scanners.

This new tax will eventually be passed through to patients, increasing health-care costs. It will also harm innovation, taking a big bite out of the research and development that leads to medical advancements. The core of the industry (excluding a few conglomerates like Johnson & Johnson) spent about \$9.6 billion on product development in 2007, according to Ernst and Young. The Baucus tax is nearly half that, and also exceeds \$3.7 billion, the total venture capital invested in device makers that same year.

Even if consumers will ultimately pay one way or another, this tax also offers an instructive lesson in the perils of industry dealmaking in President Obama's Washington. Convinced by the White House that legislation was inevitable, most of the health-care lobbies decided to negotiate and pay ransoms so Democrats would spare their industries greater harm. Sure enough, the device maker lobby, AdvaMed, was among the “stakeholders” that joined with Mr. Obama in a Rose Garden ceremony in May and pledged to “save” \$2 trillion over 10 years to fund his program.

AdvaMed was nothing if not a team player. It endorsed Democratic inspirations like comparative-effectiveness research and value-based purchasing, despite the danger that under such centralized decision-making

the government will decide that the most effective and valuable treatments also happen to be the cheapest—rather than those that are best for patients. It also suggested a variety of other taxes that would have resulted in a lower bottom line, much as Big Pharma promised \$80 billion in drug discounts and the American Hospital Association agreed to \$155 billion in Medicare and Medicaid reimbursement cuts.

But the word on Capitol Hill is that AdvaMed's tribute wasn't handsome enough for Mr. Baucus's tastes. The massive new tax—which wasn't a part of any of his policy blueprints released earlier this year—is in part retaliation. Partly, too, the device makers simply don't have the same political clout as the other big players, making them an easier mark. Old Washington hands are saying the device lobby made a “strategic mistake” by not offering Mr. Baucus more protection money, but the real mistake was trying to buy into the ObamaCare process, instead of trying to defeat its worst ideas outright.

And now it may be too late. As we've argued, liberal Democrats think that merely allowing an industry to continue to exist is a concession, and they're already taking the pharma and hospital concessions and running them higher. In the case of devices, patients will be left with higher costs for fewer life-saving technologies.

Mr. SOUDER. This proposed provision would tax these companies 10 to 30 percent. Medical devices are currently paid for by hospitals. You don't declare that individually in Medicare or in any other health—it goes through a hospital. The hospitals have already been asked to lower their costs and put money into the system. So this would be a direct tax based on the sales and profits of these companies.

Now there are three classes of medical devices. The joke that occurred around this was, in class one, Q-tips are called a medical device. Well, we heard today that Q-tips are going to be exempt, as are condoms, as are home pregnancy tests, as are scented Maxi Pads. So I guess that's the good news. The bad news is that what isn't exempt is class two and class three, which are going to have huge taxes on these companies and will restrict innovation. What are they? Heart valves, automatic cardiac defibrillators, heart imaging machines, insulin pumps, hearing aids, electric wheelchairs, and of course, all orthopedic joints—spine and neck implants included with that. They are going to be taxed.

What in the world is going on here? I think that a lot of people are of the impression that this kind of stuff just comes, that somehow it magically appears. In fact, I've heard people say, Well, why don't we all just get on Medicare? Besides the fact that Medicare is broke, Medicare hasn't invented anything for hips. They only cover variable costs. No research comes out of Medicare. No research comes out of Medicaid. No research comes out of the Veterans Administration. All that's funded by private pay. All that's funded by profits of corporations.

And if you take away the profits, they aren't going to be developing special hips for 18-year-old soldiers who are shot up. They now have body armor, but they are getting shot in their joints and now have to live for the rest of their lives with that. They aren't going to do it for the little kids. As people live longer and have this in their bodies longer, they aren't going to do all the variations. They aren't going to be able to do custom orders. R&D will tend to be shot. It may move offshore. It may totally disappear. This tax would be a disaster to America, and I hope it can be defeated.

#### DEMOCRATIC FRESHMAN CLASS HOUR ON HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TONKO. Madam Speaker, as you know, we have a very talented freshman class in the House of Representatives. And for the next hour, Members of the freshman class will be discussing health care. We would like to thank the Democratic leadership for giving us time to discuss this very important issue. Within the freshman class I believe is a diversity of work experience and work expertise, skill sets that have been brought to this Chamber to discuss various policies.

Well, nothing could be more pressing, Madam Speaker, than the need for health care reform. Just yesterday I was pleased to welcome President Obama to the 21st Congressional District of New York, which I represent, specifically to the city of Troy, New York. He had spoken about the innovation economy. He had spoken about the recovery from this recession, which has been deep and long. He made mention that there is no recovery without addressing health care costs for our businesses, to be able to go forward with a meaningful plan that will allow for employer-based coverage at an affordable price.

So this evening as we speak about health care reform, it is significant to our business community, it is significant to our families, the working families across America, and it is significant to government, as health care costs for government-provided health care in our local municipalities, in our school systems, is rising well beyond inflation.

In fact, just today a report was issued by the Office of the Vice President that spoke to, on average, 5.5 percent increases on family plans across America. That average of 5.5 percent came during this recession period that actually saw inflation dropping by 0.7 percent. So this is a remarkable statistic that we're seeing this growth continuing.

We have been joined, and we are joined by two of our colleagues right now. We have Representative GERRY CONNOLLY from Virginia's 11th District and Representative CHELLIE PINGREE from Maine's 1st Congressional District. Representative CONNOLLY, if you please.

Mr. CONNOLLY of Virginia. I thank my friend and colleague from New York. I just wanted to amplify the point you just made, Mr. TONKO. Last week the Kaiser Family Foundation issued a report. This isn't coming from any committee in Congress. This is an independent analysis. It said that the average family of four in the United States is currently spending over \$13,000 a year for health care coverage. If we do nothing, by 2018, in only 9 years, that \$13,000 a year will be \$30,000 a year, pushing health care affordability beyond the reach of millions of American families if we do nothing. There are real costs to inaction when it comes to health care.

Mr. TONKO. Absolutely. And I think that the statistics speak for themselves. Representative PINGREE, you have long been a champion in your State for health care reform. Statistics in the Northeast and certainly in New England are what they are across America, where we see out-of-control costs and reduced opportunities for those who are holding an insurance policy in hand.

Ms. PINGREE of Maine. Absolutely. You're right. I come from the State of Maine. And like many State legislatures, when I was in the legislature and after I was there, the State implemented a lot of reforms around health care. They've done a tremendous amount to attempt to cover more citizens, to bring down the price of prescription drugs, to deal with the challenges of the insurance markets. But the fact is, even though that is a State that has done all it can, a State can't do it by itself. It can't do it one State at a time. What I hear from my constituents when I go back is, Please, do something about the health care system, and don't delay. Do it now. Get it done this year.

You talked about small businesses. Small businesses in my State and big businesses alike are really struggling under the cost of health care. It's a significant economic issue. It truly is. If we don't do something about the rising costs of health care, we're more uncompetitive as a Nation. More small businesses are finding that they're having to cut back on the coverage for their families or take away coverage completely. It's a huge economic issue in our State.

You know, one other factor we sometimes don't talk about around the economic issues is the number of people who might leave their job to start a business. I talk to a lot of constituents who say to me, You know, I would like

to start up my own business. I have got an idea. I even might employ a couple of people, but I wouldn't dare leave my job because I don't think I could be without a safety net.

So you have older workers who might choose to retire, you know, go on to their next stage of their lives, but they don't want to leave that health care insurance that they currently have. Or people who have good ideas, who want to go do something, and they say, I just can't do it without the safety net of health care insurance. I don't dare be out there.

Mr. TONKO. Well, it's interesting because I'm sure we hear it all the time. We recommend to high school students that probably their work stops throughout their careers will be four, five in number. It will not be that sustained one bit of loyalty to the employer and reverse to the employee that goes through an individual's work life career. And that is an important thing. If we profess that to be true, and we share that with these young minds, where we see that happening today in today's society where there are more and more shifts in careers, where there are golden opportunities to enter into another work opportunity, or where people are displaced, tossed to the streets, if you will, and lose their jobs, there should be that stability.

While the discussion by some has been framed an issue for the uninsured or underinsured, it's equally about those of us who are insured with the policy in hand. And what is really driving the issue here for many is catastrophic illness, where there is perhaps a huge demand on a family for medical expenses, and we are seeing more and more bankruptcies due to medical expenses as part of an American outcome, unacceptable outcomes in a land of abundance, as is the case in America.

□ 1945

So reform here is what we need. Status quo is unsustainable, absolutely unsustainable, and we need to go forward with a progressive sort of policy reform that will enable us to prosper as a society, via business, via families, via individuals, via our local governments and school systems.

Mr. CONNOLLY of Virginia. I would say to my friend from New York, Madam Speaker, that I think this whole issue of the distortions health care causes on the labor market really impede and constitute a significant barrier to the fostering of innovation and entrepreneurship in the United States because, as our friend from Maine just indicated, millions of Americans have to make decisions about where they will work and at what they will work, not because they think that's necessarily what they're going to be best at or not because they're willing to take a chance with a startup

company, understanding it might fail but, on the other hand, it might be the next Microsoft, but because they can't afford to because they have a pre-existing condition.

Forty-five percent of us who have health care insurance have a previous existing condition, and you may have a spouse or a child with a previous existing condition on that policy. And if you move to a smaller risk pool or, God forbid, no risk pool at all because that small startup or that small company can no longer afford health care coverage, you risk the catastrophic illness you just talked about, Mr. TONKO, which drives families into bankruptcy.

In my district, which is a relatively affluent district compared to many others, we had 1,430 families last year in the 11th Congressional District of Virginia who filed for bankruptcy because of health care costs. And no American family should have to face that kind of "Sophie's choice" over health care in America.

Mr. TONKO. Absolutely not.

As I mentioned, the President came to my district just yesterday and talked about the innovation economy and the emergence of innovation that is expressed through keen intellect out there, whiz kid ideas, if you will, that are fostered by these very sharp individuals who know with precision how we can enter into a high-tech sweepstakes and win that global race. Well, we can't saddle these people with the costs of health care that is unaffordable or deny their entry into the job creations that they want to provide by finding that the premium is going to be some \$13,375, as the Vice President's released study indicates. That is unacceptable.

Status quo also means that insurance companies will be calling the shots, that they will control your destiny. They will step between you and the medical community. They will continue to reap great profits that go toward marketing and executive bonuses and various other items. The first 26 cents now on the dollar are assumed to go for something other than health care. So status quo is not sustainable.

I know, Representative PINGREE, that you have been impacted by these issues within your district and have created a very strong voice for health care reform.

Ms. PINGREE of Maine. You know, it's interesting to come from a State where we have done a lot of insurance reforms and a variety of reforms. What I find is because we've been talking about it for such a long period of time in our State and because the State has moved forward on a variety of things, I find that the constituents in my district are very literate and very articulate about this. Wherever I go, they've got to give me a piece of their mind about the insurance company, and most of them have had some kind of an encounter.

We often talk about the number of people that are happy with their plan, but I've also heard people say, you know, you're happy with your insurance plan sometimes until you have to go and use it. And I am amazed at how many times I meet with people who say, I thought it was going to be there for me. I didn't realize there was going to be a cap on it.

An awful lot of people in my district are self-employed or they do a variety of different jobs. We have a tremendous number of fishermen. People work at woodcutting, a variety of different things, and they have \$5,000 and \$10,000 deductibles. Well, that sounds pretty good when you first sign up, but the fact is you still pay a very high premium and you've got to pay that first \$10,000. You do an injury to your knee or you do a variety of other things or one of your kids gets sick, before you know it, you've got to pay that first \$10,000 and you're still paying enormous premiums, and what have you got in the end? It sounds like kind of a way to get around the situation, but most people say to me in the end, you know, This idea of just catastrophic coverage, it really didn't work for me, or, The insurance company wasn't really there when I needed it.

I just want to go back to that point. A number of people who I talk to say—it's a tough economy. Maine is 38th in per capita income, so my district doesn't necessarily look just like yours. A lot of people are really struggling to put it together. A lot of people are seniors or nearing retirement age. But because it's a hardworking constituency, they'll say, you know, We do pretty well at making ends meet. I go fishing. I paint houses. I cut some Christmas trees. My wife sells crafts. We've got this little business or we want a tourist motel. We can almost put it all together and have a pretty good income. The thing we can't afford is that \$12,000 or \$13,000 a year for insurance. And my daughter's diabetic or my husband's got a condition; we can't go without it. And I just want to go back to that point that the number of people who work hard and say, I could earn a pretty good living, but what I can't afford is health care insurance.

When I look at my State, the struggling economy, the job loss—our unemployment numbers just went up, and we're all looking for the big extension today of unemployment insurance. But the fact is the single biggest thing we can do to revive the economy in my State is to have universal coverage for health care. And I don't care whom I talk to. If they're on the left or the right or they own a business or they work for a big company, that's the one thing we all agree on: If there were affordable health care, we could get by.

One other fact I just want to put out there, and we're talking about a variety of things today, is sometimes peo-

ple will say to us, well, you know, I don't want to have this kind of government health care. I don't want to have to pay for everybody else.

Well, if you're paying the cost of health care insurance today, at least \$1,000 of your \$12,000 to \$13,000 premium is in the cost shift of all the people who aren't covered or who don't have adequate coverage. I mean, thank goodness people get coverage when they get sick and they get to the hospital. But the fact is our hospitals are struggling under the weight. Our practitioners are having to cover a lot of people who just don't have it when they need it or the insurance wasn't there when they thought they did. So you're already paying at least \$1,000 a year in a tax, in a cost shift that's going somewhere else.

Why not make this a sensible system where everybody has early care and intervention and we emphasize wellness? It would make a huge difference in the economy.

Mr. CONNOLLY of Virginia. Absolutely.

In my district, I've started something called "house calls." In fact, CNN followed me around one day actually at it, saying, you know, it's not that often a Member of Congress makes house calls, but this one did.

What I did was sit around a kitchen table at a home with some neighbors in this particular neighborhood in my district and listened to stories. And while, obviously, there exists lots of considerable and legitimate fear and angst about what might constitute health care reform, what might be in a bill or not that we heard this summer, we also know there was also an awful lot of orchestrated noise to try to prevent the legitimate debate on health care sometimes and maybe to drown out these stories of average Americans and what they go through at the hands of the health care insurers.

So I'm picking up on what Ms. PINGREE said, but I am talking about those who have insurance, and yet time after time what I find when I go back to my district is stories, often horror stories, but certainly stories about capricious, arbitrary decision making.

We heard a lot of rhetoric this summer about I don't want a lot of government bureaucrats standing between me and my doctor and deciding on my medical care, and I think all three of us would agree with that. We don't want that either. There is a bureaucrat, however, if you're insured in America, standing between you, often, and your medical care, and that's not a government bureaucrat. It's an insurance bureaucrat sitting in a cubicle somewhere, looking for ways to shave costs irrespective of the medical requirements you may have, and sometimes and all too often irrespective of what the recommendation of your doctor may be in terms of best treatment

or testing or both. Time and again, we hear sad story after sad story of lack of coverage, capping the amount of coverage, refusal to allow testing or procedures, often for very arbitrary reasons.

One of the things I hope, and I know that a number of the versions of health care reform legislation contain, is that we will actually address that. We will rein that in. We will protect health care consumers in America from that kind of capricious behavior by insurers whose only motivation isn't your health or your best interest; it is profit.

Mr. TONKO. Absolutely.

Mr. CONNOLLY of Virginia. There's nothing wrong with profit, but profit ought not to be the driving motivation in the most important part of our daily lives: our good health and well-being. And it seems to me we ought to be putting America's health before the insurers' profit motive.

Mr. TONKO. Representative CONNOLLY, you talk about some of the hardship that befalls people because of these decisions by bureaucrats in the industry. Well, there are also those situations where they drop coverage because of illness, which is a dreadful outcome. And I think that the insurance reforms, the health care insurance reforms that are required in this package would address situations like catastrophic illness, requiring that there be no prejudice shown against those suffering with catastrophic illness; that there be this portability that if you change jobs, lose a job, you continue to maintain health care coverage; that there be caps on certain situations where you're not draining—for the bankruptcy purposes we cited here or just the economic hardships that befall families, you're not draining them of resources unnecessarily, and putting a cap of perhaps \$5,000 on an individual, \$10,000 on a family, allowing for that cap to be placed so there is that benefit that comes the way of our American families.

Putting no copayment onto wellness programs and prevention programs, that's a smart thing for us to do. We know that when we bring people into the network and emphasize and underscore the value of prevention, they will be all the better for it.

So there are all these dynamics that should be responded to by the legislation that we do here, by the policy we develop.

Representatives talk about anecdotes that are shared within their districts to them either through house calls, which I think are unique, and just in group meetings that are had. I can tell you recently someone told me of their premium going up 37 percent in a matter of 2 years and that now, because of catastrophic illness, the wife of this married couple whom I reference here is unemployable at the age of 60. Her husband is now the single wage earner,

trying to cover \$18,000 worth of medical expenses.

Now, is that the kind of outcome that we want to protect? Is that the status quo that we're supposed to fight for? Or do we go forward and champion causes that will remove this sort of situation from the lives of the American families that we have the fortune to represent?

I think that there is a better way, and this health care focus in this House has been strong about wringing excess costs and inefficiencies out of the equation and putting in those measures that control overimpacting our American families in cases of catastrophic illness and advancing the cause of wellness. That's what we can achieve here and not be ruled by myth or fear tactics but by facts and information that is fed us that is responsible development of public policy, I believe.

Mr. CONNOLLY of Virginia. You know, Mr. TONKO, a lot of folks who have health care coverage have to look at what is the trajectory moving out in the next few years.

Let me give you an example of a couple I met in one of my house calls. This is a gentleman with a Ph.D. His livelihood is to tutor high school students in our school system who need extra help trying to make their way in the academic career, but he's considered a contract employee and, therefore, has to get his own health insurance. He has no benefits.

Seven years ago health insurance coverage for him and his family of four cost \$4,000 a year. Absolutely manageable, easily fit into his budget. Seven years later, no change in his health profile, it now costs \$18,000 a year for that same family of four, and that includes no dental, no vision, and no drug coverage. He now has to look at the next few years of whether he has to drop that health insurance policy because he can no longer afford it because now it involves real tradeoffs economically.

□ 2000

This is not somebody who is abjectly poor; this is the middle class actually looking at terrible choices they never thought they would have to make regarding health care.

Mr. TONKO. And we have heard real-life stories that should affect all of us in our process here in the House. Both of you are strong voices for intelligent reform; and Representative PINGREE, I know you have a lot to add.

Ms. PINGREE of Maine. We have a lot of colleagues who are strong voices for reform; and most of us, every time we go to the supermarket, go to somebody's birthday party, the first thing our friends and neighbors and constituents say to us, We need to get the health care bill passed. What is standing in the way?

There is so much hard work going on here in dealing with many of the com-

plicated details. This is a major overhaul of the health care system. I commend my colleagues in Congress who are putting in a tremendous number of hours to get this right, and it is not easy to figure out and how to make it affordable for Americans. The stories that you talked about earlier are exactly what we hear everywhere we go. What we are trying to do now is put the finishing touches on a bill that will get us to that place.

I want to go back to the point you made about wellness. I have visited with a lot of the businesses in my district, many of which are self-insured. Those businesses are big enough to take on the challenges of health care themselves, and I am so impressed with the number of companies that are self-insured and say that wellness needs to be a critical component. What they have found as a business decision, the more you can emphasize wellness, good nutrition, smoking cessation, regular check-ups, some have fitness trainers on site, things we wouldn't consider as an early component, but they have realized that the more you can do to keep people healthy, to make sure that their workers and their families get tests, stay out of the hospitals, that is where we can cut significant costs.

That is one of the challenges that people are spending a tremendous number of hours trying to sort out. What does that mean to lower cost? How do you make sure that we don't do unnecessary testing, and that we pay our practitioners for keeping people well, not for hospital admissions and just the times we get sick. It is a major change that we are talking about here, and there has been a lot of thoughtful dialogue and debate, not the crazy talk that is out on some of the cable news shows, but serious dialogue about how to do this right, how to get real competition in with the insurance companies, how to help our small businesses to increase the number of people who are covered.

I have to say that in spite of the difficulties in making major change and crafting a big piece of legislation, I get excited when I think about it. I think about what would it be like to end this year and go back home to our constituents and say, We did it. We took a major step forward. We will no longer be the only Western nation that doesn't have civilized health care insurance, that hasn't worked to bring down costs. That it is affordable. It would be wonderful to say that to people.

I have to leave the floor, but I want to say in closing about my own district, we have talked a lot about the economic issues. When we talk about individual constituents, there is a part of me that believes this is a moral issue. It is a patriotic issue. It is a way of making sure that we understand

that in America, we are all in this together. If my small business fails because I struggle under the cost of health insurance, or one of your constituents goes into personal bankruptcy because of cancer or another illness that wasn't covered, that is not the kind of America that I want to live in. That is not the kind of place we want to be. We want to do this because it is right for our economy, but also because we believe it is right for America.

Mr. TONKO. It expresses the character of our society and of our Nation. Obviously, there are determined individuals who understand and acknowledge that we can't fix this system with slogans or sound bites or banners that are flown at various events. It needs to get into the weeds of detail and make certain that people are protected.

Ms. PINGREE, you make reference to small business, some 13 million people, nearly one-third of America's uninsured, are employed by small and medium-size businesses, fewer than 100 employees. That is a huge number. People say to me, if we do this insurance benefit, shouldn't people be working? I say they are working; they are not getting insurance coverage.

About 15 years ago, 61 percent of our small businesses and medium-sized businesses offered employer-based health care coverage. Today that number has dropped to some 38 percent.

So the signs are there. The patterns are being developed. We cannot continue with the status quo. It is unaffordable and not sustainable.

Ms. PINGREE of Maine. Thank you for allowing me to join you.

Mr. TONKO. Mr. CONNOLLY.

Mr. CONNOLLY of Virginia. Adding to what you just said, Mr. TONKO, if we do nothing over the next 10 years, the cost to small business for health care in America will climb to \$2.4 trillion. And that means that 38 percent that currently provide health care coverage will drop to something like 30 percent or below.

Mr. TONKO. And I am reminded with that statistic that the \$13,385 on average for a policy will grow to something greater than \$29,000. Unacceptable outcomes, and it will drive business into unprofitable situations. And it will wreak damage and pain and suffering onto our Nation and onto its families. So there has to be reform here. Absolutely there has to be reform.

When you look at it from our senior citizens' perspective, knowing there have been injustices allowed, the creation of a doughnut hole where constantly, we have talked about this, you hear from your senior citizens as constituents, where they reach in a few months the threshold where they are in that doughnut hole and they are paying out of pocket for necessary pharmaceuticals, it is unacceptable.

Mr. CONNOLLY of Virginia. It is unacceptable. Of course, an awful lot of

fear was engendered by misinformation spread over the summer about what would and would not happen to Medicare. No current Medicare benefits will be in any way negatively affected by any of the legislation that we are looking at. As a matter of fact, those benefits will be enhanced by the closing of the doughnut hole that you just referred to, Mr. TONKO. That is the hole that doesn't cover the price of prescription drugs at a certain expense range for senior citizens, meaning that their out-of-pocket cost for prescription drugs goes through the roof. They often have to make very difficult choices between food and drugs at the end of the month. We want to close that doughnut hole.

Mr. TONKO. Wouldn't you have expected the voice of advocacy out in the streets to scream and yell about that outcome when it happened just 5 or 6 years ago? But no one brought to the attention or carried any anger and expressed concern to the level that you hear today. And here is the situation we are attempting to correct, a wrong that was allowed to occur, and to close that doughnut hole to allow for more freedom and to have a sensible outcome.

At one of my health care forums in my district during this August recess, I heard from people who were not taking medications simply because of that doughnut hole. I heard from a couple again who testified at one of our forums that indicated for cardiopulmonary purposes the husband needed to take medication. It was a preexisting condition so it denied them insurance coverage, and they couldn't afford out of pocket to pay for the medications. So she cheerfully shared with us that he simply doesn't take it. It has put undue stress onto the family. It has caused economic hardship, and they are without insurance.

For those who would argue that that system should be maintained, I have my insurance, you go find yours, we are all paying. As Representative PINGREE indicated, we are paying for that uncompensated care, and I believe that is to the tune of some \$56 billion or \$57 billion in this country. That is a huge savings that automatically flips over to a benefit if we do wise health care policy reform.

Mr. CONNOLLY of Virginia. You know, in addition, if you actually enumerated the benefit enhancement for our seniors, Medicare stays not only intact; it gets better. We close the doughnut hole, making it easier for seniors to be able to afford and to access the prescription medications that they need.

We eliminate copayments for routine, preventive medical care, including screenings, saving seniors hundreds of dollars a year.

We improve and increase reimbursement payments to doctors who serve

Medicare patients, which is a complaint we often hear from our senior citizens, that because of reimbursement rates being inadequate, doctors put a cap on how many Medicare patients they will see. And in some cases they get out of business all together. Obviously, that is not a good thing for our senior population.

This bill addresses all three of those reforms, making Medicare benefits more generous to our senior citizens, protecting the benefit base they have got, and augmenting it. Unfortunately, some of the misinformation spread in the summer would suggest otherwise, creating needless fear and stress in our senior population which relies so heavily on an efficient and effective Medicare system.

Mr. TONKO. Right. And I think the sensitivities that we need to show to these various audiences are hampered when people are including in the discussion items that are simply not in the bill, or fabricating them in a way where they suggest that there are outcomes that would be very destructive.

So this has been a very unique effort because you are trying to share information with your constituents, which I think is valuable. They can constructively build this package with us. And at the same time, you have to dispel the myths and rumors and the misinformation so we can stay on that page of fact not fiction and do what is best for Americans, for all ratepayers and for all sectors of our economy.

We earlier talked about small businesses. When you think of the benefits that come if they can have better bargaining leverage as small businesses, there is a benefit there. Our larger companies and industries haven't seen the growth in premiums that our small businesses have. They are some 18 percent greater than the larger business community.

So what we need to do here is provide that benefit by pooling these resources, allowing for better leverage in bargaining for health care premiums to stay lower. Just with the report today that was issued, we had a growth in the last 10 years, New York State alone, they did a State by State measure, and 105 percent growth in premiums and a 44 percent growth in wages over a 10-year span.

Now, Representative CONNOLLY, I think we can all agree that is not a pattern that we can allow to continue because eventually the well runs dry, people become sicker, and the profit column is swelling for an industry that is standing between choices that should be made between a doctor and a patient.

Mr. CONNOLLY of Virginia. Absolutely. I think the numbers you just cited for New York State actually are higher than the national average, and there are regional disparities here in terms of the growth of cost. But what

we do know, based on the Kaiser Family Foundation study is that the average increase in insurance premiums over the last decade was 138 percent, far outstripping the rate of inflation and far outstripping, as you point out, the growth in wages and income. As a matter of fact, that was negative.

So there is no lodestone to measure what is happening in health care; but we do know that it is fast outstripping the ability of people's income to support, and it is far and away above the rate of any inflation index, and it is going to be pushing itself beyond the index of affordability in the not-so-distant future if we don't do something in the way of health care reform.

I need to leave the floor, but I want to thank my colleague for his leadership and for providing us a forum for a civil discussion about such an important topic.

Mr. TONKO. Thank you, Representative CONNOLLY, for being a strong voice in this Chamber so as to move us all along that path of progressive reform, for an industry that is representative of every one of \$6 in the American economy. If it goes unchecked, in the short span of 30 years, it will be one in \$3. That does not make strong sense. It is a situation that will be a train wreck just waiting to happen.

Mr. CONNOLLY of Virginia. It is not sustainable. I thank my colleague.

Mr. TONKO. We thank you for joining us this evening.

As we look at the progress that we can make here, it is important for us to move forward with fact not fiction, for us to instill reforms in the insurance area that allows for catastrophic illness to be addressed so that it does not prejudice against American families that require health care insurance.

We need to move forward so as to provide portability for our American families, especially at a time when we profess that there will be career changes, job changes many times over in the work lifetime of countless individuals in this country, where if you lose a job, you shouldn't be denied your health care. Some 14,000 Americans per day are losing their health care. That is unacceptable in this Nation of plenty.

We can have a better plan. We need to make certain that wellness and prevention are underscored as very valuable, important tools in the kit that speak to the soundness of holding down costs. We do that by not allowing for copayments in that regard. We need to cap those situations that could be catastrophic by making certain that no more than \$5,000 or \$10,000 per family, some reasonable measure be there, to restrict the payments that are demanded because so many families face bankruptcy.

□ 2015

I know that if our health care measure were approved as represented be-

fore the House here, some 1,200 families in my congressional district alone would escape the woes of bankruptcy because of medical expenses.

These are issues that face America each and every day. The business community has been paying stiffly for this sort of lack of reform. Some 40 percent of our business community is reported spending more than 10 percent of their payroll on health care costs. That is a pattern that is only growing worse with time.

And our seniors have been treated unfairly, with concepts like a Medicare part D doughnut hole, situations that find them in a very few weeks into any calendar year paying dearly for pharmaceutical needs that are a life-and-death choice for them. They shouldn't limit or fractionalize what they're taking. They shouldn't avoid the pharmaceutical needs that have been required of them by the medical community.

Those are situations that need to be responded through in this debate that hopefully will be factual, that will be fair, that will be based on soundness rather than fear tactics; those that might divide this Nation unnecessarily, that may impact the chance to really reform a situation that for decades has been talked about.

I applaud the President when he said he wants to be the last President to attempt this effort and fail. He wants to achieve success for the Nation. For decades we have had many an administration push for reform but it has failed because I think there are those who resist change simply to resist it rather than open up to the discussion and the dialogue and the debate in honest measure that needs to be had so as to move forward in progressive format.

Madam Speaker, we of the freshman class thank you this evening for the time allotted. I now yield back the remainder of my time and appreciate the opportunity to discuss what I believe is a critically important issue, that of health care and insurance reform here in America.

#### ACORN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Thank you, Madam Speaker. I do appreciate the time.

There's so much going on and we've heard so much about community organizations, actually in the last year as we heard then-candidate and Senator Obama talking about community organizations being the way to go. I think it's wonderful—community organizations. I'm a member of a number of community organizations. None of them pay me, though. We do the things we do in the community organizations

I've ever been a part of because we care about the community. We have jobs, we work, and then on our own time, without being compensated, we try to help others. We do it through church. We do it through all kinds of civic organizations.

So this whole thing of community organizations has been a bit of an anathema to me, an enigma, a riddle within a riddle; a community organization of volunteers who get paid to do some kind of organization. It's a strange thing.

As we've heard more and more about this group ACORN and the vast amount of money that it has been receiving from taxpayers, it becomes even more of an interesting enigma. Getting taxpayer dollars from the government, over 50 million, from people who are working and also being part of community organizations and churches and charitable institutions and helping their communities, they're working and they're paying taxes and they're also organizing and doing charitable work, and then come to find out their tax dollars are paying a group which has many, many other aspects to it to go around and basically try to undo the type of things they've been doing. It's really a strange phenomenon, ACORN. And from one acorn, we know that many nuts can grow.

As we think about and anticipate the work being done by ACORN, we find out, well, they go out and help people to know what their rights are and sign up for different benefits. I have seen my good friend from Iowa (Mr. KING) show the photograph he took down in New Orleans that had a big 2008 Obama sign in there. Well, wait. Charitable organizations, they're not supposed to be involved in politics. In fact, any other group seems to have the Federal Government come down rather strongly against them if they start engaging in politics. But apparently that applies to others and not ACORN.

I've also been amazed, Madam Speaker, the responses of some within ACORN saying, You set us up. You came in.

Yeah, they came in with a camera and began to ask could they get help to set up a prostitution ring of underage children with illegal immigrants coming in. At some point you would think people of morality, people of ethics who were organizing communities for the good and the uprightness, the righteousness, the goodness, the morality, the really growth within the community would have immediately said, Do you not understand what prostitution does to children? Do you not understand that it robs them of their childhood? Do you not understand how abusive that is to female children and how that destroys their adulthood as women? Do you not understand that you're a parasite if you're living off of young children in a prostitution ring?

Or women for that matter. You're a pimp; you ought to be disgusted with yourself, because we certainly are.

We saw none of that in any of the videos. The reaction seemed to be the same: Well, how can we help you to get over and to make money as a parasite? It's like this was a parasitic organization trying to help someone else also be a parasite.

The outrage should not have been to anyone who exposed that kind of mentality within all these different organizations that are a part of ACORN but the outrage should have been, How could this be? How could a group like this be getting hard-earned tax dollars?

I'm pretty sure that most people around the country who have jobs and are struggling would like to have their own money back. I imagine they would like to have that \$53 million back if they had known that it was going to be for folks who helped other groups and other individuals conduct illegal activity.

But there was no remorse. You see the video and you wonder, Where is the outrage? You're community organizers and you've got no outrage? Do you have no soul? Well, of course they do, but they don't show it. Is there no still small voice that speaks and says, This is wrong? They're talking about prostitution among children. They're talking about things that are completely against what we believe in in America; everyone fulfilling their great potential and becoming all that they possibly could be. Very tragic. Very tragic.

But then again, we've seen lots of slings and arrows hurled at one Member who was sitting right back here in the House who yelled, You lie. That was inappropriate. That violates the rule. But when you take it in context, the individual that came into this House, as an invited guest into the people's House, had just said that critics of the President's plan were not engaged in, quote, honest debate; that we were using, quote, scare tactics. He said that many of those who were hosting him here were making, quote, bogus claims; that we were making wild claims; that we were engaged in, quote, demagoguery; engaged in distortion, acrimony.

The President said we were cynical and irresponsible in the manner in which we were criticizing his plan. He said that facts and reason were thrown overboard. He said we were robbing the country of opportunity; we were killing the President's good bill. And he actually used the L word right here on the floor just a couple of sentences before the L word was used by our friend JOE WILSON. The President said, It's a lie plain and simple.

When you set that tone, you come into somebody else's house as an invited guest and you set that tone, what does that tell the people around you?

You think it's okay to talk like that, to accuse your critics of being like that. You set the groundwork of making it okay to say those kind of things about people who happen to disagree with you.

We've seen the footage of the President telling members of ACORN, You're going to have a place in my administration; you're going to have a stake; you're going to get to participate. There has been plenty of involvement with ACORN. It was not like it was a new entity to the President as it was to many of us.

And so you have to wonder a bit about judgment. If that's the judgment of whom you want to be the stakeholder, of whom you want to give you advice and help you in the administration, then you have to wonder, Well, is that the same kind of judgment being used to pick people who are czars, who have no accountability to anyone but you? Because that seems to be kind of where ACORN was.

□ 2030

So we've got over 30 czars, and they fall into the same category as this lack of accountability. I don't care what group you are, Madam Speaker. I don't care where it is or what's involved when there is no accountability. We know from the Old Testament that the only man in the entire Bible to have been said to have had a heart after God's own was King David and that, when he had no accountability, the man who had the heart after God's own could commit horrible offenses.

Well, you have an organization like ACORN, and there is just complete unaccountability. There's not only unaccountability. We're going to give you all kinds of power. We're going to make you the stakeholder in this administration. We're going to let you organize America to fit your own image. Well, that's a little scary, but when there's no accountability, that's where all of this goes.

So I am pleased to see friends who are also wishing to address this topic. I'll recognize them in a moment.

I see a sign: "ACORN Goes Nuts." As I just pointed out, from one acorn, we know many nuts can grow.

With that, I would like to yield to my friend from Texas (Mr. CARTER), Judge CARTER.

Mr. CARTER. I thank my fellow judge and friend from Texas, first off, for being here to start this, because I was across town, and was fighting the traffic to get back. I apologize for not being here on time, but sometimes things don't cooperate around here like they should.

We're starting off by talking about—and I think you've probably told people we're again addressing what we've been addressing every week now for probably 12 or 14 weeks. It's very simple that the rule of law must prevail in

this country. That means that we have to have rules both of this House, of this Nation and of our States. We have to abide by those rules. The failure to abide by those rules has to have consequences. So we've been talking a lot about internal things that go on with the Ethics Committee and so forth here in the Congress. Now, tonight, we're talking about some things that are in the news that, once again, are under the subject of the rule of law. It puts a bright light on an issue that we really need to be concerned about, and that is the issue with ACORN.

I think, probably, an awful lot of people have seen this video, what we have right here. I know, if they watch Fox News, they've seen the video, but I think now it's being shown on other stations. It's of these actors who pretended to be a pimp and a prostitute, who went to ACORN and asked for their advice on housing and taxes. They were basically given a hand on how to do things—on how to do fraudulent activities, on how not to get caught, on how to beat the system, on how to be able to run a child prostitution ring, and on how not to claim those people as dependents because you don't want people to know about them—all kinds of things like that, things from an agency which is supposed to be there to help people, an agency which is supposed to be law-abiding, which has received \$50 million worth of American taxpayer money to help fund that organization, and which is standing in line right now, based upon bills that have already been passed through this House, to pick up another \$8 billion—with a "b"—as a potential that could go into ACORN's hands as community organizers.

This shocking event happened not just at one place but in Baltimore, Washington, D.C., New York, San Bernardino, and San Diego. They all have videos showing this.

Mr. GOHMERT. If my friend would yield for just a moment.

Mr. CARTER. Of course I will yield.

Mr. GOHMERT. With regard to the \$8 billion that is discussed for which ACORN may be eligible, actually, if you look at H.R. 3200, which is the health care bill that is out here in the House, there is a provision that requires that the Secretary provides information about the Federal plan and also signs people up for the Federal health care plan. That provision is in there, and I haven't been able to find any kind of limit on how much may be available. It's typical ACORN-type language because it says basically that the Secretary may hire other entities to assist in providing information and in signing people up.

Of course, in the House version, we know there was no enforcement mechanism. If it's ACORN that's paid, it could be \$100 billion. We don't know how much would be allocated under

that provision to hire people to go out, to spread information and to sign people up. We know there was no provision for them to check on whether the people they were signing up were actually lawfully here. Yet, for what amounts could be spent under H.R. 3200 for ACORN to get them to go out, to provide information and to sign people up without checking their legal statuses, it could make \$8 billion pale with that amount.

I yield back.

Mr. CARTER. Reclaiming my time, the only thing is that the \$8 billion right now was in the stimulus bill and in some of the other bills, and it's available to be played with right now; whereas, H.R. 3200 has yet to pass this House. We anticipate it might. If there's a party line vote, it might pass this House. You're right. There is additional funding in that bill.

As we talk about this scandal, which is a scandal that has broken on national news, let me point out that the Committee on Oversight and Government Reform of this House found that ACORN had committed the following offenses: voter fraud, tax evasion, obstruction of justice, aiding and abetting, embezzlement, investment fraud, use of taxpayer funding for partisan political activity, and Department of Labor violations.

Now, these are all things that have been raised by the Oversight Committee, the named "Oversight Committee" of this Congress. So, as we've talked about these various issues that involve the rule of law, what we want to do and what, I think, is necessary for this Nation to do is to—you know, a lot goes on in the dark, but when you put sunshine—sunlight—on an issue, you get to see a clear picture, and that's what we're about here. We're about putting sunshine on the issue so you can see a clear picture. This clear picture is awful. This country and anyone who stands up for this group of people should really be having second thoughts.

So here are some other issues that are listed, and we'll go into these, but I see my friend VIRGINIA FOXX is here.

Would the lady like to claim a little bit of our time?

Ms. FOXX. Well, I would.

I want to thank my two colleagues from Texas for beginning this hour, and I am glad to talk a little bit about this.

I think what you're bringing up in terms of the Committee on Oversight is extremely important in terms of what it has found out. I have found that people have been a little bit fooled in the last week about actions having been taken in the Congress, and I thought I might highlight that issue a little bit.

I know I heard several times on the news last week that the House has voted not to continue to fund ACORN, that the Senate has voted not to con-

tinue to fund ACORN and that Congress has voted not to continue to fund ACORN. So I think it's important that we explain exactly what happened last week because people don't have the full picture.

What really happened last week was our friend over in the Senate, Senator COBURN from Oklahoma, put an amendment on the Transportation and HUD appropriations bill. That's what I understand. If I don't get this exactly straight, I hope you two will help me get it straight if my memory is not as good as I'd like it to be. He put an amendment on that bill, an appropriations bill, that said that ACORN would get no more funding through the HUD appropriations bill.

What happened in the House is that we were dealing with a bill which I found extremely offensive—the bill that would do away with banks being able to make loans to students who were going to college and setting up the Department of Education as a banker for students who want to borrow money. What we did was to put an amendment on that bill to say funding would no longer go to ACORN. That bill passed with a large vote, so there are people out there thinking, Okay. Great. We're defunding ACORN. What has actually happened is the defunding of ACORN in one particular category in the Senate and the defunding of ACORN, period, out of the House. Now what has to happen is we have to have language that's exactly the same in both Houses.

So what I explained to some people on the radio show that I was on was, yes, it's an easy thing for Members of the House to vote to defund ACORN. They know that bill is going to go over to the Senate. They know that it's probably not going to be in the Senate version of that bill. If the Senate were to pass a bill related to loans for college students, it would most likely be very different from the bill that passed in the House. The two bills would go to conference. In the conference, very conveniently, the section on ACORN would simply disappear. As I explain to people, that happens all the time. The folks in charge over here let something pass, knowing full well it's never going to become law.

So those who thought that ACORN was going to be cut out of its continued funding from the Congress think that based on the news accounts from last week, but I think it's important that people know that that isn't the case. If they're interested in stopping funding to ACORN, what they need to do is to write their Members of Congress and say, "I want you to vote to defund ACORN, and I want you to find a vehicle to do that," because we can pass lots of bills over here. Then people can go home and brag about it and say, "I voted to defund ACORN," and then it never happens, and they're given credit

for it, knowing full well it's never going to pass in a bill that would go to the President for his signature. So I think it's important.

I also want to say that I think ACORN is a symptom of the problems with the way Congress is now operating. The Federal Government was established to provide for the defense of this Nation, and that's what we are here for. What has happened, particularly since the mid-1960s, is, I guess, many Members of Congress, to justify their being here, thought that the Federal taxpayers were providing a giant piggy bank to the Members of Congress. They thought we could take their money and could spend it any way we wanted to. We've gotten way off target.

One of the reasons that ACORN can do what it has been doing for the last 15 years is that there is such inadequate oversight, because we're simply funding too many different kinds of projects. We need to pull this Congress from where it is now—funding lots of things we have no business funding—back to the essential job of the Congress, which is to focus on national defense. I know it won't be done in this session of Congress because there are too many people of a different philosophy than of the three of us, but I'm hoping that after the 2010 election that we will find more people of like mind with us who will understand the reason we have a Congress and who will say to their Members, You need to focus on national defense. If there are programs like ACORN, community organizations which need to be funded, let's let the local and State governments do that.

With that, I yield back to my colleague from Texas.

□ 2045

Mr. CARTER. Well, I thank the gentlelady for giving a good explanation.

Leader BOEHNER, Leader JOHN BOEHNER, the minority leader of the House has asked NANCY PELOSI for a stand-alone bill that will clearly define no funds go to ACORN from any source. That's going to be difficult.

Ms. FOXX. It's my understanding there is a stand-alone bill. It is up to the Speaker now to call that bill up from committee and then up for a vote; is that correct?

Mr. CARTER. That's correct. There is a stand-alone bill, and he is calling on the Speaker to call it up. If the Speaker doesn't call it up, he is going to ask for a discharge petition so that we can force it to be called up for a vote. If we maintain the vote we got before, then we will have evidence that now this Congress overwhelmingly says ACORN is through.

Although I think you have given a very adequate description of the politics that may be involved in this issue, let's go back to right and wrong, and, unfortunately, you can vote to make

things sound like they look right when, in reality, the results come out wrong. I think that's a perfect point.

Ms. FOXX. Would the gentleman explain a discharge petition? I think that would be helpful.

Mr. CARTER. Yes. If you get enough votes to pass the bill that says I want this bill voted on, any Member can file a discharge petition asking that that bill be voted on. If he gets enough people to sign his discharge petition that it would pass, by the signatures on the discharge petition, then it will be called up against the ruling of the majority party.

Ms. FOXX. Would it be safe to say that the true measure of whether somebody wants to defund ACORN is whether he or she signs that discharge petition?

Mr. CARTER. That is true.

Ms. FOXX. Not whether he or she voted for the Republican motion last week.

Mr. CARTER. That's absolutely correct. That is a good point.

Mr. GOHMERT. It would be typical here in Washington also to have public outcry and say we just fixed the problem. We are not going to let ACORN be funded with your hard-earned tax dollars anymore where they go spend it as we have been finding out how it's been spent, when, apparently, there may be a couple hundred related agencies or groups to ACORN.

It's not enough. Now know, if you are treating ants that are just killing everything in your yard, it's not enough to just go take care of the ants in one area; they move right over to another area. And that's what you have got with ACORN. There are so many fingers reaching out into so many other pots, it's going to take a full oversight and lots of investigation to get to the bottom of just how many organizations are tied to this and where all the money has gone.

Now, it's one thing to say, oh, no, we will do an internal audit, which now they have come around to finally saying they will do, but that's not good enough when you are using taxpayer dollars. It's never a good time to do that, but especially now when taxpayers need their tax money more than at any time in decades.

It's not enough to just say we are going to defund ACORN. They can just go right into another entity that they are already related to, still continue to get billions or tens or hundreds of millions of dollars.

It's going to take a full investigation into all the different fingers that reach out there, and what are they doing? I mean, we have seen video on a number of ACORN offices. We have seen the charges brought of a criminal nature against, as a friend from Texas said, voter fraud, tax evasion, obstruction of justice, aiding and abetting, embezzling, investment fraud, use of tax-

payer funding for partisan political activity, Department of Labor violation.

We know about those with ACORN, but what about all the groups they are related to? What have they done, and how much money have they got? Those are all things that need to be investigated. We need to get to the bottom of it. Before my friends came in, I was pointing out I have been a community organizer. I have been a part of community organizations that helped to organize community and take people food and help them, take them to voter registration, do all kinds of things to reach out and help, to visit in the hospitals, to just do ministering stuff. But we never had the government pay us to do that. It was all voluntary stuff because we deeply cared about the community.

There is something to be said when the motivation is a paycheck from somebody that's out there working and helping the community and yet their tax dollars are being taken away from them. It would be called theft, except we passed a law to legalize that theft of taking their money away from them, even though they don't want to give it up, and then giving it to groups like ACORN that are going in an entirely different direction and actually working at great odds with the very things that people are volunteering to do with their own time.

Mr. CARTER. Just look at this chart right here. Colorado, vote fraud, multiple counts with convictions. Florida, vote fraud, case pending. Michigan, vote fraud, multiple counts with convictions. Minnesota, vote fraud, multiple counts with convictions. Missouri, vote, mail fraud, identity theft, multiple counts with convictions. Nevada, vote fraud, multiple counts pending. Ohio, vote fraud, multiple counts with convictions. Pennsylvania, vote fraud, multiple counts with convictions. Washington, vote fraud, multiple counts with convictions.

So not only are there allegations of fraud, identity theft and other things, there are people who have been convicted by a court of those offenses. Realize that American taxpayer dollars go to fund every one of those organizations. There are, by the stimulus package and other things we have created, there are multiple grant applications out there in this spider web that Congressman GOHMERT has so adequately described where there are all these offshoots, all these 501(c)(3)s out there that are nonprofits, with nonprofit status, and yet they can push up the money to the mother ship, if you will.

It's a real issue. It's an issue that, quite frankly, a team of very capable people at the Justice Department should be looking into, busting up as much of it as they can. But our job, from what we are trying to do here tonight, is let people see what's there. It's bad. It's awful.

Ms. FOXX. I wanted to point out one more way that the public could hold their Member accountable. We have heard a lot about the issue of accountability, particularly from the President, yet we have seen almost nothing in terms of real accountability measures being put out there.

But as our colleague from Texas pointed out, Leader BOEHNER has said if the Speaker does not bring up the stand-alone bill that he has introduced, he is going to file a discharge petition.

Well, getting to the point of filing a discharge petition takes a long time and, again, many people will go home and say to their constituents, well, I voted to defund ACORN, but they know full well that that provision in that bill will be dropped out in the Senate or in the conference.

But, Leader BOEHNER has introduced H.R. 3571. It's entitled the Defund ACORN Act. If people want to know how their Member really feels about this, then they should ask that Member to sign on as a cosponsor to H.R. 3571. Then, if H.R. 3571 doesn't get taken up to vote on it on the floor, then they should sign the discharge petition.

Many people have the understanding that all you have to do is have 218 people sign on to a bill and then it automatically comes up for a vote. I have had to explain that to a lot of people that it's completely in the control of the Speaker whether a bill comes to a committee or comes to the floor for a vote. I have been on lots of bills that have had over 300 people as cosponsors and the bills never come up for a vote.

So I would say to any of the public who are watching us tonight, if you want to know, again, how your Member really feels about ACORN, then do that.

But, of course, we understand that much of the—I don't want to call them mainstream media anymore, because I don't think they are the mainstream media. I think the three dominant networks plus one of the cable networks, many of the people who watch that, those channels, don't know anything about ACORN because those media outlets have not been talking about ACORN.

So we have a real problem in this country with selective reporting of things that are transgressions by our colleagues across the aisle. I know that we have lots of data on that. We want everybody to be treated fairly, and we know that many times when there are shortcomings on the part of our colleagues that it never gets reported in the national media except for one or two newspapers or one or two TV stations or radio stations.

Thankfully, more and more people are paying attention to those, so we are getting the news out. And I just wanted to point that out that if somebody is watching and they want to

know if their Member is serious about doing something about ACORN and they voted for the bill the other day, then they should ask them to sign on to H.R. 3571 introduced by JOHN BOEHNER, and already cosponsored by, I think, most of us, and also if a discharge petition comes up, to sign the discharge petition.

Mr. CARTER. Let me point out one thing. You made a very good point, Congressman GOHMERT, when you said this internal audit thing isn't going to get it done. That's right. Let's just look at what Government Reform has discovered with the discovery they have done.

First, ACORN has evaded taxes, obstructed justice, engaged in self-dealing and aided and abetted the coverup of embezzlement by Dan Rathke, the brother of ACORN founder Wade Rathke.

Second, ACORN has committed investment fraud to deprive the public of its right to honest services and engaged in racketeering enterprises affecting interstate commerce.

Third, ACORN has committed conspiracy to defraud the United States by using taxpayer funds for partisan political activities.

Fourth, ACORN has submitted false filings to the Internal Revenue Service, the IRS, and the Department of Labor in addition to violating the Fair Labor Standards Act, FLSA.

Fifth, ACORN falsified and concealed facts concerning an illegal transaction between related parties in violation of the Employee Retirement Income Security Act, ERISA.

Now, all those things, in addition to what we have discussed, and an internal audit has already been done once with no information released. Basically they look at their own books and say, We are just fine.

We should have a full external audit of the books at ACORN and, quite frankly, I believe the Justice Department or this House should be involved in subpoenaing all the records of all the entities that are involved in this, and we should lay this picture out on the table, which brings us to another issue that I want to talk about.

ACORN, we can talk all day and all night, but there is a new thing out there that our colleague from Texas, RON PAUL, Congressman RON PAUL has brought out, and that is holding the Federal Reserve accountable; H.R. 1207, Congressman RON PAUL's bill that's pending before the Congress and trying to get the Federal Reserve audited.

Congress has given 700 billion in the Bush TARP, 787 billion in the Obama stimulus funds to the Fed. Congress and the taxpayers have no way to independently verify how those funds have been used. The American public wants to know what is happening with that money. The American public doesn't want any more double standards.

Quite frankly, this is a bipartisan bill, because, quite frankly, RON PAUL points out that 1207 is sponsored by Congressman PAUL but has 290 cosponsors already. Obviously there are Democrats and Republicans on this bill. There is going to be a full hearing on this on Friday.

And I think people back home want to know, in fact, I got asked that the whole time I was home in August, and which I, if you recall, had said that on the floor of this House more than once, Where's our money? Where is it? What's happening to it?

The stimulus isn't being spent at a rate we were told it would stimulate the economy. Special projects are being funded. Where's our money?

□ 2100

And, then, what we forget is the Treasury and the Fed can independently pour more money into the economy. And I don't even know the number, but it could approach trillions of dollars.

Mr. GOHMERT. If the gentleman will yield.

Mr. CARTER. I yield back.

Mr. GOHMERT. The question, Where is our money, is extremely important. And another question is, What have you committed us to? We ought to be able to know that. You know, the Constitution says that the Congress will be the one who holds the purse strings. They felt like with two Houses that was a good check and balance to holding the purse strings. This many people would be that envious and that careful. That was what they thought.

But I love what our friend Newt Gingrich has said: if transparency is good enough for the CIA, it ought to be good enough for Federal Reserve. Even more so, of course. But the Federal Reserve is committing money, and we don't even know the full extent that they're committing it to. And this isn't like in the earliest days with Alexander Hamilton—and I just recently finished a biography on Hamilton. When they were trying to get the banks going in America in the earliest days, guys like Hamilton were broke, yet you see nowadays we've got Goldman Sachs had their biggest profit in history in the second quarter.

We don't know all the ties there. We know that, apparently, our Treasury Secretary has said it's okay to have someone overseeing the spending of the TARP money as applied to Goldman Sachs, who happens to own Goldman Sachs stock, and he will waive the conflict there. But it's like ACORN: there's so many little fingers going in all these different directions.

We need full transparency. And, goodness sakes, if this government, if this Congress cannot force the Federal Reserve to come clean and be fully accountable, then we're in a lot bigger trouble than most anybody suspects right now.

But I believe my colleagues are cosponsors. I will let them speak for themselves, and yield such time as they may need.

Ms. FOXX. Let me point out, again—and our colleague from Texas has a chart, and I will turn it over to him in a second—but the bill calling for an audit of the Federal Reserve, as you have indicated, Mr. GOHMERT, has 290 cosponsors. That's more than enough to pass that bill. Yet Speaker PELOSI has gone very slowly on holding hearings.

I hope very much that there will be that full committee hearing on Friday. I know that Chairman FRANK has offered to hear the bill; and I hope that will happen, because that's what we need.

It's obvious that a lot of people in this country are very concerned about the role of the Federal Reserve. We're at a stage in this country where we owe more money than we have ever owed in the history of this country.

Our deficit is going to hit almost \$2 trillion by the end of this month. Our long-term debt is just so large, it's almost inconceivable to think of. Our unfunded liabilities from Medicare, Medicaid, Social Security, and what this Congress continues to do, in the control of the Democrats, is spend, spend, spend. Almost every bill that comes up before us is something that will authorize or appropriate money. And they passed the largest budget that has ever been passed in the history of the country.

It's really scary because people can't understand where this is leading. I know that Chairman Bernanke said he would not monetize debt, yet that's exactly what he's doing. The way that things are going in a circle around here, we're borrowing money from ourselves day after day after day, and it is high time that we had a very, very good audit of the Federal Reserve. And I am in very strong support of H.R. 1207, and I'd like to yield to my colleague, Judge CARTER.

Mr. CARTER. Well, what our chart here shows, since 1913 the U.S. dollar has lost 95 percent of its purchasing power. The Federal Reserve has many privileges of government agencies, but many benefits of private organizations.

H.R. 1207 would open the Fed operations to enhanced scrutiny. The Federal Reserve Transparency Act would achieve much-needed transparency of the Federal Reserve. Under H.R. 1207, we would audit the Federal Reserve system and the Federal Reserve banks by the end of 2010. The Comptroller General would submit a report to Congress within 90 days. The report would include recommendations for legislative or administrative action.

On July 30, RON PAUL asked, Why are Wall Street and the Fed so hysterically

opposed to H.R. 1207? Just what information are they so anxious to keep secret? Only an audit of the Federal Reserve will answer this question.

When you really get down to it, when it's our money and they have the ability to dump money into our economy by printing it, then with—with the help of the Treasury—then what's so unreasonable for asking for an audit? I think that's a perfect point.

I'll yield back to Judge GOHMERT.

Mr. GOHMERT. I appreciate the point, because you would think it's such a matter of common sense but, as people know, sense is not so common around this place.

It was in fact in a hearing months ago that the Federal Reserve, in an effort to get the economy going, may have pledged as much as \$9 trillion to get us going. That's what motivated me to inquire how much money will be paid in for the whole year of 2008 in individual income tax. And I found out the projection was around \$1.21 trillion.

When we heard it was trillions that the Federal Reserve and the Treasury were committing us to to get things going in the economy, and we're going to receive \$1.21 trillion in income tax, individual income tax for the year, I thought, Wow.

Instead of having two guys over Treasury and the Federal Reserve just obligating, signing this country's life away through all this money here and there, what if they just said, You know what? If you earned this money, instead of paying tax, you're going to get it all back? You talk about making the economy explode.

You don't need a guy over a Federal agency trying to figure out what to do with trillions of dollars we don't have. If you gave the American public their own money back, you would see the economy explode.

Moody's did an independent study that indicated that would increase the GDP more than anything else in one year. Yet we're still playing games months later trying to find out what the Federal Reserve and the Treasury Secretary have committed us to in the way of debt, just to try to, on their whims, get us going.

Now, we know it's made some people rich, like Goldman Sachs, since this big devastation of the economy occurred. But rank-and-file Americans have not found that to be such.

I yield back to my friend from Texas.

Mr. CARTER. Thank you. I thank the gentleman for yielding. And as we talk about all this, we don't want to forget what the President told us when we started out in his new administration: I campaigned on changing Washington and bottom-up politics. I don't want to send a message to the American people that there are two sets of standards, one for the powerful people and one for ordinary folks who are working every day and paying their taxes.

And that's what this group—basically, we have taken the President's charge, and that's what we're doing every first night of the week, talking about helping the President do what he said he wanted to do and what he said he wanted to do in his administration: show that there's no special treatment for one who is a Member of Congress and one who is Secretary of the Treasury versus one who lives in east Texas or one who lives in North Carolina. They all should be treated the same, which brings us to the fox watching the henhouse.

Mr. GOHMERT. If I might, before you go to that poster, reclaiming my time just momentarily, because we've talked about it, I know what you're about to bring up.

On Friday, I met with a gentleman in my district named Mr.—and he said I could use his name—Mr. de la Torre. He said de la Torre is Spanish for “of the tower.” And he's proud of his name; he's proud of his heritage.

He has a sheet metal fabrication business and employs four full-time employees and four part-time employees. And when the economy hit so hard and devastated everybody, he did not want to let his employees go because they were good, hard workers. But he could get no loan. He had no money in his account, and nobody would loan him money.

And so being as honest and forthright as he was, he notified the Treasury that, I don't have any money. Nobody will loan me money. I don't want to drop these employees. I want to keep them employed, but I'm going to be late making my quarterly payment.

What the Treasury, the IRS, let him know is, That's too bad. We're coming after you. We want penalty and we want interest. And this man, who was able to keep his employees, his four full-time, his four part-time employees, still employed, but he was just late on his payment. The credit froze up. He couldn't get a loan. He couldn't get a line of credit. He didn't have the money. But he was honest and forthright. And what happened in return? They're after him. They have come after him, and they're threatening to seize anything he's got. That will put him out of business and put his employees out of business.

With that set-up, I would yield to my friend to talk about special treatment for special people that apparently did not include Mr. de la Torre.

Mr. CARTER. Obviously, it didn't include Mr. de la Torre. And Mr. de la Torre was not treated the way the Secretary of the Treasury was treated.

I've been talking about others, but I want to go back to the Secretary of the Treasury, Mr. Geithner. The fox is watching the henhouse. He's the guy who's supposed to be watching over our money. Let's see what he didn't do.

He didn't pay Social Security and Medicare taxes for several years. The

IRS audited Mr. Geithner in 2003 and 2004, finding he owed taxes and interest totaling \$17,230. The IRS waived any penalties on Mr. Geithner. Could it have been because he was in the nomination process for Secretary of the Treasury? I think maybe so. I think so. It certainly wasn't your friend, Mr. de la Torre.

In 2008, they found he owed \$25,960. He used his child's time at an overnight camp in 2001, 2004, and 2005 for tax deductions. Sleep-away camps don't qualify.

Recently, he filed \$4,334 in additional taxes and \$1,232 in interest for infractions including a retirement plan early withdrawal penalty, an improper small business deduction, and the expense of utility costs that went for personal use.

Now, this is the guy that's in charge of our IRS. He is the Treasurer of the United States.

Now we talked about the Rangel rule, where Mr. RANGEL didn't pay his taxes and got no penalties and no interest assessed, which I find extremely curious. Now we ought to look at the Geithner rule. Mr. Geithner had interest assessed, but no penalties.

Now, what makes Mr. Geithner more special than Mr. de la Torre, which Mr. Geithner had to be found out by the IRS? Mr. De la Torre went to the IRS and said, Work with me. I have a going business. I have issues. I will get my money and I will pay you. And they said, Sorry, Charlie.

□ 2115

Now what's wrong with this picture? What should an average person back in their living room, back home, if they're watching this, think, that we've got special treatment for a man who comes from Goldman Sachs—is that where he came from?

Mr. GOHMERT. Well, he didn't. But he had been the former Chair of the Federal Reserve, which is an elected position by the bankers of that area.

Mr. CARTER. He originally was in Goldman Sachs, wasn't he? I think everybody who has been Treasurer for the last, I don't know, 20 years have been Goldman Sachs people. There's something interesting there, something we ought to look into.

Anyway, I want to know why Mr. de la Torre can't write “Geithner Rule” across his tax return and ask them to treat him this way, to let him be assessed with no penalties and interest which would drive him into the poorhouse. This is the kind of question I think the American people want to ask. I think they want to know, because the man they elected President said that he wasn't going to have a world where men and women of power got treated differently than ordinary citizens. That's why we are here. We're here fighting a good fight for what President Obama had promised this Nation would be the agenda of this administration. I think it's time to step up to

the plate and start swinging because these fastballs are getting thrown at us. They are coming in high, hard and inside, and we've got to deal with them. With that, I will yield back to Mr. GOHMERT.

Mr. GOHMERT. Well, in conclusion, I think there's nothing that says it better than President Obama did back on February 3, 2009: "I don't want to send a message to the American people that there are two sets of standards—one for powerful people, and one for ordinary folks who are working every day and paying their taxes."

Well, unfortunately that is exactly the message that's being sent as the Federal Government and the cronies that have surrounded this administration—they're getting away with all kinds of stuff, getting away with not paying taxes, not paying penalties. They're not producing jobs. They're killing jobs. Mr. de la Torre has a regal heritage. He was proud of that. He is a man of integrity. He wants to do what's right. Those are the kinds of people that make America great, and that is who deserves special treatment, not those who are parasites on the system.

#### THE 30-SOMETHING WORKING GROUP'S HEALTH CARE AND ENERGY HOUR

The SPEAKER pro tempore (Mr. KRATOVIL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be here. I will be joined shortly by a colleague of mine from Ohio (Mr. BOCCIERI) and maybe several others to talk about a variety of issues that I think are pressing the country right now and that we want to inform our constituents about and speak to the House of Representatives about. You know, I think it's important for us—and I think every time I've been on the floor in the past year or two, I follow some of our Republican colleagues, and I feel the need to just kind of clarify the record as to how we ended up getting to the spot we're at now.

I realize that in a democracy like this, we always have the opportunity to criticize each other, and I think that the beautiful thing about this democracy is that, you know, we do have the opportunity to come to the floor of the House of Representatives and speak directly to the American people, live on TV, live to all of our other colleagues, and speak in a way that is pretty straightforward. That's a beautiful thing about this country. But if we look at where we are today, and if we look at where we were just 7 or 8 months ago, our economy was on the brink of collapse. Unemployment rates were climbing at unprecedented rates,

where we were losing 600,000, 700,000 jobs a month. The stock market had crashed. The housing market had crashed. Our budget deficit just ballooned. And all of this was because of the policies, Mr. Speaker, that we had in this country from 2000 to 2008.

And if it weren't for an election in 2006, we would have went further over the cliff. Those are the facts of the matter, and the facts of the matter are that during that time, the House, the Senate, the White House were all controlled by Republicans. And we got the Milton Friedman, supply-side, Ronald Reagan, cut taxes for the wealthiest 1 percent of the people in the country and hope that health care would get fixed, energy would get fixed, and the economy would get fixed, and then people would get jobs at some point.

Well, it's important for all of us to recognize that we don't have to go to some theoretical schoolbook to figure out if the supply side Republican neoconservative domestic and foreign policy program works. It has been implemented, and it has been an absolute failure on all accounts, by all measures. Our friends on the Republican side now who say, Oh, my God, this health care bill that the Democrats are trying to push is going to cost \$800 billion, \$900 billion over 10 years. But it's important for us to recognize that it was the Bush tax cuts, that went to primarily the top 1 percent of the people in the country, that cost \$2.5 trillion over 10 years. So don't come to us about a health care bill that costs \$800 billion or \$900 billion, that would end up saving the country a bunch of money in the long run, end up fixing the health care problem, because you were the ones and they were the ones, Mr. Speaker, who were walking in lockstep, following George Bush right over the cliff, \$2.5 trillion in tax cuts, primarily to the top 1 percent over 10 years, bankrupted the country.

Now all of a sudden everybody's concerned about the budget deficit. All of a sudden, everyone's concerned about borrowing money from China. What we're saying is, the investments that we are going to make are going to stop health care projections from growing at 9 percent a year and try to bring some justice to the system so that average people can afford health care, so that average people don't get sick and then try to go get health care and an insurance company says, We can't cover you. You have cancer. But my cancer's fixed, the patient says. But it hasn't been gone for 10 years, so we can't cover you.

Or when we attempt to change the energy policy in this country—which my friend Mr. BOCCIERI has become an expert on because of his position in the military and his recognition of this as a national security issue—when we send \$750 billion a year from the United States of America to Middle Eastern

countries and foreign countries to buy oil—countries who don't traditionally support our views, our values or our Democratic principles—we send this every year to them, money that goes out of our economy into these OPEC countries. Then a couple of years ago, Mr. BOCCIERI, we spent \$115 billion or \$120 billion out of our defense bill to escort Exxon-Mobil ships and big oil ships, coming into and out of the Persian Gulf.

So all these tea baggers who want to stand up like they're the most patriotic people in the United States of America are saying, We shouldn't change our energy policy. We should just continue sending \$115 billion a year out of our defense budget to escort these big oil ships in and out of the Persian Gulf. Is that pro-American? I don't believe it is. Is it pro-American to allow health care to grow at 9 percent when our GDP grows at 3 percent so that insurance companies can make money hand over fist and deny American citizens coverage?

I'm going to ask you a question: Where are the family values there, Mr. Speaker? That we want the government out. The only entity left to protect people who are getting screwed to the wall by the insurance companies is the government. We need to make rules to make sure that these people, these insurance companies stop hurting people. They're hurting people.

Now I'm sorry, but we had to listen all August about all this nonsense that's going on. In Ohio's 17th Congressional District, we will have 1,600 families go bankrupt next year if we do absolutely nothing about health care. Now I'm sorry. That's not right. And if we have to act and maybe take on the insurance companies, then so be it. Let's clean this up, what's happened in this Congress and with this new President over the last 7 or 8 months, let's clean this whole thing up.

We've taken on the big oil companies. We're taking on the big insurance companies. We're taking on the big pharmaceutical companies. Today we extended unemployment benefits for another 13 weeks so that average people who can't find a job will have a little peace of mind for 13 more weeks. That's what we've been doing. Our policies have been clear, Mr. BOCCIERI. We're not hiding behind them. We're trying to reduce our dependency on foreign oil, bring that investment back to the United States, take money out of the hands of the insurance companies, bring it back to the average people so that they have better health care, and transform our country, get us ready to go.

We recognize that there are going to be some powerful interests that aren't going to be for this. But tough. Tough. You can't make money on the backs of human beings, of American citizens, and think it's okay because it's not.

And we are going to do something about it. You can scream and yell. I want to just ask one question. These people talk about, where's our liberty, where's our freedom? Well, first of all, we're giving you more choice in your health care. But where's our liberty? Where's the liberty and where's the freedom of the United States citizen that's sick and can't get health care? How free of a citizen are you? You're not free at all because you're sick. You're in your home. You're in a hospital. You're in a nursing home. There's no freedom there. So you can talk freedom all you want.

I stood at the Canfield Fair, the biggest fair in Ohio, for 4 hours. For 4 hours I talked to every single person that came by that wanted to chat, and I had two people in 4 hours tell me they were against health care reform. Some wanted some clarification, some wanted to know exactly what was going on. But the people were for it. If we pass this, the people are going to recognize that we wanted the reform, the people voted for the reform, and the people got the reform.

I yield to my friend from Canton, home of the Football Hall of Fame, the National First Ladies' Library.

Mr. BOCCIERI. There's no question. Congressman RYAN has been a mainstay for supporting those types of projects throughout Ohio in his position on the Appropriations Committee. Congressman RYAN and I both came up together in the legislature. We cut our teeth together in the State capital, and now we're in Washington, trying to fight for our part of Ohio, to move our State and to move our country forward.

The gentleman from Niles is correct that the two largest issues that confound our economy, confound our Nation and really threaten our long-term competitiveness as a Nation are energy and health care. Energy and the fact that we bring more oil to the United States than any other country: 66.4 percent of our oil is imported from overseas, 40 percent comes from the Middle East alone. I talk to my friends who are still serving in the military in the Persian Gulf right now, and we often chat. I remind them of what we did as a country, the Greatest Generation, back in 1944 when we bombed the remaining Ploesti oil fields and we effectively cut off the German supply of oil. And they quickly transitioned to a synthetic fuel which is a derivative of coal.

Ohio has a lot of coal. And we know that right now, the single-largest user of energy in the United States is the Department of Defense. This is a matter of national security, and this Congress stood up and took bold initiative to take on the big powerful special interest groups that always challenge us and act as barriers to passing good, sound public policy. It is about time we

put America first, and it's about time we put the American people first, and we put the special interests on the back burner, because we can no longer continue to operate the way we've been doing.

We've seen what happens when we have an administration that really doesn't reflect on the amount of money that we're spending and the amount of money we're borrowing from overseas interests, doesn't reflect on the amount of oil and the amount of energy that we bring in from different countries. This is about putting America first. The gentleman is right; health care is affecting our long-term competitiveness as a Nation. I can't go to any small business in the 16th Congressional District of Ohio or any large business, for that matter, and every governmental agency from the most local to the most Federal, has said the fastest-growing line item of their expenditure sheet is health care costs.

□ 2130

We know we spent \$2.5 trillion every year on health care. There was an article, Congressman RYAN, that came out at the beginning of this year in the spring, and it said that one-third of that \$2.5 trillion never reaches the doctors or patients. It's lost somewhere in the administration of the system, in the delivery of health care. So we're losing almost a trillion dollars in inefficient practices. And when you start peeling back that onion, really, quite frankly, where the fingers meet the onion, when you start peeling back that onion, you find out that insurance companies have over 15 percent administrative costs, administrative costs of 15 percent.

I went back and spoke to some of my doctors, and it may shock some of the folks who are listening tonight, but I've got to tell you they said the most efficient payer out there is Medicare. Medicare, with 3 percent, 3 percent overhead costs.

There was a study that came out last year, Congressman RYAN and Mr. Speaker, that said that \$84 billion is spent every year to block, deny, and screen people from seeing their doctor by the insurance companies, when it will only cost \$77 billion to cover all those uninsured and underinsured people in our country. It would actually be cheaper. Keep the \$77 billion, insure everybody, make sure that they have access. Let's help reduce our costs in the long run. That is sound public policy.

Now I agree with what Congressman RYAN has said when he stood at his county fair in his district, that folks are concerned about the fact that this is going to be some encroachment on their own health care policy. Look, government has the role of setting the goalposts, of setting the out-of-bounds markers, of letting the free market act in between, but act as a good referee.

When someone goes out of bounds, you throw the flag. And we ought to throw the flag right now, because we have citizens in this country who are being denied access to health care because they were sick before they got a new job, and to me, that makes absolutely no sense.

Mr. RYAN of Ohio. Reclaiming my time, I think it's important because we tell our seniors and they hear that there are going to be all of these cuts in Medicare. There's going to be savings in Medicare. There's actually going to be an increase in the benefits.

I want to say two things, one about part D, which is the drug program. Right now if you qualify for Medicare and then you get part D up to like about \$2,700, you're covered, and then coverage for your prescription drugs completely falls off and then it picks back up at \$5,000 or so. I got a letter from a doctor in Warren or Howland that said, I have a patient. She used up all her \$2,700. She now fell into the doughnut hole, so they had to change the drug that she had. I think it was diabetes. It was a diabetes drug. They had to change the prescription. They changed it after she got into the doughnut hole because they had to go to a cheaper drug. There was a reaction because of the change. They changed it again, changed it again. She ends up in the hospital.

So what we're trying to say is by filling in this doughnut hole and paying just in this one instance, this woman, covering her for another thousand dollars or two would have saved the Medicare program thousands of dollars because she went from not qualifying anymore for part D, falling into the doughnut hole, to into the hospital.

Now, let's use, as my grandmother used to say, our "medulla abingatta," the Italian version. But let's use our brains. This makes no sense what we're doing here. It makes no sense and it's hurtful to the patient and it wastes money.

But one of the main ways how we're going to save money and start to bend the cost curve on Medicare is in areas especially like ours in northeast Ohio, Pennsylvania, Indiana, Michigan, the older industrial States, we have people 50, 55 years old and they lose their job. So they lose their health care or they just lost their health care and they keep their job. We had a lady on one of our telephone town halls who kept her job and lost her health care, 60 years old.

So when you're 60 or 55, you start saying, I don't know if I can really get insurance or afford it, so I'm going to wait this sucker out. I'm going to wait until I get into Medicare because they'll pay for it and then I'll be good. I can maybe get a supplemental, but most of it will be covered. So we have a population of Americans who are getting into the Medicare program sicker

than they need to be and sometimes chronically, which is really driving up the cost of Medicare.

So what we're saying is we're paying for these people anyway because they're going into the Medicare program. But if we want to save money, wouldn't it be smarter to make sure that these people have some basic health care before they get into Medicare, because it will save us money because they'll get preventative care. They may not have cancer as bad. They may catch breast cancer early or cervical cancer early or prostate cancer early as opposed to letting it develop and then getting dumped into the Medicare program and costing everybody a bunch of money. This is basic ounce of prevention is worth a pound of cure.

Mr. BOCCIERI. The gentleman is correct. I've seen more and more constituents coming into our office suggesting that they had health care insurance, that they had good private insurance, but when they got into that age group of 62 to 65, seemingly they were pushed off and pushed into the Medicare system, the government-run program, if you will, the Medicare system.

To me, I think your insurance policy is something that you and your employer pay into for all these years, and then all of a sudden when you get to the age of where our seniors are when you're going to have to rely more and more on a very good health insurance program that you're going to be using it more because you may become ill or have to use it to see your doctor more often, this is the time when they push you into the Medicare program. Now, you should have some ownership of that policy. It should amount to something, as an annuity, or you should have some ownership like a whole life policy.

But more than that, we ought to focus on what the guideposts are in this public policy debate on where we go with health care, Congressman RYAN. And I have always talked about, when I cross my district, the six Ps of health care. The first P is to make sure that all people have access to health care insurance. All people have access to health care insurance.

I don't know if you know this, but in 2004 our Secretary of Health and Human Services, Tommy Thompson, flew to Iraq with one of many billion dollar checks in hand to make sure that every man, woman, and child in Iraq had universal health care coverage. So while Americans are sending their tax money to Washington so that we can send it to Iraq to make sure that when Iraqis get sick they can see their doctor, and I have constituents showing up in my district who say they can't see their doctor because of being denied because of a preexisting condition, something's got to change. We need to have this debate, Congressman

RYAN, and that's why all people need to have access to affordable health care coverage.

The second P is to make sure we have portability in our system. That factory worker in Canton, Ohio, that gets a pink slip, their health care effectively ends when they get that pink slip because they cannot afford the COBRA premiums, oftentimes as much as their own salary, to pay for coverage while they're unemployed or looking for another job. So they oftentimes go without health care. But if they were a diabetic and got rehired at another factory or another company, well, guess what. They're not going to have access to health care because they have a pre-existing condition now. And when they have to show up at the hospital emergency room because they had no health care insurance in that time when they were unemployed or looking for new work, they cost all of us in the system five times more, and that's why we need portability and we need to end this practice of preexisting conditions.

Mr. RYAN of Ohio. Can I make a point on your second P there?

When you talk to people, when you talk to educators that are talking to our kids that are going to high school, going to college, guidance counselors, what they tell these kids today is that you are going to have seven, eight, nine, ten different jobs throughout the course of your life. You need to have skills that are mobile because it's not going to be like the 1960s where you're going to go to a General Motors factory or you're going to go to Youngstown Sheet and Tube and you're going to work there for 40 years, get a retirement and you're done. It's over. You work for one employer your whole life. Our educators are telling our kids how many different jobs they're going to have to have.

So does it make any sense to have a health care system that locks people into their employment because they have a spouse or they have a condition that some insurance company, some jerk that a doctor calls up to try to get coverage and the person at the insurance company says, Nope, sorry, we don't cover that? Well, it's in my policy. Sorry, we don't cover that. You are preventing people from going out and starting businesses because they're afraid they can't get any health care coverage. You're locking people into work that they may not like or enjoy when they have another opportunity elsewhere but they know they can't move because of this.

The health care system needs to reflect the dynamism of the economy, and it doesn't now. So it's stifling creativity at a time where we need people to be out creating jobs and creating work.

Mr. BOCCIERI. That's correct. So making sure that all people have access to health insurance, making sure

that we end this discriminatory practice of preexisting conditions, and making sure that we have portability in our system so that workers can take their health care from job to job to job without any interruptions or without any distortions in their coverage.

The forth P is to make sure that physicians, physicians, not bean counters or bureaucrats, are making the calls for health care.

I had a woman show up in my office. She was crying. She was a middle class worker, showed that she had this condition and the doctor said that she needed to get an MRI. She knew she was going to have to pay some out-of-pocket expenses, so she went to her health care provider, her private insurance company, and they said, No, we don't want you to get an MRI. We want you to do therapy. So she went and did therapy, went back to her doctor with the results, and the doctor said, No, we need an MRI. She went back to her insurance company, and they said, No, you're going to do an X-ray, not an MRI.

Now, to me, Congressman RYAN, that sounds like rationing of health care. Rationing of health care. Some bean counter at an insurance company somewhere is telling this person in my district what type of health care she can get. One out of every five individuals that asks to get some sort of health care coverage or some treatment is being denied by an insurance company, and that needs to be corrected. We don't need bean counters or bureaucrats deciding who is going to get health care. Physicians need to make that call.

The fifth P is about prevention. And Congressman RYAN was a stellar, stellar athlete back in his day, could throw the football a mile.

Mr. RYAN of Ohio. Keep talking.

Mr. BOCCIERI. He was a good athlete. And we know that prevention is worth so much. For every \$1 that we spend on prevention, we can get, on average, and this is a conservative estimate, \$3 in return. Prevention, living right, eating right, exercise, diet, and nutrition to help correct these chronic diseases like diabetes, heart disease, and asthma that costs 75 cents out of every health care dollar that we spend, prevention should be a big part of this discussion.

Am I right?

Mr. RYAN of Ohio. Exactly. And right now we spend four cents of every health care dollar on prevention when we know that's the big saver.

But there's a point that we all need to remember. We are fighting for the public option and whatever. Some people are for it, some aren't. I don't know if it will be in. Who knows. But we have to remember that if we have everybody covered and everybody is going to be covered by primarily private insurance, then the whole dynamic of the system changes. So we

say to the insurance companies, as you said, and I like that analogy that we set the ground rules basically. And States regulate insurance now, so we're going to say, Here's the goal line. Here's the end zone. Here are the goalposts. Here are the rules. And the rules that we want to change are that you can't be denied because you have a pre-existing condition. If you have diabetes, heart disease, the insurance company has still got to cover you. There will be a cap on how much you can spend a year so you're not going to go bankrupt over a health care crisis.

□ 2145

But the dynamic that changes when every single person can have health care insurance and the insurance companies have to cover you where they can't shake you any more, because now the insurance companies are spending money saying let me see what you've got, and I shouldn't have called somebody a jerk because they are just trying to make a living, and so I apologize for that. But you call up and the game now is the insurance company tells you, sorry, you have a preexisting condition. They spend money hiring bureaucrats within their organization to deny people coverage.

But this all changes if now I am the insurance company and I have to cover you. So now all of a sudden it is in my interest to make you well. So I'm going to spend money and time and energy and effort working with your employer, creating incentives for you to go work out, stop smoking, do things that are going to reduce your stress level, because I know stress is a killer. I am going to do things from an insurance company perspective to make you healthier. That is something that we have failed to talk about.

Once everybody is covered and we all get married to our insurance company and they can't get rid of us, their incentive changes from denying you coverage and getting rid of you to making you healthy. That is part of this whole preventive thing that you are talking about.

Mr. BOCCIERI. That is a good distinction, Mr. RYAN.

Mr. Speaker, when you enact a policy that helps people live healthier, live longer with screenings—and I had someone in my district argue with me, that is going to cost money over the long run, enacting provisions that are going to require people to be screened. I argued with them that I believe if we let that go to a point where they have prostate cancer or some chronic disease that could have been prevented with early intervention, that is costing more money at the back end. That is not what this should be about. This should be about catching diseases early. It will help spawn research, in my opinion.

The last "P" is probably the most significant, Mr. Speaker. I believe this

is where perhaps some of my colleagues and I disagree. I will tell you that the last "P" is, How do we pay for this? How do we pay for this? We know, as Congressman RYAN said, there is a cost of doing nothing and then there is a cost of doing something. The cost of doing something should be enacting a public policy that takes money out of the system. We spend more than any industrialized country on health care, \$2.5 trillion. It is almost 20 percent of our gross national product, more than any industrialized country. And yet we have nearly a trillion dollars of inefficient, wasted, bloated bureaucracy from bean counters, and even the government can be to blame as well.

We have to find every efficiency we can within that system, draw that money out, and find a way to pay for these reforms. That's where I think the rubber meets the road in this debate, finding money within the system, taking every last dime out of an inefficient system and making it work for the American people, making it work for those people who go without health care insurance and worry every day, who are one accident, one medical emergency, one diagnosis away from complete, utter bankruptcy. And that has to change.

We have a responsibility to set the goal posts, to set the out-of-bound marker, let the free market operate in between, and throw the flag when we see a flagrant violation. And it is flagrant when we deny people health care because of a preexisting condition. It is flagrant when we don't allow people to take their health care from job to job. It is flagrant when we allow bean counters and bureaucrats to provide a prescription of health care rather than letting the physician do it. It is a flagrant foul when we don't enact some sort of prevention, some sort of ability that all people are going to have access to some preventive care; when we spend 4 cents out of every dollar on prevention, and then end up spending 75 cents out of every dollar on chronic diseases that can be managed like diabetes, asthma and heart disease. Those things can save us money with the right public policy.

This should be the framework of our debate as we go forward.

You know, Congressman RYAN, this is not a Democrat or a Republican issue or challenge. This is not a conservative or liberal challenge; this is an American challenge. And energy and health care deserve American solutions. So we are waiting for our friends on the other side of the aisle to come to the table and offer us solutions on how we fix this American problem.

We can do this. America is much stronger than the challenges that confront us. We find our strength in challenges. We do these things not because they are easy but because they are hard, as John Kennedy said. That is

where America has always found her strength.

Mr. RYAN of Ohio. Part of this prevention component is training our physicians in a way, first and foremost, having policies, and part of the rules of the game need to be making sure that physicians don't have to practice defensive medicine. That is one thing. Another is to make sure that our physicians are trained. The average physician spends 7 minutes with a patient. I think there are a lot of ways in which physicians can stop spending a lot of money on things that maybe they see as an opportunity that they need to cover their own rear ends, but also to spend some time and figure out that people have life-style issues that need to be changed. And that doctor and that patient should both be rewarded for improving their health.

That is in this bill to make sure that you are not just getting rewarded for the tests that you run and paid for the tests that you run, but you are getting paid for making sure that the patient is healthier, comes less often, and doesn't come back to the hospital. All of these are incentives built into the system.

But let's look at energy and health care in America in 2009.

I think it is important for us to recognize that it may be easy to go over, Mr. Speaker, and bury our heads in the sand; and if you look at what our friends did when they were in control here, they basically continued to subsidize Big Oil to the tune of a couple of years ago \$117 billion to protect Persian Gulf ships coming in and out of the Persian Gulf. So our carriers and our battleships are protecting these oil ships coming in and out of the Persian Gulf. Our money. So let's look at this.

If we want to be competitive in the 21st century, we need to get that investment, that \$750 billion that is going to these oil-producing countries, and get it back invested into coal, nuclear, drilling in America, oil shale, algae, the whole nine yards. Instead of the investment being somewhere else, we want the investment here. Instead of hiring oil workers in Saudi Arabia, we want them hiring coal workers in Ohio. And the technology in Ohio, the scrubbers and everything else getting manufactured in Ohio.

So you take the energy investment back into the United States. You take all of the venture capitalists that sit in my office and say that they want to put money into this and that, private money, you take the energy money, \$180 billion that we are putting into coal in the energy bill that passed here, along with a health care bill that will reduce costs for small businesses and allow them to reinvest back into their business, you have the recipe and the strategy for long-term economic growth.

I know that may be hard to believe; but some of our friends, who will remain nameless, supported policies that said if we cut taxes for the top 1 percent, that that will lead to long-term economic growth. That if we deregulate Wall Street, that will lead to long-term economic growth. And all those things did was lead to an economic collapse that if we didn't have the social programs from the Great Depression in place, that would have led to the Great Depression, the second Great Depression in the United States.

So, fortunately, we have moved off that track into a track of responsibility, sound fiscal policy, sound investments in the future, and a strategy to let businesses grow as we reduce their health care cost burden.

Mr. BOCCIERI. The gentleman is correct: the two largest issues that confound our United States economy are health care and energy. This Chamber took bold action in trying to craft, in attempting to craft, a national energy policy that makes sense for our country. Energy efficiencies.

You know, I had a hospital in my district, Mercy Hospital, that put some variable-speed fans in and carbon dioxide detectors. When you walk into a room, the lights will turn on when someone starts breathing. These types of efficiencies are saving them a million dollars a year, a million dollars every year. That is the type of efficiencies that we need with a national energy policy because we know that the cheapest energy is the energy that we never use.

We passed an energy policy that moves away from our dependence on foreign oil and focuses on creating alternative forms of energy and in the long term creates jobs here in our country and increases our national security.

One day we roll into a fuel station and have a choice between traditional gasoline, biofuels, ethanol, plug in our electric hybrid, or maybe drive by the gas station altogether because we have a fuel cell that allows us to get 100 miles to the gallon that was researched right in our part of Ohio. That is the type of choice and diversity that we need to make our country stronger.

Or how about investing in alternative forms of energy, like what is happening in the 16th district, not only fuel cells and electric plug-in hybrids; and at the Ohio State Ag Research and Development Center in Wayne County, we are researching these anaerobic digesters and making compressed natural gas out of our own waste and selling it back to the grid. This is the type of innovation that will make America stronger in the long term and increase our national security.

Congressman RYAN and I have talked about this often, the fact that 80 percent of the world's oil reserves are in the hands of governments and their re-

spective national companies. Sixteen of the world's largest 20 companies are state owned. State owned. And when we import 66.4 percent of our oil from overseas, and 40 percent from the Middle East. We know that makes our country vulnerable, very vulnerable. Knowing that if we just put 27 percent of the vehicles on the road today, if they were these gas electric hybrids like the Toyota Prius or the Ford Escape, we could end our dependency on oil from the Middle East.

That is the type of energy policy we need; but yet we have big special interests here in Washington and around the country that are trying to prevent this from being enacted, a national energy policy that is about national security and creating jobs in our country, moving away from our dependence on foreign oil.

We know that the amounts of alternative energy our Nation is able to produce are only limited by the amount of energy we are willing to invest here in Washington and across the 50 States of our great country.

Now this bill, the American Clean Energy and Security Act, gets a lot of attention, but not for that name, Congressman RYAN, but for the name of cap-and-trade. Cap-and-trade.

We heard from two court cases at the end of last year the fact that the EPA was going to regulate emissions, and we decided in the House we were going to allow a free-market approach to handle this rather than have the United States EPA regulate emissions in this country. That is going to make our American businesses stronger, by allowing the Midwest innovation to drive this instead of our dependence on foreign oil. The innovation of America is going to drive our future progress in this realm.

But let's revisit what some of our colleagues have said about the cap-and-trade system, as they like to call this new energy solution that we are going to find for our country. It is about cap-and-trade, as JOHN MCCAIN has said. There will be incentives for people to reduce greenhouse gas emissions. It is a free-market approach. Let me repeat that, Congressman RYAN: it is a free-market approach. The Europeans are doing it. We did it in the case of addressing acid rain. If we do that, we will stimulate green technologies. There will be profit-making in the business arena. It won't cost the American taxpayer.

□ 2200

Joe Lieberman and I introduced a cap-and-trade proposal several years ago which would reduce greenhouse gases with a gradual reduction. We did the same thing with acid rain. This works. This really works. The Republican Presidential candidate last year introduced a cap-and-trade bill three times in the United States Congress be-

cause he believes it's a free market approach and that it won't cost the American taxpayers.

Mr. RYAN of Ohio. I had an interesting conversation with someone from Babcock the other day. They're in Barberton, Ohio. They're in your district, Congressman. They do a lot of defense work and a lot of work with the military.

I asked the guy, What portion of your employers work on these kinds of "green" technologies?

He said that half of their workers are employed, the engineers and other workers, on the issues of cleaning up the air—the scrubbers—the technology that goes into power plants and into other facilities to help clean some of the poison out of the air that was causing all kinds of health problems.

There are industries that pop up to clean the air. These are economic development opportunities. Now, that \$750 billion that goes abroad will come back to the United States. The money will be invested into windmills, into solar panels, into batteries, into new autos, into all kinds of different things.

The other day, we were in Kent, at Alpha Micron. They're making a liquid crystal-based technology that is film on windows. It darkens when the sun comes out to keep the house cool in the summertime. They just opened up a manufacturing facility in Kent, Ohio. They have 45 people working there now. Once this product catches on, there will be hundreds of people working there, making this special liquid crystal technology film that will be going into the homes to conserve energy.

The economy will adapt. People will find ways to make money and to make profits off of these things. Yet, when you go to the gas tank, you might as well send the check to the OPEC countries. Now, let's be honest with each other. What we're saying is, when you stop at a gas station or whatever kind of station there's going to be in the next decade or two, we want that money staying in Ohio—in the Midwest, in America. So you send the \$750 billion off. Then you pay your tax bill at the end of the year, and you send money to the Federal Government. Then you find out that the Defense Department is sending \$120 billion of your tax dollars to escort oil ships that are going in and out of the Persian Gulf.

Does this make any sense to anybody? This makes no sense what we're doing here. We've got to stop it. Then we send subsidies to the oil companies so that they can keep going. This doesn't make any sense. I'm sorry. I don't know any other way to say it. We need to stop doing this. It's going to have some disruption, and everyone is going to have to figure this out, but we have smoothed this over for over 20 years, and no one is jamming this down anybody's throat.

These manufacturing facilities have all kinds of credits. We're holding harmless a lot of manufacturers, a lot of consumers. We'll see infinitesimal increases 10 years from now. It may be \$100 a year, but the benefit is that \$750 billion is going to come back to the United States and is going to get invested here. The Defense Department won't be spending money escorting oil ships in and out of the Persian Gulf.

I mean let's stop this. This is insane. It doesn't make any sense. It's wasting all kinds of money. It's polluting the air. It's empowering countries that are on sand. Then they hate America, and we get tangled in all of these geopolitical problems that we don't need to be involved in. Let's invest the money back into the United States. I mean, do you want to talk about a pro-American position? There couldn't be a bigger one. You know that. You've been to Iraq four times, five times.

This young man has flown in and out of here. By "young," I mean 5 years older than I, but he has flown in and out. He has flown soldiers back over here who have died while serving their country, and he's saying we can't keep doing this. JOHN MCCAIN, who served the country so nobly, said the same thing, that we can't keep doing this. Stop. That's what this is about.

It's about leadership. It's not about just going down the same road and about doing what's comfortable. That doesn't get you anywhere. This is about leading. There is going to be a transition; but at the end of the day, you're going to provide a safer country for your kids, a less entangled geopolitical situation for our country, and you're going to create jobs in the United States. This is a win-win-win.

Mr. BOCCIERI. Congressman, if you would yield, just yesterday, we had wonderful news in the 16th Congressional District. Rolls-Royce is anchoring its world headquarters for fuel-cell research in our part of Ohio. The robust research that they're doing on fuel cells is going to be anchored in our part of Ohio because we're beginning to take action where there was none previously. Let me just say this:

Quite frankly, I believe that we will be judged in next year's elections by two measures—whether we acted or whether we did not, by action or inaction. Teddy Roosevelt said that the worst thing you can do in a moment of decision is nothing, and we know that the status quo is unsustainable with an energy policy in this country which continues to empower petro dictators who hold America hostage by our importing 66.4 percent of oil from around the world. We're going to expand drilling in the United States here. We know that this will not be the answer to all of our energy woes here because we only have 3 percent of the world's oil reserves in the Northern Hemisphere, but we consume 24 percent of the

world's oil, so we've got to find diversity. We've got to find a way to become diverse Americans in our energy consumption, which will be by investing in these alternative energies. Whether it's switchgrass or algae or whether it's ethanol or biofuels or whether it's fuel cells, we've got to make this transition now because it is about our national security.

So, next year, when we go before the voters, when we go before our citizens and our constituents, they are going to ask us: Did you act to make America stronger?

All of us know we have relatives and friends, and friends of mine, who are still serving over in the Middle East right now. We are there, fighting for countries that provide us a whole lot of oil. In fact, 40 percent of our oil comes from the Middle East. Like Rudolph Giuliani said last year, if 27 percent of the vehicles on the roads were gas-electric hybrids like the Toyota Prius or the Ford Escape, we could end our dependency on oil in the Middle East. That is a goal we should all strive towards.

Rudolph Giuliani said that we need to expand the use of hybrid vehicles and of clean coal—\$324 million of research in clean coal in Ohio every year, Congressman RYAN, and in carbon sequestration. We have more coal reserves in the United States than we have oil reserves in Saudi Arabia. This should be a major national project. Let me echo that again in this Chamber. This should be a major national project. This is a matter of our national security. We've got to act, Congressman RYAN.

Now, I graduated with a baseball degree, and I minored in economics in college, but let me tell you this: In 2003, our former President said this about a Department of Defense study: The risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern. The Department of Defense was saying this under our previous President.

He also said that the economic disruptions associated with global climate change are projected by the CIA and by other intelligence experts to place increased pressure on weak nations that may be unable to provide the basic needs and to maintain order for their citizens.

We've got our CIA saying this. We have our Department of Defense saying this. We've got every candidate running for President last year saying this is a matter of national security. What did we have? We had a vote along partisan lines.

National security is about America. It's not a Democrat or Republican challenge. It's not a conservative or a liberal challenge. It's about making America stronger. When we invest in ourselves, we will become stronger.

This is about our future and about our children's future. It's about creating jobs here in Ohio, Congressman RYAN, like we did with Rolls-Royce and like we will do with so many others that are beginning this burgeoning industry.

□ 2210

Having a diversity of energy, we should all agree, is going to make our country stronger. And these two long-term challenges of health care and of energy should be national projects, national projects that make our country stronger and protect our national security in the long run.

Mr. RYAN of Ohio. The thing is, too, with this manufacturing, this green manufacturing, we have Thomas Steel in Warren, Ohio, is now making the specialty steel. About 300 steelworkers signed a contract with a solar panel company from Toledo, a very exciting proposition, because when the solar panel industry takes off, a local steel company in Warren, Ohio, with United Steelworkers of America that have good health care benefits and a decent pension are going to benefit from this.

And the more solar panels happen, the more steel they are going to buy from Warren, Ohio, the more steelworkers that are going to go to work. Ohio Star Forge on Mahoning Avenue, they make a bearing that goes into the windmill, 4,000 component parts. No, 8,000, 8,000 component parts that go in the windmill. That's what we do.

Does anyone else have a better idea how to revive manufacturing in the United States of America than to have us supplying 8,000 component parts and 400 tons of steel that go into a windmill? Does anyone have anything better? Cut taxes for the rich people and hope it trickles down? That's not a manufacturing policy in the United States of America.

But what we are doing here with the Volt at General Motors, with the new battery storage, the hybrids, we drove in a car the another day, Congressman INSLEE and ISRAEL and I, that went from California to Washington, D.C., on algae, on algae. Do you know how you grow the algae? You pump a bunch of CO<sub>2</sub> in it and it grows the algae.

So here you have an opportunity to learn, make cars that run on algae, grow the algae in places like Ohio that, unfortunately, or maybe fortunately, at some point, give off all this CO<sub>2</sub>, grow the algae, put it in cars, and we have a clean economy, and it's a new economy.

And, let me tell you something, there is not a lot going on manufacturing-wise in the United States anymore. But if you take the \$750 billion that we keep sending abroad to oil-producing countries and that money comes back to the United States, that's a heck of a lot of investment here to go into companies that are going to make these

8,000 component parts that are going to go into the windmills, that are going to make the 400 tons of steel that are going to go into the windmills and the cars and the solar panels and the biodiesel facilities. I haven't heard a better idea.

It's nice to be against everything, but does anyone have another idea on how to get 750 billion that's going right out of the country back here?

Come on, let's be smart. Let's keep our money in America. That's what this is all about. This is the most pro-American, pro-independence, pro-freedom, pro-liberty bill you could ever get your hands on because it directs investment into the United States of America and puts Americans back to work.

You know, if you are refitting homes with insulation, with special roofing to capture rainwater, those are sheet metal workers. Those are carpenters. Those are building tradespeople that you and I live and work with every single day. Put them back to work. This is great.

I don't see it, other than being against it.

Mr. BOCCIERI. Well, they weren't against it last year. In fact, I point to my friend Mike Huckabee who suggested that a Nation that can't feed itself, a Nation that can't fuel itself, or a Nation that can't produce the weapons to fight for itself is a Nation forever enslaved. He also said that it's critical that for our own interests economically, and from a point on national security, that we commit to become energy independent and we commit to doing it within a decade.

We sent a man to the Moon in a decade. I think in 20 years we could become energy independent. I believe we can. We have to take responsibility in our own House before we can expect others to do the same in theirs. It goes back to his basic concept of leadership, that leaders don't ask others to do what they are unwilling to do themselves. That's why leaders who ran for the office of the Presidency last year believe that a strong national energy policy is about making America stronger, relying on the innovation in the Midwest rather than relying on Middle East oil. That makes America stronger.

In 1950, over half of the jobs in this country were in manufacturing. We are at 10 percent now because we exported our ability to produce and build things here. We are becoming the movers of wealth instead of the producers of wealth.

Let's invest in something that we have to use every day, and that's energy. Let's invest in our own future, produce things here. Let's build windmills here. Let's let Timken in Canton, Ohio, make the roller bearings for these huge wind turbines. Let's let SARE Plastics in Alliance build the

moldings and cast moldings for these wind turbines. Let's let fuel cells be developed at Rolls Royce so that we can put them in our cars and have them recharge batteries and use the solar panels that are developed in our part of Ohio recharge the batteries that are being developed in Medina County in my congressional district.

Let's use that compressed natural gas now that we are using and researching at the Ohio State Agricultural Research Center in Wooster, Ohio. Let's use that compressed natural gas to turn our generators to heat and to produce electricity for our homes.

That's the type of innovation and diversity of energy that will make America stronger in the long run and focus, focus on our economic interests as a country.

As John Kennedy said, we do these things not because they are easy but because they are hard. Because they are hard. But we know that if we don't make this transition right now, decades later we will make America very, very vulnerable.

When I go back and answer to my constituents, when I go back and answer to the people, I want to tell them I stood with them, and I stood with making America strong.

#### INCREASE SOURCES OF ENERGY

The SPEAKER pro tempore (Mr. KRATOVIL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Georgia. Mr. Speaker, what a glorious evening it is to come to the floor to remind my colleagues about a little fact and about a little truth. I have heard so many things over the last 15 or 30 minutes, Mr. Speaker, I am not quite certain where to begin.

But I guess I would begin by imploring my colleagues on the other side of the aisle to talk to the Speaker. Goodness gracious, talk to the Speaker. When they talk about expand drilling, oh, they could talk to the President as well, expand drilling. You betcha, Mr. Speaker, you betcha that that's what we want to do is expand drilling.

When they talk about clean coal technology and advancing clean coal technology, you betcha, Mr. Speaker. The problem is, the Speaker of the House and the President of the United States don't support it. That's the problem.

I would encourage them to talk to their own leadership because the principles and the policies that they have just espoused over the last 15 to 30 minutes are as strong as we have on our side of the aisle, the Republican side of the aisle, espoused over the last number of years. I would encourage them to talk to their leadership. I would point

out, Mr. Speaker, that one of the things that was said is absolutely correct, and these aren't Democrat problems and these aren't Republican problems. They are American problems.

To that end, I want to talk about what America has been concerned about. Mr. Speaker, if you think about what happened in August in this Nation, all across this Nation, it was a remarkable outpouring, a remarkable outpouring of concern, yes, and of fear, yes, and of anger about the direction in which the American people see their Nation headed.

What they said, I believe, in town hall after town hall and meeting after meeting after meeting was, Washington, you are not listening. You are just not listening. We thought that we were electing change in November of 2008, and, in fact, we have elected change as a Nation.

□ 2220

The problem is the change that's being instituted by my friends on the other side of the aisle and the Speaker and the President are not the change that the American people wanted. That's the problem.

So they come out to these meetings and they come out to talk to their Representatives, if even they will meet with them. So many of my friends on the other side of the aisle refused to hold town hall meetings. But they come out to these meetings and they say, Please, please listen to us. Listen to what we're telling you. Your policies are killing us. They're killing us from an economic standpoint, too many taxes. You're spending our children and our grandchildren's money. You just can't do that. We can't do that at home. You can't do that at the Federal level.

And so what they want are solutions. And my friend on the other side of the aisle earlier talked about solutions. And I'm going to talk a lot—a lot—about solutions this evening, because even this evening my two grand colleagues from Ohio reiterated this fabrication, this falsehood. Oh, yes, Mr. Speaker, something that isn't absolutely the truth when they say that Republicans have no solutions; they don't bring any solutions to the table.

Well, we're going to talk about tonight a couple of solutions just in the area of energy and health policy. And if you, Mr. Speaker, would like to go look at our solutions, they're on our Web site. I'm privileged to chair the Republican Study Committee, the largest caucus in the House of Representatives, that puts solutions on the table for every single American challenge that we face, solutions that embrace fundamental American principles that are optimistic and forward thinking and upbeat and realize that the reason we're the greatest Nation in the history of the world is because we have

followed fundamental American principles.

So you can Google Republican Study Committee or go to [RSC.price.house.gov](http://RSC.price.house.gov)—and look at our solutions. Look at our solutions for an economy that we've seen a nonstimulus bill that is driving more individuals into unemployment, that is losing 4 million jobs just in this year alone.

Look at our solutions, which is the contrast to a budget that was passed by this House of Representatives that spends money that we don't have, borrowed from the Chinese Government; money that makes us \$1 trillion in debt year after year after year after year. And the American people are fed up with it, Mr. Speaker.

Look at our solutions that say that the way to be able to utilize American resources responsibly so that we solve the energy challenges that we have, there's a way to do that that makes it so that the government isn't put in charge and also so that we aren't taxing the American people to death.

Mr. Speaker, look at the solutions at [RSC.price.house.gov](http://RSC.price.house.gov) for the health care challenges that we face that we will be talking about a little more this evening.

I want to start with the health care issues because one of the things that drove me into public service after 20 years of practicing medicine—Mr. Speaker, I took care of folks who had broken bones and battered bodies as an orthopedic surgeon for over 20 years. I took care of them the best way I knew how and the best training that I was able to avail myself of, and I took care of them in a way that oftentimes led me to believe that the State government and the Federal Government were impacting the ability of myself and my staff in an adverse way—in an adverse way, not a positive way—in an adverse way to be able to care for those patients.

So my friends on the other side of the aisle, the presentation that we just saw, Mr. Speaker, the gentleman had six Ps. I only caught five of them. But they were: People, portability, pre-existing conditions, physicians, and prevention.

Mr. Speaker, I would suggest that none of those—none of those challenges that the gentleman from Ohio described—none of them are improved by the intervention of the Federal Government. Not one. Not one.

So when I talk about principles in the area of health care, which is what I think we need to be talking about here in the United States House of Representatives and the Congress of the United States and by the President, we ought to be talking about principles of health care so that we create a system that is responsive to patients. That's the goal. Correct, Mr. Speaker? Responsive to patients.

When we talk about principles, most of us have the top three. Most Americans have the top three principles. They're affordability. You ought to be able to afford the system that we create. Accessibility. You ought to be able to get into the system if you're a patient. And quality. You want the highest quality of care in the world, which is in fact what we have right now.

I add three more principles to those: affordability, accessibility and quality. I add three. One is responsiveness. You have got to be able to have a system that's responding to people, which is so often not the case in other nations where they have systems that are taken over by the government.

The second is innovation. We are a Nation that has allowed for the greatest amount of innovation in the world—in the world—in the area of health care. That has resulted in the highest quality of care for all of our citizens, for every single American. So we want a system that creates and incentivizes innovation.

Third and finally, choices. The American people want choices when it comes to health care. They want to be able to choose their doctor; they want to be able to choose where they're treated. They want to be able to choose when they're treated and how they're treated. And that ought to be their right. That ought to be their right.

So principles of health care—affordability, accessibility, quality, responsiveness, innovation, choices. Those six principles, Mr. Speaker. And you may have some others, the people listening may have some others.

I would suggest to you, Mr. Speaker, that those six principles, and the ones that were outlined by my friend from Ohio just a little bit earlier this evening, that none of those principles are improved by the intervention of the Federal Government. Think about it. Accessibility to the system. The Federal Government runs basically four specific medical programs: Medicare, Medicaid, the VA Health Service, and the Indian Health Service.

Accessibility. All of those systems have some kind of rationing of care. You don't have to take my word for it. Talk to anybody who works in those systems. When I worked in the VA Medical Center in Atlanta, we would get to a point every single quarter when they would say, I'm sorry, you can't perform any more total joint surgeries this quarter. And it wasn't because we'd run out of total joints; it wasn't because we'd run out of prostheses. It wasn't because we'd run out of patients for whom the indication was to provide them with a total joint.

No, Mr. Speaker, it was because we had run out of money. And that's because when you get a government-run system, what happens is that the decisions are controlled by money; they're not controlled by patients and by qual-

ity. Accessibility is limited in every one of those.

For example, the Mayo Clinic, one of the finest health care providers in the Nation, in Jacksonville, Florida, is limiting the number of Medicare patients that it sees. Limiting the number of Medicare patients that it sees. Why? Not because they forgot how to take care of seniors. No, it's because the system is broken and flawed.

That's what happens with a government system, is that it limits accessibility. When veterans in our veterans health care system call up for an appointment, are they given the appointment in the way that happens in a personal or a private setting? No, because accessibility is limited in a government health care system, not just in the United States, but in every other system in the world that is run by the government. It's limited. Accessibility is limited.

So affordability is compromised; accessibility is compromised. Quality is compromised because of those first two. Responsiveness and innovation, certainly not consistent with anything that the Federal Government does with responsiveness and innovation. No, we know that responsiveness is in the private personal sector. We know that innovation is in the private personal sector, not in the governmental sector. Certainly, the government tries to catch up. And sometimes it does with relative efficiency. But it doesn't do so initially because there's nothing, nothing in the Federal Government that demands that you have responsiveness and innovation.

And then the final principle of choices. The Federal Government and choices are inconsistent with each other because the Federal Government defines what individuals ought to do, defines what individuals must do, and determines basically what is available to people. And if it's available in something that doesn't mean anything to folks by and large, it doesn't really make a whole lot of difference.

But in the area of health care, in the area of medicine, in the area of personal decisions that make it so that you are able to care for you and your family in the most personal and effective way, the government has no place in those decisions.

□ 2230

The government has no place in those decisions, Mr. Speaker, none. And they ought not. So our friends on the other side of the aisle say, Oh, no, the government is the only entity that can provide the balance to this equation. Mr. Speaker, you know that the balance in this equation in the area of health care means that individuals will not receive the kind of care that they desire, not receive the kind of care that they and their families choose for themselves. They'll receive the kind of

care that the government chooses for them, but they won't receive the kind of care that they and their families desire.

In the fall of 2009, nothing could be more important here in Washington and here in the United States Congress as we try to talk productively about this issue that is of such incredible importance to the American people. One of the greatest concerns that I have is that at least half, and maybe more—at least half of the Members of Congress have been shut out of this debate. I mentioned that I'm privileged to Chair the Republican Study Committee, the largest caucus in the House of Representatives. We have attempted to solicit and take the President at his word when he said, If you have an idea, if you'd like to discuss the issues that we have before us in the area of health care, come on down to the White House. My door's open. Right, Mr. Speaker? That's what he said. My door's open. Come on down, and we'll go over the bill line by line.

Well, Mr. Speaker, this may come as a surprise to some folks, but we, the Republican Study Committee, have been asking for a meeting with the President of the United States since the week he was sworn into office. And the response every single week has been, Well, thank you very much. This is an incredibly important issue. There are nine Members of our conference who are physicians, like I am, who have significant passion about the issue of health care and the reason that we ought not put the government in charge. Our friends on the other side of the aisle say cavalierly, Well, you just ought to let the government compete for this.

The fact of the matter is, Mr. Speaker, if the government competes for it, it drives over 100 million individuals, over 100 million Americans from personal, private health insurance that they choose, that they select for themselves and their families. It drives them, it shoves them, it forces them into the government program. Mr. Speaker, that's not what you want, or at least that's not what you say you want. That's not what my colleagues on the other side of the aisle say they want, by and large. But that's the system that we're going to have if, in fact, the Speaker of the House and the President have their way.

So we've got some incredibly important issues to discuss here in the United States House of Representatives. I'm joined this evening by a great friend and colleague, the gentlelady from North Carolina (Ms. FOXX) who has been front and center on the health care issue and on the energy issue. I know that she has been frustrated by much of the information we have heard this evening, especially in the area of energy policy, because we have been fighting tooth-and-nail to

make certain that we could put forward an all-of-the-above energy strategy. My friends on the other side of the aisle earlier this evening talked about the lack of solutions that we have. So I'm pleased to yield to my friend from North Carolina, VIRGINIA FOXX, for her comments on energy or whatever else she would like to chat about this evening.

Ms. FOXX. Well, I thank you, Dr. PRICE, for beginning this hour and bringing an extraordinarily comprehensive and cogent discussion to the health care issue. I did hear more of our colleagues who were here in the previous hour talking about energy than health care. But I did hear them say if we were to adopt the health care proposals—and I assume that they mean H.R. 3200—that that would bring long-term economic growth to this country. And I thought that I must be living in either Never-Never Land or Wonderland or someplace other than in the United States of America and serving in the United States Congress, because having the government take over health care in this country is a formula, in my opinion, for harming economic growth in this country, not creating economic growth. I think that the American people have caught on to that.

I want to say that the thing that kept running through my mind as I was listening to them—and let me say here that many folks wonder why we often are here speaking to an empty Chamber. But we're usually in our offices, listening to what's going on in the Chamber, along with about 800,000 other people in the country. So we do listen to each other, and sometimes it is very frustrating to hear what's being said, because I believe, in many cases, the American people are being misled by the comments that are being said. We don't expect to see long-term economic growth from health care. One of the best things, I think, that has happened this entire summer is that the American people have been paying closer attention to what's being proposed in the Congress.

H.R. 3200 has been looked at by the public, and they understand that what we have been saying about the bill is more accurate than what our colleagues have been saying about the bill. I have read the bill. I know you have read the bill, and I want to encourage more and more Americans to read it because I don't think that the time has passed for our considering that bill. I think that, or something similar to it, is going to be dealt with on the floor of the House.

But what I wish is that more Americans had paid closer attention to the bill that our colleagues call cap-and-trade, and which we call cap-and-tax, because I think if the American people had paid as much attention to that as they have to the health care bill, they

would have been up in arms earlier this year. Most of them don't realize that, again, what our colleagues were saying is just the opposite of what they do in legislation.

Last summer we were here talking about the problems with energy. Gas prices were skyrocketing. And as you pointed out, we stood for an all-of-the-above energy policy in this country. We want to be able to use the resources that are available to us in this country. I believe the Good Lord gave us the resources in this country to take care of our energy needs. But our colleagues on the other side of the aisle—and let's say it—the Democrats are in control of this Congress. It's very important that people understand that our colleagues who were speaking a while ago were speaking of the folks in charge who are of their party. They make it seem like they're not in control, that they can't make the things happen that they're talking about. But they are in control. Every day they make us more and more dependent on that foreign oil that they say they don't want us to be dependent on.

We have seen here how they have shut down accessibility to shale and oil and the Outer Continental Shelf. Over and over and over again, they stymie every opportunity that we have to increase the sources of energy in this country.

Mr. PRICE of Georgia. Will the gentlelady yield?

Ms. FOXX. Absolutely.

Mr. PRICE of Georgia. I appreciate those comments because I was stunned as I was sitting here, listening to the gentleman from Ohio say—and I wrote it down just because I was so astounded—say that we ought to increase our use of "coal, nuclear and oil shale." He said that, and in fact, that is exactly the opposite thing that his party has done; isn't that the truth?

Ms. FOXX. It is absolutely the truth. In fact, in the cap-and-trade bill, that they call it—we call it cap-and-tax—what it will do is it will make us more dependent. It stops the use of coal in this country. We have much more coal resources available to us than Saudi Arabia has oil resources, and we know that. But they seem to hate coal and want to do everything that they possibly can to diminish the use of it.

There are no plans for creating nuclear energy, increased nuclear energy. Yet we know if we're going to maintain our standard of living in this country, we need to be building in the next 30 years 30 to 50 nuclear power plants. We also know that since World War II, France has gotten 85 percent of their electricity from nuclear power, and they have never had one tiny problem as a result of that. But the radical environmentalists in this country seem determined to create blackouts in this country. They don't want coal. They don't want us to drill for oil. They

don't want nuclear. They're even protesting now putting in solar panels out in the Mojave Desert. They don't want wind farms.

Solar and wind are not the solutions to our energy needs, and we know that. President Obama said he would double the use of alternative energies, meaning wind and solar, and yet President Bush did that in the last 18 months of his administration. We went from 1.5 percent to 3 percent. Well, President Bush did that in 18 months. President Obama has said that he would double it during his first term. Well, going from 3 percent to 6 percent, given how the technology is growing, isn't a very big leap.

□ 2240

But we also know that we can only absorb in our current electric grid only 10 percent of solar and wind. Beyond 10 percent we put our wonderful system of energy in great jeopardy because we simply don't have the grid to handle it, and we can handle up to 10 percent, as I understand it from listening to the experts. But even that, for us to absorb 10 percent of wind and solar, which are undependable, and that's the main reason we can't absorb more than 10 percent, would take \$3 trillion to redo our grid. They never say anything about that cost. And to be able to put in cap-and-tax would be enormously expensive to the average American consumer. We know that it's probably going to increase energy costs between \$1,700 and \$3,000 for the average American family. They never mention that when they're talking about what they want to do in terms of alternative energy.

I think it's very important, again, that we call the attention of the American people to that bill. I'm sorry I forgot to write down the number of the bill, but if people, again, would pay some attention to that bill and read it, as they have H.R. 3200, I think they'd find that we are telling the truth about it and that rather than expanding domestic energy sources, it's going to contract domestic energy sources because of all the rules and regulations and the costs of them. I think it's a cruel hoax being put out to the American people along with what they have been saying about health care also.

I want to switch back to that subject because you are an expert in both of these areas, but you're really such an expert in the health care area. I want to take it down, though, to, I think, a conversation that everybody can understand.

When I was growing up in western North Carolina in the 1950s, my family was extraordinarily poor. I mean dirt poor, as we used to say. And yet we could afford health care. I had chronic asthma and allergies and often had to get health care treatment, and my family could pay for that. The costs were very low. And I began to think a

few years ago, now, what has happened since I was a child living out in the country, a very rural area, the poorest county in North Carolina, and yet we had a small hospital, we had doctors there who would treat us, and we could pay cash and meet our obligations? What has happened since that time in the mid 1960s Medicare was created, Medicaid was created? Government policies encouraged companies to provide health insurance for their employees because they could tax deduct it but individuals could not. So the rules changed dramatically.

I know also that we have wonderful technology. We have many, many more specialists in our country, and our health care has gotten better and better in this country. And I get really furious when I hear these statistics from our colleagues that want to say that we are 35th in the level of health care that we provide. Well, why is it that everybody comes to our country to get health care and why is it that our average lifespan is now 80 years old and people are living such vibrant lives right up almost until death, most people are? It's because we have created government-run health care in Medicare and Medicaid and in the other areas that you talked about and third-party payer. We have taken away the sense of responsibility from Americans for how much things cost. And everybody thinks, well, if insurance is going to pay for it, it's not costing me anything. I'll utilize it to the full.

But I make the analogy we all have to buy car insurance because as we drive our cars, there is the chance we will harm someone else, so we all have to have liability insurance. But our car insurance does not pay to change our oil or put new tires on the car, and yet we have come to accept that.

The same thing with homeowner's insurance. We buy homeowner's insurance because it's the practical thing to do. But if our roof gets a leak in it, we don't turn that in to the insurance company. We fix the roof because we know if we don't fix the roof, pretty soon the ceiling is going to be leaking, then the floor is going to be damaged.

So we assume that responsibility for our cars and our homes, and yet over the years, this insidious growth of government and third-party payer through insurance have taken away the sense of responsibility that we have for taking care of our own bodies and taking care of our own health. And the more we involve the government, the worse it's going to be. We don't need government-run health care in this country. We need to follow the principles that you outlined, and I think you did a beautiful job.

The other thing I want to say is we keep hearing that Republicans have no alternatives. Our alternatives fit exactly the principles that you outlined, and I just want to mention a couple of bills here.

H.R. 2520, the Patient's Choice Act by Mr. RYAN from Wisconsin. The Patient's Choice Act would transform health care in America by strengthening the relationship between the patient and the doctor by using the forces of choice and competition rather than rationing and restrictions. It seeks to ensure universal affordable health care for all Americans.

And then there's the bill that you introduced, which you, I don't think, have spoken of, but it's H.R. 3400, and we want to make sure people understand the difference: The Empowering Patients First Act to increase patients' control over their health care decisions by offering more choices and the highest quality available.

We have comprehensive bills out there that do what needs to be done, but the Speaker refuses to pay attention to those, as you said, and the President refuses to pay attention to them. They are determined to control every aspect of our lives, and taking over health care gives them the wonderful opportunity to do that.

I want to thank you again for leading this hour tonight and getting us on the right track on these issues.

Mr. PRICE of Georgia. Thank you ever so much, my dear friend from North Carolina, Ms. FOXX, who outlines very specific and clear and cogent discussion points in the area both of energy policy and in health care policy.

I think one of the important takeaways that I would offer in the area of energy policy is that we have been talking about and desirous of what we call an all-of-the-above energy solution that our friends on the other side talk about but, in fact, they have never voted for or introduced policy legislation that would accomplish that. And by "all of the above," we mean sincerely that America has been blessed with incredible resources, remarkable resources, and that we ought to be able to utilize them in a very environmentally responsible and sound way.

What does that mean? That means that offshore from the United States, there are resources that we can utilize. Onshore there are oil resources that we ought to be able to utilize: Oil shale technology that allows us to gain the fossil fuels from oil shale; shale out west, to be able to use that and supply the American people with appropriate resources in the area of oil; clean coal technology, which my friend from North Carolina discussed and our friends on the other side talk about but, in fact, they vote against every time it comes up; and then nuclear technology.

We ought to be able to use increasing nuclear resources to be able to provide energy for the American people. And we ought to be able to do so not just because it's the right thing to do for our Nation, not just because it's available to us and the good Lord has

blessed us with this remarkable knowledge and expertise and resource base, but because in so doing, we make it so that we're not helping people across the world who don't like us. There are people that we are supporting to a huge degree, the Government of Venezuela, which is headed by an individual that has absolute animosity for the United States. There are governments in the Middle East that we are sending literally hundreds of billions of dollars to that are not fond of the United States or our government or our people.

□ 2250

We ought not be utilizing American resources, American tax money, American labor, and ingenuity to fund folks who don't care for us. That is just wrong. If it were the only option available, that would be one thing, but it is not. There are wonderful resources that we have, but we are blocked by the Democrats in charge and the majority party. And that is wrong.

The President has said over and over again that he doesn't believe that we ought to utilize our resources in this way. As the gentlelady from North Carolina says, he wants to double wind and solar energy. That is fine. That is great. But it will be ultimately 6 to 8 percent of the energy utilization of this Nation. That is not going to get us over the hurdle. It is not going to get us where we need to be.

So on the one hand, we need to conserve more. Absolutely. We need to utilize American resources for Americans. That is a responsible thing to do. That is a common sense thing to do. One would think if one was elected to the United States House of Representatives or the Senate that one would have that as a responsible feature of their policy, to utilize American resources for Americans. And we ought to be able to incentivize the creation of the new form of energy without the government picking winners and losers. That is a responsible energy policy. That is an all-of-the-above energy policy. That is an energy policy that we have been clamoring for for years, literally, and have been blocked at every single turn by our friends on the other side of the aisle in their beholden nature to folks who would not allow us to use American resources.

I want to talk a little more about the issue of health care because it is driving the entire debate here in Washington today.

I have talked about principles in health care: accessibility, affordability, quality, responsiveness, innovation, and choices, and that none of those principles are improved by the intervention of the Federal Government.

I don't think there is a single American who sincerely believes that they are improved by more imposition of rules from Washington. So if you be-

lieve that, if we believe that, then the President would have us believe there are only two alternatives, that it is either the government in charge or it is the insurance companies in charge.

Well, Mr. Speaker, that is a false choice. That is a false premise. In fact, it is not just the government in charge or the insurance companies in charge; in fact there is a better way. There is the right way. There is the correct way, and that is to put patients and their families in charge.

How do you do that, to put patients and their families in charge so that accessibility, affordability, quality, responsiveness, innovation, and choices are all improved? In fact, all of the principles in health care are improved if the patients are in charge. In fact, the system moves in the direction that it ought to move, and the direction that our health care system ought to move isn't the direction I, as a physician or Member of Congress believe it ought to move; it isn't the direction that you believe it ought to move; it isn't the direction in which our collective intelligence here in the House believes it ought to move. The direction that it ought to move in is the direction that patients want it to move. The only way to do that is to allow patients to control the system.

Mr. Speaker, the bill that will do that is H.R. 3400. You can go to the Web site for the Republican Study Committee, [rsc.price.house.gov](http://rsc.price.house.gov). Look it up. It is right there. There is a side-by-side with H.R. 3200, which is Speaker PELOSI and the Democrats in charge here in the House, their monstrosity, a 1,000-plus-page bill. Or there is a responsible way to do it, H.R. 3400.

Now what does H.R. 3400 do? Well, it does five big things very specifically, in addition to a lot of other things, but five big things.

One is that it gets Americans insured. It is imperative that we make certain that those individuals who are unable or appear to have the lack of resources to be able to finance health coverage for themselves or their family have the wherewithal to do that. How do you do that as a good conservative? Well, you make it so for every single American it makes financial sense to be insured. Americans are bright people. They are making financial decisions right now not to be insured. So we devise a system, create the rules of a system that will respond to patients that will make it so each and every American citizen sits down at the end of the day and when they are doing their budget, they realize that it makes more sense for them financially to be insured than not.

You do that through a series of tax deductions, tax credits, refundable tax credits, advanceable refundable tax credits, tax equity for the purchase of insurance so that individuals are able to purchase insurance with pretax dol-

lars, just like businesses, instead of post-tax dollars. So you get folks insured.

Secondly, you have to solve the challenges of the health insurance system right now. There are wonderful things about our health care system, but there also some things that are flawed. Those flawed things we ought to solve, and they are relatively easy to solve.

For example, the two main issues, portability, you ought not lose your insurance if you change your job or you lose your job. It ought not be the case. Preexisting injury or illness. If you happen to have a diagnosis that results in a major calamitous event for you or your family from a medical standpoint, or you have an injury that results in a major expenditure, you ought not be priced out of the market. You ought not lose your insurance. That is wrong.

So how do you solve that? Well, you make it so that individuals own and control their insurance policy so they can take it with them if they lose their job or they change their job. In addition to that, you make it so Americans can pool together with millions of other people for the purchase of insurance. So you get the purchasing power of millions even if you are one individual or a small group or small business or small employer in that market to purchase health insurance. So you solve those challenges. You get people insured, and you solve the insurance challenge.

Third is to make absolute certain that it is patients and their families and doctors who are making medical decisions. Not government bureaucrats, not insurance bureaucrats, not anybody else.

Medical decisions are some of the most personal decisions we ever make in our lives for ourselves and for our family. We ought to have the right, we do have the right, but we ought to be able to exercise the right of making those decisions ourselves.

It is a sad commentary, Mr. Speaker, right now in America that in order to get that accomplished you have to write that into law. That is a sad commentary, but it is where we find ourselves right now. So H.R. 3400 says that, that nobody else in the Federal Government or the insurance industry will be able to make decisions as it relates to the provision of medical services and care for individuals or members of their family.

Fourth, we solve the issue of lawsuit abuse. Lawsuit abuse, the lottery mentality that we have created in our society that makes it so that individuals believe if they just hit the right note, if they just are able to find the right cause of action against a physician or hospital, they might make millions. That results in the practice of defensive medicine. And the practice of defensive medicine are those tests and

examinations that your doctor performs or orders in order to make certain, make absolute certain to as much scientific certainty as one can that the diagnosis or procedure he or she proposes for a patient and then carries out is backed up by all of the knowledge and evidence that is available to them so that if they find themselves in a court of law at some point they can look at the judge and jury and say look, I did every one of these things to make certain what I proposed to do and what I did was appropriate for this patient. And the judge and the jury nod their head and say, yes, he or she did.

It doesn't make any difference whether the first two of those things were what was necessary to perform the diagnosis or cure the patient, the next 15 or 16 were redundant; but that is the practice of defensive medicine. Hundreds of billions of dollars each year, and it is not necessarily that it harms the patient, because it doesn't; but it makes it so that the system spends so much more money than it has to in order to provide the care that it currently provides because of the lawsuit abuse that we have.

Mr. Speaker, so we can have everybody insured. We can solve the insurance challenges. We can make certain that medical decisions are made in their rightful place, that is, between patients and families and doctors; and we can solve the whole issue of lawsuit abuse.

And the fifth item in H.R. 3400 is that we can do all of those things that would solve 99 percent-plus of the challenges that we face in health care, all of those things we can solve without raising taxes one penny. Not one penny.

□ 2300

So, Mr. Speaker, when we look at 3400 and when we compare it to the bill that has been passed through three committees here in the House of Representatives by the Democrats in charge, a \$1.3 trillion monstrosity, a 1,000-plus-page monstrosity that results in an \$800 billion tax increase and a \$500 billion slash to Medicare programs—when you look at that, that's why the American people are confounded, they're confused. They don't understand what's going on because they know that that's not the solution. They know that the majority party—the Democrats in charge, the Democrats in power—are taking us down a path that is not consistent with what they believe.

They cry out, clamor, and have said over August and earlier this month, Why aren't you listening to us? Why aren't you listening to us?

So that is why the opportunity that we have in this Chamber and in the Senate, right down the hall here in the Capitol, to solve the challenges that we face in positive ways that make funda-

mental American principles come to the table is so wonderful. We've got a great opportunity. In fact, we're ignoring that right now because of the leadership that we have—because of the lack of leadership from this Speaker and from this Congress to allow to be put in place the positive solutions that are available to us as a Nation.

My friend from North Carolina is kind enough to stick around and to remain here for these discussions. I'm happy to yield to her.

Ms. FOXX. Well, I thought that it might be useful to throw out a few other statistics tonight. I haven't had a chance to read this entire article, but the Weekly Standard, September 21, has an interesting article in it by Fred Barnes, entitled "An Unnecessary Operation." It has some very interesting statistics in it, some of which we have talked about before. I think it's important to point out, he says here in this article, that 89 percent of Americans, in a June 2008 ABC News-USA Today-Kaiser Family Foundation survey, said they were satisfied with their health care.

Most Americans think that we're trying to do too much in our government. One area that they're very happy with is their health care, and I think that it's important that we point that out.

As you say, there are things that do need to be done. There is no question. Republicans understand we need to make modifications in people's accessibility to health care, in its portability—those principles that you laid out earlier. We want to do that, and we have ways to do that, as you say, without it costing a dime to the American people. That's what we should be focusing on. With 89 percent of Americans being satisfied with their health care, let us make minor adjustments to the health care system.

Let me point out some other statistics that, I think, are very, very important. These go against those people who decry what an awful health care system we have in this country, which really infuriates me because, again, we know that people are coming here—thousands of them. In here, I think they say 400,000 people a year come from other countries to get medical care. Let's talk a little bit about those.

The two very major innovations in health care are the MRI and the CT. The statistics on this are absolutely astounding in terms of the numbers of machines. The United States has 27 MRI machines per million Americans. Canada and Britain have 6 per million. We have 27. The United States has 34 CT scanners per million. Canada has 12 per million. Britain has 8 per million.

Now, we know just on the face of it, with that many fewer machines, it's going to take a lot longer to have access to those machines. Right now, American patients pay out-of-pocket

expenses of 12.6 percent. It's much higher in other countries, including the countries that have government-run health care.

Then we can talk a little bit about mortality. I mean, again, you've laid out the arguments for why we should make the kinds of changes you've recommended and that Republicans have recommended, but let's talk a little bit about survival rates:

For all cancer, 66.3 percent of American men and 63.9 percent of American women survive. In Europe, it's only 47.3 percent of men and 55.8 percent of women who survive after 5 years. These are statistically significant numbers. Let's talk about breast cancer. There is a 90.1 percent survival rate for Americans and a 79 percent survival rate for Europeans. I mean, not only do we have the least expensive health care in this country and the most available health care in this country, but we also have much, much greater survival rates in this country.

Why do we want to mess up that system by implementing what Speaker PELOSI and President Obama have recommended? That is simply going to go against the Hippocratic oath.

I was thinking about that earlier. I know physicians say, above all else, they should do no harm. You know, I really think that that needs to be added to our oath when we come here and swear our allegiance to the Constitution. I think it's entirely appropriate for us to do that, but I really think we should add something like the Hippocratic oath, which says to do no harm, because what the Democrats want to do, who are in charge of this government right now—of the Congress as well as of the executive branch—is to actually bring harm to the American people. They will be violating all of those principles which you laid out earlier, and we're going to be reducing life spans and survival rates if we go to a government-run plan. It's unnecessary except that it is part of the philosophy of the liberal Left.

Their idea is that the government knows best. For those of us who are conservatives and who are mostly Republicans, our idea is that it's not the government that knows best. We should leave people as free as possible, and we should operate as we have for over 200 years in our society and in our country, which is with a capitalistic operation. We have a Judeo-Christian bedrock. Our rule of law and our capitalistic system have allowed us to have the most successful society that has ever existed in the world.

Yet these folks want the government to take over. They want the government to run automobile companies and to become banks for student loans. Everything should be run by the government, in their minds, while we say let's perfect the situations that we have. We can certainly improve what we do in

almost every area, and we should focus on those things instead of turning upside down and reversing the things that we do well.

So I want to thank you very much for leading this hour and for focusing on these two issues, energy and health care, which are so important to Americans, and for helping to set straight some of the things that our colleagues said, particularly in the previous hour, but they're things which they say almost every day. Let's call them to task on those issues.

Thank you, Dr. PRICE, Congressman PRICE, for the leadership you've given to the RSC and particularly to this issue of health care.

Mr. PRICE of Georgia. Thank you so much, my friend from North Carolina, Congresswoman FOXX, for your wonderful expertise and comments.

You alluded to significant misinformation on this issue, and there is a lot of misinformation out there. It's no wonder that the American people find themselves somewhat confused.

One of the problems that I have found is that one of the greatest purveyors of misinformation happens to be the President of the United States, himself. Again, you don't have to just believe me. I have a letter from the American Academy of Orthopaedic Surgeons, responding to President Obama's remarks about amputations, remarks which some of you may recall. The President has insisted on saying that physicians make financial decisions, and that's why they do things in treating patients, which is abhorrent to members of the medical profession. The oath that they take, as you said, Ms. FOXX, is, first, to do no harm.

□ 2310

The President, as you recall, Mr. Speaker, said sometime about 6 to 8 weeks ago that we have a system that doesn't allow or doesn't incentivize the treatment of a diabetic limb disease and then rewards by providing 30 or 40 or \$50,000 in compensation for surgeons to take off a limb, amputate a limb.

Mr. Speaker, I was struck by that, because when I first heard it I was astounded. In fact, what it showed me was that the President has no clue about what it means to take care of patients and the incentives that go into caring for patients, not a clue.

I was so heartened when I read a letter from Dr. Joseph D. Zuckerman, who is the president of the American Academy of Orthopaedic Surgeons, that I would submit for the RECORD, dated August 13, 2009, in which he said to the President:

"Dear Mr. President:

"On behalf of the American Academy of Orthopaedic Surgeons (AAOS), I am writing to express our profound disappointment with your recent comments regarding the value of surgery and blurring the realities of physician

reimbursements. The AAOS represents more than 17,000 U.S. board-certified orthopaedic surgeons who provide essential services to patients every day. As you yourself have said, 'Where we do disagree, let's disagree over things that are real, not these wild misrepresentations that bear no resemblance to anything that's actually been proposed.' In that spirit, we would like to bring some clarity to your comments and underscore the value that orthopaedic surgeons bring to Americans every day of every year.

"First, surgeons are not reimbursed by Medicare, nor by any provider for that matter, for foot amputations at rates anywhere close to \$50,000, \$40,000 or even \$30,000. Medicare reimbursements to physicians for foot amputations range from approximately \$700 to \$1,200, which includes the follow-up care the surgeon provides the patient [for] up to 90 days after the operation. Moreover, orthopaedic surgeons are actively involved in the preventive care that you mentioned. We are a specialty that focuses on limb preservation whenever possible and when it is in the best interests of the patient. Our approach to amputation follows the same careful, thoughtful approach, always with the patient's best interest as the primary focus.

"It is also a mischaracterization to suggest that physicians are reimbursed 'immediately.' The AAOS itself, along with numerous other organizations, has testified in congressional hearings investigating the delays in reimbursement by Medicare and other payers that create additional administrative burdens making it more difficult to provide access to care for patients.

"As you continue to pursue your health care reform agenda, we implore you to disengage from hyperbole," and it goes on.

[From AAOS Now, Sept. 2009]

AUGUST 13, 2009.

#### AAOS RESPONDS TO OBAMA'S AMPUTATION REMARKS

President BARACK OBAMA,  
*The White House,*  
*Washington, DC.*

DEAR MR. PRESIDENT: On behalf of the American Academy of Orthopaedic Surgeons (AAOS), I am writing to express our profound disappointment with your recent comments regarding the value of surgery and blurring the realities of physician reimbursements. The AAOS represents more than 17,000 U.S. board-certified orthopaedic surgeons who provide essential services to patients every day. As you yourself have said, "Where we do disagree, let's disagree over things that are real, not these wild misrepresentations that bear no resemblance to anything that's actually been proposed." In that spirit, we would like to bring some clarity to your comments and underscore the value that orthopaedic surgeons bring to Americans every day of every year.

First, surgeons are not reimbursed by Medicare, nor by any provider for that matter, for foot amputations at rates anywhere close to \$50,000, \$40,000, or even \$30,000. Medi-

care reimbursements to physicians for foot amputations range from approximately \$700 to \$1,200, which includes the follow-up care the surgeon provides to the patient [for] up to 90 days after the operation. Moreover, orthopaedic surgeons are actively involved in the preventive care you mention. We are a specialty that focuses on limb preservation whenever possible and when it is in the best interests of the patient. Our approach to amputation follows the same careful, thoughtful approach, always with the patient's best interest as the primary focus.

It is also a mischaracterization to suggest that physicians are reimbursed "immediately." The AAOS itself, along with numerous other organizations, has testified in Congressional hearings investigating the delays in reimbursement by Medicare and other payers that create additional administrative burdens making it more difficult to provide access to care for patients.

As you continue to pursue your health care reform agenda, we implore you to disengage from hyperbole and acknowledge that health care delivery can only be improved by recognizing that health care is a system in which orthopaedic surgeons play a crucial role. With \$849 billion of our national economy impacted by musculoskeletal conditions, orthopaedic surgeons provide care that improves lives and puts people back to work. Pediatric orthopaedic surgeons provide life-altering care to our nation's children and play an invaluable role in ensuring Medicaid patients have access to needed services. Military and civilian orthopaedic surgeons provide care to our service women and men, which preserves limbs and has improved survival rates over past conflicts. Orthopaedic trauma surgeons perform limb- and life-saving procedures and help to ensure that our communities have the medical services that we all deserve. Total hip and knee replacement surgeries are now two of the most successful operations in medicine through a predictable reduction in pain, restoration of function, and return of patients to both work and activities of daily living. And we are working every day to ensure that medicine provides Americans with disabilities the quality of life to which they are entitled.

The AAOS is committed to improving the American health care delivery system and increasing health care coverage. The most expedient way to accomplish your goal is to ensure that the debate is based in fact and reflects the value of the services that all physicians, including orthopaedic surgeons, provide. We request a meeting with you and your staff at your earliest convenience to discuss these important issues.

Sincerely,

JOSEPH D. ZUCKERMAN, MD,  
*President, American Academy*  
*of Orthopaedic Surgeons.*

Mr. Speaker, it is remarkable that the leader of this Nation continues to suggest, as do our friends on the other side of the aisle and the majority party, that the quality of health care that's provided in this Nation is not of the highest quality in the world. In fact, it is.

If you look at disease-specific criteria, whether it's cancer or heart disease or diabetes or trauma or virtually any disease you can think of, Americans have the highest quality of care related to that specific diagnosis than anywhere in the world. It's why my friend from North Carolina said that

when people are injured or have a disease from somewhere else in the world, they come, they flock to the United States by the hundreds of thousands to get care. And in this whole discussion about health care, to denigrate the care that's provided by compassionate and caring physicians and other providers around this Nation does a disservice to the debate and it makes it so that we are not talking about real things, about real things that affect real people.

So I implore the President, I call on the President, I call on the Speaker, I call on my friends on the other side of the aisle to know of which you speak when you are talking about health care, to make certain that when you are talking about issues that relate to accessibility for patients and affordability for patients and quality of care and responsiveness of a system and innovation in a system and choices that patients must have in order to gain the highest quality of care and the care that's most appropriate for them and their families.

Because, Mr. Speaker, as you may know, and as I hope the President now recognizes, that a given diagnosis in one patient doesn't necessarily mean that the same diagnosis in another patient is followed up with the same treatment, because no two people are the same. It's what this whole debate ignores. No two American citizens, no two individuals in this world, given the same diagnosis, regardless of that diagnosis, are absolutely the same, and the treatment that those individuals ought to receive ought to be determined by patients, those patients, and their families and caring and compassionate physicians.

This notion by the Secretary of Health and Human Services, by the President of the United States, by the Speaker of this House and by members of the majority party that somehow you could come up with some algorithm that if you just answer the questions correctly and march through the maze that the American people will be better served, Mr. Speaker, you know that's not true and I know that's not true.

When we come to this House, when we come to the United States Senate and we recognize that there are challenges that we face in the health care arena, we ought to come together as Americans and solve this challenge in a way that respects those principles of health care and respects the fundamental American principles that have allowed us to become the greatest nation in the history of mankind.

I look forward to that debate. I look forward to that discussion, and I look forward to being able to vote and have all Members of this body vote on a bill that will reform our health care system in a positive and productive way.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEK of Florida (at the request of Mr. HOYER) for today on account of business in the district.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 25 and 29.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today, September 23 and 24.

Mr. JONES, for 5 minutes, today, September 25 and 29.

Mr. FORBES, for 5 minutes, September 23.

Mr. BURTON of Indiana, for 5 minutes, September 25.

Mr. INGLIS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, September 23, 24 and 25.

Mr. SMITH of Nebraska, for 5 minutes, September 24.

Mr. BISHOP of Utah, for 5 minutes, September 23 and 24.

Mr. FRANKS of Arizona, for 5 minutes, September 23 and 24.

#### ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 23, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3629. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I. [COTP San Juan 07-079] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3630. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie,

U.S.V.I. [Docket No.: COTP San Juan 07-098] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Christiansted Harbor, Christiansted, U.S.V.I. [Docket No.: COTP San Juan 07-108] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3632. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Captain of the Port San Juan Tropical Cyclone Safety Zone [COTP San Juan 07-190] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3633. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones: San Juan Harbor and Rio Grande, Puerto Rico [COTP San Juan 07-193] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3634. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Croix Coral Reef Swim, Buck Island Channel, USVI [Docket No.: COTP San Juan 07-219] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3635. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bahia de Guanica, Guanica, PR [Docket No.: COTP San Juan 07-250] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3636. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sag Harbor Volunteer Ambulance Corp. Fireworks, Havens Beach, Sag Harbor, NY [CGD01-07-107] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3637. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pier 67, Edgewater Hotel, Elliott Bay, Washington [CGD13-07-044] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3638. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bellevue, KY, Ohio River Mile 469.2 to 470.2 [Docket No.: COTP Ohio Valley 07-024] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3639. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 255.5 to 256.5, Tuscumbia, AL [Docket No.: COTP Ohio Valley-07-027] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3640. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security

Zone; Pier 59/Seattle Aquarium and Pier 58, Elliott Bay, Washington [CGD13-07-045] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3641. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clinch River Mile Marker 0.5 to Mile Marker 1.5, Kingston, TN [Docket No.: COTP Ohio Valley-07-028] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3642. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 307.5 to 309.1, Huntington, WV [Docket No.: COTP Ohio Valley-07-029] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3643. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pier 70/Waterfront Seafood Grill Restaurant, Elliott Bay, Washington [CGD13-07-046] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3644. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 125.4 to 126.6, Clarksville, TN [Docket No.: COTP Ohio Valley-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3645. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Budd Inlet, West Bay, Olympia, Washington [CGD13-07-047] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3646. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 262.8 to Mile Marker 268.5, Point Pleasant, WV [Docket No.: COTP Ohio Valley-07-031] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3647. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; New Sauvie Island Bridge Arch Transfer Safety Zone, Terminal 2, Willamette River, Portland, Oregon [CGD13-07-050] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3648. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Warsaw, KY, Ohio River Mile 527.5 to 528.5 [Docket No.: COTP Ohio Valley-07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3649. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; New Sauvie Island Bridge Arch Transfer Safety Zone, Terminal 2, Willamette River, Portland, Oregon

[CGD13-07-050] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3650. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Everglades, Fort Lauderdale, Florida [COTP Miami 07-202] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3651. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Weather-Forced Closure of the Tillamook Bay Bar and Entrance [CGD13-07-058] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3652. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oracle Air Show Demonstration, San Francisco Bay, CA [COTP San Francisco Bay 07-045] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3653. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Weather-Forced Closure of Quillayute River, Washington Coastal Bay [CGD13-07-059] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3654. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Butterfly Restaurant Fireworks Display, San Francisco, CA [COTP San Francisco Bay 07-046] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3655. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Weather-Forced Closure of the Columbia River Bar and Tillamook Bay Bar and Entrances [CGD13-08-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3656. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise Cup Shoot Out, Franks Tract, CA [COTP San Francisco Bay 07-048] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3657. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Motor Vessel COSCO BUSAN, in San Francisco Bay, California [COTP San Francisco Bay 07-052] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3658. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ford Ironman 70.3 California Triathlon, Oceanside Harbor, CA [COTP San Diego 07-014] (RIN: 1625-00AA) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3659. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jet Jam Performance Weekend Jet Ski Races, Lake Havasu, AZ [COTP San Diego 07-017] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3660. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 07-051] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3661. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 791.0 to 795.0, Evansville, IN [Docket No.: COTP Ohio Valley 07-021] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3662. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, CA [COTP San Diego 07-052] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3663. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CA [COTP San Diego 07-351] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3664. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 82.3 to 83.3, Grand Tower, IL [Docket No.: COTP Ohio Valley-07-037] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3665. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi Mile Marker 54.0 to 54.8, Cape Girardeau, MO [Docket No.: COTP Ohio Valley-07-038] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3666. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 190.6 to 191.1, Nashville, TN [Docket No.: COTP Ohio Valley-07-039] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3667. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile Markers 324.0 to 324.5, Huntsville, AL [Docket No.: COTP Ohio Valley-07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3668. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 126 to 127, Clarksville, TN [COTP Ohio Valley-07-041] (RIN: 1625-AA00) received September 11,

2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3669. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanwaha River Mile Marker 58.0 to 59.0, Charleston, WV [Docket No.: COTP Ohio Valley-07-043] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3670. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Weather-Forced Restriction of all vessel traffic on the Gray's Harbor, Washington Bar and entrance [CGD13-08-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3671. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 471 to 476, Chattanooga, TN [Docket No.: COTP Ohio Valley-07-044] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3672. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kennebunkport, ME Presidential Visit [CGD01-07-089] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3673. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 931 to 935, Ledbetter, KY [COTP Ohio Valley-07-056] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3674. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kennebunkport, ME, Presidential Visit [CGD01-07-089] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3675. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: St. Peter's Fiesta Fireworks — Gloucester, Massachusetts [CGD01-07-090] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3676. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Point O'Woods Fire Department Fireworks, Great South Bay, Point O'Woods, NY [CGD01-07-106] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3677. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River Mile Marker 951 to 953, Cairo, IL [Docket No.: COTP Ohio Valley-07-035] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3678. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Upper Mississippi River Mile Marker 0.5 to 2.0, Cairo, IL [Docket No.: COTP Ohio Valley-07-036] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3679. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Christmas Boat Parade Fireworks, Patchogue Bay, Patchogue, NY [CGD01-07-160] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3680. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Christmas Boat Parade Fireworks, Patchogue River, Patchogue, NY [CGD01-07-159] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3681. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Salem Haunted Happenings, Salem, MA [Docket No.: CGD01-07-154] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3682. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Thames River Channel, New London, Connecticut [CGD01-07-149] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3683. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Gillette Castle Celebration Fireworks, Connecticut River, East Haddam, CT [CGD01-07-147] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3684. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Thames River Channel, New London, Connecticut [CGD01-07-146] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3685. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona) [COTP San Diego 07-006] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3686. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 602.0 to 603.5; Louisville, KY [Docket No.: COTP Ohio Valley 07-033] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3687. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 496.8 to 497.8, Aurora, IN [Docket No.: COTP Ohio Valley-07-034] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-

mittee on Transportation and Infrastructure.

3688. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 600 yards off North West shore of Lake Palourde, IVO Lake End Park Morgan City, LA [COTP Morgan City-07-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3689. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Morgan City-Port Allen Alternate Route, Mile Marker 14 to Mile Marker 16, bank to bank, Belle River, LA [COTP Morgan City-07-006] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3690. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Brige at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-007] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3691. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3692. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 604.4-605.0, Louisville, KY [COTP Ohio Valley 07-010] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3693. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 307.8 to 308.8, Huntington, WV [COTP Ohio Valley-07-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3694. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 182.5 to 183.5, Parkersburg, West Virginia [Docket No.: COTP Ohio Valley-07-013] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3695. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanwaha River Mile 46.1 to 57.1, Saint Albans, WV [Docket No.: COTP Ohio Valley-07-014] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3696. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 126 to 127, Clarksville, TN [COTP Ohio Valley-07-015] (RIN: 1625-AA00) received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3697. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 943 to 944, Metropolis, IL [Docket No.: COTP Ohio Valley-07-016] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3698. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 321.6 to 323.3, Ashland, KY [Docket No.: COTP Ohio Valley-07-017] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3699. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 316.6 to 317.6, Big Sandy River Mile 0.0 to 0.5, South Point, OH [Docket No.: COTP Ohio Valley-07-018] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3700. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 265.2 to 266.2, Kanawha River Mile 0.0 to 0.5, Point Pleasant, WV [Docket No.: COTP Ohio Valley-07-019] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3701. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 355.5 to 356.5, Portsmouth, OH [Docket No.: COTP Ohio Valley-07-020] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3702. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 171.3 to 172.6, Marietta, OH [Docket No.: COTP Ohio Valley-07-022] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3703. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cincinnati, OH, Ohio River Mile 461 to 470 [Docket No.: COTP Ohio Valley 07-023] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3704. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fox Wedding Fireworks, Boston, MA [CGD01-07-144] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3705. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fox Wedding Fireworks, Boston, MA [CGD01-07-144] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3706. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; The Event Store Fireworks, Southold Bay, Southold, NY [CGD01-07-143] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3707. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NY Islanders Kick-Off Celebration Fireworks, Bayville, NY [CGD01-07-142] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3708. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Redstone Wedding Fireworks, Revere, MA [CGD01-07-131] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3709. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Revere Fireworks, Revere, MA [CGD01-07-128] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3710. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Search and Rescue Operations, Quinipiac River [CGD01-07-125] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3711. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blynman Canal Bridge over the Blynman Canal, Gloucester, Massachusetts [CGD01-07-124] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3712. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Friends of John Rouse Fireworks, East Beach, Port Jefferson, NY [CGD01-07-122] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3713. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kennebunkport, ME Presidential Visit [CGD01-07-119] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3714. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Yankee Homecoming Fireworks, Newburyport, MA [CGD01-07-117] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3715. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Portland Harbor, Maine, The Zone Living Urban/Epic Triathlon [CGD01-07-114] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 760. Resolution providing for consideration of the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes (Rept. 111-263). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. AUSTRIA (for himself, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. LEE of New York, Mr. KINGSTON, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. BILBRAY, Mrs. BLACKBURN, Mr. LAMBOURN, Mr. PITTS, Mr. HENSARLING, Mr. SCALISE, Mr. MARCHANT, Ms. FALLIN, Mr. AKIN, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. POSEY, Mr. TIBERI, Mr. THOMPSON of Pennsylvania, Mr. CHAFFETZ, Mr. SOUDER, Mr. FLEMING, Mr. SESSIONS, Mr. TIAHRT, Mr. MORAN of Kansas, and Mr. CASSIDY):

H.R. 3610. A bill to amend the Internal Revenue Code of 1986 to improve access to health care by allowing a deduction for the health insurance costs of individuals, expanding health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. BROUN of Georgia (for himself, Mr. BOREN, Mrs. MYRICK, Mr. GARRETT of New Jersey, Mr. LINDER, and Mr. TAYLOR):

H.R. 3611. A bill to restrict the diplomatic travel of officials and representatives of state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROUN of Georgia (for himself, Mr. WESTMORELAND, Mr. DEAL of Georgia, and Mr. KINGSTON):

H.R. 3612. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty with respect to early retirement distributions for certain unemployed individuals; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 3613. A bill to amend the Ethics in Government Act of 1978 to modify financial disclosure filing requirements for certain employees of the Executive Office of the President; to the Committee on Oversight and Government Reform.

By Ms. VELAZQUEZ:

H.R. 3614. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. SCHRADER (for himself, Mr. NUNES, Mr. KIND, Mr. BUCHANAN, Mrs. BLACKBURN, Mr. BRIGHT, Mrs. KIRKPATRICK of Arizona, Mrs. HALVORSON, Mr. MANZULLO, Mrs. McMORRIS RODGERS, Mr. SCHAUER, Mr. WESTMORELAND, Mr. BOOZMAN, Mr. CARNEY, Mr. HALL of New York, Mr. HIMES, Ms. KOSMAS, Ms. MARKEY of Colorado, Mr. PAUL, Mr. SCHOCK, Mr. MINNICK, Mr. PERRIELLO, and Mr. NYE):

H.R. 3615. A bill to amend the Internal Revenue Code of 1986 to provide a standard home

office deduction; to the Committee on Ways and Means.

By Ms. FALLIN:

H.R. 3616. A bill to expedite the exploration and development of oil and gas from Federal lands, and for other purposes; to the Committee on Natural Resources.

By Mr. OBERSTAR (for himself, Mr. RANGEL, Mr. DEFAZIO, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 3617. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. CUMMINGS, and Mr. LOBIONDO):

H.R. 3618. A bill to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Mr. CUMMINGS):

H.R. 3619. A bill to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ALEXANDER:

H.R. 3620. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employing members of the Ready Reserve and National Guard and veterans recently separated from the Armed Forces; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 3621. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees; to the Committee on Energy and Commerce.

By Mr. BRIGHT:

H.R. 3622. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the construction of pond establishments for the purposes of non-commercial recreational fishing and conservation of water-based wildlife habitats; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama:

H.R. 3623. A bill to amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 3624. A bill to amend the Federal Food, Drug, and Cosmetic Act to ban the use of the arsenic compound known as roxarsone

as a food additive; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. PLATTS):

H.R. 3625. A bill to provide for the Secretary of Education to study and report on the marketing of foods and beverages in elementary and secondary schools; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mrs. MALONEY):

H.R. 3626. A bill to amend section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) to promote and support breastfeeding; to the Committee on Education and Labor.

By Mr. PERRIELLO:

H.R. 3627. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the cost of teleworking equipment and expenses in rural and small town America; to the Committee on Ways and Means.

By Mr. POE of Texas:

H.R. 3628. A bill to create a cause of action and allow standing in Federal courts against a country that denies or unreasonably delays the repatriation of a national ordered removed from the United States to such country who later commits a crime of violence in the United States, to withhold foreign assistance from each country that denies or unreasonably delays the repatriation of nationals of such country who have been ordered removed from the United States, to prohibit the issuance of visas to nationals of such country, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself and Mr. GRIJALVA):

H.R. 3629. A bill to require the Secretary of Homeland Security to develop and implement a mitigation plan to address the ecological impacts of border security measures and activities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. SPRATT, Mr. CLYBURN, Mr. BARRETT of South Carolina, and Mr. INGLIS):

H. Con. Res. 187. Concurrent resolution remembering the 20th anniversary of Hurricane Hugo, which struck Charleston, South Carolina on September 21 through September 22, 1989; to the Committee on Oversight and Government Reform.

By Mr. MCMAHON (for himself and Mr. HEINRICH):

H. Con. Res. 188. Concurrent resolution recognizing the 75th anniversary of the National Conference of State Liquor Administrators; to the Committee on the Judiciary.

By Ms. SCHWARTZ (for herself and Mr. HINCHEY):

H. Con. Res. 189. Concurrent resolution encouraging the Government of Iran to grant consular access by the Government of Switzerland to Joshua Fattal, Shane Bauer, and Sarah Shourd, and to allow the 3 young people to reunite with their families in the United States at the soonest possible opportunity; to the Committee on Foreign Affairs.

By Mr. CAMP (for himself and Mr. KILDEE):

H. Res. 759. A resolution expressing condolences to the family of Jim Pouillon on his passing; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. WOLF, Mr. CROWLEY, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. FLAKE, Ms. WATSON, Mr. ROHRABACHER, Mr. SIRES, Mr. DRIER, Mr. CONNOLLY of Virginia, Mrs. EMERSON, Mr. SHERMAN, Mr. MCMAHON, Mr. GENE GREEN of Texas, Ms. BERKLEY, Mr. MILLER of North Carolina, Mr. SCOTT of Georgia, Ms. WOOLSEY, Mr. ELLISON, Mr. KLEIN of Florida, Mrs. CAPP, Mr. OLVER, Mr. COURTNEY, Mr. HARE, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. NADLER of New York, Ms. EDWARDS of Maryland, Ms. SLAUGHTER, Mr. TIERNEY, Mr. ARCURI, Mr. LYNCH, and Mr. PASTOR of Arizona):

H. Res. 761. A resolution remembering and commemorating the lives and work of Jesuit Fathers Ignacio Ellacuria, Ignacio Martin-Baro, Segundo Montes, Amando Lopez, Juan Ramon Moreno, Joaquin Lopez y Lopez, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos on the occasion of the 20th anniversary of their deaths at the University of Central America Jose Simeon Canas located in San Salvador, El Salvador on November 16, 1989; to the Committee on Foreign Affairs.

By Mr. HINCHEY (for himself, Mr. SERRANO, Mr. MASSA, Ms. SLAUGHTER, Mr. HALL of New York, Mr. ENGEL, Mr. MURPHY of New York, and Mr. TONKO):

H. Res. 762. A resolution honoring the Hudson River School painters for their contributions to the United States; to the Committee on Oversight and Government Reform.

By Mr. POE of Texas (for himself, Ms. ROS-LEHTINEN, Mr. FRANKS of Arizona, and Mr. INGLIS):

H. Res. 763. A resolution expressing the sense of the House of Representatives that the United Nations resolutions on the "defamation of religions" are incompatible with the fundamental freedoms of individuals to freely exercise and peacefully express their religious beliefs; to the Committee on Foreign Affairs.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. AUSTRIA and Mr. MORAN of Kansas.

H.R. 147: Mr. CONNOLLY of Virginia, Mr. SMITH of New Jersey, and Mr. HEINRICH.

H.R. 197: Mr. MCCLINTOCK.

H.R. 208: Mr. GINGREY of Georgia, Mrs. MCMORRIS RODGERS, Mr. COSTELLO, Mr. LEE of New York, Mr. PUTNAM, Mr. JONES, Mr. MACK, Mr. LYNCH, Mrs. HALVORSON, and Mr. REHBERG.

H.R. 213: Mr. SNYDER.

H.R. 272: Mr. TIBERI.

H.R. 275: Mr. KLINE of Minnesota and Mr. JORDAN of Ohio.

H.R. 303: Mr. DRIEHAUS, Mr. PETERSON, and Mr. LANGEVIN.

H.R. 305: Mr. FILNER.

H.R. 333: Mr. DRIEHAUS, Mrs. MCMORRIS RODGERS, and Mr. KENNEDY.

H.R. 391: Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. BLUNT.

H.R. 422: Mr. FRANKS of Arizona, Mr. WOLF, and Mr. PAYNE.

H.R. 471: Mr. CARNEY, Mr. VISCLOSKEY, Mr. HARE, Mr. DOYLE, and Mr. WOLF.

- H.R. 571: Mr. McMAHON and Mrs. MYRICK.  
H.R. 621: Mr. ROE of Tennessee.  
H.R. 649: Mr. JONES.  
H.R. 678: Mr. MCGOVERN.  
H.R. 690: Mr. HIMES and Mr. AUSTRIA.  
H.R. 734: Mr. TEAGUE and Mr. BOREN.  
H.R. 795: Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. RUSH, and Ms. RICHARDSON.  
H.R. 811: Mr. PETERSON.  
H.R. 816: Mr. DAVIS of Tennessee, Mr. ROE of Tennessee, Mr. PIERLUISI, Mr. PUTNAM, Mr. BOCCIERI, Mr. LANGEVIN, Mr. LOBIONDO, Mr. HONDA, Mr. SHUSTER, Mr. INGLIS, Mr. PETERSON, Mrs. DAHLKEMPER, Ms. SCHAKOWSKY, and Mr. ADERHOLT.  
H.R. 847: Mr. SIREs and Mr. LIPINSKI.  
H.R. 855: Ms. SPEIER and Mr. WILSON of South Carolina.  
H.R. 868: Mr. PATRICK J. MURPHY of Pennsylvania, Ms. BERKLEY, Mrs. MCCARTHY of New York, and Mr. YARMUTH.  
H.R. 930: Mr. BAIRD.  
H.R. 953: Mr. MAFFEI, Mr. NYE, and Ms. MARKEY of Colorado.  
H.R. 1017: Mr. HIMES.  
H.R. 1074: Mr. McCLINTOCK and Mr. SHUSTER.  
H.R. 1079: Ms. SCHAKOWSKY and Mr. PITTS.  
H.R. 1086: Mr. WILSON of South Carolina.  
H.R. 1147: Mrs. DAVIS of California.  
H.R. 1173: Mr. MCGOVERN.  
H.R. 1182: Mr. REHBERG, Mr. RAHALL, Mr. ELLSWORTH, Mr. COSTELLO, Mr. KANJORSKI, Mrs. HALVORSON, and Mr. MARSHALL.  
H.R. 1203: Ms. SCHWARTZ.  
H.R. 1207: Mr. MILLER of North Carolina.  
H.R. 1242: Mr. LYNCH and Mrs. BIGGERT.  
H.R. 1245: Mr. LUCAS.  
H.R. 1255: Mr. MORAN of Kansas.  
H.R. 1269: Mr. CHAFFETZ.  
H.R. 1283: Mr. FALEOMAVAEGA.  
H.R. 1300: Mr. FORBES.  
H.R. 1322: Ms. ZOE LOFGREN of California and Ms. SLAUGHTER.  
H.R. 1326: Mr. MURPHY of Connecticut.  
H.R. 1339: Mr. BURGESS and Mr. COBLE.  
H.R. 1454: Ms. SLAUGHTER and Mr. MASSA.  
H.R. 1456: Mr. GRIJALVA.  
H.R. 1474: Mr. COHEN.  
H.R. 1548: Mr. PETERS.  
H.R. 1570: Mr. FRANK of Massachusetts.  
H.R. 1587: Mrs. MYRICK.  
H.R. 1588: Mr. CULBERSON.  
H.R. 1590: Mr. McMAHON, Mr. ROTHMAN of New Jersey, Mr. SESTAK, Mrs. MILLER of Michigan, Ms. SCHAKOWSKY, and Mr. LEVIN.  
H.R. 1608: Mr. TONKO.  
H.R. 1618: Mr. DOGGETT.  
H.R. 1628: Mr. McCLINTOCK.  
H.R. 1646: Mr. KLEIN of Florida.  
H.R. 1695: Mr. WITTMAN, Mrs. McMORRIS RODGERS, Ms. TITUS, Mr. KANJORSKI, Mr. COSTELLO, and Mr. KENNEDY.  
H.R. 1727: Mr. RADANOVICH.  
H.R. 1806: Mr. McMAHON.  
H.R. 1826: Mr. CHANDLER.  
H.R. 1831: Mr. DRIEHAUS, Mr. FARR, Mr. ADLER of New Jersey, Mr. SCOTT of Georgia, and Ms. KAPTUR.  
H.R. 1835: Mr. KING of New York, Mr. HODES, and Mr. ISSA.  
H.R. 1864: Mr. MACK and Mr. KENNEDY.  
H.R. 1885: Mr. YOUNG of Alaska.  
H.R. 1917: Mr. SESTAK.  
H.R. 1924: Ms. BALDWIN.  
H.R. 1964: Mr. BRADY of Pennsylvania.  
H.R. 1969: Mr. AL GREEN of Texas.  
H.R. 1977: Mrs. MCCARTHY of New York and Mr. SCALISE.  
H.R. 1985: Ms. CASTOR of Florida.  
H.R. 1993: Mr. SARBANES and Mr. HALL of New York.  
H.R. 2002: Mr. COHEN.  
H.R. 2006: Mrs. NAPOLITANO.  
H.R. 2017: Mr. FOSTER and Mr. MCNERNEY.  
H.R. 2054: Mr. ISRAEL.  
H.R. 2061: Mr. MORAN of Kansas.  
H.R. 2067: Ms. SLAUGHTER and Mr. CAPUANO.  
H.R. 2084: Mr. MORAN of Virginia.  
H.R. 2138: Mr. LEE of New York and Ms. SLAUGHTER.  
H.R. 2140: Mr. ISRAEL.  
H.R. 2149: Mr. FRANK of Massachusetts and Mr. SCOTT of Virginia.  
H.R. 2170: Mr. REHBERG.  
H.R. 2194: Mr. ETHERIDGE and Mr. HELLER.  
H.R. 2214: Mr. WAXMAN.  
H.R. 2254: Mr. LOBIONDO, Mr. SCHRADER, and Mr. COHEN.  
H.R. 2269: Mr. GUTIERREZ.  
H.R. 2296: Mr. DANIEL E. LUNGREN of California.  
H.R. 2302: Mr. BISHOP of Georgia and Mr. DAVIS of Kentucky.  
H.R. 2319: Mr. PETRI.  
H.R. 2328: Mr. EHLERS.  
H.R. 2329: Mr. CHILDERS, Mr. SKELTON, Mrs. MILLER of Michigan, Mr. PERRIELLO, and Mr. DAVIS of Kentucky.  
H.R. 2365: Ms. SLAUGHTER.  
H.R. 2393: Mr. SHULER.  
H.R. 2408: Mr. TERRY.  
H.R. 2413: Mr. YOUNG of Alaska, Mr. HIMES, and Ms. FUDGE.  
H.R. 2429: Mr. SESTAK and Mr. CARNAHAN.  
H.R. 2452: Mr. DEAL of Georgia, Mr. MARCHANT, Mrs. BACHMANN, Mr. BILBRAY, and Mr. BRALEY of Iowa.  
H.R. 2476: Mr. BISHOP of Utah.  
H.R. 2478: Mr. BAIRD, Mr. CARNAHAN, and Mr. PITTS.  
H.R. 2499: Mr. NEAL of Massachusetts and Ms. HERSETH SANDLIN.  
H.R. 2523: Mr. SABLAN.  
H.R. 2555: Mr. ANDREWS.  
H.R. 2567: Mr. WALZ and Ms. SUTTON.  
H.R. 2573: Mr. WALZ.  
H.R. 2575: Mr. CHAFFETZ.  
H.R. 2626: Ms. MCCOLLUM.  
H.R. 2695: Mr. ELLISON.  
H.R. 2697: Mr. RYAN of Ohio and Ms. CHU.  
H.R. 2708: Ms. CHU.  
H.R. 2715: Mr. CALVERT.  
H.R. 2733: Mr. ELLSWORTH and Mr. BURTON of Indiana.  
H.R. 2736: Mr. ISRAEL, Mr. HODES, Mr. ALTMIRE, Mr. BOREN, and Ms. BERKLEY.  
H.R. 2737: Mr. POSEY, Mr. MINNICK, Mrs. DAVIS of California, Mr. STUPAK, Mr. STEARNS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. COHEN, Mrs. CAPITO, Mr. MAFFEI, Ms. BERKLEY, Mr. CAPUANO, Mr. TERRY, Mr. McMAHON, Mr. SCHIFF, Mr. LOBIONDO, and Mr. ELLISON.  
H.R. 2807: Ms. SCHAKOWSKY.  
H.R. 2817: Mr. SCHIFF.  
H.R. 2935: Mr. PITTS and Mr. DOYLE.  
H.R. 2936: Mr. CARNEY and Mr. HOLDEN.  
H.R. 2941: Mr. BAIRD, Mr. LIPINSKI, Ms. MATSUI, and Ms. ROYBAL-ALLARD.  
H.R. 2964: Ms. WASSERMAN SCHULTZ.  
H.R. 3012: Mr. RUSH and Mr. HEINRICH.  
H.R. 3017: Mr. RYAN of Ohio, Mr. PIERLUISI, Mr. HINOJOSA, Mr. YARMUTH, Ms. CHU, Mr. MEEKS of New York, Mr. DICKS, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. AL GREEN of Texas, Mr. TOWNS, Ms. WATSON, Mr. BRALEY of Iowa, Mr. BAIRD, Mr. ARCURI, and Mr. DAVIS of Illinois.  
H.R. 3042: Mr. COHEN and Mr. TONKO.  
H.R. 3043: Mr. KENNEDY, Mr. JOHNSON of Georgia, Mr. HINOJOSA, and Mrs. MCCARTHY of New York.  
H.R. 3070: Ms. JACKSON-LEE of Texas, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DRIEHAUS, Mr. MEEKS of New York, Mr. ELLISON, Ms. BORDALLO, Mr. CUMMINGS, Ms. LEE of California, Mr. DOGGETT, Mr. MCGOVERN, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. LEVIN, Mr. CARSON of Indiana, Mr. SERRANO, and Mr. WOLF.  
H.R. 3085: Mr. COLE.  
H.R. 3105: Mr. DANIEL E. LUNGREN of California and Mrs. BONO MACK.  
H.R. 3141: Mr. TEAGUE.  
H.R. 3206: Mr. OLIVER, Ms. WATSON, and Mr. BAIRD.  
H.R. 3226: Mr. FRELINGHUYSEN, Mr. DAVIS of Kentucky, Mr. LANCE, and Mrs. BIGGERT.  
H.R. 3245: Mr. WAXMAN.  
H.R. 3308: Mr. FORTENBERRY.  
H.R. 3336: Mr. HOLDEN, Mr. WELCH, and Mr. DOGGETT.  
H.R. 3339: Mr. GRIJALVA and Mr. INSLEE.  
H.R. 3355: Mr. AL GREEN of Texas, Mr. PLATTS, and Mr. FOSTER.  
H.R. 3365: Mr. HINOJOSA, Mr. MINNICK, Mr. BOUCHER, and Mr. BERMAN.  
H.R. 3371: Mr. HIMES.  
H.R. 3383: Mr. LEE of New York.  
H.R. 3398: Mr. LARSEN of Washington.  
H.R. 3400: Mr. TIAHRT.  
H.R. 3454: Mr. THOMPSON of Mississippi.  
H.R. 3485: Mr. HINCHEY and Mr. HALL of New York.  
H.R. 3486: Mr. RAHALL, Mr. SARBANES, Mr. FILNER, Mr. HARE, Ms. KAPTUR, and Mr. LOBIONDO.  
H.R. 3488: Mr. VAN HOLLEN and Ms. BALDWIN.  
H.R. 3508: Mr. DENT, Mr. PITTS, and Mr. BURTON of Indiana.  
H.R. 3522: Mr. WALZ.  
H.R. 3524: Mr. FARR, Ms. ESHOO, and Mr. HEINRICH.  
H.R. 3536: Mr. GRAYSON and Mr. WILSON of Ohio.  
H.R. 3548: Mr. SIREs, Ms. HIRONO, Mr. WILSON of Ohio, Ms. WASSERMAN SCHULTZ, Ms. SUTTON, Ms. RICHARDSON, Mr. ACKERMAN, Mr. SERRANO, Mr. AL GREEN of Texas, Mr. ROGERS of Michigan, and Mr. SHERMAN.  
H.R. 3554: Mr. RODRIGUEZ, Ms. KAPTUR, Mr. SMITH of Washington, and Mr. RAHALL.  
H.R. 3569: Mr. SAM JOHNSON of Texas, Mr. REHBERG, Mr. CASSIDY, Mr. CULBERSON, Mrs. BLACKBURN, Mr. JONES, Mr. BONNER, Mrs. BACHMANN, Mr. WESTMORELAND, Mr. ROE of Tennessee, Mr. SULLIVAN, Mr. LANCE, Mr. ALEXANDER, Mr. SENSENBRENNER, and Mrs. BIGGERT.  
H.R. 3571: Mr. FRELINGHUYSEN, Mr. SHAD-EGG, and Mr. SCHOCK.  
H.R. 3572: Mr. GINGREY of Georgia.  
H.R. 3584: Mr. CLEAVER and Mr. LIPINSKI.  
H.R. 3586: Mr. PAULSEN.  
H.R. 3597: Ms. SLAUGHTER and Mrs. MALONEY.  
H.R. 3607: Mr. LEWIS of Georgia.  
H.R. 3608: Ms. RICHARDSON, Mr. HONDA, Mr. BONNER, Mr. ABERCROMBIE, Mr. OBERSTAR, and Mr. LUCAS.  
H.J. Res. 47: Mr. LAMBORN and Mr. LEE of New York.  
H. Con. Res. 43: Ms. NORTON.  
H. Con. Res. 52: Mr. SESTAK.  
H. Con. Res. 74: Mr. WHITFIELD.  
H. Con. Res. 149: Mr. FRANKS of Arizona.  
H. Con. Res. 151: Ms. WOOLSEY, Mr. KLEIN of Florida, Mr. ELLISON, Ms. BERKLEY, Mr. SIREs, Mr. CAO, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Georgia, Mr. ROSS, and Mr. GENE GREEN of Texas.  
H. Con. Res. 158: Mr. JOHNSON of Georgia, Mr. MCINTYRE, and Mr. PRICE of North Carolina.  
H. Con. Res. 160: Mr. BURGESS, Mr. KRATOVIL, and Mr. SULLIVAN.  
H. Con. Res. 163: Mr. ELLISON.

H. Con. Res. 170: Mr. WEXLER.  
 H. Con. Res. 177: Mr. POE of Texas, Mr. CAO, Mr. FILNER, Mr. MOORE of Kansas, Ms. BORDALLO, Ms. NORTON, Ms. MARKEY of Colorado, Mr. HOLDEN, Mr. COBLE, Mr. GERLACH, and Mr. SKELTON.  
 H. Con. Res. 181: Mr. LEE of New York and Mr. SCHAUER.  
 H. Con. Res. 186: Ms. SCHAKOWSKY.  
 H. Res. 16: Mr. GUTHRIE, Mr. CAMPBELL, Mr. GERLACH, Mrs. BACHMANN, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. PUTNAM, Mr. CONAWAY, Mr. SHIMKUS, Mr. DAVIS of Kentucky, Mr. GARRETT of New Jersey, Mr. JONES, Mr. CASTLE, Mr. EHLERS, Mrs. BLACKBURN, Mr. LAMBORN, Mr. PAUL, Ms. JENKINS, Mr. BACHUS, Mrs. CAPITO, Mr. BARRETT of South Carolina, Mr. HENSARLING, Mr. KIRK, Mr. LEWIS of California, Mr. TIBERI, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. TERRY, Mr. TURNER, Mr. LEE of New York, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mr. HINOJOSA, Mr. HOLDEN, Mr. CLAY, Mr. DENT, Mr. CAPUANO, Mrs. MCCARTHY of New York, Ms. KOSMAS, Mr. SCOTT of Georgia, Mr. CARNEY, Mr. MURTHA, Mr. HIMES, Mr. CROWLEY, Mr. ALTMIRE, Mr. PETERS, Mr. SESSIONS, and Mr. KING of New York.  
 H. Res. 55: Mr. SMITH of Texas and Mr. WILSON of South Carolina.  
 H. Res. 111: Mr. HARPER and Mr. CLAY.  
 H. Res. 175: Mr. ENGEL and Mr. CAO.  
 H. Res. 200: Mr. COHEN.  
 H. Res. 209: Mr. SESTAK.  
 H. Res. 255: Mr. HASTINGS of Florida and Mr. TANNER.  
 H. Res. 291: Mr. NYE and Mr. BACA.  
 H. Res. 351: Mrs. KIRKPATRICK of Arizona.  
 H. Res. 414: Mrs. EMERSON.  
 H. Res. 441: Mr. DONNELLY of Indiana and Mr. HIMES.  
 H. Res. 491: Ms. SUTTON.  
 H. Res. 605: Mr. TOWNS.  
 H. Res. 613: Ms. SLAUGHTER.  
 H. Res. 615: Mr. BUCHANAN and Mr. THOMPSON of Pennsylvania.  
 H. Res. 630: Mr. WALZ, Mr. MEEKS of New York, and Mr. HARE.  
 H. Res. 666: Mr. DANIEL E. LUNGREN of California and Mr. CAO.  
 H. Res. 672: Mr. AL GREEN of Texas.  
 H. Res. 692: Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. BOSWELL, Ms. LEE of California, Ms. RICHARDSON, Mr. BARROW, Mr. DAVIS of Tennessee, Mr. POLIS, and Mr. ROSS.  
 H. Res. 693: Mr. GRIJALVA, Mr. FARR, Mr. MELANCON, Mr. CUELLAR, Mr. KUCINICH, Mr. KING of New York, Mr. PERLMUTTER, Mr. HASTINGS of Florida, Mr. INSLEE, Mr. MOORE of Kansas, Ms. WATERS, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, and Mr. BISHOP of New York.  
 H. Res. 704: Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CLEAVER, Mr. GENE GREEN of Texas, Mr. NYE, Mr. STARK, Mr. HALL of New York, Mr. TOWNS, and Mr. AL GREEN of Texas.  
 H. Res. 707: Mr. WAMP.  
 H. Res. 711: Mr. HONDA and Mr. SCHIFF.  
 H. Res. 715: Mr. MURPHY of Connecticut, Mr. GUTIERREZ, Mr. COHEN, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. MASSA, Mr. RYAN of Ohio, and Mr. HALL of New York.  
 H. Res. 716: Ms. RICHARDSON.  
 H. Res. 717: Ms. WOOLSEY.  
 H. Res. 721: Mr. KINGSTON, Mr. INGLIS, and Mr. NUNES.  
 H. Res. 727: Mr. BAIRD, Mr. LEVIN, Ms. SHEA-PORTER, Mr. BISHOP of Georgia, and Mr. MURTHA.  
 H. Res. 729: Mrs. BACHMANN.  
 H. Res. 733: Mr. WOLF, Mr. LEE of New York, Mr. SHERMAN, Mr. MCMAHON, Mr. LYNCH, Ms. FALLIN, and Mr. LARSEN of Washington.  
 H. Res. 736: Mr. NYE, Ms. SCHWARTZ, Mr. JOHNSON of Georgia, Mrs. MCCARTHY of New York, Mr. KIRK, and Mr. MCGOVERN.  
 H. Res. 739: Mr. TANNER, Mr. GENE GREEN of Texas, Mr. MARSHALL, Mr. THOMPSON of Pennsylvania, Mr. POMEROY, Mr. ACKERMAN, and Mr. CARNAHAN.

H. Res. 740: Mr. SMITH of Nebraska, Mr. KIND, and Mr. SKELTON.  
 H. Res. 742: Mr. HOLDEN, Mr. MCINTYRE, Mr. TANNER, Mr. BOSWELL, and Mr. JONES.  
 H. Res. 743: Mr. CROWLEY, Ms. KOSMAS, Mr. HIMES, Mr. DELAHUNT, Mr. MAFFEI, Mrs. DAHLKEMPER, Ms. DEGETTE, Mr. WALZ, Mr. QUIGLEY, Mr. CARNEY, Mr. KENNEDY, Mr. ARCURI, Mr. ANDREWS, Mr. KILDEE, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. CAPPS, Mr. MCGOVERN, Mr. HOLDEN, and Mr. PAYNE.  
 H. Res. 748: Mrs. MCMORRIS RODGERS.  
 H. Res. 749: Mr. ROHRABACHER.  
 H. Res. 752: Mr. GEORGE MILLER of California, Mr. RAHALL, Mr. SCHOCK, Mr. JOHNSON of Illinois, and Mr. SHIMKUS.  
 H. Res. 754: Mr. COURTNEY, Mr. CONAWAY, Mr. SNYDER, Mr. MCKEON, Mr. LOBIONDO, Mr. MASSA, Mr. BARTLETT, Mr. ROONEY, Mr. KRATOVIL, Mr. DAVIS of Kentucky, Mr. AKIN, Mr. ROGERS of Alabama, Mr. PIERLUISI, Ms. CORRINE BROWN of Florida, Mr. CAO, Mr. LARSON of Connecticut, Mr. HIGGINS, Mr. YOUNG of Alaska, Mr. PAYNE, Mr. SESSIONS, Mr. SCALISE, Mr. TIAHRT, Mr. BOSWELL, Mrs. BLACKBURN, Mr. FILNER, Mr. WOLF, and Mr. TAYLOR.  
 H. Res. 758: Ms. WATSON and Mrs. NAPOLITANO.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. RAHALL

H.R. 324, the Santa Cruz Valley National Heritage Area Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

## EXTENSIONS OF REMARKS

### LAUDING TURKEY AND ARMENIA FOR STEPS TOWARD NORMAL- IZATION

#### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Ms. GRANGER. Madam Speaker, the Republics of Turkey and Armenia took a major step forward in August moving closer to normalizing diplomatic relations and developing productive bilateral relations. Such a step chips away at the past tension between the two nations.

The protocols agreed to by the two parties will ultimately lead to the opening of the border between the two countries. This will not only ease tensions between Armenia and Turkey but will also enhance stability in the region. These protocols also established a timetable and process for normalizing relations. As a Co-Chair of the Congressional Caucus on Turkey, I support the statements by the international community such as the NATO Secretary General and the U.S. Department of State in welcoming improvements in Turkey-Armenia relations.

These efforts are a tremendous step in the proper direction, but there are still further steps to come. I encourage the two governments to move forward with their internal consultations and parliamentary ratifications of the protocols as quickly as possible, so that a new chapter in the Turkish-Armenia bilateral relationship can begin to unfold. This is an historic change that will benefit both nations, and the United States wholeheartedly supports these actions.

### HONORING B. TODD JONES

#### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. ELLISON. Madam Speaker, I rise today to congratulate B. Todd Jones on his confirmation as the U.S. Attorney for Minnesota.

For U.S. Attorney Jones, my dear friend, this appointment represents the latest record in a life time of proud service to his beloved State of Minnesota, and to his country.

Upon graduating from the University of Minnesota Law School in 1983, B. Todd served on active duty for six years in the Marine Corps. He was called back to active duty and served with distinction in Operation Desert Storm.

In the private sector, B. Todd has tirelessly worked to uphold equal justice under the law. As an attorney with several Minnesota law firms, his diligent work on behalf of his clients has earned him broad respect in the legal community.

Also noteworthy are his efforts to promote diversity in the legal community so that it may better serve all Americans. To this end, B. Todd helped found, and served on the executive board of, Twin Cities Diversity in Practice.

Mr. Jones previously served as the U.S. District Attorney for Minnesota from 1998 to 2001. Based on a life steeped in public service, I have every confidence that B. Todd Jones will once more serve Minnesota and our nation with distinction.

Madam Speaker, let me again extend my most sincere congratulations to my friend and wish him well as he continues his service to our country.

### HONORING MESOTHELIOMA AWARENESS DAY

#### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to highlight the importance of September 26, which the Illinois House of Representatives has declared as Mesothelioma Awareness Day.

According to the National Cancer Institute, about 2,000 cases of mesothelioma are diagnosed each year in the United States. Understanding that diagnosing mesothelioma is often difficult and could be years and years after exposure, a biopsy is required to make a confirmation. This means that many people may go without proper diagnosis and medical care.

Research is being conducted, funded by the National Cancer Institute, pharmaceutical companies, and the Mesothelioma Applied Research Foundation. The Mesothelioma Applied Research Foundation is the beneficiary of a fundraiser on September 26 in Alton, Illinois—the Miles for Meso 5K.

I want to congratulate the law firm of Simmons Browder Gianaris Angelides & Barnard, the many volunteers who put together Miles for Meso, and all the participants in the 5K run and walk.

The Simmons firm and its employees and John and Jane Simmons personally have shown their commitment to the region as evident in their efforts at Miles for Meso and through many other community service projects and donations.

### IN RECOGNITION OF JOHN TRACY FOR BEING NAMED THE 2009 AG- RICULTURIST OF THE YEAR BY THE KERN COUNTY FAIR

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. COSTA. Madam Speaker, I rise today to honor Mr. John Tracy of Buttonwillow, California, the recipient of the 2009 Agriculturist of the Year Award from the Kern County Fair.

A fourth generation Californian, John Tracy was born in Bakersfield in 1947, the third of four sons to Tilton and Kathryn Tracy. John attended Wildwood Grammar School and graduated in 1965 from Wasco High School, where he was active in athletics and student government. Immediately following high school, Mr. Tracy attended California Polytechnic State University, San Luis Obispo, earning a degree in Farm Management in 1969. While at Cal Poly, Mr. Tracy met his wife, Donna Allen. They married in 1970 and have two children, Allen and Jessica.

Mr. Tracy is a member of the Historic Tracy Ranch, established in 1862 in Buttonwillow. He is also a founding partner of the Buttonwillow Land and Cattle Company. Primarily an agricultural operation, the enterprise has ventured into other business interests such as commercial property, a hotel, and a feedlot in Texas. Mr. Tracy's business sense and work ethic are excellent examples of his fine character and success.

Mr. Tracy is involved with several community and professional organizations including the Kern County Cattleman's Association, California Cattleman's Association, National Cattleman's Beef Association, California Feeders Association, California Beef Council, Cattle PAC and the Kern County Ag Foundation. He also has been active in the Buttonwillow Lions Club, Kern County Law Enforcement Association, Pismo Beach Moose Lodge, Los Flojos and Rancheros Visitadores. Mr. Tracy also served as Mayor of Buttonwillow in 1982.

Mr. Tracy has been involved with the Kern County Fair throughout his life. He showed animals during his youth, and then helped his children, as well as countless others, do the same. His family's support of the junior livestock auction is also a testament to Mr. Tracy's contributions to the Kern County Fair and the community.

John Tracy is a man of integrity, honesty and compassion. He genuinely cares for his community and is willing to share his vast knowledge with others. In addition, he and I share the same passion for the well-being of California's San Joaquin Valley. For this and so much more, I am honored to consider John Tracy a friend and certainly commend him for all his accomplishments and extend my most sincere congratulations for receiving this prestigious award from the Kern County Fair. As a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

respected agriculturalist in our nation, it is fitting and proper that John be so honored.

#### NORMALIZATION OF RELATIONS BETWEEN TURKEY AND ARMENIA

##### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. HASTINGS of Florida. Madam Speaker, on August 31, 2009, the Republic of Turkey and the Republic of Armenia announced their intention to normalize relations. The leaders of these two countries, working together with the Swiss Federal Department of Foreign Affairs, have agreed to begin discussions that will culminate in the signing of two protocols within the next six weeks. The protocols will then be submitted to the respective Parliaments for ratification on each side. These two protocols provide for a framework for the normalization of relations, including the establishment of diplomatic relations and opening of the common border.

This development has significant implications not only for Turkey and Armenia, but for the entire Caucasus region, which has had a turbulent and sometimes troubled history. The successful efforts of Turkey and Armenia to open borders, develop trade relations and other economic benefits, and create a long-lasting dialogue will serve to promote peace and stability throughout the region. I believe that we all should welcome this development and strongly support it.

Madam Speaker, I applaud the leadership of Turkey and Armenia and encourage these two nations to work diligently in the weeks ahead to create a framework that will advance peaceful and fruitful relations for many years to come.

#### HONORING KENNEDY CHILD STUDY CENTER

##### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of the Kennedy Child Study Center to commemorate its remarkable contributions to the youth of America. Celebrating its 50th anniversary, the Kennedy Child Study Center has helped thousands of children overcome major developmental obstacles. Through a wide range of programs, the Kennedy Child Study Center, and its highly qualified staff, have provided children with guidance and encouragement. For this, the Kennedy Child Study Center and its staff, both present and past, are deserving of recognition.

The Kennedy Child Study Center has done much for the communities in Manhattan and the Bronx in New York City. Over the past half-century, thousands of children have been given the opportunity to receive the proper care, education and social interactions they deserve through the Kennedy Child Study Center. This organization fully understands the

significance early diagnosis of learning disabilities has on a child's achievements in school and everyday life. Through preschool and early intervention programs they are able to detect developmental problems and then provide the proper guidance and developmental assistance. They offer a wide spectrum of programs to enhance a child's lifestyle. A few examples of these services include special early childhood education, physical therapy, nursing, psychological testing and music and art supervision. As the Kennedy Child Study Center celebrates its 50th anniversary, it is a great time to reflect on all the positive work its organization has done for the youth of America and to look towards a future where children with developmental disabilities have access to quality care and educational success.

The dedicated work of the Kennedy Child Study Center is inspiring to us all, and I am immensely grateful to them for all that they have accomplished. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for their extensive contributions to society.

#### SAFETY CENTER INCORPORATION CELEBRATES ITS 75TH ANNIVERSARY

##### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Ms. MATSUI. Madam Speaker, I rise today to congratulate the civic leaders, city officials and community members who have contributed to making Safety Center Incorporation a success for the past 75 years. This organization started in 1934 and has created a number of innovative programs to help educate thousands of people around the Sacramento area regarding safety on and off the road. I ask all my colleagues to join me in saluting Safety Center Inc. on the 75th anniversary of their founding.

Since its inception, Safety Center Inc. (SCI), formerly known as Sacramento Safety Council, has created several safety training programs for children, teens, disabled adults and seniors. In 1935, 1 year after establishing the organization, SCI conducted its first safe driving training to Sacramento High School students; and in 1936, SCI opened a traffic school for teens. By means of this traffic school program, young drivers were able to use the SCI testing device to learn how quickly they would react in potential driving scenarios. After much excitement between the 1930s and 1950s, the SCI was formally incorporated into the State of California in 1959.

In the 1970s, SCI continued to expand its horizons. On December 9, 1971, SCI authorized the establishment of a drinking and driving program. One week after SCI authorized this program, the State mandated that drunk drivers attend remedial classes, in order to help prevent future drivers from this illegal and unsafe driving behavior. Due to a high Spanish-speaking population, the organization offered Spanish-language defensive driving courses, as well as Courts Alcohol Re-Education (CARE) programs by the mid-1970s.

Within the last quarter-century, Safety Center Inc. has educated more than 2,000 teens in defensive driving techniques, almost 900 seniors in mature driving and more than 600 students in motorcycle riding safety. To include children in their efforts to keep all Californians safe, SCI established a life-saving safety education center known as Safetyville. Children, preschool through third grade, are taken on a tour through a town-like setting, in which they learn fire, pedestrian, stranger danger and railroad safety precautions. This children's program has provided life-saving safety education and training to more than 125,000 children since 1984.

On September 26, 2009, SCI will celebrate 75 years of stability, innovation and of course, safety. I am honored to congratulate and its members who have helped train and protect thousands of people. Madam Speaker, as my constituents gather to celebrate the Safety Center Inc.'s 75th anniversary, I ask all my colleagues to join me in honoring the organization's monumental history and success.

#### RECOGNIZING THE HUBBARD FAMILY

##### HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. NUNES. Madam Speaker, on behalf of myself and Congressman GEORGE RADANOVICH I rise to offer gratitude to the heroism and strength of the Hubbard family.

Jeff and Peggy Hubbard lost their son Jared, a Marine, in Iraq in 2004. Six months later, their remaining two sons, Nathan and Jason, both enlisted together in the Army—to honor Jared and serve their country.

Both Nathan and Jason served in the same unit in Iraq. In August of 2006, Nathan lost his life while defending freedom, leaving Jason as the remaining sole survivor of his family.

Since then, the Hubbard family has shown grace and strength during these most difficult of times. Because of their sacrifice, in 2008, Congress passed and President Bush signed into law the Hubbard Act which provides benefits to those soldiers who separate honorably as a sole survivor.

The Hubbards have shared the burden of service to this Nation with honor and focused resolve.

Today, I ask that this legislative body recognize the strength of their family, the bravery of Jared and Nathan and the ultimate sacrifice they paid for our country.

#### COMMEMORATING THE HEROES OF THE FIRST BAPTIST CHURCH OF MARYVILLE, IL

##### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to highlight the actions of 3 men who unselfishly risked their lives in the defense of others.

At the early service on Sunday morning, March 8, 2009, an armed gunman entered the First Baptist Church of Maryville, Illinois. He confronted, shot, and killed Pastor Fred Winters as he was conducting the service. Three church members, Keith Melton, Terry Bullard, and Patrick Presson, rushed to the aid of Pastor Winters and to subdue the gunman. In the ensuing confrontation Mr. Melton was the first person to reach the gunman. He was immediately stabbed and forced to withdraw.

Undaunted, Mr. Bullard and Mr. Presson, at great personal risk, engaged the gunman and managed to physically subdue him. In the struggle Mr. Bullard was critically wounded. Once the gunman was under control Patrick's attention instantly turned to assisting his friend Terry. With the assistance of another churchgoer, Jason Shutt, Mr. Presson carried Mr. Bullard to the entrance of the church, secured transportation, and took Mr. Bullard to the emergency room of Anderson Hospital a short distance away.

The immediate, decisive, and courageous actions of these three men undoubtedly saved other lives on that Sunday morning. Mr. Presson's continued actions are credited with saving Mr. Bullard's life. These men are the embodiment of courage and heroism. They are deserving of recognition by and in the United States House of Representatives, in order that a permanent record of their individual and collective character can be preserved.

In a time when the term is often overused, these men are true American heroes, who, when faced with danger, unselfishly launched themselves into harm's way. Their actions were taken without consideration or regard for their personal well-being and unquestionably prevented a horrible situation from becoming worse. These individuals should be held up as examples of ordinary citizens whose behavior and exemplary character shined through in a most dangerous situation.

#### THE REAL STORY ABOUT COPTIC CHRISTIANS IN EGYPT

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. WOLF. Madam Speaker, the Egyptian Embassy in Washington, DC, recently sent the following e-mail to their distribution list:

"Egypt has the largest and oldest Christian community in the Middle East, and is home to 2,069 churches.

"The Coptic Orthodox Church was founded in Alexandria by the apostle Mark in AD 57, making it one of the oldest churches in the world.

"A law requiring Presidential approval for church construction was changed in 2005, transferring that duty instead to the country's governors who are obligated to process churches' requests within 30 days.

"In 2003, President Mubarak declared Coptic Christmas, celebrated on January 7, a national holiday."

In spite of these overtures by the Egyptian government, the situation for Coptic Christians

in Egypt is far from ideal. According to the State Department's 2008 International Religious Freedom Report, "The approval process for church construction continued to be hindered by lengthy delays, often measured in years. Although government officials maintain that President Mubarak approves all requests for permits presented to him, independent critics charge that delays by the MOI and/or local authorities cause many requests to reach the President slowly or not at all. Some churches have complained that local security officials have blocked church repairs or improvements even when a permit has been issued. Others suggest unequal enforcement of the regulations pertaining to church and mosque projects. Many churches face difficulty in obtaining permits from provincial officials."

On September 7, The Los Angeles Times reported that Egyptian authorities arrested 155 people in Aswan for publicly eating, drinking or smoking during daylight in the month of Ramadan, including non-Muslims.

There is clearly much that needs to be done by the Egyptian government to ensure the preservation of the Coptic community in Egypt.

#### MEDIA DOWNPLAY 9/12 PROTESTS

#### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. SMITH of Texas. Madam Speaker, the national media's coverage of the conservative 9/12 protests was scarce and antagonistic, according to an analysis by the Media Research Center (MRC).

According to MRC, the three TV networks did not offer any pre-rally coverage before the 9/12 protests.

And their coverage afterward intentionally tried to paint a negative picture of the protestors.

Furthermore, a regular commentator on MSNBC dismissed the protestors as "the fringe of the fringe," although they were everyday Americans.

And The New York Times buried its coverage of the protests on page A37 of Sunday's paper.

In contrast, the media gave significantly more—and more positive—coverage to liberal protests recently.

The national media should give fair coverage to protests on both sides, rather than downplaying conservative demonstrations.

#### CELEBRATING THE 100TH ANNIVERSARY OF CRAGIN AND PIKE INSURANCE

#### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Ms. BERKLEY. Madam Speaker, today I urge my colleagues to join me in recognizing the centennial anniversary of Cragin and Pike Insurance in Las Vegas.

In 1909, the first insurance company in Las Vegas opened its doors in newly incorporated

Clark County, Nevada. Peter Buol, the original owner, provided real estate and insurance services to the citizens of the newly established City of Las Vegas. The business philosophy established by Peter Buol was carried on by partners Ernie Cragin and William Pike. Their combined dedication to and vision for our community contributed immensely to the political, economical, and environmental development and history of Southern Nevada.

Ernie Cragin served as Las Vegas Mayor for 25 years and was instrumental in establishing the Helldorado Days celebration and parade downtown. He also worked to bring the U.S. Army's Aerial Gunnery School, which is now known as the world famous Nellis Air Force Base to Southern Nevada.

William Pike, who began as an assistant to Peter Buol and would later own the company, witnessed the construction of the Hoover Dam and helped many of the workers meet their financial and insurance needs.

After the passing of Ernie Cragin and William Pike, Paul McDermott and Frank Kerestesi continued the name of Cragin & Pike Insurance. The current partners—Tom Kerestesi, Mark McKinley, Greg McKinley and Tom Burns continue the Cragin & Pike tradition of personal service by providing insurance, risk management and surety products to Southern Nevadans.

On September 24, 2009, Cragin & Pike Insurance celebrates 100 years of continuously doing business in Southern Nevada. I urge my colleagues to join me in celebrating Cragin and Pike Insurance on their 100th Anniversary.

#### TRIBUTE TO MR. JOHN LINDSAY

#### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. SIMPSON. Madam Speaker, I rise today to acknowledge the outstanding contributions of John Lindsay and to wish him well in his next endeavors.

For the past four years, John Lindsay has directed the communications activities of Idaho National Laboratory, INL. During that time, INL has achieved great success as the lead laboratory for the Department of Energy's Office of Nuclear Energy. INL has increased the size of its research portfolio, achieved success in its pursuit and receipt of R&D 100 awards, and played a leading role communicating the technical facts behind the growing nuclear renaissance we see developing in the U.S. and especially around the world. John Lindsay has had a steady hand communicating the lab's success, and he has assembled a strong team that will continue on after he departs.

John's most important contribution to Idaho may have been his leading role in the formation of a public organization known as the Partnership for Science and Technology, which seeks to bring balance and facts into the discussion of science and energy matters. The Partnership has become an effective and trusted resource that can respond quickly to misrepresentations and misstatements regarding nuclear power and any other clean energy

source. Indeed, the Partnership mobilized the citizens of Idaho to express their views of nuclear issues to such an extent that this visible public support became a major factor in the decision by AREVA to site its next uranium enrichment plant in Idaho.

John Lindsay is a true professional and a valued member of the communities of eastern Idaho. John is recognized and respected as a true gentleman—he always treats everyone he meets with respect and dignity, and he has brought great respect to Idaho National Lab as one of its most visible leaders.

While we will miss them, on behalf of eastern Idaho, I want to wish John and Terri all the best in their future endeavors.

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#### IN HONOR OF MIKE FUOSS

#### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. ROGERS of Michigan. Madam Speaker, I rise today in memoriam of Mike Fuoss, who was shot and killed on Friday, September 11, 2009. Mike was a small business owner, father, brother and friend to many in the greater Owosso community.

Mike was born February 7, 1948, in Owosso. He graduated from Corunna High School in 1966. He went on to study Diesel Mechanics and Business at Ferris State University. In 1999, he married his wife, Barbara.

Mike co-owned a number of small businesses throughout Owosso, including Fuoss Gravel Co. and Eddie O'Flynn's.

He was a member of the Owosso Home Builders Association, and the Shiawassee County Chamber of Commerce.

Mike loved restoring old cars and hot rods, enjoyed riding his Harley, and was a fan of NASCAR.

Fuoss was a good American who died tragically. The people whose lives he touched through his contributions to the community will miss him dearly.

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#### IN HONOR OF THE 100TH ANNIVERSARY OF THE CAMBRIA COUNTY ASSOCIATION OF TOWNSHIP OFFICIALS

#### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. MURTHA. Madam Speaker, I rise today in honor of the 100th Anniversary of the Cambria County Association of Township Officials. This organization and the townships that comprise it have seen many changes over the last century since its inception.

When Cambria County's townships first formed, they were primarily agrarian. Farms dotted the landscape and were valuable contributors to the local, state, and national economies. However, as America was quickly industrializing, the townships changed as many of their citizens began working in the coal mines that were opening throughout the

county. Even today, the economies are again changing as Cambria County's townships are becoming the center of new, high-tech industries.

Madam Speaker, while the county's industries have changed over the years, Cambria County's townships have adapted by adding and diversifying its businesses. Instead of changing entirely, the townships are now home to agriculture, mining, and high-tech industries.

The townships are also quality places to live, with many who work elsewhere choosing to live and raise families there. They are among the county's assets.

Finally, like the County itself, the townships have endured much hardship, surviving severe flooding in 1889, 1936, and 1977. They also survived the collapse of the steel industry and the ripple effects throughout the entire county. Their resilience is a reflection of the strong people who live and work there.

Over the years, as the townships experienced the economic ups and downs, they have had a constant advocate. The Cambria County Association of Township Officials has been there to lobby on behalf of its members. They meet on a monthly basis, gathering to discuss common issues. The group is also a member of the Pennsylvania State Association of Township Officials.

Madam Speaker, I conclude my remarks by commending the Cambria County Association of Township Officials, as well as the townships themselves, for their hard work and dedication to the people of Cambria County.

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#### CONGRATULATING THE KERN COMMUNITY FOUNDATION ON ITS 10TH ANNIVERSARY

#### HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor the Kern Community Foundation (KCF) on its 10th anniversary serving the citizens of the southern San Joaquin Valley. KCF was formally established in 1999, but it actually organized in 1995. The Foundation was created to build endowments to address Kern County's changing needs over time, help donors create charitable legacies, and assist nonprofit groups to deliver services to manage their donated funds.

In 2002, KCF joined the League of California Community Foundations, and received re-granting funds from the California Endowment for health needs in Kern County. KCF then launched the Nonprofits' Resource Center in 2003 to assist Kern County's nonprofit organizations with training, discussions of community issues, technical assistance, grant-writing help, e-blast communications, and program support.

In 2005, KCF introduced the Women's & Girls' Fund of Kern County as its first Field of Interest Fund. The Women's & Girls' Fund provides ongoing support to nonprofit organizations that serve Kern's women and girls. To date, the Fund has introduced the concepts of "collective giving" and "giving circles" to

more than 300 donors. KCF's Women's & Girls' Fund has been model for other small foundations in California to emulate.

Also in 2005, the Kern Community Foundation entered strategic re-granting partnerships with private foundations, all of which continue in 2009. These partners include the California Wellness Foundation, the Weingart Foundation, and the James Irvine Foundation. The Kern Community Foundation achieved compliance with "National Standards for U.S. Community Foundations" in 2006.

Since its inception, the Kern Community Foundation has promoted philanthropy to individuals, nonprofits and civic groups in numerous Kern communities including Bakersfield, Ridgecrest, Shafter, Wasco and the Kern River Valley area. With new funds added each year, KCF currently holds 90 charitable funds to suit various donors' intent. The Foundation has operated several grant making programs to benefit Kern County: Discretionary Grants; Kern Community Wellness Grants; Weingart-KCF Grants; Kern Community Response Grants; School-to-Career Grants; Women's & Girls' Fund Grants; and GABY (Grant Advisory Board for Youth) Grants.

The Kern Community Foundation has given the County of Kern ten years of dedicated service. I commend KCF for its service to Kern County residents in standing by their mission statement of "enhancing the quality of life for all of the people of Kern County by encouraging philanthropy, by providing services to donors, and by assisting those who serve to meet the needs of the community." I applaud KCF's admirable service to Kern County and will continue to do so for years to come.

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#### HONORING THE LIFE OF FORMER CONGRESSMAN JAMES EDWARD BROMWELL

#### HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. LOEBSACK. Madam Speaker, today I would like to make note of the life of former Congressman James Edward Bromwell. Mr. Bromwell served his country in WWII as an officer after finishing his undergraduate degree at the University of Iowa. Upon honorable discharge from the U.S. Army in 1946, Mr. Bromwell received his MBA from Harvard University and then returned home to receive his JD from the University of Iowa in 1950. Mr. Bromwell served as Assistant Linn County Attorney before being elected as the Representative for the 2nd Congressional District in 1960. As Representative of the 2nd District, Mr. Bromwell sat on the Judiciary Committee and was imperative in contributing and ultimately helping pass the historic Civil Rights Act of 1964. This landmark legislation corrected a serious social injustice within our society. Mr. James Edward Bromwell passed away on July 11, 2009. The service that James Bromwell performed for his country and state will not be forgotten.

TRIBUTE TO THE CLIFTON JEWISH  
CENTER

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding religious institution, The Clifton Jewish Center in Clifton, New Jersey, which this year is celebrating its 66th Anniversary of dedicated service and support to the Jewish Community.

It is only fitting that The Clifton Jewish Center be honored in this, the permanent record of the greatest democracy ever known, for the spiritual home it has provided to Jewish American families, especially those just embarking on their American dream, and its dedication to the entire community. This dedication keeps this deeply-rooted institution growing towards the future.

The Clifton Jewish Center is a Conservative Egalitarian Synagogue providing worship, comfort and friendship to the Jewish community. From its beginnings in 1943, with only a handful of families, the Center has been a constant source of cultural and spiritual events for all age groups. The Center's main purpose has always been to enrich the lives of the people of Clifton by providing creative programming of an educational, cultural and recreational nature.

Jewish culture relies a great deal upon the passing of information from one generation to another. The Center offers youth activities such as lectures, workshops, religious school and Hebrew High for students after their bar or bat mitzvah, all aimed at teaching children about the Jewish faith. Events for adult and senior members continue to carry the traditions of the culture and faith as well as provide opportunities for socializing.

The most important service that The Clifton Jewish Center provides is that of being a sounding board and a voice for the thriving Jewish community in the greater Clifton area. Its sponsorship and participation with interfaith programs, human relations and civic improvement reach across the lines of faith to help promote the interests and values of their membership. Under the leadership of Rabbi Ari Korenblit, it is successfully contacting and connecting with all the other organizations in the area.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of wonderful, thriving community institutions such as The Clifton Jewish Center.

Madam Speaker, I ask that you join the members and clergy of The Clifton Jewish Center, all whose faith has been enriched throughout the years and me in recognizing the outstanding contributions of The Clifton Jewish Center to the Jewish community and beyond.

EARMARK DECLARATION

**HON. JASON CHAFFETZ**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. CHAFFETZ. Madam Speaker, I wish to make the following disclosure in accordance with the Republican Earmark Transparency Standards requiring Members to place a statement in the Congressional Record prior to floor vote on a bill that includes earmarks they have requested.

Specifically, H.R. 2265, the Magna Water District Water Reuse and Groundwater Recharge Act of 2009, which I introduced on May 6, 2009, contains an earmark as defined under House Rule XXI, clause 9. The earmark in H.R. 2265 authorizes appropriations for projects under Title XVI of Public Law 102-575, the Reclamation Wastewater and Groundwater Study and Facilities Act.

The project authorized in H.R. 2265 is an advanced water treatment facility and reuse water system in the township of Magna, Utah, located in the northwest quadrant of Salt Lake County. Magna relies on drinking water from two well fields, one of which has been impacted by the contaminant perchlorate, a by-product of decades of manufacturing of rocket motors and explosives by the defense and aerospace industries. Additionally, the EPA changed the standard for arsenic in drinking water, an unfunded mandate for which water suppliers across the Nation must comply. Because of this contamination and the unfunded federal mandate, the Magna Water District is attempting to restore the Barton Well Field, a valuable water resource. Therefore, reclamation of this drinking water source necessitates federal assistance.

This legislation would authorize \$12 million to allow for the planning, design, and construction of the Magna Water District (District) water reuse and groundwater recharge project. The District constructed an electrodialysis reversal (EDR) drinking water treatment plant to remove harmful arsenic and perchlorate from the Barton Well Field. To address the water shortage issues facing the citizens of northwest Salt Lake County, the District developed a state-of-the-art, first of its type in the world water reuse and recharge facility, known as BIOBROx, that treats the waste stream from the EDR plant to produce high quality effluent that can be used for outdoor irrigation. In doing so, the District will be saving over 580 million gallons/year of drinkable water that was formerly being used for irrigation purposes.

The project also includes additional pumping facilities, distribution system upgrades, and storage facilities required to deliver reuse water to the District's customers.

The Magna Water District has invested \$36 million in the project and is seeking the \$12 million federal appropriation to complete construction of the project.

I certify that this project does not have any foreseeable effect on any of my financial interests, nor the interests of any member of my family. Consistent with the Republican Conference's policy on earmarks, I hereby certify that to the best of my knowledge, this request

(1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

CAPTAIN DREW BESSINGER

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. COSTA. Madam Speaker, I rise today to pay tribute to an extraordinary public safety officer who has spent his entire career serving the public. I am speaking of Captain Drew Bessinger, of the Clovis Police Department (CPD) in Clovis, California. Captain Bessinger will conclude his years of service in law enforcement and retire from the Clovis Police Department this year.

Captain Bessinger was born in the Garden State of New Jersey, where he graduated from high school in 1975. Upon his graduation, he enlisted in the United States Army. During his tenure in the Army, Captain Bessinger was a Military Police Officer; serving in Germany and achieving the rank of Sergeant.

Upon returning from his service overseas, Captain Bessinger worked for the Department of Defense Police in Virginia. Santa Barbara Police Department hired Captain Bessinger which brought him to California in 1980 and he served there until 1984. In 1984, he accepted a position with the University Police Department of Fresno State, my alma mater. He was then hired by the Clovis Police Department in 1987, where he remained for twenty two years in a variety of roles helping the community of Clovis.

At Clovis Police Department, Captain Bessinger served in patrol, investigations, neighborhood policing, youth services, administration, planning and neighborhood services assignments. He continued his years of service with undoubtedly flawless service to the community and people of Clovis, he climbed the ranks from Corporal in October, 1992, and only five years later in 1997 became Sergeant. At the height of his career, he became Captain in April 2007.

During his tenure at Clovis Police Department, Captain Bessinger helped design: the shoulder patch policemen wear on their uniforms for CPD; the department's Honor Guard Badge; and Challenge coin. He also led the Honor Guard Unit, participated in the Peace Officers Memorial at Pelco Company, participated in the Annual Peace Officers Memorial in Fresno's Courthouse Park, the State Officers Memorial in Sacramento, and was an officer at the funeral for fallen Marine Jared Hubbard and Army Soldier Nathan Hubbard. The Hubbard's where sons of a retired department sergeant. Captain Bessinger volunteered for the Special Olympics and also managed to oversee several operations in the CPD including Youth Services, Animal Services, Communications, and administrative duties ranging

from writing/updating Municipal Codes, Homeland Security and Grants, Internal Affairs and Audits, Workers Comp, and Public Information.

Aside from serving the public as a Policeman throughout his life, one of Captain Bessinger's proudest accomplishments has been raising his two sons; Derek who is twenty nine and Chris who is twenty five. Single-handedly, he raised his two boys from the ages of four and sixteen months, a responsibility any father would fathom. During this time, he managed the duties of a father, police officer, and as a student earning his college degree. Captain Bessinger celebrates with his wife Yvonne, their ninth anniversary this year. I ask that my colleagues please salute Captain Bessinger for his years of service in the law enforcement field and to wish him well as he retires from the Clovis Police Department.

IN HONOR OF ROBERT CHILES

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to highlight the actions of Robert Chiles as well as honor all American citizens who embody the spirit of our early patriots.

Beginning on April 15, 2009, Mr. Chiles began circulating a Tea Party Declaration in Springfield, Illinois, requesting the end of "massive government driven bailouts," "so-called economic stimulus plans," "trillion dollar spending schemes," and "out of control government spending."

This petition is nearly 60 feet long and contains about 1,000 signatures. The organizer, Mr. Robert Chiles of Rochester, Illinois, says that the petition is signed by "electricians, plumbers, construction workers, doctors, lawyers, nurses, ministers, teachers, democrats, republicans, law enforcement officers, retired military, stay at home moms, small business owners, you name it."

The document begins, "When, in the course of human events, it becomes necessary for like-minded patriotic Americans to rally as one against the powers that threaten to alter, diminish and destroy this country we love, proper respect for the opinions of our fellow citizens requires that we should clearly state the grievances that impel us to gather at this Springfield, Illinois, tea party to protest peacefully, but passionately in the tradition of our forefathers whose Boston Tea Party resonated around the world."

I salute these modern day patriots and want to publicly thank them for this petition.

CONGRATULATING WILLIAM HOWARD BRONSON, JR. ON THE OCCASION OF HIS RETIREMENT FROM MOBILE'S PRESS-REGISTER

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. BONNER. Madam Speaker, it is with great pride that I rise to honor the long and distinguished career of William Howard Bronson, Jr. on the occasion of his retirement as president and publisher of Mobile's Press-Register.

A 17-year veteran of the Press-Register, Howard brought profound changes to the paper. Under his leadership, the paper received several prestigious awards and greatly increased its readership. In the days following his retirement, the paper published a tribute stating "Howard Bronson leaves an extensive legacy of accomplishments and contributions to the southwest Alabama community and, indeed, the entire state."

Howard and his wife, Dorsey, moved to Mobile from Shreveport, Louisiana, where he was president and publisher of The Times, owned by Gannett Company, Inc. He served as president and general manager of the Newspaper Production Co. while in Shreveport from 1977 to 1991. He was regional vice president responsible for the launch and first year of operation of three USA Today print and distribution sites in Dallas, New Orleans and Houston in 1983-84.

Howard also has held regional responsibility with Gannett for publications in Monroe, Louisiana; Gainesville, Georgia; Muskogee, Oklahoma; Springfield, Missouri; Jackson, Mississippi; Hattiesburg, Mississippi; and Jackson, Tennessee.

As president and publisher of the Press-Register, he was involved in a number of professional organizations, including the Alabama Press Association, the Newspaper Association of America and the American Newspaper Publishers' Association. Howard serves as a board member of several civic organizations, including the Mobile Area Chamber of Commerce, the Business Council of Alabama, Spring Hill College and the United Way of Southeast Alabama, Inc. He is also a member of Forward Mobile and Mobile United.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated journalist, a respected executive and friend to many throughout southwest Alabama. I am certain that his family—his wife, Dorsey, and their four children—along with all those at the Press-Register and his many friends in Mobile join me in praising his accomplishments and extending thanks for his considerable service to the city of Mobile and all of southwest Alabama.

On behalf of a grateful community, allow me to wish Howard Bronson the very best of luck in all of his future endeavors.

CELEBRATING GEAR UP DAY

**HON. CHAKA FATTAH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. FATTAH. Madam Speaker, I rise today to recognize the ambitious and important work being performed every day by students, program staff, parents and teachers to ensure that college dreams become reality for students attending high poverty schools. In particular, I would like to join with GEAR UP programs across the country who celebrated GEAR UP Day on September 18, 2009.

In order to meet the challenge posed by President Obama that "by 2020, America will once again have the highest proportion of college graduates in the world," we will need to draw students from communities where high school graduation, let alone college attendance, is the exception rather than the rule. This ambitious goal, and the global competitiveness that comes with it, will require a dramatic increase in college attendance for students who are the first in their families to pursue higher education.

I want to thank the GEAR UP programs who organized these events and the elected officials who participated:

In Fairmont, West Virginia, they hosted a reception to thank the faculty and staff and to highlight the successes of GEAR UP while the Governor declared a West Virginia GEAR UP Day.

In Cleveland, the program received a proclamation from the Governor of Ohio.

In Eau Claire, Wisconsin, the Governor proclaimed September 18, 2009 as GEAR UP Day and the program celebrated with a community outreach event.

In Iowa City, a GEAR UP principal gave remarks and received proclamations from the Governor and Mayor.

In Wilburton and McAlester, Oklahoma, they received a proclamation from the Governor.

In Pago Pago, American Samoa, the program received a gubernatorial proclamation and Valasi Lam Yuen was recognized as their Teacher of the Year.

In Portland, Maine, the GEAR UP site also received a gubernatorial proclamation.

In La Grande, Oregon, the mayor officially proclaimed September 18, 2009 GEAR UP Day.

In Waco, Texas, parents, students, faculty and staff were on hand to receive a proclamation from the Mayor.

In New York City they held a National GEAR UP Day breakfast at the partner middle school for parents, students, teachers, and administrators. The middle school scholars sent an oversized thank you card to the Honorable Senator CHARLES SCHUMER. The Mayor of New York City, Michael R. Bloomberg, has proclaimed September 18, 2009 as National GEAR UP Day.

In Tucson, the Mayor proclaimed GEAR UP Day and students are creating a GEAR UP Wall of Dreams.

In San Marcos, California, GEAR UP received a proclamation from the city.

In Kalamazoo, Michigan, they had an all-school assembly which included the Superintendent and Michigan State Representative Robert Jones.

In Cincinnati, students signed promise cards and invited the Mayor and grant partners to participate.

In Baltimore, students, staff and administrators celebrated GEAR UP Day on Friday and will continue their recognition on October 1, 2009.

In Bangor, Michigan, they had an all school assembly at Bangor High School which included a speaker on career opportunities after high school.

In Boone, North Carolina, GEAR UP leaders visited high schools to talk about GEAR UP and preparing for college.

In Brooklyn, students participated in the 9/11 Day of Service.

In Columbia, South Carolina, they recognized all the wonderful teachers, staff members, tutors, and volunteers who work with their GEAR UP students with an "Energy Breakfast" and by giving out thank you notes with Life Savers candy to let these people know they are GEAR UP's life savers.

In Columbus County, North Carolina, students and program staff will be celebrating GEAR UP Day this week and will be creating a GEAR UP Wall of Dreams.

In Edinburg, Texas, the GEAR UP site held a press conference to talk about the program, including a video message from Congressman HINOJOSA.

In El Paso, Texas, over 3,200 GEAR UP students visited the UTEP Don Haskins Special Events Center for the GEAR UP Day Motivating Aspiring Scholars.

In Harrison County, West Virginia, they had daily announcements about GEAR UP and had every 10th and 11th grade student write their goals for the future on a strip of paper. The strips of paper have been linked together into a chain to display in the commons area.

In Jamaica, NY, the grantees hosted a round table discussion and invited Congresswoman MALONEY, Mayor Bloomberg and Councilman Peter Vallone.

In Lancaster, Pennsylvania, announcements were made every day last week with facts about college. To continue the celebration, I will be visiting this GEAR UP site next week.

In Lincoln City, Oregon, students participated in sessions on college preparation, overcoming obstacles to higher education, and college and career planning.

In Long Island, students participated in the 9/11 Day of Service.

In Lowell, Massachusetts, they received proclamations from Congresswoman NIKI S. TSONGAS as well as Mayor Edward C. Caulfield in recognition of the National GEAR UP Day. The proclamations were read to students on Friday in an assembly. In addition, parents of GEAR UP students prepared and served breakfast to teachers and students to commemorate the 10th year anniversary of GEAR UP.

In Vista, California, the City issued a proclamation.

North Hollywood, CA hosted a bagels and college awareness meeting with teachers, parents and students at GEAR UP schools.

In Passaic, New Jersey, student graduates presented to the New Jersey Commission on Higher Education.

In Philadelphia, they recognized and awarded certificates to the current 8th grade stu-

dents in cohort schools. GEAR UP students received an award certificate, a GEAR UP Banner to display prominently in their schools, and a check in the amount of \$3000 to assist with offsetting costs for student support.

In Ponce, Puerto Rico, GEAR UP program staff displayed street banners on the university campus and at participating schools. They also coordinated a television presentation with students to urge their classmates and students in general to stay in school and plan their postsecondary studies.

In Reno, current high school and college students (GEAR UP alumni) are being recognized today at a rally.

In Sacramento, they organized a presentation to the Superintendent, student presentations and campus tours.

In San Francisco, they celebrated with an address from principals, student workshops and an ice cream social.

In Santa Ana, California, GEAR UP conducted outreach and students pledged their commitment to college on cards.

In Syracuse, New York, students participated in the 9/11 Day of Service.

In Yakima, Washington, they held an open house, college fair and reception.

In Yonkers, New York, administrators issued a "call to action" to the partner schools by requesting teachers and administrators engage students in developing a personal learning plan, help students locate various colleges on a map, teachers and administrators wear their college sweatshirts/t-shirts, talk about college, start a college dream journal with students, take pictures of all activities, and above all make it fun.

In Albany they hosted a GEAR UP Awareness Day in which the GEAR UP students shared their experiences with the program during the announcements. Program information and progress will be placed on tents and set on each table in the cafeteria. Stewarts Ice Cream was provided during lunch periods.

In Jefferson, New York, students and parents visited college campuses.

In Helena, Montana, they celebrated GEAR UP Day during their annual fall conference.

I am proud of all that GEAR UP has done, and will continue to do, to improve life for families and build a stronger, more competitive nation. I encourage my colleagues to join me in this celebration.

#### HONORING THE MEMORY OF TERRENCE BARNICH

#### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. QUIGLEY. Madam Speaker, I rise today to honor the memory of Terrence (Terry) Barnich and the sacrifice he made for his country. Terrence was serving as the Deputy Director of the Iraq Transition Office in Baghdad when his motorcade was attacked by an improvised explosive device on May 25, 2009. He had dedicated his life to his country, leaving a comfortable life in Chicago and signing on for multiple tours in Iraq where he worked for more than two years.

Terrence was an exemplary and valiant U.S. citizen. Volunteering to serve in Iraq in a time of war attests to his loyalty and dedication to our country. As the Deputy Director of the Iraq Transition Group, he lent his skills to rebuilding and improving Iraq's energy infrastructure in an effort to help build a better future for the people of Iraq. His leadership in Iraq's transition has benefited thousands and will continue to affect generations to come. This is a great loss not only to the Illinois 5th District, but also to the United States and Iraq.

Terry will be remembered by the American people as a selfless public servant whose memory will live on through his great accomplishments both here and in Iraq. On behalf of my family and the people of the 5th Congressional District of Illinois, I extend my deep condolences to his family. I hope that time and memories will help lessen the burden of their grief.

#### CELEBRATING THE INTERNATIONAL RIGHT OF WAY ASSOCIATION'S 75TH ANNIVERSARY

#### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. UPTON. Madam Speaker, I rise today to pay tribute to the International Right of Way Association, which is celebrating its 75th Anniversary on Friday, October 16, 2009. IRWA is responsible for educating and cultivating top talent in the industry that has led us to many of today's modern conveniences and landmarks.

The United States is home to many accomplished and dedicated Right of Way professionals—the IRWA has been providing the path to success and adamant professionalism for members since its inception as a not-for-profit association in 1934. IRWA has united the efforts of its members toward professional development, improved service to employers and the public, and continues to make advancements within the Right of Way profession.

Right of Way professionals play a leading role in the development and advancement of our transportation, water, and energy projects, while advancing America for future generations. IRWA has nearly 10,000 professional members comprised of engineers, appraisers, property managers, acquisition agents, lawyers, surveyors, title experts, environmentalists, and relocation assistance agents.

Right of way professionals improve the lives of citizens across our nation through the building of infrastructure projects that transform our community. Infrastructures the country over have benefited from the hard work of IRWA professionals—the highways we drive on, utilities in our homes, and telephone towers that enable us to communicate—have all benefited because a Right of Way professional applied their unique expertise in creating the nation's infrastructure.

TRIBUTE REGARDING THE COMMISSIONING OF THE USS "WAYNE E. MEYER" (DDG 108)

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. SKELTON. Madam Speaker, let me take this means to celebrate and pay tribute to the commissioning of the USS *Wayne E. Meyer* (DDG 108).

On October 10, 2009, the United States Navy will commission this guided missile destroyer named in honor of a native Missourian, Rear Admiral Wayne E. Meyer. Long regarded as the "Father of Aegis," Rear Admiral Meyer dedicated his life to serving our country. The USS *Wayne E. Meyer* will be commissioned in Philadelphia, Pennsylvania, and home ported in San Diego, California.

Madam Speaker, I am certain that my colleagues will join me in congratulating the Commanding Officer, Officers and Crew upon the commissioning of this beautiful ship.

REMEMBERING MARTHA L. LEWIS, DADE CITY, FL

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to pay tribute to a woman who thrived amidst adversity and dedicated her life to educating others so that they might not have to endure the same hardships that were bestowed upon her.

A lifelong Florida resident, Martha L. Lewis was born on November 4, 1922 in Lake Butler, Florida. Growing up, she had a strong desire to become a teacher. After graduating from high school, she saved up enough money to attend Bethune-Cookman College. She graduated first in her class earning a bachelor of science degree in elementary education.

While attending Bethune-Cookman, she also met her future husband, Andrew N. Lewis Jr. He was the first African American to earn a high school diploma in Dade City. In their 48 years of marriage, they raised three children; Andrea, Angela and Andrew III. They were separated only by his death on July 24, 1995.

Martha continued her education earning her masters of education degree in 1957. She parlayed her education into a long and fulfilling career as a teacher in Pasco County. She began as a teacher at Moore Academy; the first all black school in Dade City prior to integration, was later appointed principal of Moore Elementary School in 1968 and, in 1970 was promoted to administrative supervisor of the Migrant Education Program for Pasco County.

She retired in 1973 after 27 years of devoted service to the public schools of Florida as a teacher, principal, and supervisor. Like her husband, she too will forever hold a place in Pasco County's history: upon her death, she was the only living black administrator of the Moore-Mickens Complex.

She spent the next 25 years as a pianist and choirmaster for the St. Paul Missionary Baptist Church in Dade City. After retiring in 2003, she pursued a new found love of travel: she visited four of the seven continents.

Martha leaves behind a litany of loved ones to cherish her memory and pass on her legacy to the many generations to come.

IN HONOR OF MIKE FUOSS

**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. CAMP. Madam Speaker, I rise today in memoriam of Mike Fuoss, who was shot and killed on Friday, September 11, 2009. Mike was a small business owner, father, brother, and friend to many in the greater Owosso community.

Mike was born February 7, 1948, in Owosso. He graduated from Corunna High School in 1966. He went on to study Diesel Mechanics and Business at Ferris State University. In 1999, he married his wife, Barbara.

Mike co-owned a number of small businesses throughout Owosso, including Fuoss Gravel Co. and Eddie O'Flynn's.

He was a member of the Owosso Home Builders Association, and the Shiawassee County Chamber of Commerce.

Mike loved restoring old cars and hot rods, enjoyed riding his Harley, and was a fan of NASCAR.

Fuoss was a good American who died tragically. The people whose lives he touched through his contributions to the community will miss him dearly.

100TH ANNIVERSARY OF BROOKS 1ST CONSTRUCTION

**HON. MARK E. SOUDER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. SOUDER. Madam Speaker, I rise to recognize the 100th Anniversary of Brooks 1st Construction. Brooks Construction is the consummate local family business. It started in 1909 as a partnership between two friends, James Brooks and Lester Ginn, with a \$7,000 dollar investment from a Fort Wayne businessman, and today has grown into a leader in the construction development industry.

The capable hands of Brooks 1st Construction were responsible for much of the Third District's early infrastructure development. What is known today as Old Maumee Road was originally constructed by Brooks in 1911 to connect the cities of New Haven and Fort Wayne and was the first concrete road in the state of Indiana. With the growth of automobiles, Brooks Construction established itself as a leader in highway and road construction and in 1957 was charged with constructing the first section of the Indiana Toll Road.

Today, it is the premier contractor in Northeast Indiana, constructing highways, paving residential and commercial areas, and install-

ing underground utilities across the Midwest. It is the standard for quality—its expansion of I-69 was selected as one of only eight finalists for the 1999 National Quality Initiative Award and five of its plants have received Diamond Awards from the National Association of Pavement and Development Association for excellence in appearance, safety, permitting and compliance, operations, environmental practices, and community relations.

Over the years, innovation has also defined Brooks 1st Construction, and its developments have led to the advances throughout the construction industry. They were one of the first companies to use self propelled concrete mixers. When the limitations of early trucks and drivers led to difficulty transporting materials, James Brooks developed a 'turntable' to automatically turn around trucks and allow for accurate unloading. Early construction projects were often hindered by mobility and the amount of time it would take to move from one job to the next. To address this issue, Brooks Construction helped design "portable" plants, enabling them to move within 3 to 4 days. Their design soon became the industry standard greatly increasing efficiency.

More recently, Brooks' innovative spirit has led to environmental advances. In collaboration with National Serv-All, it developed a Landfill Gas Energy Recovery Project that utilizes waste gases created at an area landfill to heat one of its asphalt production plants. It also attempts to incorporate recycled materials in its products working to constantly find new ways to reduce costs and create a green product.

Throughout its long and successful history, Brooks 1st Construction has retained strong ties to the community where it got its start. The main facilities are still in Mishawaka, Goshen, Auburn and Fort Wayne Indiana. It is active with a number of local charities including Habitat for Humanity, the Boys and Girls Club, Family and Children Services to name a few. Brooks' contributions to educate young people and help them develop the leadership and entrepreneurial skills needed to succeed resulted in the company being inducted into the Junior Achievement Greater Business Hall of Fame.

I ask my colleagues to join me in recognizing the 100th Anniversary of Brooks 1st Construction.

ON THE PASSING OF RICHARD SHADYAC

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. COHEN. Madam Speaker, I rise today to honor the life of Mr. Richard Shadyac, the former C.E.O. of the American Lebanese Syrian Associated Charities (ALSAC), the fundraising arm of St. Jude Children's Research Hospital.

Mr. Shadyac passed away last Wednesday at the age of 80. For many years, he split his time between Memphis, Tennessee and the Washington, D.C. area.

He was widowed in 2001 when he lost his first wife, Juliette. He leaves behind their two

children, Richard and Thomas, as well as two grandchildren. Richard followed his father's footsteps and recently assumed the position of C.E.O. of ALSAC on September first of this year. Thomas is a celebrated comedian, producer, director and writer in Los Angeles. Mr. Shadyac also leaves behind his wife of seven years, Lynn Caruthers Shadyac of McLean, Virginia.

Here in Washington, Mr. Shadyac was well known for advocating on behalf of the government of Libya. He also had a hand in the founding of the American-Arab Anti-Discrimination Committee.

Mr. Shadyac received his Juris Doctor from Boston University in 1952. He served in the Army Judge Advocate General's Corps during the Korean War. After he left the Army, Mr. Shadyac went to work at the Justice Department. Later, he became a founding partner of two law firms: McGinnis, Berg, Shadyac and Nolan and Metzger, Shadyac and Schwartz.

Thirty years after becoming a board member for St. Jude, Richard Shadyac became the C.E.O. of the hospital's fundraising operation in 1992. He held this position for 13 years, leading an effort that raised millions upon millions of dollars for the purpose of researching and treating childhood cancer and other diseases.

In 1985, St. Jude seriously considered leaving Memphis, Tennessee to relocate to Washington University in St. Louis, Missouri. It was through Richard Shadyac's efforts that the hospital remains in Memphis today. I first met him when I was a Tennessee State Senator. He was on one of his many trips to Nashville, where he would adroitly encourage state officials to work to keep St. Jude in Tennessee. He advocated for his cause throughout the halls of the Tennessee State Capitol, and it was through these efforts that we became friends. I cherished his friendship in Memphis for many years, as well as in Washington D.C. when I joined the United States Congress.

After the death of his good friend and St. Jude's founder, Danny Thomas, Mr. Shadyac took the reins to ensure that the hospital would remain stable and secure. Without Mr. Thomas to publicly promote the hospital, it was Richard who decided that the children should be the new face of St. Jude. Under his leadership, St. Jude's donations increased four-fold.

Mr. Shadyac displayed a great interest in the individual well-being of St. Jude's patients. He would often visit the children and their families at the hospital. It was Mr. Shadyac who gave them a voice in the fight against cancer.

Upon his retirement, St. Jude's fundraising operation, the American Lebanese Syrian Associated Charities, was ranked among the three largest health care charities in the country.

My heart goes out to Mr. Shadyac's family, as well as the St. Jude community. Richard Shadyac dedicated his life to finding a cure for childhood cancer. He leaves behind a strong legacy of good will and deeds, and will forever be remembered by the Memphis and St. Jude communities.

## WORLD ALZHEIMER'S DAY

### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Ms. WATERS. Madam Speaker, yesterday was World Alzheimer's Day—a day to call attention to and raise awareness of this fatal, neurodegenerative disease afflicting over 5 million Americans.

In this country, someone develops Alzheimer's every 70 seconds, and total healthcare costs are more than three times higher for people with Alzheimer's and other dementias than for people the same age without the disease. Experts estimate that it could affect as many as 10 million baby boomers as they age. The bottom line is this: Alzheimer's disease poses a significant public health threat to our Nation.

In my State of California, there will be as many as 480,000 people age 65 and older who will have Alzheimer's disease by 2010. And Alzheimer's doesn't just strike the individual—it is a family disease. According to the Alzheimer's Association's 2009 Alzheimer's Disease Facts and Figures, there are nearly 10 million Alzheimer's caregivers providing unpaid care valued at \$94 billion. In California alone, there are over 1 million caregivers grappling with the tremendous challenges of Alzheimer's disease every day.

In order to assist caregivers with these daunting challenges, I plan to reintroduce the Alzheimer's Treatment and Caregiver Support Act this month (H.R. 1032 in the 110th Congress). This bill provides grants to public and nonprofit organizations to improve treatment services for Alzheimer's patients and expand training and support services for families and caregivers. Expanding access to training and support services would improve the ability of caregivers to provide effective, compassionate care and allow more people with Alzheimer's disease to remain in their homes with people who love them. This bill had over 100 cosponsors in the 110th Congress, and I hope the 111th Congress will pass this important bill and send it to the President's desk.

We can also fight this disease with the Alzheimer's Breakthrough Act, H.R. 3286, of which I am proud to be a cosponsor. This legislation seeks to find breakthroughs in Alzheimer's disease by increasing research funding to \$2 billion per year. It also calls for a national summit on Alzheimer's disease to look at promising research possibilities and programs that are important in fighting this disease.

As we recognize World Alzheimer's Day 2009, I urge my colleagues to join with me and cosponsor the Alzheimer's Treatment and Caregiver Support Act and the Alzheimer's Breakthrough Act. Let us commit to take every possible action to improve treatments for Alzheimer's patients, support caregivers, and invest in research to find a cure for this disease.

## RECOGNIZING OHIO'S EMANCIPATION DAY

### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. AUSTRIA. Madam Speaker, I rise to recognize Ohio's Emancipation Day. On this day in 1862, following the battle of Antietam, President Abraham Lincoln issued a preliminary executive order, essentially setting a date for the emancipation of all slaves in rebellious states. Lincoln would go on to sign the final Emancipation Proclamation in January of 1863, thereby abolishing slavery altogether.

My home state of Ohio has long acknowledged September 22nd as Emancipation Day, and therefore I would like to take this opportunity to reflect on this milestone in our nation's history.

In addition, I would like to recognize Mr. Paul LaRue, a well-respected educator at Washington Court House High School and the efforts he and his students have made to educate the public about the importance of honoring this day. I will conclude with a quote from Ohio Congressman, James Ashley, who held office at the time the Emancipation Proclamation was issued: "If slavery is wrong and criminal, as the great body of enlightened and Christian men admit, it is certainly our duty to abolish it."

## IN REMEMBRANCE OF 9/11

### HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mr. CASSIDY. Madam Speaker, as we reflect upon the eighth anniversary of the September 11 attacks, the Americans who perished that day, the Americans who heard the call to arms and sacrificed themselves to defend our lives and liberty, the sacrifice of Americans who remain in the line of fire and their families, let us reaffirm our commitment to Never Forget.

Scott Rogers, a constituent from Baton Rouge, penned the following poem in 2001. It is a tribute to the searing legacy of that fateful day and the values that guarantee we will overcome it.

#### THE DAY LIBERTY CRIED

(By Scott Rogers)

It was just another Tuesday morn  
As people went their way  
The cars, the trains were bustling by  
Another working day

Although diverse with many faces  
These people shared one hue  
They lived together with Liberty  
Under the colors Red, White, and Blue

Liberty was the one thing they all shared  
They nurtured Her in their heart  
But little that morn did they realize,  
That their world would be torn apart  
Liberty was strong She stood proud  
But on this fateful morn She cried  
In horror She watched as evil attacked  
And so many innocent people died  
Liberty bowed Her head that day

For She felt somehow that She  
Had allowed these acts to come to Her shores  
To the great land of the free  
But the evil that attacked Her  
Could not begin to understand  
That Liberty could not be destroyed  
Nor our great love for this land

Those who tried to hurt Her  
Could not break Her soul  
And proudly we fought to rebuild what was  
lost  
Although heavy was our toll  
Each brick that fell was carefully removed  
Each victim we will always remember

And Liberty is there to remind us all  
Each eleventh of September  
We will never forget, we must not forget  
Yes . . . Liberty did cry that day  
But we will never stop pledging "In God We  
Trust"  
Because? . . . We love this U.S.A.